



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

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**Board of Adjustments Minutes: 15 March 2012**

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## Cache County Board of Adjustments: Minutes for 15 March 2012

**Present:** Lee Atwood, Nolan Gunnell, Hal Olsen, Brooks Tarbet, Rob Smith, Josh Runhaar, Chris Harrild, Denise Ciebien

**Start Time: 4:05** (Video time not shown on DVD)

**Runhaar** opened the meeting with the Board's consent.

### Agenda

The agenda was approved with no changes.

**4:07**

### #1 Elections for Chair and Vice-Chair for the year 2012

***Gunnell** motioned that Lee Atwood act as Chair; **Smith** seconded; **Atwood** accepted the nomination; **Passed 5, 0.***

***Brooks** motioned that Nolan Gunnell act as Vice-Chair; **Olsen** seconded; **Gunnell** accepted the nomination; **Passed 5, 0.***

The Cache County Board of Adjustments Chair for 2012 is Lee Atwood; Vice-Chair is Nolan Gunnell. Josh Runhaar will assist as secretary for the Board as regards legal noticing, agendas, minutes, and other items as the Board requires.

**4:09**

### #2 Training for Board Members

**Runhaar** introduced the training and reviewed and discussed the power point training with the Board (A pdf of the power point training is attached).

**Gunnell** asked for clarification regarding the issuance of a decision within 15 days.

**Runhaar** clarified that the Board has 15 days to provide a written decision from the day of the decision of the Board of Adjustments.

**Runhaar, Ciebien, and the Board** discussed additional questions concerning the legal counsel that would be assisting the Board at the next meeting where the administrative appeal will be heard. Angela Fannesbeck was identified as the legal counsel for the Board for the March 22, 2012 meeting. They discussed how counsel assists in the case of an administrative appeal and the purpose of an executive session. The Board was encouraged to contact Angela Fannesbeck with any specific questions regarding the appeal.

**The Board** asked Runhaar to provide more information regarding rules for administration and rules of Board meetings and the contact information for the Board's legal counsel for the upcoming appeal. The Board also asked if it was possible to visit the site of the Cherry Peak Ski Area.

### **Continuation of Training**

**Runhaar** continued the training from where he had left off; "Variance of a Nonconformity". He specifically identified that the Board may use the 10% rule in considering nonconformities. If a nonconformity comprises less than or equal to approximately 10% of a structure, it is more likely to be an acceptable nonconformity than one which exceeds 10%. The training then continued to follow the attached pdf of the power point to its conclusion.

**4:55**

**Olsen** asked concerning the timing in the issuance of decisions from the Board.

**Runhaar** reviewed the 15 day requirement from the day of decision for written decisions from the Board.

**Runhaar and the Board** discussed the best time to hold Board of Adjustments meetings. Mr. Olsen identified that it would be preferable for him to hold them later in the evening, around 6:00 P.M. Runhaar noted that any motion to amend the bylaws must be approved by the Cache County Council and would not take affect until approved by the Council.

*Tarbet motioned to amend the bylaws so that the Board of Adjustment meetings start at 6:00 P.M.; Olsen seconded; Passed 5, 0.*

**5:05**

**Packets** for the next meeting were distributed to the Board. The Board asked questions concerning next week's meeting and the appeal.

**Runhaar** referred the Board to the Board's legal counsel, the information provided in the packet that contains the appeal, a brief from the appellant's attorney, a response from Cache County, and a response from the Cherry Peak Ski Area.

**Runhaar and the Board** discussed ex parte communication, what it is, that it must not occur, and how to avoid it.

*Smith motioned to adjourn the meeting; Gunnell seconded; Passed 5, 0.*

**5:17**

**Adjourned**