

APPROVED

**CACHE COUNTY
COUNCIL MEETING
MINUTES
SEPTEMBER 08, 2015**

COUNTY COUNCIL MEETING

September 08, 2015

NATURE OR ORDER OF PROCEEDING	DATE
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APPOINTMENT – Crowther, Randall E-Grievance Committee.....	1
APPOINTMENT – Fishburn, Mark E-Grievance Committee-Alternate	1
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APPOINTMENT – Nelson, Bartt F-Grievance Committee-Alternate Chair	1
APPOINTMENT – Olson, Stefani S-Grievance Committee-Alternate.....	1
APPOINTMENT – Peck, Doyle W-Grievance Committee-Alternate	1
APPOINTMENT – Robinson, Brett D-Grievance Committee	1
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CACHE COUNTY COUNCIL MEETING
September 08, 2015

The Cache County Council convened in a regular session on September 08, 2015 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

Chairman: Kathy Robison
Vice Chairman: **G. Gregory Merrill absent.**
Council Members: David Erickson, Val Potter, Jon White & Gordon Zilles. **Cory Yeates absent.**
County Executive: Craig "W" Buttars
County Clerk/Auditor: Jill N. Zollinger
County Attorney: James Swink

The following individuals were also in attendance: Janeen Allen, Merrill Bird, Mayor Clair Christiansen, Rosemary Christiansen, Aaron Cothran, Eliza Cothran, Matt Dugdale, Mayor Kendon Godfrey, Issa Hamud, Chris Harrild, Sharon L. Hoth, LaMar Mabey, Dave Nielsen, John Powell, Tim Rawlings, Director Josh Runhaar, Gary Saxton, Glen Thornley, Director Cory Wood, **Media:** Clayton Gefre (Herald Journal), Jennie Christensen (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

Council member Val Potter 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 12e – *Discussion-Response from Logan City to Council Decision on Airport Funding* – removed. Erickson seconded the motion. The vote was unanimous, 5-0. Merrill & Yeates absent.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Zilles to approve the minutes of the August 25, 2015 Council Meeting as written. Erickson seconded the motion. The vote was unanimous, 5-0. Merrill & Yeates absent.

REPORT OF THE COUNTY EXECUTIVE: CRAIG "W" BUTTARS

<u>APPOINTMENTS:</u>	Kathleen C Howell	Grievance Committee-Chair
	Joel Merritt	Grievance Committee
	Christopher S Harrild	Grievance Committee
	Brett D Robinson	Grievance Committee
	Randall E Crowther	Grievance Committee
	Bart F Nelson	Grievance Committee-Alternate Chair
	Doyle W Peck	Grievance Committee-Alternate
	Stefani S Olson	Grievance Committee-Alternate
	Mark E Fishburn	Grievance Committee-Alternate
	Tamara S Bowles	Grievance Committee-Alternate

ACTION: Motion by Council member Potter to approve the recommended appointments. White seconded the motion. The vote was unanimous, 5-0. Merrill & Yeates absent.

WARRANTS: Warrants for the periods 08-25-2015 to 08-28-2015 and 08-29-2015 to 09-04-2015 were given to the Clerk for filing.

OTHER ITEMS:

- Cloud Seeding** – Executive Buttars is still reviewing the proposed costs for cloud seeding and will present them to the Council at a future meeting.
- Budget Calendar** – Executive Buttars recommends September 22, 2015 as the first budget presentation. This will be an overall presentation and, if the Council has questions or concerns about a particular office, the department head can be invited to the next meeting as needed.
- BOE Meetings** – The County has received 102 property tax appeals thus far. The first BOE meeting will be Thursday, September 10, 2015. Executive Buttars passed the sign-up schedule for Council members to fill in the empty slots.
- BRAG Pre-Disaster Mitigation Plan** has been received from Zach Covington and Executive Buttars will present it to the Council in time for the November 30, 2015 approval deadline.
- Downtown Alliance** – Gary Saxton presented the Council with a Tour of Utah signed jersey from the Stage 1 winner, Kiel Reijnen, in appreciation of the County's support of the event.

UNIT OR COMMITTEE REPORTS

- * **Sheriff's Office – Sheriff Chad Jensen** reported on operations of the Sheriff's Office including:
 - ❖ Reduction in administrative positions
 - ❖ Change of policy management program to Lexipol
 - ❖ Rescheduling of shifts
 - ❖ City law enforcement contracts
 - ❖ State inmate housing
 - ❖ Employee market increases/turnover

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING SET: SEPTEMBER 22, 2015-6:00 P.M.-OPEN 2015 BUDGET

ACTION: Motion by Council member White to set a Public Hearing – September 22, 2015-6:00 p.m.-Open 2015 Budget. Zilles seconded the motion. The vote was unanimous, 5-0. Merrill & Yeates absent.

PENDING ACTION

- Resolution No. 2015-18 - A Resolution Authorizing Eminent Domain Proceedings** **(NO ACTION TAKEN)** – Chairman Robison invited Newton Mayor Clair Christiansen to

address the Council. Christiansen expressed dissatisfaction with the communication from Logan City and/or Cache County concerning the proposed purchase of his property for the road improvements on the route to the North Valley Landfill. He also asked how a road that started out costing \$2.7 million could now be \$9.5 million. Christiansen cited personal property rights' concerns as well.

Council member Potter asked if the price offered for his land is the issue. Christiansen said the appraised value has gone down three times. The HDR, Inc. appraisal is \$3,000.00 an acre. Is it fair that someone wants to buy his property and they get to set the price, not him?

Council member Zilles asked Christiansen if he is willing to meet with those involved. Christiansen said he is. Executive Buttars will schedule the meeting with Christiansen and Zilles reminded the Mayor that the discussion will be limited to the road issue.

ACTION: Motion by Council member Potter to table the discussion on Resolution No. 2015-18-A Resolution Authorizing Eminent Domain Proceedings until the issues can be reviewed. Zilles seconded the motion. The vote was unanimous, 5-0. Merrill & Yeates absent.

Clerk/Auditor Zollinger left the meeting at 6:10 p.m.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **North Valley Landfill – Request for Extension of Conditional Use Permit Approval Deadline** – Director Runhaar noted the conditional use permit for the North Valley Landfill was approved on August 27, 2013, was subsequently challenged and resolved on September 15, 2014. The permit is active and valid for a year, but larger projects usually need extensions. Runhaar recommends an extension for the North Valley Landfill conditional use permit for up to two years from now until September 8, 2017.

(Attachment 1)

ACTION: Motion by Council member White to approve the recommended 2-year extension for the North Valley Landfill conditional use permit. Potter seconded the motion. The motion passed, 4 aye – Potter, Robison, White & Zilles and 1 nay – Erickson. Merrill & Yeates absent.

- **Synergy Youth Treatment Facility – Request for Zoning Clearance to Allow Operation of a Residential Treatment Home** – Director Runhaar reminded the Council that most of the requirements for these types of facilities are federally mandated. There will be sixteen youth, ages 12-18, with no more than nine employees on site at any given time. Staff recommends approval with conditions of approval as listed on the staff report.

Aaron Cothran, owner of Synergy Youth Treatment, told the Council he presently has one operating facility in Cornish and they serve abused and/or neglected youth.

Mayor Christiansen cautioned Cothran that the potability of the water in that area is sometimes questionable. Christiansen feels the neighbors should have been notified of this request since it is in their vicinity but has no other issue with the treatment facility.

(Attachment 2)

ACTION: Motion by Council member White to approve the Synergy Youth Treatment Facility Request for Zoning Clearance to Allow Operation of a Residential Treatment Home. Potter seconded the motion. The vote was unanimous, 5-0. Merrill & Yeates absent.

- **Request from Providence Financial Company to be a Conduit Issuer for Tax Exempt Debt in behalf of Fast Forward Charter High School – Matt Dugdale** explained that as a conduit issuer a local government issues the bonds which are sold to investors and loaned to a conduit borrower – Fast Forward Charter High School in this instance.

Brent Vanalfen, financial advisor to Fast Forward Charter High School, said the school wants to refinance in order to save up to \$5,000.00 a month. The school now has enough equity in the building to work with a bank instead of a bond market and Cache Valley Bank has agreed to do the financing.

After their attorneys draft a resolution/agreement it will be brought before the County Council for review and approval at the September 22, 2015 Council meeting.

- **Request for Agenda Items for Joint Cache County/Logan City Council Meeting –** Chairman Robison indicated Logan City has proposed three agenda items - Trails Coordinator, airport funding from restaurant tax and library complex on county property. Logan is concerned that the airport funding would affect other communities requesting funding from the same source. The multipurpose room is not available on September 29th so the meeting will be in the Council Chambers.

Council members White and Erickson asked why all the Councils in the county aren't invited to the joint Council meetings since discussion items often are of interest to the entire county. Executive Buttars said he is not opposed to it, but observed that the Mayors' Association meets with all the Mayors or their representatives on a regular basis and discusses these same issues. Buttars also observed that Logan City and Cache County are the two largest government agencies in the county. If a larger number is invited the size of the room needed to accommodate them is a concern. White said it doesn't matter if it's only once or twice a year, but he feels they should be invited. Erickson suggested a representative from each city be invited, not the entire Council.

Chairman Robison asked the Council's input on agenda items for the joint meeting. Council member Potter remarked that the airport funding will be discussed at the September 22, 2015 Council meeting and the distribution of restaurant tax funding is up to the RAPZ/Restaurant Tax Committee

Executive Buttars does not want to discuss the library complex on county property until he has completed a future needs assessment for the county sometime in October.

Council member White said he will never be interested in using the property for anything but county needs.

Council member Erickson suggested the water conservancy district as an agenda item. Executive Buttars will check with Bob Fotheringham on the progress on suggested names for the board.

Director Runhaar will bring updates on the status of communities in reference to the proposed trails coordinator position to the September 22, 2015 Council meeting.

Final agenda items decided on are – Airport funding, water conservancy district and trails coordinator.

OTHER BUSINESS

- ✓ **USACCC Fall Conference – September 23-24, 2015-Homestead Resort, Midway** – Buttars, Erickson, Merrill, Robison and Yeates will attend.
- ✓ **Joint Cache County/Logan City Council Meeting – Tuesday, September 29, 2015-5:30 p.m.-Cache County Council Chambers**
- ✓ **USU Homecoming Parade – October 3, 2015 – 12:00 p.m.** – Buttars, Merrill, Potter and Robison will attend.
- ✓ **UAC Annual Convention – November 11-13, 2015, St. George**

COUNCIL MEMBER REPORTS

David Erickson offered thanks that there have been no severe fires this season which saves the fire district a lot of money.

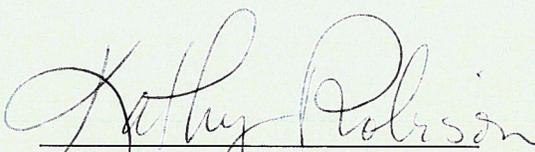
Kathy Robison asked Director Runhaar if the fact sheet for the public about no building on substandard roads in the county has been drawn up. Runhaar is working on it.

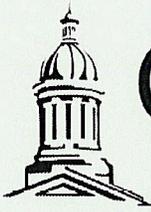
Janeen Allen said Council member Yeates will have a heart procedure tomorrow.

ADJOURNMENT

The Council meeting adjourned at 7:20 p.m.

ATTEST: Jill N. Zollinger
County Clerk


APPROVAL: Kathy Robison
Chair



MEMORANDUM

Date: 03 September 2015

From: Cache County Development Services

To: Cache County Council

Subject: North Valley Landfill CUP Approval Deadline Extension Request

The Cache County Council approved the North Valley Landfill Conditional Use Permit on August 27, 2013. Said approval was subsequently challenged, and later a final decision issued by the 1st District Court on September 15, 2014. This readjusted the one year effective period for the approval of the North Valley Landfill to expire on September 15, 2015.

At this time, significant progress has been made toward the completion of the required conditions of approval, however, the entirety of the said conditions have not yet been met and the permit has not been recorded. Nonetheless, progress does continue to be made and staff anticipates that the proponent will fulfill said conditions and record the permit.

Therefore, it is recommended that the County Council grant an extension of the approval deadline for a period of up to two years from a starting date of September 8, 2015. The new approval deadline would then be September 8, 2017, and would allow the proponent adequate time to complete all conditions of approval and then record the approved conditional use permit.

Christopher Harrild
Senior Planner

STAFF REPORT: SYNERGY YOUTH TREATMENT FACILITY

08 SEPTEMBER 2015

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

Agent: Eliza Cothran

Parcel ID#: 13-044-0016

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Cache County Council

PROJECT LOCATION

Reviewed by: Josh Runhaar - Director

Project Address:

5888 Sam Fellow Road

Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

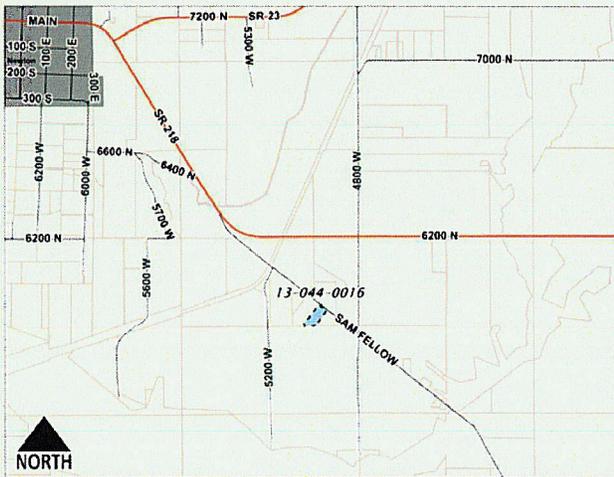
East – Agricultural/Residential

West – Agricultural/Residential

Current Zoning:

Agricultural (A10)

Acres: 4.72



PROJECT PURPOSE, APPLICABLE ORDINANCE, SUMMARY, AND PUBLIC COMMENT

Purpose:

To review and make a decision regarding the request for a zoning clearance to allow the operation of a residential treatment home.

Ordinance:

This proposed use is best defined under Cache County Ordinance §17.07.030 Use Related Definitions as “1500 Residential Living Facility”, #2 “Residential Facility for Persons with a Disability”. As per §17.09.030 Schedule of Uses by Zone, this use is permitted as a zoning clearance, and as per §17.02.060 this use requires the approval of the Cache County Council for a reasonable accommodation to allow more than 8 residents.

Summary:

The proposed use would function as a residential living facility for persons with a disability for up to 16 boys ages 12-18, and provide treatment for mental health, learning disabilities, past emotional trauma, and behavioral issues. This would also include daily care of the residents, individual, group and family therapy with each individual resident, academic opportunity, and any other service that would attend to the safety and well-being of the residents.

Hours of operation would be 24/7, the boys would be living at the home, and employees would be awake and present 24 hours a day. The proposed professional employee's hours would typically be between the hours of 8:00 AM – 5:00 PM, Monday through Friday. The professional staff includes a receptionist, therapist(s), office manager, owner(s) to assist with paperwork, and medical staff. No employees would live on-site. The total number of employees would be four (4) direct care and five (5) professional on rotating shifts. The total number of employees at the site at any one time will not be more than nine (9).

Mail and deliveries would be received through USPS and UPS with their regular service hours. No signage is requested. Equipment proposed is 2-3 vehicles to be kept on-site.

Access and Parking:

- Access to this property is from county road Sam Fellow Road and is adequate. Sam Fellow Road is a 20' wide paved roadway with a 2' wide gravel shoulder.
- Two driveways provide access to the site from Sam Fellow Road with a total approximate width of 26'. As per the Cache County Manual of Roadway Design and Construction Standards the allowed combined width of a driveway access is 24'.
- If access to the site must be adjusted due to provision of adequate access for solid waste collection, the proponent must meet the requirements of the Cache County Manual of Roadway Design and Construction Standards.
- If no adjustment for the provision of adequate access for solid waste collection is needed, no additional alteration to said accesses is required and a design exception is warranted.
- A Parking Analysis, as per §17.22 Off-Street Parking Standards, has been completed for this use. The proposed use would require up to 13 stalls and 15 stalls are proposed.

Service Provision:

- Emergency access to the site is adequate. Fire protection will be provided by the Newton Fire District.
- As per the Cache County Fire District and the International Fire Code Standards, the facility must have a 13D fire sprinkler system and a fire alarm system installed.
- The Logan City Environmental Department requires that the private driveway access must be widened and improved to handle large garbage trucks for garbage pick-up.
- For containers that are placed on the shoulder of Sam Fellow Road, the residents shall provide sufficient shoulder space for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane.
- A school bus stop is located at 5888 Sam Fellow Road.

Water & Septic:

- If future development disturbs land greater than 5,000 square feet it shall require further review by the Storm Water Inspector.
- An adequate, approved, domestic water right is currently in place for the proposed use.

- If more than 25 residents and employees are using the existing well, the water system must meet all the requirements of a public water system as administered by the Utah Department of Environmental Quality.
- The existing dwelling has a septic system in place. The Bear River Health Department requires a commercial septic permit and food establishment permit be applied for and issued by them before final approval.

Public Comment:

Notices were mailed to the property owners located within 300 feet and municipalities within one mile of the subject property. At this time no public comment regarding this proposal has been received by the Development Services Department.

STAFF DETERMINATION AND FINDINGS OF FACT (4)

It is staff's determination that the request to expand the zoning clearance for the Synergy Youth Treatment Facility, located in the Agricultural (A10) Zone at approximately 5888 Sam Fellow Road with parcel number 13-044-0016 is in conformance with the Cache County Ordinance and should be approved. This determination is based on the following findings of fact:

1. The Synergy Youth Treatment Facility is hereby granted a design exception for the existing access to the site as long as no adjustment to the existing access points to the site for the provision of adequate access for solid waste collection or other access improvement is needed.
2. The Synergy Youth Treatment Facility Zoning Clearance has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
3. The Synergy Youth Treatment Facility Zoning Clearance has been revised and amended by the conditions of project approval to conform to the requirements of Titles 17 of the Cache County Code and the requirements of various departments and agencies.
4. The Synergy Youth Treatment Facility is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

CONDITIONS OF APPROVAL (8)

The following conditions are appurtenant to the existing property and must be met prior to operation for the development to conform to the County Ordinance and the requirements of county service providers.

1. The proponent shall meet all applicable standards of the Cache County Ordinance.
2. The proponent must follow the site plans submitted to the Cache County Development Services Office.
3. Any further expansion or modification of the facility or site shall require the approval of the designated land use authority.
4. If more than 25 persons, including residents and employees, are using the existing well, the water system must meet all the requirements of a public water system as administered by the Utah Department of Environmental Quality.
5. If access to the site must be adjusted due to provision of adequate access for solid waste collection, the proponent must meet the requirements of the Cache County Manual of Roadway Design and Construction Standards.

6. The proponent must provide adequate access for the collection of solid waste. This must include:
 - a. Sufficient shoulder space for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane on 5888 Sam Fellow Road as per the Logan City Environmental Department, or;
 - b. The driveway access must be widened and improved to handle large garbage trucks for garbage pick-up, or;
 - c. A combination of both.
7. A copy of any permits as required by the Bear River Health Department must be submitted to the Cache County Development Services Office.
8. A copy of any permits as required by the State must be submitted to the Cache County Development Services Office.

Eliza Cothran (801)885-4431
ECothran@Synergy4Youth.com
Synergy Youth Treatment
PO Box 91, Smithfield, UT 843354

Letter of Intent to Cache County for a Zoning Clearance Application

August 11, 2015

To whom it may concern,

I am writing this letter of intent concerning the property at 5888 Sam Fellow Road, Smithfield, UT 84335. Our business is Synergy Youth Treatment and serves boys ages 12-18 that have mental health diagnosis, learning disabilities, past emotional trauma, and behavioral issues. The treatment of these boys falls under the American Disabilities Act, according to Utah Code. The Utah code defines a "Disability" as "a physical or mental impairment that substantially limits one or more of the major life activities of an individual." We assist these young men in their daily living skills, school, basic life skills, therapeutic healing, behavioral management and positive peer interactions while in our care.

I will address the required information found on the application:

- a) The proposed use of the property is to use the home for a group home (residential treatment program) for boys ages 12-18. The home will be licensed under the Department of Human Services. This licensing includes that the home is inspected regularly by the Health department, Fire Department, and a licensing representative with the Department of Human Services to ensure qualifications to treat youth. The home is 5,578 square feet, has 8 bedrooms, 5 bathrooms and is located on 4.72 acres. We chose this home as a therapeutic environment and are excited about the horse structures located on the lot so we can involve the boys with the horses and utilize the land. The services provided will be daily care of the residents, individual, group and family therapy with each individual resident, academic opportunity, and any other service that will attend to the safety and well-being of the residents within our care.
- b) There would be a maximum of 16 residents living at the home and those residents will receive daily help and care from at least 4 direct-care staff during awake hours and at least 2 awake staff during sleeping hours. There would be professional staff there during the weekdays including a receptionist, therapist(s), office manager, owner(s) to assist with paperwork, medical appointments, etc. required by the state. No employees will live on the property. The total number of Employees at the busiest time will be 4 direct care employees and 5 professional employees.
- c) The hours of operation are 24/7. The boys would be living at the home, employees will be awake and present 24 hours a day. Professional employees will usually keep to the hours of 8-5, Monday through Friday.
- d) The parking is designated on the site map and parking analysis and states that the maximum amount of vehicle parking is 13 and we will be providing 14 stalls. This will be adequate for all

employees working and any visitors that may come. This also accounts for 2-3 cars always parked at the home for transportation of the boys to school, activities and appointments. The only deliveries made will be for groceries 2 times a week and for minimal office or other supplies needed, usually via UPS.

- e) There will be no sign on the property as to avoid feeling less like a home for the treated clients.
- f) The only equipment needed for this home is 2-3 vehicles for transport of clients.
- g) For garbage, we will have one 4 yard (possibly a 2 yard) garbage bin and one 2 yard recycle bin on the property that will be emptied once a week. The home is on a septic system which is in the process of being replaced with the approval and permit of the Health Department.

Thank you for your time and consideration concerning this matter.

Sincerely,

Eliza Cothran

August 20, 2015

Mr. Christopher Harrild
Cache County Planning and Zoning
179 North Main St. Suite 305
Logan, Utah 84321

Sent via e-mail to: chris.harrild@cachecounty.org

RE: 5888 Sam Fellow Road Facility Site Plan and Parking Calculations

Mr. Harrild:

I have been solicited by Eliza Cothran of Synergy Youth Treatment, to provide a site plan and parking calculations for property (Site) located at 5888 Sam Fellow Road, Smithfield, UT 84335. Per conversation with Mrs. Cothran, Cache County is requiring a parking analysis for the facility.

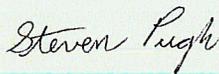
Per Cache County Code, current ADA requirements, and the expected demand based on a current facility, a parking analysis has been completed. There is a maximum expected parking demand of thirteen vehicles. Fourteen stalls are to be provided, one of the being disability accessible. A gravel parking lot will be constructed along in the North East portion of the South East property line. See the attached Site Plan.

The Site Plan was created in AutoCAD using google earth aerial images, field measurements by Mrs. Cothran, and information from plats found online for the Site

We request that you review this information and approve the parking calculations.

Please call if you have any questions, or need any additional information. We appreciate your time in reviewing this request.

Sincerely,
BINGHAM ENGINEERING, INC.



Steven G. Pugh P.E.
Project Engineer

attachments

cc: Eliza Cothran



PROJECT 5388 Sam Fellow Road
FEATURE Parking Calculation

SHEET NO. 1 OF 1
PROJECT NO. 5308

BY sgp DATE 8/20/15
CK'D _____ DATE _____

Proposed Employee Parking Per 08/20/15 Site Plan

14 Parking spaces provided
1 Disability accessible space required, 1 provided

Minimum Parking Space Calculation per Cache County Code 17

17.07 - Building Zoned as 1500 - Residential Living Facility
17.22.020 Use 1000 - 2 spaces/dewlling unit or PA
Zoned as A10 - Agricultural Previously

Parking Demand

Onsite staff 24/7	4
Professional Staff	5
Facility Vehicles	2
Visitors (parent/caseworker)	2
Total	13

Per ADA 2010 Standard for 1-25 stalls, 1 disability accessible required.