

APPROVED

**CACHE COUNTY
COUNCIL MINUTES
DECEMBER 07, 2010**

CACHE COUNTY COUNCIL
December 07, 2010

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**CACHE COUNTY COUNCIL MEETING
December 07, 2010**

The Cache County Council convened in a regular session on December 07, 2010 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

Chairman: Gordon Zilles
Vice Chairman: Jon White
Council Members: Craig "W" Buttars, Brian Chambers, H. Craig Petersen, Kathy Robison & Cory Yeates.
County Executive: M. Lynn Lemon
County Clerk: Jill N. Zollinger
County Attorney: James Swink

The following individuals were also in attendance: Janeen Allen, Rachel Christensen, Chief Rod Hammer, Clint Hansen, Chris Harrild, Sharon L. Hoth, Robert Johnson, Kree Lindsay, Loretta Markham, Dave Nielsen, Director Josh Runhaar, Larry Soule, Denise Strong, **Media:**, Charles Geraci (Herald Journal).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

Council Chairman Zilles gave the opening remarks and led those present in the Pledge of Allegiance.

REVIEW AND APPROVAL OF AGENDA

ACTION: Motion by Council member Yeates to approve the agenda with Item 6a – Presentation – *Progress 4 Africa* – deleted. Robison seconded the motion. The vote was unanimous, 7-0.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Buttars to approve the minutes of the November 09, 2010 Council Meeting as written. Yeates seconded the motion. The vote was unanimous, 7-0.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: There were no appointments.

WARRANTS: Warrants for the periods 10-15-2010 to 10-21-2010, 10-22-2010 to 10-28-2010, 10-29-2010 to 11-04-2010, 11-05-2010 to 11-15-2010, 11-16-2010 to 11-18-2010 and 11-19-2010 to 11-24-2010 were given to the Clerk for filing.

OTHER ITEMS

- Bear River Health Department Reader Boards** – Executive Lemon commented that the Health Department wonders if the reader boards at each end of Main Street in Logan indicating air quality are still effective. Lemon observed that the public needs to know about air quality problems before they get in their cars.

Council member Buttars suggested the Health Department institute a list that the public can ask to be placed on to receive texts on red air days. Executive Lemon believes there is the opportunity for the public to do that already, but he will forward the suggestion.

UNIT OR COMMITTEE REPORTS

- ★ **Bear River Mental Health Annual Report – Rob Johnson** presented the annual audit for certification by the Cache County Council. His review included the independent auditor's report, the balance sheet numbers, accounts payable and accounts receivable, the Statement of Activities, and expenditures.

ACTION: Motion by Council member Petersen to accept the report of the Bear River Mental Health audit and sign the letter of certification thereof. White seconded the motion. The vote was unanimous, 7-0.

BUDGETARY MATTERS

- ◆ **Intra-Departmental Transfer**

Extension Transfer

\$990.00 from Office Expense and \$400.00
from Non Capitalized Equipment

to

Travel – Ag Agent (\$490.00)

Travel – FCS Agent (\$500.00)

Travel – Horticultural Agent (\$400.00)

To pay for travel and gas expenses.

(Attachment 1)

ACTION: Motion by Vice Chairman White to approve the budget transfers of \$990.00 and \$400.00. Buttars seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING SET: JANUARY 11, 2011-5:30 P.M. – DISPOSAL OF REAL PROPERTY – 10 FT. ON EAST SIDE OF ROAD TO WIDEN 1000 WEST ROAD – 525 N 1000 W

(Attachment 2)

ACTION: Motion by Council member Yeates to set a Public Hearing January 11, 2011 at 5:30 p.m. – Disposal of Real Property-10 ft. on east side of road to widen 1000 West Road-525 N 1000 W. Robison seconded the motion. The vote was unanimous, 7-0.

ACTION: Motion by Council member Buttars to convene as a Board of Equalization. Yeates seconded the motion. The vote was unanimous, 7-0.

THE COUNCIL CONVENED AS A BOARD OF EQUALIZATION.

BOARD OF EQUALIZATION

- **Tax Exemption Request**
Whittier Community Center *(Details are on file in the office of the Cache County Auditor.)*

ACTION: Motion by Council member Yeates to approve the Tax Exemption request for the Whittier Community Center. White seconded the motion. The vote was unanimous, 7-0.

ACTION: Motion by Council member Yeates to adjourn from the Board of Equalization. White seconded the motion. The vote was unanimous, 7-0.

THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION.

PUBLIC HEARING SET: DECEMBER 14, 2010 – 5:30 P.M.-OPEN THE 2010 BUDGET

ACTION: Motion by Council member Yeates to set a Public Hearing for December 14, 2010 at 5:30 p.m. to Open the 2010 Budget. Buttars seconded the motion. The vote was unanimous, 7-0.

PENDING ACTION

- **Discussion – Proposed Amendments to the Cache County Road Standards**
Director Runhaar stated the Planning Commission has reviewed more sections of the road standards and the January meeting should cover the final sections. Runhaar hopes to bring a final edit of the road standards to the Planning Commission in February.
- **Resolution No. 2010-26 – Approving the Appointment of Representatives to Various Cemetery District Boards throughout Cache County** – Executive Lemon indicated these appointments are for the Avon and Richmond districts.

(Attachment 3)

ACTION: Motion by Vice Chairman White to adopt Resolution No. 2010-26 – Approving the appointment of representatives to various cemetery district boards throughout Cache County. Petersen seconded the motion. The vote was unanimous, 7-0.

INITIAL PROPOSAL FOR CONSIDERATION

- **Hardship Applications** – Executive Lemon stated he met with both applicants and recommends approval. Council member Petersen questioned the level of income and no pressing medical expenses for #0024. Lemon said that the income is for 2009 and is significantly less for 2010. Buttars indicated this is a large family on a limited income. *(Details are on file in the office of the Cache County Auditor.)*

ACTION: Motion by Council member Petersen to deny the hardship application and asked Executive Lemon to work out a payment schedule for taxes for #-0024. White seconded the motion. The motion passed, 6 aye – Chambers, Petersen, Robison, White, Yeates & Zilles and 1 nay – Buttars.

- Hardship Applications – #10011 (*Details are on file in the office of the Cache County Auditor.*)

ACTION: Motion by Council member Robison to deny the hardship application and asked Executive Lemon to work out a payment schedule for taxes for #-0011. White seconded the motion. The vote was unanimous, 7-0.

- Hyde Park to North Logan Environmental Impact Statement (EIS) Section 4(f) De Minimis Impacts Finding Concurrence Request for Meadow View Park – Loretta Markham said UDOT needs Executive Lemon's signature of concurrence on a letter indicating that the impacts on Meadow View Park are minor and do not change or alter the original purpose, attributes and features of the park. North Logan City leases the park property from Cache County and Markham has a letter of concurrence from North Logan.

(Attachment 4)

ACTION: Motion by Vice Chairman White authorizing Executive Lemon's signature of concurrence on the letter from UDOT dated November 16, 2010 – *Subject-Hyde Park to North Logan Environmental Impact Statement (EIS) STP-1232(1); Pin 3520 Section 4(f) De Minimis Impacts Finding Concurrence Request.* Chambers seconded the motion. The vote was unanimous, 7-0.

- Blacksmith Fork River Estates – Request for 2-lot subdivision and boundary line adjustment, Mile Marker 11, Blacksmith Fork Canyon – Chris Harrild explained the request noting that the Planning Commission does not recommend approval because of concerns about the legality of the subdivision. However, Harrild said that the Cache County Attorney's office studied the proposed request and pronounced it legal. Planning staff recommends approval.

(Attachment 5)

ACTION: Motion by Council member Buttars to waive the rules and approve the Blacksmith Fork River Estates – Request for 2-lot subdivision and boundary line adjustment, Mile Marker 11, Blacksmith Fork Canyon. Petersen seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: DECEMBER 07, 2010 – 6:00 P.M.- ADOPTION OF THE 2011 CACHE COUNTY BUDGET – Executive Lemon gave the Council an overview of the proposed budget changes including salary for elected officials and County Council members.

Chairman Zilles opened the Public Hearing and invited public comment.

Director Josh Runhaar told the Council that his department has insufficient and underpaid staff. The county trains his staff for twelve to twenty-four months and then loses them to higher paying jobs. Runhaar lost two of his staff to this situation this past year. Runhaar said this is troubling for his department as well as for the county's finances as the one to two years of training is wasted and the flow of the office is disrupted when new people have to be trained again. Runhaar appealed to the Council to consider this when reviewing the budget.

Attorney Swink acknowledged he has had the same experience in the County Attorney's office and lost two individuals this year to higher paying jobs as well.

There was no other public comment.

ACTION: Motion by Council member Petersen to close the Public Hearing. Yeates seconded the motion. The vote was unanimous, 7-0.

INITIAL PROPOSAL FOR CONSIDERATION

- **Ordinance No. 2010-08 – Adoption of 2011 Salaries for Elected Officials (NO ACTION TAKEN)**

and

- **Ordinance No. 2010-09 – Adoption of 2011 Salaries for Cache County Council (NO ACTION TAKEN)** – Chairman Zilles presented the two ordinances for discussion together and invited the Council to offer input.

Council member Petersen asked if the option for Council members to take the health insurance instead of the salary is before or after taxes. Executive Lemon said the Council members taking the health insurance option incur no tax liability and reminded Petersen that some time ago the Council decided that this option would no longer be offered to the Council. Those members already taking the health benefits instead of salary would still be eligible to do so, but Council members presently receiving a salary cannot change to the health insurance option.

Vice Chairman White stated he is not supportive of any raises for elected officials at this time.

Council member Petersen said it is hard to justify a 3-5% increase for elected officials versus a 1 ½-2% increase for county employees. Petersen is also not in favor of a salary increase for the County Council members.

Council member Robison agreed that the Council members should not receive a salary increase and recommended that elected officials receive the same increase percentage as other county employees. Robison also asked that elected officials be allowed to opt out of any pay increase if they desire as Executive Lemon and Attorney Swink have.

Executive Lemon reminded the Council that Cache County is the largest of the third class counties in Utah and the salaries of elected officials here are significantly below other counties.

Chairman Zilles supports elected officials receiving a pay increase based on comparisons to other counties and recommends slowly and systematically bringing those salaries up, including the Executive and County Attorney offices.

Council member Petersen said the problem with that argument is why is that important for elected officials, but not for the Assessor's and Planning offices' staff members' salaries? Zilles conceded it is the same argument.

Chairman Zilles said he is fine with the Council not having a pay increase.

Executive Lemon stated he is fine with not having an increase and is sincere in his proposal that the Executive not have an increase.

Council member Chambers noted that in light of the situation of the economy it does not seem like a good time to make any salary adjustments.

Council member Yeates agreed that there should not be a salary increase for the Council and is hesitant on the percentage of the elected officials' proposed salary increase.

Council member Robison reiterated her feelings that all employees and elected officials should receive the same percentage of an increase with the opportunity to opt out.

Council member Buttars feels he would have a hard time justifying a salary increase, especially a 5% pay increase, to an inquiring citizen and cannot support it.

Council member Petersen asked if Executive Lemon will bring a new proposal next week incorporating the Council's suggestions.

ACTION: Motion by Council member Petersen that the salary for Cache County Council members remain at the same level for 2011 as it was for 2010. Robison seconded the motion. The vote was unanimous, 7-0.

ACTION: Motion by Council member Petersen that the County Executive prepare a proposal for other elected officials that includes salary increases that are consistent with other county employees. Yeates seconded the motion. The motion passed, 6 aye – Buttars, Chambers, Petersen, Robison, White & Yeates and 1 nay – Zilles.

Executive Lemon asked the Council how they feel about the possibility of a part-time county engineer position and proposed that funding would come from the engineering budgets of various departments. Zilles and White expressed support and the Council concurred.

- **Resolution No. 2010-27 – Adoption of 2011 Budget (NO ACTION TAKEN – see above discussion)**

- **Review of Revised Personnel Policy & Procedures Manual, Section IV- Position Management, Section V-Recruitment and Hiring** – This item was postponed to a future agenda.
- **Adoption of 2011 Capital Improvements Plan** – Chairman Zilles asked Executive Lemon to explain what improvements are planned for the airport. Executive Lemon explained that \$150,000.00 is the money the FAA commits to Cache County on an annual basis. The money can accumulate from year to year to use on projects costing more than the \$150,000.00.

Vice Chairman White asked if those roads marked for maintenance or improvements are twenty feet wide? Lemon indicated the county will not improve a road unless it is twenty feet wide. Fences closely abutting a twenty-foot road are a problem for snow removal. The fences need to be backed off several feet.

Executive Lemon noted that the CDBG projects are included on the capital improvements plan as required.

(Attachment 6)

ACTION: Motion by Council member Petersen to adopt the 2011 Capital Improvements Plan for Cache County. Yeates seconded the motion. The vote was unanimous, 7-0.

Council member Chambers left the meeting.

- **Approve Letter in reply to October 12, 2010 Workshop with NRCS** – Executive Lemon said the NRCS provided a letter to the county in November outlining the workshop discussion of October 12, 2010 and what was proposed for November. Lemon asked if Council is supportive of his signing the letter.

Bob Fotheringham explained that the NRCS needed a formal letter of county concerns to establish selection criteria.

Last Thursday the NRCS said the design for the “Build in Place” of Blue option is to build a buttress to keep the conduit in place and stable, but the hillside would not be stabilized – only the conduit. The Orange option uses the Logan, Hyde Park, Smithfield Canal with a box in the existing channel buried a little lower so storm water would go over the top of the box OR a box in the road right-of-way with a side-by-side set-up with the storm water being carried in the old canal channel and irrigation water in the box to the side.

Fotheringham believes the letter addresses the county’s safety concerns.

Attorney Swink expressed support of the letter.

(Attachment 7)

ACTION: Motion by Council member Petersen to approve the letter to the Natural Resources Conservation Service (NRCS) regarding the county's objectives for the proposed Highline Canal project. White seconded the motion. The vote was unanimous, 6-0. Chambers absent.

In response to Council Buttars' concerns that the public may perceive the county's desire to have this resolved speedily in a negative light, Bob Fotheringham stated that public safety is the main concern of the county.

COUNCIL MEMBER REPORTS

Jon White gave Tuesday, January 18, 2011 at 7:00 p.m. at Hamilton's for the date for the Council's holiday party. Council members agreed.

Kathy Robison distributed copies of a booklet from the Utah Association of Counties containing the economic impact of Utah Restaurant Tax on Cache County and urged Council members to review it in connection with the pending lawsuit asking for the tax to be removed and consider what the county would do to replace that funding if the lawsuit is successful.

ADJOURNMENT

The Council meeting adjourned at 6:51 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: Gordon A. Zilles
Chairman

Attn: Jansen

REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER

DEPARTMENT: Extension
DATE: 28-Sep-10

Amount to be transferred -- (rounded to the nearest dollar) \$ 1,390

Transfer From ---

ACCOUNT	DESCRIPTION	Current Budget	Increase DR	Decrease CR	Amended Budget
104610240	Office Expense	\$ 6,500		\$ (990)	\$ 5,510
104610251	Non Capitalized Equipment	\$ 1,500		\$ (400)	\$ 1,100
				\$	\$
				\$	\$

Transfer To ---

104610230	Travel -Ag Agent	\$ 2,500	\$ 490		\$ 2,990
104610231	Travel - FCS Agent	\$ 2,000	\$ 500		\$ 2,500
104610234	Travel - Horticultural Agent	\$ 2,000	\$ 400		\$ 2,400
	Totals		\$ 1,390	\$ (1,390)	

Net adjustment \$ -

Description of needs and purpose of transfer ---
to pay for travel and gas expenses.

Adrian J. Roberts
Department Head

Recommendation: Approval Disapproval

Jamra Stones
Cache County Auditor

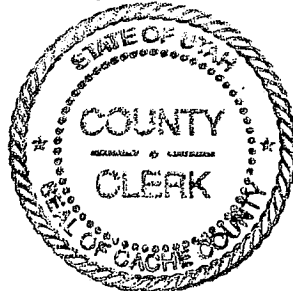
Date: 28-Sep-10

Recommendation: Approval Disapproval

M. Lynn Larson
Cache County Executive

Date: 28-Sep-10

Consented by the Cache County Council meeting in regular session on the 7th day of December, 2010.



Joel Zollinger
Cache County Clerk

All-Terra, LLC
Right-of-Way Services
P.O. Box 141, La Verkin, UT 84745
Fax: 435-635-1466

Christine N. Olsen
Acquisition Agent
Phone 435-632-3993
chris@all-terragroup.com

Val L. Olsen
Acquisition Agent
Phone: 801-455-0582
val@all-terragroup.com

November 15, 2010

Cache County Corporation
199 North Main
Logan, UT 84321

Attn: Lynn Lemon


Dear Lynn: *MK 11/18/10*

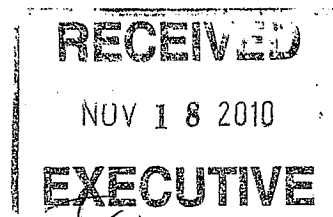
In regards to our telephone conversation today, enclosed please find the offer and documents regarding the street widening along 10th West and 2500 North. The enclosed parcel map shows the County Parcel as parcel no. 142.

After you have reviewed the enclosed, please call me or Val Olsen with any questions or comments. If you would like to meet to go over the offer, please let us know and we will schedule a time the next time we are in Logan.

Thank you for your assistance and please call with any questions, etc.

Sincerely,


Christine Olsen
All-Terra, LLC



Lynn Lemon
Please attached sheet and send to Attorney for review.

Thanks Lynn

I HAVE REVIEWED THE DESCRIPTIONS THE STATE HAS PROVIDED AND THEY APPEAR TO NEED TO TAKE THE EASTERLY 10 FEET OF THE ROAD SHOP PROPERTY FOR WIDENING 1000 WEST STREET.
 I HAVE INCLUDED A PICTURE OF THE PROPERTY THAT THE STATE WANTS. THE OTHER DESCRIPTION, THAT IS INCLUDED, SEEMS TO BE JUST A SLIVER OF GROUND THAT IS NEEDED TO FILL IN A GAP IN THE EXISTING DESCRIPTIONS. I THINK THAT THIS GAP WAS CREATED BECAUSE THE PROPERTY THAT THE COUNTY BOUGHT, TO BUILD THE SHOP ON, IS ALONG A CURVE ON 1000 WEST AND THEREFORE JUST CLEARS UP THE SMALL GAP THAT WAS CREATED BY THE CURVE.

COUNTY
 PROPERTY

ROAD SHOP

S 88° 32' 27" E 10.22'

S 5° 11' 58" W 112.54'

S 4° 58' 40" W 219.64'

N 5° 11' 58" E 111.91'

N 4° 58' 40" E 219.46'

N 88° 33' 01" W 9.98'

N 2° 05' 35" E 0.81'

1000 WEST STREET



CACHE COUNTY
RESOLUTION NO. 2010 – 26

A RESOLUTION APPROVING THE APPOINTMENT OF REPRESENTATIVES TO VARIOUS CEMETERY DISTRICT BOARDS THROUGHOUT CACHE COUNTY.

The County Council of Cache County, Utah, in a regular meeting lawful notice of which has been given, finds that pursuant to 17B-1-304 of the Utah Code, the Cache County Executive shall appoint certain individuals to serve on cemetery district boards.

THEREFORE, the Cache County Council hereby adopts the following resolution.

BE IT RESOLVED, that the following individuals have been recommended by the Cache County Executive to serve on various cemetery district boards throughout Cache County.

Section 1. Appointment

Please see "Exhibit A" attached hereto and made a part hereof.

Section 2. Authorization

The Cache County Council hereby ratifies the appointments listed on "Exhibit A" attached hereto and made a part hereof to various cemetery district boards pursuant to the recommendation of the Cache County Executive.

Section 3. Terms

The term of each appointment shall be for a period of four years.

Section 4. Effective Date

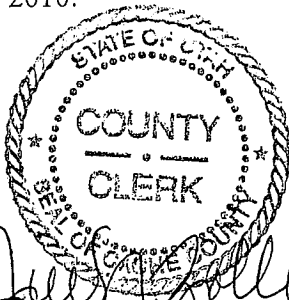
These appointments shall become effective immediately upon the adoption of this resolution.

This resolution was adopted by the Cache County Council on the 7th day of December, 2010.

Attest:

By:

Jill N. Zollinger, County Clerk



Cache County Council

By:

Gordon A. Zilles, Chairman

Exhibit A

Avon Cemetery District

1. Roger D. Pulsipher, 11800 South 800 East, Avon, UT 84328 (435) 245-4239
Reappointed for a four year term expiring on 12/31/2013
2. DeAnna Hulme, 883 East 11000 South, Avon, UT 84328 (435) 245-4977
Reappointed for a four year term expiring on 12/31/2013
3. Cordell Pulsipher, 11285 South, 800 East, Avon, UT 84328 (435) 245-3282
Reappointed for a four year term expiring on 12/31/2013
4. Richard Williams, 10888 South Highway 165, Avon, UT 84328 (435) 245-4594
Appointed for a four year term expiring on 12/31/2013
5. Karen Fredrickson, 1005 East 11000 South, Avon, UT 84328 (435) 245-6204
Appointed for a four year term expiring on 12/31/2013
6. Courtney Obray, 11211 South 800 East, Avon, UT 84328 (435) 245-3238
Appointed for a four year term expiring on 12/31/2013
7. Steven Gibbs, 816 East 11200 South, Avon, UT 84328 (435) 245-4828
Appointed for a four year term expiring on 12/31/2013

Richmond Cemetery District

1. Kip E. Panter, 247 East 100 North, Richmond, UT 84333 (435) 258-5349
Reappointed for a four year term expiring on 12/31/2013
2. Albert Purser, 45 North 100 East, Richmond, UT 84333 (435) 258-2841
Reappointed for a four year term expiring on 12/31/2013
3. Denise Allen, 12616 North 1200 East, Cove, UT 84320 (435) 258-2529
Appointed for a four year term expiring on 12/31/2013
4. Paul Thatcher, 146 West 100 North, Richmond, UT 84333 (435) 258-5042
Appointed for a four year term expiring on 12/31/2013



State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

JOHN R. NJORD, P.E.
Executive Director

CARLOS M. BRACERAS, P.E.
Deputy Director

November 16, 2010

Mr. Edward Woolford
Environmental Manager
FHWA Utah Division
2520 West 4700 South, Suite 9A
Salt Lake City, UT 84118-1880

Subject: Hyde Park to North Logan Environmental Impact Statement (EIS)
STP-1232(1); Pin 3520
Section 4(f) De Minimis Impacts Finding Concurrence Request

Dear Mr. Woolford:

The purpose of this letter is to recommend that a Section 4(f) *de minimis* impact finding is appropriate for impacts to Meadow View Park. This recommendation is pursuant to Section 6009 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and the associated FHWA guidance dated December 13, 2005.

This project is being funded, in part, with federal funds administered by the Federal Highway Administration (FHWA). The project involves evaluating a new north-south transportation corridor from 1400 North in Logan, Utah to 3600 North in Hyde Park, Utah.

A Section 4(f) resource affected by this project is Meadow View Park. Meadow View Park is approximately 20 acres and is owned by Cache County, but leased and maintained by North Logan City. Features of the east side of the park include a picnic pavilion, playground equipment, restroom facility, and parking lot. The west side of the park is for equestrian use.

Three of the five build alternatives evaluated in the Environmental Impact Statement would impact Meadow View Park. Alternative 5, 6A and 6B include the following direct impacts to park property:

Alternative 5: 0.53 acre
Alternative 6A: 0.27 acre
Alternative 6B: 0.17 acre

Alternatives 5, 6A, and 6B would impact the west side entrance to Meadow View Park and if implemented, would require reconfiguration of this entrance as mitigation.

The transportation use of Meadow View Park, as summarized above, does not adversely affect any of the activities, features, and attributes that qualify Meadow View Park for protection under Section 4(f).


The public has been afforded an opportunity to review and comment on this project, including its effects on the park property. Lynn Lemon (Cache County Executive) and Jeff Jorgensen (North Logan City Administrator), who have jurisdiction over Meadow View Park, have been consulted and informed that it is FHWA's intent to make a Section 4(f) *de minimis* impact finding based on their written concurrence that the project will not adversely affect the activities, features, and attributes that qualify Meadow View Park for protection under Section 4(f).

Concurrence: _____ Date: _____
Lynn Lemon, Cache County Executive

Concurrence: _____ Date: _____
Jeff Jorgensen, North Logan City Administrator

Based on the foregoing information, it is UDOT's recommendation that a Section 4(f) *de minimis* impact finding be approved by FHWA for Meadow View Park affected by this project. Should you have questions concerning this matter, please contact me at (801) 620-1687 or lizotte@utah.gov.

Sincerely,

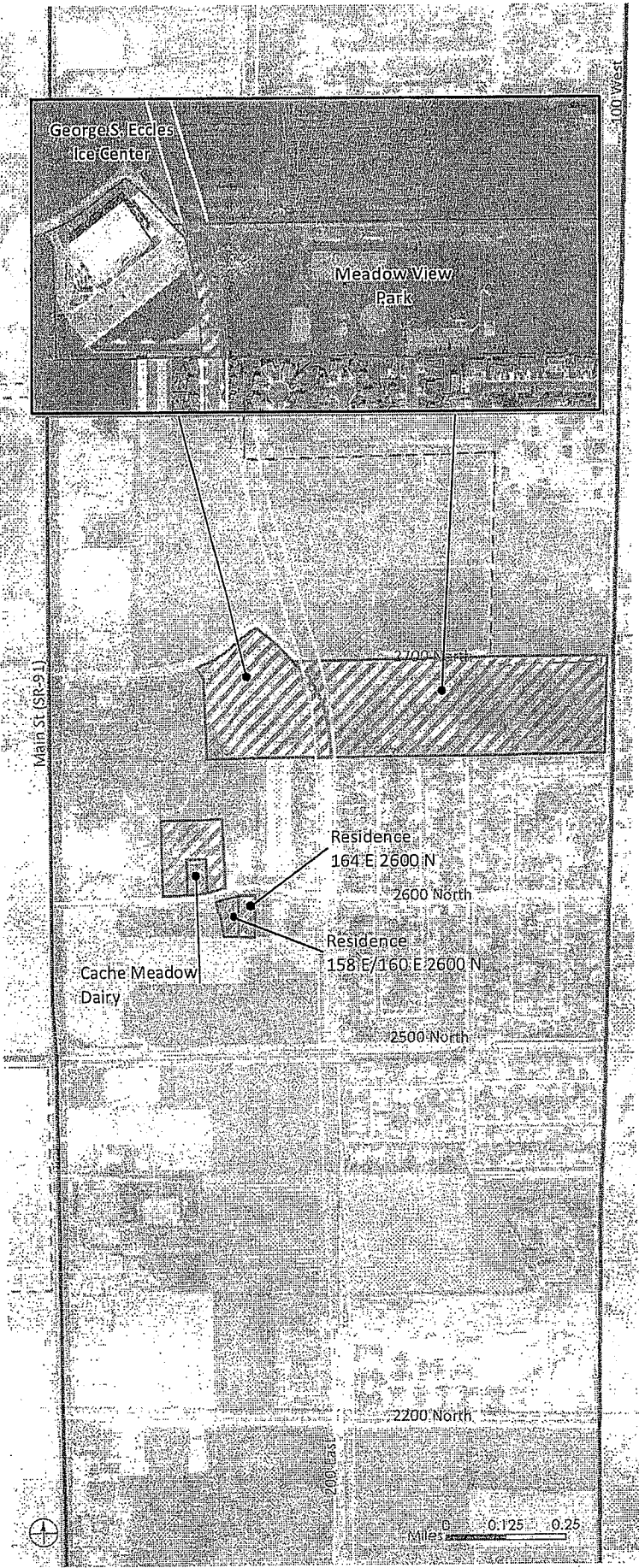


Christopher Lizotte
UDOT Region 1 Environmental Manager

In accordance with Section 6009(a) of SAFETEA-LU, the FHWA had determined that there will be a *de minimis* impact for the Meadow View Park affected by the subject project.

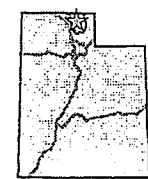
Concurrence: _____ Date _____
James Christian
Federal Highway Administration
Utah Division Administrator

HYDE PARK TO NORTH LOGAN
TRANSPORTATION CORRIDOR (200 EAST)
Environmental Impact Statement



Thematic Data layers are from Utah AGRC and H.W. Lovins.

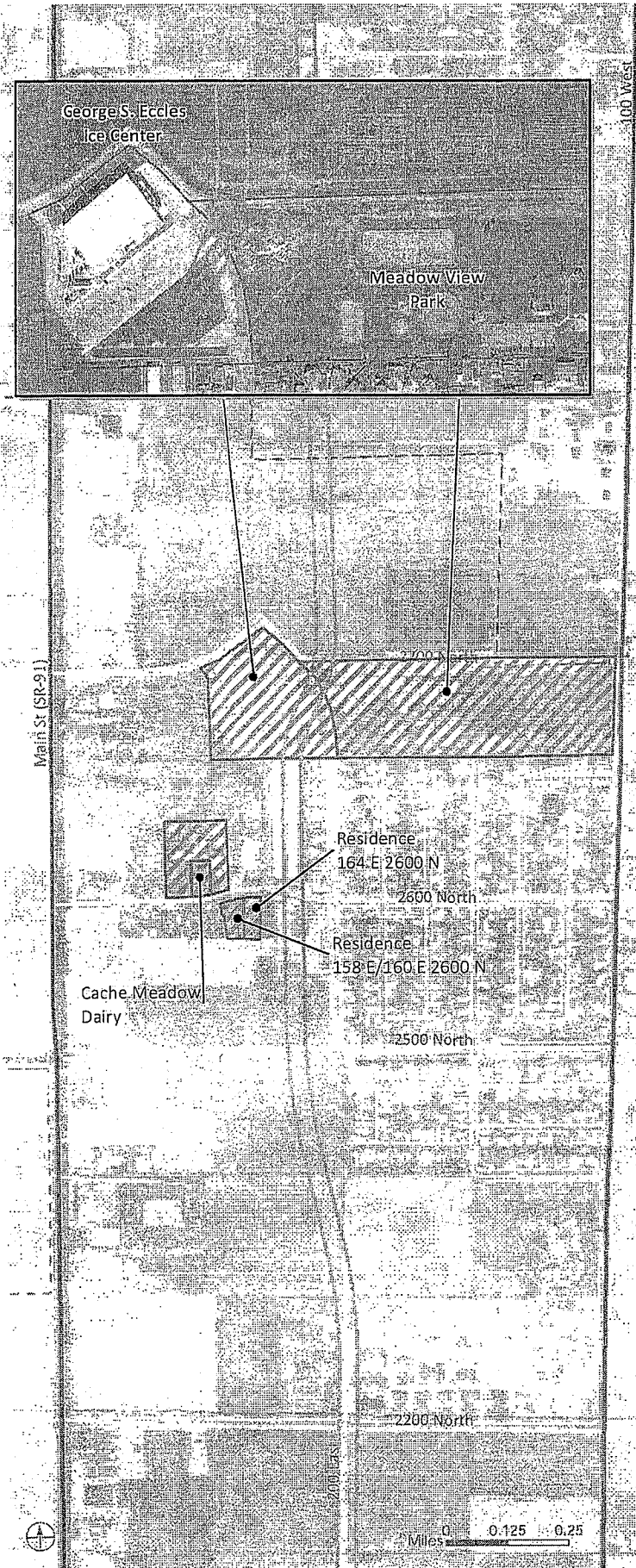
- Alternative 5
- Impacts from Alternative 5
- 4(f) Resources
- Irrigation and Canals
- Study Area
- Municipal Boundaries









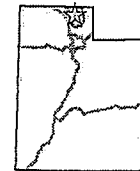
Project Location

Figure 5.3-2
Alternative 5
Section 4(f) Use

HYDE PARK TO NORTH LOGAN
TRANSPORTATION CORRIDOR (200 EAST)
Environmental Impact Statement



-  Alternative 6A
-  Impacts from Alternative
-  4(f) Resources
-  Irrigation and Canals
-  Study Area
-  Municipal Boundaries



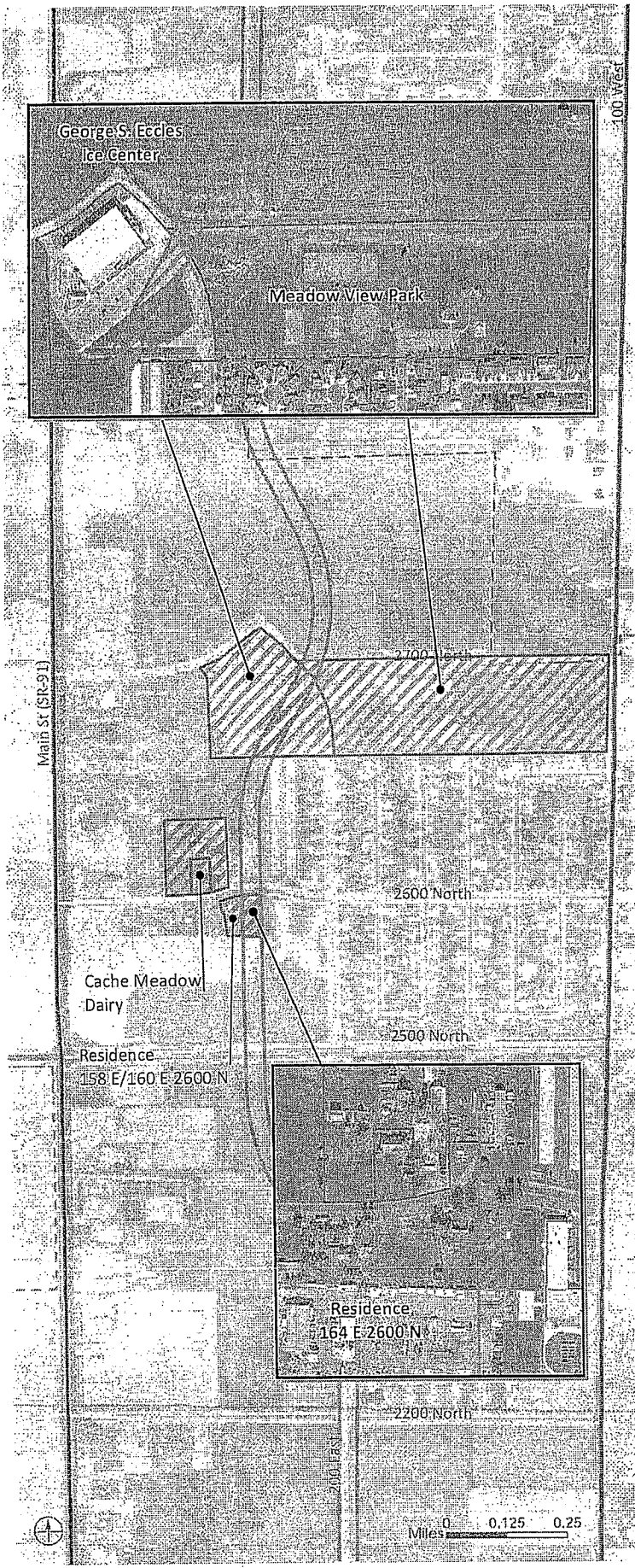
Project Location







Figure 5.3-3
Alternative 6A
Section 4(f) Use

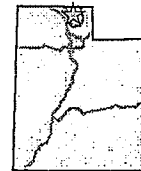
Thematic Data layers are from Utah AGRC and H. W. Loehner.

HYDE PARK TO NORTH LOGAN
TRANSPORTATION CORRIDOR (200 EAST)

Environmental Impact Statement



-  Alternative 6B
-  Impacts from Alternative 6B
-  4(f) Resources
-  Irrigation and Canals
-  Study Area
-  Municipal Boundaries



Project Location

Figure 5.3-4
Alternative 6B
Section 4(f) Use

Historic Data layers are from Utah AGRC and H. W. Lochner.

CACHE COUNTY CORPORATION DEVELOPMENT SERVICES DEPARTMENT

Project Name: **Blacksmith Fork River
Estates Subdivision and BLA**

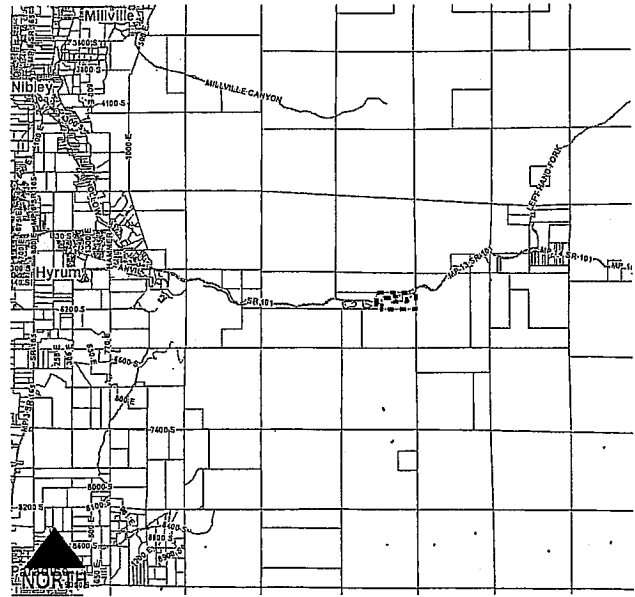
Agent: Rick Egan
Request: 2-lot Subdivision and BLA

Type of Action: Recommend to County Council
Current Zoning: Forest Recreation (FR-40)
Project Address: Blacksmith Fork Canyon
Mile Marker 11, Highway 101
East of Hyrum

Staff Recommendation: Approval with conditions
Tax ID: 17-004-0005, 17-004-0007,
17-004-0011

Surrounding Uses: North – Forest / Highway 101
South – Forest / Highway 101
East – Forest / Highway 101
West – Forest / Highway 101

Reviewed by: Christopher S. Harrild, Planner I



PURPOSE: To approve the preliminary and final plat for the Blacksmith Fork River Estates Subdivision and Boundary Line Adjustment.

PROJECT SUMMARY

The proposal is to create a 2-lot subdivision and allow a boundary line adjustment located at approximately mile marker 11, Blacksmith Fork Canyon, East of Hyrum, in the Forest Recreation Zone on 56.08 acres of property. The subdivision is divided by Highway 101 through a natural barrier determination by the Cache County Board of Adjustments on 7 June 2010 and created two separate lots. The portion to the north of the highway contains one developable lot (lot 2) and one forest recreation parcel that is not eligible for development. Lot 2 was previously divided without approval and is now being brought into compliance. The portion to the south of the highway also contains one developable lot (lot 1) and one forest recreation parcel that is not eligible for development. Development on the developable lots is restricted to seasonal cabins only; no single family dwellings are permitted. This proposal also includes the correction by adjustment of the boundary for lot #17-004-0011.

Access:

- Access to the proposed lots if from Highway 101, a UDOT road.
- The applicant has obtained approval from UDOT for three accesses: On the south side of Highway 101, an access to parcel # 17-004-0011, and a shared access to the proposed Lot #1 and parcel # 17-004-0018. On the north side of Highway 101, an access to parcel #17-004-0007.

Water & Septic:

- Hyrum City has confirmed that the Hyrum City Corporation has water available in Blacksmith Fork Canyon for Mr. Egan to purchase for this development.
- The proposed lots (17-004-0005, 17-004-0007) and the adjusted lot (17-004-0011) are feasible for an on-site septic tank system with the restrictions noted by the Bear River Health Department.

Service Provision:

- The Cache County Fire District has noted that this area is not currently designated as Wildland Urban Interface; however it does fall under interface criteria. It is the recommendation of the Fire District that the developer follow current Wildland Urban Interface guidelines for construction in this area. The developer should strongly consider the use of residential sprinklers.

STAFF DETERMINATION

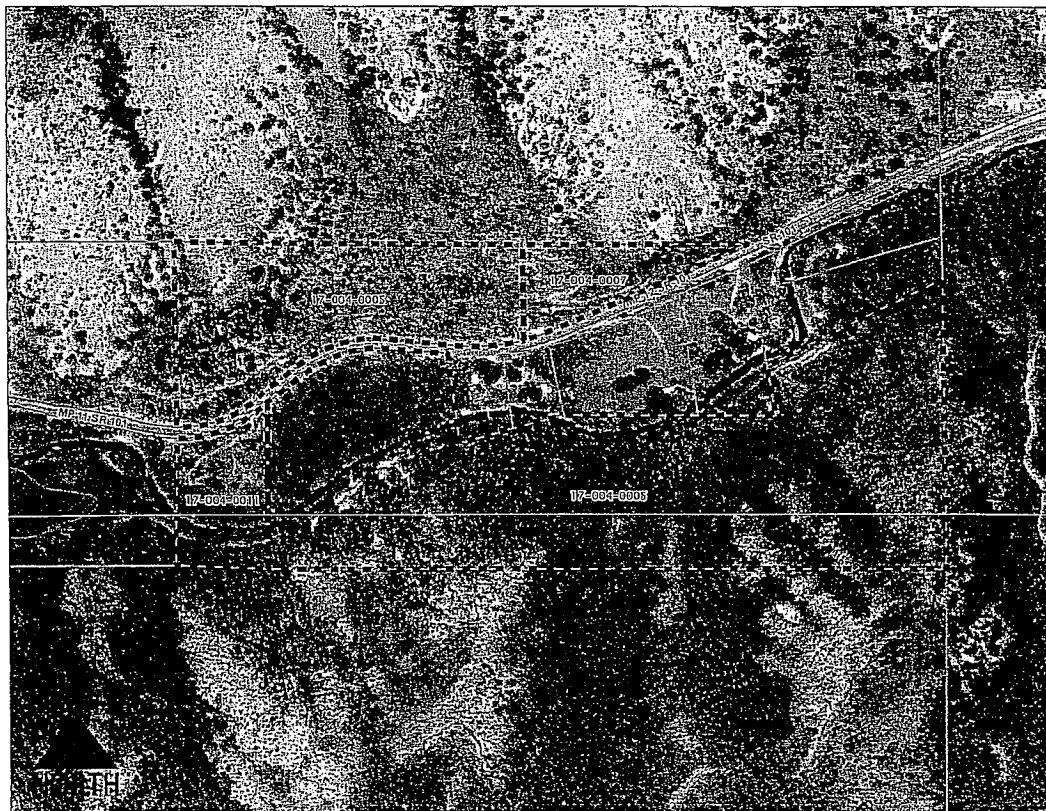
It is staff's determination that the Blacksmith Fork River Estates Subdivision and Boundary Line Adjustment, a 2-lot subdivision for property located at approximately mile marker 11, Highway 101, Blacksmith Fork Canyon with TIN #'s 17-004-0005, 17-004-0007, 17-004-0011 are in conformance with the Cache County Ordinance requirements for preliminary and final plat approval to the County Council. This determination is based on the following findings of fact:

1. The Blacksmith Fork River Estates Subdivision and Boundary Line Adjustment 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 Blacksmith Fork River Estates Subdivision and Boundary Line Adjustment has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
3. The Blacksmith Fork River Estates Subdivision and Boundary Line Adjustment conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County Subdivision Ordinance.
4. The Blacksmith Fork River Estates Subdivision and Boundary Line Adjustment is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

CONDITIONS OF APPROVAL

The following stipulations must be met for the developments to conform to the County Ordinance and the requirements of county service providers.

1. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
2. The applicant shall work with and fully comply with the UDOT's requirements for access to said lots.
3. Private drives shall meet all applicable requirements of the 2009 International Fire Code and any other applicable codes.
4. Fire protection for all buildable lots shall be provided for in accordance with the 2009 International Fire Code and as approved by the Cache County Fire Chief.



CACHE COUNTY ATTORNEY

James M. Swink
Cache County Attorney

Donald G. Linton
Chief Deputy

Tony C. Baird
Chief Prosecutor



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

Barbara K. Lachmar
Spencer D. Walsh
Andrew E. McAdams
Jacob C. Gordon
Deputy County Attorneys

Terryl Warner
Jenny Nielsen
Joan Liquin
Victim Advocates

October 7, 2010

Clair Ellis, Chairman
Cache County Planning Commission
179 N Main Street
Logan, UT 84321

Dear Mr. Ellis:

The Planning Commission requested an analysis of the Blacksmith Fork River Estates, particularly in regards to the potential to allow two non-buildable parcels in conjunction with the two buildable lots. It is important to note the following:

- 1) The applicant has already obtained a variance from the Cache County Board of Adjustments and has two legal lots through a Natural Barrier determination.
- 2) The applicant is requesting to impose further constraints on the buildable lots by reducing their size due to ownership and family constraints.
- 3) The Cache County Zoning Ordinance changed in February of 2010 and now allows the minimum lot size in the FR-40 zone to be 1 acre while maintaining a 40 acre overall density.

The two sections of code specifically relevant to this issue are:

16.04.030(A) - All subdivisions shall result in the creation of lots which are developable and capable of being built upon. A subdivision shall not create lots which would make improvement impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewerage or driveway grades, or other physical conditions.


16.04.030(F) - Remnants of property shall not be left in the subdivision which does not conform to lot requirements unless it is designated as a conservation easement, open space, private utility, or other public purpose and/or meets the minimum lot size requirements for agricultural use under title 59, chapter 2, part 5, farmland assessment act. The county council may maintain the option to not require culinary water on remainder parcels that meet these requirements.

Response for §16.04.030(A) – It is a requirement that all subdivisions result in legal and fully developable lots. The subdivision in question is creating 2 buildable lots of 1.84 acres and 5.17 acres. Both lots meet all applicable requirements and are capable of being built upon.

Response for §16.04.030(F) – The two “remnant” parcels being created are both identified as “forest recreation parcels, not eligible for development”. Further, these parcels will be deed restricted from further development. In order to develop the “remnant” parcels, the subdivision would be required to be amended, which would further require the property to be rezoned. Full use of these parcels may continue for camping (tent or RV) and recreating, but no habitable structures will be allowed. In addition, these parcels do meet the acreage requirements for Greenbelt.

It is the position of the Cache County Attorney’s Office that the Blacksmith Fork River Estates Subdivision, while not conventional in its layout, is in conformance with the Cache County Subdivision Ordinance and should be approved.

Sincerely,



Donald G. Linton
Chief Deputy Cache County Attorney

CACHE COUNTY CAPITAL IMPROVEMENT PLAN
2011 Update

<u>Description of Improvements</u>	<u>Cost</u>	<u>Source of Funds</u>
Year 2011		
Airport-Taxilanes D, F & G, AIP #21	300,000	FAA/State/Authority
Airport-Taxiway markings & safety, AIP#22	30,000	FAA/State/Authority
Airport-State Grant for Fog Seal & Paint Runway	135,000	State/Authority
Assessor-Equipment	50,000	County
Attorney-Equipment	12,000	County
Buildings & Grounds-Improvements & Equipment	8,000	County
Community Nursing Serv-Med. Equip, 2 energy-efficient autos	41,901	CDBG
Fairgrounds-Equipment	20,000	County
Fire-Equipment	22,000	County
Information Technology Systems-Computer Equipment	86,000	County
Jail-Floor Mitigation Improvements	106,216	County/Settlement
Jail-Capital Equipment	25,000	County
Jail-Work Release, Improvements & Equipment	5,100	County
NNHC-Affordable Housing Land, North Cache County	480,000	CDBG/Other
Road-Equipment (Trucks Sander, Plow, Pup Trailer, Paint Macl	240,000	Class B & Road SSD
Road-Ant Flat Road Improvements	8,000	Class B & Road SSD
Road-1600W, 6600N-7600N - Double Chip	56,000	Class B & Road SSD
Road-3800W, 7800S-8500S - Double Chip	45,555	Class B & Road SSD
Road-800W, 3700N-4200N - Pit Run & Road Base	40,000	Class B & Road SSD
Bridge-600S, 4500W -Repair or Replace	200,000	Class B & Road SSD
Senior Citizen Center, Building Improvements	50,000	County
Sheriff-Automobiles & Equipment	126,000	County
Sheriff-Support Services-Automobiles & Equipment	92,000	County
Sheriff-Search & Rescue-Equipment	15,000	County/Search & Rescue
Weed-Equipment	9,000	County
Year 2012		
Airport-Improvements	150,000	FAA/State/Authority
Assessor-Equipment	50,000	County
Attorney-Equipment	20,000	County
Buildings & Grounds-Building Improvments	40,000	County
Fairgrounds-Equipment	30,000	County
Fire-Fire/Brush Trucks	825,000	Lease Proceeds/County
Information Technology Systems-Computer Equipment	85,000	County
Jail-Capital Equipment	100,000	County
Recorder-Equipment	26,000	County
Road-Equipment (Grader, Pickup-Foreman, \$30,000)	310,000	Class B & Road SSD
Road-Porcupine Dam Improvements	10,000	Class B & Road SSD
Road-4400S, 700W-1200W - Double Chip	24,000	Class B & Road SSD
Road-3200S, 89-91 to Nibley City limit - Mill & Resurface	145,000	Class B & Road SSD
Road-Meridan, 8200S to Pisgah Rd - Double Chip	16,500	Class B & Road SSD
Road-8600S, 2000W-2400W - Widen & Straighten	68,200	Class B & Road SSD
Road-7000N, 4400W-4800W - Double Chip	15,000	Class B & Road SSD
Road-12100N, SR91-800E - Double Chip	6,700	Class B & Road SSD
Road-3800W, 3500N-4800N, Mill & Oil	531,000	Class B & Road SSD
Senior Citizens Center-Building Improvements	50,000	County/Council on Aging

Senior Citizens Center-Equipment	12,000	Council on Aging Funds
Sheriff-Automobiles & Equipment	200,000	County
Sheriff-Support Services-Automobile	60,000	County
Sheriff-Search & Rescue-Equipment	15,000	County/Search & Rescue
Weed-Equipment	30,000	County

Year 2013

Airport-Improvements	150,000	FAA/State/Authority
Airport-Ramp Improvements	230,000	State/Authority
Assessor-Equipment	50,000	A&C County
Attorney-Equipment	15,000	County
Auditor-Equipment	10,000	County
Building & Grounds-Building Improvements	40,000	County
Building Inspection-Equipment	30,000	Municipal Services
Fairgrounds-Equipment	20,000	County
Fire-Equipment	42,000	County
Information Technology Systems-Computer Equipment	80,000	County
Jail-Automobiles & Equipment	90,000	County
Road-Equipment (Loader, Truck, Sander, Plow, Pup Trailer)	425,000	Class B & Road SSD
Road-500E, 3000S-3800S - Purchase ROW	24,000	Class B & Road SSD
Road-500E, 3000S-3800S - Widen, Double Chip	40,000	Class B & Road SSD
Road-3000W, 3200S-3500S - Double Chip	12,000	Class B & Road SSD
Road-4000S, 3920W-4000W - Double Chip	7,000	Class B & Road SSD
Road-6400W, 1000S-800S - Double Chip	19,800	Class B & Road SSD
Road-Porcupine Dam Improvements	10,000	Class B & Road SSD
Road-5400W, 600S-2400S - Mill & Oil	350,000	Class B & Road SSD
Senior Citizens Center-Building Improvements	50,000	County/Council on Aging
Sheriff-Automobiles & Equipment	200,000	County
Sheriff-Support Services-Automobiles & Equipment	60,000	County
Sheriff-Search & Rescue-Equipment	15,000	County/Search & Rescue
Surveyor-Equipment	10,000	County
Weed-Equipment	30,000	County

Year 2014

Airport Improvements	150,000	FAA/Authority
Assessor-Equipment	50,000	A&C County
Attorney-Equipment	20,000	County
Auditor-Equipment	15,000	County
Buildings & Grounds-Improvements West Parking	450,000	County/City/Developers
Buildings & Grounds-Improvements & Equipment	40,000	County
Fairgrounds-Equipment	30,000	County
Fire-Equipment	45,000	County
Information Technology Systems-Computer Equipment	85,000	County
Jail-Equipment	70,000	County
Road-Equipment (Crusher)	500,000	Class B & Road SSD
Road-2800W, 1800S-2200S - Double Chip	10,000	Class B & Road SSD
Road-5900W, South end of Cobblestone - Double Chip	7,500	Class B & Road SSD
Road-5600W, 14200N-13400N - Double Chip	12,000	Class B & Road SSD
Road-1200E, 8500S-8200S (Roy McDoanId Rd) - Double Chip	10,400	Class B & Road SSD
Road-800E, 6600S-7000S (Jeff Clawson Rd) -Double Chip	19,600	Class B & Road SSD
Road-1400S, 3200W-3600W - Double Chip	18,600	Class B & Road SSD
Road-Porcupine Dam Improvements	10,000	Class B & Road SSD

Bridge Extensions-4600S, 4700W (Pine Canyon)	52,000	Class B & Road SSD
Bridge Extensions-3400S, 5600W (Maple Rise)	52,000	Class B & Road SSD
Bridge Extensions-6000S, 3200W (Hawbush)	52,000	Class B & Road SSD
Sheriff-Automobiles & Equipment	220,000	County
Sheriff-Support Services-Automobiles & Equipment	50,000	County
Sheriff-Search & Rescue-Equipment	15,000	County/Search & Rescue
Weed-Equipment	30,000	County

Year 2015

Airport-Improvements	150,000	FAA/State/Authority
Assessor-Equipment	50,000	A&C County
Attorney-Equipment	20,000	County
Buildings & Grounds-Improvements	30,000	County
Emergency Management-HLS Equipment	50,000	HLS Grant
Fairgrounds-Equipment	20,000	County
Fire-Equipment	50,000	County
Information Technology Systems-Computer Equipment	90,000	County
Jail-Automobiles & Equipment	80,000	County
Road-Equipment	300,000	Class B & Road SSD
Road-4400N, 1000E-1200E - Double Chip	7,000	Class B & Road SSD
Road-8000W, 1000N-2000N (Autonomous Solutions) - Double C	42,600	Class B & Road SSD
Road-3200W, 2200S to end of road - Double Chip	13,000	Class B & Road SSD
Road-7800N, 800W-1500W - Double Chip	30,900	Class B & Road SSD
Road-2800W, 1800S-2200S- Double Chip	10,000	Class B & Road SSD
Road-4000S, 700W-1200W - Double Chip	10,000	Class B & Road SSD
Senior Citizens Center-Building Improvements	50,000	County/Council on Aging
Sheriff-Automobiles & Equipment	230,000	County
Sheriff-Support Services-Automobiles & Equipment	50,000	County
Sheriff Search & Rescue-Equipment	15,000	County/Search & Rescue
Weed-Equipment	30,000	County

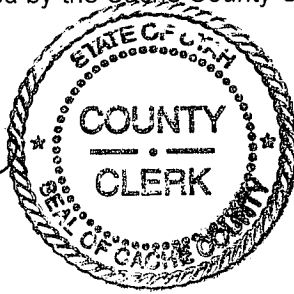
Year 2016

Airport-Improvements	150,000	FAA/State/Authority
Airport-Improvements (State)	120,000	State/Authority
Assessor-Equipment	50,000	A&C County
Attorney-Equipment	15,000	County
Auditor-Equipment	15,000	County
Building & Grounds-Building Improvements	48,000	County
Fairgrounds-Equipment	30,000	County
Fire-Equipment	55,000	County
Information Technology Systems-Computer Equipment	80,000	County
Jail-Automobiles & Equipment	90,000	County
Road-Equipment	300,000	Class B & Road SSD
Road-7000N, 7000W-7200W - Widen, Double Chip	25,000	Class B & Road SSD
Road-3200W, 100S-200S - Widen - Double Chip	7,600	Class B & Road SSD
Road-9000N, Hwy 91 -700E - Widen - Double Chip	13,500	Class B & Road SSD
Road-700E, 9000N-9800N - Widen - Double Chip	55,000	Class B & Road SSD
Sheriff-Automobiles & Equipment	200,000	County
Sheriff-Support Services-Automobiles & Equipment	60,000	County
Sheriff-Search & Rescue-Equipment	15,000	County/Search & Rescue
Surveyor-Equipment	10,000	County
Weed-Equipment	30,000	County

This project list was approved and adopted by the Cache County Council on December 7, 2010

ATTEST:

Jill M. Zollinger
Jill M. Zollinger, County Clerk



CACHE COUNTY CORPORATION

M. LYNN LEMON
COUNTY EXECUTIVE/SURVEYOR

199 N. MAIN
LOGAN, UTAH 84321
TEL 435-755-1850
FAX 435-755-1981

COUNTY COUNCIL
CORY YEATES
H. CRAIG PETERSEN
KATHY ROBINSON
BRIAN CHAMBERS
GORDON A. ZILLES
CRAIG "W" BUTTARS
JON WHITE

Bronson Smart
State Conservation Engineer
Natural Resources Conservation Service
125 South State Street, Room 4010
Salt Lake City, Utah 84138-1100

Dear Bronson Smart:

As the sponsor of the canal rebuild project, Cache County's primary objective is to keep water in its beneficial use in Cache County and to do it in the safest manner possible. As per your request, below is a list of our objectives:

- (1) Water restoration for all canal users which includes farmers, ranchers, towns and cities, while optimizing public safety;
- (2) Promote amenities and citizen use along the canal route for recreation and aesthetic appreciation, including preserving or restoring vegetation;
- (3) Promote secondary benefits of the rebuilt canal for the betterment of existing and future citizens of Cache County which includes, but is not limited to, water conservation, improved water quality, energy conservation;
- (4) Minimize temporary and permanent impacts to private and public property, including roadways;
- (5) Minimize unknown cost and time associated with the project and avoid unnecessary delay;
- (6) Minimize the need for specialized construction techniques and foster competitiveness within the bid process; and
- (7) Minimize the operation and management cost for overseeing the canal system in the future.

As you know, our goal as the County Executive and the County Council, is to do what is best for the citizens of Cache County. The County must balance the objectives of those constituents who want the canal rebuilt along the same route that collapsed (Logan Bluff) against future concerns for safety and uninterrupted water supply.

In restoring water use promptly, public safety is paramount as is fiscal responsibility of planning for the long-term. Of note, it has come to our attention that even after the canal was shut down subsequent to the break in 2009, there have been more landslides along the disaster area.

This has prompted us to ask some hard questions of those researching the disaster area, including speaking with your own engineers during the meeting (open to the public) on Wednesday, 27 October, 2010, on the hillside to discuss Option 1: "Reconstruct Logan Northern Canal."


Further, the landslide and subsequent canal failure caused a legislative focus on canal safety. House Bill 60 was passed in the 2009 legislative session to address this pressing issue. Cache County in conjunction with the Utah Association of Conservation Districts (UACD) prepared a map to assess areas of concern based on slope for the canals. UACD is furthering this effort to prepare a model management plan for canals to use in assessing the areas of potential concern along the canals. Senator Davis is currently working on draft legislation for the 2011 legislative session to regulate canals under a "Canal Safety Act" giving oversight to the state engineer. Cache County believes that as time progresses that more costs for maintenance and safety issues will be incurred along the existing easements. Please consider these long-term costs for each alternative.

Also, as you have explained, federal money is not available to stabilize the hillside along the Logan Bluff because this would result in "increased level of protection" beyond the scope of Code of Federal Regulation (7 CFR 624.6(b)(3)(iii)). Thus, the county as the sponsor will be responsible for paying one-hundred percent of the costs of the upgrade. We also learned that it is questionable as to whether the Canal Company would even be able to obtain private insurance coverage if the canal was rebuilt along the Logan Bluff. This lack of grant-funding to stabilize the disaster area and the likely lack of insurance gives the County great pause.

While we remain open to consider all three options, including Option 1, of grave concern is that the disaster area could be washed out in the future from the existing springs and super-loading of the above highway or any other reason as discussed during the hillside meeting. The potential for loss of life in any way connected to the rebuilding of the canal along the disaster area makes this option untenable for the County, or "no build" in your terms. This critical concern for human life also translates to future liability. The cost of such liability would have the potential to be shouldered by the citizens of Cache County.

We will continue to invite public interest and comments even ahead of the official public comment period as mandated in the final EIS stages, and we look forward to working with you and the public to reach a solution that will be in the best interest of the citizens of this valley in considering all three options.

Sincerely,


Gordon A. Zilles, Council Chair


M. Lynn Lemon, County Executive