

**APPROVED**

**CACHE COUNTY  
COUNCIL MINUTES  
APRIL 24, 2012**

**CACHE COUNTY COUNCIL**  
**April 24, 2012**

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**CACHE COUNTY COUNCIL MEETING**  
**April 24, 2012**

The Cache County Council convened in a regular session on April 24, 2012 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

**ATTENDANCE:**

**Chairman:** Craig "W" Buttars  
**Vice Chairman:** Val Potter  
**Council Members:** H. Craig Petersen, Kathy Robison, Cory Yeates & Gordon Zilles. **Jon White absent**  
**County Executive:** M. Lynn Lemon  
**County Clerk:** Jill N. Zollinger  
**County Attorney:** Denise Ciebien (**James Swink absent**)

**The following individuals were also in attendance:** Ben Allen, Janeen Allen, Taylor Anderson, Bret L. Christensen, Chris Harrild, Sharon L. Hoth, Zan Murray, Dave Nielsen, Director Josh Runhaar, Janet Ryan, Marshall Saunders, Linda Thatcher, Engineer Lynn Zollinger, **Media:** Charles Geraci (Herald Journal).

**OPENING REMARKS AND PLEDGE OF ALLEGIANCE**

Executive Lemon gave the opening remarks and led those present in the Pledge of Allegiance.

**REVIEW AND APPROVAL OF AGENDA**

**ACTION:** Motion by Council member Zilles to approve the agenda with Item 12g – *Storage Bin CUP* – removed. . Potter seconded the motion. The vote was unanimous, 6-0. White absent.

**REVIEW AND APPROVAL OF MINUTES**

**ACTION:** Motion by Council member Yeates to approve the minutes of the April 10, 2012 Council Meeting as written. Robison seconded the motion. The vote was unanimous, 6-0. White absent.

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

**APPOINTMENTS:** There were no appointments.

**WARRANTS:** There were no warrants.

**OTHER ITEMS**

- Air Quality Meeting** – Executive Lemon reported that the last Air Quality Work Group Meeting was held and gave the Council a list of the proposed control strategies. The DAQ will send those to Work Group members for their comments. Lemon said the process has been good, helpful and educational. The county's major involvement will be with the vehicle emissions inspection

program. The draft SIP will be ready this summer for public review and comment. The Air Quality Board will need to approve the SIP to be effective by December 2012.

Council member Petersen observed that for all the "bad air" publicity Cache County receives, the DAQ stated that it will be much more difficult for Provo and the Wasatch front areas to achieve compliance than it will be for Cache County.

- **RAPZ/RESTAURANT TAX** – Executive Lemon said the RAPZ/Restaurant Tax Committee will be meeting and have a proposal to the Council by May 22, 2012. This will allow the Council to have a discussion on the Willow Park Zoo prior to the RAPZ/Restaurant Tax recommendations to the Council.

### **ITEMS OF SPECIAL INTEREST**

- **Chamber of Commerce Economic Development Report – Sandy Emile** updated the Council on the operations of the Chamber including statistics and demographics, next year's projects, web site usage, Cache Valley Magazine (which is now published in Cache County) and economic development organizations. Emile noted the seventh annual "What's Going Down Up North?" economic summit will be held September 27, 2012 and the Chamber will host two business expos this year.

Vice Chairman Potter asked Emile how the Chamber continues to function with half as many employees? Emile responded that better use of technology, resourcing and linking with others and good staff makes it possible. Emile said overall small businesses are still a little reticent about investing in their businesses, but are doing well.

Council member Petersen commented that Cache County's contribution to the Chamber is \$36,000.00 and asked what Logan City contributes. Emile replied that Logan contributes \$7,000.00.

- **Senator Lyle Hillyard** reported on jail reimbursement, jail contracting and receiving centers. Jail contracting is when inmates are taken out of a state facility and placed in a county jail facility. Jail reimbursement is when an individual, through condition of probation, serves his/her sentence in a county jail instead of being sent to the state prison. Most rural counties benefit from jail contracting, but should not count on those funds as ongoing. Hillyard is a strong advocate of receiving centers where underage youth can be held and not booked into the regular jail, but many are being closed due to problems with Medicaid. Jails are overcrowded and jail contracting is a very important element in managing prisoners. Hillyard also discussed Utah's bonding level.

Executive Lemon said that the retirement system costs are killing the county and asked if there is an end to extreme increases in sight? The only hope Hillyard could give Lemon is that the stock market may improve and allow the retirement system investments to come back. ObamaCare, the end of the tax Bush cuts and the "Gang of 12" failure will have tremendous impacts on state and county revenues.

Council member Zilles remarked that the way the state implemented budget cuts in the Health Department was to cut workers' jobs at the county level, but not at the state level and questioned how the department can continue to function with more "chiefs" than "Indians". Hillyard replied that the agency comes under the Governor's direction and a department has to have an administrator.

Senator Hillyard stated that the Vernal gas production is a great help for state revenues right now.

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

**Motion by Council member Yeates to convene as a Board of Equalization. Robison seconded the motion. The vote was unanimous, 6-0. White absent.**

### **THE COUNCIL CONVENED AS A BOARD OF EQUALIZATION**

- **Property Tax Exemption Requests** *(Details are on file in the office of the Cache County Auditor)*  
Logan Church of Christ  
The North American Islamic Trust, Inc.

**ACTION: Motion by Council member Yeates to approve the property tax exemption requests. Potter seconded the motion. The vote was unanimous, 6-0. White absent.**

- **Logan Regional Hospital and Sunshine Terrace Findings of Fact Report**  
**(Attachment 1)**

**ACTION: Motion by Council member Yeates to approve the Findings of Fact Report for Logan Regional Hospital and Sunshine Terrace Foundation. Zilles seconded the motion. The vote was unanimous, 6-0. White absent.**

**ACTION: Motion by Vice Chairman Potter to adjourn from the Board of Equalization. Yeates seconded the motion. The vote was unanimous, 6-0. White absent.**

### **THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION**

### **PUBLIC HEARING SET: MAY 08, 2012 – 5:30 P.M. – SWIFT BEEF COMPANY UPGRADE POND 3 REZONE**

**ACTION: Motion by Council member Yeates to set a Public Hearing May 08, 2012 at 5:30 p.m. – Swift Beef Company Upgrade Pond 3 Rezone. Zilles seconded the motion. The vote was unanimous, 6-0. White absent.**

### **PENDING ACTION**

- **Reconsideration of Approval for 3200 South Project** – Engineer Lynn Zollinger reported that the Council previously approved the second lowest bid for

the 3200 South project because the low bidder was considered nonresponsive as no subcontractors were listed on the low bid. That party has since contacted the county and explained they would not be using any subcontractors and that is why that was left blank on the bid. The county immediately informed the second lowest bidder to not proceed until this issue was resolved.

Attorney Denise Ciebien informed the Council that the county acted reasonably when it went with the second lowest bid; however, the low bidder could have a basis for legal action. If the project is withdrawn from the second lowest bidder, that party could also have a basis for legal action; however, there were no damages incurred by them. It is up to the Council to determine how to proceed.

Executive Lemon commented that the statement "We reserve the right to reject any and all bids, etc." is on every application. There is a difference of about \$20,000.00 between the low bid and the second lowest bid.

Vice Chairman Potter supports awarding the project to the lowest bidder.

Council member Zilles supports staying with the second lowest bidder because they are a local company, pay taxes in Cache County and will employ local workers and stimulate the local economy.

In response to Council member Petersen's question Lemon and Zollinger said there are some items on the lowest bid that cause concern because they are extremely low, but the low bidder's references checked out well.

**ACTION: Motion by Vice Chairman Potter to reconsider the approval for the 3200 South Project and give the project to the low bidder. Petersen seconded the motion. The motion passed, 5 aye – Buttars, Petersen, Potter, Robison & Yeates and 1 nay – Zilles. White absent.**

- Recommendation on South Canyon Road** – Engineer Zollinger reported that he has checked the road after three substantial rainstorms and there is no continuing or visible erosion occurring and the use of a compactor along the crest of the embankment did not cause any apparent failure of the slope. Zollinger concluded the embankment is likely stable and recommends placing a concrete barrier along the edge of the roadway and continue to monitor the condition of the slide on a weekly basis. The road can be open to public travel as preparations are made for repair of the slide area.

The Council concurred with Zollinger's recommendations.

**THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION**

**INITIAL PROPOSAL FOR CONSIDERATION**

- **Council Approval – County Road Easement – Richmond Irrigation Company requesting an easement along a county road to install an irrigation pipe following an existing canal to 11000 North Street, then running westerly in the right-of-way of 11000 North Street approximately 1800 feet, then crossing under 11000 North Street to the south right-of-way**

**line and rejoining the existing canal** – Director Runhaar recommended the applicant apply for an encroachment permit rather than an easement; thereby negating the need for Council approval.

Chairman Buttars asked if a representative from Richmond Irrigation was present and wanted to speak? Timothy Christensen came to the podium and explained the proposed route of the irrigation pipe.

Chairman Buttars stated the opinion of the Council was to refer Richmond Irrigation to the Development Office for an encroachment permit.

- **Resolution No. 2012-12 – Amendments to Special Events Application** – Director Runhaar reminded the Council that this resolution language as well as the language for Ordinance No. 2012-03 and Ordinance No. 2012-04 were discussed in depth at the April 10, 2012 Council meeting.

(Attachment 2)

**ACTION:** Motion by Council member Robison to waive the rules and approve Resolution No. 2012-12 – Amendments to Special Events Application. Yeates seconded the motion. The vote was unanimous, 6-0. White absent.

- **Ordinance No. 2012-03 – Amendments to Title 8.40 Special Events- Amendments to Title 8.40 Special events; 8.40.020 Applications; 8.40.040 Permit-Application Process; 8.40.050 Application Review; 8.40.060 Application Fees and 8.40.070 Clean Up Fee Assessed**

(Attachment 3)

**ACTION:** Motion by Council member Yeates to waive the rules and approve Ordinance No. 2012-03 – Amendments to Title 8.40 Special Events, etc. Potter seconded the motion. The vote was unanimous, 6-0. White absent.

**Ordinance No. 2012-03:** The vote was 6-0. White absent

	BUTTARS	POTTER	PETERSEN	ROBISON	WHITE	YEATES	ZILLES	VOTES CAST
AYE	X	X	X	X		X	X	6
NAY								0
ABSTAINED								0
ABSENT					X			1

- **Ordinance No. 2012-04 – Janet Ryan Rezone-Janet Ryan requesting approval for rezone of 13.1 acres from the Agricultural (A 10) Zone to Rural (RU-5) Zone located at approximately 1201 South 2000 West, Young Ward**

(Attachment 4)

**ACTION: Motion by Council member Zilles to waive the rules and approve Ordinance No. 2012-04-Janet Ryan Rezone. Yeates seconded the motion. The vote was unanimous, 6-0. White absent.**

**Ordinance No. 2012-04:** The vote was 6-0. White absent

	<u>BUTTARS</u>	<u>POTTER</u>	<u>PETERSEN</u>	<u>ROBISON</u>	<u>WHITE</u>	<u>YEATES</u>	<u>ZILLES</u>	<u>VOTES CAST</u>
AYE	X	X	X	X		X	X	6
NAY								0
ABSTAINED								0
ABSENT					X			1

- **Ordinance No. 2012-05 – Procurement Ordinance Amendment** – Executive Lemon said this allows the county to include the CM/GC (Construction Manager/General Contractor) procurement process. Council member Yeates asked for a clarification of the CM/GC method.

Zan Murray explained the benefits of using the CM/GC procurement process including identifying risks, more accurate pricing and less likelihood of design changes. Lemon stated he feels good with this approach.

Clerk Zollinger pointed out a typographical error on the front page and an error in the effective date. Chairman Buttars directed that the third and fourth whereas clauses should be stricken and the effective date should be May 09, 2012.

**(Attachment 5)**

**ACTION: Motion by Council member Zilles to waive the rules and approve Ordinance No. 2012-05 – Procurement Ordinance Amendment – with the changes as discussed. Petersen seconded the motion. The vote was unanimous, 6-0. White absent.**

**Ordinance No. 2012-05:** The vote was 6-0. White absent

	<u>BUTTARS</u>	<u>POTTER</u>	<u>PETERSEN</u>	<u>ROBISON</u>	<u>WHITE</u>	<u>YEATES</u>	<u>ZILLES</u>	<u>VOTES CAST</u>
AYE	X	X	X	X		X	X	6
NAY								0
ABSTAINED								0
ABSENT					X			1

- **Armor Storage CUP Expansion – Curtis Knight requesting approval of a conditional use permit to allow expansion of an existing storage facility on 9.33 acres in the Agricultural (A-10) Zone located approximately 4400 South Hwy 165, between Nibley and Hyrum** – Chris Harrild indicated the Planning

Commission had no major concerns and staff recommends approval based on the Findings of Fact No. 2 disallowing open storage.

**(Attachment 6)**

**ACTION: Motion by Council member Yeates to approve the Armor Storage CUP Expansion as recommended by Development Services. Robison seconded the motion. The vote was unanimous, 6-0. White absent.**

- **Tax Deferral Requests** – Executive Lemon explained there will be no waiver of penalties or interest and the taxes will be paid by the end of the year and recommends approval. *(Details are on file in the office of the Cache County Auditor.)*

**ACTION: Motion by Vice Chairman Potter to approve the two tax deferral requests. Yeates seconded the motion. The vote was unanimous, 6-0. White absent.**

**OTHER BUSINESS**

- ✓ **Hearing Officer – Board of Equalization–April 25, 2012-1:30 p.m. to 4:00 p.m.** – Executive Lemon asked for a Council member to attend the Board of Equalization hearings. Robison will attend the 2:00 p.m. hearing and Yeates will attend the 2:30 p.m. hearing.
- ✓ **Cache County ad Logan City Joint Council Meeting – May 26, 2012-5:30 p.m.** – Items for the agenda will be possible RAPZ/Restaurant Tax funding for the zoo and air quality. The meeting will be held in the Council Chambers at 199 North Main.

As a side note, Executive Lemon said that if a special session of the legislature is called, Senator Hillyard will propose allowing Cache County to postpone putting the RAPZ/Restaurant question on the ballot this year.

- ✓ **Davenport Road** – Council member Petersen asked if it is the intention of the county to wait for a judgment of the court on Davenport Road? Council members said it is.
- ✓ **Zoo – RAPZ/Restaurant Tax** – Vice Chairman Potter said he attended the Public Hearing Logan City held concerning the Zoo and committed to work with the RAPZ/Restaurant Tax Committee to try to increase the amount given to the zoo and asked whether the Council would consider changing the ordinance to give more RAPZ/Restaurant Tax funding to the Zoo?

Council member Robison reminded Potter that it was Logan City who proposed taking over the management of the zoo, not the county. If Logan City wants help with the zoo, why not ask Logan to help with the Fairgrounds?

Lemon said that in 2003 the original ordinance said that all of the RAPZ/Restaurant Tax recipients should use the funding to enhance facilities and the county did not want Logan City to withdraw its funding of the zoo

which is what it has done. Lemon asked if Cache County raises the percentage allotted to the zoo, will Logan City come up with a comparable figure? Potter said he believes they will. Robison asked where that funding will come from if Logan City is saying it can't fund the zoo now, how could it come up with the money to match the county's? Potter said there are opportunities for some outside funding.

Petersen agreed with Robison that it is hard to put aside the history of the zoo issue and noted that Logan submitted the standard 10% request for RAPZ/Restaurant Tax funding with no mention of needing more so the Committee has no formal basis on which to consider the request.

Council member Zilles said it has been extremely difficult to track how the RAPZ/Restaurant Tax money has been used by Logan City because for years it went into the General Fund.

Council member Yeates remarked that all Cache County has seen from Logan City is a decrease in their contribution to the zoo.

Petersen said it would help if Logan City would say how much more they would ask to be given. Cache County already stepped up once by allowing Logan to use the RAPZ/Restaurant Tax funding for operations.

#### **COUNCIL MEMBER REPORTS**

**Val Potter** said there will be an Employee Compensation Workshop prior to the May 8, 2012 Council meeting. There will be some recommendations from the committee at that time.

**Cory Yeates** reminded the Council of the whooping cough outbreak and urged those over forty to get a booster shot.

#### **ADJOURNMENT**

The Council meeting adjourned at 7:37 p.m.

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

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**APPROVAL:** Craig "W" Butters  
Chairman

BEFORE THE BOARD OF EQUALIZATION  
OF CACHE COUNTY

IN RE: The matter of the Application )  
for exemption from property )  
taxation of IHC HEALTH ) FINDINGS AND DETERMINATION  
SERVICES, INC., for the ) FOR TAX YEAR 2012  
LOGAN REGIONAL )  
HOSPITAL. )

This matter came before the Board of Equalization of Cache County, Utah on April 10, 2012 on the verified application for property tax exemption submitted by IHC HEALTH SERVICES, INC., for the LOGAN REGIONAL HOSPITAL.

**FINDINGS**

Based upon the verified application and matters presented to the Board of Equalization at its hearing on April 10, 2012 and other materials presented to it, the Board of Equalization finds that:

1. IHC HEALTH SERVICES, INC., is the owner of record of the Logan Regional Hospital which is located on the real property described in the attachments "Exhibit A", "Exhibit B" listing vehicles and other parcels of property described therein. Supplementary information attached and described as "Exhibit C" Charity Plan and "Exhibit D" Logan Regional Hospital taxable space.
2. Val K. Potter and Craig "W" Buttars, members of the Board of Equalization, met with the owner's representatives on April 10, 2012 and reviewed the application of the owners and relevant facts and standards. The County Auditor, Tamra Stones and County Assessor, Kathleen Howell, attended to respond to questions regarding appraisals of real and personal property issues.

3. It was recommended that some exemption be granted to the applicant for the Tax Year 2011 on the basis that IHC HEALTH SERVICES, INC., and the Logan Regional Hospital property qualify for exemption from the property tax under Standards I, II, III, IV, V, and VI as promulgated by the Utah State Tax Commission on December 18, 1990, and as delineated by the Utah Supreme Court in its decision dated September 1, 1994, in a case appealed to that Court by the Cache County Assessor and the Salt Lake County Assessor from decisions of the Board of Equalization of their respective counties.
4. The total market value is disclosed on the parent parcel (historical parcel number) which has been marked 100% tax exempt. But we recognize that there are for profit activities performed on the hospital campus and these taxable market values have been determined based on the annual statement for continued tax exemption provided from IHC HEALTH SERVICES, INC. and Logan Regional Hospital, further these for profit activities have been reported on a shadow parcel number.  
(See Exhibit A)
5. Qualifying personal property details submitted to the County Assessor are due by May 15, 2012 and will also be exempted.
6. The Board of Equalization in a public meeting held April 24, 2012, upon lawful notice, met and approved the requests for tax exemption as contained in these findings.

**DETERMINATION**

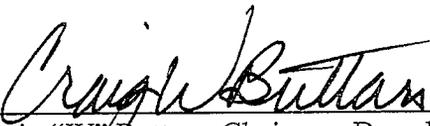
The Board of Equalization of Cache County, Utah, determines that:

IHC HEALTH SERVICES, INC., is hereby granted an exemption from property taxes for portions of the real property described in the attached "Exhibit A" which is used for the Logan Regional Hospital, its Medical Office Building-Surgical Center, its Home Health Agency, its Day Care Center, Women's Center and Cancer Center and the personal property filed separately and vehicles on "Exhibit B" listed therein for the Tax Year 2012.

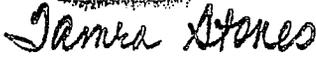
The foregoing findings were approved by the following votes by the members of the Board of Equalization on April 24, 2012.

COUNCIL MEMBER	IN FAVOR	AGAINST	ABSENT
Craig "W" Buttars	X		
H Craig Petersen	X		
Val K. Potter	X		
Kathy Robison	X		
Jon White			X
Cory Yeates	X		
Gordon A. Zilles	X		

These findings and determination are approved as written this 24th day of April, 2012.

  
\_\_\_\_\_  
Craig "W" Buttars, Chairman Board of Equalization

Attested To:



\_\_\_\_\_  
Tamra Stones, Clerk of Board of Equalization



JAMES F. WOOD  
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February 23, 2012

CERTIFIED MAIL - RETURN RECEIPT

Clerk, Cache County Board of Equalization  
Cache County Courthouse  
179 N. Main Street  
Logan, Utah 84321

Re: Logan Regional Hospital Property Tax Exemption

Dear Sir or Madam:

Pursuant to Sections 59-2-1101 and 59-2-1102 of the Utah Code Annotated, enclosed is an Annual Statement for Continued Property Tax Exemption relating to real and personal property, including vehicles, owned by IHC Health Services, Inc. in Cache County and associated with Logan Regional Hospital.

Should you have any questions about the Annual Statement, please contact me directly.

Respectfully,

A handwritten signature in black ink that reads 'James F. Wood'. The signature is written in a cursive style with a large initial 'J' and 'W'.

James F. Wood

JFW:jh  
Enc.

cc: Douglas J. Hammer, Esq.  
Tamra Stones, County Auditor  
Alan Robinson  
Cynthia Boshard

**Annual Statement for  
Continued Property Tax Exemption**

**UCA §59-2-1101 and 1102  
Form PT-21**

**General Information**

Name of organization applying (must be record Owner of property)

IHC Health Services, Inc. ("Intermountain Healthcare"), the record owner of improved real property and personal property, known as Logan Regional Hospital (the "Hospital")

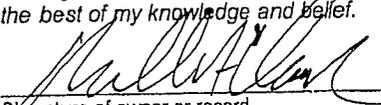
Address 500 East 1400 North			Current tax year 2012
City Logan	State UT	Zip Code 84341	Tax year of original exemption 1992
Authorized Representative Michael Clark			Telephone Number (435) 716-1000
Contact Person James F. Wood			Telephone Number (801) 930-5309
Property location, including county See attached Addendum and Exhibits			Parcel, account or serial number.

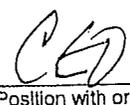
**Questions**

- Has there been any change in the use of this property since January 1 of last year?.....  Yes  No  
If yes, describe: \_\_\_\_\_
- Does any person or organization conduct business for profit on the property listed above?....  Yes  No  
If yes, describe the use and give the name and address of the property user: Women's Health Center - leasing 14,682 sq. ft. to Budge Clinic; Regional Medical Arts Building - leasing 20,215 sq. ft. to physicians; Cancer Center - leasing 2,209 sq. ft. to a physician; Connector Building - leasing 4, 637 sq. ft. to physicians.
- Does any organization use the real property listed above and pay a fee greater than the cost of maintenance and utilities?.....  Yes  No  
If yes, describe the use and give the name and address of the property user: Budge Clinic Medical Group and other physicians all pay rent for their respective spaces.
- Is any personal property at this location being leased or rented from someone else?.....  Yes  No  
If yes, list the name and address of the owner and the type, make, model and serial number of the property: \_\_\_\_\_

**Certification**

I certify that all the information hereon, including any accompanying statements or documents, is true, correct and complete to the best of my knowledge and belief.

 \_\_\_\_\_  
 Signature of owner or record or owner's authorized representative

 \_\_\_\_\_  
 Position with organization

\_\_\_\_\_  
 Date

2-15-12



# Intermountain

## LOGAN REGIONAL HOSPITAL

*Healing for Life™*

ADDENDUM  
TO ANNUAL STATEMENT  
FOR CONTINUED PROPERTY TAX EXEMPTION  
AS OF JANUARY 1, 2012

1. The original application for exemption was filed with the Cache County Board of Equalization (the "Board"), and as a result thereof, the real and personal properties of the Hospital were exempted on January 14, 1992. The original application is by reference incorporated herein. Pursuant to existing law, the Hospital has filed an Annual Statement for Continued Property Tax Exemption with the County as of January 1 of each year since 1993 identifying its real and, if requested, its personal property. It also described the use of such property as of January 1 of each year, whether exempt or taxable.
2. The real and personal properties which are the subject matter of this Annual Statement are used as of January 1, 2012, exclusively to provide hospital care, promote health care, provide health related assistance, and for other charitable purposes.
3. Because the personal property associated with the Hospital is constantly changing as the result of acquiring new equipment, disposing of antiquated equipment, fluctuating stocks of supplies, etc., and because of the sheer volume of a complete listing, the Hospital has not attached a listing of all of the personal property used by the Hospital. However, such a listing was filed with the Board in the original application. If the County desires a detailed listing of all personal property used by the Hospital, such a listing will be provided upon request.
4. The use of said real and personal property has not changed, except as reflected in Exhibit A, since the above stated application was filed and the properties were exempted from real and personal property taxes by the County.
5. Intermountain Healthcare does not have shareholders or other persons having a personal or private pecuniary interest in the activities of the organization or the Hospital. The compensation of officers, employees, independent contractors and suppliers is reasonable in relation to "arms-length" compensation or prices paid in the relevant market for comparable positions, goods or services.

6. There is no residential use of the above described properties except as described in the original application or as identified on Exhibit A.
7. Any personal property used outside the Hospital premises or its satellite facilities, if any, or used for any purpose other than the purpose for which the real property is exempted, or leased to or from any other individual or agency has been or will be reported to the County Assessor.
8. The Hospital's use of the real and personal property that is the subject of this Annual Statement continues to comply with the provisions of Article XIII, Section 2 of the Utah Constitution and the following requirements established by the Tax Commission Standards:

A. Organization -- The Hospital continues to be organized on a nonprofit basis to provide hospital care, promote health care, and provide health related assistance to the general public. The Hospital's property is dedicated to its charitable purpose, and upon dissolution, its assets are distributable only for exempt purposes under Utah law, or to the government for a public purpose; none of its revenues may benefit any individual. The Hospital is governed by volunteer trustees who represent the community and serve without compensation. These trustees hold the Hospital's assets in trust for the benefit of the community.

B. No Private Inurement -- None of the net earnings of the Hospital and no donations made to the Hospital inure to the benefit of private shareholders or other individuals, as the private inurement standard has been interpreted under Section 501(c)(3) of the Internal Revenue Code. The Hospital utilizes all of its revenue for hospital and health care purposes. The Hospital does not divert any of its net revenue to individuals by paying excessive wages, salaries, or charges; all wages, salaries and other payments meet federal tax standards for "reasonableness."

C. Availability of Service -- The Hospital (a) admits and treats members of the public without regard to race, religion, or gender; (b) provides hospital services, including admission to the Hospital, based on the clinical judgment of the physician and not upon the patient's financial ability or inability to pay for services; and (c) continues to provide hospital services for no charge, or for a reduced charge in accordance with ability to pay, to indigent persons who, in the judgment of the admitting physician, require services generally available at the Hospital. The Hospital continues its efforts to affirmatively inform the public of its open access policy and the availability of its services to the indigent.

D. Public Interest -- The Hospital's policies continue to integrate and reflect the public interest. The Hospital's governing board has broad-based membership from the community, as required by federal tax law. Health care professionals, government leaders, business people, and religious leaders, among others, continue to work as trustees without pay. The Hospital will continue to confer with the County Board of Equalization or its designee concerning the community's clinical hospital needs that might be

appropriately addressed by the Hospital. The Hospital will file with the Board a copy of its 2012 "Charity Plan" on or about July 1, 2012, to ensure compliance with Tax Commission Standards III, IV and V,

E. Total Gift to the Community -- In 2011, the Hospital's total "gift to the community," as referenced in Utah County v. Intermountain Health Care, Inc., 709 P.2d 265, 269 (Utah 1985), and as defined in the Tax Commission Standards, which standards were reviewed and approved by the Utah Supreme Court in Howell v. County Board of Cache County, 881 P.2d 880 (Utah 1994), exceeded on an annual basis its property tax liability. The Hospital continues to provide free care for indigents, discounts for patients entitled to government assistance, community education, professional education and training, community public health tests, volunteer service, and donations of money for medical equipment. The Hospital believes that its gift to the community in 2012 will again far exceed the Hospital's estimated property tax liability.

F. Off-Site Facilities -- Satellite health-care facilities located within the County, if any, enhance and support the Hospital's mission and all real and personal property located at such satellite health-care facilities should be exempt from property taxes. The Hospital, together with Intermountain Healthcare and the other hospitals in the Intermountain Healthcare system, continue to work constantly to achieve economies of scale and save money. These savings, in turn, allow the Hospital to provide both a broader range of health care services and more specialized medical services than would otherwise be possible.

BOARD OF EQUALIZATION  
APRIL 24, 2012

# EXHIBIT A

# EXHIBIT A Real Property Schedule

ANNUAL STATEMENT  
TAX YEAR  
2012

LOGAN REGIONAL HOSPITAL  
CACHE COUNTY

REAL PROPERTY PARCEL NO.	SITE OR COMPLEX (HOSPITAL) NAME	NAME OR IDENTITY OF BUILDING	EXEMPT BASIS STANDARDS	REAL PROPERTY CURRENT VALUE w/o Exemption	EXEMPTION %	TAXABLE VALUE w/ Exemption	TAX RATE	PROJECTED TAX
04-083-0018	Logan - 18th-20th N	Vacant land, 40 ac. (Greenbelt)		3,599,988	0%	24,920	0.011160	278.10
05-016-0001	Logan	Day Care for benefit of Hospital employees	ABCDS	Exempt	100%	0		Exempt
05-016-0028	Logan	Hospital and Land	ABCDE	Exempt	100%	0		Exempt
05-016-0029	Logan Regional Med Arts/Surgical Center	Total Parcel Value	ABCDE	5,727,439	51%	2,806,445		
05-016-0029	Medical Arts/Surgical	Exempt Portion	ABCDE	2,920,994	100%	0	0.012941	0.00
05-500-0029	Medical Arts/Surg (Shadow Parcel)	Taxable Portion	ABCDE	2,806,445	0%	2,806,445	0.012941	36,318.20
05-016-0043	Logan	Hospital Parking	ABCDE	1,285,900	100%	0	0.012941	0.00
05-016-0086	Logan Medical Center, Unit G	Home Health Agency	ABCDES	168,061	100%	0	0.012941	0.00
05-016-0091	Logan Medical Center, 550 E 1400 N #K1b	Hospital Dialysis	ABCDE	96,476	100%	0	0.012941	0.00
05-016-0092	Logan Medical Center, 550 E 1400 N #K2b	Hospital Dialysis	ABCDE	105,231	100%	0	0.012941	0.00
05-016-0093	Logan Medical Center, 550 E 1400 N #L	Hospital space for Patient Services	ABCDE	149,548	100%	0	0.012941	0.00
05-016-0094	Logan Medical Center, 550 E 1400 N #M	Condo - Vacant		141,401	0%	141,401	0.012941	1,829.86
05-016-0099	Logan Medical Center, 550 E 1400 N #S	Condo - Vacant		150,630	0%	150,630	0.012941	1,949.30
05-016-0104	Logan Medical Center, 550 E 1400 N #W	Condo - Pediatric Rehabilitation	ABCDE	248,937	100%	0		Exempt
05-016-0105	Logan Medical Center, 550 E 1400 N #X	Condo		188,040	0%	188,040	0.012941	2,433.42
05-016-0106	Logan Medical Center, 550 E 1400 N #Y	Condo		200,197	0%	200,197	0.012941	2,590.72
05-016-0109	Logan Medical Center, 550 E 1400 N #K3	Hospital Dialysis	ABCDE	542,731	100%	0	0.012941	0.00
05-016-0112	Building and Land - connects parts of Hospital and other facilities	Total Parcel Value	ABCDE	5,563,880	75%	1,390,970		
05-016-0112	Connector	Exempt Portion	ABCDE	4,172,910	100%	Exempt		Exempt
05-500-0112	Connector (Shadow Parcel)	Taxable Portion		1,390,970	0%	1,390,970	0.012941	18,000.54
05-016-0113	Women's Center - 97179 square feet	Total Parcel Value	ABCDE	29,662,893	85%	4,449,434		
05-016-0113	Women's Center	Exempt Portion	ABCDE	25,213,459	100%	Exempt		Exempt
05-500-0113	Women's Cent (Shadow Parcel)	Taxable Portion		4,449,434	0%	4,449,435	0.012941	57,580.14
05-016-0114	Cancer Center - 1.95 ac	Total Parcel Value	ABCDE	3,898,142	74%	1,013,517		
05-016-0114	Cancer Center	Exempt Portion	ABCDE	2,884,625	100%	Exempt		Exempt
05-500-0114	Cancer Center (Shadow Parcel)	Taxable Portion		1,013,517	0%	1,013,515	0.012941	13,115.90
<b>TOTALS</b>				<b>96,581,848</b>		<b>20,025,919</b>		<b>134,096.18</b>

LEGEND: EXEMPTION BASIS  
A = INDIGENT CARE  
B = COMMUNITY ED. SERVICE  
C = MEDICAL DISCOUNTS

D = DONATIONS OF TIME  
E = DONATIONS OF MONEY  
S = SATELLITE

BOARD OF EQUALIZATION  
APRIL 24, 2012

# EXHIBIT B

VIN	Mileage	License Plate	YEAR	Make Name	VIN Model	Vehicle Category	Model Year	Model Name	Asset Type
1GCEK14H4DF307325	50500	9681 BA	1983	BLUE SHORTY	CHEVROLET	GROUND	1983	PICK UP	TRUCK LD
1N6ND11S8KC324120	142176	118 GKE	1989	RED TRUCK	NISSAN	ENGINEERING	1989	PICK UP	TRUCK LD
1FMHE21H1MHB14452	40811	829 GVZ	1991	FORD	CLUB WAGON	CHILD CARE	1991	ECONOLINE VAN	VAN
4T1SV21EXMU304947	168912	704 EAR	1991	TOYOTA	CAMRY	ENGINEERING	1991	CAMRY DELUXE	CAR
1FTJE34H5SHA87860	22217	415 HNK	1995	FORD	VAN	HS TO B	1995	E34 CARGO VAN	VAN
2FTHE26H3SCA18921	24718	178 HJP	1995	SNOW WHITE	FORD	GROUND	1995	F26 PICKUP 4X4	TRUCK LD
1GCEK14M4TZ217215	205629	754 JZP	1996	GREEN TRUCK	CHEVROLET	ENGINEERING	1996	CK10903 P/U 4X4	TRUCK LD
1FAFP53U12G167680	119113	107 LRV	2002	FORD	TAURUS 6	ENGINEERING	2002	TAURUS SE FLE P53	CAR
1FAFP53UX3G150667	115085	295 MBD	2003	FORD	TAURUS 7	ENGINEERING	2003	TAURUS SE FLE P53	CAR
1D4GP45R25B315163	50288	675 VMN	2005	DODGE	CARAVAN	COURIER	2005	RSKH52 CARAVAN	VAN
1FAFP53U75A201161	97841	517 MXT	2005	FORD	TAURUS 9	ENGINEERING	2005	TAURUS SE (10 P53)	CAR
1FAFP53U16A176890	75507	863 NLL	2006	FORD	TAURUS 10	ENGINEERING	2006	TAURUS SE (10 P53)	CAR
1GTHK24U97E133648	8965	650 PBY	2007	Betty White	GMC	GROUND	2007	TK25903 SIERRA 2500H	TRUCK LD
3FAHP07148R172126	39097	A079BD	2008	FORD	FUSION 11	ENGINEERING	2008	FUSION SE V6 P07	CAR
1FAHP24W49G109824	21630	A262RC	2009	FORD	TAURUS 12	ENGINEERING	2009	TAURUS SEL (1 P24	CAR
3FAHP0GA6AR271052	6122	Z66 3SD	2010	FORD	FUSION 13	ADMINISTRATION	2010	FUSION S P0G	CAR
JHMEC5722HS001215	95208	445 MAH	1987	HONDA	CIVIC	CLINICAL ENGINEERING	1987	CIVIC	CAR
1FAHP2DW7BG138045		B39 9PM	2011	FORD	TAURUS 14	ADMINISTRATION		Transit	van
		TEMP	2012	FORD	Transit 15	CLINICAL ENGINEERING		TAURUS	
		TEMP	2012	FORD	FUSION 16	ADMINISTRATION			
3FAHP0GA7CR276831									

BOARD OF EQUALIZATION  
APRIL 24, 2012

# EXHIBIT C



Intermountain  
Healthcare

*Healing for life<sup>SM</sup>*

Logan Regional Hospital

**2012 CHARITY PLAN**

AND

REPORT OF 2011 CHARITABLE ACTIVITIES



## INTRODUCTION

The members of the Governing Board and the administration of LOGAN REGIONAL HOSPITAL (hereafter the "Hospital"), and representatives, including the Board of Trustees, of INTERMOUNTAIN HEALTHCARE HEALTH SERVICES, INC. (hereinafter "Intermountain") respectfully submit to the Cache County Commission, in its role as the Board of Equalization for Cache County, this "2012 Charity Plan and Report of 2011 Charitable Activities" (hereinafter the "Plan").

Section I of the Plan sets forth the Utah State Tax Commission's *Nonprofit Hospital and Nursing Home Charitable Property Tax Exemption Standards* (hereafter referred to individually as a "Standard" and collectively as the "Hospital Tax Exemption Standards"), first established by the Utah State Tax Commission on December 18, 1990, and thereafter upheld as constitutional by the Utah Supreme Court in the 1994 case of *Howell v. County Bd. ex rel. IHC Hospitals*, 881 P.2d 880 (Utah 1994).

Section II of the Plan demonstrates how the Hospital's policies, procedures, and operations conform to the Hospital Tax Exemption Standards, thereby qualifying the Hospital for exemption from property tax. In particular, this Section illustrates how the policies, procedures, and practices of Intermountain and the Hospital integrate and reflect the public interest, ensure that patients are admitted without regard to their race, religion, or gender, and that low-income and uninsured people in the community are aware of and have access to generally available and medically necessary healthcare if they are unable to pay for such care. Moreover, this Section provides the relevant accounting and other data necessary to demonstrate that the Hospital's "gift to the community," as that term is used and defined by Standard V, is sufficient to qualify for property tax exemption. Intermountain and the Hospital certify with the submission of this Charity Plan that the Hospital is presently in compliance with, and intends to continue in compliance with, all of the Hospital Tax Exemption Standards, as well as any other applicable laws and regulations relating to property tax exemption.

Section III of the Plan addresses the Hospital's ongoing efforts to conform to Standards III and IV of the Hospital Tax Exemption Standards, part of which is the preparation and submission of this Charity Plan to the County.

### SECTION I

#### HOSPITAL TAX EXEMPTION STANDARDS

As the result of litigation in the mid 1980s, and after conferring with county assessors, other county representatives, non-profit hospitals, nursing homes, and for-profit hospitals, the Utah State Tax Commission developed and issued on December 18, 1990, the *Nonprofit Hospital and Nursing Home Charitable Property Tax Exemption Standards*. The Hospital Tax Exemption Standards were the Utah State Tax Commission's attempt to promulgate uniform standards that could be applied fairly and efficiently to all taxpayers. In the Utah Supreme Court case of *Howell v. County Bd. ex rel. IHC Hospitals*, 881 P.2d 880 (Utah 1994), county assessors in three separate Utah counties challenged the Hospital Tax Exemption Standards, claiming that they were unconstitutional. In the *Howell* case, the Utah Supreme Court upheld the

constitutionality of the Hospital Tax Exemption Standards. Hence, the Hospital Tax Exemption Standards became the baseline for determining whether a non-profit hospital is entitled to exemption from property tax. By way of review, the Hospital Tax Exemption Standards, along with the Utah State Tax Commission's commentary on the same, are set forth in the balance of this Section I.

**Standard I – Organization:** “The institution owning the property for which the exemptions is sought must establish that it is organized on a non-profit basis to (a) provide hospital or nursing home care, (b) promote healthcare, or (c) provide health related assistance to the general public. The institution's property must be dedicated to its charitable purpose, and upon dissolution its assets must be distributable only for exempt purposes under Utah law, or to the government for a public purpose.” *Utah State Tax Commission Property Tax Exemptions Standards of Practice, Appendix 2D, Nonprofit Hospital and Nursing Home Charitable Property Tax Exemption Standards* (Utah State Tax Commission, Property Tax Division, December 18, 1990 / Revised May 2011).

*Comments:* An institution needs to show that it is properly organized and operating in good standing under appropriate Utah law governing non-profit organizations. Instruments of organization and operation should reflect the healthcare-related purpose for which the institution is organized and contain the appropriate limitations on asset distribution.

**Standard II – Private Inurement:** “The institution owning the property for which the exemption is sought must establish that none of its net earnings and no donations made to it inures to the benefit of private shareholders or other individuals, as the private inurement standard has been interpreted under Section 501(c)(3) of the Internal Revenue Code.” *Id.*

*Comments:* Compliance with and operation under the provisions of Section 501(c)(3) creates a rebuttable presumption that an institution's operations are reasonable. An institution is required to provide the following: (a) signed statements and financial statements showing all revenue and expenditures and describing the uses to which revenue has been put, and the amount, nature and uses of donated funds; (b) proof of federal tax exempt status under section 501(c)(3) of the Internal Revenue Code; (c) signed statement or other evidence that payments made to officers, employees, contractors and suppliers are reasonable and not a covert means of making payments to private persons.

**Standard III – Availability of Service:** “The institution owning the property for which the exemption is sought must establish: (a) that it admits and treats members of the public without regard to race, religion or gender, (b) that hospital or nursing home service, including admission to the institution, is based on the clinical judgment of the physician and not upon the patient's financial ability or inability to pay for services, and (c) that indigent persons who, in the judgment of the admitting physician, require the service generally available at the hospital or nursing home, receive those services for no charge or for a reduced charge, in accordance with their ability to pay. The institution must also provide evidence of its efforts to affirmatively inform the public of its open access policy and the availability of services for the indigent.” *Id.*

*Comments:* The open access requirements outlined in this standard must be established as a formalized policy of the institution. More importantly, however, are the efforts of the institution to inform the public of the open-access policy. This requirement is particularly important with regard to services for the indigent. The exempt institution must provide evidence of its efforts to affirmatively inform the public of the availability of these services.

**Standard IV – Public Interest:** “The institution owning the property for which the exemption is sought must establish that its policies integrate and reflect the public interest. A rebuttable presumption of compliance with this standard is assumed if it is shown that (a) the institution’s governing board has a broad based membership from the community served by the institution, as required by federal tax law, (b) the institution confers at least annually with the county board of equalization or its designee concerning the community’s clinical hospital needs that might be appropriately addressed by the institution, and (c) the institution establishes and maintains a “charity plan” to ensure compliance with Standard III and Standard IV. However, all policy decisions relating to the institution’s governance and operations shall remain under the direction of the institution’s governing body.” *Id.*

*Comments:* Judicial decisions on property tax exemptions highlight the importance of charitable institutions contributing to the common good. In addition, the courts have indicated that charitableness must require an element of “gift” and has stated that such a gift may be met through the lessening of a governmental responsibility. In meeting this standard, the membership and operation of governing boards is important. Governing boards should have a broad based membership and function in a generally open atmosphere. Where governing boards of individual institutions are part of a larger corporate structure, there must also be evidence that the corporate board incorporates the interest of individual governing boards into its policies. There should also be a showing that the exempt institution seeks to address the healthcare needs of the community. The standard imposes a requirement that the institution confer at least annually with the county officials to assess the clinical hospital needs of the community, which might be addressed by the institution. In addition, the institution must develop a “charity plan” to ensure compliance with Standard III (open access requirement) and Standard IV (the public interest requirement). Two important points of caution: First, the term “community” may well be narrower or broader than an individual county’s geographic boundaries. Efforts to meet charitable standards are not disqualified simply because they involve rendering services outside a specific county’s boundaries or to non-residents of a specific county. Second, all policy decisions relating to the governance and operation of the institution are ultimately under the direction of the institution’s governing board. For example, a county may not require as a condition of exemption that a non-profit hospital fund specific programs.

**Standard V – Gift to the Community:** “The institution owning property for which exemption is sought must establish that its total gift to the community exceeds on an annual basis its property tax liability for that year. The Utah Supreme Court has defined “gift to the community” as follows: “A gift to the community can be identified either by a substantial imbalance in the exchange between the charity and the recipient of its services or in the lessening of a government burden through the charity’s operation.” [*Utah County v. Intermountain Health Care, Inc.*, 709 P.2d 265, 269 (Utah 1985)]. The following quantifiable activities and services are to be counted towards the non-profit entity’s total gift to the community:

- **Indigent Care:** The reasonable value of the hospital’s unremimbursed care to medically indigent patients. The term “medically indigent” refers generally to patients who are financially unable to pay for the cost of the care they receive. *Measurement:* The value of the institution’s unreimbursed care to patients, as measured by standard charges, reduced by the average of reductions afforded to all patients who are not covered by government entitlement programs, plus expenses directly associated with special indigent clinics.
- **Community Education and Service:** The reasonable value of volunteer and community service (including education and research) rendered for and by the hospital or nursing home. *Measurement:* unreimbursed expense. “Unreimbursed expense” is defined as the

identifiable costs and expenses incurred by an institution in performing a specific service, including any overhead attributable to the service, less any reimbursement for the service from recipients, government or any other source. Overhead does include any capital costs for buildings or equipment unless purchased or built solely for the activity in question. Community education does not include in-house training for employees.

- **Medical Discounts:** The reasonable value of unreimbursed care for patients covered by Medicare, Medicaid, or other similar government entitlement programs. Measurement: The difference between (a) standard charges, as reduced by the average of reductions afforded to all patients who are not covered by government entitlement programs, and (b) actual reimbursement.
- **Donations of Time:** The reasonable value of volunteer assistance donated by individuals to a non-profit hospital or nursing home. Measurement: Volunteer hours times a reasonable rate for services performed.
- **Donations of Money:** The value of monetary donations given to a non-profit hospital or nursing home. Measurement: Where donations are spent on depreciable items, the value of the gift should be amortized over the useful life of facilities purchased; where donations are spent on patient care and non-depreciable items, the full amount of the donations should be counted in the year of donation; and where donations are retained and invested, annual capital appreciation from the donation should be counted towards the gift.

The institution's charitable gift to the community also includes the community value, whether or not precisely quantifiable, of (a) the operation of tertiary care units or other critical services or programs that may not otherwise be offered to the community, or (b) the continued operation of hospitals where revenues are insufficient to cover costs, such as a primary care hospital in a rural community.

*Comments: Standard V outlines general categories of qualifying activities. It is not meant as an exhaustive listing. Institutions seeking exemption are required to show: (a) accounting data establishing the amount and value of unreimbursed care to medically indigent persons, and subsidized patients; (b) accounting data establishing the unreimbursed value of community education and service programs, including research and professional education programs; (c) accounting data establishing the amount and uses of volunteer time and donated funds; and (d) descriptions of intangible or unquantifiable community gifts. Standard V does not specify how those activities classified as intangible or unquantifiable are to be measured. That issue will be examined on a case-by-case basis.*

**Standard VI – Satellite Healthcare and Centralized Support Facilities:** Satellite healthcare facilities and centralized support facilities are entitled to property tax exemption if it is shown that such facilities enhance and improve the governing hospital's mission. These facilities should be tested as part of the hospital or nursing home that operates the support facility.

*Comments: Property tax exemption standards should not mandate operational inefficiencies. Where it is shown that a non-profit facility better meets its stated mission through the existence of these facilities they may be included in the governing hospital or nursing home's exemption. The exemption does not apply to off-site facilities which are not directly related to the specific mission of the institution, such as individual physicians' offices.*

**SECTION II**  
**APPLICATION OF HOSPITAL TAX EXEMPTION STANDARDS**  
**TO INTERMOUNTAIN'S ACTIVITIES**

As set forth below, Intermountain and the Hospital have met, and continue to meet, all of the Hospital Tax Exemption Standards, thereby qualifying the Hospital for a continuing "exclusive use" property tax exemption as defined under section 59-2-1101(1)(b) of the Utah Code Annotated.

1. **Standard I - Organization.** Intermountain is the owner of the Hospital, is duly organized in the State of Utah as a non-profit corporation and is recognized by the Internal Revenue Service as a 501(c)(3) organization. The Trustees have operated, and will continue to operate, the Hospital on a non-profit basis to promote healthcare and devote all revenue and donations to or for hospital and healthcare purposes.

2. **Standard II - Private Inurement.** Intermountain is in compliance with the IRS' private inurement standard. Intermountain is organized as a 501(c)(3) non-profit corporation which has no shareholders, and thus pursuant to its organizational documents and the rules under which the Internal Revenue Service has granted Intermountain the status of a tax-exempt non-profit entity, Intermountain is prohibited from distributing to private shareholders or other individuals any of Intermountain's net earnings and donations received from the public.

Not only does Intermountain have no shareholders who receive dividends or other private inurement, but Intermountain also complies with the IRS' private inurement standard by ensuring that the compensation and salaries paid to Intermountain's employees are reasonable and at a level comparable to the median level for jobs in the healthcare industry. Intermountain is able to set reasonable salaries by reliance on a periodic review of approximately 20 national salary surveys purchased from independent national consulting companies who sponsor both healthcare and non-healthcare compensation surveys. Intermountain also engages, from time to time, independent outside compensation consultants to review and recommend compensation levels for specific employee classifications such as hospital management jobs. Compensation levels and annual salary increases are also reviewed and approved annually by volunteer trustees to assure pay at Intermountain is fair and not excessive in relation to the market.

Moreover, Intermountain's hospitals are part of a large cooperative purchasing group, also a 501(c)(3) organization, which purchases products at reduced prices compared to prices if purchased independently. Because the health services industry is very competitive, prices are routinely monitored to assure that reasonable but not excessive prices are paid for goods and services. Strict policies are in place that prohibit any personal benefit to employees relating to or determined by purchases.

Thus, by not having private shareholders, by monitoring and setting salaries at the median level based on national surveys, and by participating in a cooperative purchasing group for hospital supplies and products, Intermountain is ensuring that none of the Hospital's earnings or donations inure to the benefit of private shareholders or other individuals as the Private Inurement Standard has been interpreted under Section 501(c)(3) of the Internal Revenue Code.

3. Standard III - Availability of Service. Intermountain's policies, practices and procedures dictate that the Hospital provide healthcare services on the basis of medical need, without regard to race, religion, gender, or ability to pay. Intermountain's policy is that an uninsured, low-income person will receive those services generally available at the Hospital for no charge or a reduced charge based upon such person's ability to pay if, in the judgment of the admitting physician, the services are available at the Hospital and the person requires that service. Intermountain actively communicates its charity care policy with those needing, or who have received, healthcare from Intermountain's facilities. Specifically, Intermountain has the following policies and procedures in place to inform those needing or receiving care from the Hospital about its charity care policy:

a. Intermountain's website lists, in both English and Spanish, (a) an explanation of its financial assistance program along with frequently asked questions, (b) a 1.800 number to call to talk to a financial assistance counselor, and (c) a link to the application form.

b. Intermountain (a) partners with non-Intermountain community clinics that offer primary care to uninsured and low-income patients (such as community health centers and other clinics); (b) supplies vouchers for diagnostic services to such clinics that document the lack of insurance and low-income of those patients receiving vouchers, and (c) when patients require additional services at Intermountain facilities, are assisted by the staff at such clinics to complete the financial assistance applications.

c. Throughout the public reception and registration areas in Intermountain hospitals and clinics, Intermountain makes available brochures, in both English and Spanish, that describe the financial assistance program, who qualifies, and how to apply.

d. Patients scheduled for hospital services (inpatient and outpatient) receive a call from an Intermountain employee to pre-register. Eligibility counselors screen for possible Medicaid or other government programs and begin the financial assistance application process over the phone.

e. Intermountain's eligibility counselors help patients complete the Intermountain financial assistance application whenever a patient requests help—before hospitalization, at time of service, or after receiving a bill.

f. Multiple signs are posted at registration areas, in private patient registration rooms, and in patient care areas which state, in both English and Spanish: *"At Intermountain Healthcare, we believe medically necessary healthcare services should be accessible to residents in the communities we serve regardless of ability to pay. If you don't have insurance or if you need help in paying for care, ask to speak with one of our eligibility counselors about Intermountain Healthcare's Financial Assistance Program. Financial assistance is available for qualifying patients."*

g. Intermountain's envelope that is sent with a bill to a patient for the payment of hospital or medical group clinic services, has a statement prominently placed on the outside back of the envelope that says, in both English and Spanish: *"Need help in paying your bill? Contact this facility, or for general questions, call our Financial Assistance Hotline at 1.800.442.1128."*

h. Intermountain's billing statements also include the following statement: *"Financial Assistance: Intermountain Healthcare is able to provide assistance to those who qualify. To determine if you qualify, please contact us at the number listed below. To determine eligibility, we will need the following information: (1) Your household income before taxes; (2) family size, and (3) outstanding medical debt."*

4. **Standard IV - Public Interest.** To ensure that Intermountain's policies integrate and reflect the public interest, the Hospital selects and organizes a Governing Board comprised of numerous individuals from the community serviced by the Hospitals, which individuals represent the diverse interests of the community. The current members of the Hospitals' Board are: Larry W. Carter, chair; Joyce Albrecht; Pam Allen; Todd A. Brown, MD; Jim Bylund; Michael A. Clark; Kevin R. Duke, DO; Nolan Gunnell; Anthony Hall; David A. Kirkman, MD; Shane R. Larson, MD; Jim Laub; Victor Mahoney; Larry W. Miller; Judith Sanchez; Douglas Swenson; Dennis Watkins; Bartley M. Weiss, MD; and Jon White.

In addition to a diverse and broad-based Governing Board, the Hospital confers at least annually with the County Board of Equalization, or its designee, concerning the community's clinical hospital needs that might be appropriately addressed by the Hospital. In the fall of 2009, Intermountain and the Hospital completed a community health needs assessment to identify health priorities in the communities served by its hospitals and clinics. The Hospital identified childhood obesity as a major health concern and developed annual goals to address that need. **The 2011 Community Benefit Initiative:** Assess baseline data collected in 2010 to measure childhood obesity in northern Utah and distribute findings to initiative stakeholders; develop a team and define goals based on the collected data; and implement a weight management program in at least six schools in northern Utah.

Results of the 2011 Initiative are that the Hospital staff completed the assessment of the baseline study of body mass index ("BMI") and eating/activity preferences of third graders within seven schools in northern Utah. The Hospital developed a team and defined goals based on the assessment. From those assessments, the Hospital developed "tailor made" obesity interventions for each of the seven schools using Intermountain's "8 to Live By" concepts as well as SelectHealth's StepExpress program. The results and updates of this community initiative were published in the local newspaper and efforts were recognized in an editorial published in the Logan Herald Journal. The initiative includes partnerships with 21 other organizations within northern Utah. Schools involved in this community initiative continue to search for best practices in implementing healthy school lunch and are beginning or increasing physical education programs.

And finally, Intermountain ensures that this annual Charity Plan is prepared and submitted to the County Board of Equalization as evidence of its ongoing desire and

commitment to ensure that Standard III, regarding Availability of Care, and Standard IV, regarding Public Interest, are addressed and met for this community.

5. **Standard V - Gift to the Community.** Intermountain's "gift to the community" exceeds by many, many times, its property tax liability on those properties where a property tax exemption has been granted. In accordance with Standard V, Intermountain provides herein the accounting data necessary to establish that the Hospitals' "gift to the community" meets and surpasses the requirements of Standard V.

a. **Charity Care.**<sup>1</sup> As provided by Standard V, Intermountain's total "gift to the community" includes the dollar value of healthcare that Intermountain provides to low-income and uninsured patients who are financially unable to pay for the care they receive. Intermountain provides Charity Care to people unable to pay for services provided in the Hospital for inpatient and outpatient services including, but not limited to: (a) medical services, (b) psychiatric care, (c) surgical services, (d) emergency care, and (e) other services such as lab, imaging, and pharmacy. **In the 2011 calendar year, the Hospital provided Charity Care of \$4,928,506 compared to \$4,770,962 in 2010.** The Hospital's 2011 Charity Care of \$4,928,506 exceeded the Hospital's potential property taxes by \$3,607,587. To reiterate, the Hospital's Charity Care represents the value of healthcare services provided to people who were financially unable to pay for such services. This Charity Care figure represents the Hospital's standard charges reduced by the average of reductions afforded to all patients who are not covered by government entitlement programs. Typically the amount paid after the discount is about 72 percent of billed charges, similar to the discounts commonly arranged with hospitals.

b. **Medical Discounts.** As provided by Standard V, Intermountain's calculation of its "gift to the community" also includes "medical discounts," defined under Standard V as the difference between (a) Intermountain's standard charges for services, reduced by the average of reductions afforded to patients who are not covered by government entitlement programs, and (b) Intermountain's actual reimbursement from government entitlement programs for those services. In 2011 the Hospital's Medical Discount was \$26,761,956 for Medicare and \$5,567,867 for Medicaid. In accordance with Standard V, this shortfall is determined by the difference between what Intermountain could reasonably expect for reimbursement from a nongovernment payer and what it was actually reimbursed by a government payer.

c. **Other "Gift to the Community" Amounts.** In addition to the Charity Care and the Medical Discounts, Intermountain and the Hospitals provided additional benefit to the community through activities designed to help improve the health of people in the Hospitals and the surrounding community. The Internal Revenue Service defined new community benefit activities in the revised IRS Form 990 that all non-profit hospitals must submit annually. Intermountain integrated these recently defined activities with the Hospital Tax

<sup>1</sup> The Hospital Tax Exemption Standards use the word "indigent" to describe individuals who are low-income and/or uninsured. For clarity, Intermountain will use the term "low income and uninsured" in lieu of the term "indigent" in the remainder of this Charity Plan. Furthermore, the term "Charity Care" is used by Intermountain in this Charity Plan to describe medically necessary healthcare services provided to patients who are low-income and uninsured and who, as a result of their financial circumstances, receive healthcare services from Intermountain and the Hospital at no cost or a reduced cost.

Exemption Standards required by the Utah State Tax Commission reported in the Charity Plans. Community benefit activities include programs and services established to meet a demonstrated community health need such as: (i) health professions education in clinical settings; (ii) continuing medical education open to healthcare providers in the community, not just those providers at Intermountain facilities; (iii) community education and free or low-cost health assessment events specifically provided for vulnerable populations; (iv) increased access to healthcare services for low-income or vulnerable people; (v) services employees provide on behalf of Intermountain such as participation in community coalitions organized to address health and safety concerns; (vi) medical research aimed at providing public benefit; and (vii) cash donations to local non-profit organizations with missions similar to Intermountain's mission. Other "gift to the community" amounts arising from the community benefit programs are as follows:

(1) Health Professionals Education (\$455,781). In 2011 the Hospital provided more than \$400,000 in unreimbursed costs to provide direct education to nursing and other healthcare professionals. This does not include paid time to nursing preceptors that results from their teaching duties, nor does it include amounts reimbursed by Medicare. The on-site training of healthcare students in the Hospital is critical to ensuring the proper professional development of future health professionals. Clinical education was provided to nursing and other healthcare students in preceptorships and internships at the Hospital. Continuing Medical Education (CME) is open to healthcare providers throughout the community, not just Intermountain staff. CME programs are educational meetings such as pediatric and internal medicine grand rounds, trauma conferences, and other updates hosted by the Hospital. Intermountain promotes these meetings to health professionals who practice at other hospitals and clinics, inviting them to earn required CME credits

(2) Community Service, Education & Community Health Improvements (\$8,762). Intermountain employees are involved in coalitions, networks, and other health-related organizations to share their expertise to help improve the health status of Cache County residents. Employees also participate in free or low-cost health education classes and support groups for residents of Cache County.

(3) Other Community Services (\$43,984). During 2011, the Hospital helped patients enroll in government programs to improve their ability to access healthcare services beyond Hospital services.

(4) Volunteer Service of Governing Board (\$34,293). Volunteer trustees for the Hospital representing the community are essential as advisors to Intermountain's hospitals. Community representatives serve to provide perspective on issues affecting hospital operations and bring feedback from their neighborhoods and businesses to the Hospital's administrative team, helping ensure that Intermountain facilities and programs continue to address health issues in our community. Selected physicians also serve as trustees and actively participate in helping determine community needs for the Hospital's services. Medical staff provides leadership and promote excellence in clinical programs.

(5) Volunteer Auxiliaries (\$143,195). In 2011, volunteers provided 19,751 hours of service to patients in the Hospital. These volunteers greet patients and visitors, escort patients, read to patients, deliver meals and flowers, and take walks and talk with patients. The dollar value is calculated by multiplying the hours volunteered by the national minimum wage. Volunteer auxiliaries also facilitate donations to the hospital; those donations have been included in the reported amount.

(6) Donation's Impact on Equipment (\$429,743). Donations received from the community through the Logan Regional Hospital Foundation supported the purchase of a patient lift system and other clinical equipment.

Additional benefits conferred upon the community through the efforts of Intermountain and the Hospitals are highlighted on Exhibit "A" attached hereto.

d. Total Gift to the Community. The Hospital's total gift to the Cache County community, including Charity Care, Medical Discounts, and other eligible amounts, was \$38,424,088 in 2011 compared to \$33,218,181 in 2010. This "gift to the community" is expected to grow in 2012 because of increases in the Hospital's charity care and shortfalls in Medicaid funding. The following table summarizes the total "gift to the community" by Intermountain's Cache County hospital for 2011:

**Logan Regional Hospital  
2011 Community Benefit**

Charity Care	#Charity Care Cases	Additional Community Benefit	Total Community Benefit
\$4,928,506	8,790	\$33,495,582	\$38,424,088

e. Treatment of Bad Debt. It is important to note that Standard V does not permit, and Intermountain's calculation of its "gift to the community" does **not** include, any bad debt that Intermountain incurs as the result of patients who receive, but then fail to pay for, healthcare services from the Hospitals. In 2011 bad debt exceeded \$5.2 million for the Hospital, compared to \$4.4 million in 2010. Bad debt is separate and distinct from Charity Care, and under Intermountain's policies and procedures, refers to those circumstances where a patient has the ability to pay at the time of service but does not pay for the services received and the amount is not otherwise collected. If an account has been initially identified as bad debt, but the patient later applies for and is determined to have been eligible for charity care at the time of treatment, then the bill is no longer considered bad debt and is changed to charity care. However, if it is determined that the patient (child's parent or guardian) had the ability to pay at the time of service but the account cannot be collected later, or the patient did not communicate an inability to pay, it is considered to be bad debt which is not collectible. Again, Intermountain does **not** include any of its bad debt in the calculation of its "gift to the community" under Standard V.

f. Additional Charity Care by Intermountain Medical Group Clinics Not Included in Calculation of "Gift to the Community." In addition to the Charity Care provided to patients who come to the Hospital, Intermountain's separate Medical Group operates stand alone clinics in the community. And although these clinics are separate from the Hospital and not counted as part of the Hospital for purposes of property tax exemption, they nonetheless provide Charity Care to patients who are unable to pay if the service needed is generally available and medically necessary. However, because they are separate from the Hospital, Intermountain does not include the Charity Care of its Medical Group clinics in the calculation of its "gift to the community."

g. Capital Investment in the Hospital. One of the distinguishing characteristics of a nonprofit healthcare system is its ability to reinvest its earnings back into the community by upgrading and improving the Hospital facilities based upon community need, given that none of the nonprofit healthcare system's earnings are diverted to shareholders or other individuals in the form of dividends and private inurement. **In 2011, Intermountain invested \$8,760,419 into the Hospital.** And although clearly of benefit to the community, this additional investment amount is not included by Intermountain in the calculation of its "gift to community." Major capital projects in 2011 included expansion of the Dialysis Center and expanding the Wound Center to include hyperbaric services.

Intermountain's "gift to the community" exceeds by many, many times, its property tax liability on those properties where a property tax exemption has been granted. In accordance with Standard V, Intermountain has provided herein above the accounting data necessary to establish that the Hospital's "gift to the community" meets and surpasses the requirements of Standard V.

6. Standard VI - Satellite Healthcare and Centralized Support Facilities.

a. Intermountain HomeCare: The home healthcare program was established for the benefit and follow-up care of patients discharged from the Hospitals. The HomeCare Staff provides education, assessments, and on-going care management to patients in their homes, and equipment and supplies are provided as prescribed from patient's physician or care provider. Financial assistance is available to qualifying patients. HomeCare does not advertise, use outside sales staff or otherwise promote its services except through hospital physician and patient referral.

b. Cache Valley Community Health Clinic: The clinic provides limited free medical and dental services for uninsured Cache County community residents. Support from the community includes a volunteer staff of physicians, nurses and other workers. Donations of resources from physicians, groups, and individuals also help support the clinic. The Hospital provides administrative supervision for the Clinic, services for patients such as lab tests, x-ray and diagnostic imaging services. In 2011, the Intermountain Healthcare Foundation provided an \$80,000 grant for salaries, supplies, utilities and other operating costs, as well as a grant to fund medication vouchers for clinic patients filled at cost through the Intermountain Pharmacy. In 2011, the Clinic had 2,656 patient visits.

SECTION III  
2012 CHARITY PLAN

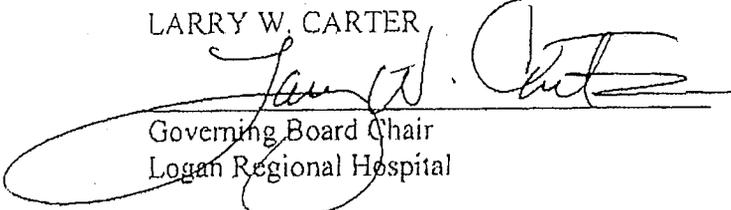
As demonstrated above, Intermountain and the Hospital have established policies, procedures and practices which ensure that (i) members of the community are admitted and treated without regard to race, religion or gender, (ii) admission to the Hospital is based on the clinical judgment of the physician and not upon a patient's financial ability or inability to pay for services, (iii) low-income and uninsured people who, in the judgment of the admitting physician, require the service generally available at the Hospital, receive those services for no charge or for a reduced charge, in accordance with their ability to pay, and (iv) Intermountain and the Hospital have taken affirmative steps to inform the public of Intermountain's open access policy and the availability of services for low-income and uninsured individuals.

Intermountain has likewise demonstrated that its policies, procedures and practices integrate and reflect the public interest. The Hospital's governing board represents a broad cross section of the community it represents. And representatives of Intermountain and the Hospital have met, and will continue to meet or make themselves available to meet, with members of the Cache County Board of Equalization or its designees, if any, for the purpose of satisfying the requirement in the Hospital Tax Exemption Standards to confer at least annually with the County for the purpose of addressing community clinical hospital needs that might be appropriately addressed by the Hospital.

Finally, Intermountain has prepared and submitted this Charity Plan so as to ensure that the Hospital continues to comply with Standards III and IV of the Hospital Tax Exemption Standards regarding healthcare services for low-income and/or uninsured people and public interest. Intermountain and the Hospitals believe that the level of Charity Care and the "gift to the community" for 2012 will be equal to or greater than the level of Charity Care and "gift to the community" for the 2011 calendar year, thereby ensuring continued benefit to the community served by the Hospital and justifying the continuing property tax exemption granted to Intermountain and the Hospital by the County. If the County believes that the Hospital should undertake different or additional efforts during 2012, the Hospital's Board and administration welcome the opportunity to meet further with the County's representatives.

Respectfully submitted this \_\_\_\_\_ day of April, 2012.

LARRY W. CARTER

  
Governing Board Chair  
Logan Regional Hospital

MICHAEL A. CLARK

  
Administrator  
Logan Regional Hospital

EXHIBIT A  
Gift to the Community Highlights

Health professions education: Provided clinical setting education for students from:

- Bridgerland Applied Technology College
- Brigham Young University
- Idaho State University
- Kirksville College
- Midwestern University
- University of Utah
- Utah State University
- Walden University
- Weber State University

Health professions education includes students in:

- Nursing
- Pharmacy
- Physical Therapy
- Physician Assistant
- Radiology
- Registered Dietetics
- Social Work
- Speech and Audiology

Community education and health screenings:

- Nutrition education
- Support group and education for people with cancer
- Support group and education for people with diabetes
- Support group for people with gluten intolerance

BOARD OF EQUALIZATION  
APRIL 24, 2012

# EXHIBIT D

# LOGAN REGIONAL HOSPITAL TAXABLE SPACE

2/10/10

## REGIONAL MEDICAL ARTS BUILDING

FIRST FLOOR	12,946.18	Total sq. ft.			
			Orthopedics	4,791.70	Total Taxable 20,215.40
			Podiatry	913.40	
			Physiatry / Spine	1,209.60	
			Waiting	1,618.20	
				<u>8,532.90</u>	
			LRH allocation Wound/Waiting	<u>(1,302.00)</u>	
			Net Combined Ortho	7,230.90	
			Radiology	<u>1,991.50</u>	
			Total Taxable	9,222.40	
					% Taxable <span style="border: 1px solid black; padding: 2px;">48.51%</span>
SECOND FLOOR	14,366.10	Total sq. ft.	Blaine Anderson	1,602.00	
			Steve Young	<u>1,320.00</u>	
			Total Taxable	2,922.00	
THIRD FLOOR	14,363.10	Total sq. ft.	Cache Valley Eye Associates	3,928.00	
			Saul	2,551.00	
			Garg (Phys. Clinic non-hosp)	<u>1,592.00</u>	
			Total Taxable	8,071.00	
TOTAL BUILDING	41,675.38	Total sq. ft.	Total Building Taxable	20,215.40	

## CANCER CENTER

FIRST FLOOR	8,396.50	Total sq. ft.	Ben Jacob	2,209.00	
			Total Building Taxable	2,209.00	Total Taxable 2,209.00 Total Building 8,396.50 % Taxable <span style="border: 1px solid black; padding: 2px;">26.31%</span>

## WOMEN'S CENTER

FIRST FLOOR	32,459.00	Total sq. ft.	Budge OB/GYN clinic (first floor)	14,682.00	
SECOND FLOOR	30,755.00	Total sq. ft.	none		Total Taxable 14,682.00 Total Building 97,179.00 % Taxable <span style="border: 1px solid black; padding: 2px;">15.11%</span>
THIRD FLOOR	27,903.00	Total sq. ft.	none		
PENTHOUSE	6,062.00	Total sq. ft.	none		
TOTAL BUILDING	97,179.00	Total sq. ft.	none		
			Total Building Taxable	14,682.00	

## CONNECTOR

FIRST FLOOR	6,300.00	Total sq. ft.	none		
SECOND FLOOR	6,300.00	Total sq. ft.	none		Total Taxable 4,637.00 Total Building 18,900.00 % Taxable <span style="border: 1px solid black; padding: 2px;">24.53%</span>
THIRD FLOOR	6,300.00	Total sq. ft.	Salisbury (third floor)	1,852.00	
			Isom (third floor)	<u>2,785.00</u>	
TOTAL BUILDING	18,900.00	Total sq. ft.	Total Taxable	4,637.00	
			Total Building Taxable	4,637.00	

Sq Footage amounts in red are based on current leases.

BEFORE THE BOARD OF EQUALIZATION  
OF CACHE COUNTY

IN RE: The matter of the Application )  
for exemption from property )  
taxation of SUNSHINE ) FINDINGS AND DETERMINATION  
TERRACE FOUNDATION, INC. ) FOR TAX YEAR 2012

This matter came before the Board of Equalization of Cache County, Utah on April 10, 2012 on the verified application for property tax exemption submitted by SUNSHINE TERRACE FOUNDATION, INC.

**FINDINGS**

Based upon the verified application and matters presented to the Board of Equalization at its hearing on April 10, 2012 and other materials presented to it, the Board of Equalization finds that:

1. SUNSHINE TERRACE FOUNDATION, INC., is the owner of record of the Sunshine Terrace Rehabilitation Center, the Terrace Grove Assisted Living Center, the Wanless Center and parking lot which is located on the real property described in "Exhibit A" attached hereto and made a part hereof.
2. Kathy Robison and Craig "W" Buttars, members of the Board of Equalization, met with the owner's representatives on April 10, 2012 and reviewed the application of the owners and relevant facts and standards. The County Auditor, Tamra Stones and County Assessor, Kathleen Howell, attended also to clarify real and personal property issues. Also attached hereto and made part hereof are "Exhibit B" requesting exemption status for vehicles and "Exhibit C" which discloses their gift to the community.

2. It was recommended that exemption be granted to the applicant for the Tax Year 2012 on the basis that SUNSHINE TERRACE FOUNDATION, INC., qualify for exemption from the property tax under Standards I, II, III, IV, V, and VI as promulgated by the Utah State Tax Commission on December 18, 1990, and as delineated by the Utah Supreme Court in its decision dated September 1, 1994, in a case appealed to that Court by the Cache County Assessor and the Salt Lake County Assessor from decisions of the Board of Equalization of their respective counties.
3. The Board of Equalization in a public meeting held April 24, 2012 , upon lawful notice, met and approved the amended requests for tax exemption as contained in these findings.

#### **DETERMINATION**

The Board of Equalization of Cache County, Utah, determines that:

SUNSHINE TERRACE FOUNDATION, INC., is hereby granted an exemption from property taxes for portions of the real property described in the attached "Exhibit A" Attached hereto and made a part hereof which is used for the Sunshine Terrace Rehabilitation Center, Wanless Center, the Terrace Grove Assisted Living Center, Parking lot and the personal property filed separately and vehicles on "Exhibit B" listed therein for the Tax Year 2012.

The foregoing findings were approved by the following votes by the members of the Board of Equalization on April 24, 2012.

COUNCIL MEMBER	IN FAVOR	AGAINST	ABSENT
Craig "W" Buttars	X		
H Craig Petersen	X		
Val K. Potter	X		
Kathy Robison	X		
Jon White			X
Cory Yeates	X		
Gordon A. Zilles	X		

These findings and determination are approved as written this 24th day of April, 2012.



Craig "W" Buttars, Chairman Board of Equalization

Attested To:



Tamra Stones, Clerk of Board of Equalization

BOARD OF EQUALIZATION  
APRIL 24, 2012

# EXHIBIT A

EXHIBIT A

Sunshine Terrace Foundation, Inc.  
Cache County

Tax Year  
2012

Real Property Parcel Number	Site Location	Name of Building	Real Property Current Value	Tax	Description of Use	Exempt Percentage	Exempt Standards
05-075-0016	225 North 300 West, Logan	Parking Lot	Exempt	Exempt	Parking Lot at Rehabilitation Center	100%	ABCD
05-084-0001	219 West 300 North, Logan	Wanless Center	Exempt	Exempt	Home Health, Out Patient Therapy, Senior Fitness	100%	ABCD
05-084-0005	333 North 200 West, Logan	Terrace Grove	Exempt	Exempt	Terrace Grove Assisted Living	100%	ABCD
06-014-0028	248 West 300 North, Logan	Rehabilitation Center	Exempt	Exempt	Rehabilitation Center	100%	ABCD

Legend: Exemption Basis

- A = Indigent Care
- B = Community Education Service
- C = Medical Discounts
- D = Donation of Time

BOARD OF EQUALIZATION  
APRIL 24, 2012

# EXHIBIT B

**Sunshine Terrace Foundation, Inc.**  
**Schedule B - Personal Property - Vehicles**  
**As of 12/31/2011**

Vehicle	Year	VIN
Ford E350 9 Passenger Van	1992	1FDKE30G1NHA61516
Plymouth Voyager Van	1998	194GP44R2WB596571
Ford E350 Passenger Van	1998	1FDXE40F0WHB23587
Ford F250 Pickup	2003	1FTNX21L43EC02837
Ford Windstar	2001	2FMZA52471BC18692
Honda Civic	2010	19XFA4F54AE000139
Dodge Grand Caravan	2010	2D4RN5D11AR484652

BOARD OF EQUALIZATION  
APRIL 24, 2012

# EXHIBIT C

Sunshine Terrace Foundation, Inc.  
 Charitable Property Tax Exemption Standards  
 Standard V  
 2007 - 2011

	2007	2008	2009	2010	2011
<b>Indigent Care/Medical Discount</b>					
Rehabilitation Center	\$276,069.96	\$284,269.43	\$356,471.91	\$651,065.91	\$903,742.42
Terrace Grove Assisted Living	\$78,551.74	\$111,260.42	\$79,327.53	\$132,336.14	\$135,972.50
Aqua Worx Outpatient Therapy	\$22,373.56	\$17,704.39	\$10,552.82	\$34,959.92	\$55,922.97
Home Health and Hospice	\$376,995.26	\$413,234.24	\$446,352.26	\$1,018,361.97	\$87,404.16
<b>Indigent Care/Medical Discount Total</b>					
					\$1,183,042.05
<b>Volunteer Service</b>					
Rehabilitation Center	\$256,387.95	\$250,681.60	\$305,734.35	\$300,592.60	\$321,696.70
Terrace Grove Assisted Living	\$52,082.55	\$63,181.30	\$72,017.25	\$106,627.45	\$114,690.50
Aqua Worx Outpatient Therapy	\$67,234.05	\$38,690.85	\$176.85	\$2,397.30	\$0.00
Home Health and Hospice	\$375,704.55	\$352,553.75	\$377,928.45	\$409,617.35	\$5,600.25
<b>Volunteer Service Total</b>					
					\$441,987.45
<b>Total Charitable Care</b>	<b>\$752,699.81</b>	<b>\$765,787.99</b>	<b>\$824,280.71</b>	<b>\$1,427,979.32</b>	<b>\$1,625,029.50</b>
Rehabilitation Center	\$532,457.91	\$534,951.03	\$662,206.26	\$1,151,658.51	\$1,225,439.12
Terrace Grove Assisted Living	\$130,634.29	\$174,441.72	\$151,344.78	\$238,963.59	\$250,663.00
Aqua Worx Outpatient Therapy	\$89,607.61	\$56,395.24	\$10,729.67	\$37,357.22	\$55,922.97
Home Health and Hospice	\$752,699.81	\$765,787.99	\$824,280.71	\$1,427,979.32	\$93,004.41
<b>Total Charitable Care by Centers</b>					
					\$1,625,029.50

Sunshine Terrace Foundation, Inc.  
Charitable Property Tax Exemption Standards  
Standard V

2011

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**Indigent Care/Medical Discount Breakout**

Rehabilitation Center	
Medicare	\$261,492.28
Charity Care	\$139,888.43
Hospice/Mcaid	\$11,936.35
Medicaid	\$490,425.36
Terrace Grove Assisted Living	
Sliding Scale/New Choice Waiver	\$133,346.50
Charity Care	\$2,626.00
Outpatient Therapy	
Medicare B	\$55,922.97
Home Health and Hospice	
Medicare A	<u>\$87,404.16</u>
<b>Indigent Care/Medical Discount Total</b>	<b>\$1,183,042.05</b>

CACHE COUNTY, UTAH  
RESOLUTION

RESOLUTION NO. 2012-12

*Disclaimer: This is provided for informational purposes only. The formatting of this resolution may vary from the official hard copy. In the case of any discrepancy between this resolution and the official hard copy, the official hard copy will prevail.*

**A RESOLUTION PROVIDING FOR AMENDMENTS TO THE  
SPECIAL EVENT PERMIT APPLICATION**

WHEREAS, the Cache County Council has adopted a Special Events Ordinance; and

WHEREAS, the proposed amendments to the application form for a special event permit has been reviewed by members of the Cache County Council;

NOW, THEREFORE, BE IT RESOLVED that the Cache County Council hereby adopts the following resolution:

The Special Event Permit Application attached hereto as Exhibit A is hereby approved, superseding all prior Special Event Permit Applications.

APPROVED AND ADOPTED this 24<sup>th</sup> day of April, 2012.

CACHE COUNTY COUNCIL

*Craig Butters*

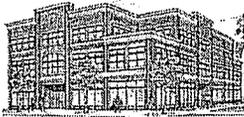
Craig Butters, Chair  
Cache County Council



ATTEST:

*Jill Zollinger*

Jill Zollinger  
Cache County Clerk



# CACHE COUNTY CORPORATION

## DEVELOPMENT SERVICES DEPARTMENT

JOSH RUNHAAR, AICP  
DIRECTOR / ZONING ADMINISTRATOR  
PAUL BERNTSON  
CHIEF BUILDING OFFICIAL

179 NORTH MAIN, SUITE 305 LOGAN, UTAH 84321 ♦ 435-755-1640 ♦ FAX 435-755-1987

### SPECIAL EVENT APPLICATION

Date Received:	By:	Receipt #:	Amount:	Check #:

PROMOTING ENTITY INFORMATION	APPLICANT INFORMATION
NAME OF PROMOTING ENTITY: _____ _____	APPLICANT NAME: _____
CONTACT PERSON: _____	MAILING ADDRESS: _____ _____
ADDRESS: _____ _____	PHONE (DAY) _____ (CELL) _____
PHONE (DAY) _____ (CELL) _____	EMAIL: _____
EMAIL: _____	

EVENT INFORMATION
EVENT NAME: _____
EVENT TYPE: _____
EVENT DATES: _____
BEGINING TIME FOR EACH DATE: _____ _____
ENDING TIME FOR EACH DATE: _____ _____

**General Recitals:**

Completed application forms shall be submitted to the Cache County Development Services Office forty-five (45) calendar days before the event is scheduled to take place, in order to allow sufficient time for final evaluation of the application. Applications submitted less than forty-five calendar days prior to the scheduled event shall be denied unless the applicant demonstrates that compliance with the forty-five day deadline was impractical or impossible due to the nature of the event.

A special event permit application may be approved and a permit issued to the applicant by the Administrator upon approval by all the agencies specified in Section 8.40.40.

Cache County has no authority to approve or permit events other than in the unincorporated area of Cache County. Permits issued by Cache County apply only to the unincorporated area of the county, and if an event crosses into a municipality within Cache County or across the county line, applicants should determine if a permit is necessary in the other jurisdiction.

Cache County reserves the right to deny permit applications for proposed special events which may pose, or have in the past posed, a significant danger or threat to the public health, welfare or safety, or which may result in unreasonable inconvenience or cost to the public. In the event the application is denied the applicant may appeal to the Cache County Executive.

In accordance with Title 8 Section 8.40 of the Cache County Ordinances adopted on June 29, 2010, I hereby submit and certify that the information contained in this application is accurate and complete to the best of my knowledge.

Signed \_\_\_\_\_ Applicant \_\_\_\_\_ Date \_\_\_\_\_

**APPLICATION CHECKLIST**  
**ALL ITEMS REQUIRED UNLESS SPECIFIED OTHERWISE**

1. Completed, notarized application form. (Notary available at the County Administration Building)
2. Non-refundable application fee (\$50).
3. List of all sponsors with contact information for each.
4. Proposed location, including a plat or map of the proposed area to be used, including any barricade, street route plans or perimeter/security fencing.
5. Estimated numbers of event staff, participants and spectators.
6. Public health plans, including plans for culinary water supplies, solid waste collections and disposal and waste water (toilet facilities).
7. Proof of insurance in conformance with County Ordinance 8.40.050(F).  
 (\$1,000,000 one person, \$2,000,000 two or more persons, \$100,000 property damage)
8. Fire prevention and emergency medical services plans.
9. Security plans and/or law enforcement response.
10. Admission fee, donation, or other consideration to be charged or requested.
11. Plans for Parking
12. *If* the event will be held on private property, a current taxation certification for that property.
13. Further information may be required by staff, other departments and agencies, and/or the Board/Committee/Council that reviews the application based on the proposed event.

**PROJECT REVIEW PROCESS:**

- The applicant should meet with staff prior to the deadline date to discuss the project and ensure that the information submitted is sufficient to completely review the project.
- After the application is accepted, information packets are sent to various departments, agencies, and affected municipalities that provide comments and/or approval for the event to the Director of Development Services.
- A pre-development meeting is held with planning staff and representatives from the departments and agencies that provide comments on the project review. Any issues present on a project will be discussed with the appropriate department or agency.
- A draft permit is made available to the reviewing agencies, affected municipalities, staff, and the applicant.
- Following agency/department review and approval, payment of all necessary fees, and correction of any outstanding concerns/issues, the permit can be issued.

<b>FEE SCHEDULE</b>	
Base Application Fee (non-refundable)	\$50.00
Other Fees if necessary	Sheriff, Health Dept., Emergency Services, Other

**CACHE COUNTY, UTAH**  
**ZONING ORDINANCE AMENDMENTS**

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**ORDINANCE NO. 2012-03**

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*Disclaimer: This is provided for informational purposes only. The formatting of this ordinance may vary from the official hard copy. In the case of any discrepancy between this ordinance and the official hard copy, the official hard copy will prevail.*

**AN ORDINANCE AMENDING AND SUPERSEDING CHAPTER 8.40 OF THE CACHE COUNTY ORDINANCE REGARDING CACHE COUNTY'S SPECIAL EVENT PERMITTING**

WHEREAS, the County Council caused notice of the hearing on Ordinance 2012-03 to be advertised at least ten (10) days before the date of the public hearing in *The Herald Journal*, a newspaper of general circulation in Cache County; and

WHEREAS, on April 10<sup>th</sup>, 2012, at 6:30 P.M., the County Council held a public hearing to consider any comments regarding the proposed Ordinance 2012-03. The County Council accepted all comments; and

WHEREAS, the Cache County Council has determined that it is both necessary and appropriate for the County to implement the proposed amendments to this ordinance into the County Ordinance; and

NOW, THEREFORE, the County Legislative Body of Cache County ordains as follows:

1. Statutory Authority.

The statutory authority for enacting this ordinance is Utah Code Annotated Sections 17-27a Part 1 and Part 3, and 17-53 Part 2 (1953, as amended to date).

2. Approval of Amendments.

The County Council hereby amends Chapter 8.40 of the Cache County Ordinance entitled Special Events as described within Exhibit A.

3. Severability.

All parts of this ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

4. Prior Ordinances, Resolutions, Policies and Actions Superseded.

This ordinance amends and supersedes Chapter 8.40 of the Cache County Ordinance entitled Special Events as described within Exhibit A all prior ordinances, resolutions, policies, and actions of the Cache County Council to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

5. Exhibits.

Title 8, Chapter 8.40 of the Cache County Ordinance is amended to read as follows:

SEE EXHIBIT A

6. Effective Date.

This ordinance takes effect on May 9<sup>th</sup>, 2012. Following its passage but prior to the effective date, a copy of the Ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

APPROVED AND ADOPTED this 24<sup>th</sup> day of April, 2012.

X

	In Favor	Against	Abstained	Absent
Potter	X			
Buttars	X			
White				X
Petersen	X			
Robison	X			
Yeates	X			
Zilles	X			
Total	6			1

CACHE COUNTY COUNCIL

*Craig Buttars*



Craig Buttars, Chair  
Cache County Council

ATTEST:

*Jill Zollinger*

Jill Zollinger  
Cache County Clerk

Publication Date: May 9<sup>th</sup>, 2012

**Chapter 8.40 – Special Events**

**8.40.010 Purpose**

The following ordinance which shall be effective as provided herein shall govern the time, place and manner of holding certain special events on county roads, on county property, and on private property in the unincorporated area of Cache County when an event's impact upon health, fire, police, transportation and other services exceeds those regularly provided in the unincorporated area of the County. The regulations provided herein are enacted in order to promote and protect the health, safety and welfare of all the persons in the County, including residents and visitors, by ensuring that special events do not create disturbances; become nuisances; menace or threaten life, health, and property; disrupt traffic; or threaten or damage private or public property. It is not the intent of this ordinance to regulate in any manner the content of speech or infringe upon the right to assemble, except for the time, place and manner of speech and assembly, and this Chapter should not be interpreted nor construed otherwise.

**8.40.020 Application**

- A. Application for a permit to hold an actual or anticipated assembly of 100 or more persons shall be made in writing to the Director of Cache County's Development Services (hereinafter referred to as 'Administrator') at least forty-five (45) calendar days in advance of such assembly.
- B. The special event application form, including information required and fee schedule, shall be approved by the County Council.
- C. Exemptions from obtaining a special event permit:
  - a. Events not utilizing a public road that are organized by a political party or political organization, an established religious organization, a family for the purposes of a family reunion, and school-sponsored activities shall not be required to obtain a permit under this chapter. In the instance where the event utilizes a public road the organizing group shall comply with the approval process set forth in this chapter.
  - b. Events held in existing and established recreational facilities, sporting arenas, stadiums, or other similar facilities that have been inspected and approved for the use and safety by Cache County or any other political subdivision of the State of Utah.
  - c. Events where the anticipated assembly of persons, including spectators and participants, is less than one hundred (100).

**8.40.030 Definitions**

For the purpose of this chapter, the following words shall have the following meanings:

- A. "Athletic event" means an organized competitive or recreational event in which a group of people collectively engage in a sport or form of physical exercise, including but not limited to running, jogging, walking, bicycling or skating, on any county street in unincorporated

Cache County or upon public or private property in the unincorporated area of Cache County.

- B. "Entertainment event" means an organized event having as its primary purpose the entertainment or amusement of a group of people, including but not limited to parades, carnivals, fairs, concerts, block parties or neighborhood gatherings, on public or private property within the unincorporated Cache County.
- C. "Political event" means an organized event, not including an athletic or entertainment event, having as its primary purpose the exercise of expressive activities of a political nature, including but not limited to speech making, picketing, protesting, marching, demonstrating or debating public issues, on any county street in unincorporated Cache County or upon property owned by Cache County or private property in the unincorporated area of Cache County.
- D. "Special event" means any athletic event, entertainment event or political event, whether held for profit, non-profit or charitable purposes.
- E. "Utilizing a public road" means using any portion of a public road or the public right of way for an athletic event, entertainment event, political event, or special event. Any other group activity that impedes, blocks, or otherwise interferes with the normal flow of traffic is also considered to be utilizing a public road for purposes of this chapter.

#### **8.40.040 Permit-- Application Process.**

Special Event Permit application forms may be obtained from the Cache County Development Services Department, 179 North Main, Suite 305, Logan, Utah 84321.

- A. All applications for special event permits shall be made on a special event permit application form and shall include the following information:
  - a. Type and description of event;
  - b. Name of the sponsoring entity, contact person, address and telephone number;
  - c. Name of the promoting entity, contact person, address and telephone number;
  - d. Proposed date(s) of the event, together with beginning and ending times for each date;
  - e. Proposed location, including a plat or map of the proposed area to be used, including any barricade, street route plans or perimeter/security fencing;
  - f. Estimated numbers of event staff, participants and spectators;
  - g. Public health plans, including plans for culinary water supplies, solid waste collections and disposal and waste water (toilet facilities);
  - h. Fire prevention and emergency medical services plans;
  - i. Security plans and/or law enforcement response;
  - j. Admission fee, donation, or other consideration to be charged or requested;
  - k. Plans for parking; and
  - l. Signature of applicant.

- B. Copies of the application shall be circulated to the following agencies for the purpose of obtaining their approval or disapproval of the proposed special event. The applicant may contact any of the following agencies to coordinate details of the items listed in Section 8.40.040(A) of this Chapter:
- a. Bear River Health Department;
  - b. Cache County Sheriff's Office;
  - c. Cache County Fire District;
  - d. Cache Emergency Medical Services;
  - e. Cache Road Department, if the special event may create traffic impacts by its location, number of attendees or participants;
  - f. Cache County Building Inspector if any temporary facilities are to be constructed or special electrical supplies are considered or warranted;
  - g. Cache County Planning and Zoning, if signs advertising the event are to be placed in the unincorporated area of the County. The applicant shall submit plans drawn to scale, for any signage, noting the location of each sign for which application is made. Signs for temporary special events shall not be subject to the approval process of other County ordinances governing sign display or placement.
  - h. Any other County agency which is to provide a service in connection with the special event.

#### **8.40.050 Application Review**

- A. The Administrator shall review all special event permit applications for completeness. If an application is incomplete, it shall be returned to the applicant with an explanation for why the application is incomplete within seven (7) calendar days.
- B. The Administrator shall require the review of other County offices, State agencies, Federal agencies, and municipalities as deemed necessary including but not limited to:
- a. Cache County Sheriff's Office
  - b. Cache County Treasurer's Office
  - c. Cache County Attorney's Office
  - d. Bear River Health Department
  - e. Cache County Fire District
  - f. Cache County Planning and Zoning Office
  - g. Cache County Building Department
  - h. Cache County Road Department
  - i. Municipalities that may be impacted by the event
  - j. Cache Emergency Medical Services
- C. In reviewing an application, the agencies or departments involved shall consider the following:
- a. The impact of the special event on the traffic, security, health and safety of the public, public facilities, surrounding property owners and the plans of the applicant to address such impacts;

- b. The demonstrated ability of the applicant to comply with requirements necessary to protect the safety, health and welfare of the public and the past history of the applicant in complying with such requirements;
  - c. The location and duration of the special event and the county's ability to accommodate the event with the necessary resources and the cost of those resources; and,
  - d. Other previously approved special events that could cause scheduling conflicts during the same period and cause over extension of the county's resources.
- D. The agencies involved in reviewing an application may impose additional requirements or conditions necessary to protect the public interest by ensuring traffic management, security of property, or the health and safety of the public.
- E. Notification to municipalities.
- a. Upon receiving an application for a special event, the Administrator shall identify municipalities that may be impacted by the event and notify such municipalities of the application.
  - b. A municipality given notification under this chapter has two (2) weeks from the date the notification was sent by the county to respond. Responses should include comments regarding the impact of the special event on the traffic, security, health and safety of the public, public facilities, surrounding property owners and should set forth any recommendations to the county for ameliorating the impact upon the municipality.
- F. Insurance required.
- a. No special event permit shall be issued unless and until the applicant has submitted to the administrator a certificate of insurance, listing Cache County and other municipalities which the event shall pass through as additional insured parties, on an occurrence policy issued by an insurance company authorized to do business in the State of Utah, showing comprehensive general liability and property damage coverage for the event with minimum limits of One Million Dollars (\$1,000,000) for injury or death for one person in any one occurrence; Two million dollars (\$2,000,000) for injury or death for two or more persons in any one occurrence; and one hundred thousand dollars (\$100,000) for property damage in any one occurrence.
  - b. The following special events shall be exempt from the insurance requirements set forth in this section:
    - i. Political Events;
    - ii. Events sponsored by a religious organization on private property;
    - iii. School events on school property;
    - iv. Events sponsored in whole by the county or a municipality;
    - v. Block parties and family reunions; and
    - vi. Events where the County or a municipality is the primary sponsor.
  - c. In consideration for the issuing of a special event permit, the applicant shall agree to indemnify, save harmless and defend the county, its officers and employees, against any claim for loss, damage or expense sustained by any person on account

of injury, death or property damage occurring by reason of or arising out of the special event.

- d. By issuing a special event permit, Cache County makes no guarantees and assumes no liability for the safety of participants or spectators of special events.

#### **8.40.060 Application Fees**

- A. Each initial application for a special event permit shall be accompanied by a non-refundable fee as established by the County Council to defray the administrative costs of processing the application. The following special events shall be exempt from the application fee set forth in this section but shall be subject to fees of other agencies or departments:
  - a. Political events;
  - b. School events on school property;
  - c. Events sponsored by a religious organization on private property;
  - d. Events sponsored in whole by the County or a municipality;
  - e. Block parties and family reunions;
  - f. Revenue-raising events where the revenue flows to the direct benefit of Cache County government; and
  - g. Events where the County or a municipality is the primary sponsor.
- B. In order to promote, protect and assure the safety and convenience of the people in their use of public streets, public places, and/or private property, the Sheriff's Office shall coordinate the use of professional peace officers if the special event requires traffic control or police protection. An additional fee may be charged by the Sheriff's Office to cover the costs incurred. The Sheriff's Office shall specify the fee required upon its approval of the special event permit application, based upon the number of officers and amount of support equipment required by such factors as: the date and time of the event; the event location and length; the anticipated traffic and weather conditions; the estimated number of participants and spectators; the nature, composition, format and configuration of the event; and the estimated time for the event. The fee charged for traffic control or police protection shall be paid prior to the issuing of the special event permit.
- C. Additional fees may be charged by the Cache County Health Department, the Cache County Fire District, licensed EMS providers, or other county agencies for special services, equipment or facilities provided by these agencies. Such additional fees shall be specified at the time the agency approves the special event permit application and shall be paid directly to the agency prior to the issuing of the special event permit.

#### **8.40.070 Clean Up Fee Assessed**

- A. To ensure that the properties utilized in the county and municipalities are restored to their proper order after the event a fee may be assessed to the event organizer. If, upon inspection of the properties after the event, it is the County's determination that additional

cleanup is required, the County shall assess a fee for the actual cost of cleanup incurred by the County and municipalities.

#### **8.40.080 Special Event Permit Issuance or Denial**

- A. Cache County reserves the right to deny permit applications for proposed special events which pose a significant danger or threat to the public health, safety or welfare, or which may result in unreasonable inconvenience or cost to the public.
- B. If an applicant does not comply with the requirements placed upon them through the permitting process, the County reserves the right to deny or revoke any application or permit granted. The County additionally reserves the right to deny any future applications for non-compliance with the terms and conditions of granting a prior special event permit.
- C. A denial of the application for a special event permit may be appealed to the Cache County Executive.

#### **8.40.090 Violation**

- A. Penalty. A violation of this ordinance shall be a Class B misdemeanor. The Cache County Sheriff's Office, in its discretion, may stop an event which has been issued a permit and/or may issue citations where event staff or participants violate other state statutes or county ordinances, terms or conditions specified in the application, and including but not limited to traffic rules and regulations, disturbing the peace, public nuisance, failure to disperse, trespass, or other health and safety regulations.

**CACHE COUNTY, UTAH  
ORDINANCE NO. 2012-04**

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**REZONE – JANET RYAN**

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*Disclaimer: This is provided for informational purposes only. The formatting of this ordinance may vary from the official hard copy. In the case of any discrepancy between this ordinance and the official hard copy, the official hard copy will prevail.*

**AN ORDINANCE AMENDING THE CACHE COUNTY ZONING MAP**

WHEREAS, the “County Land Use Development and Management Act,” Utah Code Ann. §17-27a-101 *et seq.*, as amended (the “Act”), provides that each municipality may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

WHEREAS, pursuant to the Act, the County’s Planning Commission (the “Planning Commission”) shall prepare and recommend to the County’s legislative body, following a public meeting, a proposed land use ordinance and a zoning map, or amendments thereto, that represent the Planning Commission’s recommendations for zoning the area within the county; and

WHEREAS, the Act also provides certain procedures for the County’s legislative body to adopt or amend the land use ordinance and zoning map for the County; and

WHEREAS, the County Council caused notice of the hearing to be advertised at least ten (10) days before the date of the public hearing in *The Herald Journal*, a newspaper of general circulation in Cache County; and

WHEREAS, on March 1, 2012, the Planning Commission held a public meeting for a rezone from the Agricultural (A-10) Zone to the Rural 5 (RU-5) Zone, which meeting was preceded by all required legal notice and at which time all interested parties were given the opportunity to provide written or oral comment concerning the proposed rezone; and

WHEREAS, on March 1, 2012, the Planning Commission recommended the approval of said rezone and forwarded such recommendation to the County Council for final action; and

WHEREAS, on April 10, 2012, at 6:45 P.M., the County Council held a public hearing to consider any comments regarding the proposed amendments to Title 17 of the Cache County Code. The County Council accepted all comments; and

WHEREAS, after careful consideration of the recommendation of the Planning Commission, comments at the public hearing and other public meetings where such proposed rezone was discussed, and recommendation of County staff, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of Cache County to approve such rezone;

NOW, THEREFORE, the County Legislative Body of Cache County ordains as follows:

1. Statutory Authority.

The statutory authority for enacting this ordinance is Utah Code Annotated Sections 17-27a Part 1 and Part 3, and 17-53 Part 2 (1953, as amended to date).

2. Approval of Rezone.

The County Council hereby rezones Lot # 02-079-0014 described within Exhibit A from the Agricultural (A-10) Zone to the Rural 5 (RU-5) Zone.

3. Adoption of Amended Zoning Map.

The County Council hereby amends the County's zoning map to reflect the rezone of the Property effected by this ordinance and hereby adopts the amended zoning map that is attached as Exhibit B, of which a detailed digital or paper copy is available in the Development Services Department.

4. Findings

- A. The location of the subject property is compatible with the purpose of the proposed Rural 5 zoning district and is appropriately served by suitable public roads, has access to necessary water and utilities, and has adequate public service provision.
- B. The subject property is suitable for development within the proposed Rural 5 zoning district without increasing the need for variances or special exceptions.
- C. The subject property is suitable as a location for all of the permitted uses within the proposed Rural 5 zoning district as there is an existing cluster of homes in the immediate area.
- D. The subject property, when used for the permitted uses in the Rural 5 zoning district, would be compatible with adjoining land uses.

5. Severability.

All parts of this ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

6. Prior Ordinances, Resolutions, Policies and Actions Superseded.

This ordinance amends and supersedes the Zoning Map of Cache County, and all prior ordinances, resolutions, policies, and actions of the Cache County Council to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

7. Exhibits.

Exhibit A: Affected lot of the Cache Valley View Estates rezone:

Parcel ID# 02-079-0014

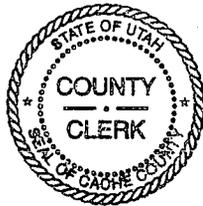
Exhibit B: Zoning Map of Cache County

8. Effective Date.

This ordinance takes effect on May 9, 2012. Following its passage but prior to the effective date, a copy of the Ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

APPROVED AND ADOPTED this 24<sup>th</sup> day of April, 2012.

	In Favor	Against	Abstained	Absent
Potter	X			
Buttars	X			
White				X
Petersen	X			
Robison	X			
Yeates	X			
Zilles	X			
Total	6			1



CACHE COUNTY COUNCIL

*Craig Buttars*

Craig Buttars, Chair  
Cache County Council

ATTEST:

*Jill Zollinger*

Jill Zollinger  
Cache County Clerk

Publication Date: May 9<sup>th</sup>, 2012

NORTH

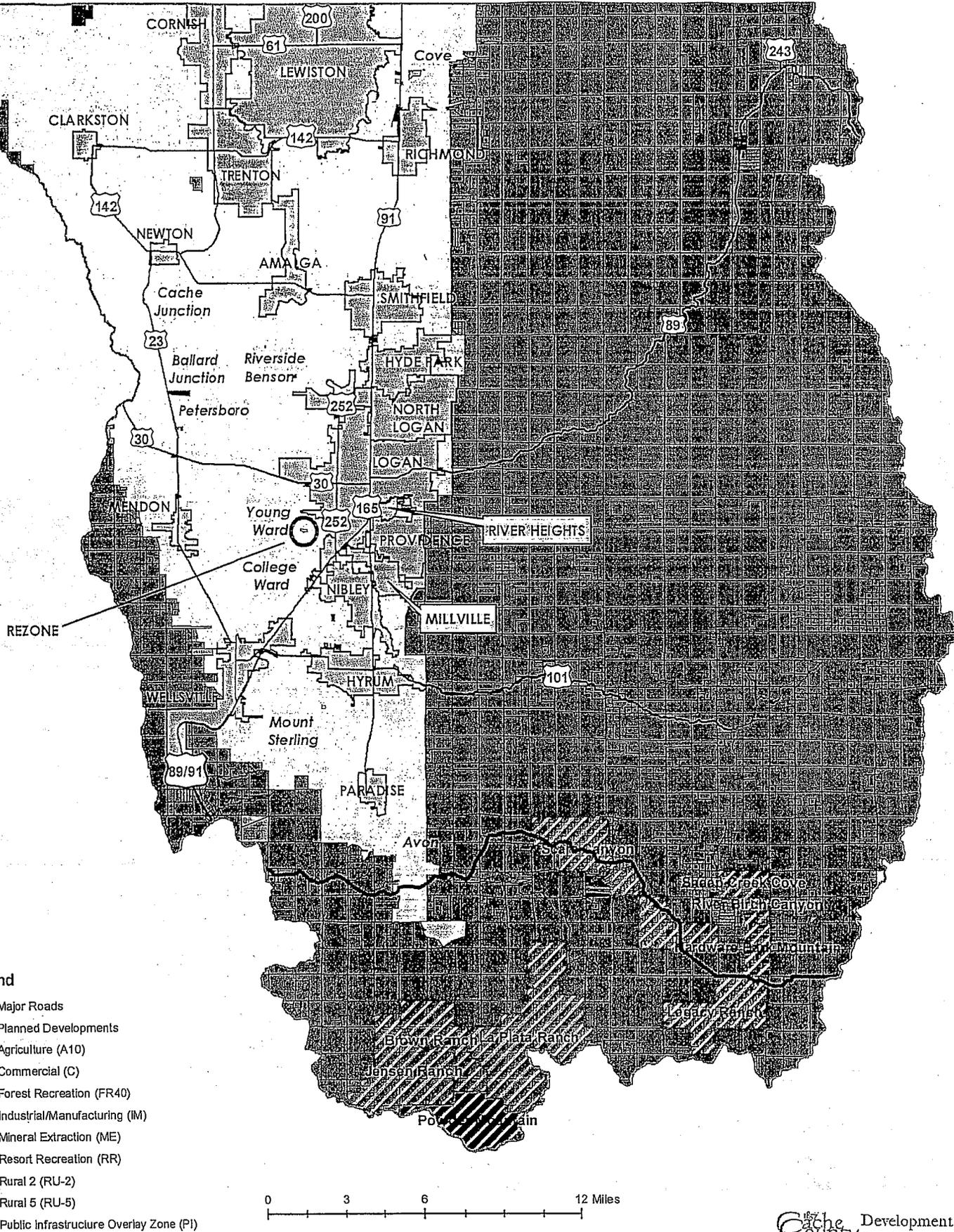
100-079-0014

2000 W





# Ordinance 2012-04: Exhibit B



MAP PRODUCED MAY 2012

**CACHE COUNTY, UTAH  
ORDINANCE NO. 2012 – 05**

**Procurement Ordinance Amendments**

*Disclaimer:*

*This is provided for informational purposes only. The formatting of this ordinance may vary from the official hard copy. In the case of any discrepancy between this ordinance and the official hard copy, the official hard copy will prevail.*

**ORDINANCE AMENDING AND SUPERSEDING CHAPTERS 3.08.110 AND 3.12.040,  
TITLE 3 OF THE CACHE COUNTY CODE REGARDING CACHE COUNTY'S  
ARCHITECT AND ENGINEER SERVICES AND BIDS RESPECTIVELY**

WHEREAS, the State of Utah has authorized Cache County to enact ordinances necessary and proper to provide safety, and protect property in the county under 17-53-223;

WHEREAS, the purpose is to update the code to reflect current law; specifically, to mirror the State of Utah Procurement Code, Section 63G-6-501;

WHEREAS, the Cache County Council has determined that it is both necessary and proper for the County to amend and implement these ordinances.

NOW, THEREFORE, BE IT ORDAINED by the County Legislative Body of Cache County that Chapters 3.08.110 and 3.12.040 of Title 3 of the Cache County Code are hereby amended and superseded as follows:

1. Statutory Authority.

The statutory authority for enacting this ordinance is Utah Code Annotated Sections 17-53-208 and -223.

2. Purpose of Provisions.

The purpose is to amend and supersede 3.08.110 and 3.12.040 of Title 3 of the Cache County Code regarding Procurement to insure compliance and conformity with Utah State law, and the protection, preservation and promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare.

3. Findings

A. The amendments to Title 3 of the Cache County Code are in conformity with Utah Code Annotated Sections 17-53-208 and -223 and State of Utah Procurement Code, Section 63G-6-501.

B. The amendments to Title 3 of the Cache County Code are necessary and proper to insure compliance and conformity with Utah State law, and the protection, preservation and

promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare.

- C. It is in the interest of the public and the citizens of Cache County that the proposed amendments to Title 3 of the Cache County Code be approved.

4. Title 3, Chapters 3.08.110 and 3.12.040 of the Cache County Code are amended as follows:

ADOPTION:

3.080.110 A. through C. shall remain the same, and D., shall remain the same with minor grammatical corrections so that it reads:

D. The county executive may designate a selection committee for architect and engineer services contracts and such committee shall evaluate current statements of qualifications and performance data on file, together with those that may be submitted by other firms in response to the announcement of the proposed contract. The selection committee shall consider no fewer than three (3) firms and then shall make recommendations therefrom of not fewer than three (3) firms deemed to be the most highly qualified to provide the services required and submit those recommendations to the county executive.

E. Shall remain the same.

F. Shall be added as follows to mirror the Utah State Procurement Code:

The County Executive, in his discretion, is authorized to select alternative methods of procurement of construction contracting management for a particular project as provided for in the Utah Procurement Code, Section 63G-6-501, Utah Code Ann., 1953, as amended. The following rules are hereby adopted to implement this Section F., as follows:

1. The County Executive shall select the appropriate method of construction contracting management for a particular project. In connection with the selection of the method, the County Executive shall include in the contract file a written statement setting forth the facts which led to the selection of a particular method of construction contracting management for each project.

2. Before choosing a construction contracting management method, the County Executive shall consider the following factors:

- a. when the project must be ready to be occupied;
- b. the type of project;
- c. the extent to which the requirements of the procuring agencies and the ways in which they are to be met are known;

- d. the location of the project;
- e. the size, scope, complexity, and economics of the project;
- f. the source of funding and any resulting constraints necessitated by the funding source;
- g. the availability, qualification, and experience of county personnel to be assigned to the project and how much time the county personnel can devote to the project; and
- h. the availability, qualifications, and experience of outside consultants and contractors to complete the project under the various methods being considered.

3. The County Executive is hereby expressly authorized, in his discretion, to implement the Construction Manager/General Contractor method as a method of construction contracting management for a particular project. In the implementation of this method, the following rules shall apply:

- a. The Construction Manager/General Contractor shall be selected using one of the source selection methods provided for in the Utah Procurement Code, Part 4, Source Selection and Contract Formation, Title 63G, Chapter 6, Utah Code Ann., 1953, as amended; and
- b. When entering into any subcontract that was not specifically included in the Construction Manager/General Contractor's cost proposal submitted under the requirements of Subsection 3.a., the Construction Manager/General Contractor shall procure that subcontractor by using one of the source selection methods provided for in Part 4, Source Selection and Contract Formation, Title 63G, Chapter 6, Utah Code Ann., 1953, as amended, in the same manner as if the subcontract work was procured directly by the county.

3.12.040 A. Shall be amended to include reference to newly added subsection H. as follows:

A. Subject to the foregoing sections and applicable state and federal laws, rules, regulations and contract requirements, see subsection H., below, and unless provided directly by the county, all public improvements shall be erected or repaired by contract and after the completion of the bid process provided by chapters 3.04 through 3.56 of this title.

3.12.040 B. through E. shall remain the same.

3.12.040 F. 1 and F. 2 shall remain the same and F. 3 shall have minor changes as follow:

F. 3 Bid openings shall be conducted in the Cache County council chambers, unless specified otherwise and shall be open to the public. All or any of the following may represent the county at the bid opening: the county executive, county surveyor, road superintendent (if applicable), county auditor, county clerk, county attorney, and/or any architect or engineer retained by the county, or its designees.

3.12.040 F. 4 through F. 5 shall remain the same and only one word in F. 6 shall change from "absence" to "absent."

3.12.040 G. shall remain the same.

3.12.040 H. shall be added as follows:

H. Notwithstanding the forgoing, alternate methods of procurement of construction contracting management may be utilized at the discretion of the County Executive for a particular project as provided in Section 3.08.110 F. of this title.

5. Prior Ordinances, Resolutions, Policies And Actions Superseded.

This ordinance amends and supersedes Chapters 3.08.110 and 3.12.040 of Title 3 of the Cache County Code, and all prior ordinances, resolutions, policies, and actions of the Cache County Council to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

6. Effective Date.

This ordinance takes effect on May 9, 2012. Following its passage but prior to the effective date, a copy of the Ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

APPROVED AND ADOPTED this 24th day of April, 2012.

	In Favor	Against	Abstained	Absent
Buttars	X			
Petersen	X			
Potter	X			
Robison	X			
White				X
Yeates	X			
Zilles	X			
Total	6			1

CACHE COUNTY COUNCIL



*Craig W Buttars*  
\_\_\_\_\_  
Craig "W" Buttars, Chair  
Cache County Council

ATTEST:

*Jill N. Zollinger*  
\_\_\_\_\_  
Jill N. Zollinger  
Cache County Clerk

Publication Date: May 9<sup>th</sup>, 2012



# CACHE COUNTY CORPORATION

## DEVELOPMENT SERVICES DEPARTMENT

JOSH RUNHAAR, AICP  
DIRECTOR / ZONING ADMINISTRATOR  
PAUL BERNTSON  
CHIEF BUILDING OFFICIAL

179 NORTH MAIN, SUITE 305 LOGAN, UTAH 84321 ♦ (435) 755-1640 ♦ FAX (435) 755-1987

**Project Application**

Date Received: 24 FEB 2012	By: Chris	Receipt #: 6277	Amount/Check #: \$450.00 / 1014
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SUBDIVISION  CONDITIONAL USE PERMIT  BOUNDARY LINE ADJUSTMENT  REZONE  SUBDIVISION AMENDMENT  CODE AMENDMENT

**Project Information**

Request Type: Conditional Use Project Name: Armon Storage

Project Address: 4400 S Hwy 165

Property ID Number(s): 03-063-0018 (existing) 4.33 acres 03-063-0014 5 acres proposed

Zone: Ag Acres: 5 Area: Nibley / Hyrum

**Agent Contact Information**

Name: Curtis Knight Mailing Address: 210 Bayle way, Prudence

Phone: 512-5437 email: \_\_\_\_\_

**Owner Contact Information**

Name: Curtis Knight SEE TAX ROLE & AGENT LETTER Mailing Address: 210 Bayle way, Prudence

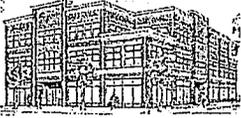
Phone: 512-5437 email: Knightcastle@Xmission.com

1. Applications are accepted by appointment only.
2. Incomplete applications will not be accepted.
3. Late applications will be held for the next meeting's agenda.
4. The application fee is not refundable.
5. Any information submitted with this application becomes public record.
6. Your greenbelt taxation status and value of your property may change by proceeding with this application. Please contact the County Assessor's Office for more information.

**The Project Review Process:**

For your convenience the following information will assist you in understanding the project review process:

- 1) The applicant must contact the Development Services Office at (435) 755-1640 and schedule an appointment to submit an application. Staff will review the application with the applicant to ensure that the information submitted is sufficient to completely review the project.



**CACHE COUNTY CORPORATION**  
**DEVELOPMENT SERVICES DEPARTMENT**

JOSH RUNHAAR, AICP  
 DIRECTOR / ZONING ADMINISTRATOR  
 PAUL BERNTSON  
 CHIEF BUILDING OFFICIAL

179 NORTH MAIN, SUITE 305 LOGAN, UTAH 84321 ♦ (435)755-1640 ♦ FAX (435)755-1987

**Staff Report: Armor Storage Conditional Use Permit Expansion**

April 5, 2012

**Agent:** Curtis Knight

**Parcel ID#:** 03-063-0014, 0018

**Staff Determination:** Partial denial, Partial approval w/conditions

**Type of Action:** Administrative

**Location**

*Reviewed by: Chris Harrild, Planner II*

**Project Address:**

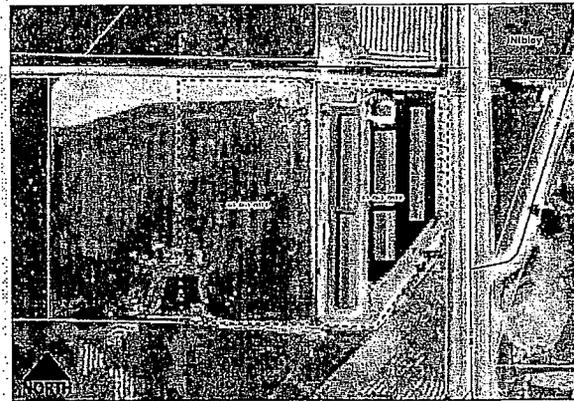
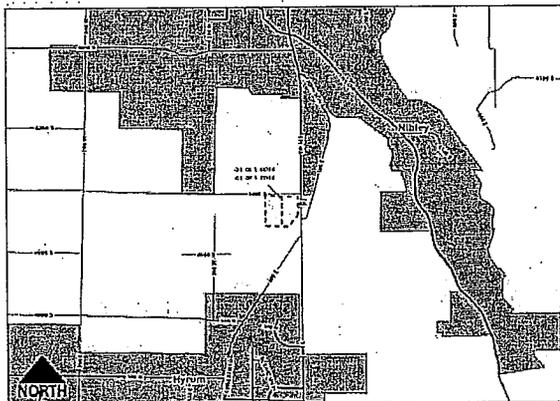
50 West 4400 South  
 Between Hyrum and Nibley

**Current Zoning:**

Agricultural (A-10)

**Surrounding Uses:**

North – Agricultural/Nibley  
 South – Agricultural/Residential/Hyrum  
 East – Highway 165/Gravel Pit  
 West – Agricultural



**Purpose, Applicable Ordinance, and Summary**

**Purpose:**

To review and make a recommendation to the County Council regarding the request for the expansion of a conditional use permit to allow the expansion of an existing self-service storage facility.

**State Code and County Ordinance:**

As per State Code §10-2-401[1][k] urban development is defined as a commercial or industrial development for which cost projections exceed \$750,000 for all phases. This proposal qualifies as urban development. State Code §10-2-402 [5] also states that the County may not approve urban development within a city's expansion area without the city's consent, or a formal response from the county to any objections made by the city.

As per Cache County Ordinance §17.07.020 Definitions, this proposed use is best defined as a "Self-Service Storage Facility". The Cache County Zoning Administrator and Attorney's Office have reviewed this definition and concluded that the only type of storage allowed under this use is that which is contained within a structure. No open storage is therefore allowed under this definition. Additionally, the Cache County Use chart under Title 17.09 does not contain a use related to outdoor

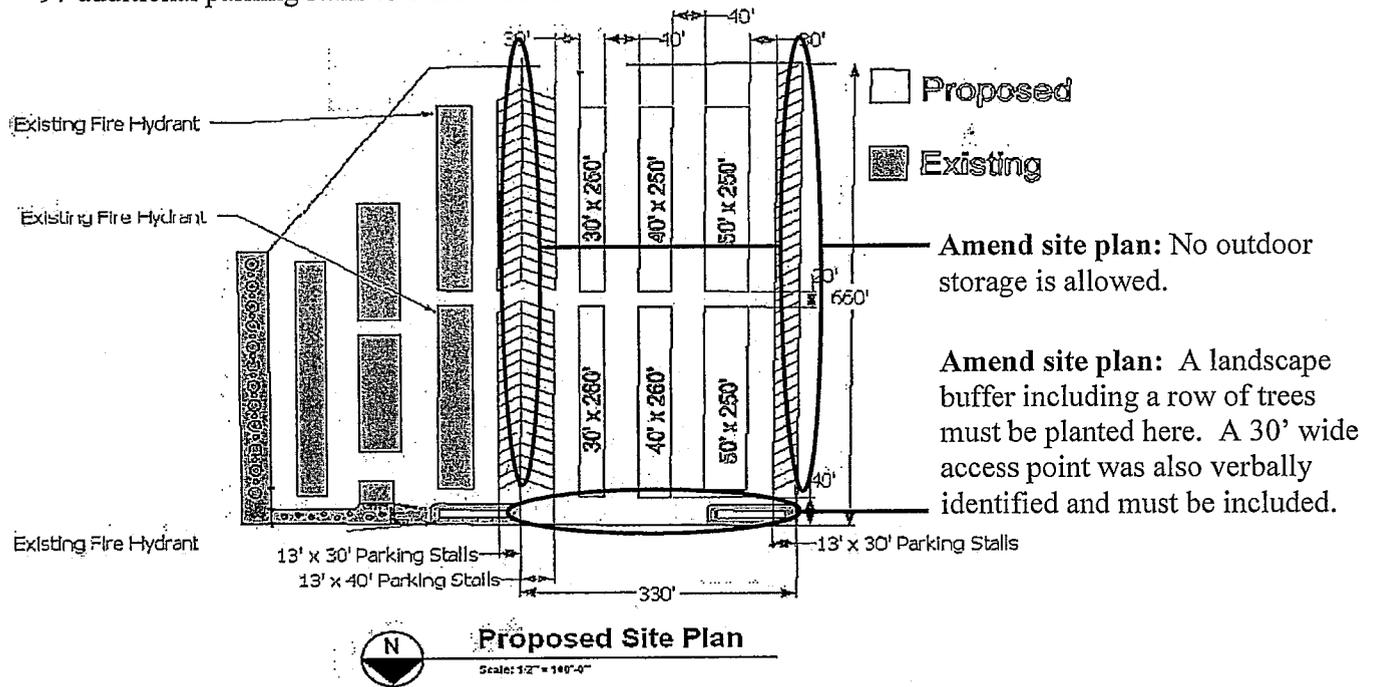
storage. As per Title 17.06.020 that identifies "any use which is not identified by this title as either a permitted use, a conditional use, a small business use or a temporary use is hereby determined to be a prohibited use. A prohibited use shall not be allowed or authorized within the unincorporated area of the county."

Outside of the above noted exception, and as per §17.09.030 Schedule of Uses by Zone, this use is permitted as a conditional use in the Agricultural (A-10) Zone only if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses. These procedures are detailed under §17.06.060 Conditional Uses and §17.06.070 Standards and Criteria for Conditional Use.

**Summary:**

This proposed expansion includes the parcel directly to the West of the existing Armor Storage facility and the parcel of the existing facility. The expansion intends to add additional brick storage buildings as well as spaces for the storage of vehicles as follows:

- Six (6) buildings to house up to 498 additional storage units
- 97 additional parking stalls to store vehicles



This property is within Hyrum City's annexation area. The applicant has met with Hyrum City and Hyrum City has provided a letter expressing their support with conditions to the proposed development as follows:

- If approved, a row of deciduous trees must be planted on the north side of the proposed units.
- Hyrum city asks the Planning Commission to discuss the concern regarding the visual appearance of the storage areas for vehicles and that a rental agreement may not suffice. Hyrum City prefers that only nicer looking vehicles may be stored on the site and unsightly items such as demolition derby cars, old machinery, and trailers with tattered blue tarps blowing in the wind should not be allowed.

**Access:**

- Access to the site from 4400 South will use the existing access and is adequate; however, the portion of 4400 South that extends along parcel #03-063-0014 must be improved to meet the Local Road standard of the Cache County Manual of Roadway Design and Construction Standards and continue the type of existing paved surface that fronts parcel #03-063-0018.
- There are drainage issues on 4400 South that are currently being assessed by the County Engineer and Road Department. Further improvement to the shoulder drainage and/or to the site may be required in respect to drainage concerns across the roadway.
- The expanded facility will generate increased traffic of about 40 additional cars per day.

**Water & Septic:**

- Proper stormwater retention facilities will be required to prevent increased flow onto adjoining properties. These facilities should be reviewed by the County Engineer for compliance and adequacy.

**Service Provision:**

- The access is acceptable for fire department access to the site.
- The existing fire hydrants (3) are sufficient for the proposed expansion. Fire protection from Nibley will service this development.
- The interior private drive that services the storage units shall provide sufficient space for emergency and service vehicles to have the capacity to drive around the proposed structure.
- The County Fire Department will require a plan review of the structures and site before a building permit is obtained.
- The existing residential cart will be used for incidental trash.

**Staff Determination and Findings of Fact (5)**

---

It is staff's determination that the request for an expansion of the conditional use permit for Armor Storage, located in the Agricultural (A-10) Zone at approximately 50 West 4400 South with parcel #'s 03-063-0014 and 0018 are in conformance with the Cache County Ordinance and should be approved.

This determination is based on the following findings of fact:

1. Hyrum City has provided a letter with conditioned support of the proposed expansion.
2. The request for outdoor storage is hereby denied. The Cache County Zoning Ordinance does not specifically allow outdoor storage and as per §17.06.020 this use is prohibited.
3. The Armor Storage conditional use permit expansion has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
4. The Armor Storage conditional use permit expansion 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.
5. The Armor Storage conditional use permit expansion has been reviewed in consideration of the provided comment from Hyrum City in conformance with Utah Code §10-2-402 [5], and in conformance with §17.06.070 of the Cache County Ordinance, Standards and Criteria for Conditional Use, and conforms to said title, pursuant to the conditions of approval, as follows:
  - a. The use applied for at the location proposed is necessary or desirable to provide a facility that will contribute to the general well being of the area and the county.
  - b. The proposed use is compatible with the intent, function and policies established in the Cache countywide comprehensive plan.

- c. The proposed use is compatible with the character of the site, adjacent properties and other existing and proposed development.
- d. The availability of, or ability to provide adequate services, drainage, parking and loading space, fire protection, and safe transportation access and vehicular circulation has been assessed and deemed adequate.
- e. The use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

### Conditions of Approval (11)

The following conditions must be met for the development 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 must abide by the specifications submitted by the applicant to the Cache County Development Services Office and by all presentations made by the applicant or applicant's representative to the Planning Commission during the permitting process.
3. Any further expansion or modification of the facility, site, or of the business shall require a review by the Land Use Authority and shall meet the requirements of the Cache County Ordinance including necessary permits.
4. Future development of this site will be considered a phase of this development and may be considered urban development as defined in §10-2-401 U.C.A. As such the development will be subject to all State regulations pertaining to urban development.
5. The applicant shall obtain and maintain a current business license.
6. Prior to recordation, proper storm water retention facilities are required to prevent increased flow onto adjoining properties. These facilities will be reviewed by the County Engineer for compliance and adequacy.
7. The applicant shall reaffirm their 33' portion of Cache County's 66' wide right-of-way for all county roads along the property boundaries.
8. The portion of 4400 South that extends along parcel #03-063-0014 must be improved to meet the Local Road standard of the Cache County Manual of Roadway Design and Construction Standards and continue the type of existing paved surface that fronts parcel #03-063-0018. This improvement must be reviewed by the County Engineer for compliance and adequacy.
9. Prior to recordation, the site shall be adequately screened and landscaped to meet the requirements of Hyrum City; a landscape buffer on the north property line of parcel #03-063-0014 including a row of trees. A landscaping plan reflecting the said screening shall be submitted to the Cache County Zoning Administrator for review and approval.
10. Prior to recordation, a revised site plan showing the removal of the outdoor storage, setbacks to buildings from the property lines, and the landscaping specific to the north end of parcel #03-063-0014, shall be submitted to the Development Services Office to be reviewed and approved by the Cache County Director of Development Services.
11. The County Engineer shall review the irrigation ditch on the north side of 4400 South; if it is determined that the road improvements or development create a direct and negative impact on the ditch, such that water is unable to flow or be delivered, the developer shall be required to mitigate any damage and/or repair said ditch.

February 24, 2012

Regarding Armor Storage Application Expansion of Conditional Use Permit

Dear Cache County Planning Commission Member:

It is our intent to build additional storage buildings as well as provide spaces for storage of vehicles (see site plan for details) at 4400 South, Hwy 165 in Cache County.

Armor Storage has a 20 year history of building and maintaining quality storage facilities. We use masonry, or more specifically, Atlas Brick Construction. This provides a professional looking and maintenance free construction that maintains its appearance without requiring paint. The Atlas Brick buildings, as compared to those of steel or cinder block, continue to look nice for years to come. The proposed buildings will be identical to the existing buildings on site.

Please note that we have had both Hyrum City and the Cache County Fire Marshal review the preliminary site plans. The Fire Marshal indicated that the existing fire protection would be sufficient to handle the addition due to the fact that we installed additional fire hydrants, above and beyond what was required, in a previous expansion. Hyrum City officials expressed to us personally their pleasure with the quality of the existing facility and that they would not oppose an expansion.

Specific details of our plans are as follows:

1. We plan to build 6 additional structures with up to 498 additional units and add 97 parking stalls.
2. The business will be exclusively the rental of storage bays and vehicle storage.
3. Tenants are required, by contract, to remove all belongings and garbage from the premises (this has worked very well at our Logan facility). Any miscellaneous garbage would be minimal and not exceed the need for a regular sized garbage can to be disposed of by the Sanitation Dept.
4. Facility will generate additional traffic to the area. The estimated impact would be an additional 40 vehicles per day.
5. Parking would be very short-term in proximity to the storage units being used by tenants or maintained by employees.

The following are reasons why we believe the conditional use permit should be granted:

1. Mini-storage at this location will provide a service, and a facility, which will contribute to the general well-being of the community.
2. It will in no way be detrimental to the health, safety, and general welfare of persons, nor injurious to property or improvements in the community.

We respectfully ask that you approve our application for a conditional use permit.

Curtis G. Knight

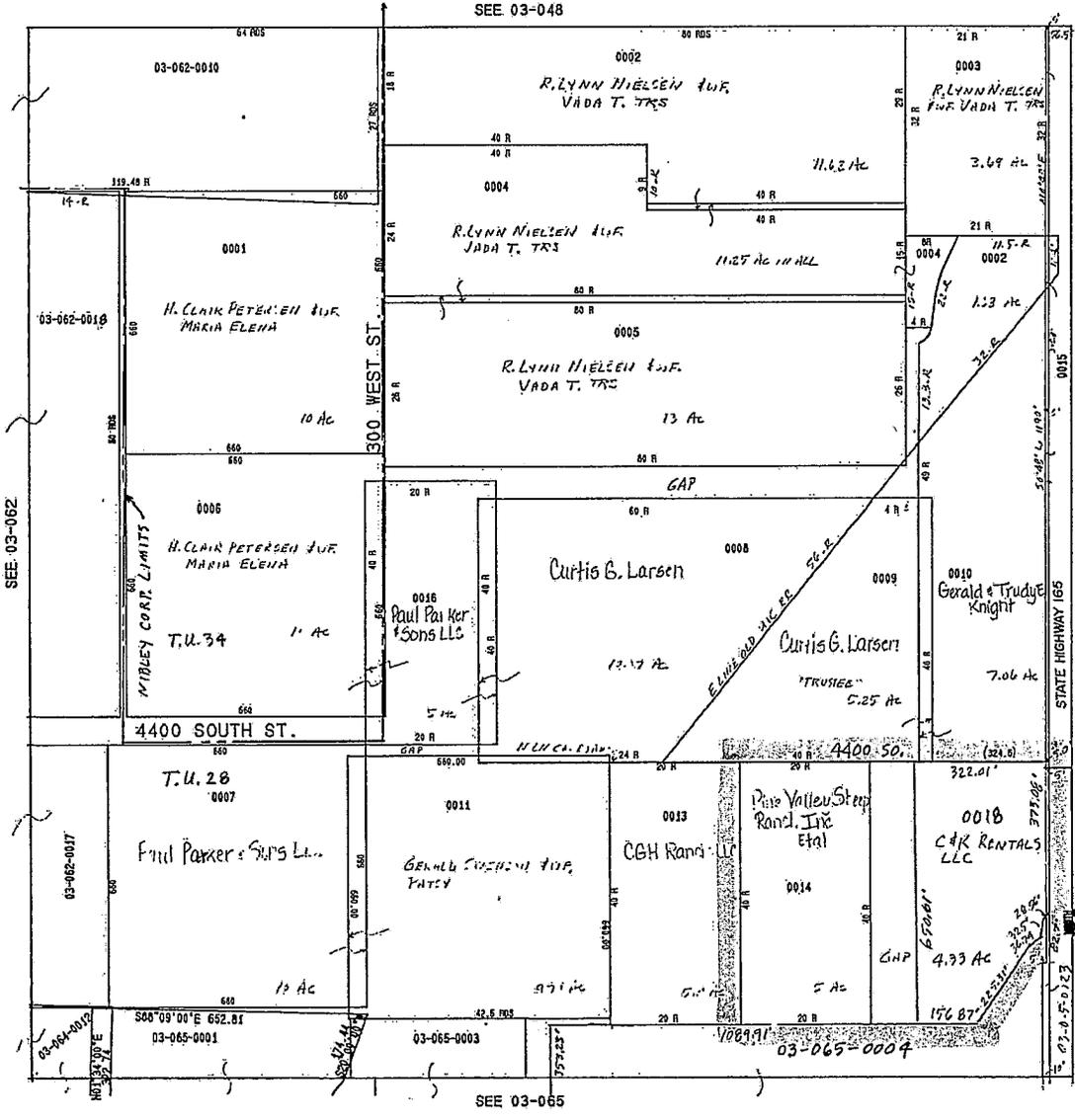
Owner  
Armor Storage

03-065

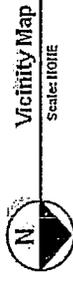
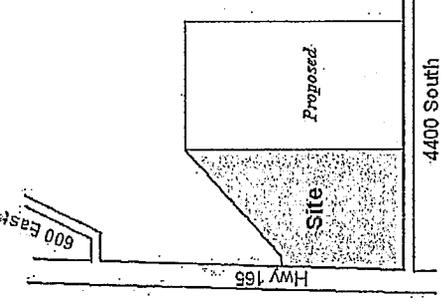
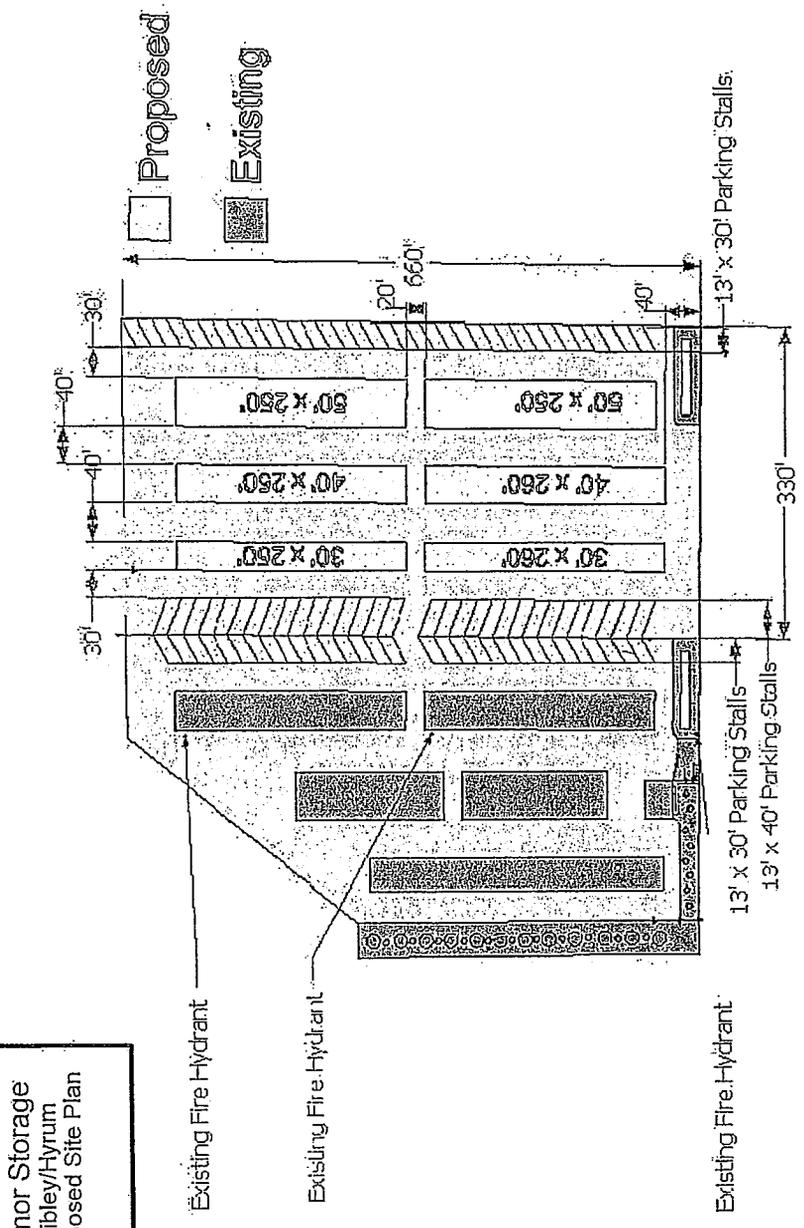
# NE/4 SEC 33 TWP 11 NORTH RANGE 1 EAST

Scale 1 Inch = 200 Feet

TAX UNIT 28, 34

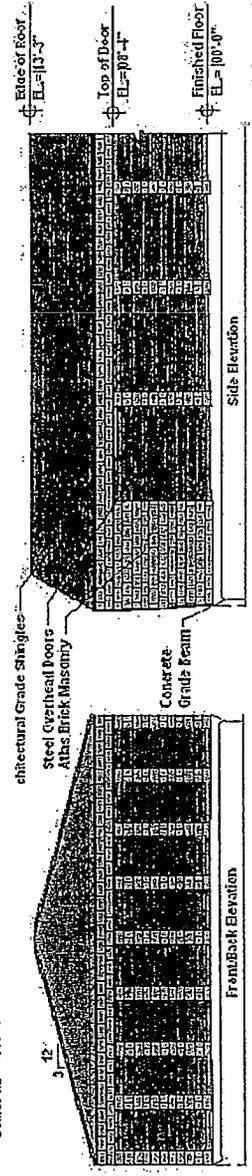


**Armor Storage  
Nibley/Hyrum  
Proposed Site Plan**



**Proposed Site Plan**

Scale: 1/2" = 100'-0"





# HYRUM CITY

83 West Main • Hyrum, Utah 84319  
Phone (435) 245-6033

Dean Howard, Mayor  
Council Members  
Martin L. Felix  
Paul C. James  
Stephanie Miller  
Craig L. Rasmussen  
Aaron Woolstenhulme  
City Administrator  
D. Brent Jensen  
Recorder  
Stephanie B. Fricke  
Treasurer  
Todd Perkins

February 27, 2012

Cache County  
179 North Main  
Logan, Utah 84321

To Whom It May Concern:

Alan Shakespear of Armor Storage asked for a letter of support from Hyrum City for the proposed expansion of storage units located at approximately 4400 South State Highway 165.

Even though this project is located outside Hyrum City limits, we appreciate the courtesy and opportunity to comment on this expansion.

Hyrum City Fire Department provides fire response to Nibley City under contract and is also designated primary response for the county area between Nibley and Hyrum. Fire personnel reviewed the plat and expressed concern about the distance between existing hydrants and westernmost units but understand the county fire marshal approved the site based on the number of hydrants as presently provided, which apparently meets current code.

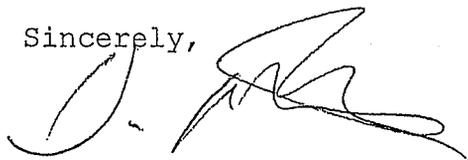
We propose that a row of deciduous trees be planted along the north side of the new units to soften the visual impact for southbound traffic as it crests the hill leaving Nibley. We also appreciate Armor's plan to install weed barrier and rock on the southeast slope by the existing units.

Our only other concern is with the open storage areas for vehicles and RV's. We would not like to see this area fill with unsightly items such as demolition derby cars, old machinery, and trailers with tattered blue tarps blowing in the wind. Rental policy should prevent this problem by accepting only nicer RV's and vehicles for this area, but we would like to see this matter addressed during the approval process.

Cache County  
February 27, 2012  
Page 2 of 2

We appreciate the landscaping and maintenance of the first phase and hope the owners continue to keep the area safe and attractive for all.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Brent Jensen". The signature is stylized with a large initial "D" and a long, sweeping underline.

D. Brent Jensen  
City Administrator

1 6:44:00

2  
3 **#3 Armor Storage CUP Expansion (Curtis Knight)**

4  
5 **Ellis** recused himself on this issue due to knowing the applicant.

6  
7 **Larson** I need to state that I represent an estate that has a 1/9<sup>th</sup> interest in the property. I don't have a  
8 personal financial stake in this, I'm just disclosing that I'm kind of peripheral related to the adjacent  
9 property.

10  
11 **Harrild** reviewed Mr. Curtis Knight's request for a recommendation of approval to the County Council  
12 for a conditional use permit (CUP) to allow the expansion of an existing storage facility on 9.33 acres of  
13 property in the Agricultural (A-10) Zone located at approximately 4400 South Highway 165, between  
14 Nibley and Hyrum. This is urban development so the Commission is only a recommending body and the  
15 County Council is the approving body. Due to the urban development, comment from Hyrum City needs  
16 to be taken into account. The intent of this project is to add 6 more storage buildings, and 97 additional  
17 parking stalls to store vehicles. The ordinance states that for self-storage units, no outside storage is  
18 allowed. So that needs to be amended. Hyrum City has stated that they are fine with what is happening  
19 but they would like to see them continue what has been started to the East be extended, specifically a row  
20 of trees and also they would like to see only nicer vehicles stored there. Hyrum City doesn't want to see  
21 someone's old broken down vehicles there. But that becomes a moot point if it is all enclosed storage.  
22 Access to the site is from 4400 South and they will use the existing access which is adequate. However,  
23 the portion of 4400 south that extends along parcel #03-063-0014 must be improved to meet the local  
24 road standards. Also there are some drainage issues on 4400 South that are currently being assessed by  
25 the County Engineer and Road Department. The previous drainage plan doesn't seem to be working so  
26 that will need to be addressed with this expansion. Further improvements to the shoulder drainage and/or  
27 to the site may be required in respect to drainage concerns across the roadway. The expanded facility will  
28 increase the traffic of about 40 additional cars per day. Proper storm water retention facilities will be  
29 required to prevent increased flow onto adjoining properties. Access for the fire department is adequate  
30 and there are existing fire hydrants for the proposed expansion. Staff recommends a partial approval  
31 based on the stated conditions of facts, but is denying the request for outside storage as the county  
32 ordinance does not allow outdoor storage.

33  
34 Staff and Commission members discussed the storm water/water issues. At the last expansion there was a  
35 request for an onsite manager but that is not allowed under the county ordinance. While the current  
36 building is built to include a residence, it cannot be used as a residence. The office currently does have  
37 restrooms, so there is water there, but culinary water won't be dealt with until the residence can be  
38 occupied. The storm water plan will need to be able to handle all water coming off of the site whether it  
39 comes from rain or snow.

40  
41 **Curtis Knight** I am the owner. I have been doing storage units for 29 ½ years. I really didn't plan on  
42 expanding, but hearing the comments from the community it's needed. I like everything that Hyrum  
43 asked for. By the second water retention pond we will have a second access and we'll continue the  
44 landscaping along that as well. We will do the landscaping. We did plan on having to make  
45 improvements to meet Hyrum, Nibley, and the county's requirements for the road. We did have to deed  
46 20 feet over to make the road straighter. As far as drainage, I don't think it has to do with our property  
47 but the other property on the other side. The water has always run down the road and crossed, there has  
48 never been a culvert there or something. Nothing ever undercuts the asphalt except when the fire  
49 department ran the hydrants and then they came right out and fixed it. We will have an engineer design  
50 the storm water retention ponds and do those the right way so that there will be no problems with them.  
51 We try to do these really nice and we get better and better as we build them. We've applied for some out

1 in Mendon and they showed pictures of some other storage units showing garbage and things like that,  
2 but those aren't mine.

3  
4 **Olsen** is all the storage units full?

5  
6 **Knight** all the larger units are full; all but the 5x7 size are full. The smaller ones are mostly for college  
7 students that don't want to take everything home for the summer.

8  
9 **Curtis Larsen** I own the property directly north of this. My only concern is when they did the first phase  
10 they substantially raised the road and I get my water from the ditch that runs down the north side of the  
11 road and I'm having difficulty getting water. I feel he or the county should have had to pipe that ditch. I  
12 don't know if the planning on the next phase is to raise the road again, but that affects me on the other  
13 side. Those are my concerns.

14  
15 **Larson** your suggestions would be to

16  
17 **Runhaar** the road had to come up on the first part because UDOT has a specific landing requirement.  
18 You need x number of feet at that site and then you can start dropping off. The road used to be low and  
19 then you had to climb the road. The road should start tapering back at this point.

20  
21 **Mr. Larsen** my concern is whether he's going to have to raise the road a bunch again because that land  
22 slopes off quite a bit.

23  
24 **Runhaar** the requirement is going to be the same as before due to the width. As to the elevation and  
25 grade of the road I don't know until it has been engineered. If they can taper it off I'm guessing that  
26 would be the best thing for them because it costs more to build it up.

27 **Mr. Larsen** my concern would be if he can slope up to his property that would be better for me.

28  
29 **Runhaar** I can't answer that until I have seen a schematic of the road.

30  
31 **Mr. Larsen** my big concern is that I need to get irrigation water down there and the ditch is down the  
32 north side of the road. It runs right down my property. The road is pretty narrow; you can barely run two  
33 cars down the road. It does slope down to where my property is but my concern is getting water. I think  
34 the first section should need to be piped by either Curtis or the County. I can't just go clean it out. With  
35 it sloping off that far you are always getting slough off into the ditch. The other concern would be to  
36 contain the garbage that blows. Every time that I wanted to water I had to clean out the ditch from the  
37 garbage that was blowing into the ditch and I would like that to be taken care of this time.

38  
39 **White** is this a county road?

40  
41 **Runhaar** it is.

42  
43 **White** let him move the ditch over. What I'm saying is the County has 33 feet of property due to the right  
44 of way. Let him move the ditch over.

45  
46 **Mr. Larsen** as long as you could build the road and keep it up. How steep is it going to be to get to my  
47 fence? I'm just voicing a concern

48  
49 **Runhaar** when we built the first section of the road we set the road more to the south on purpose because  
50 there is an irrigation headway near where the turn off is. So we actually shifted the road south to try and  
51 avoid the irrigation. We were still able to get the road in our 66 foot wide alignment. I don't know what

1 to do beyond that because we don't typically replace or pipe irrigation ditches unless the road widening  
2 has to move them.

3  
4 **Mr. Larsen** I don't have a problem moving the ditch to my property but it would have to go across  
5 another person's property to reach mine. The head gate is on county property right now and goes straight  
6 down the fence line. That's my concern right now that I be able to get water and that the drainage works.  
7 With the last phase there was always water. There is a canal directly west that it could drain into easily if  
8 done right.

9  
10 **Sands** you have a condition in here that addresses the road design and that kind of thing. In other  
11 instances when we have interrupted irrigation we've put a condition in that states we don't want to disrupt  
12 that irrigation?

13  
14 **Runhaar** we don't put a condition in there but it is an item that we work on. I know we did a lot of  
15 review on the first time to make sure we were not impacting it. I guess it wasn't done satisfactorily  
16 because the road had to be brought up so much. I think on this next section the road is already tapered  
17 down near to where it is at. The road will need to be raised a little bit but it's not going to be the 2 to 2 1/2  
18 feet that was done at the road intersection.

19  
20 Staff and commission discussed the affects of the road improvements on irrigation. If the irrigation  
21 problems happened due to the road, the applicant needs to go back and fix them. However, the road was  
22 moved further south to avoid problems with the irrigation and the head gate.

23  
24 **Runhaar** is it inhibiting the flow of irrigation or just your ability to clean out the ditch?

25  
26 **Mr. Larsen** Nibley put in a water line at the same time. Right now I'm having a hard time getting  
27 irrigation down that ditch.

28  
29 **Runhaar** I think that the road was less and issue and that the water line was the main problem.

30  
31 **Sands** I've had a similar experience where roads get improved and the fill starts to slough off in to the  
32 irrigation ditch.

33  
34 **Runhaar** I think in this case it was the trenching that happened with the water line. We had numerous  
35 complaints about it and we had to identify who put the water line in. Unfortunately it's a county road and  
36 they didn't have a permit to put the water line in, so we didn't even know about it until after the fact.

37  
38 **Mr. Larsen** I'm the only one who gets water down the ditch except for Jerrold. Nibley was great to work  
39 with and they cleaned out the ditch. The part that is in front of Jerrold's where the road is so steep has  
40 never been cleaned out substantially and it's very difficult to get water down.

41  
42 **Runhaar** we'll go back and make sure we review that issue.

43  
44 **Larson** can you address any of that?

45  
46 **Mr. Knight** Nibley put in an 18 inch water line and it was going down 10, 12, 16 feet. They just filled up  
47 both ditches it's not me that filled that up. Mr. Larsen did call me about it and I had my guys get a  
48 backhoe and clean it out. It used to have all kinds of weeds in it and it was so full of weeds and it looks  
49 good right now. It looks like to me it would flow water just fine. We shifted the road considerably to the  
50 south. I can see there could be concerns where it sloughs off. I hate to make improvements to the side of

1 the road that doesn't benefit us and then it become cost inhibitive to use. We're trying to keep it cost  
2 productive. If you go look at it it's better than what it was.

3  
4 **Mr. Larsen** if he thinks that looks better he hasn't looked at. I burned the ditch all the way down, but not  
5 on Jerrold's piece. Its chuck full of weeds and looks horrible right now.

6  
7 Staff and Commission members discussed the ditch issues. The commission will make it a condition  
8 upon impact. If the engineers decide that the road caused the problems with the irrigation ditch, the  
9 applicant will have to fix the ditch problems.

10  
11 *Olsen motioned for a recommendation of approval for the Armor Storage CUP Expansion to the County*  
12 *Council with the addition of the condition regarding irrigation water; Watterson seconded; Passed 5, 0.*

13  
14 **7:21:00**

15  
16 **#4 Storage Bin CUP (Scott M. Lyman)**

17  
18 **Runhaar** reviewed Mr. Scott M. Lyman's request for recommendation of approval to the County Council  
19 for a conditional use permit (CUP) to allow self-storage units and retail sale of moving supplies on 2.61  
20 acres of property in the Agricultural (A-10) Zone located at approximately 4632 North 300 East, south of  
21 Smithfield. This is within Smithfield's annexation area. We have received comments from both  
22 Smithfield and Hyde Park. Smithfield is located one parcel to the north and across the street. There is  
23 multifamily housing that is being built and existing multifamily dwellings there as well. There are a large  
24 number of single family homes on large acreages in the area also. The project is using lot 2 of the  
25 Estancia Eastfield Subdivision. This was originally created as two lot subdivision potentially for  
26 residential development. They're proposing 7 buildings, and an additional office building. There is an  
27 issue with them wanting to sell moving supplies, but the ordinance specifically prohibits that. We have  
28 received comment from Smithfield stating their objection to this project. If the land is annexed by  
29 Smithfield City, their ordinance prohibits this use in this area. Additional Hyde Park provided comment  
30 and it was similar to Smithfield's comments and written in support of Smithfield's objection. The access  
31 for this project is adequate, but will require a culvert. The water and septic is much like residential  
32 because that carries over from when the subdivision was done, they do have the ability to put a septic  
33 system here and do have culinary water rights. The biggest issue that we want to bring up is  
34 compatibility. Part of the requirements for a CUP is that this use is compatible with the character of the  
35 site, adjacent uses, etc. There is a concern with how this application is going to work with the larger area.  
36 If you look at the zoning for Smithfield and Hyde Park, this piece of property is in their residential areas.  
37 The only commercial uses they have are along the high way corridor and the only industrial zoning,  
38 which is where both cities place this use, is on the west side of the highway. The concern is that if and  
39 when these cities grow together, this would be an industrial use in the middle of residential areas. You  
40 have multiple homes in this area and there is likely to be more homes built in this area. In Hyrum, there  
41 are not many single family homes there and that area is likely to turn into a commercial area. That is not  
42 likely here. Staff is recommending denial due to Smithfield's objection and according to the ordinance  
43 under 17.06.070 it is not compatible with this area. Also retail sales are prohibited within self-service  
44 storage facilities.

45  
46 Staff and Commission members discussed the location of the project and Smithfield's objections. Some  
47 members have problems with the issues of compatibility in this area of the county for storage units. In  
48 the past Smithfield and been very discouraging about storage units. Also, some members are concerned  
49 with setting a precedent of using this type of discouragement for not allowing development. The  
50 Smithfield Units proposed a few months ago were surrounded by Agriculture.