6:00 p.m. Welcome and opening remarks.
   Review and approval of agenda.

6:05 p.m.


Board Member Reports.
Staff reports.
Adjourn.

This is a public meeting and all interested persons are invited to attend. Complete details and legal descriptions are on file for public inspection at the office of the Cache County Zoning Administrator, 179 North Main, Room 305, Logan, Utah, 755-1640.

In compliance with the Americans With Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Janeen Allen, Executive Secretary, at 755-1850 at least three working days prior to the meeting.
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MEMORANDUM

Date: 20 March 2015  
From: Cache County Development Services  
To: Cache County Board of Adjustments  
Subject: Administrative appeal staff report - Top Job, LLC (Top Job)

This memorandum is provided in response to an application and notice of appeal (Exhibit A) submitted to the Development Services Office on March 11, 2015 by Mr. Duane Miles appealing two (2) separate decisions issued by the Development Services Director:

- **Appeal item #1:** Violations of the Cache County Ordinance for activities involving Top Job and occurring on county parcel 12-024-0015.

- **Appeal Item #2:** A determination by the Cache County Director of Development Services regarding use related definitions as found in the Cache County Zoning Ordinance.

As relates to the two (2) appeal requests staff has referenced, staff has provided:
- All related documentation (Exhibits A-L).
- Summary of documentation.
- A recommended determination and findings of fact.

**DOCUMENTATION AND DISCUSSION**

**Exhibit B – 08 January -20 February 2015: Cache County Clerk – Business License Review**

- Week of January 8: County employee, Mr. Chris Harrild contacted the Cache County Clerk to confirm if Top Job had contacted the Clerk’s office to request a business license.
- 08 January: Letter – Clerk’s Office formally notified Mr. Jordan Miles of the requirement to obtain a business license or cease operations in the county. That letter specified a deadline of January 22, 2015 to resolve issue.
- 17 January: Phone Call – Mr. Jordan Miles contacted Mrs. Kim Gardner with the Clerk’s Office and stated that he had previously held a business license in Logan City and was in the process of getting another license in Logan until they could meet county requirements for their business. Mrs. Gardner notified him that this would require that he move his business into Logan City limits, Top Job could not use a Logan City business license to operate in the county.
- 23 January: Phone Call – Mrs. Gardner contacted Maria Tena with Logan City to inquire as to the status of the business license for Top Job. Ms. Tena indicated that Top Job had held a business license in years past but did not currently hold a license.
- 02 February: Phone Call – Mrs. Gardner again followed up with Ms. Tena and was again informed that Top Job had not obtained a business license with Logan City.
20 February: Phone Call – Mrs. Gardner contacted Mr. Harrild and reported that Top Job had not yet submitted application for a county business license.

Exhibit C – 22 January 2015: Site Investigation
- County employee Mr. Harrild had previously observed activities occurring on the property at West 2000 North and State Route 23 that appeared to be a violation of the Cache County Code. Mr. Harrild then specifically visited the site to document the alleged activities.

Exhibit D – 30 January 2015: Notice of Violation (Notice)
- Mr. Harrild made two attempts to contact the owner following the site investigation to alert them of the nature of said activities, and as the owner did not respond to the messages left by Mr. Harrild with employees of Top Job, a “Notice of Violation” letter was sent to Mr. Miles detailing the perceived violations of the Cache County Code.

Exhibit E – 02 February 2015: Presence of Hazard; Fire and Investigation
- As described in the Cache County Fire District report, Mr. Miles and employees of Top Job were attempting to clean/empty an old asphalt tank and ignited the material that spilled out of the tank as well as the remaining material within the tank.

Exhibit F – 05-09 February 2015: Phone Call and Email Correspondence
- 05 February: Phone Call - Following his receipt of the Notice, Mr. Jordan Miles contacted Mr. Harrild on February 5, 2015 to discuss said Notice. Mr. Harrild directed Mr. Jordan Miles to draft a letter of intent that would identify all existing and proposed uses on the property as relates to Top Job. Mr. Miles also indicated his intent to move his business to Logan City. He also indicated that he did not understand the need to also contact the Development Services office in addition to the Clerk’s office.
- 05 February: Email – Mr. Miles confirmed he would provide a letter of intent. He also stated that he was in the process of obtaining a business license from Logan City and moving his business there.
- 06 February: Email – Mr. Harrild requested the letter of intent be submitted as soon as possible.
- 08 February: Email – Mr. Miles indicated that he would not submit a letter of intent, nor apply to Logan City for a business license at this time. He expressed his intent to come into compliance, and state that he was seeking a consultant regarding county laws and ordinances.
- 09 February: Email – Mr. Harrild requested that Mr. Miles provide the information regarding the action to be taken to resolve the violation by February 13, 2015 at the latest.

Exhibit G – Week of February 18, 2015: Letter of Intent and Phone Call
- Mr. Jordan Miles submitted a letter of intent regarding the existing noncompliant use. He also submitted definitions taken from Wikipedia (trade) and Dictionary.com (dead storage) to support his interpretation of the Cache County Code as applied to his business activities.
Mr. Harrild also contacted Mr. Jordan Miles by phone the week of February 18, 2015, to notify him that the letter of intent had been reviewed, and that as defined in the County Code §17.07.030 the use type “2200 Storage and Warehousing [1. Storage Yard]” (Storage Yard), best represents the activities in the letter of intent.

Exhibit H – 23 February 2015: Request from Jordan Miles/Teri Miles, Partners Top Job, LLC
- Top Job submitted a letter contesting the county’s designation of their business as a Storage Yard and also requested detailed support of that designation. They specified that they believed that “3100 Retail and Commercial Sales” (Retail/Commercial) best defined their business, and that it would be more difficult for them to find property whereon to locate their business with the Storage Yard designation.

Exhibit I – 25 February 2015: County Response to Exhibit H, Top Job Request
- As requested, the county provided clarification, and based on the letter of intent, identified each correlation of that letter with the County Code. The conclusion being that Top Job is clearly best defined as a Storage Yard, and that Top Job “in no way qualifies, nor is foreseeable, or reasonable, as a use that falls within the definition of 3100 Retail Commercial Sales” based on the letter of intent.

Exhibit J – 05-06 March 2015: Letter from TeriLynn W. Miles, CEO, Top Job, LLC
- 05 March – Mrs. TeriLynn Miles, CEO Top Job visited the Development Services Office and became aware at that time of the letter noted herein as Exhibit I. Mrs. Miles indicated that they had not received the letter. Mr. Harrild provided a hard copy of said letter and stated that continued delay to comply with the law would be perceived as noncompliance and necessitate the issuance of the Final Notice.
- 06 March - Top Job submitted a letter again contesting the determination as issued by the Development Services Department and requested indication of to whom to appeal the decision.

Exhibit K – 06 March 2015: County Response to Exhibit I, Top Job Inquiry
- The Development Services Department responded and provided the necessary information directing Top Job to the Cache County Board of Adjustments and County Code.

Exhibit L – 10, 12 March 2015: Final Notice of Violation (Final Notice)
- A Final Notice is issued to begin a 10 day warning period, following which criminal and civil penalties may be imposed. Said notice is not typically sent unless the offending party has not taken action to correct the noted violation(s). In this instance, Final Notice was submitted to the Cache County Sheriff’s Office on March 10th and was served on March 12th to Mr. Jordan Miles. The Final Notice was served as Top Job had not taken action to correct the business activities being conducted in violation of the Cache County Code as specified in the Notice (Exhibit D).

Exhibit A – 11 March 2015: Notice of Appeal
- Top Job submitted a Notice of Appeal as detailed on page 1 of this memorandum and as regards the stated violations of law and determination of use.
SUMMARY OF DOCUMENTATION

Top Job, L.L.C. has been formally noticed and officially aware of the extent of the violations and noncompliant nature of their business activities for what is now approaching 3 months.

With that initial notice and subsequent notices, Top Job, L.L.C. verbally stated their intent to either comply with the law, or move within Logan City limits and obtain proper permitting there.

Top Job, L.L.C. then indicated that they would not be moving to Logan City, and given that they continued to operate their business in the county, Top Job, L.L.C. must then comply with the Cache County Code.

And most recently, from the Notice of Appeal, Top Job, L.L.C. states that they have moved their offices to within Logan City limits, but that all other aspects of the business remain in the county. And while it may be true that some employees no longer operate from said property, no evidence to support that claim has been provided.

Additionally, of the two use types from the County Code that have been identified and discussed (Storage Yard and Retail/Commercial), neither is a permitted, nor conditionally permitted use within the Agricultural (A10) Zone, and the business activities occurring at the site have been shown to be a potential health and safety hazard.

In summation, adequate time and sufficient options to comply have been provided or available. And, while verbally amenable, Top Job, L.L.C. has not taken substantive action to come into compliance with the law.

RECOMMENDED DETERMINATION AND FINDINGS OF FACT

Appeal Item #1- Violation:

Based on the record, the Board of Adjustments finds that Top Job, L.L.C, a business operating at 6125 West 2000 North on parcel 12-024-0015, is in violation of the Cache County Code as specified in the “Notice of Violation” as issued by the Development Services Office (Exhibit D). The Board of Adjustments therefore denies the appeal and directs staff to proceed with the necessary measures needed to correct the violation. In reference to the appeal, the Board of Adjustments also finds that any structures, materials, tanks, vehicles, or other inventory being utilized for the business operations of Top Job L.L.C. are a violation of the Cache County Code. Therefore the use of all structures for business activities must cease and all such materials, tanks, vehicles, and other inventory shall be removed from the site. This decision is based on the following findings of fact:

1. The appellant has acknowledged within the filed appeal that the existing activities occurring on the property are a violation of the Cache County Code. The applicant has stated that “we accept that we are currently out of compliance with respect to operating non-agricultural vehicles out of and having inventory at an A10 property.” (Exhibit A)

2. As pertains to the appellant’s business activities:
   a. Business activities of Top Job, L.L.C. are being conducted in the Agricultural (A10) Zone.
   b. The business is being conducted without a business license as required by Title 5.04 of the Cache County Code.
c. Neither definition as discussed pertaining to Top Job, L.L.C. (2200 Storage and Warehousing or 3100 Retail and Commercial Sales) is a permitted use in the Agricultural (A10) Zone.

d. If pursued, the conduct of the business activities as specified by Top Job, L.L.C. requires further land use authority consideration and approval. While this may be an avenue open to Top Job L.L.C., the action of requesting land use approvals and business licenses is required prior to the initiation of business activities.

e. Top Job, L.L.C. has not pursued nor obtained land use authority approval to conduct their specified business activities.

**Appeal Item #2 – Use Type Determination:**

Based on the record, the Board of Adjustments finds that the Cache County Development Services Director has reasonably and correctly determined that Top Job, L.L.C. is best defined within the Cache County Code §17.07.030 as "2200 Storage and Warehousing [1. Storage Yard]". Therefore, the Cache County Board of Adjustments denies the appeal request regarding said use determination based on the following findings of fact:

1. The Development Services Director has the authority under 17.02.060(B)(1)(e) to make determinations on the categorization of permitted and conditionally permitted uses and has considered the said use as required within said section.

2. There is substantial evidence within the record that supports the Development Services Director’s determination categorizing Top Job L.L.C existing and proposed use as “2200 Storage and Warehousing [1. Storage Yard]” as defined in Title 17.07 of the Cache County code.
Application: Notice of Appeal

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<th>11 MAR 2015</th>
<th>By:</th>
<th>Check #</th>
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**Appeal Information:**

- **Project Name:** Top Job, LLC
- **Project Address:** 6125 W 2000 North
- **Property ID Number(s):** 12-024-0015
- **Zone:** A10
- **Acres:** 5.90
- **Area:** Petersboro

**Agent Contact Information:**

- **Name:** Duane Miles
- **Email:** d.m@aggiemail.usu.edu
- **Phone:** (435) 512-4870
- **Mailing Address:** P.O. Box 454, Mendon, Utah 84325

**Property Owner Contact Information:**

- **Name:** Jordan & Erin Miles
- **Email:** jordan@topjobasphalt.com
- **Phone:** (435) 764-3630
- **Mailing Address:** 6135 W 2000 North, Petersboro, Utah 84325

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 and is posted online.

---

**DEVELOPMENT SERVICES DEPARTMENT**

179 NORTH MAIN, SUITE 305
LOGAN, UTAH 84321

**PHONE:** (435) 755-1640 **FAX:** (435) 755-1987
**EMAIL:** devservices@cachecounty.org
**WEB:** www.cachecounty.org/devserv

---

11
A completed application must include the following unless specified otherwise:

1) ☐ A completed application form and **non-refundable** review fee (cash or check only):
   - Appeal - $250

2) ☐ A plat map for each property.

3) ☐ The legal description with any existing covenants & deed restrictions and current taxation certification for each property.

4) ☐ The name(s) and full mailing address(es) for all owner(s) of each property.

5) ☐ *If* the owner of record is not the acting agent, an agent letter must be included. **Also,** further information is required if the owner of record is an LLC, Corporation, Trust, or similar. Paperwork identifying the name of the LLC, Corporation, Trust, or similar, the listed owners or members, and assigned agent must be included.

6) ☐ A notice of appeal specifying:
   - (i) The decision being appealed and the parties making the appeal.

*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 use/development.*

**Acknowledgment**

I, Duane Miles __________________________ the undersigned agent and/or owner of the involved in this notice of appeal acknowledge that I have read and understand the information and requirements presented in this application.

[Signature]
Property Owner or Agent
Cache County Corporation
Tax Roll Information
For 12-024-0015

Owner Name & Address

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Name MILES, JORDAN D

C/O Name

Address 1

Address 2

City State Zip

PETERSBORO UT 84325

District

028 COUNTY OUTSIDE

Year 2015 Status TX

Property Address

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*****PROPERTY INFORMATION*****

2014 2015

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*****BUILDING & TAX INFORMATION*****

Square Footage: 1,135

Year Built: 2010

Building Type: SFR

Taxes for: 2014 1,370.99

Taxes for: 2015 1,370.99

Special Tax: 0.00

Abatements: 0.00

Payments: 0.00

Balance Due: 1,370.99

*****BACK TAX SUMMARY*****

NO BACK TAXES

CACHE COUNTY TREASURER/DEPUTY

*****PARCEL HISTORY SECTION*****

PT 12-024-0001 4/07;

Property Address: 6135 W 2000 N

PETERSBORO

Current Year:

* * * * * Continued on the next page * * * * *
Parcel 12-024-0015  Entry 1026655  Name MILES, JORDAN D
LOT 5 BLUE HAWK SUBDIVISION CONT 5.90 AC
WITH 50 FT R/W: BEG AT SW COR LT 4 BLUE HAWK SUBD & TH N 89*41' E 290 FT ALG N LN
OF 2000 N ST TO SE COR LT 4 TH N 0*19'17" E 50 FT TH S 89*41' W 290 FT TH S
0*19'17" W 50 FT TO BEG
SIT N/2 OF NW/4 SEC 20 T 12N R 1W

Next Year:
Next Year Legal Description Same as Current Year

* * * * * End of Report * * * * *
NOTES

IMPORTANT PUBLIC

SURVEYOR'S CERTIFICATE

I, PETERSON LAND SURVEYING, do hereby certify that I am a Registered Land Surveyor in the State of Utah, and that I have made a survey of the property described herein, and that the plat is true to scale and in accordance with the requirements of the laws of the State of Utah.

ACKNOWLEDGEMENT

I, Peter Peterson, do hereby certify that I am a Registered Land Surveyor in the State of Utah, and that I have made a survey of the property described herein, and that the plat is true to scale and in accordance with the requirements of the laws of the State of Utah.

OWNERS

MARK KIDMAN
P.O. BOX 211
MENDON, UTAH 84325

SCALE 1"=200'
DRAWING NUMBER 06-0828

MARK KIDMAN SURVEY
P.O. BOX MENDON, UTAH 84325
Owners

Jordan Miles
6135 W 2000 North
Petersboro, Utah  84325

Erin Miles
6135 W 2000 North
Petersboro, Utah  84325

Jeff Wille
1811 Cricket Lane
East Lansing, Michigan  48823
Cache Development Services  
179 North Main Street  
Logan, Utah  84321

RE: Agents

The following will be agents for Jordan Miles and Top Job, LLC:

Duane Miles  
P.O. Box 454  
Mendon, Utah  84325  
(435) 512-4870

Craig Call  
Anderson Call & Wilkinson  
60 South Temple  
Salt Lake City, Utah 84111  
(801) 521-3434

If you have any questions feel free to contact either of them.

Thank you,

[Signature]

Jordan Miles
Member, Top Job, LLC  
(435) 764-3630

[Signature]

TeriLynn W. Miles  
CEO, Top Job, LLC  
(435) 770-2282
Cache Development Services
179 North Main Street
Logan, Utah 84321

RE: Notice of Appeal

We will appeal the decision regarding out-of-compliance activities at 6135 W 2000 North, Petersboro, Utah 84325 as follows:

We accept that we are currently out of compliance with respect to operating non-agricultural vehicles out of and having inventory at an A10 property. We are attempting to cure that or find another location.

We have moved our offices to 88 West Center Street, Logan, so we are no longer out of compliance regarding employees onsite at the subject property.

The existence of a structure is not, by itself, a non-compliance in A10. That structure was approved by Cache Development Services.

The existence of tanks is not non-compliance in A10.

We have been attempting to resolve the classification of Top Job, LLC business activities so that appropriate zoning can be obtained or another property with appropriate zoning can be rented or purchased. In order to make it possible to do so:

We appeal the Cache Development Services determination that Top Job, LLC is a category 2200 STORAGE AND WAREHOUSING activity. Equipment, product and structures are not unique to storage and warehousing. Operating a trade and/or a wholesale or retail business is prohibited under 2200 STORAGE AND WAREHOUSING. On the other hand, TRADE, WHOLESALE, AND RETAIL enterprises operating in "Commercial" zones always require at least product, usually a structure and often equipment.

Additional argument, documentation and evidence will be presented at the appeal hearing.

Regards,

Jordan Miles
Member, Top Job, LLC
(435) 764-3630

Terilynn W. Miles
CEO, Top Job, LLC
(435) 770-2282
Email from Kim Gardner to Chris Harrild
17 March 2015, 11:12 A.M.
Subject: Top Job Asphalt / Jordan Miles

Jan 08, 2015- Sent business License inquiry Letter to Top Job Asphalt 6135 West 2000 North, Mendon, UT, 84325 Attention: Jordan Miles. Advised him that he was not in compliance with the business license ordinance and he either needed to obtain a county business license or let us know that he was not operating a business in the unincorporated area of the county By January 22, 2015. (Enclosed is a copy of letter sent).

Jan 17, 2015- Jordan called the clerk's office and spoke to Kim about not being able to come into compliance for a county business license by The January 22, 2015 Date. He indicated that they (Top Job Asphalt) had been issued a business license from Logan city before and that they were going to get a business license from them until they could comply with the county. Kim told them at that time that they would have to move the business into the Logan city limits to be issued a Logan City business license, That they could not use the Logan City business license where they were in the unincorporated area of the county.

Jan 23, 2015- Kim called the Logan city business license office and spoke to Maria Tena to inquire if they had issued a business License for Top Job Asphalt. At that time she indicated that Top Job had had a business license with them in a previous year(s), but currently did not have a licensed issued to them.

Feb 02, 2015-Business license due date for all 2015 business license's in the unincorporated area of cache county. Kim checked with the logan City Business License office again speaking to Maria Tena to see if they had approved a business license for top Job Asphalt, again the answer was no.

Feb 20, 2015-Kim Let Chris Harrild know that Top Job Asphalt had not submitted an application for a County Business license.
January 08, 2015

JORDAN MILES
TOP JOB ASPHALT
6135 WEST 2000 NORTH
MENDON, UT, 84325

ATTENTION: JORDAN
Subject:: County Business License

We have been informed that a business is in operation whose headquarters is located in the unincorporated area of Cache County and are subject to the provision of the Cache County Business License Ordinance.

If this information is correct, you are required to obtain a county business license for each and every year your business is in operation.

New businesses must obtain clearance from the County Planning and Zoning Department, the County Building Department and the County Fire Department. A form has been enclosed with this information.

Please advise us, without delay, if you are not operating a business in the unincorporated area of the county. You will have until the 22nd of January to take care of this matter. After that time this will be referred to the Cache County Attorneys Office for further review. If you have any questions concerning this matter please call the County Clerk’s Office at (435) 755-1462 and ask for Kim.

Respectfully yours,

Jill N. Zollinger
Cache County Clerk

Enclosure
cc Mr. Josh Runhaar
    Mr. Paul Berntson
    Mr. Rodney Hammer
    Mr. Craig Buttars
    Mr. James Swink

Sent 01/08/15
Called Logan City 01/20/15 about bus. He talked to Maria Tena
Site investigation on January 22, 2015 by Chris Harrild. Photo taken facing south from shoulder of State Route 23.

- Bulk construction materials – in piles and in tanks
- Building used for office/repair facility
- Multiple pieces of large equipment and vehicles
- Existing home
NOTICE OF VIOLATION

To: Jordan D. Miles, Erin E. Miles, Jeffrey M. Willie  
From: Cache County Development Services  
Date: 30 January 2015  
Subject: Notice of Violation

This notice is to inform you that activities are being conducted in violation of the Cache County Code on property located at approximately 6135 West 2000 North, Petersboro, with parcel number 12-024-0015.

Cache County has conducted site investigations of said property, and also attempted to contact Mr. Jordan Miles on two separate occasions in an effort to provide notification and direction regarding this issue. A lack of response has necessitated this notice.

The following is a description of the nature of the violation, actions necessary to correct the violation, the time period for correction of the violation, and the action that will be taken if the violation is not corrected.

NATURE OF THE VIOLATION

A business is being operated at 6135 West 2000 North, Petersboro, on parcel number 12-024-0015. Said business is being operated without a business license and without land use authority approval.

Following a visual inspection during site investigations, and on the information available to this office regarding the current activity being conducted at this site, it appears that this use is best defined and addressed by the Cache County Ordinance as follows:

Title §17.07.020 Use Related Definitions best defines this activity as:

“2200 Storage and Warehousing [1]”: “Storage Yard: The storage of large equipment and vehicles (either construction or transport); bulk construction materials (soil and rock products or building materials); and buildings or structures for uses such as offices or repair facilities.”

Additionally, Title §17.09.030 Schedule of Uses by Zone identifies that “2200 Storage and Warehousing [1]” is only permitted as a conditional use in the Industrial (I) Zone. The property that is being used for “2200 Storage and Warehousing [1]” is located within the Agricultural (A-10) Zone.
**ACTIONS NECESSARY TO CORRECT THE VIOLATION**

The following actions must be taken to resolve the violation:

1. Cease all business activities at this site and remove all business related equipment from the property, or;
2. Begin the process to rezone the property, request a conditional use permit (CUP) for said use, and obtain a county business license.
   a. As this is not a permitted use in the existing Agricultural (A10) Zone, continued operation requires a rezone to the Industrial (I) Zone where “2200 Storage and Warehousing [1]” is a conditionally permitted use, and a request may then be made for a conditional use permit. If both the rezone and CUP are approved, a request for a business license may then be made.
   b. If the request to rezone or obtain a permit is denied, and the use continues at the site, the noted action to be taken if the violation is not corrected will commence at that time.

**TIME PERIOD FOR CORRECTION OF VIOLATION:**

The above listed actions must be taken immediately on your receipt of this notice.

**ACTION TO BE TAKEN IF THE VIOLATION IS NOT CORRECTED**

This matter has been reviewed with the Cache County Attorney’s Office, and if the aforementioned violation remains unresolved, a final notice of violation and order shall be served, and ten (10) business days after your receipt of that final notice, you will be subject to both criminal prosecution and the imposition of civil penalties. The penalties you will be subject to in a criminal prosecution include up to 90 days in jail and/or a fine of up to $1,000.00. The civil penalties that you will also be subject to include a fine of $100/day until the violation is resolved pursuant to §17.04.070 of the Cache County Ordinance.

If you have any questions regarding this notice or would like to provide any clarification please contact Chris Harrild with the Cache County Development Services Department at (435) 755-1640.

Sincerely,

[Signature]

Josh Runhaar
Development Services Director
Dispatched initially to a working structure fire. Shortly after I went enroute dispatch advised that they had made contact with the owner of the business and that it was an intentional fire and they did not need any help. I advised I would continue to respond 10-40 to make contact with them.

When I got on SR23 I could see a large black column of smoke rising from the area, I upgraded to 10-39 and advised dispatch to keep all the resources responding 10-39 until I found out what was on fire.

I arrived on scene and found a large asphalt mixing container that was tipped over and had fire in the tank as well as a pool of asphalt burning approx 75' x 35' in area not threatening the building. I advised E110 to put the fire out in the tank first then we would work on the pool burning. As E110 was arriving employees had put the pool of asphalt on fire out with a garden hose, and E110 put out the remaining fire in the tank. I cancelled E72 but kept E60 in case we needed their water.

After the fire was out I was told by the owner that he had just purchased the tank and was trying to get all the old asphalt out, when they built a bon fire with pallets under the tank to heat it up. The asphalt ignited that was coming out of the bottom of the tank then lit the inside of the tank and the pool on fire. He advised me that this was not something he had ever done before nor did he plan on doing it again. Josh Greer from the Health Department showed up and worked with the owner on cleanup.
Will do Chris. Thanks.

Jordan

On Mon, Feb 9, 2015 at 8:24 AM, Chris Harrild <Chris.Harrild@ cachecounty.org> wrote:

Hi Jordan,
Thank you for keeping us updated. As you work to come into compliance, please review the items in the initial notice of violation under "Actions Necessary to Correct the Violation" in your consideration of how your business appears to fit within the county requirements. At the very latest, please contact me by the end of this week to discuss your next steps detailing the action you will take to come into compliance.

Chris
Chris Harrild, AICP
Planner II
Cache County Development Services
435-755-1640
chris.harrild@ cachecounty.org

>> > > Jordan Miles <jordan@topjobasphalt.com> 2/8/2015 9:48 PM >> > >
Hey Chris,

I had a meeting over the weekend with my business partners and they disagree with the approach that I was taking. Before we go any further in any direction they would like to consult with someone who is familiar with the county laws and ordinances. As such I have been instructed not to submit either another Logan business license application or a letter of intent at this time. What I can tell you is that we intend to come into full compliance, and that we plan to address this as quickly as possible. We have someone in mind already to help explain options, and plan to try to contact them first thing Monday. I will keep you updated, and of course you can contact me at any time to see where we are at.

As always, if you have any questions please feel free to contact me on my cell at 435.764.3630 or by email.

Thanks.

Jordan Miles

On Fri, Feb 6, 2015 at 8:22 AM, Chris Harrild <Chris.Harrild@ cachecounty.org> wrote:

Thanks Jordan,
Please forward a copy of that application to me as soon as possible.
Chris
Chris Harrild, AICP
Planner II
Cache County Development Services
Thank you for taking my call today. As per our conversation I am drafting the letter of intent you requested and will be delivering it shortly.

I got a phone call a few minutes ago from Maria at the Logan City Business License Division. She informed me that they do not currently have an application on file for Top Job, LLC. I gave the application to an employee to drop off as they were running around. So it would seem that either Logan City misplaced the application or the employee failed to drop it off. Either way I plan to fill out a new application and deliver it myself tomorrow. I will of course get you a copy of that application as per your request. I have meetings out of town tomorrow, so if I can't get back before the City Offices close I will take it in first thing Monday morning. I hope that is acceptable.

If you have any questions please contact me on my cell phone at 435.764.3630 or by email at jordan@topjobasphalt.com.

Jordan Miles
Owner
Top Job, LLC
Explanation of range (example: 2-4): the first number is what we are doing currently, the second number is our 5 year forecast.

a) Proposed Use:
- Retail sales/delivery of asphalt maintenance materials
- Retail sales/delivery of rock products
- Coordinating off-site installation/delivery of asphaltic materials
- Office space for record keeping and sales
- Current building is 2688 square feet
- Site is ~6 acres, flat and almost perfectly level, business activities take ~3.75 acres
- No "dead storage" use proposed at this location
- No soil, rock product, or building material storage proposed at this location

b) Number of Employees
- On Site—2-5 plus 2-2 owners
- Off-Site—6-10 doing deliveries and off-site work

c) Hours of Operation
- Monday through Saturday, typically 7am-5pm
- Sunday—Closed

d) Traffic and Parking
- Employees typically arrive around 7am in summer and deliveries depart shortly after. Winter starts are fewer and later. Often in winter no deliveries are made. Customers arrive sporadically during business hours, almost always one at a time. Most sales are telephone or email. Traffic is very light on both 2000 North and SR23. No issues have been experienced in the past.

Deliveries
- Retail Operations—9am to 5pm
- Outgoing Deliveries and Off-Site Operations—typically 7am to 5pm
- Dump trucks go out 2-4 times a week average and stay out all day. They typically pick up material from vendor, deliver, and return empty.
- Sealcoat trucks/trailers go out every day and usually stay out all day
- A semi-truck delivers about twice a month average
- UPS or FedEx comes about once or twice per week average
- Mail is picked up at the Post Office by an owner
- Parking space for customers and employees — 10-12 off-street spaces
- Parking space for delivery trucks and equipment—20-25 off-street spaces

e) Signage
- A 2'x3' sign with the Top Job logo in a window or next to the main door.

f) Equipment
- 2-2 skid steers for loading customer and company trucks, plowing snow, etc.
- 2-2 dump trucks for delivering product.
- A paver and a roller are taken to customer job sites.
- 3-4 flatbed trucks for delivering products
- 4-5 trailers for delivering products
- 1-3 trucks with tanks for delivering products
- 2-1 trailers with tanks for delivering products
- 3-3 pickup trucks for pulling trailers and delivering products
- 2-3 passenger vehicles for sales and management
water tanks
1-3 stationary material tanks (non haz mat)
3-3 diesel fuel tanks (non haz mat, non flammable)
1-1 stand-by generator
various light tools (shovels, hammers, wrenches, etc)
g) Waste/Garbage
Logan/Cache has provided two black garbage cans
h) Impact Mitigation (In Petersboro)
No digging or other construction activities are carried out on the property, therefore dust or other irritants are not an issue. Noise resulting from equipment is generally restricted to a few minutes in the morning and a few minutes in the evening as the crews come and go, resulting in minimal noise pollution.
To address what little noise is generated, the owner of the property, Jordan Miles, has planted trees along the property line, and plans to plant more trees to shield/minimize both the view and any noise associated with operations. Fast growing temporary trees that grow 3-4 feet per year have and will be planted and will provide short term visual/noise obstruction. Similarly medium and long term trees have and will be planted to provide medium and long term visual and noise obstruction. Fences in natural tones are planned to be placed in strategic places to further block visual and noise pollution.
Trade

From Wikipedia, the free encyclopedia

This article is about the economic mechanism. For other uses, see Trade (disambiguation).

Trade involves the transfer of the ownership of goods or services from one person or entity to another in exchange for other goods or services or for money. Possible synonyms of "trade" include "commerce" and "financial transaction". Types of trade include barter. A network that allows trade is called a market.

The original form of trade, barter, saw the direct exchange of goods and services for other goods and services. Later one side of the barter started to involve precious metals, which gained symbolic as well as practical importance. Modern traders generally negotiate through a medium of exchange, such as money. As a result, buying can be separated from selling, or earning. The invention of money (and later credit, paper money and non-physical money) greatly simplified and promoted trade. Trade between two traders is called bilateral trade, while trade between more than two traders is called multilateral trade.

Trade exists due to the specialization and division of labor, in which most people concentrate on a small aspect of production, trading for other products. Trade exists between regions because different regions may have a comparative advantage (perceived or real) in the production of some trade-able commodity, or because different regions' size may encourage mass production. As such, trade at market prices between locations can benefit both locations.

Retail trade consists of the sale of goods or merchandise from a very fixed location, such as a department store, boutique or kiosk, online or by mail, in small or individual lots for direct consumption or use by the purchaser. Wholesale trade is defined as the sale of goods that are sold as merchandise to retailers, and/or industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services.

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Trading can also refer to the action performed by traders and other market agents in the financial markets.
dead storage

Examples

noun

1. the storage of furniture, files, or other unused or seldom used items in a warehouse or other location for an indefinite period of time.

Dictionary.com Unabridged
Cite This Source
To: Mr. Josh Runhaar, Cache County Development Services Department

From: Jordan and Duane Miles, Partners, Top Job Asphalt

Date: February 27, 2015

Subject: Zoning classification for asphalt maintenance business

We have been working with Chris Harrild to determine what zoning designation is appropriate for our business. Chris has been very helpful and great to work with.

Last week we submitted a document describing our business, based on the Letter of intent - Conditional Use Permit form used by Cache County. Chris requested this information to help determine whether we fit into a 2200 Storage and Warehousing zone or a 3100 Trade, Wholesale, and Retail zone. We also submitted common definitions for "trade" and "dead storage". We also requested information on what if any changes would be required to fit into a 3100 Trade, Wholesale, and Retail designation. We were informed verbally by Chris that after reviewing our submittals you have chosen to categorize Top Job as a 2200 Storage and Warehousing activity. We have not received detailed information stating why we don't qualify for the 3100 classification, or what changes are required to qualify for that designation.

Commercially zoned property is more readily available in Cache Valley than Industrial, therefore finding a suitable location for our business will be more difficult if we are classified as a 2200 activity. Therefore we request that you provide in writing a list of the characteristics of our business that do not fit into a 3100 designation so that we can, if possible, adjust the way we do business to meet the parameters of a 3100 Trade, Wholesale, and Retail designation.

Thanks.

Jordan Miles
Partner
Top Job Asphalt
435-764-3630

Teri Miles
Partner
Top Job Asphalt
435-770-2282
MEMORANDUM

Date: 25 February 2015
From: Cache County Development Services
Subject: Top Job Asphalt Violation – Questions Regarding Use Type

This memorandum is provided as a response to a request for clarification submitted to the Development Services Office on February 23, 2015, dated February 27, 2015 by the submitter (Exhibit A). That request is in reference to a letter of intent previously submitted to and reviewed by our office (Exhibit B). This office has reviewed the request to distinguish as to why this office has identified the noncompliant use as 2200 Storage and Warehousing, instead of 3100 Retail and Commercial Sales, and answers as follows:

The Cache County Code §17.07.030 Use Related Definitions defines 2100 General Manufacturing, and 3100 Retail and Commercial Sales, respectively:

2200 Storage and Warehousing [1]
“Storage Yard: The storage of large equipment and vehicles (either construction or transport); bulk construction materials (soil and rock products or building materials); and buildings or structures for uses such as offices or repair facilities.”

3100 Retail and Commercial Sales
“An establishment that provides goods, wares, or merchandise directly to a consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.”

Based upon the provided letter of intent (Exhibit B), and in reference to the definition of a Storage Yard as defined by County Code, the noted noncompliant use involves:

1. County Code - “The storage of large equipment and vehicles (either construction or transport)...” Letter of Intent - Onsite storage and use of skid steers, various sizes and types of trucks, a paver and roller, various types and sizes of trailers, and various types and sizes of passenger vehicles.
2. County Code - “…bulk construction materials (soil and rock products or building materials)...” Letter of Intent - Various types and sizes of tanks housing various liquid asphalt maintenance materials.
3. County Code - “…buildings or structures for uses such as offices or repair facilities…” Letter of Intent - A storage/office building

Therefore, this use is clearly defined as a Storage Yard under 2200 Storage and Warehousing, and in no way qualifies, nor is foreseeable, or reasonable, as a use that falls within the definition of 3100 Retail and Commercial Sales.
Additionally, the definitions as referenced in Exhibits A and B, and that exist outside the Cache County Code are not pertinent in the consideration of the existing, noncompliant use, as that use is reasonably addressed by the definitions within the County Code.

If you have any questions, please contact Chris Harrild at (435) 755-1640.

Sincerely,

Josh Runhaar
Development Services Director
To: Mr. Josh Runhaar, Cache County Development Services Department

From: Jordan and Duane Miles, Partners, Top Job Asphalt

Date: February 27, 2015

Subject: Zoning classification for asphalt maintenance business

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Thanks.

[Signature]

Jordan Miles
Partner
Top Job Asphalt
435-764-3630

[Signature]

Teri Miles
Partner
Top Job Asphalt
435-770-2282
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noun

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Dictionary.com Unabridged
Cite This Source
The alleged noncompliant uses listed in your memorandum of 25 February 2015 are addressed as follows:

1. The Cache County Code under 2200 STORAGE AND WAREHOUSING states:

   "Such facilities are to be used for dead storage only. No business activities may be conducted from a storage facility other than those that are clearly ancillary to the primary business."

   Frequent use of skid steers, trucks, trailers, passenger vehicles and other items are expressly prohibited under STORAGE AND WAREHOUSING, as are sales of any kind.

2. The small pile of gravel observed once by Chris does not constitute "dead storage." It was brought in to be spread out for driving on and has been spread.

3. “… buildings or structures for uses such as offices or repair facilities …” are allowed in STORAGE AND WAREHOUSING, but are not unique to storage and warehousing facilities. Structures are not noncompliant for TRADE, WHOLESALE, AND RETAIL.

The three alleged noncompliant uses are acceptable common practice in TRADE, WHOLESALE, AND RETAIL, as described below:

1. Tradesmen usually have trucks and other equipment that are sent out frequently, often on a daily basis. When wholesale or retail sales are offered to the public, any delivery trucks are usually kept at the business location.

2. Any business that offers wholesale or retail sales to the public has to have inventory. Inventory is not "dead storage." Our inventory usually rotates in a matter of days or weeks.

3. Tradesmen almost always have some building or structure for their tools, inventory and sometimes vehicles. They usually have an office as well.

   Wholesale and retail businesses must have spaces for sales, record keeping and inventory.

There are reasonable grounds for concluding that our business can justifiably be categorized under TRADE, WHOLESALE, AND RETAIL. If you still disagree, please indicate in writing the entity or person(s) to whom we should direct our appeal.

Sincerely,

TeriLynn W. Miles
CEO, Top Job, LLC

Copy received by ____________________________ on March 6, 2015
MEMORANDUM

To: Jordan D. Miles, Erin E. Miles, Jeffrey M. Willie
    Top Job Asphalt
    C/O Jordan Miles, or TeriLynn Miles
    P.O. Box 454
    Mendon, UT 84325

Date: 06 March 2015
From: Cache County Development Services
Subject: Top Job Asphalt - Question Regarding Appeal of Ordinance Interpretation

This memorandum is provided as a response to a letter submitted to the Development Services Office on March 6, 2015, dated March 5, 2015 by the submitter (Exhibit A). Said letter contests the ordinance interpretation as provided by the Development Services Director dated February 25, 2015.

If it is your intent to appeal the Director’s decision, you may submit the attached application requesting the review of the Cache County Board of Adjustments within 10 business days of the Director’s decision. This means that an application to appeal the decision must be submitted to the Development Services Office by 5:00 p.m., March 11, 2015. Please refer to §17.02.060 [F] & [G] for additional details.

If you have any additional questions, please contact Chris Harrild at (435) 755-1640.

Sincerely,

Josh Runhaar
Development Services Director
Josh Runhaar  
Cache County Development  
179 North Main Street  
Logan, Utah 84321

Mr. Runhaar,

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Sincerely,

[Signature]

TeriLynn W. Miles  
CEO, Top Job, LLC

Copy received by ___________________________ on March 6, 2015
To: Civil Division, Cache County Sheriff’s Office  
From: Cache County Development Services  
Date: 06 March 2015  
Subject: Final notice: Land use violation  

Please serve the attached final notice of violation. The following is the physical property address and contact number on record with our office:

Jordan Miles  
6135 West 2000 North  
Petersboro, Unincorporated Cache County  
(435) 764-3630  

If you have any questions regarding the notice please call Chris Harrild at (435) 755-1640.  
Thank you for your assistance.
FINAL NOTICE OF VIOLATION

To: Jordan D. Miles, Erin E. Miles, Jeffrey M. Willie  
From: Cache County Development Services  
Date: 06 March 2015  
Subject: Final Notice of Violation

WARNING PERIOD

The violation(s) as identified in the Notice of Violation dated 30 January 2015 remains unresolved. Upon your receipt of this final notice the ten (10) business day warning period for the correction of said violations shall commence.

ACTION TO BE TAKEN IF THE VIOLATION IS NOT CORRECTED

This matter has been reviewed with the Cache County Attorney’s Office, and the aforementioned violation is punishable as a Class B misdemeanor as defined by Utah Code Annotated 17-53-223 et seq. If said violation remains unresolved following the warning period you will be subject to both criminal prosecution and the imposition of civil penalties.

The penalties you will be subject to in a criminal prosecution include up to 90 days in jail and/or a fine of up to $1,000.00. The civil penalties that you will also be subject to include a fine of $100/day until the violation is resolved pursuant to §17.04.070 of the Cache County Ordinance.

If you have any questions regarding this notice please contact Chris Harrild with the Cache County Development Services Department at (435) 755-1640.

Sincerely,

Josh Runhaar  
Development Services Director
Process Number: 144085  Court Number:

I, D. Chad Jensen, Sheriff of Cache County Sheriff's Office do hereby certify that I received the within and foregoing Notice on 10th day of March, 2015, for service on:

Defendant
Jordan Duane Miles
6135 W 2000 N
Cache County, UT 84325

The same was:
Served on: 12th day of March, 2015 at 10:45:00 by Vaughan M
Served to: Jordan Miles Defendant
6135 W 2000 N
Cache County, UT 84325

Returned on the 12th day of March, 2015

I also certify that I endorsed on the said copy the date of service, signed my name, and added my official title thereto.

Dated the 12th day of March, 2015

Fees:
Service: 0.00
Mileage: 0.00
Other: 0.00
Total: 0.00

D. Chad Jensen, Sheriff
Cache County Sheriff's Office, Utah

BY: Vaughan
Authorized Representative
Civil Division