

APPROVED

**CACHE COUNTY
COUNCIL MINUTES
AUGUST 24, 2010**

CACHE COUNTY COUNCIL
August 24, 2010

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CACHE COUNTY COUNCIL MEETING
August 24, 2010

The Cache County Council convened in a regular session on August 24, 2010 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

Chairman: Gordon Zilles
Vice Chairman: Jon White
Council Members: Brian Chambers, H. Craig Petersen, Kathy Robison & Cory Yeates. **Craig "W" Buttars absent.**
County Executive: M. Lynn Lemon
County Clerk: Jill N. Zollinger
County Attorney: James Swink

The following individuals were also in attendance: Brock Alder, Janeen Allen, Detective Mikelshan Bartschi, Lloyd Berentzen, Cody Clawson, Holly Clawson, Mayor Ed Cottle, Dr. James Davis, Bob Hanselman, Chris Harrild, Sharon L. Hoth, SSG Brock Jones, Cathy Lloyd, Bonnie F. Nielsen, Dave Nielsen, Annie Parker, Diane Pitcher, Val Potter, Director Josh Runhaar, Denise C. Strong, **Media:** Charles Geraci (Herald Journal), Jeremy Threlfall (KUTA-TV), Jennie Christensen (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

Council member Chambers 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 agenda as written. Robison seconded the motion. The vote was unanimous, 6-0. Buttars absent.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Yeates to approve the minutes of the August 10, 2010 Council Meeting as written. Chambers seconded the motion. The vote was unanimous, 6-0. Buttars absent.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

<u>APPOINTMENTS:</u> B. LaMont Godfrey	Cache County Planning Commission
Bill Varga	Cache Valley Visitors Bureau
Richard B. Gordon, Jr.	Cache County Special Deputy County Attorney
Kerri Williams	Cache County Deputy County Clerk

ACTION: Motion by Council member Chambers to approve the recommended appointments. White seconded the motion. The vote was unanimous, 6-0. Buttars absent.

WARRANTS: There were none.

OTHER ITEMS

- **Utah Community Covenant Program** – SSG Brock Jones explained that the purposes of the Community Covenant Program are to create an atmosphere of support for members of the community serving in the armed forces as well as their families. Jones invited Cache County to become involved in the program.

(Attachment 1)

UNIT OR COMMITTEE REPORTS

- ★ **Accounting Standards Update – Cameron Jensen** reviewed the new accounting standards relating to providing clearer fund balance classification and clarifying existing governmental type funds.

CONSENT AGENDA

- ◇ **Clawson Subdivision located at approximately 7100 South 800 East, Hyrum**
Vice Chairman White stated that the county should take the responsibility of improving the bridge over the canal that is on the road near this proposed subdivision. It is very narrow.

(Attachment 2)

ACTION: Motion by Vice Chairman White to approve the Consent Agenda item – Clawson Subdivision located at approximately 7100 South 800 East, Hyrum. Petersen seconded the motion. The vote was unanimous, 6-0. Buttars absent.

BUDGETARY MATTERS

- ◆ **Intra-Departmental Transfer**
Support Services
Transfer \$3,000.00 from Equip
supplies & Maint to Telephone to
cover projected expenses

(Attachment 3)

ACTION: Motion by Council member Yeates to approve the budget transfer of \$3,000.00. Robison seconded the motion. The vote was unanimous, 6-0. Buttars absent.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING SET: SEPTEMBER 14, 2010 – 5:45 P.M. – Open 2010 Budget

ACTION: Motion by Council member Petersen to set a Public Hearing for September 14, 2010 at 5:45 p.m. to Open the 2010 Budget. Yeates seconded the motion. The vote was unanimous, 6-0. Buttars absent.

- **Board of Equalization Hearing Dates** – Executive Lemon recommended hearing dates of September 7, 2010, all day and September 13 & 14, 2010,

morning only. Council member Robison will attend the September 7, 2010 hearing in the morning and Vice Chairman White will attend the September 7, 2010 hearing in the afternoon. Council member Chambers will attend the September 13, 2010 hearing.

ACTION: Motion by Council member Petersen to approve the Board of Equalization hearing dates of September 7, 2010, all day and September 13 and 14, 2010, morning only. Robison seconded the motion. The vote was unanimous, 6-0. Buttars absent.

- **Medical Hardship Application** – Executive Lemon reviewed the pertinent information on the application and Council members requested additional financial information before considering the application. Lemon said he will have the information for them at the September 14, 2010 Council meeting.

PUBLIC HEARING: AUGUST 24, 2010, 6:00 P.M. - ORDINANCE NO. 2010-07 – RESTRICTIONS ON THE MANUFACTURE, DISTRIBUTION, POSSESSION, OR USE OF SYNTHETIC CANNABINOIDS – Dr. James Davis of the Bear River Health Department explained the physiological and psychological effects of synthetic cannabinoids and stated the American Academy of Family Physicians supports a ban on synthetic cannabinoids.

Chairman Zilles opened the Public Hearing and invited public comment.

Bob Hanselman, local business owner, stated two of his businesses sell synthetic cannabinoids and challenged the statements of Dr. Davis concerning the effects of its use. Hanselman claimed that the homemade synthetic cannabinoids are the problem, not the commercially produced product. Hanselman said he spoke with an emergency room nurse in Weber County who said there have been no deaths from its use and no hospital admissions of patients using the product and Hanselman said Logan Regional and the North Logan Specialty Hospital have not had any admissions related to synthetic cannabinoids. Hanselman said he has found no evidence of additive qualities in the synthetic cannabinoids.

Dr. James Davis countered that there have been no hospital admissions because those persons coming to the emergency room for treatment are kept in an area for observation for many hours rather than be admitted to the hospital in an effort to keep costs to patients down. Davis further stated that the National Library of Medicine has reported addictions and deaths from the use of synthetic cannabinoids. Davis supports a ban on these products.

Attorney James Swink said he has received reports from parents of individuals being treated for the effects of synthetic cannabinoids stating that medical costs can be as high as \$16,000.00. Swink asked if this is true? Davis said it is. Swink also observed that there are about a dozen states that have banned synthetic cannabinoids.

Dr. Davis indicated that the Marines have banned synthetic cannabinoids. It is a criminal offense in the Marines.

Lloyd Berentzen, Director of Bear River Health Department, said that it is only within the last few weeks that a test has become available to test for synthetic cannabinoids use. The health department sees this as a potential liability not just to the individual but also to the community because the effects of synthetic cannabinoids seem to alter behavior to a point that it creates a potential detriment to not just themselves, but to those around them. In response to Hanselman Berentzen observed that the North Logan Specialty Hospital has only become a trauma hospital

in the last few weeks and couldn't have had anyone admitted to a trauma department. Emergency room physicians feel synthetic cannabinoids are a significant issue.

Executive Lemon commented he understood there were more synthetic cannabinoid overdoses being dealt with at Logan Regional Hospital than for all other drug-related cases combined.

Diane Pitcher, a defense attorney who represents a business that sells synthetic cannabinoids, cited portions of Title 10, Chapter 8 stating that municipalities do not have the authority to ban substances. Pitcher declared that because there is so much conflicting information and a lack of substantiating evidence about synthetic cannabinoids, a panel of experts is needed to make an informed decision and believes the state should be the entity to decide the fate of synthetic cannabinoids.

Council member Chambers asked if Pitcher has been asked to attend the Council meeting by someone else? Pitcher said she had.

Attorney Swink asked Pitcher to clarify that she had cited Title 10, the code for municipalities, not Title 17 which governs counties? Pitcher replied that was correct.

Brock Alder, Division Director of the Substance Abuse Division of the Bear River Health Department, observed that on the packaging for synthetic cannabinoids is the statement, "Not fit for human consumption." Thirty percent of the people in Drug Court tested positive for synthetic cannabinoids and when asked by the judge why they were using it, they responded, "Because you couldn't test for it and I'm an addict and I like to get high." It is a mood or mind-altering substance that individuals are using because they can get away with it. Drug users are scared by the effects of synthetic cannabinoids according to blog postings. There is no question this is a very dangerous, risky and addictive drug. For those persons using it and for the health of the community Alder supports a ban one hundred percent.

Detective Mikelshan Bartschi reported he has observed severe impairment to a person's driving ability when under the influence of synthetic cannabinoids. Individuals using the product fail field sobriety tests. Bartschi supports a ban for the safety of the community.

Attorney Swink noted that most of Europe has banned synthetic cannabinoids.

There was no other public comment.

Council member Yeates left the meeting.

ACTION: Motion by Vice Chair White to close the Public Hearing-August 24, 2010-6:00p.m. – Ordinance No. 2010-07-Restrictions on the Manufacture, Distribution, Possession, or Use of Synthetic Cannabinoids. Robison seconded the motion. The vote was unanimous, 5-0. Buttars & Yeates absent.

The Council decided to include this subject as an item for the Joint Council Meeting with Logan City on August 31, 2010.

PENDING ACTION

- Ordinance No. 2010-07 – Restrictions on the Manufacture, Distribution, Possession, or Use of Synthetic Cannabinoids (NO ACTION TAKEN)**

ACTION: Motion by Council member Petersen to table Ordinance No. 2010-07-Restrictions on the Manufacture, Distribution, Possession, or Use of Synthetic

Cannabinoids- until the September 14, 2010 Council meeting. White seconded the motion. The vote was unanimous, 5-0. Buttars & Yeates absent.

- **Discussion – Proposed Amendments to the Cache County Road Standards**
Chairman Zilles indicated that the Planning Department does not have any new proposed amendments at present. This item will be on the September 14, 2010 Council agenda.

INITIAL PROPOSAL FOR CONSIDERATION

- **Approval of Ballot Language for Countywide Library Opinion Question –**
Council member Petersen said that the proposed language presented at the last Council meeting was circulated to the Lieutenant Governor's office, cities, Cache County Library Board and Mayors for feedback on the language. Petersen said those suggestions have been incorporated into the present language.

(Attachment 4)

ACTION: Motion by Council member Petersen to approve the language for an opinion question on a countywide library system to be placed on the ballot for the November 2, 2010 General election. Chambers seconded the motion. The vote was unanimous, 5-0. Buttars & Yeates absent.

- **Mail-in ballots vs. polling locations in smaller voting precincts** – Clerk Zollinger presented comparisons between the 2008 and 2010 Primary elections showing that the 2008 election using a polling location in Amalga, Benson, Clarkston, Cornish and Trenton cost \$6,609.25 and had an average vote turnout of 4.81%, whereas, the 2010 election which designated the same five precincts as mail-in precincts cost \$2,368.42 and had an average voter turnout of 30.75%. Based on these findings, Zollinger asked the Council to consider designating these five precincts as mail-in precincts for the November 2, 2010 General election also.

Trenton Mayor Cottle and Clarkston Mayor Godfrey voiced strong objection to designating these precincts as mail-in precincts. Their reasons were that voters in those precincts feel they have been alienated and had their right to go to the polls taken from them. The Mayors also questioned how the Clerk's office can really be sure mail-in ballots were completed by the voter or someone else who forged the voter's signature. Mayor Cottle expressed concerns over the lack of privacy because a worker came to one of Trenton's residents saying she hadn't voted, but found out it was the house across the street. Cottle thought it was illegal to know whether a citizen had voted. Lastly, they explained that election day is a social event in these communities and designating them as mail-in precincts will deprive the community of that sociality.

Council member Petersen asked if the fact that the voter turnout was so much better meant anything to the Mayors? Cottle didn't think it was a good comparison because the 2008 Primary election held little interest for their residents whereas the 2010 Primary was a high-interest election.

Zollinger explained that candidates have workers who get lists of who has voted, whether by-mail, absentee or at early vote centers, and the workers try to get out the vote of those who have not yet voted. This is a legal procedure. Candidates can have poll watchers at polling locations who do the same thing. They look over the official registers and compare with a list of voters they have and at certain points in the election day, poll watchers will feed that information to others who will contact those who have not yet voted and offer transportation, etc. urging them to vote.

Petersen agreed that perhaps 2008 and 2010 were not good comparisons, but a 30.75% average voter turnout is still much higher than the countywide turnout for the June 22, 2010 Primary election.

Motion by Vice Chair White to not designate Amalga, Benson, Clarkston, Cornish and Trenton precincts as by-mail precincts. Petersen seconded the motion. The vote was unanimous, 5-0. Buttars & Yeates absent.

- **Tax exemption application for Gamma Kappa Alumni Association** – Chairman Zilles said the issue is for the Council to approve or disapprove the findings of fact that Gamma Kappa Alumni Association is NOT tax exempt. *(Details are on file in the Office of the Cache County Auditor.)*

ACTION: Motion by Council member Petersen to uphold the findings that Gamma Kappa Alumni Association is NOT eligible for tax exemption. Chambers seconded the motion. The vote was unanimous, 5-0. Buttars & Yeates absent.

- **Mark Stewart Subdivision and Boundary Line Adjustment located at approximately 7755 West 600 North, Petersboro** – Chris Harrild, Planner, explained that this is a 4-lot subdivision north and west of Mendon in the Petersboro area. There was a concern about the road which has been resolved as the applicant has agreed to widen the road. Planning staff recommend approval.

Vice Chair White asked how the county is going to ensure they get the money for the road work. Harrild said the applicant has provided a letter of credit and there is a development agreement in place.

(Attachment 5)

ACTION: Motion by Council member Petersen to waive the rules and approve the Mark Stewart Subdivision and Boundary Line Adjustment. White seconded the motion. The vote was unanimous, 5-0. Buttars & Yeates absent.

- **Discussion – El Paso Gas (Ruby Pipeline) agreement with Western Watershed** – Executive Lemon said there is not a resolution yet and he has not seen the agreement and recommended continuing the discussion to the September 14, 2010 Council meeting.

Attorney Swink introduced Denise Strong, an attorney who has been doing some volunteer research work for the Cache County Attorney's office.

OTHER BUSINESS

- ✓ **Wellsville Founders Day Parade, September 6, 2010 at 10:00 a.m.** – Chairman Zilles, Vice Chairman White and Council member Yeates and, possibly, Chambers will attend.

COUNCIL MEMBER REPORTS

Brian Chambers commented that the Council social at Jon White's home was delightful.

Jon White reminded the Council that Paradise Trout and Berry Days will be this weekend and invited the Council to attend.

Kathy Robison expressed the desire that language be put in the voter information pamphlet regarding the countywide library ballot question that mayors and city councils can choose to take the amount they already put in their budgets for library service and apply it toward the countywide assessment. It's only fair to their citizens to know that is an option. The county has to be up front with all the costs and the cities should be, too.

ADJOURNMENT

The Council meeting adjourned at 8:08 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: Gordon A. Zilles
Chairman

Community Covenant Program Introduction

The Community Covenant is a new initiative created in 2008 by the United States Army, designed to reach out to all military service members regardless of service branch. The intent of the program is to encourage all cities and towns across the country to formally commit their support to the service members (current and former) and their families residing within their communities. The initiative in Utah began with a Community Covenant Citation read on the floors of the Utah House and Senate.

An integral part of this formal commitment is tailoring each city, town, and county Community Covenant to the local level according to the needs and desires of local leadership. Each Community Covenant is unique and as simple or complex as the leaders who create it want it to be.

Essentially, cities and towns are encouraged to form a collaborative group consisting of civic leaders, educators, law enforcement officials, ecclesiastical representatives, health providers, Veterans Service Organizations, local businesses, and other organizations of their choosing. The purpose of this collaborative group is to evaluate and decide what the city or town can collectively do to support service members and their families residing in the community.

Ideally, we'd like to see each city set up a volunteer military liaison position, to keep elected, school, and law enforcement officials and local clergy aware of the service members in their area who are deployed, thus ensuring that families of service members are being well cared for. Such a liaison would be able to coordinate with the local community and also be educated on the benefits and programs that are available from the National Guard and other services.

As a culminating event to every Community Covenant, cities, towns, and counties are encouraged to create a document (The Community Covenant) that formally declares how they are committed to supporting service members and their families. The document is typically signed during a ceremony that can be as big or small as the community leaders want to make it, and will include signatures of key leaders or organizations within the community. We suggest that local media and community members be invited to take part in the ceremony. Also, we want to make sure that veterans of past wars and retired service members also be included in the ceremony, as well as in the planning of the actual Community Covenant, to remind them that their sacrifices are not forgotten.

We have many resources and can provide guidance for this program, but it is our hope that individual communities will become excited about the program and pool their collective resources and creativity to shape their Community Covenant to their liking and give it a local touch. We believe the Community Covenant initiative can lead to increased awareness and support for military service members in each of Utah's cities, towns, and counties, as well as to increased patriotism and devotion to community and country.

We appreciate your willingness to read about the Community Covenant Program. Please feel free to email or call me or my team members, 1st Lieutenant Casey Staheli and Command Sergeant Major RaeLynn Oman, if you have further questions. We will be attending the next Cache County council meeting on August 10 and can answer any further questions you may have.

With utmost respect,

Staff Sgt. Brock Jones
Utah Community Covenants Team
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CACHE COUNTY CORPORATION DEVELOPMENT SERVICES DEPARTMENT



JOSH RUNHAAR, AICP
DIRECTOR/
ZONING ADMINISTRATOR

PAUL BERTSON
CHIEF BUILDING
OFFICIAL

179 NORTH MAIN, SUITE 305 LOGAN, UTAH 84321 ♦ (435)755-1630 ♦ FAX (435)755-1987

To: Cache County Council
From: Josh Runhaar, Development Services Director & Zoning Administrator
Date: August 17, 2010
Subject: Development Services Agenda Items

A request for the County Council to place the following on the August 24, 2010 Agenda:

ITEMS FOR CONSENT AGENDA

- (1) **Clawson Subdivision** – Cody Clawson is requesting approval from the County Council for a 4-lot Subdivision on 76.33 acres of property in the Agricultural Zone located at approximately 7100 South 800 East, Hyrum.
Recommended Findings of Fact: Four (4)
Recommended Conditions of Approval: Four (4)
Planning Commission Recommendation: Approve with Conditions (5, 0)

ITEMS FOR INITIAL CONSIDERATION

- (2) **Mark Stewart Subdivision and Boundary Line Adjustment** – Mark Stewart is requesting approval from the County Council for a 4-lot Subdivision and Boundary Line Adjustment on 40.60 acres of property in the Agricultural Zone located at approximately 7755 West 600 North, Petersboro.
Recommended Findings of Fact: Four (4)
Recommended Conditions of Approval: ten (10)
Planning Commission Recommendation: Approve with Conditions (5, 0)

ITEMS FOR PENDING ACTION

None

ITEMS TO SET A PUBLIC HEARING

None

Attachments:

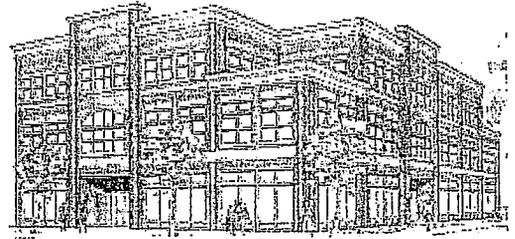
- Application
- Staff Report
- Survey Plat
- Plat Map
- Minutes

CACHE COUNTY CORPORATION DEVELOPMENT SERVICES DEPARTMENT

JOSH RUNHAAR, AICP
DIRECTOR/
ZONING ADMINISTRATOR

PAUL BERNTSON
CHIEF BUILDING
OFFICIAL

179 NORTH MAIN, SUITE 305 LOGAN, UTAH 84321 □ (435)755-1630 □ FAX (435)755-1987



APPLICATIONS ARE DUE BY 3:00 PM ON THE DAY OF THE DEADLINE
PLEASE ALLOW STAFF 20-30 MINUTES TO PROCESS THE APPLICATION
LATE APPLICATIONS WILL BE HELD FOR THE NEXT MEETING'S AGENDA
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

PROJECT APPLICATION

REVIEW AUTHORITY

- CACHE COUNTY COUNCIL
- CACHE PLANNING COMMISSION
- BENSON PLANNING COMMISSION
- BOARD OF ADJUSTMENTS
- ADMINISTRATIVE REVIEW

TYPE OF APPLICATION

- SUBDIVISION
- CONDITIONAL USE PERMIT
- ZONE CHANGE
- CODE AMENDMENT
- BOUNDARY LINE ADJUSTMENT

Date Received: <u>7 July 2010</u>	Received By: <u>CHRS</u>	Receipt Number: <u>5251</u>	Amount/Check Number: <u>\$1,900 / 7470</u> ^{\$1400} _{\$500}
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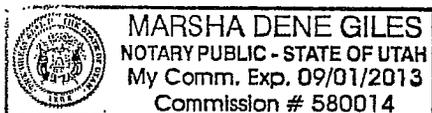
PROJECT INFORMATION	AGENT/OWNER INFORMATION
REQUEST TYPE <u>4 lot subdivision</u>	AGENT NAME <u>Cody Clawson</u>
PROJECT NAME <u>Clawson Subdivision</u>	ADDRESS: <u>307 Ridgecrest Drive</u>
PROJECT ADDRESS <u>900 E. 6600 S.</u>	<u>Hyrum UT 84319</u>
<u>Hyrum UT 84319</u>	TELEPHONE (DAY) <u>760-0694</u> (CELL) <u>760-3482</u>
SERIAL NUMBER(S) <u>01-079-0008, 0024,</u>	OWNER NAME <u>Jeff Clawson</u>
<u>0017</u>	ADDRESS <u>6600 S. 900 E.</u>
ZONE <u>Ag</u>	<u>Hyrum UT 84319</u>
PROJECT LOCATION <u>Hyrum</u>	TELEPHONE (DAY) <u>245-6274</u> (CELL) <u>770-5803</u>

State of Utah)

County of Cache)

On this 7 day of July, 2010, personally appeared before me, Cody Clawson, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to on this instrument, and acknowledged that they executed the same.

Signed _____
(Property Owner or Agent)



Marsha Dene Giles
Notary Public

CACHE COUNTY CORPORATION

DEVELOPMENT SERVICES DEPARTMENT

Project Name: Clawson Subdivision

Agent: Cody Clawson

Request: 4-lot Subdivision

Type of Action: Recommend to County Council

Current Zoning: Agricultural (A)

Project Address: 7100 South 800 East
Hyrum, Utah 84319

Staff Recommendation: Approval

Tax ID: 01-079-0008, 01-079-0017,
01-079-0024

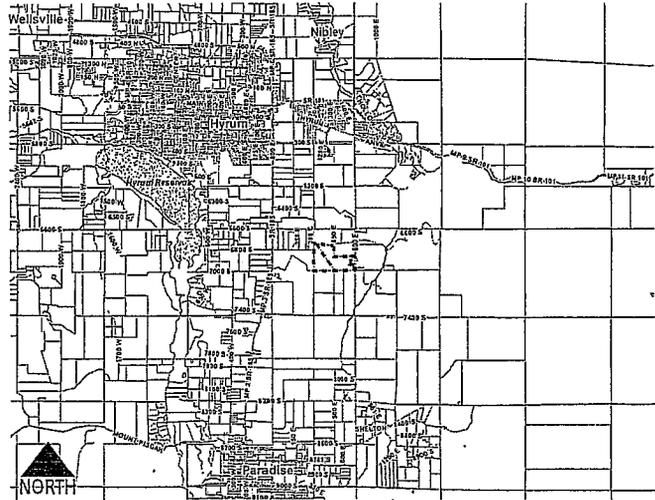
Surrounding Uses: North – Agriculture / Residential

South – Agriculture

East – Agriculture / Residential

West – Agriculture

Reviewed by: Christopher S. Harrild, Planner I



PURPOSE: To recommend approval of the preliminary and final plat for the Clawson Subdivision to the Cache County Council.

PROJECT SUMMARY

The proposal is to create a 4-lot subdivision located at 7100 South 800 East, Hyrum, in the Agricultural Zone on 76.33 acres of property. The subdivision will have one 5 acre building lot (Lot #2), two agricultural lots (Lots #3 and #4), and one lot with an existing home (Lot #1).

Access:

- Access to the existing driveway from 6600 South is adequate. At this access point, county road 6600 South is a 24' wide paved surface.
- The existing driveway is currently used as an access for the applicant's dairy and is substandard for access to the residential lot. The applicant will be required to extend this driveway to provide access to Lot #2. This driveway is greater than 150' in length and as such the 2009 International Fire Code requires that it shall be a 20' drivable surface and that an approved turnaround shall be constructed at the end of the driveway.
- The County Engineer's review of the access has determined that no culvert is needed.

Water & Septic:

- Adequate, approved, domestic water rights will be in place at the time of final plat recordation for all building lots within the proposed subdivision.
- The proposed Lot #2 is feasible for on-site septic tank system. The soil will allow for standard trench systems with trench depth limited to 30 inches below natural grade.

Service Provision:

- All refuse and recycling containers shall be placed along the side of 6600 South for collection.
- 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 476 East 6600 South, approximately 4 blocks from the proposed subdivision.
- The driveway shall meet all applicable requirements of the 2006 International Fire Code, minimum County standards, and any other applicable codes.
- The proposed subdivision is being developed in an area without adequate water supply. It is highly recommended that residential fire sprinklers be installed in any residences constructed on these lots.

CACHE COUNTY CORPORATION DEVELOPMENT SERVICES DEPARTMENT

STAFF DETERMINATION

It is staff's determination that the Clawson Subdivision, a 4-lot subdivision for property located at approximately 7100 South 800 East with TIN #'s 01-079-0008, 01-079-0017 and 01-079-0024 are in conformance with the Cache County Ordinance requirements for preliminary and final plat approval to the County Council. This determination is based on the following findings of fact:

1. The Clawson Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Clawson Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
3. The Clawson Subdivision conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County Subdivision Ordinance.
4. The Clawson Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

CONDITIONS OF APPROVAL

The following stipulations must be met for the developments to conform to the County Ordinance and the requirements of county service providers.

1. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
2. Prior to final plat recordation adequate approved, domestic water rights shall be in place for all building lots within the Clawson Subdivision.
3. All lots shall provide sufficient space for placement of refuse and recycle containers so they do not interfere with traffic.
4. The driveway shall meet all applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by Cache County. The driveway shall be a 20' drivable surface and an approved turnaround shall be constructed at the end of the driveway.

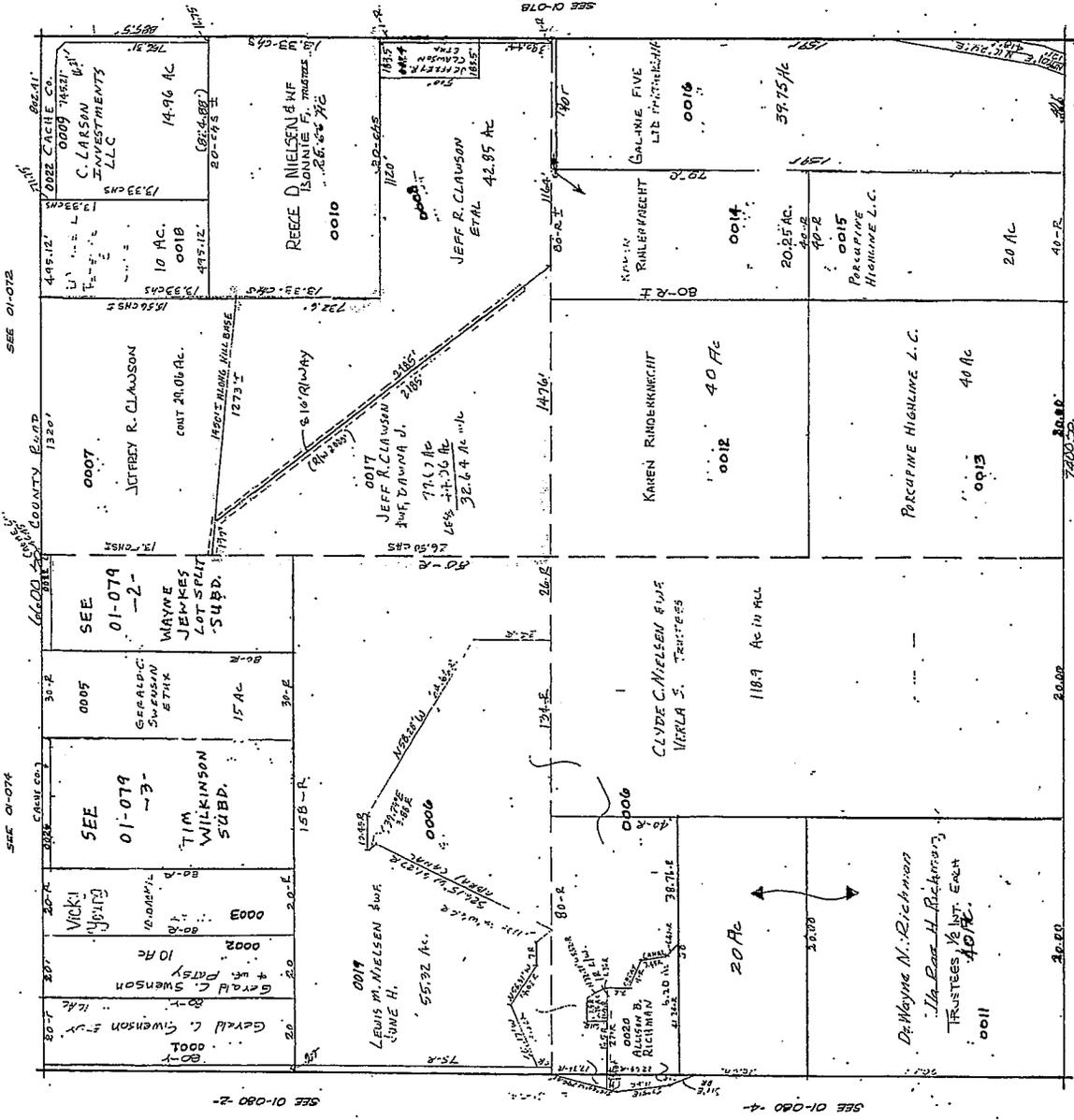


SECTION 15, TOWNSHIP 10 NORTH, RANGE 1 EAST

SCALE 1 INCH = 6 CH.

TAX UNIT 28

01-079



SEE 01-072

SEE 01-074

SEE 01-080-2

SEE 01-085

1 Cache County Planning Commission (CCPC)

2
3 Minutes for 05 August, 2010

4
5 **Present:** Josh Runhaar, Chris Harrild, Don Nebeker, Jon White, Clair Ellis, Chris Sands, Curtis Dent,
6 David Erickson, James Swink, Megan Izatt

7
8 **Start Time: 5:32:00** (Video time not shown on DVD)

9
10 Ellis welcomed; Dent gave opening remarks.

11
12 **5:34:00**

13
14 Agenda

15
16 *Passed*

17
18 Minutes

19
20 **July 8, 2010 - Passed**

21
22 **5:37:00**

23
24 Consent Agenda

25
26 #1 Clawson Subdivision (Cody Clawson)

27
28 **Bonnie F. Nielson** I am an adjoining property owner and we share a fence line on two sides. There is a
29 clause stating that this is an agricultural area and I wanted it noted that this is subject to sight and sounds
30 of agriculture.

31
32 *Nebeker motioned to recommend approval to the Cache County Council for the 4-lot Clawson*
33 *subdivision with the noted recommendations and findings of fact; Dent seconded; Passed 5, 0.*

34
35 **5:41:00**

36
37 #2 Mark Stewart Subdivision and Boundary Line Adjustment (Mark Stewart)

38
39 **Harrild** reviewed Mr. Mark Stewart's request; continued from June 3, 2010 meeting. 3,100 feet of 600
40 North does not meet the county standard. It needs to be widened 20 feet and the applicant and the county
41 have come to an agreement on the road improvements.

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43 **White** who is widening the road?

44
45 **Runhaar** the applicant will widen the road and will chip and seal the portion of the road that they will
46 widen and the county will chip and seal the rest of the road.

47
48 **Dent** wasn't there an issue with widening it due to a seam in the road?

49
50 **Runhaar** the seam will actually fall mid-tread and there should be less stress on the seam.

REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER

DEPARTMENT: Support Services
DATE: 8/23/210

Amount to be transferred -- (rounded to the nearest dollar) \$3,000.00

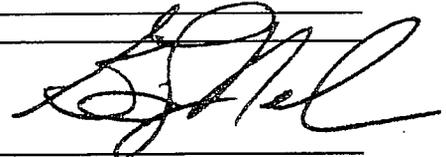
Transfer From ---
Line Item No. : 10-4211-250
Fund Designation: Equip supplies & maint

Original Budget: \$25,000.00
Current Budget: \$31,225.00
Expenditures to date: \$13,376.21
Balance before transfer: \$17,848.79
Balance after Transfer: \$14,848.79

Transfer To ---
Line Item No. : 10-4211-280
Fund Designation: Telephone

Original Budget: \$5,500.00
Current Budget: \$5,500.00
Expenditures to date: \$7,618.53
Balance before transfer: (\$2,118.53)
Balance after Transfer: \$881.47

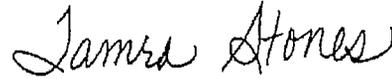
Description of needs and purpose of transfer ---
To cover projected expenses



Department Head

Recommendation: [X] Approval [] Disapproval
Comments:

Date: 8/23/210



Cache County Auditor

Recommendation: [X] Approval [] Disapproval
Comments:

Date: 8/23/210



Cache County Executive

Consented by the Cache County Council meeting in regular session on the 24 day of
AUGUST, 2010.


Cache County Clerk

OPINION QUESTION (non-binding)

Shall the Cache County Council establish a countywide library system?

A countywide library system would provide library service to all Cache County citizens from multiple branch library locations. Citizens could select library materials online, and then pick up and return the materials at any of these branch locations.

A dedicated property tax would be levied to support the operation of the countywide library.

*Citizens who live in municipalities that already have a library funded by a property tax (Logan and North Logan), would continue to pay about the same for a countywide library system as they are now paying for library service.

*Citizens living in other municipalities, and those living in the unincorporated area would pay a library property tax at the same rate as those in Logan and North Logan which would be about \$82 per year on a home with a market value of \$193,000, which is the average home value in Cache County.

FOR AGAINST

From: Bryan Cox <hydeparkmayor@gmail.com>
To: Lynn.Lemon@cachecounty.org
Date: 8/17/2010 1:29 PM
Subject: Re: Library

Good Afternoon Lynn

I have a few questions about the ballot that would be proposed. Hyde Park City defeated a cooperative library with North Logan on two occasions. I would assume that the proposed county wide library system would include Hyde Park even though when a representative of the county came to the Hyde Park City Council Meeting it was rejected.

Questions:

1. Is Hyde Park still included in the county wide proposed system?
2. When voting, if the Hyde Park districts report that the proposed system failed in passing with the voting citizens of Hyde Park will we be given an opportunity to opt out?

I am asking these questions because we as the elected officials will have to answer for the county decision to put it on a ballot. I think I already know the answers but would like the official answer from you.

Thanks
Bryan Cox
Mayor, Hyde Park City

On Fri, Aug 13, 2010 at 3:16 PM, Lynn Lemon <Lynn.Lemon@cachecounty.org> wrote:

> Mayors, I sent all of you a letter today which included a copy of this
> proposed Ballot Language for a Countywide Library Opinion Question. The
> County needs to decide on the language before September 2 and will most
> likely agree at our meeting on August 24, 2010. We welcome your review of
> the proposed language and any recommendations or suggestions before the
> 24th. Thank You. Lynn Lemon

>

> >>> Craig Petersen <craig.petersen@usu.edu> 8/5/2010 11:40 AM >>>

> Initial Action

> Approval of Ballot Language for Countywide Library Opinion Question

>

> See attached wording.

>

>

From: Michael Hall <Michael.Hall@zionsbank.com>
To: Lynn.Lemon@cachecounty.org
Date: 8/16/2010 7:40 AM
Subject: FW: library ballot question

This is a note from my City Council Member who helps to over see the Library in Richmond. I think she echoes' some of my concerns as well. I do not have a council, Library or city in favor of this issue at all. I think from previous conversations in the mayors meetings that is also a shared opinion.

Thanks
-Mike-

From: TERRIE WIERENGA [mailto:terlou38@msn.com]
Sent: Friday, August 13, 2010 8:39 PM
To: Michael Hall
Subject: library ballot question

Mike:

I read through the proposal and feel it's pretty darned misleading. It states that property taxes would be "approximately \$25 per person". Well, other documents state that it would be closer to \$60 per household. So, they need to do apples to apples here. Earlier in the paragraph they talk about the property (which to me means the family, typically mom and dad as the tax payers) being assessed. Then they switch to the \$25/person. Many people are going to read \$25 per house and will be justifiably upset when the tax appears as \$50 or \$60.

I'm still not in support of a property tax levy for this. What about the sizeable population who don't own property? Essentially, they'll get the services for free. Quite frankly, there are enough libraries who only charge a minimal fee (\$10) or none at all for a card for the family. And interlibrary loan is great; that's how I've gotten most of the books through our library.

I still don't think it can be done with this small amount. The sheer cost of getting new software, re-cataloging the current collections, and figuring out how to shuttle items back & forth can't be done for \$60per house. And don't get me started on them firing our current employees and only *maybe* rehiring them under the new system.

Terrie

From: "Field, Kelly" <Kelly.Field@ATK.com>
To: Lynn.Lemon@cachecounty.org
Date: 8/16/2010 6:49 AM
Subject: RE: Library

Lynn,
The proposed language looks ok; however I question even proposing a new taxing entity in the current economy.

Mayor Field

-----Original Message-----

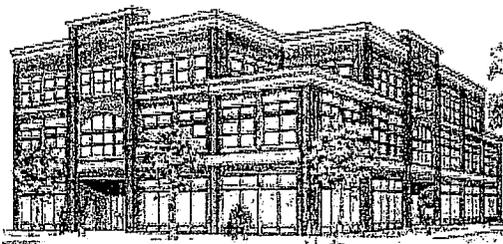
From: Lynn Lemon [mailto:Lynn.Lemon@cachecounty.org]
Sent: Friday, August 13, 2010 3:16 PM
To: Field, Kelly; Kendon Godfrey; MIKE JOHNSON; Leland Howlett; Darrell Simmons; Bryan Cox; Lloyd Berentzen; Ron Liechty; RANDY WATTS; Dean Howard; DAVID WOOD; 'Randy Watts'; rwatts@loganutah.org; GERALD KNIGHT; CLAIR CHRISTAINSEN; BILL BAKER; ED COTTLE; Ed Buist; Lloyd Berentzen; Thomas Bailey; Joe Hansen; MIKE HALL
Subject: Fwd: Library

Mayors, I sent all of you a letter today which included a copy of this proposed Ballot Language for a Countywide Library Opinion Question. The County needs to decide on the language before September 2 and will most likely agree at our meeting on August 24, 2010. We welcome your review of the proposed language and any recommendations or suggestions before the 24th. Thank You. Lynn Lemon

>>> Craig Petersen <craig.petersen@usu.edu> 8/5/2010 11:40 AM >>>
Initial Action
Approval of Ballot Language for Countywide Library Opinion
Question

See attached wording.

CACHE COUNTY CORPORATION DEVELOPMENT SERVICES DEPARTMENT



JOSH RUNHAAR, AICP
DIRECTOR/
ZONING ADMINISTRATOR

PAUL BERTSON
CHIEF BUILDING
OFFICIAL

179 NORTH MAIN, SUITE 305 LOGAN, UTAH 84321 ☐ (435)755-1630 ☐ FAX (435)755-1987

APPLICATIONS ARE DUE BY 3:00 PM ON THE DAY OF THE DEADLINE
PLEASE ALLOW STAFF 20-30 MINUTES TO PROCESS THE APPLICATION
LATE APPLICATIONS WILL BE HELD FOR THE NEXT MEETING'S AGENDA
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

PROJECT APPLICATION

paid \$780 with
concept plan

REVIEW AUTHORITY

- CACHE COUNTY COUNCIL
- CACHE PLANNING COMMISSION
- BENSON PLANNING COMMISSION
- BOARD OF ADJUSTMENTS
- ADMINISTRATIVE REVIEW

TYPE OF APPLICATION

- SUBDIVISION
- CONDITIONAL USE PERMIT
- ZONE CHANGE
- CODE AMENDMENT
- BOUNDARY LINE ADJUSTMENT

Date Received: <u>5-4-10</u>	Received By: <u>RM</u>	Receipt Number: <u>5085</u>	Amount/Check Number: <u>2286/</u>	\$ <u>1120.00</u> to fee Concept fee of \$280.00 is applic total fee = 140
---------------------------------	---------------------------	--------------------------------	--------------------------------------	--

PROJECT INFORMATION	AGENT/OWNER INFORMATION
REQUEST TYPE <u>4 lot subdivision and boundary line adjustment</u>	AGENT NAME <u>Mark Stewart</u>
PROJECT NAME <u>Mark Stewart</u>	ADDRESS <u>7755 W 600 N</u>
PROJECT ADDRESS <u>7755 W 600 N</u>	<u>Petersboro, Utah 84325</u>
<u>Petersboro, Utah</u>	TELEPHONE (DAY) <u>4357530334</u> (CELL) <u>757-2881</u>
SERIAL NUMBER(S) <u>12-048-0006 +</u>	OWNER NAME <u>Mark + Tania Stewart</u>
<u>→ 12-048-0005</u>	ADDRESS <u>same</u>
<u>-0007</u>	TELEPHONE (DAY) <u>753-0334</u> (CELL) <u>757-2881</u>
ZONE <u>Ag</u>	
PROJECT LOCATION <u>Petersboro</u>	

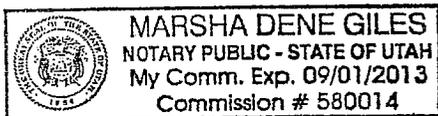
email: medcap@live.com

State of Utah)

County of Cache)

On this 28 day of April, 2010, personally appeared before me, MARK STEWART, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to on this instrument, and acknowledged that they executed the same.

Signed _____
(Property Owner or Agent)



Marsha Dene Giles
Notary Public

CACHE COUNTY CORPORATION DEVELOPMENT SERVICES DEPARTMENT

Project Name: **Mark Stewart Subdivision &
Boundary Line Adjustment**

Agent: Mark Stewart

Request: 4-lot Subdivision & BLA

Type of Action: Recommend to County Council

Current Zoning: Agricultural (A)

Project Address: Approximately 7755 West 600 North
Petersboro, Utah 84325

Staff Recommendation: Approval with conditions

Tax ID: 12-048-0006 & 12-048-0007

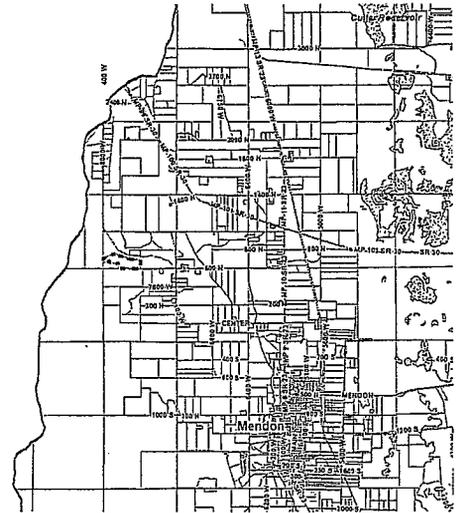
Surrounding Uses: North – Agriculture

South – Agriculture

East – Agriculture

West – Commercial/Residential

Reviewed by: Christopher S. Harrild, Planner I



PURPOSE: To review and provide recommendation of the preliminary and final plat for the Mark Stewart Subdivision & Boundary Line Adjustment to the Cache County Council.

PROJECT SUMMARY

The proposal is to create a 4-lot subdivision & Boundary Line Adjustment located approximately 7755 West 600 North Petersboro in the Agricultural Zone on 40.60 acres of property. There is one existing single family dwelling located on parcel 2; the other three (3) proposed lots will be used for residential use. The subject parcel is located adjacent to Avalon Hill's property.

County road 600 North provides access to the subject property. The current traffic volumes for this county road are considered light and this road is used for: one residential home, a residence treatment facility (Avalon Hills), access to national forest lands, and as agricultural access. There are various improvements that will need to be made to improve this road to provide an adequate level of service for the proposed 4-lot subdivision.

The paved width of 600 North is narrower than the county standard of 20 feet; widths as narrow as 17' occur along the subject road. At the top of the blind hill, the width narrows down to 17' wide hard surface with an excavated embankment along one edge and a steep slope along the other edge of the road.

The intersection of 600 North with 7200 West/400 West does not function as a conventional four way intersection. The 7200 West approach has been recently improved by relocating a utility pole from the intersection area.

At the initial hearing, staff recommended denial because the Mark Stewart Subdivision does not currently meet the roadway requirements as required in section 16.04.040 of the Cache County Code or as set forth in the International Fire Code. The County has worked with the applicant to address the road issues and the applicant has come to an agreement concerning the roadway improvements. With the road improvements as proposed, staff recommends the approval of the preliminary and final subdivision plats of the Mark Stewart subdivision.

Access:

- Access from county road 600 North provides inadequate access for the proposed request.
- The 30 mph posted speed limit is appropriate for the location.

CACHE COUNTY CORPORATION DEVELOPMENT SERVICES DEPARTMENT

Water & Septic:

- Adequate, approved, domestic water rights will be in place at the time of final plat recordation.
- The proposed lots are feasible for on-site septic tank systems and wells.

Service Provision:

- All refuse and recycling containers shall be placed along the side of 400 North for collection.
- 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 would be located at 7200 West 600 North, approximately 5.5 blocks from the proposed subdivision.

STAFF DETERMINATION

It is staff's determination that the Mark Stewart Subdivision and Boundary Line Adjustment, a 4-lot subdivision & BLA for property located at approximately 7755 West 600 North, Petersboro with TIN #'s 12-048-0006 and 12-048-0007 is in conformance with the Cache County Ordinance requirements for preliminary and final plat approval to the County Council and should be approved. This determination is based on the following **findings of fact**:

1. The Mark Stewart Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Mark Stewart Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
3. The Mark Stewart Subdivision conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County Subdivision Ordinance.
4. The Mark Stewart Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

CONDITIONS OF APPROVAL

The following stipulations must be met for the developments to conform to the County Ordinance and the requirements of county service providers.

1. Prior to final plat recordation the proponent shall enter into a development agreement with Cache County Corporation in regards to the required widening of 600 North in Petersboro that shall perform the following:
 - a. The proponent shall widen 600 North to the width required by the Cache County Code and the 2009 International Fire Code.
 - b. The proponent shall be responsible for and work with the County in the paving of the widened portion of 600 North.
 - c. The County will be responsible for the resurfacing of the existing roadway width.
2. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
3. Prior to final plat recordation adequate, approved, domestic water rights shall be in place.
4. All private drives shall meet applicable requirements of the 2009 International Fire Code and any other applicable codes as adopted by Cache County.
5. All lots shall provide sufficient space for placement of refuse and recycle containers so they do not interfere with traffic.

CACHE COUNTY CORPORATION DEVELOPMENT SERVICES DEPARTMENT

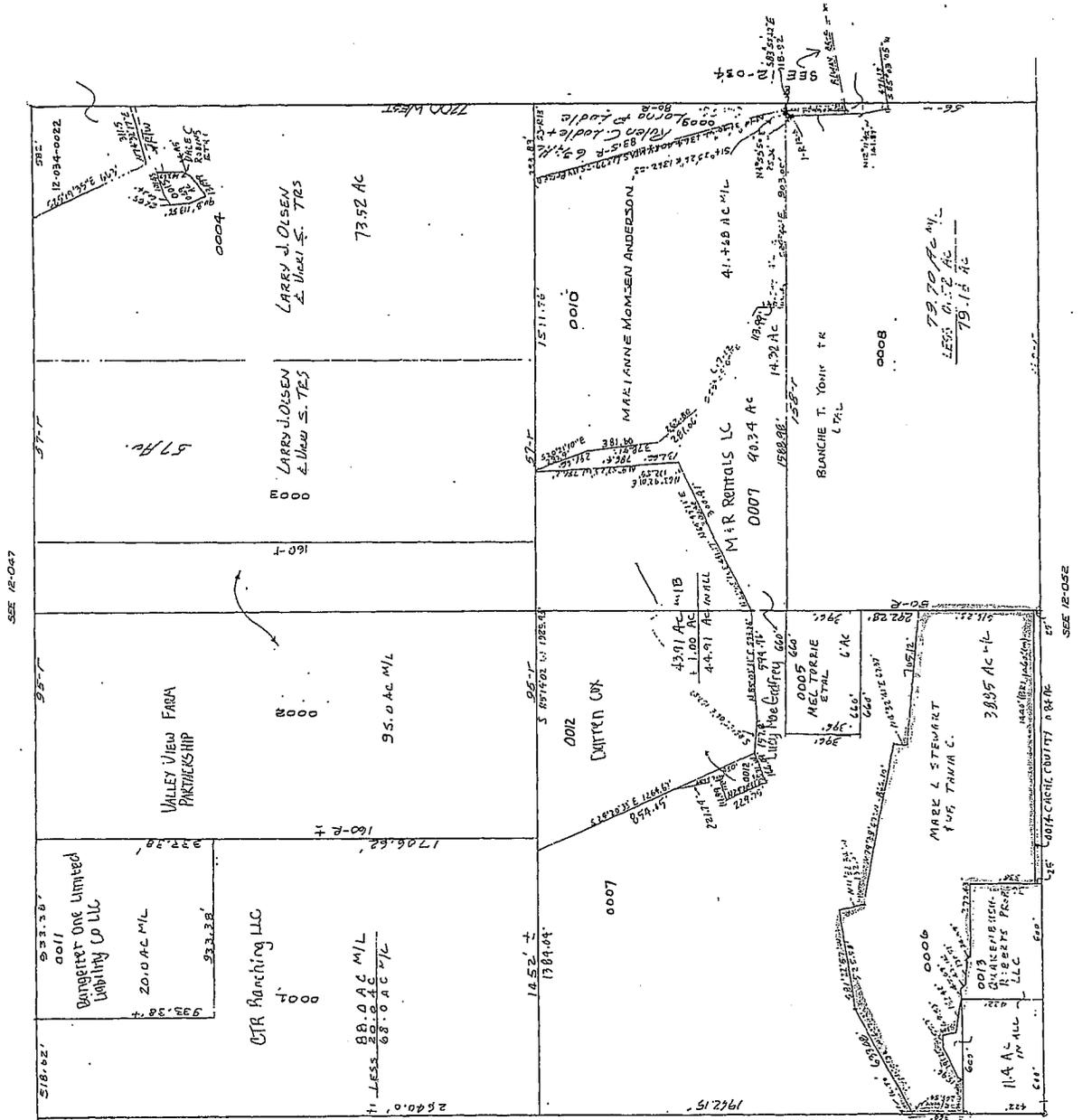
6. County road 600 North shall be improved to a 20' wide and 1' shoulders of typical paved surface from the 7200 West and 600 North intersection to the west end of the subject property.
7. The Applicant shall reaffirm the County's right-of-way of 33' from the centerline across the entire frontage of the proposed subdivision along 600 North.
8. The design of the road shall be reviewed by the County Engineer for compliance with applicable codes. The proponent shall submit a full set of engineered design and construction plans. The plans shall address issues of grade, drainage, base preparation and construction, and surfacing for the road. The cost of such review shall be paid by the proponent. Surfacing shall meet minimum county standards.
9. Individual lot access onto 600 North street has been proposed and appears to be adequate. The applicant will be required to obtain encroachment permits prior to the construction of each access to work within the County's right of way.
10. All landowners are required to obtain a Zoning Clearance and all applicable department reviews prior to any construction on the lots.



12-048

SECTION 25, TOWNSHIP 12 NORTH, RANGE 2 WEST
SCALE 1/4 INCH = 6 CHAINS.

TAX UNIT 28



SEE 12-049

SEE 12-047

SEE 12-052

1 Cache County Planning Commission (CCPC)

2
3 Minutes for 05 August, 2010

4
5 **Present:** Josh Runhaar, Chris Harrild, Don Nebeker, Jon White, Clair Ellis, Chris Sands, Curtis Dent,
6 David Erickson, James Swink, Megan Izatt

7
8 **Start Time: 5:32:00** (Video time not shown on DVD)

9
10 Ellis welcomed; Dent gave opening remarks.

11
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13
14 Agenda

15
16 *Passed*

17
18 Minutes

19
20 **July 8, 2010 - Passed**

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23
24 Consent Agenda

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32 *Nebeker motioned to recommend approval to the Cache County Council for the 4-lot Clawson*
33 *subdivision with the noted recommendations and findings of fact; Dent seconded; Passed 5, 0.*

34
35 **5:41:00**

36
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39 **Harrild** reviewed Mr. Mark Stewart's request; continued from June 3, 2010 meeting. 3,100 feet of 600
40 North does not meet the county standard. It needs to be widened 20 feet and the applicant and the county
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46 widen and the county will chip and seal the rest of the road.

47
48 **Dent** wasn't there an issue with widening it due to a seam in the road?

49
50 **Runhaar** the seam will actually fall mid-tread and there should be less stress on the seam.

1 **Ellis** so it will be a total new surface?

2
3 **Runhaar** yes it will.

4
5 *Dent motioned to approve the Mark Stewart Subdivision with the stated conditions and findings of fact;*
6 *Erickson seconded; Passed 5, 0.*

7
8 **5:46:00**

9
10 **#3 DD Auto & Salvage Conditional Use Permit(David Grange)**

11
12 **Harrild** reviewed Mr. David Grange's request for a conditional use permit to allow the expansion of an
13 existing conditional use permit including construction of additional buildings, fencing, storm drainage
14 system, and truck scale located partially in the IM (Industrial Manufacturing) and Commercial (C) Zones
15 at approximately 1976 West 200 North, west of Logan. Currently DD Auto and Salvage is in violation of
16 the existing Conditional Use Permit. They have expanded onto lots that they were not approved to do so.
17 Their expansion includes 4 new buildings, an impound yard, and screening of the property along
18 Highway 30 and 1900 West; this screening will include three signs to be located along Highway 30, the
19 piping of the existing slough from 1900 West to the southern edge of parcel #05-060-0002, an additional
20 access from 1900 West at approximately 100 North, and a truck scale. Staff will be working with UDOT
21 and Logan City concerning the access points on Highway 30 and on 1900 West. 1900 West is part of
22 Logan. Staff recommends that the Commission continues this item until more of the details are worked
23 out and we can give more concrete conditions. Staff recommends that these details provide a phasing
24 plan with an approximate timeline for the proposed development and expansion of the Conditional Use
25 Permit, a screening plan, a hazardous fluids containment plan, and a general site maintenance plan.

26
27 Staff and commission discussed the possibility of wetlands in the area and the process that would be
28 needed if there are. Also, the current violation of the existing conditional use permit was discussed and
29 the necessity of a screening plan for the site.

30
31 **White** I was wondering if they had talked about the cars. Is the storage facility to take parts off the car or
32 what?

33
34 **Mr. Grange** 90% of the material that comes into the yard is processed immediately. Some of the better
35 vehicles that come in, we would like the time to harvest the parts and increase our efficiency that way. In
36 the parts yard they rarely stay more than 6 months.

37
38 **Ellis** this is a big expansion and is a service that is needed. It is a highly visible location and the screen
39 will be important to protect the neighbors. I know your letter mentions an 8 foot screen done in phases.

40
41 **Mr. Grange** we intend to put in an 8 foot fence, but the material is still up in the air. Ideally we would
42 like to do a nice rock/concrete front fence, but that is costly and to begin with would be vinyl.

43
44 **Ellis** I would like to see some rigid guidelines regarding the spillover.

45
46 **Mr. Grange** it is real difficult to put a timeline on it due to the market and financial means needed to do
47 that.

48
49 **Erickson** this property isn't owned by you?

50
51 **Mr. Grange** yes.