

# **CACHE COUNTY COUNCIL MEETING**

## **January 09, 2007**

The Cache County Council convened in a regular session on January 09, 2007 in the Cache County Council Chamber at 199 North Main, Logan, Utah.

### **ATTENDANCE:**

**Chairman:** Darrel Gibbons  
**Vice Chairman:** John Hansen  
**Council Members:** Brian Chambers, John Hansen, H. Craig Petersen, Kathy Robison, Cory Yeates & Gordon Zilles.  
**County Executive:** M. Lynn Lemon  
**County Clerk:** Jill N. Zollinger

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**The following individuals were also in attendance:** Larry Anhder, Robert Barlow, Peter Brunson, Captain Kim Cheshire, Mayor Clair Christiansen, Annette Clark, Zane Clark, Rob Cruz, Mike Drysdale, Reed Ernstrom, Ella Jean Glenn, Pat Gordon, Mayor Mike Hall, Sharon L. Hoth, Rob Johnson, Richard Justis, Bruce Kidman, Mayor Gerald Knight, Jared Larkin, Joshua Larkin, Wendell Morse, Sheriff Lynn Nelson, Dave Nielsen, Evan Olsen, Inez Olsen, Pat Parker, Dustin Peck, Craig Rasmussen, Nate Richard, Chief Gary Roberts, Josh Runhaar, Jim Smith, Auditor Tamra Stones, Zan Summers, Brandon Taylor, Tim Watkins, **Media:** Charles Geraci (Herald Journal), Arrin Brunson (Salt Lake Tribune), Jennie Christensen (KVNU).

### **OPENING REMARKS AND PLEDGE OF ALLEGIANCE**

Council member Chambers gave the opening remarks and led those present in the Pledge of Allegiance.

### **REVIEW AND APPROVAL OF AGENDA**

The agenda was approved with the addition of Item 12b - Discussion of Combined Logan City Council/Cache County Council Meeting. The agenda was later amended to include setting a Public Hearing for January 23, 2007 at 600 p.m.-Logan Canyon Gateway Trail Application for Federal Transportation Enhancement Funds (*see page 6*).

### **REVIEW AND APPROVAL OF MINUTES**

**ACTION: Motion by Council member Robison to approve the minutes of the December 12, 2006, Council meeting as written. Zilles seconded the motion. The vote was unanimous, 6-0. Yeates absent.**

Chairman Gibbons asked that the minutes reflect more of the content of discussions.

### **REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON**

**APPOINTMENTS:** Stacie Gomm Cache County Library Board  
Ruby Woodward Cache County Library Board

**Council member Yeates joined the meeting.**

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**ACTION: Motion by Vice Chairman Hansen to approve the recommended appointments to the Cache County Library Board. Chambers seconded the motion. The vote was unanimous, 7-0.**

Chris Sands

Cache County Planning Commission

**ACTION: Motion by Council member Zilles to approve the recommended appointment to the Cache County Planning Commission. Robison seconded the motion. The vote was unanimous, 7-0.**

Debbie Harvey

Cache Valley Visitors Bureau Board

Herm Olsen

Cache Valley Visitors Bureau Board

Leila Neilson

Cache Valley Visitors Bureau Board

Mayor Dave Kooyman

Cache Valley Visitors Bureau Board

**ACTION: Motion by Council member Yeates to approve the recommended appointments to the Cache Valley Visitors Bureau Board. Hansen seconded the motion. The vote was unanimous, 7-0.**

**WARRANTS:** The warrants for the periods 06-01-2006, 10-20-2006 to 10-26-2006, 10-27-2006 to 11-02-2006, 11-09-2006, 11-22-2006 to 11-30-2006, 12-01-2006 to 12-07-2006, 12-08-2006 to 12-14-2006 and 12-15-2006 to 12-21-2006 were given to the clerk for filing.

#### **OTHER ITEMS**

- **RAPZ/Restaurant Tax Coordinator** - Executive Lemon indicated he had sent Council members a summary of the RAPZ/Restaurant Tax projects. Lemon recommended assigning the responsibility of RAPZ/Restaurant Tax Coordinator to Cameron Jensen to replace the current Coordinator, Dennis Nelson. The Council concurred. Applications are usually available the end of January and due back by March 15. The Coordinator presents allocation recommendations to the Council at the first meeting in May and the Council makes the appropriations at the second meeting in May.
- **Interim Water Management Agreement** - Lemon noted that he had given the Council a copy of the Interim Water Management agreement between the county and Evan Olsen.
- **Environmental Impact Statements** - Lemon said environmental impact statements have been ongoing for 100 East going south out of Logan and 200 East going north out of Logan. There will be a Public Hearing on these statements January 17, 2007 at 7:00 p.m. in the Logan Justice Building. Hansen asked if 200 East going north will be widened. Lemon said major improvements will be required. The CMPO has funding for the 100 East south of Logan project, but does not have funding for the 200 East project yet. A priority update is in the process which may change the priority of the two projects.

- **Bond Refunding** - Lemon proposed that the county will sell the bonds on January 23, 2007 and bring the results of the sale to the January 23, 2007 Council meeting.

**ITEMS OF SPECIAL INTEREST**

- ▶ **Employee of the Month** for the month of January was presented by Jim Smith to Deputy Annette Clark of the Sheriff's Department.
- ▶ **Bear River Mental Health Audit Report - Rob Johnson** reviewed the audit with the Council including the following:

- The independent auditor's report letter
- Statement of Financial Position
- Medicaid payment methods
- Statement of Activities
- Statement of Functional Expenses
- Management letter of findings

Johnson thanked the county for its funding.

**(Attachment 1)**

**ACTION: Motion by Council member Yeates to approve the Bear River Mental Health Audit Report. Hansen seconded the motion. The vote was unanimous, 7-0.**

Johnson reviewed the Bear River Mental Health Annual Report noting the demographics of their service on page 9 and thanked the Council once more for its support.

Johnson introduced the new CEO of Bear River Mental Health, Reed Ernstrom. Ernstrom spoke briefly and also expressed gratitude to the Council.

- ▶ **Interim Water Management Entity - Evan Olsen** - Gibbons reminded the Council that a Water Committee was appointed in October consisting of Gibbons, Zilles, Hansen and Lemon. This committee has met with Evan Olsen and asked Olsen to report on his activities on behalf of the county.

Olsen distributed a list of questions he is asking valley mayors concerning water. Olsen has met with the Bear River Water Conservancy, representatives from Preston and Franklin, County agent Clark Israelsen, Paul Riley of the County Water Policy Advisory Board, the Mayor of Logan and staff, the Logan City Attorney, the Logan Water Engineer and Public Works Director and the County Attorney. He has scheduled meetings with the Jordan Valley, Weber Basin, Bear River Water Conservancy Districts as well as a January 24, 2007 meeting with the Water Resource Director. Olsen has also met with a representative of the Twin Lakes Canal Company in Idaho and asked about the prospects of working with them on a larger dam on the Oneida Narrows. There is a slight possibility for that cooperation. Olsen has also contacted Rocky Mountain Power about the same issue.

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Olsen will be meeting with the Cache County Mayors this Saturday and he will give them the Water Questions for Mayors handout and encourage them to discuss it with their cities and councils. Olsen said he will ask for written suggestions and recommendations from the mayors on how the county should proceed and forward that information to the Council.

Olsen referred the Council specifically to questions 6 and 7 concerning Water Conservancy Districts and the need for a water management entity to speak for Cache Valley.

Petersen asked what options the county has for a water management entity.

Olsen believes the mayors' comments and suggestions will be helpful to the Council in arriving at what kind of entity it wants to form.

Gibbons asked what has changed in the last seven years to cause the county to feel different toward the development and protection of the 60,000 acre feet allocation of Cache County.

Olsen replied the population of Cache County is projected to double by 2030. Some have suggested that there is plenty of water for that population and new wells can be drilled. Some have suggested that the county should buy the water from the farmers as they are annexed into the cities. Olsen said he, personally, doesn't think that is the answer.

Zilles referred the Council to a map in their packets indicating all the projects of Water Conservancy Districts statewide. The first project is the Willard Canal. The second is the Corinne Canal which will take water from the Bear River. The third is the West Canal to be built toward Washakie Dam. The fourth is the Washakie Dam and the Malad pipeline. Zilles said Cache needs a voice in water matters, because they are moving ahead with or without Cache County's input.

Olsen added the Weber Basin Water Conservancy has acquired 40 acres for a treatment plant and are on their way to securing the rights for a pipeline to North Salt Lake.

Olsen plans on contacting the media to help disseminate information on water issues.

Zilles also noted that a year or two ago College and Young Wards went to court over Nibley's request for the supposed unallocated ground water under College and Young Wards to serve Nibley's growth. The court ruled that Nibley could use their well only to the extent that agricultural land was retired. Nibley City requires retired farm land water shares to be allocated and transferred to the city and then the state will allow Nibley to pump additional water. Zilles wondered if, in the future, Cache Valley could use its ground water to trade for Washakie water that will be going down to the Wasatch front.

Lemon said the state engineer said the unallocated water runs down the river in April and May and Cache needs a way to keep it from simply running into the Great Salt Lake.

Gibbons summarized that Olsen has a 120-day contract to determine the needs, resources and attitudes towards water that the cities have and return to the Council with an analysis of his information. The Council will then make a decision concerning a water entity for Cache County.

**(Attachment 2)**

**PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS**

**SET PUBLIC HEARING:** FEBRUARY 13, 2007 - 6:00 P.M. - DECLARING ABANDONED COUNTY ROAD IN PETERSBORO AS SURPLUS

(Attachment 3)

**ACTION:** Motion by Council member Robison to set a Public Hearing for February 13, 2007 at 6:00 p.m.-Declaring Abandoned County Road in Petersboro as Surplus. Zilles seconded the motion. The vote was unanimous, 7-0.

**SET PUBLIC HEARING:** NOVEMBER 27, 2007 - 6:00 P.M. - HEARING DATE FOR PROPERTY TAX INCREASE IF NEEDED

**ACTION:** Motion by Council member Petersen to set a Public Hearing for November 27, 2007 at 6:00 p.m.-Hearing Date for Property Tax Increase if needed. Hansen seconded the motion. The vote was unanimous, 7-0.

**INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**

- **Resolution No. 2007-01 - A resolution declaring the intent of Cache County (The "County") to arrange for short-term operating to accommodate the anticipated operating capital deficits by the issuance of tax and revenue anticipation notes ("Trans") as a participant in the Utah Association of Counties ("UAC") combined cash flow borrowing program (The "UAC Program"), and related matters** - Auditor Stones explained that Cache County usually borrows money from the UAC pool of one-year notes each year to cover expenses before revenues are received. The resolution needs to be in place in the event the county needs to borrow and encouraged the Council to approve the resolution at the January 23, 2007, Council meeting. Gibbons directed Parker to place this on the January 23, 2007, Council meeting for action.
- **Approval of Logan Canyon Gateway Trail Application - Tim Watkins** - Countywide Planner Morse requested that a Public Hearing be set in order for the county to apply for UDOT Enhancement Funds for trails. The Enhancement Fund application deadline is the end of January 2007. Morse said the county hopes to combine this trail work with Logan City's pipeline project from Dewitt Springs. This trail will tie into the Bonneville Shoreline Trail and go to the Third Dam area in Logan Canyon. An underpass under the bridge for the trail to the Stokes Nature Center is part of this project as well. Morse said funding may come from the UDOT Enhancement Funds, Scenic Byway Funds, state trail funds and UDOT Safety Funds.

Watkins said that one of the critical issues of the project is the parking access for the Logan River Trail head. Watkins gave additional details concerning the project.

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Attorney Daines advised the Council that a motion to amend the agenda to set the Public Hearing was in order with another identical motion to take place at the January 23, 2007, Council meeting.

**(Attachment 4)**

**ACTION: Motion by Council member Yeates to amend the agenda to add the setting of a Public Hearing for January 23, 2007 at 6:00 p.m.-Logan Canyon Gateway Trail Application for Federal Transportation Enhancement Funds. Robison seconded the motion. The vote was unanimous, 7-0.**

**PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS**

**SET PUBLIC HEARING: JANUARY 23, 2007 - 6:00 P.M.-LOGAN CANYON GATEWAY TRAIL APPLICATION FOR FEDERAL TRANSPORTATION ENHANCEMENT FUNDS**

**ACTION: Motion by Council member Yeates to set a Public Hearing for January 23, 2007 at 6:00 p.m.-Logan Canyon Gateway Trail Application for Federal Transportation Enhancement Funds. Hansen seconded the motion. The vote was unanimous, 7-0.**

- **Final Plat Approval - Lutz 2-Lot Subdivision** - This lot was originally surveyed and recorded in August of 2001 without approval from the Planning Commission or the County Council. This will legalize the subdivision. The applicant will record a written easement that reaffirms the County's right-of-way on the existing roads. Runhaar noted that the remainder lot is currently in Greenbelt status. Runhaar's office has met with Assessor Howell and is proposing delaying rollback tax payment until actual development occurs on the property. This will encourage the property owner to leave the land in agriculture.

**(Attachment 5)**

**ACTION: Motion by Council member Zilles to waive the rules and approve the Final Plat for the Lutz 2-Lot Subdivision, 315 East 7800 North, Smithfield. Petersen seconded the motion. The vote was unanimous, 7-0.**

- **Final Plat Approval - Glenn Acres Subdivision** - This subdivision will create five building parcels. The purpose of the subdivision is to legalize Lot 2 which was created without approval. Runhaar said it is recommended to leave Lots 1, 4 and 5 in Greenbelt status with it noted on the parcel that rollback taxes will be due from the new owner if the property is sold. Assessor Howell has requested a specific letter from Runhaar's office concerning the Greenbelt status request.

Attorney Daines indicated that the question is when should an illegal subdivision be dated? From the original date of the subdivision or from the corrected subdivision date? The county is trying to avoid penalizing those property owners who are attempting to correct illegal subdivisions.

**(Attachment 6)**

**ACTION: Motion by Council member Zilles to waive the rules and approve the Final Plat for the Glenn Acres Subdivision, 2537 South 3800 West, Young Ward. Yeates seconded the motion. The vote was unanimous, 7-0.**

Chairman Gibbons stated that the ordinance recently adopted by the county concerning subdivisions in the Agricultural Zone was to be a temporary solution and asked that this item be on the Council agenda for discussion each second meeting of the month until it is resolved.

- **Discussion - Board of Trustees, Service Area #1** - Gibbons said that the Council committed to address three concerns of some of the county's mayors. Last week Petersen, Lemon, Gibbons and Daines met with the Logan City Mayor, Laraine Swenson, Logan City Attorney Kymber Housley and Issa Hamud to discuss this issue.

Gibbons said the first item to be addressed tonight is the make up of the Board of Trustees for Service Area #1 and asked for the Council members comments on the suggested change of having a board of mayors instead of the present make up. Each Council member felt the present representation is fair and sufficient. Zilles expressed a concern that a board of all mayors would have not representation for the unincorporated areas of the county. Hansen feels the mayors have some legitimate concerns and a discussion is needed and timely. Yeates suggested the possibility of adding two additional mayors to the board.

Gibbons said he would recommend leaving the Board of Trustees as presently constituted, but expand the Solid Waste Advisory Board. This is the board that advises the County Council and the Council has never contradicted its recommendations. Policy is first discussed at this board and has the greatest opportunity for representation. The current Solid Waste Advisory Board consists of four mayors (one of which is Logan's mayor), Executive Lemon, Chairman Gibbons, Lloyd Berentzen (Bear River Health Department) and Ryan Dupont representing the environmental community.

Gibbons recommends adding two additional mayors to this board and Cameron Jensen would function as an ex-officio member to scrutinize financial matters brought before the board.

Lemon would be responsible to review appointments to maintain equal representation from all parts of the county.

Attorney Daines noted that the Mayors Association is not a legal body and they should make the nominations for appointments with the Council giving final approval.

Gibbons said that the cities contract with the county for the Service Area #1 and the county should be sure all the mayors have necessary information regarding changes in fees or service.

Petersen suggested the Solid Waste Advisory Board could elect its own chair rather than have Lemon serve as the chair.

After some discussion among the Council and mayors present at the meeting, Gibbons said the recommendation will be to have three mayors from the north area of the county and three mayors from the south area of the county serve on the Solid Waste Advisory Board instead of the current four mayors. The rest of the board would remain the same with the addition of Cameron Jensen as an ex-officio member. It is also recommended that the bylaws be amended to allow the mayors to have the option of their designee serving on the board. Gibbons asked the mayors in attendance to present this recommendation to the mayors for approval.

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Gibbons asked that ownership of the landfill and the regional landfill be discussed together. Logan City owns the present landfill. The county contracts with Logan City to take the county's garbage. The regional landfill would consist of two boards - an operation board of five professional managers of the existing county landfill operations and the governing board made up of ten individuals, two from each participating entity. Logan City has made the commitment that the two individuals from Cache County will be one from the Board of Trustees of the Service Area and the mayor of Logan.

Lemon said that means there will be two from Cache, two from Weber, two from Box Elder and two from Davis/Morgan, so it may be an eight-member board unless Davis and Morgan, which are presently combined, each have two representatives.

The present structure relieves the county of financial liability associated with the start up of a regional landfill. Gibbons said he is comfortable with the proposed boards.

Concerns of some of the mayors include the possibility of Logan City refusing to allow a different provider access to the Logan landfill.

Gibbons said Logan City has asked that those cities that opt to sever themselves from the Service Area accept the same menu of services as those contracting with the Service Area have, and Logan would allow them access to the landfill, but this may be open to negotiation and discussion. Gibbons also said Logan City has concerns that if Nibley, Millville, Hyrum, Wellsville and Providence opt for another service, those cities would hopefully step up and assume responsibility for the unincorporated areas in the south and Paradise to receive the new service.

Larry Anhder strongly encouraged the county to take ownership of the Regional Landfill. All of the other entities participating in the regional landfill proposal have landfills owned by the county. Anhder said the one of the mayors' major concerns is that there is no choice available to them and also indicated the mayors didn't feel the stipulations made by Logan City concerning the requirement for the same menu of services was acceptable. Anhder indicated Nibley had bids from other entities for garbage collection services.

Daines reminded Anhder that Cache County does not have the legal right to compel Logan City to allow other entities to access the landfill. The county has a one-year contract with Logan City for the landfill. It is Logan City property and they have the legal right to determine who can dump and who cannot.

Daines also said it is not evident that it is more beneficial for the county to own the landfill.

Gibbons said Logan City must order cans to meet a July 1, 2007, deadline and needs to know the Mayors' decision within the next thirty days. It is financially difficult for Logan City to absorb the cost of the termination of some of the cities' contracts in less than a one-year time period so Logan City will need a one-year notice.

Chairman Gibbons asked the Council if they want to discuss the potential ownership of the regional landfill at a future Council meeting or in a workshop. A workshop was recommended. Gibbons asked Parker to schedule a Landfill Workshop for the Council at 2:30 p.m. on January 23, 2007.



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**OTHER BUSINESS**

- ✓ **Council Committee Assignments** for 2006 were reviewed and 2007 assignments were made.

(Attachment 7)

**COUNCIL MEMBER REPORTS**

**Gordon Zilles** reported that he appreciated the map in their packets indicating all the water projects in the area and found it very interesting.

**John Hansen** said he had already forwarded citizen concerns about road signage in Paradise to Executive Lemon.

**Kathy Robison** said she will have a more complete report from the Library Board next time. Lemon noted that Sharid Petersen had retired and a three-quarter time librarian was being hired to fulfill the Bookmobile duties as well as other possible assignments.

**Brian Chambers** reiterated his desire to schedule a time for property owners with concerns over access to their property around the airport to be invited to a Council meeting for resolution of this matter. This will probably occur in March.

**ADJOURNMENT**

The Council meeting adjourned at 7:41 p.m.

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**ATTEST:** Jill N. Zollinger  
County Clerk

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**APPROVAL:** Darrel Gibbons  
Council Chairman



State of Utah

JON M. HUNTSMAN, JR.  
Governor

GARY R. HERBERT  
Lieutenant Governor

Department of Human Services

LISA-MICHELE CHURCH  
Executive Director

Division of Substance Abuse and Mental Health

MARK I. PAYNE  
Director

Certification of Audit Review

This compliance is recorded in the Board Minutes/GAO site visit review.

As required under the provisions of contracts with Local Substance Abuse and Mental Health Authorities

The requirement for members of the Local Substance Abuse and Mental Health Authorities to annually certify receipt and review of the independent audit and interview with the provider's executive officers is to assure compliance with the following statutory mandates:

Each member of the Local Substance Abuse and Mental Health Authority shall annually certify that he has received and reviewed the independent audit and has participated in a formal interview with the provider's Executive Officers. (See Utah Codes 62A-15-110(1)(d) and 62A-15-713(4))

That an independent audit shall be conducted pursuant to title 51-02 and that the prescribed Guidelines and procedures are in accordance with the State Auditor. (See Utah Code 67-3-1)

That the Local Substance Abuse and Mental Health Authority are exercising sufficient oversight and control over public funds allocated for substance abuse and mental health programs and services.

The Local Mental Health Authority of Cache County provides this assurance.

County Commissioner/Councilman

County Commissioner/Councilman

County Commissioner/Councilman

County Commissioner/Councilman

County Commissioner/Councilman EXECUTIVE

County Commissioner/Councilman

County Commissioner/Councilman

County Commissioner/Councilman

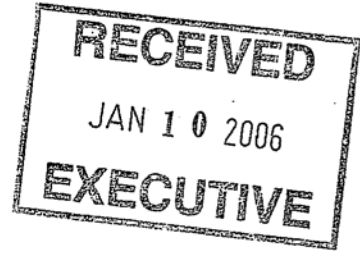
Date: January 9, 2007

Please submit this certification to:

The Utah Division of Substance Abuse and Mental Health  
Attention: Albert Nieto  
120 North 200 West, Room # 209  
Salt Lake City, UT 84103

## WATER QUESTIONS FOR MAYORS

- 1- It has been projected that Cache County will double in population by 2030. What are your water needs that will take care of your future growth to 2030 and beyond? Do you need more water? How will you get it and how will you pay for it?
- 2- How secure are your water rights?
- 3- As you grow, will you begin to infringe on your neighboring towns? Water has become very expensive. Will this generate lawsuits?
- 4- We have been allocated 60,000 feet of water from the Bear River. Do we need it? What do you suggest we do to preserve that allocation? The State Engineer has began telling individuals that if they are not using their water to full capacity, the State will re-allocate that water.
- 5- Who in Cache County can the State Engineer or the Director of Water Resources talk to about water? What should we do about it?
- 6- The water entities that we will deal with are Water Conservancy Districts. The Wasatch Front Districts have multi million dollar budgets and have been pursuing development on the Bear River. What kind of water entity does Cache County need, to have credibility with them. What possibilities should we pursue?
- 7- The document recommendations of "Cache Visions 20/20+" submitted to the Cache Valley regional council, June 12, 2006, suggests we create a Cache Valley water resource planning and management entity and makes reference to it 15 times in that document. Dennis Strong, State Director of Water Resources, suggests a water entity is needed to represent Cache County to negotiate with the State and other water agency's. Professor Robert Oaks who has done considerable research in Cache County states "One recommendation perceived the value of and need for a water management entity to speak for Cache Valley".
- 8- How do you deal with Canal Companies about storm water, liabilities, etc. as you surround them with growth?



January 9, 2006

Mr. Lynn Lemon, Cache County Executive,

Dear Sir,

Thank you for your patience in this matter. I spoke with you near the first part of December 2005 concerning property in Petersboro. I am enclosing a plat map that indicates the location of the property, which we talked about.

I am also enclosing a copy of the transfer of the property to Cache County from my great-grandparents (Paul M. Poulsen and his wife Minnie Poulsen).

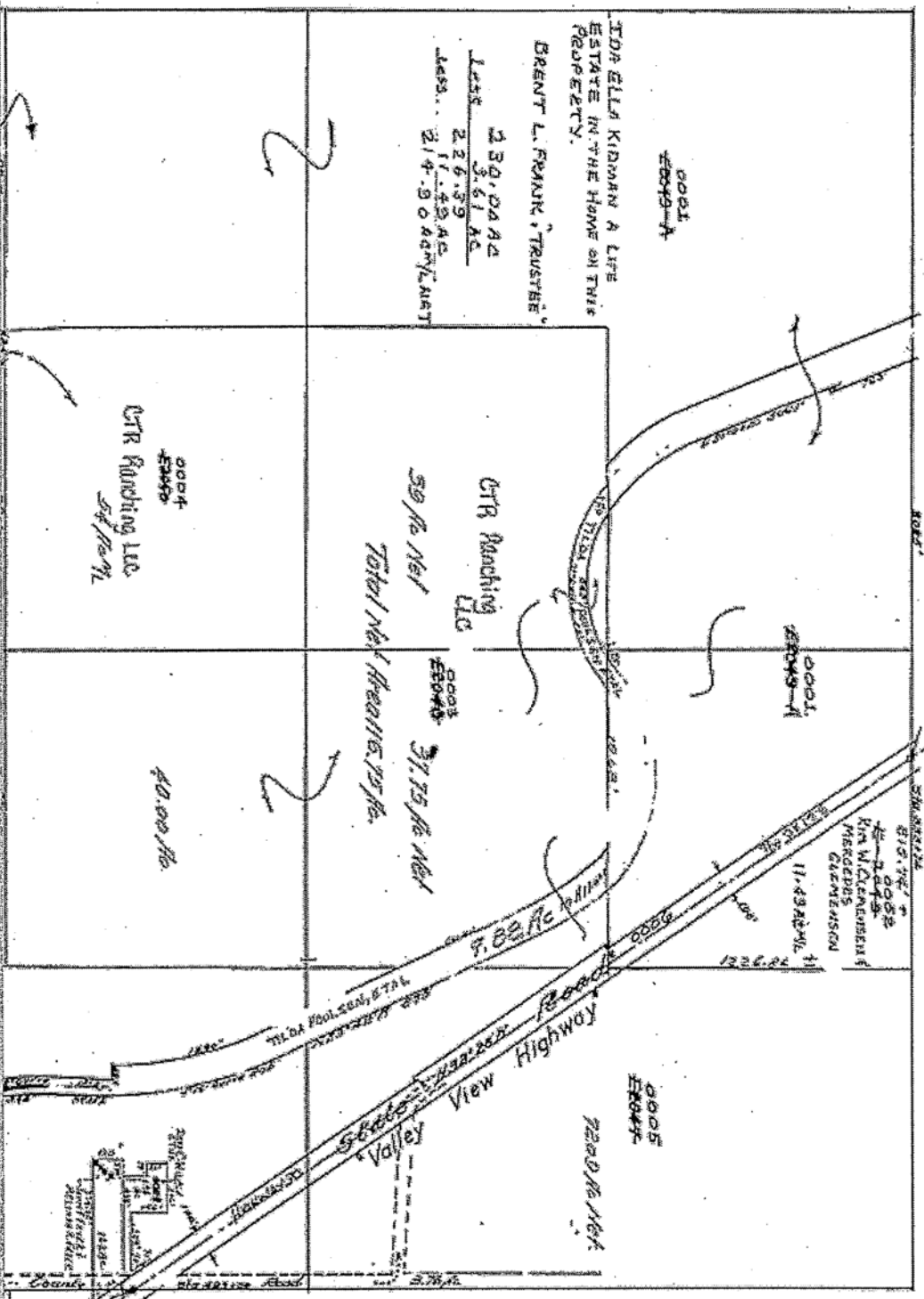
The surrounding property has remained in our family to this day. It is now owned by The Valley View Farm Partnership (LLC) which consists of the following individuals: John F. Fryer, M. Kent Fryer, Nancy F. Wilcox and Jan Fryer Walker.

It is our understanding from the county road supervisor that the indicated property (a county road) will not be maintained by the county. If the road is to be abandoned, we are asking in accordance with the original agreement that the property is returned to us.

Thank you for your help and consideration in this matter.

John F. Fryer  
7639 W. Hwy 30  
Petersboro, Utah  
84325  
Representing,  
The Valley View Farm  
Partnership (LLC)

SEE 12-046



Lynn

# CACHE COUNTY ATTORNEY



N. George Daines  
*County Attorney*

Donald G. Linton  
*Chief Deputy*

Tony C. Baird  
*Chief Prosecutor*

Bruce G. Ward  
James M. Swink  
Barbara K. Lachmar  
*Deputy County Attorneys*

Terryl Warner  
Jenny Nielsen  
Joan Liquin  
*Victim Advocates*

199 North Main Street  
Logan, Utah 84321  
(435) 755-1860  
Fax: (435) 755-1969 or (435) 755-1970  
E-mail: (first name).(last name)@cachecounty.org

October 23, 2006

Maureen Bachman  
Utah Department of Highways  
P.O. Box 520374  
Salt Lake City, UT

Re: John Fryer/UDOT

Dear Ms. Bachman:

I am the Cache County Attorney. Mr. John Fryer has discussed with me a situation involving an abandoned County road across his property. Mr. Lemon, our Cache County Executive participated in our discussion.

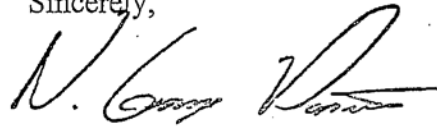
The roadway is not owned in fee simple by the County but is an old easement granted by Fryer's predecessors. Lynn Lemon our County Executive confirms that it is an abandoned County Road. The County has no interest whatsoever in the roadway easement and its use has been informally abandoned for many years. The roadway easement location bisects Mr. Fryer's property; or in other words he presently owns the land adjoining the roadway easement on both its sides. Actually, he continues to own the land under the roadway too as it is just subject to the roadway easement.

As you know Utah State law provides that upon a formal abandonment, the easement is cancelled and the roadway is divided equally to the two adjoining landowners. Since Mr. Fryer owns both sides of this abandoned roadway, he would receive unrestricted ownership upon such an abandonment. However, to date, the abandonment was done informally. At his request Cache County will now formally abandon the roadway. I am quite sure this will be done without any objection as the road has not been used in many years. The formal procedure may take up to 60 days.

Maureen Bachman  
Page 2  
October 23, 2006

It would be my suggestion that you treat the Fryers as the owners of this roadway for purposes of discussion and resolution pending that formal abandonment.

Sincerely,

A handwritten signature in black ink, appearing to read "N. George Daines". The signature is fluid and cursive, with the first name "N." being prominent and the last name "Daines" written in a more compact, cursive style.

N. George Daines  
Cache County Attorney

NGD  
Copy to: Lynn Lemon  
John Fryer  
Valley View Farm  
7639 W Hwy 30  
Mendon, UT 84325r  
Roads/fryer/061023/Bachman-ltr

### **Trail Application Opportunity**

Cache County has the opportunity to partner with Logan City and the U.S. Forest Service to create a trail that connects the mouth of Logan Canyon to the popular Logan River Trail near the Stokes Nature Center (about one half mile up the canyon highway road).

Funding for this project could be obtained through a Federal Transportation Enhancement grant administered through UDOT. This funding source awards up to \$500,000 with a 20% match, that could create up to \$625,000 of total matched funding for the project. Matching funds could come from Cache County RAPZ Tax revenues, Cash or in-kind match from Logan City, and in-kind donation from U.S. Forest Service.

The application for funding is due on February 1<sup>st</sup>, 2007. ***The County Council's approval is sought to pursue grant funding as the lead applicant.*** The county is positioned to be the lead applicant because the majority of the trail lies within unincorporated Forest Service area, and because of the regional significance of the trail. Logan City and the U.S. Forest Service would be listed as co-applicants to support the project.

### **Background**

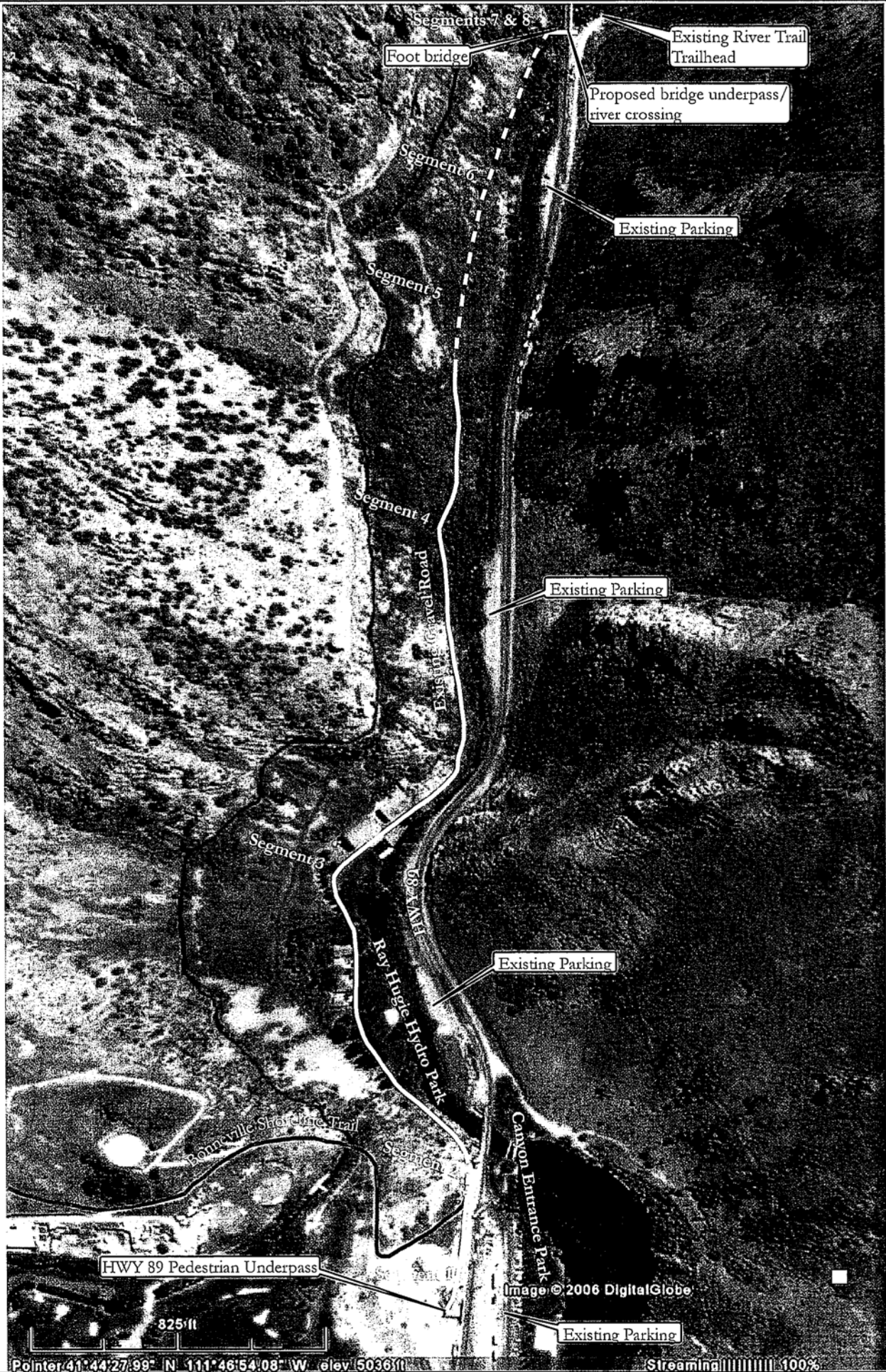
The existing Logan River Trail is a popular destination for jogging, walking, and biking, but is not easily accessed by pedestrians or cyclists. The new trail project would require a shared trail underpass beneath the Highway river bridge, in addition to a river crossing from the north side of the river to the south side. If Logan City installs the new water transmission line on the north side of the highway and river, a new gravel road would be created that could serve as the connector trail. The trail would also pass through the City's Henry Hugo Hydro Park before connecting to the new highway underpass at 1<sup>st</sup> Dam Park.

The new trail will begin at the pedestrian highway underpass at Canyon Entrance Park, and head east to nearby Ray Hugie Hydro Park. It will then continue east along an existing gravel maintenance road that traverses the north canyon slopes above HWY 89. A new segment of trail will be required to continue this gravel trail to the HWY passage point at or near the 2<sup>nd</sup> highway river bridge. At this project terminus location, the trail will require a pedestrian bridge to cross the Logan River, as well as passage beneath the highway to access the existing Logan River Trailhead on the south side of the highway. Safe highway passage could occur by creating a retaining wall/trail beneath the existing highway river bridge. Parking for the Stokes Nature Center is on the north side of the highway, and currently requires pedestrian at the highway grade to access the Logan River trail head. This parking area should connect to the trail extension and pass beneath the highway to discourage frequent pedestrian crossing. This may require an additional pedestrian bridge over the Logan River (on the north side of the highway) to connect parking to the new trail and bridge underpass.

The total new length of this project will be approximately 0.78 miles, and include the following segments (See Map):

**Segment 1** - HWY 89 R-O-W from pedestrian under-pass bridge to Hugie Hydro Park. **Segment 2** - Hugie Hydro Park to Logan City Power Generation Plant. **Segment 3** - Existing Logan City gravel power line maintenance road. **Segment 4** - New trail segment - 1500 ft (750 ft grade remodel, 750 ft new trail grade). **Segment 6** - Pedestrian bridge connection. **Segment 7** - Highway underpass (new tunnel or shared Logan River Highway Bridge), with ascent to existing Logan River Trail Head.



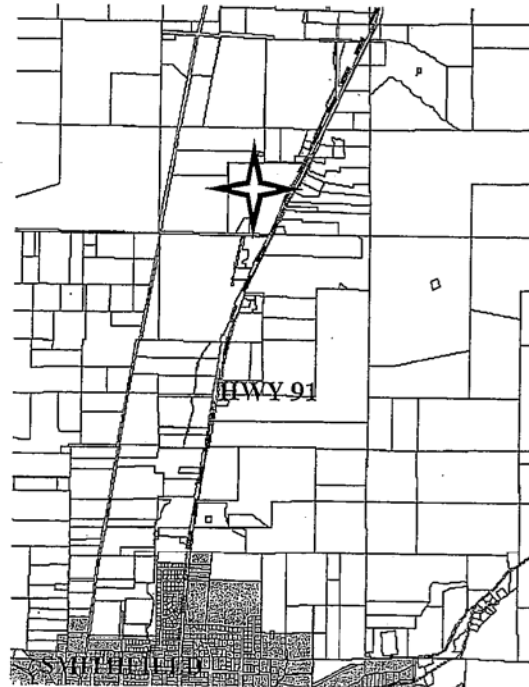


Point: 41°44'27.99" N 111°46'54.08" W elev: 5036 ft

Streaming 100%

# Development Services Cache County Corporation

*Project Name:* Lutz 2-Lot Subdivision  
*Agent:* Rory Lutz  
*Request:* 2-Lot Subdivision  
*Type of Action:* Quasi-Judicial  
*Current Zoning:* Agriculture (A)  
*Project Address:* 315 East 7800 North (Smithfield)  
*Tax ID:* 08-016-0018,  
08-016-0049  
*Staff Recommendation:* Recommend Approval with  
Stipulations  
*Surrounding Uses:* North – Agricultural Zone  
South – Agricultural Zone  
(Single Family Homes)  
East – Agricultural Zone  
West – Agricultural Zone



Site Location

## PROJECT

*History:* This lot was originally surveyed and recorded in August of 2001 without approval from the Planning Commission or the County Council. The 1970 Parcel has only been divided into two parcels.

*Request:* The applicant is requesting a subdivision to create two (2) parcels. There is an existing home on Lot 1 and Lot 2 would be a dry lot for agricultural production. The proposed lot sizes are 1.98 acres (Lot 1) and 56.75 acres (Lot 2). The lot sizes on both Lots 1 and 2 meet the minimum lot size requirements for an agricultural subdivision as provided in §17.09.080. Lot 2 is to be a dry lot not for development; as such no survey was required. A road dedication to that county is also not required for Lot 2.

Lot 2 is currently in Greenbelt and will remain so. To prevent the owner from paying rollback tax, staff will write a letter to the Cache County Assessor's Office informing them that the land is to remain in agricultural production and request that Lot 2 should not be removed from greenbelt status.

*Water & Septic:* There is an existing house on Lot 1 with culinary water rights and a septic system. Lot 2 was not surveyed for a septic system because it will be a dry lot for agricultural use. Prior to the issuance of a Zoning Clearance, the owner of Lot 2 will be required to obtain appropriate water shares for their use.

*Access:* While there are two county roads adjacent to this parcel, 7800 and 8100 North, staff is not recommending that the County require full dedication of road right-of-way. In working with the County Attorney, staff is instead requesting that the applicant record a written easement that reaffirms the County's right-of-way on the existing roads.

## AGENCY AND COUNTY DEPARTMENT COMMENTS

### *Bear River Health Department:*

- Lot 1 currently has a functioning septic system that has been serviced within the past 5 years. Lot 2 is a dry lot used for agricultural production and was not assessed.

### *Cache County Road Department:*

- The access road is an 18-foot wide paved surface width and a 35 foot right of way from the centerline of the road adjacent to this property.
- It has not been determined whether a dedication of 25 feet from the center of the road has been done.

*Cache County Fire Department:*

- Fire tenders from Smithfield are 3.1 miles from the property.
- Access roads are adequate for existing structures.

*Cache County School District:*

- The nearest bus stop is located ½ block from the lot at 7800 North Highway 91.

*Cache County Service Area #1*

- The container must be placed on 7800 North.

**PUBLIC COMMENTS**

Notices were mailed to 17 property owners located within three hundred feet of the subject property.

**STAFF RECOMMENDATIONS**

*Action:* Staff recommends that the Planning Commission approve a motion to recommend that the County Council approve the Lutz 2-Lot Subdivision for property located at approximately 315 East 7800 North (Smithfield), TIN # 08-016-0018, and 08-016-0049.

*Stipulations:*

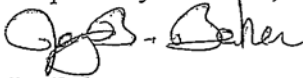
1. Any new septic systems shall meet the requirements of the Bear River Health Department and shall be a minimum of 200 feet from any water way or well unless otherwise designated by the Health Department.
2. The applicant shall either reaffirm the County's 66 foot right-of-way on 7800 North and 8100 North in a written and recorded easement or provide full dedication of the right-of-way.

**RECOMMENDED FINDINGS OF FACT**

The Planning Commission bases its decision on the following findings supported in the administrative record for this project.

1. The Lutz 2-Lot Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Lutz 2-Lot Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Cache County Code and the requirements of various departments and agencies.
3. The subdivision approval is issued in conformance with Title 17 of the Cache County Code.
4. The Lutz 2-Lot Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. 7800 North, the road that provides access to the subject property, has an adequate capacity, or suitable level of service, for the proposed use.

Respectfully submitted,



Jay Baker

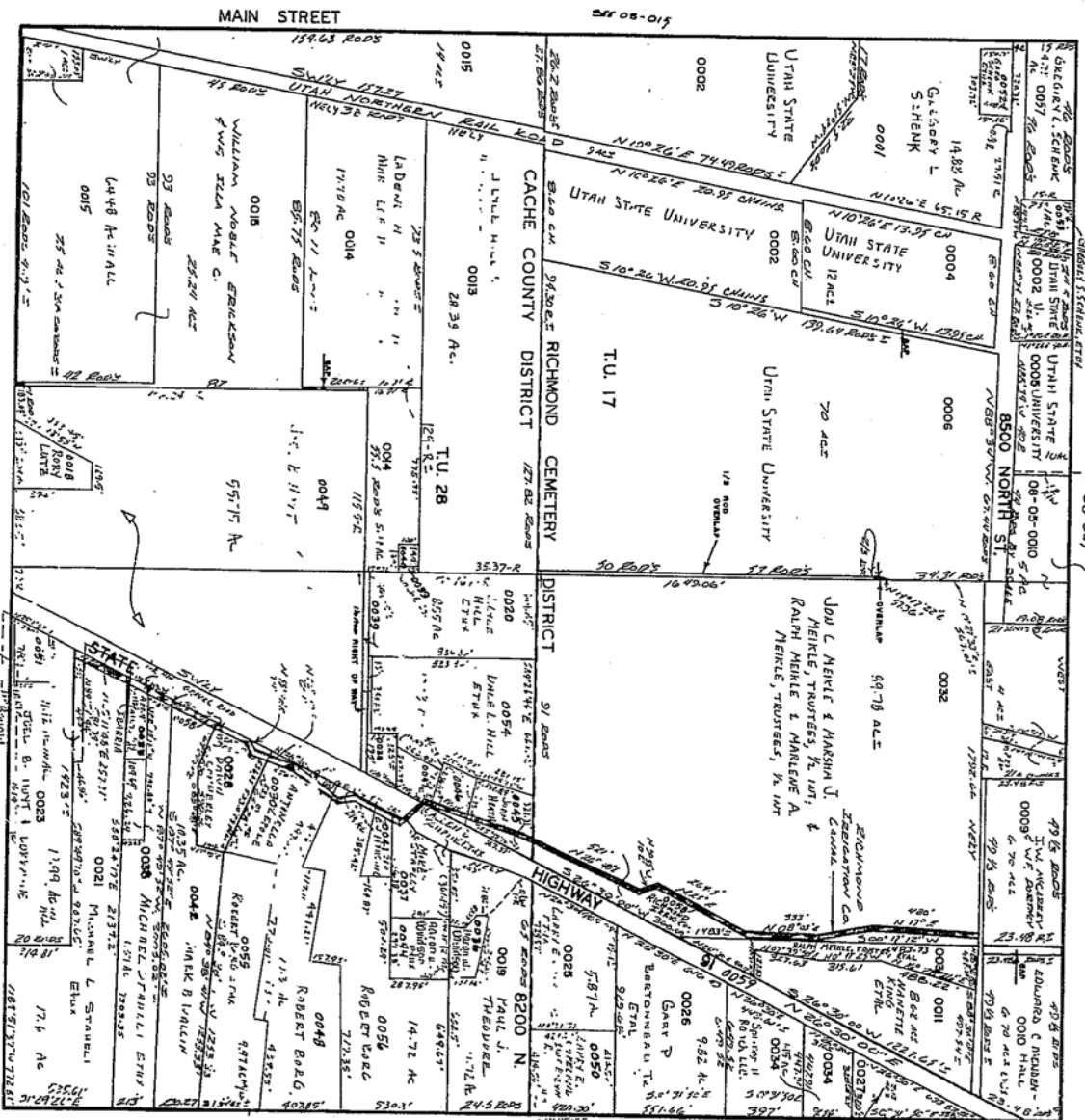
Associate Planner I

Report Published: November 20, 2006

This staff report is an analysis of the application based on adopted County documents, standard County development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report. The Zoning Administrator reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.

SECTION 10, TOWNSHIP 13 NORTH, RANGE 1 EAST.

SCALE 1 INCH = 400 FEET TAX UNIT (RICHMOND CEMETERY DISTRICT) 17  
 (CACHE COUNTY DISTRICT) 28



SEE 08-015

SEE 08-005

SEE 08-000

SEE 08-022

SEE 08-017

DRAWN BY:  
 ROSS G. LARVAY  
 12/27/79

# Development Services Cache County Corporation

*Project Name:* Glenn Acres Subdivision  
*Agent:* Ella Jean Glenn  
*Request:* 5 Lot Subdivision  
*Type of Action:* Quasi-Judicial  
*Current Zoning:* Agriculture (A)  
*Project Address:* 2537 South 3800 West  
*Tax ID:* 11-031-0063  
11-031-0021  
11-031-0022

*Staff Recommendation:* Recommend Approval with  
Stipulations

*Surrounding Uses:* North – Agriculture  
South – Agriculture  
East – Agriculture  
West – Agriculture



*Site Location*

## PROJECT

*Request:* The applicant is requesting a subdivision to create five (5) building parcels. The purpose of the subdivision is to legalize Lot 2 which was created without approval. There are existing homes on Lots 2 and 3. Lot 1 is 6.06 acres, Lot 2 is 1.34 acres, Lot 3 is 1.00 acre, Lot 4 is 6.00 acres and Lot 5 is 34.86 acres. The proposed subdivision meets the minimum lot size requirements of §17.09.040 and the number of lots/ lot size requirements of §17.09.080 (there will be five lots from the original 1970 parent parcel).

*Access:* This subdivision is proposing to be serviced from 3800 West, a county road. The road is paved with a width of 17 to 20 feet except for the south portion where the road narrows to 12 feet and is gravel. The Road Department recommends that the gravel section of the road be widened and improved if access to any lots is to be off of the gravel section.

*Water & Septic:* The applicant has been approved by the State of Utah Division of Water Rights for culinary water permits for this subdivision.

The Bear River Health Department has found that the soils on all of the lots are suitable for septic systems. Each home will be required to obtain a permit and installed in accordance with R317-4 Utah Administrative Code.

## AGENCY AND COUNTY DEPARTMENT COMMENTS

### *Bear River Health Department:*

- Site and soil conditions on Lots 1 & 4 are suitable for a septic system. A septic permit will be required before installation.
- Lots 2 and 3 have existing septic systems that are adequate. Lot 5 is not eligible for building.
- Any new septic system shall be between 100 and 200 feet from any water ways or wells, as determined by the Bear River Health Department.

### *Cache County Road Department:*

- 3800 West, a County Road, has an existing paved surface width of 17 to 20 feet.
- The south end of the road is gravel and narrows to 12 feet at the end. Portions of the gravel road will need to be widened and improved if access is from the gravel section.

### *Cache County Fire Department:*

- Water supply tenders from Logan Fire Department are 6.2 miles away.
- The access road is adequate for existing homes. Any new construction will require additional clearance.

### *Cache County School District*

- Bus Stop is located at 3780 West 2200 North, four blocks from the property..

**PUBLIC COMMENTS**

Notices were mailed to 7 property owners located within three hundred feet of the subject property.

**STAFF RECOMMENDATIONS**

*Action:* Staff recommends that the Planning Commission approve a motion to recommend approval to the County Council of the Glenn Acres Subdivision, a five (5) lot subdivision for property located at approximately 2537 South 3800 West (Young Ward), TIN #11-031-0063, 11-031-0021, and 11-031-0022.

*Stipulations:*

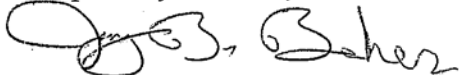
1. Any new septic systems shall meet the requirements of the Bear River Health Department and shall be a minimum of 200 feet from any water way or well unless otherwise designated by the Health Department.
2. Access to all lots except Lot 5 shall be restricted to the paved portion of 3800 West. Access from the gravel portion of 3800 West will only be granted upon further review and improvement of the road, including widening.

**RECOMMENDED FINDINGS OF FACT**

The Planning Commission bases its decision on the following findings supported in the administrative record for this project.

1. The Glenn Acres Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Glenn Acres Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Cache County Code and the requirements of various departments and agencies.
3. The subdivision approval is issued in conformance with Title 17 of the Cache County Code.
4. The Glenn Acres Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

Respectfully submitted,



Jay Baker  
Associate Planner I

Report Published: November 20, 2006

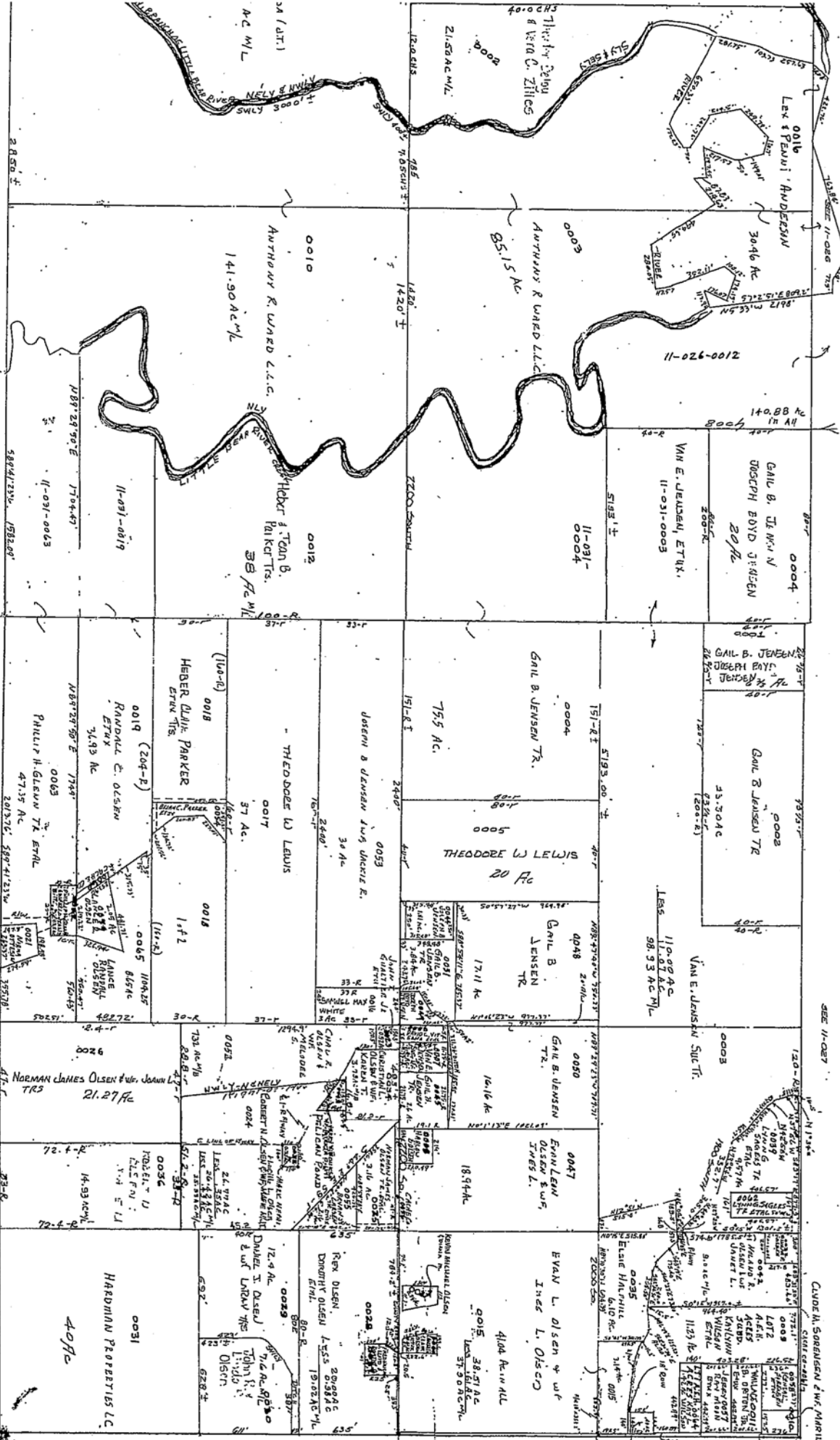
This staff report is an analysis of the application based on adopted County documents, standard County development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report. The Zoning Administrator reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.

15, TOWNSHIP 11 NORTH, RANGE 1 WEST.

SECTION 14, TOWNSHIP 11 NORTH, RANGE 1 WEST.

SCALE 1 INCH = 5 CHAINS.

SCALE 1 INCH = 5 CHAINS.



SEE 11-049

SEE 11-050

SEE 11-051

SEE 11-052

SEE 11-053

SEE 11-054

SEE 11-055

SEE 11-056

SEE 11-057

SEE 11-058

SEE 11-059

SEE 11-060

SEE 11-061

SEE 11-062

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SEE 11-100

**BOARDS & COMMITTEE ASSIGNMENTS**  
**January 10, 2007**

**Cache County Municipal Building Authority**

Registered Agent	Darrel L. Gibbons
President	Darrel L. Gibbons
Vice-President	John Hansen
Secretary	Jill Zollinger
Treasurer	Karen Jeppesen
Board Members	Brian Chambers H. Craig Petersen

**Cache County Community Foundation Board**

Registered Agent	Tamra Stones
President	M. Lynn Lemon
Vice-President	Kathy Robison
Secretary	Tamra Stones

**CCEMS (Cache County Emergency Medical Services) Governing Authority**

Chairman	Darrel Gibbons
Board Member	Lynn Lemon
Board Member	John Hansen

**Cache County Fire Board**

Chairman	Brian Chambers
Vice-Chairman	Darrel L. Gibbons
Board Member	M. Lynn Lemon

**Cache County Audit Committee**

John Hansen  
H. Craig Petersen  
Tamra Stones

**Board of Equalization-Hearing Officers for Logan Regional Hospital**

Darrel Gibbons  
Kathy Robison  
Kathleen Howell  
Tamra Stones



**Willow Park Advisory Board**

Cory Yeates  
Clark Israelsen  
Lynn Lemon  
Tamra Stones

**Logan-Cache Airport Authority Board**

Lynn Lemon  
Brian Chambers

**Department of Workforce Services**

John Hansen

**Hardware Ranch Advisory Board**

John Hansen

**Bear River Association of Governments Governing Board**

Cory Yeates  
Darrel L. Gibbons  
M. Lynn Lemon

**BRAG Human Services Board**

Kathy Robison

**Solid Waste Advisory Board**

Darrel Gibbons (represents Agricultural Community)

**North Park Interlocal Cooperative Governing Board (Ice Arena)**

Gordon Zilles  
M. Lynn Lemon  
Brian Chambers

**Water Policy Advisory Board**

Gordon Zilles

**Library Board**

Kathy Robison

**County Block Committee**

H. Craig Petersen  
M. Lynn Lemon  
N. George Daines

**Cache County Agricultural Advisory Board**

Gordon A. Zilles

**Cache County Planning and Zoning Commission**

Gordon Zilles (Council Liaison)

**Cache County Fair Board**

Kathy Robison

**IT Committee**

Don Briel  
Lynn Lemon  
Craig Petersen  
Kathleen Howell  
Jill Zollinger

**Water Committee**

Darrel L. Gibbons  
Gordon Zilles  
John Hansen  
Lynn Lemon

**RAPZ/Restaurant Tax Committee**

H. Craig Petersen  
John Hansen  
Lynn Lemon  
Cameron Jensen

**Regional Council**

H. Craig Petersen