

COUNCIL MEETING  
MINUTES 9/12/95

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THE CACHE COUNTY COUNCIL MEETING MINUTES

September 12, 1995

The Cache County Council met in regular session on the 12th day of September, 1995 in the County Council Chambers located at 120 North 100 West, Logan, Utah 84321.

ATTENDANCE

Council members present: Chairman Sarah Ann Skanchy; Vice Chairman C. Larry Anhder; Council members present were Layne M. Beck; H Craig Petersen; Jerry L. Allen; Darrel L. Gibbons; Guy Ray Pulsipher.

Others present: Cache County Executive M. Lynn Lemon; Cache County Clerk Stephen M. Erickson; Cache County Attorney Scott Wyatt; Cache County Auditor Tamra Stones; Cache County Planning and Zoning Administrator Lorene Greenhalgh; Chamber of Commerce President Doug Thompson; Administrative Assistant to the County Executive Mike Nilson; Representatives from the local news media and other interested citizens.

CALL TO ORDER

Council Chairman Sarah Ann Skanchy called the meeting to order at 5:00 p.m. and welcomed all who were in attendance.

INVOCATION

The invocation was given by Councilman Darrel L. Gibbons.

AGENDA & MINUTES

The agenda for the meeting was approved.

The minutes of the regular Council meeting held on August 22, 1995 and sent to all members of the Council were corrected and approved.

REPORT OF THE COUNTY EXECUTIVE

The County Executive M. Lynn Lemon reported on the following items:

1. Todd Marcus Appeal: Todd Marcus who presented a notice of appeal to the proper Authority on action taken by the County Planning Commission now would like to put the appeal on hold. Lemon said, that once the appeal has been filed action should take

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place within a 30 day period. Lemon is recommending that a public hearing be scheduled to hear the appeal. The date for the public hearing will be set after the councils discussion on changing the appeal process has been concluded.

2. Cloud Seeding: Notification has been received from the State that they will continue to match funding for a cloud seeding program in the County. The cloud seeding proposal will be placed on the next Council meeting agenda.

3. Warrants: The warrants were presented to the County Clerk for filing.

4. UAC Moab Commissioner/Council Workshop: Lemon reported that he had attend the UAC Commissioner/Council workshop in Moab. Lemon said that there was a lot of discussion about the Federal cut backs in social programs which could affect our county budget. It was also reported that there may be a rise in the cost of insurance for those counties who use UAC Mutual Insurance.

WILLOW PARK COMPLEX-LOGAN CITY/CACHE COUNTY-BUDGET: MICHAEL AUNE

The Director of Logan City Parks and Recreation Michael Aune appeared before the Council to review activities and finances associated with the Willow Park Complex. The Willow Park Complex includes the Fairgrounds, Softball Complex and Zoo. Aune said that Logan City has budgeted \$188,875.00 in their 95/96 FY budget to operate and maintain the Willow Park Complex. Vice Chairman Anhder suggested that the Willow Park Advisory Board should review and have some input on the proposed budget. An Expenditure report was discussed and Aune said that a similar revenue report would be coming. A proposed increase in the entrance fee at the zoo was discussed with the increase going towards zoo operations and maintenance.

The proposed expansion and up grading of the rodeo arena was discussed including the cost and asking for additional restaurant tax money to fund the project.

AMBULANCE BUDGET: DANNY DEVER

Logan City Fire Chief Danny Dever reviewed the 95/96 FY Ambulance budget and said that additional funding is not anticipated this year. Dever said that reserve funds will be used to buy a new ambulance in 1997. Two people are hired to keep track of billings and Dever said that our collection rate is 89 to 90 percent. This is above the National average which is 75 percent. The County Auditor was asked to send a copy of the fund balance to each Council member.

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BUDGETARY MATTERS: INTRA-DEPARTMENTAL TRANSFERS

The following Intra-Departmental transfer was presented to the Council for approval:

1. Building Inspection: \$2000.00

(See attachment #1)

A motion to approve the transfer was made by Councilman Allen. It was seconded and carried unanimously.

BOARD OF EQUALIZATION

THE COUNCIL ADJOURNED FROM THE REGULAR COUNCIL MEETING INTO A BOARD OF EQUALIZATION

ASSESSMENT ROLLS ALTERATIONS

The changes in the County Tax Assessment Rolls made by the appointed Board of Equalization Hearing Officers were presented to the Board for approval by Board Secretary Tamra Stones.

(See attachment #2)

The changes in the Assessment Rolls are on file in the office of the County Auditor.

The Board denied appeals from Pepperidge Farms and Premium Ice Cream company.

(See attachment #9)

Stones said that 325 appeals were heard this year compared to the 600 heard last year.

A motion to approve the list of changes in the County Tax Assessment Rolls was made by Councilman Petersen. It was properly seconded and carried unanimously.

THE BOARD OF EQUALIZATION ADJOURNED BACK INTO THE REGULAR COUNCIL MEETING.

PUBLIC HEARING: BUDGET ADJUSTMENTS-1995

Chairman Skanchy convened a public hearing to discuss and receive public comment concerning adjustments to the 1995 County Budget.

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The Cache County Auditor Tamra Stones reviewed the proposed changes in the 1995 budget.

Chairman Skanchy asked for public comment. Hearing none she asked for a motion to close the public hearing.

It was moved by Vice Chairman Anhder to close the Public Hearing. It was seconded and carried unanimously.

RESOLUTION NO. 95-31: BUDGET APPROPRIATIONS-1995

The adoption of Resolution No. 95-31 will allow adjustment to the 1995 County Budget in certain revenue and expenditure areas.

(See attachment #3)

A motion to adopt Resolution No. 95-31 was made by Vice Chairman Anhder. It was seconded and carried unanimously.

TAX EXEMPTION: HARDSHIP REQUEST

The Council discussed a tax exemption request that had previously been tabled at the last Council meeting. The request was from Richard & Prakong Baugh.

(See attachment #4)

It was determined that the Baughs didn't meet the qualifications for tax exemption.

It was moved by Vice Chairman Anhder to deny the request. It was seconded and carried unanimously.

SPECIAL PERMIT REQUEST-MOBILE HOME: DANA YOUNG

A legal opinion from County Attorney Scott Wyatt concerning a special permit request from Dana Young to keep a mobile home on property in Benson was discussed by the County Attorney and the Council.

(See attachment #5)

Wyatt said that after examining the Ordinance he can't see any legal reason why a special use permit should be granted to Mr. Young. Wyatt further stated that we should follow the Ordinance that relates to this issue. Young doesn't own the property that his mobile home sits on, which is a violation of the Ordinance. Wyatt said if you let one do it others will follow and the Ordinance is being violated and is ineffective. Councilman

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Gibbons said that he has empathy for the Young's but the law should be enforced.

Councilman Gibbons moved that the special use permit be denied because Mr. Young does not own the property that the mobile home sits on and that the County Attorney prepare legal findings of facts on the issue for Council approval. It was properly seconded and carried unanimously.

ORDINANCE NO. 95-02: LAND USE ORDINANCE REVISIONS (APPEALS)

Ordinance No. 95-05 was put into final draft by the County Attorney after the Public Hearing that was held during the August 22nd Council meeting. The adoption of the Ordinance No. 95-02 will change the appeal hearing process from the County Executive to the County Board of Adjustment.

(See attachment #6)

Chairman Skanchy reviewed the proposed Ordinance and expressed concern about the powers of the Board of Adjustment. Councilman Beck said the he is worried about the Board not being an political entity and would not have the proper authority.

Councilman Petersen moved that Ordinance No. 95-02 be adopted and become effective 30 days after publication. It was seconded and passed on a 5 "Yes" to 2 "No" vote. Skanchy and Beck voted no.

The County Planning & Zoning Administrator Lorene Greenhalgh was asked to study the Board of Adjustment and its authority and make recommendations to the Council.

PUBLIC HEARING SET: MARCUS APPEAL

Executive M. Lynn Lemon set a Public Hearing to hear the Todd Marcus appeal on October 24, at 6:00 p.m. for 1/2 hour.

RESOLUTION NO. 95-32: AGRICULTURAL PROTECTION AREA ADVISORY BOARD

The adoption of Resolution No. 95-32 will establish a County Agricultural Protection Area Advisory Board and outlines the makeup of the Board its duties and length of terms.

(See attachment #7)

A motion to adopt Resolution No. 95-32 was made by Councilman Gibbons. It was properly seconded and carried. Councilman Petersen abstained.

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ECONOMIC DEVELOPMENT PROPOSAL: DISCUSSION

The Council continued its discussion on what to do about Economic Development in the County. The Cache Chamber of Commerce proposal to manage that department was presented to Council members along with a response to questions about the Chambers ability to manage the Economic Development Office.

(See attachment #8)

Executive Lemon said that the Chamber would be governed by contract and an Advisory Board.

A motion to accept the Chambers proposal and Executive Lemons recommendation was made by Vice Chairman Anhder. It was seconded and carried unanimously.

A large number of interested citizens, many who were members of the Cache Chamber of Commerce were in attendance to the Council meeting.

MODULAR SALES, INC.-DAEDALUS RESEARCH: TAX ABATEMENT REQUEST

Chairman Skanchy discussed a tax abatement request from Modular Sales Inc. who have been renting some modular units at the airport to Daedalus Research. The taxes have not been paid for the years 1993, 94 or 95. Modular wants to move some of their equipment but are not allowed to do so until the taxes are paid. They want the County to abate the penalty and interest which would leave \$2023.02 to pay. The original taxes with penalty and interest is \$3993.65. Executive Lemon is recommending that the penalty and interest be dropped so the apparent mess can get cleaned up.

Councilman Pulsipher moved to accept Lemons recommendation and grant the abatement with the stipulation that the county must have the tax money in hand before any equipment is moved from the area. It was seconded and carried unanimously.

LOWER BEAR RIVER WATER QUALITY RECOMMENDATION

Executive Lemon recommended that this agenda item be discussed at the next Council meeting.

USU HOME COMING: PARADE

The Council has been asked to ride in the USU Home-coming parade on October 14th. They are asked to wear their T shirts and pass out State Centennial information.

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COUNCIL MEMBER REPORTS

Councilman Pulsipher: Pulsipher reported that he missed the last Council meeting because he was in Jackson, Wyo. where he had a chance to shake President Clinton's hand.

Councilman Petersen: He would like the CountyWide Library put on a future agenda for discussion.

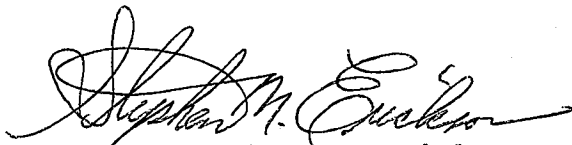
Vice Chairman Anhder: Asked why the road North of the Jenson Historical Farm was not chipped and oiled. Lemon said that there are problems with the road width in some areas. However the road is on next years schedule.

LIQUOR LICENSE ORDINANCE

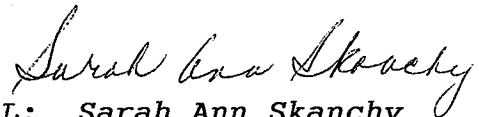
The County Attorney was asked to review and recommend changes in the County Liquor License Ordinance.

ADJOURNMENT

Chairman Skanchy adjourned the meeting at 7:25 p.m.



ATTEST: Stephen M. Erickson  
Cache County Clerk



APPROVAL: Sarah Ann Skanchy  
Council Chairman



# REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER

Department: BUILDING INSPECTION 666  
 Date: 29 AUG 95

Amount to be transferred --- (rounded to the nearest dollar) \$ 2,000.00

Transfer from ---

Line Item No. <u>20 - 4241 - 115</u> Fund Designation: <u>OVERTIME PAY</u> Original Budget: \$ <u>2500.00</u> Current Budget: \$ <u>ABOUT 2400.00</u> Expenditures to date: \$ <u>ABOUT 100.00</u> Balance before transfer: \$ <u>2400.00</u> Balance after transfer: \$ <u>1400.00</u>	AND 20-4241-310	PROFESSIONAL & TECHNICAL \$ <u>1500.00</u> \$ <u>1500.00</u> \$ <u>00.00</u> \$ <u>1500.00</u> \$ <u>500.00</u>
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Transfer to ---

Line Item No. <u>20 - 4241 - 740</u> Fund Designation: <u>EQUIPMENT</u> Original Budget: \$ <u>NONE</u> Current Budget: \$ <u>NONE</u> Expenditures to date: \$ <u>NONE</u> Balance before transfer: \$ <u>00.00</u> Balance after transfer: \$ <u>2,000.00</u>	\$ _____ \$ _____ \$ _____ \$ _____ \$ _____
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Description of needs and purpose of transfer --- PURCHASE OF COMPUTER. THIS OFFICE HAS BEEN WITHOUT AN OPERABLE COMPUTER SINCE 15 JUL 95. DATA PROCESSING SAYS ALL OUR COMPUTERS ARE SO OLD THAT THEY CAN'T GET A REPLACEABLE HARD DISK FOR ANY OF THEM. THEY ALSO CLAIM THEY ARE THE OLDEST IN THE COUNTY SYSTEM AND CAN'T BE SATISFACTORILY REPAIRED. THIS OFFICE IS SEVERELY HAMPERED WITH OUT THE USE OF A COMPUTER.

*John P. Nelson*  
 \_\_\_\_\_  
 Department Head  
 JOHN P NELSON

Recommendation:  Approval       Disapproval  
 Comments:

Date: Sept 5, 1995

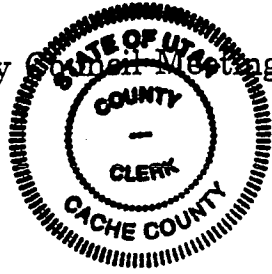
*Jamra Stones*  
 \_\_\_\_\_  
 Cache County Auditor

Recommendation:  Approval       Disapproval  
 Comments:

Date: 9/12/95

*M. J. ...*  
 \_\_\_\_\_  
 Cache County Executive

Consented by the Cache County Board of Commissioners in regular session on the 12th day of September, 1995.



*[Signature]*  
 \_\_\_\_\_  
 Cache County Clerk

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Logan, Utah, 22, August 1995. The Board of Equalization Hearing officers of Cache County, duly appointed by the Cache County Council, met on the days mentioned as Board of Equalization for the purpose of examining the Assessment Rolls of Cache County, Utah, for the year 1995 and the preceding changes on these days are ordered to be made on the Assessment Rolls of Cache County, Utah.

Sarah Ann Skanchy  
Sarah Ann Skanchy, Chairman

ATTEST:

Tamra Stones  
Tamra Stones  
Board of Equalization

I, Tamra Stones, do swear that, I have kept correct minutes of all acts of the county board of equalization regarding alterations to the assessment rolls, that all alterations agreed to or directed to be made have been made and entered on the rolls, and that no changes or alterations have been made except those authorized by the board or the commission.

Tamra Stones  
Tamra Stones, Cache County Auditor

Date 22, August 1995

**RESOLUTION NO. 95- 31**

A RESOLUTION INCREASING THE BUDGET APPROPRIATIONS FOR CERTAIN COUNTY DEPARTMENTS.

The Cache County Council, in a duly convened meeting, pursuant to Sections 17-36-22 through 17-36-26, Utah Code Annotated, 1953 as amended, finds that certain adjustments to the Cache County Budget for 1995 are reasonable and necessary; that the said budget has been reviewed by the County Auditor with all affected department heads; that a duly called hearing has been held and all interested parties have been given an opportunity to be heard; that all County Council has given due consideration to matters discussed at the public hearing and to any revised estimates revenues; and that it is in the best interest of the County that these adjustments be made.

NOW THEREFORE, it is hereby resolved that:

Section 1.

The following adjustments are hereby made to the 1995 budget for Cache County:

Revenue

Expenditure

Section 2.

Other than as specifically set forth above, all other matters set forth in the said budget shall remain in full force and effect.

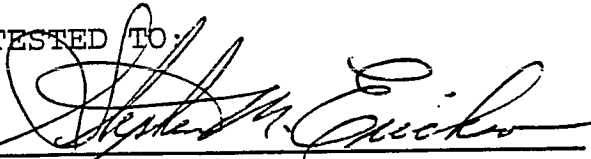
Section 3.

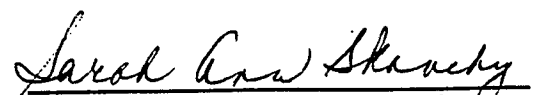
This resolution shall take effect immediately upon adoption and the County Auditor and other county officials are authorized and directed to act accordingly.

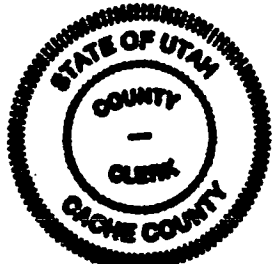
This resolution was duly adopted by the Cache County Council on the 12th day of September 1995.

ATTESTED TO:

CACHE COUNTY COUNCIL

  
\_\_\_\_\_  
Stephen M. Erickson  
Cache County Clerk

  
\_\_\_\_\_  
Sarah Ann Skanchy, Chairman



ACCOUNT	DESCRIPTION	Current Budget	Recommended		Amended Budget	Reason for Change
			Decrease DR	Increase CR		
10-33-12200	FED GRANT-WIC RACES GRANT	\$0		(\$14,711)	(\$14,711)	EMT COMPUTER GRANT-PASS THRU
10-33-12200	FED GRANT-WIC RACES GRANT	(\$14,711)		(\$635)	(\$15,346)	pass thru WIC Races match to county
10-33-43104	Misc State Grant-EMS/EMT	(\$15,346)		(\$744)	(\$16,090)	pass-thru grant for Search & Rescue
10-33-43104	Misc State Grant-EMS/EMT	(\$1,400)		(1,100)	(\$2,500)	Computer grant for EMT Assoc
10-33-45400	CDBG Grant #92-0181	\$0		(5,500)	(\$5,500)	Sunshine Terrace Fire Alarm System
	Net adjustment		\$0	(\$22,690)	(\$22,690)	

FUND 10 General Fund Expenditures

ACCOUNT	DESCRIPTION	Current Budget	Recommended		Amended Budget	Reason for Change
			Increase DR	Decrease CR		
10-4150-595	EMS Grant	0	\$1,844		\$1,844	pass thru-EMT Assoc & Search & Rescue
10-4285-740	Emerg Mgmt- equipment	\$1,500	\$635		\$2,135	WIC Races match to county
10-4800-920	Contrib to other units	\$449,000	\$14,711		\$463,711	WIC Races Grant pass thru
10-4800-920	Contrib to other units	\$463,711	\$5,500		\$469,211	Fire Alarm CDBG Sunshine Terrace
	Totals		\$22,690		\$22,690	
	Net adjustment					

FUND 22 CVCC FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended		Amended Budget	Reason for Change
			decrease DR	Increase CR		
22-33-43000	Misc State Grants	(\$1,100)		(105)	(\$1,205)	EMS Grant -Travel Reimbursement
22-36-90000	Sundry revenues	(\$422)		(\$7,000)	(\$7,422)	CONTRIB-ST OF UT/HWY PATROL&DPS
	Totals		\$0	(\$7,105)	(\$7,105)	
	Net adjustment					

FUND 22 CVCC FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended		Amended Budget	Reason for Change
			Increase DR	Decrease CR		
22-4215-230	CVCC - Travel	\$1,500	\$105		\$1,605	travel reimb for EMS training
22-4215-622	CVCC - MISC SERVICES	\$2,700		(2,025)	\$675	TO PAY 1994 DEFICIT AMOUNT
22-4215-740	CVCC - EQUIPMENT	\$6,000		(1,743)	\$4,257	TO PAY 1994 DEFICIT AMOUNT
22-4215-740	CVCC - EQUIPMENT	\$4,257	\$7,000		\$11,257	CONTRIB-ST OF UT/HWY PATROL&DPS
22-4215-990	CONTRIB TO FUND BALANCE	\$0	3,768		\$3,768	TO PAY 1994 DEFICIT AMOUNT
	Totals		\$10,873	(\$3,768)	\$7,105	
	Net adjustment					

# CACHE COUNTY ATTORNEY



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County Attorney

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Logan, Utah 84321  
(801) 752-8920  
FAX (801) 752-9169

JEFFREY "R" BURBANK  
PATRICK B. NOLAN  
DONALD G. LINTON  
Deputy County Attorneys

## ADVISORY OPINION

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TO: Cache County Council  
FROM: Scott L Wyatt  
DATE: September 7, 1995  
SUBJECT: Dana Young's Special Permit Application Issue

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Dana Young has requested a Special Permit to allow his mobile home to remain on property in the County owned by Edward Banderob of Modesto California.

The property is zoned agricultural and a temporary mobile home might be allowed in very limited circumstances as a conditional use permit. Mr. Young placed the mobile home on the property without any attempts to receive zoning clearance. A neighbor complained about the violation and the Planning and Zoning Office attempted to encourage Mr. Young to apply for zoning clearance, but he did not seek a permit until after the County Building and Safety Department threatened to disconnect the power. Mr. Young's application for a Conditional Use Permit was subsequently denied. He then filed an Application for a Special Permit which is the subject of this memo.

This opinion, offered at the request of the Council, discusses the legal concerns of issuing a special permit to allow the mobile home to remain on the property.

First it is helpful to mention the Conditional Use Permit. Under *Chapter 4 of the County Land Use Ordinance* mobile homes are allowed in an agricultural area on a temporary basis under three limited conditions. These conditions include (1) while constructing a residential home on the site, (2) as a secondary dwelling for an agricultural worker, and (3) for an emergency basis to provide temporary housing for a period of not more than 1 year for members of the immediate family where an emergency situation exist and which requires special attention. It was determined that Mr. Young did not qualify under any basis: (1) he is not constructing a residential home on the same property, (2) he is not an agricultural worker in a secondary dwelling, and (3) he does not qualify under an emergency basis because he does not own the land he is seeking to place the mobile home on. It should further be noted that the emergency exception under the ordinance would only allow him to maintain the mobile home on the property for a maximum of one year--and he has already lived in the mobile home in excess of that year.

Mr. Young has now applied for a Special Permit seeking the same thing that has been denied under the Conditional Use Permit. Mr. Young's basis for seeking a Special Permit is as a "hardship." Hardship is not a legal basis to grant a permit in-and-of itself and the Council must find that the conditions in the application meet the Ordinance.

As the Council knows, any request for a Special Permit should be viewed with extreme caution. To grant a use under a Special Permit that is expressly not allowed under other provisions of the Ordinance violates the intent of the same, erodes the Ordinance and creates precedential problems for future applicants and violators. Special Permits should not be used as a tool to circumvent the Ordinance. However, independent of these cautions associated with the Special Permit section, it appears that Mr. Young would not qualify for a Special Permit in any event.

A Special Permit requires the Council to make 9 separate findings (listed on exhibit A.) The first finding the Council must make is that "The proposed use is reasonable and is reasonably necessary to the applicant in the beneficial use of his property." Because Mr. Young is not the owner of the property, it is not "his property," he should not qualify for a Special Permit. (Under Mr. Young's first application, the emergency section of the Conditional Use Permit section, Mr. Young was denied a permit for the same reason--he does not own the property.) The Council might reasonably be able to justify granting the special permit under all other requirements but the first requirement that the applicant be the owner of the property seems insurmountable in this case.

In conclusion, it is the recommendation of the County Attorney's Office that there is no legal justification to grant a Special Permit. To grant the permit would (1) encourage further violations by others, (2) discourage other landowners who comply with the Ordinance and rely on the Ordinance being enforced for their benefit, (3) weaken the Ordinance by creating legal precedent for others who seek permits for uses otherwise not allowed by the Ordinance, and (4) violate the intent of the Ordinance when the use is expressly not allowed.

## LAND USE ORDINANCE OF CACHE COUNTY, UTAH

## Chapter 28

01/03/91

may impose such conditions to the special permit as it determines to be reasonable and necessary for the public convenience, necessity, welfare, and safety.

28-5 Standards for Granting a Special Permit

As a prerequisite to the granting of a special permit, the County Council must make specific findings that:

- A. The proposed use is reasonable and is reasonably necessary to the applicant and the beneficial use of his property.
- B. The proposed use is not inconsistent with the general purpose and intent of the zone.
- C. The proposed use will not be offensive to adjacent property owners or the community because of noise, smoke, fumes, or odors.
- D. The proposed use will not create nor unreasonably increase hazards or dangers to adjacent property owners or to the community because of or resulting from fire, explosion, pollution, increased traffic congestion, increased parking, or from the presence of any dangerous condition or materials more than any other uses permitted in the zone.
- E. An injustice would result if a special permit were not granted.
- F. Relieving the particular parcel of land from the requirements of the existing zone restrictions would not adversely affect the public interest in having the zoning ordinance strictly enforced.
- G. The applicant has reasonably proven that the proposed use is not harmful to the public welfare and convenience.
- H. Appropriate conditions have been imposed and agreed to by the applicant.
- I. The proposed use will not require any municipal services which would not be made available for uses otherwise permitted in this zone.

28-6 Permit Contents

Certificates of special permits shall contain at least the following:

- A. Tax number and legal description of the property.
- B. Description of the above use.
- C. Specific conditions approved by the County Council.

**CACHE COUNTY**  
**ORDINANCE 95- 02**

**AN ORDINANCE AMENDING CHAPTER 27 OF THE LAND USE ORDINANCE AND PROVIDING FOR APPEALS OF CERTAIN PLANNING COMMISSION DECISIONS TO THE CACHE COUNTY BOARD OF ADJUSTMENTS.**

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that the laws of the state have been interpreted by the state appellate courts that appeals of certain Planning Commission decisions ought to be taken to and considered by the executive rather than legislative branch and therefore Chapter 27 of the *Land Use Ordinance* should be amended.

THEREFORE, the Cache County Council hereby ordains as follows:

**SECTION 1: CHAPTER 27, LAND USE ORDINANCE, AMENDMENTS**

Chapter 27 of the Land Use Ordinance is hereby amended to read as set forth in Attachment "A".

**SECTION 2: PRIOR ORDINANCES, RESOLUTIONS OR POLICIES**

This ordinance supersedes all prior ordinances, resolutions, and policies of Cache County to the extent they are in conflict with the specific provisions hereof. In all other respects such prior ordinances, resolutions, and policies shall remain in full force and effect.

**SECTION 3: EFFECTIVE DATE**

This ordinance shall become effective thirty (30) days after publication as required by law.

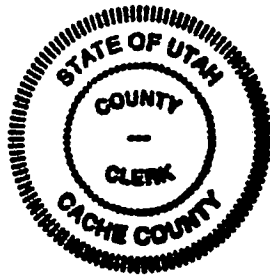
This ordinance was adopted by the Cache County Council on the 12th day of September, 1995 upon the following vote:



COUNCIL MEMBER	VOTING IN FAVOR	VOTING AGAINST	ABSTAINING
JERRY L. ALLEN	X		
C. LARRY ANHDER	X		
LAYNE M. BECK		X	
DARREL L. GIBBONS	X		
H. CRAIG PETERSEN	X		
GUY RAY PULSIPHER	X		
SARAH ANN SKANCHY		X	

CACHE COUNTY COUNCIL

By: *Sarah Ann Skanchy*  
Sarah Ann Skanchy  
Chairman



ATTEST TO:

*Stephen M. Erickson*  
Stephen M. Erickson  
Cache County Clerk

Publication Date: 09/24, 1995

CHAPTER 27 - APPEALS27-1 APPEALS

- A. Appeals may be made to the Cache County ~~Executive~~ [Board of Adjustment] from decisions of the Cache County Planning Commission, except recommendations of the Planning Commission for rezones, new ordinances or ordinance changes.
- B. Appeals may be made only by:
1. The owner of the subject real property.
  2. The owner of any real property located within three hundred (300) feet of the subject property.
  3. Any government entity or person directly affected by the decision of the Cache County Planning Commission.

27-2 PUBLIC HEARING

Appeals from decisions of the Planning Commission shall be deemed to be in the nature of public hearings and conducted under the provisions of Section 11 of Ordinance No. 87-2 with the exception of requirements for notice.

27-3 PROCEDURES

The procedures for appeals of decisions of the Planning Commission shall be as follows:

- A. Notices of appeal shall be in writing upon designated forms provided by the Office of the Zoning Administrator, signed by the applicant landowner, and include all required attachments.
- B. Notices of appeal shall be filed as follows:
1. The original shall be filed in the Office of the County Clerk, 170 North Main, Logan, UT 84321.
  2. Copies of the notices of appeal shall be filed at:
    - a. The office of the Zoning Administrator, Room 210, 179 North Main, Logan, UT 84321.

- b. The office of the Cache County Executive, 120 North 100 West, Logan, UT 84321.
- C. Notice of appeal must be filed not more than 10 working days after the meeting where the decision being appealed was made by the Planning Commission.
- D. The Zoning Administrator shall provide the following information to the Cache County ~~Executive~~ [Board of Adjustment] on all appeals of the Planning Commission decisions:
1. Minutes;
  2. Application;
  3. Documents;
  4. Summary;
  5. Plat;
  6. Communications; and
  7. any other materials the Zoning Administrator feels pertinent or that the Cache County ~~Executive~~ [Board of Adjustment] may request.
- E. The Cache County ~~Executive~~ [Board of Adjustment] will determine whether they may appropriately and lawfully hear the appeal. Upon a decision to hear the appeal, a hearing date will be set by the Cache County ~~Executive~~ [Board of Adjustment] which shall not be less than 30 days from the date of the filing of the notice of appeal and will allocate time limit. The public hearing shall be held in the Cache County Council Chambers, unless circumstances warrant otherwise.
- F. Notice of the hearing must be given as follows:
1. The Cache County ~~Executive~~ [Zoning Administrator] shall publish a notice once a week for 2 consecutive weeks in a newspaper of local circulation with the date of last publication being at least 5 days before the date of the scheduled hearing.
  2. The Office of the Zoning Administrator shall give notice by mail to the applicant, all persons requesting notice, and the owners of all property located within three hundred (300) feet of the subject property at least ten (10) days prior to the scheduled hearing date.
  - ~~3. The Cache County shall cause written notice to be given to the County Council at least 2 weeks before the date of the scheduled hearing.~~

- G. Any one wishing to give comments in person may be given a limited opportunity to speak. If written comments are submitted, copies shall be provided for the Cache County Executive, Clerk, County Attorney, and Zoning Administrator.
- H. Proceedings on appeals should be conducted in substantially the following manner:
1. The Zoning Administrator shall briefly describe the application, action of the Planning Commission and nature of appeal filed.
  2. The appellant shall make his presentation.
  3. Those in favor of the appeal should make their presentations.
  4. Those opposing the appeal should make their presentations.
  5. Appellants should be allowed a brief rebuttal.
  6. The opponents to the appeal should make a brief rebuttal.
  7. The Cache County ~~Executive~~ [Board of Adjustment] may request any representative of the Planning Commission to respond if desired.
- I. The Cache County ~~Executive~~ [Board of Adjustment] shall act in accordance with the following:
1. After the close of the public hearing, ~~the Cache County Executive shall consult with and receive the advice of the County Council in open meeting. The~~ [the] Cache County ~~Executive~~ [Board of Adjustment] shall then take action on the appeal either at the meeting in which the public hearing was conducted or at the next subsequent regular meeting ~~of the County Council, unless a special meeting of the County Council has been called and the Cache County Executive Board of Adjustment desires to place the matter of the appeal on the agenda for that special meeting [of the Board.]~~
  2. The Cache County ~~Executive~~ [Board of Adjustment] may affirm, modify, or reverse the decision of the Planning Commission or, subject to the provisions of this section,

it may also remand the matter to the Planning Commission for its further consideration.

- a. The matter under appeal may be remanded to the Planning Commission only if the Cache County ~~Executive~~ [Board of Adjustment] determines that further information is required or that other essential matters ought to have been taken into consideration by the Planning Commission.
  - b. The Cache County ~~Executive~~ [Board of Adjustment] shall give specific instructions to the Planning Commission for the types of information required or matters to be taken into consideration and the authorization of the Planning Commission to act.
  - c. Specifically, if the Cache County ~~Executive~~ [Board of Adjustment] desires that the subject decision be reconsidered by the Planning Commission based upon purported new information to be obtained or other matters to be considered, the Planning Commission shall have the authority to reconsider and to take action on the conditional use permit as though its original decision had not been made. Otherwise, the instructions to the Planning Commission shall be to provide necessary information and recommendations to the Cache County ~~Executive~~ [Board of Adjustment] relative to his decision of the appeal.
- J. The Cache County ~~Executive~~ [Board of Adjustment] in making ~~his~~ [the] decision shall:
1. Make formal findings of fact; and
  2. Specify the reasons for the action which ~~he takes~~ [has been taken] on the appeal; and
  3. Issue a formal written order incorporating ~~his~~ [the] decision based upon the findings of fact and reasons for the action; and
  4. Submit copies of those findings of fact, reasons for the action and order to the applicant and to the Planning Commission.

- K. The formal findings of fact, reasons for the actions taken, and the formal order may be executed at a subsequent meeting but the effective date of the order shall be the date that the action was taken.
- L. All hearings on appeals must be public and official action on the appeals may be taken by the Cache County ~~Executive~~ [Board of Adjustment] only in open public meetings.
- M. The Cache County ~~Executive~~ [Board of Adjustment] may take action at the same meeting which the hearing on the appeal is conducted or may continue the matter for decision to another meeting.
- N. No appeal may be reconsidered by the Cache County ~~Executive~~ [Board of Adjustment] once ~~he~~ [it] has taken action unless the matter has been reconsidered by the Planning Commission and an appeal made therefrom.

**CACHE COUNTY**  
**RESOLUTION NO. 95-32**

**A RESOLUTION CREATING THE CACHE COUNTY AGRICULTURAL PROTECTION AREA ADVISORY BOARD.**

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that it is in the best interest of Cache County to establish an Agricultural Protection Area Advisory Board.

Now therefore, BE IT RESOLVED that:

**SECTION 1: ESTABLISHMENT OF BOARD**

Cache County Council hereby establishes an agricultural protection area advisory board to be known as "Cache County Agricultural Protection Area Advisory Board."

**SECTION 2: BOARD MEMBERSHIP**

The Cache County Agricultural Protection Area Advisory Board shall consist of five (5) members comprised of the following:

- A. Five (5) members who are also currently serving on a County Soil Conservation District Board as supervisors.
- B. Board Members shall serve without salary and shall advise the County Council and perform the functions required by law as provided below.
- C. Board Members shall serve for a term of one (1) year.
- D. The Chairperson shall be appointed by the Cache County Council.

**SECTION 3: BOARD DUTIES**

The Cache County Agricultural Protection Area Advisory Board shall:

- A. Evaluate proposals for the establishment of agricultural protection areas and make recommendations to the County legislative body about whether or not the proposal should be accepted.
- B. Provide expert advise to the Planning Commission and to the County legislative body about:
  - 1. The desirability of the proposal; and

2. The nature of agricultural production within the proposed area; and
3. The relation of agricultural protection in the area to the County as a whole; and
4. Which agricultural protection should be allowed within the agricultural protection area.

C. Perform all other duties required by Utah law as provided in *Title 17 of Utah Code Annotated*.

SECTION 4: EXECUTIVE TO RECOMMEND MEMBERSHIP

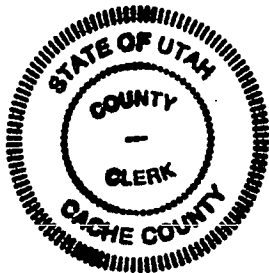
The Cache County Executive is hereby requested to recommend five (5) members to the County Council who could serve on the Cache County Agricultural Protection Area Advisory Board.

SECTION 5: EFFECTIVE DATE

This resolution shall become effective immediately upon adoption.

This resolution was adopted by the Cache County Council on the 12th day of September, 1995.

CACHE COUNTY COUNCIL



By: Sarah Ann Skanchy  
Sarah Ann Skanchy  
Chairman

ATTESTED TO:

Stephen M. Erickson  
Stephen M. Erickson  
Cache County Clerk



## **RESPONSE TO QUESTIONS ABOUT THE CACHE CHAMBER OF COMMERCE BID TO MANAGE CACHE ECONOMIC DEVELOPMENT**

The questions or objections raised regarding the Chamber managing Cache Economic Development can be summarized in seven areas:

1. Conflicts of interest
2. Desire to keep wages down
3. Control by an "Old Boy" network
4. Lack of clear authority and mandate from members
5. Lack of general community recognition and support
6. Why does the Chamber want to manage Cache Economic Development?
7. Integrity and trust

### **Conflicts Of Interest**

One objection is that the Chamber may oppose the entry of new enterprises and growth in the community because new businesses might compete with Chamber businesses. This is simply not true in the case of the Cache Chamber of Commerce or any other chamber in Utah. In Doug Thompson's seven years as a Director of the Utah State Chamber of Commerce Association, three terms as its president and seven additional years as a chamber member, no chamber in the state has even broached the subject of keeping new business out of their community. To the contrary, every chamber in this state actively seeks to attract new businesses. Many are given that role by the community or communities they represent. Those that do not have that assignment cooperate with whatever organization does.

The basic motivation for businesses and individuals to join a chamber of commerce is "enlightened self-interest." As stated in the Cache Chamber's mission statement, they believe associating in a partnership to "improve the quality of life and economic vitality" of the entire community will ultimately help their businesses and their families. They also believe that in numbers there is strength; they strengthen their voice through chamber membership. In addition, there are tangible benefits to membership such as group health insurance and business contacts.

Most of the over 600 Cache Chamber members have competitors who are also members. They set aside their competitive differences, however, when working with the Chamber because they want to achieve greater common goals.

### **The Chamber Won't Set the Agenda**

Under our proposal the initial marketing plan would be developed at a strategic planning session under the direction of the County Executive. After that, the annual marketing plan and policy decisions would be proposed to the County Council by the Cache Economic Development Board. That board would be appointed by the County Council and would work in a fashion similar to the Bridgerland Travel Region Board. Although technically by contract a subcommittee of the Chamber, the Bridgerland Travel Region Board acts independent of the Chamber. The Chamber Board does not direct the Travel Region Board and in the last seven years has never been involved with policy making or marketing direction. The only involvement of the Chamber Board has been fiduciary, watching over the Transient Room Tax and other tax dollars allocated to tourism promotion. The County Executive or his designee is a member of the Chamber's Finance Committee which reviews every expenditure to see that spending is within the guidelines set by the marketing plan and the budget approved by the Travel Region Board and the County Council.

The broad decisions of what types of businesses to promote or discourage and how to pursue them will be made with the approval and at the direction of the CED Board and the County Council. The Chamber Board will be actively interested but will follow the direction of the CED Board and the County Council. If we don't live up to that, it would be grounds to terminate the contract.

### **Chamber Decision Process Avoids Conflicts of Interest**

The way the Cache Chamber of Commerce makes decisions is common with most chambers. We want to reflect members' wishes so we try to inform the membership about a given issue through seminars and articles in the Chamber newsletter. Then we survey the membership. If there is a clear mandate, the board moves accordingly. If survey results are mixed, the Chamber leadership usually will not take a position. On economic development, the members have spoken loud and clear: they want new business development and controlled growth.

Occasionally, members disagree with Chamber decisions. When they do they have three choices: agree with the Chamber, persuade Chamber leadership to change, or drop their membership. Given the Chamber's decision process, almost all decisions are accepted fairly well.

It is rare for members to threaten to drop their membership over a decision. In the last seven years, almost all non-renewals have been because they felt they were not getting enough benefits for their dues. When threats of non-renewal were made because of Chamber decisions, however, they did not change the Chamber's position. When the Chamber supported Sherwood Hills' application for a liquor license, several members including some large ones dropped their membership. Some left because of our stand on the Logan Canyon highway. Some local lodging properties have talked about cancelling their Chamber membership because we provided information to prospective new motels. To date, no one has actually dropped membership.

We take no member lightly, every one is valued. For a wide variety of reasons, about ten percent of our members do not renew each year and we budget with that in mind. Threats from a few members will have little effect on the Chamber financially.

### **The Conflict of Interest Charge Does Not Make Sense**

Businesses compete for sales, supplies and employees.

When it comes to sales, all but the largest Chamber members already compete with other members. So how do they react when a new competitor comes to the valley? When WalMart, a business well known for its competitive pricing, announced plans to come to the valley, not one business asked the Chamber to try to stop them. And there was good Chamber participation in their grand opening. When West One Bank and Washington Mutual entered the valley, the other bankers were among the first to greet them and welcome them to the community. Now, as another group wants to bring in a new hospital the Chamber has not said a thing even though Logan Regional Hospital administrator Richard Smith sits on our board and executive committee and is our treasurer. Richard has not asked the Chamber to take a position because he knows it would be inappropriate and that the Chamber does not oppose new businesses.

Probably the worst possible case faces the Chamber right now. Existing lodging properties would prefer that new properties not enter the valley. After many lean years, they are seeing reasonable profits and would like them to continue. When Bobby Coray resigned as director of CED, she asked the Chamber to work with the parties interested in bringing in new lodging. In every case we have been as honest and forthright as possible. We have answered every question, provided all the information at our disposal, recommended consultants, and introduced investors to appropriate government officials. On recommendations from the Travel Region Board, we encouraged them to build convention and conference facilities and to include RV facilities. But we never tried to stop any project from moving ahead. As one Chamber Board member put it, "This is America. Everyone has the right to compete."

As for our larger members, their markets are national and international. Only a small fraction, if any, of their sales are local. A new competitor in the area would not hurt them, in fact there may be some benefits from competitors moving in. Because of a concentration of competitors Cache Valley is well known for its cheese and dairy products, portable data capture devices, and environmental consulting. This notoriety makes marketing easier.

Only dairy processors and meat packers compete for supply. With supplies as tight as they are it is not likely that a competitor would move here. Despite that, if another large dairy or meat processor made overtures to come to the valley, existing businesses and the Chamber would ask only that the playing field be level.

Even with employees, the greatest competition comes from within the valley. With unemployment near three percent, no large employer is going to come to Cache Valley to tap a cheap, plentiful labor source. It does not exist. Some businesses whose markets force them to remain at the low end of the wage scale would prefer that wages remain low. They understand, however, that supply and demand will gradually force up wages, no matter what they, the Chamber or local government do.

Neither in policy nor action has the Chamber tried to stifle competition or growth in the valley and it doesn't make sense for us to try. Competition is a fact of life in America just as growth is a fact of life in Cache Valley. It is going to happen. Although they know that with growth comes additional competition, small to medium sized businesses want growth to help their businesses prosper. To the larger businesses, community growth makes little difference as long as the growth does not deteriorate the quality of life.

### **Chamber Fosters New and Fledgling Businesses (SBAT and SCORE)**

Two years ago, the Chamber launched a new committee, the Small Business Advocate Team, to assist new and struggling businesses. We brought together representatives of the public and private groups that assist small businesses. We arranged for lawyers, accountants, bankers, insurance brokers and other business professionals to donate time to advise other businesses. After further investigation, the committee felt that the foundation for such an effort should be a SCORE (Service Corps of Retired Executives) Chapter. Eight volunteers have signed up, been trained, and have already started counseling businesses. The formal kickoff for the Northern Utah SCORE Branch is September 13. (We'll be a branch of the Ogden Chapter until we have 12 to 15 volunteers.)

These services will be available free of charge to anyone regardless of Chamber membership.

If it were the Chamber's desire to keep out competition why would we start these committees? "Enlightened self-interest" would argue for having more healthy businesses because the new businesses help the entire community, broaden the tax base, and raise median income.

### **Desire to Keep Wages Down**

Critics say the Chamber will oppose the entry of new enterprises and growth in the community because new businesses might increase the demand for labor and cause wage rates to rise. Although we do not want to hurt existing businesses, one of the primary goals of the Cache Chamber is to raise median income. Higher wages unquestionably help those businesses that rely on local markets. Grocery stores, clothing stores, car dealers, realtors, bankers, and most of the other Chamber members will experience net benefit from wage increases. Why would they seek to cap wages?

Some manufacturers or larger employers could be affected adversely by higher wages but over Doug Thompson's tenure not one Chamber member has asked the Chamber to help put a lid on wages. To date, the greater productivity of Cache Valley workers has offset higher wages.

Persistent rumors notwithstanding, neither of the two previous Cache Chamber executives recalls any action by the Chamber to keep wages down. We can state unequivocally that the policy of the Cache Chamber of Commerce is to raise median income. The Chamber feels the biggest economic problem facing Cache Valley right now is that cost increases are outpacing income gains.

### **Control by "Old Boy" Network**

A recurring criticism of the Cache Chamber is that it is run by an "old boy" network. The current Board of Directors and the volunteers who chair and make up the Chamber's committees take strong exception to that charge. First, we don't consider ourselves all that old. Seriously, the Chamber takes great pains to diversify its Board, committees and leadership. When new directors and committee chairs are chosen, geographical, business sector, gender, religious and other diversities are given a high priority. Four of the thirteen current directors and a near majority of committee chairs are women. We'll match our record on gender equality with any elected, civic or social group in the community. If by saying "old boy network," critics mean that a clandestine,

unelected suborganization actually runs the Chamber, they are absolutely wrong.

### **Lack Of Clear Authority And Mandate From Members**

Some say that the scope of programs and activities that a chamber can undertake is limited by a lack of clear authority and mandate from its membership. That is certainly not the case with the Cache Chamber. Over the past seven years, every survey of member priorities for the Chamber places economic development at or near the top. The Board has never wavered in its support.

### **Lack Of General Community Recognition And Support**

Another hurdle for chambers engaging in economic development is the lack of general community recognition and support. The first round of Countywide Planning meetings showed that economic development was one of the recurring themes throughout the County. Although there is concern about uncontrolled growth, most citizens recognize that economic development needs to continue at some level. Countywide support could not be characterized as robust but it is pervasive.

### **Why Does The Chamber Want To Manage Cache Economic Development?**

Some have asked why the Chamber is so eager to manage Cache Economic Development. Simply, we are doing what our members want us to do. Every member survey and focus group that has addressed the question comes back with clear direction to support economic development. It fits our mission statement: "To enhance Cache County's quality of life and economic vitality through a cooperative Cache community." It also fits our current roles to help retention and expansion of existing businesses and to promote tourism.

We already respond to a great number of requests for relocation and tourist information. We are geared up with staff and equipment to answer questions about the community and get information packets mailed promptly. There is a great deal of crossover in publications. Having one group produce the bulk of the community's promotional material will save money and improve coordination.

It is not for the money. Although inclusion of economic development will better utilize the talents of our staff, we do not need this contract to survive. The Chamber has never been in better financial or membership condition. For several months in early 1995, the Chamber carried the Bridgerland Travel Region while questions regarding budgets, invoices and payments were worked out. The Finance Committee reviews the Chamber's financial statements so the County Executive knows all the details of the Chamber's financial condition.

On the other hand, we are not asking for this responsibility out of the goodness of our hearts. This fee for service contract will strengthen the Chamber in its mission while it provides a service to the County.

On the most basic level, Chamber leadership believes economic development is important to Cache County and that the Chamber can do it best.

### **Integrity and Capability**

Underlying all the foregoing discussion is the issue of integrity and trust. Chamber leadership stands behind what we have said. We will actively and enthusiastically execute the plan approved by the CED Board and County Council and use that plan as the sole guide for new business development. We do not and will not seek to keep wages down. We will seek to raise median income.

If the County Council believes that we are honest people, then the fundamental question is whether the Chamber is up to the job. We believe we are and are willing to proceed with a short term contract so we can prove it. We can not guarantee success in the next sixteen months but we can guarantee that you will not be disappointed in our work in terms of effort, effectiveness or cooperation.

CACHE COUNTY  
CORPORATION

**M. LYNN LEMON**  
COUNTY EXECUTIVE/SURVEYOR

120 NORTH 100 WEST  
LOGAN, UTAH 84321  
Tel 801-752-5935  
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**COUNTY COUNCIL**

SARAH ANN SKANCHY  
CHAIRMAN  
C. LARRY ANHDER  
V. CHAIRMAN  
DARREL L. GIBBONS  
JERRY L. ALLEN  
GUY RAY PULSIPHER  
H. CRAIG PETERSEN  
LAYNE M. BECK  
STEPHEN M. ERICKSON  
CLERK

September 12, 1995  
MEMORANDUM

TO: County Council Members

FROM: Sarah Ann Skanchy  
Chairman

SUBJECT: BOARD OF EQUALIZATION

Cache County has had one major business appeal this year to the Board of Equalization: Pepperidge Farms. They are represented by a tax representative who is paid by a percentage of taxes saved. Limited valid evidence has been presented to the BOE to substantiate their position. We have not met with them in person as the representative is located out of town.

Another small business, Premium Ice Cream, has appealed but given no documentation on value.

I propose as Hearing Officer to recommend to the full BOE that we deny the two appeals and let them appeal to the State Tax Commission.

For your information, the three business appeals last year that went to the State Tax Commission (Pepperidge Farms, ShopKo and Welso Proforma) have not yet been heard by the Tax Commission.

We will discuss this tonight.

SAS:pwp