

APPROVED

**CACHE COUNTY
COUNCIL MEETING
MINUTES
SEPTEMBER 27, 2016**

COUNTY COUNCIL MEETING

September 27, 2016

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CACHE COUNTY COUNCIL MEETING
September 27, 2016

The Cache County Council convened in a regular session on September 27, 2016 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

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

The following individuals were also in attendance: Janeen Allen, Shawn Bliss, Attorney Joe Chambers, David Grange, Chris Harrild, Ben Hart, Sharon L. Hoth, Finance Director Cameron Jensen, Director Bartt Nelson, Kent Nielsen, Mayor Craig Petersen, Raeghn Torrie, Gina Worthen, **Media:** Clayton Gefre (Herald Journal), Jennie Christensen (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

Council member Yeates gave the opening remarks and led those present in the Pledge of Allegiance.

REVIEW AND APPROVAL OF AGENDA

ACTION: Motion by Council member Yeates to approve the amended agenda as written. Potter seconded the motion. The vote was unanimous, 6-0. Zilles absent.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Yeates to approve the minutes of the September 13, 2016 Council Meeting as written. Robison seconded the motion. The vote was unanimous, 6-0. Zilles absent.

MINUTES FOLLOW-UP: Chairman Merrill reported Development Services is working on the gravel pit and agritourism issues and will report on them at a later date.

REPORT OF THE COUNTY EXECUTIVE: CRAIG "W" BUTTARS

APPOINTMENTS: Terrill Preece Paradise Cemetery District

ACTION: Motion by Council member Potter to approve the recommended appointment. Erickson seconded the motion. The vote was unanimous, 6-0. Zilles absent.

WARRANTS: Warrants for the periods 09-10-2016 to 09-16-2016 and 09-17-2016 to 09-23-2016 were given to the Clerk for filing.

OTHER ITEMS:

- ❑ **Water Conservancy District** – The deadline for rebuttal arguments has passed and none were submitted by those opposed to the district. There will be a legislators' town hall meeting on October 26th to discuss water management in the state at Skyview High School. There is also a meeting on October 5th – *Stop the Bear River Development* – at USU from 4:00 to 5:00 p.m. Republican Women will hold a lunch meeting on October 4th at noon at the Logan Country Club with Senator Lyle Hillyard and Dave Rayfield speaking on water issues.
- ❑ **Bookmobile** – Regarding the Bookmobile, Executive Buttars has met with the County Librarian, Cheri Mickelson, and will meet with the state librarian and the driver of the Bookmobile. Rich County sent a letter in support of the Bookmobile and Buttars will speak with Commissioner Cox in Rich County on Wednesday.
- ❑ **IT Department concerns** – The recent electrical storm caused some outages and a ransomware attack recently occurred in the county's system. The IT Department responded quickly and alleviated any damage to the system.
- ❑ **Bond Refinance** will close on Friday and will save the county about \$65,000.00 a year.
- ❑ **Landfill Road** – Buttars has had calls since the heavy rains about problems on a portion of the landfill road. One of the farmers on the north end of the area is also concerned about pulling up a hill, stopping and going up another hill before heading south. Buttars will address that concern with Logan City. Mayor Craig Petersen said the road will be done next week.
- ❑ **Cloud Seeding** – Buttars spoke to the Bear River Water Conservancy District and they are planning to participate. Cache County's cost will be \$51,100.00.
- ❑ **BOE Hearings** end on October 4th and there are thirty-five more appeals to be reviewed.
- ❑ **Logan River RDA** – Executive Buttars requested the Council give Logan Mayor Petersen some time on the agenda. Mayor Petersen said the Logan River RDA terminated on June 30, 2016 and of the uncommitted balance, 68% goes to the school district with 15-16% going to Logan City and Cache County, respectively. Petersen presented Cache County a check for \$42,380.00 as a show of appreciation and good faith from Logan City.

PENDING ACTION

- ❑ **ASI (Autonomous Solutions) Road Improvement Proposal** – Ben Hart, Governor's Office of Economic Development, addressed a proposed agreement with ASI. His office gets involved when there is an opportunity to help a Utah business grow or expand and ASI is recognized as a very unique business in the state of Utah and across the country. ASI has been working on a potential expansion opportunity and the state has a vested interest in the issue. His office has worked with the University of Utah analysis and taxing revenue projections to be sure the state's involvement is justified and the state wants to see the project go forward.

Executive Buttars reiterated the county will spend up to \$150,000.00, the state will match that amount and ASI will be responsible for any additional funding.

Council member White stated the county's \$150,000.00 should be the last money in—perhaps ASI should put up the first 50%. Hart responded those details will have to be worked through to be sure the county's money is protected.

Council member Yeates asked who will build the road and Buttars responded it will be put out to bid. Potter added a reasonable bid is on the table now, but may be six months old when the contract is done so there is the potential for change.

Hart indicated the state is moving forward rapidly and will have draft agreements between ASI and the state in the next 35-40 days and would hope the county's agreement with ASI, which is more complicated, could be completed in a couple of months after which a memorandum of understanding would be signed by the three parties. Hart will work closely with the County Attorney's office on the county's agreement. Potter and Hart thanked all those who have worked on the project.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: September 27, 2016-5:30 p.m.-Nielsen Rezone – Request for a rezone of 5 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone located at 100 West 6600 South, south of Hyrum – Chris Harrild referred the council to the staff report, Items 3 through 6. The property is served by public roads and the Planning Commission recommends approval. Council member Robison has visited the site and believes it is a perfect candidate for RU2 zoning.

Chairman Merrill opened the Public Hearing and invited public comment. There was none.

ACTION: Motion by Council member Yeates to close the Public Hearing-September 27, 2016-5:30 p.m.-Nielsen Rezone – Request for a rezone of 5 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone located at 100 West 6600 South, south of Hyrum. Erickson seconded the motion. The vote was unanimous, 6-0. Zilles absent.

Chairman Merrill asked the Council for direction for Harrild's office. The Council supports the rezone request. Harrild will prepare the proper documents for the October 11, 2016 Council meeting.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Decision on 2017 Cloud Seeding Program** – Executive Buttars stated Cache County's share of the program will be \$51,100.00.

ACTION: Motion by Vice Chair Erickson to approve Cache County's participation in the 2017 Cloud Seeding Program. Yeates seconded the motion. The vote was unanimous, 6-0. Zilles absent.

- **DD Auto and Salvage Request to amend and extend Conditional Use Permit -** Chris Harrild noted the applicant, David Grange, was present with his Counsel, Attorney Joe Chambers, and reviewed the history of the permit. The code specifies

the conditional use permit is valid for one year and may be extended for a maximum of two years. This one has presently been extended for four years and seven months. The extension previously granted ends September 30, 2016. Harrild and staff recommend referring the applicant back to the Planning Commission for a new conditional use permit as some circumstances have changed.

David Grange and Attorney Joe Chambers explained the new circumstances related to property adjacent to the DD operations. There is current litigation on some neighboring parcels.

Attorney Swink stated that Harrild's recommendation to return to the Planning Commission is in the best interest of both parties – Grange and the county.

The Council agreed with sending the applicant back to the Planning Commission for a new permit.

(Attachment 1)

- **Property Tax Relief Requests** – Clerk/Auditor Zollinger explained that all are previous applicants and are in compliance. *(Details are on file in the office of the Cache County Clerk/Auditor)*

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

- **2017 Budget Priorities** – Executive Buttars will have a full budget proposal for the Council to work with at an October 11, 2016 Budget Workshop. It will also include any recommendations for increases of employees. Health insurance is already pretty much decided on and will be included as well.

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

Council member White asked to see the difference between health insurance/benefits last year and the total projected in raises. Executive Buttars noted that every percentage increase in salary and benefits accounts for \$88,000.00 in the budget.

OTHER BUSINESS

- ✓ **UAC Annual Convention – November 16-18, 2016 – Dixie Convention Center, St. George** – All Council members will attend.

COUNCIL MEMBER REPORTS

Val Potter asked for highlights of UAC discussions in Vernal. Council member Robison observed that there was discussion on some ski resorts which receive greenbelt status because they have grazing on the land, but in reality they are a resort. Solar farms may be in the same category.

Robison asked Janeen Allen to put an overview of the JRI (Justice Reinvestment Initiative) funding on their iPads.

Attorney Swink commented the Governor must not be aware of the problems with the JRI and urged the County to share their concerns with him. Chairman Merrill responded that Sheriff Chad Jensen had just given the Council a report of his many strong concerns regarding JRI at the Budget Workshop prior to this Council meeting. Some Council members feel JRI is simply a mechanism to relocate the prison at the cost of the rest of the state. Since drug offenses are not felonies now, but only misdemeanors, Sheriff Jensen has seen property crimes increase 60-78% and drug offenses are up 80%. Felony convictions are down (which is touted by those supporting JRI) because drug offenses are no longer felonies. Sheriff Jensen is going to draft letters of concern from the Sheriff's Association to be sent to the Governor. Chairman Merrill asked him to draft a letter for the county as well.

In response to Council's question, Chris Harrild said 'Cat skiing' has been going on east of Paradise since last year and the Eden based enterprise is asking to put in temporary yurts.

Kathy Robison asked if the county is interested in the proposal about centrally assessed litigation to share costs more equitably. Attorney Swink said Cache County has opted not to participate in the past.

Robison said there were UAC discussions concerning information security policies and assumes Cache County has one. Director Bartt Nelson replied there is not one policy covering everything, but many individual policies covering risks. He has tried to boost training in past months to address possible problems.

Greg Merrill received a letter from Senator Hatch signed by twenty-eight other senators encouraging the continuation of PILT funding this year as in the past.

Executive Craig Buttars has received an invitation from Mount Naomi Farms for the Council to visit their operation. The visit will be before the next Council meeting.

Council member White asked the status of the permit issue with the corn maze. Executive Buttars said public safety is a major issue with the parking situation. Chris Harrild said Mr. Clark refuses to comply with anything until forced.

Vice Chair Erickson asked for information about the survey done by Brandy Grace at UAC that compared counties. Buttars will find out about it.

ADJOURNMENT

The Council meeting adjourned at 6:43 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: G. Gregory Merrill
Chair



STAFF REPORT: DD AUTO AND SALVAGE CUP EXPANSION

27 September 2016

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: David Grange

Parcel ID#: 05-059-0012
05-060-0001

SUMMARY

Reviewed by Chris Harrild

Timeline: For a detailed timeline summary, please see Exhibit A
Rezone request and notice of noncompliance – 25 September 2007
CUP permit application made - 2010
CUP permit approval – 28 February 2012
First Approval Extension – 26 February 2013
Second Approval Extension – 25 February 2014
Third Approval Extension – 23 September 2014

It has been nine (9) years since this use was noted to be out of compliance and it has been four (4) years and seven (7) months since the date of expansion approval.

As per the Cache County Land Use Ordinance, §17.02.070 Effective Period for Land Use Authority Approval, item A, approvals issued by the Land Use Authority for a conditional use permit are valid for a period of one year from the date of approval, and that “any approval that has lapsed beyond its effective period shall be void and any new application shall be required to conform to the ordinance currently in effect.”

Item B specifies that “at the discretion of the Land Use Authority, the effective period of approval may be extended for up to two (2) years beyond the one year period of the original approval. Within that extension no operation is allowed until the permit has been recorded and all conditions of the permit have been met.”

APPLICANT REQUEST

The proponent of DD Auto and Salvage, Mr. David Grange, has requested an amendment (Exhibit B) to the original permit expansion request. This request should be viewed as a new permit application as the extension of approval as allowed by the County Council in 2012 has expired. This means that the permit approval for the DD Auto and Salvage Conditional Use Permit expansion is void, since the proponent has not recorded the conditional use permit, has not complied with the conditions of the existing approval, and has continued to operate and expand the use in violation of the County Land Use Ordinance and permit approval.

To reapply as specified under §17.02.070 of the County Land Use Ordinance, Mr. Grange must submit a new application to the Development Services Department. This request will be reviewed and acted upon by Planning Commission. §17.02.060 Establishment of Land Use Authority, establishes the Planning Commission as the Land Use Authority for this type of use and does not require the review

and approval of the County Council. At this time, the County will temporarily suspend enforcement proceedings to allow Mr. Grange to reapply and come into compliance through the conditional use permit process.

LAND USE AUTHORITY AND URBAN DEVELOPMENT

Also, as per Utah Code Annotated (UCA) 10-2-401, #1-k, this use qualifies as urban development as defined by the State. Under UCA 10-2-402, #5, the State also stipulates that the County Legislative Body may not approve urban development within a municipality's expansion area without first notifying and responding in writing to any municipal objections. In this instance the proposed use is within the Logan City expansion area.

Therefore, if Mr. Grange reapplies and it is still determined that his use qualifies as urban development, staff recommends that in the County Planning Commission's review of his request, a condition of approval be included, that in essence states, that prior to the recordation of the permit, the county must first notify and respond in writing to any objections of Logan City.

EXHIBIT A: TIMELINE AND REMAINING REQUIREMENTS

27 September 2016

This timeline reflects the amount of time that DD Auto and Salvage has been allowed to operate in violation of County Code.

Noncompliance Noted: 25 September 2007	Council noted noncompliance in consideration of a rezone request.
Clean Up Agreement: 23 October 2007	Developer agreed to clean up and screen the proposed salvage yard as part of a rezone process. Developer failed to meet the conditions of the agreement.
Notice of Violation: 27 October 2008	Illegal expansion of salvage yard, violation of setback, lack of general upkeep.
Compliance: 05 November 2008	Violations resolved with the exception of the illegal expansion.
CUP Application: 07 July 2010	Request to expand CUP area to reflect existing illegal expansion and future expansion needs.
Approval of CUP Expansion: 28 February 2012	Council conditionally approved the CUP expansion. CUP must be recorded by 28 February 2013
Failure to Comply/Expiration and Extension of Deadline: 26 February 2013	Violation unresolved. Developer had not recorded the CUP as conditions had not been met, and therefore submitted letter to Council requesting extension. Council approved a 1 year extension per the developer's request. New deadline to record CUP – 28 February 2014.
Failure to Comply/Expiration and Extension of Deadline: 25 February 2014	Violation unresolved. Developer had not recorded the CUP as conditions had not been met, and therefore submitted letter to Council requesting extension. Council approved a 6 month extension with the requirement that the developer obtain a building permit and complete 600' of screening along Hwy. 30 by September 1, 2014 then report to the Council.
Failure to Comply/Expiration and Extension of Deadline: 23 September 2014	Violation unresolved. Of the total required ~1,112 feet of screening along Highway 30, 542 feet of screening has been completed, 84 feet of screening

is in process, and 502 feet of screening remains. An additional 714 feet of screening along 1900 West must also be completed.

At this rate, it is anticipated that the developer will become legally compliant in approximately 2.5 years.

Council approved a 2 year extension with the requirement that the developer complete all remaining conditions of approval, and that the developer will report on progress to the Council on an annual basis.

Outstanding Requirements

Items that remain to be completed prior to the recordation of the permit include:

1. The conditions of approval as put forth by UDOT in regard to access from Highway 30 shall be completed and a copy of any final approval from UDOT must be submitted to the Cache County Development Services Office.
2. A screen must be constructed around the site and must include the following:
 - a. A decorative concrete/masonry wall and berm at a total minimum height of eight (8) feet measured from the crown of the adjacent roadway and shall be located on the following:
 - i) The entire length of the property lines facing Highway 30 to the north, including a portion of parcel ID# 05-060-0015. (A total of ~1,112 feet.)
 - ii) Starting at the northern property line, a length of 16 feet of the western property line. (A total minimum of 16 feet.)
 - iii) The length of the property line that faces 1900 West on the east as far as feasible to the south in consideration of the wetlands in the area. (A total of ~714 feet.)
 - b. Fencing around the remainder of the site shall be a minimum six (6) foot tall chain link fence with neutral tone, privacy slats. (A total of ~2,320 feet.)
3. Requested signage shall be limited to the areas designated as part of the screen in the master plan and shall require UDOT and County permitting prior to installation.

RECEIVED
JUN 08 2016

BY: _____

DD Auto & Salvage

June 3, 2016

To Cache County Council and Development services:

I initially started the CUP process with a number of fragmented lots that ultimately became parcel # 05-059-0012. Approximately one third of this parcel is the original scrap yard which is covered under the current CUP. In 2010 I made an agreement with another party to buy a partnership in the scrap yard to help with working capital and development money for completing the screening and other upgrades, it also included him adding parcel # 05-060-0001 into a DD Auto asset. This parcel was added to our request for the CUP but was never deeded over and the partnership agreement has defaulted. Our relationship has deteriorated to a point to where it would be reasonably impossible to continue with the effort to include this parcel in part because of the fact that I do not own it and do not wish to spend a lot of resources to develop it. Therefore my request is that this parcel be deleted from my request for CUP I do intend to finish the requirements for the original parcels in the time frame provided with one possible minor change which is to have the option of using concrete panels on the south side of the property instead of chain link fencing w/ privacy covering as stated in the requirements.

There is a small piece of parcel # 05-060-0001 that is adjacent to the existing scrap yard and has been used in connection with the yard. I have been awarded temporary control by the court for the interim of our legal proceedings and wish to continue using for the time being.

Sincerely, David Grange owner DD Auto & Salvage

