



COSAC

CACHE OPEN SPACE ADVISORY COMMITTEE

PUBLIC NOTICE is hereby given that the Cache Open Space Advisory Committee will hold a **REGULAR MEETING** at **3:30 p.m.** in the Cache County Historic Courthouse Council Chambers, 199 North Main Street, Logan, Utah 84321, **MONDAY, June 3, 2024.**

Agenda

1. **Welcome, Introductions**
2. **Approval of agenda/minutes:** March 22, 2024; April 1, 2024; April 15, 2024; May 20, 2024
3. **First Round Application:** Discussion and Consideration of an Open Space Application for Cooper Open Space, containing parcels 10-041-001, 10-016-0012, 10-055-003. Located between 200 E and US 89/91 and around 600 S Wellsville, and located about half a mile west of the south end of 4000 W in unincorporated county. Applicant Clair Cooper.
4. **Pre-Application:** Discussion and review of a pre-application for approximately 293.3 acres located between Smithfield and Hyde Park City boundaries, between 300 E and 1200 E. Property owners Hardrock LLC and J & M Land Holdings LLC
5. **Gateway Category-Immediate Views and Parcels**
6. **Discussion regarding conservation easements, deed restrictions, and purchase of development rights**
7. **County Council Update (If any)**

Next Meeting Agenda

Notes

Meeting Schedule

Next regular meeting is scheduled for July 1, 2024, at 3:30 pm.

Agenda Item Number 2

Approval of agenda/minutes: March 22, 2024; April 1, 2024: April 15, 2024; May 20, 2024

Cache Open Space Advisory Committee**22 March 2024****Items****Page****Agenda****1. Application – Site visit and Discussion****2**

DRAFT

Present: Stephen Nelson, Angie Zetterquist, Chris Sands, Brent Thomas, Clair Ellis, Reagan Wheeler, Kathryn Beus, Justin Clawson, Megan Izatt

Start Time: 03:15:00

#1 Application – Site Visit and Discussion

Staff, Committee, and Applicant toured the Elk Horn Ranch property on a tractor and hay wagon. While during the tour they discussed the existing easement of 59 acres that was created in 2004, the 150 head of cattle raised on the property, the boundaries of the application, the river bank and the upkeep required, the personal camp ground on the property, the proposed trail and location of the trail. The property is seeded in grasses and hay; there are several species of migratory birds located on the property as well as a herd of deer in the winter.

Mr. Fuhrman is currently in the process of restoring the 100+ year old barn on the property and explained the process being used to do that. The farm also has received the Century Farm designation from the state.

Cache Open Space Advisory Committee**01 April 2024****Items****Page****Agenda**

- 1. Welcome & Introductions** **2**
- 2. Approval of agenda/Minutes (March 4, 2024)** **2**
- 3. First Round of Application: Elkhorn Ranch** **2**
- 4. First Round of Application: Cooper Open Space** **5**
- 5. Gateway Category – Immediate Views and Parcels**
- 6. County Council Update (if any)**

Present: Stephen Nelson, Clair Ellis, Chris Sands, Eric Eliason, Regan Wheeler, Kendra Penry, Emily Fletcher, Megan Izatt

Start Time: 03:37:00

#1 Welcome & Introductions

Sands welcomed everyone.

#2 Approval of Agenda and Minutes

Agenda and **March 4, 2024 Minutes** approved without objection.

03:39:00

#3 First Round Application: Elk Horn Ranch

Nelson explained that staff and committee members toured the property on March 22, 2024.

Eliason asked about the non-contiguous land easement.

Mat Coombs explained that the existing easement is held by the State Department of Agriculture and Food and they would also discuss with them holding this new easement. The only issue could be access and it shouldn't be an issue to establish an access point to the two pieces of the easement.

Ellis commented on having the State Department of Agriculture and Food hold the applied for easement.

Nelson reviewed the staff report for the Elk Horn Ranch application and reviewed the master plan for the trail that is currently planned to go through the property.

Staff and **Committee** discussed building the trail through the old right of way on the property along SR-165.

Joe Fuhriman stated he is adamantly against any trail on his property.

Staff and **Committee** discussed the trail, river bank ownership, wildlife habitat on the property, and floodplains located on the property.

Mr. Coombs commented on public access and the trail and how those conditions could affect funding from other entities.

Ellis asked if the funding issues is for all entities or just NRCS.

Mr. Coombs commented that the right of way is not associated with agricultural use, it can have an impact to the agricultural use and NRCS looks less favorable on that application.

Eliason asked if there would be a possibility to draw the trail into the easement or right of way before the NRCS application.

Mr. Coombs commented that would be the recommendation to do that trail right away prior to the conservation easement.

Ellis commented on the difference of interest between the County and NRCS between trails and conservation.

Mr. Coombs commented on there being different reasons for easements and on protecting agricultural operations and land base. There is interest in the County to protect easements but that doesn't work well with this property owner's interests.

Ellis commented on funding possibly being cut back due to the interests of what the constituents want in general.

Mr. Coombs recognized that is a possibility.

Wheeler asked about other entities and trail conservation easements.

Mr. Coombs responded he doesn't know the specific requirements for LeRay McAllister and the DWR and how the trail condition may preclude this project from being able to apply for NRCS funding and expressed concern with the condition regarding the property owner not contesting the trail being built in the right of way of the road.

Nelson responded that currently Mr. Fuhrman is farming the right of way area and has a building located in the right of way. The County Surveyor has looked at the property and believes the State and the County has the right to build the trail within that right of way and the County would like to avoid a legal challenge.

Mr. Coombs asked what the agreement would look like.

Nelson responded that it would be an agreement signed before funding would be released.

Mr. Coombs commented that the funding would be contingent on something that he may or may not contest on a separate property.

Nelson responded that they are looking for an acknowledgement from the property owner that the County has the right to build the trail.

Mr. Coombs commented that Mr. Fuhrman would have to establish that right and he would be binding his successor.

Ellis commented that a verbal agreement wouldn't work here.

Nelson responded that this is the first round of conditions and that the County attorney's office can look at it and provide legal documentation or agreement for it. Staff is concerned because there is an old structure in that boundary and has been farming that it the applicant might claim the County can't build the trail through the right of way.

Ellis asked if the structure was the fence.

Nelson responded no, there is an old shed.

Wheeler asked how wide the right of way is.

Nelson responded it is 66 feet.

Wheeler asked if the shed is functional.

Mr. Fuhriman responded that it's been there since he has owned the property and he would like to see it repaired.

Nelson responded the plan is to build the trail right along the southern boundary and put a fence in. He doesn't believe the full of right of way would be used.

Eliason asked if the standard is 12 feet for the trail.

Sands responded usually 15-20 feet is needed.

Wheeler asked if the fence would be in the 66 feet right of way.

Nelson responded he believes a fence would go along both sides of the trail and doesn't believe the whole 66-foot right of way would be used.

Eliason asked how certain Mr. Coombs is on NRCS funding.

Mr. Coombs requested he couldn't answer that at this time but would need to go through the process.

Eliason asked about LeRay McAllister funding.

Mr. Coombs responded that he would give a similarly non-committal answer.

Eliason asked if LeRay had any questions regarding historical value.

Mr. Coombs responded yes, they do ask about historical value and they expect this project to score well with the NRCS and LeRay McAlister.

Sands asked about the funding cycle.

Mr. Coombs responded that he believes NRCS's funding cycle for accepting applications in October.

Wheeler asked if having the other easements adjoining this property make it a better application and who runs the property on the other easement.

Mr. Coombs responded yes and that Mr. Fuhriman owns the property in the other easement that is under UDAF.

Wheeler asked if NRCS was involved in the first easement.

Gabe Murry responded they were.

Eliason asked if the parcels could be sold independently with the easement.

Mr. Coombs responded that his understanding is that the current easement could be sold separately from the new easement and he is not aware of a way to tie the old easement and new easement together.

Ellis asked if there are limitations in the easement for the property owner to sell bits and pieces of property.

Mr. Coombs responded there is limits on subdivision and development of property in the easement documents.

Wheeler asked how many years the other easement has been in place.

Mr. Murry responded for 20 years and it is perpetual.

Eliason asked why all the property wasn't put into an easement at that time.

Mr. Coombs responded there wasn't enough money to do all the land.

Wheeler asked if the existing easement worked well.

Mr. Fuhriman responded there have been no issues and has been good.

Mr. Coombs responded they would need more information as to what is being agreed to before they could agree to the trail easement requirement.

Sands responded they need legal counsel review for that condition.

Nelson responded he will work on that.

Mr. Coombs commented on if it is fair to condition applicants for this program.

Eliason commented it's different to clear something up before an easement than to condition it.

Committee discussed the scoring sheet, when a recommendation for approval or denial would be expected, and how to compile everyone's scores.

04:42:00

#4 First Round Application: Cooper Open Space

Nelson reviewed the application and location for the Cooper Open Space.

Cort Cooper commented on the interest to establish the ability to keep it agriculture.

Sands asked about other funding partners.

Mr. Cooper commented they haven't approached any others.

Eliason asked about the sustainability of agriculture for the 20 acres.

Mr. Cooper commented there isn't more acreage to add in at that location.

Wheeler asked if the leased any other property.

Mr. Cooper responded they do to the north.

Wheeler asked if the other property owners in the area would be interested in an easement.

Mr. Cooper commented there could be but he hasn't approached any of them.

Wheeler asked how long the Coopers have owned the property.

Mr. Cooper commented the 20 acres since 1985 and the other piece for generations.

Ellis asked how important it is to consider both together.

Mr. Cooper responded they are fine if they are considered separately or together.

Eliason commented that he likes the properties but has concerns with both being big enough for easements.

Staff and **Committee** discussed the size of easements and who would be interested in holding the easement.

Eliason asked if Mr. Cooper has an idea of who would hold the easement.

Mr. Cooper responded he wasn't sure and that maybe there are other options that would be better suited.

Staff and **Committee** discussed the 20-acre parcel and what are some other options that would be good for it.

Sands asked if there had been any thought to partner with an organization to help with funds.

Mr. Cooper responded at this point they were looking for more information about the whole process.

Staff and **Committee** discussed setting up a meeting for landowners and putting a list of contact information for different land trusts to have available for landowners.

#5 Gateway Category – Immediate Views and Parcels

Continued to next meeting.

#6 County Council Update

Continued to next meeting.

05:17:00

Adjourned

Cache Open Space Advisory Committee**15 April 2024****Items****Page****Agenda**

- | | |
|---|---|
| 1. Welcome & Introductions | 2 |
| 2. Approval of agenda | 2 |
| 3. First Round of Application: Elk Horn Ranch | 2 |

Present: Stephen Nelson, Clair Ellis, Chris Sands, Eric Eliason, Regan Wheeler, Kendra Penry, Brett Thomas, Kathryn Beus

Start Time: 03:37:00

#1 Welcome & Introductions

Sands welcomed everyone.

#2 Approval of Agenda

Approved without objection.

#3 First Round of application: Elk Horn Ranch

Committee and **Staff** discussed public access, building a trail in the right of way, and the applicants concerns regarding privacy, public access clashing with the applicant's agricultural operations, the County Attorney's position that a condition for trail space is not a legal problem, scoring for gateway areas, scoring for protects public vistas, holding projects due to no public access, and trail access for future projects.

Mr. Joe Fuhriman commented that he would protest the trail and how that piece has been farmed for a number of years, is currently being farmed, more fences means more gates to open and close, concerns with public access not working with an agricultural operation, and the eastside property owners not wanting the trail either.

Ellis asked if the trail is on the Alder's property if it impinges on his property.

Mr. Fuhriman commented that he does, issues with fisherman cutting fences currently and upkeep of the riverbank.

Committee discussed the money being tax payers' money and public access being important, the length and width of the right of way, property owners to the north and their interest in granting a right of way for a trail, and interest level that staff is hearing.

Sands asked Mr. Murray what interest he is seeing.

Gabe Murray commented he receives phone calls every month. Some have interest in public access and some do not.

Ellis commented on public access impacting funding from other entities and that the County would probably need to pay more in for those applications.

Joe Fuhriman commented on easements and feeling sometimes that applying isn't worth it but that this easement is important due to the property being beautiful and having historical significance.

Staff and **Committee** discussed the scoring for public access, and the bond language not requiring public access for all applications.

Mr. Fuhriman commented that does not remember trails being in the bond language.

Ellis commented that it is part of the bond language and has been since the beginning.

Staff and **Committee** discussed there being public benefit of open space without being able to physically access the property, and the applicant's property having beautiful view sheds.

Staff and Committee

***Eliason** motioned to recommend approval to the County Council for the Elk Horn Phase II to move to the Phase 2 application and noting that the Council consider the alternate trail alignment in the staff report; **Wheeler** seconded.*

Staff and **Committee** discussed the gateway scoring section and differentiation between gateways and vistas.

Staff and **Committee** discussed the wording of the motion regarding the proposed trail and how to resolve the issues with trail connectivity in the area.

Wheeler left.

Staff and **Committee** continued discussion on how to word the motion that they recommend approval for Elk Horn Ranch Phase II to go to the next step and that there are still questions regarding the trail.

Eliason** amended his motion to recommend approval to the County Council for the Elk Horn Phase Two open space application to the second application phase noting that the trail connectivity was not resolved within this application; **Ellis** seconded; **Passed 5, 0.

Staff and **Committee** discussed what the second phase of applications will entail for funding.

Mr. Murry commented that they could not seek an actual appraisal yet but they would work on getting a value for the conservation.

Eliason asked who they would also be applying for funding.

Mr. Murry responded LeRay McAllister and NCRS.

Staff and **Committee** discussed when it would be on the County Council agenda and what the next month's agenda looks like.

Adjourned.

Cache Open Space Advisory Committee**20 May 2024****Items****Page****Agenda****1. Application – Site visit and Discussion****2**

DRAFT

Present: Stephen Nelson, Angie Zetterquist, Chris Sands, Brent Thomas, Clair Ellis, Kendra Penry, Justin Clawson, Megan Izatt

Start Time: 03:45:00

#1 Application – Site Visit and Discussion

Staff, Committee, and Applicant toured the Cooper Property on Highway 89 in Wellsville. They discussed the size of the property, current use, the small canal running through the property, the spring on the south end of the property, pivot water being used on the property, the property being located in a gateway area, funding sources, and who would hold the easement.

Staff, Committee, and Applicant left highway property to go to the other property located near the canyon.

Staff, Committee, and Applicant discussed the property boundaries, the high pressured pipeline on the property, that it is mostly used for grazing, reviewed the history of the property, development potential for surrounding property, the LDS church property surrounding part of the parcel, proposed and current trails, wildlife such as elk and deer, location of a proposed well, possibility for a building lot, currently access is allowed with permission, there is a possibility for more public access, subdivisions around the highway property, scoring for the projects, and the easement on a neighboring property. The parcels will be scored individually.

Agenda Item Number 3

First Round Application: Discussion and Consideration of an Open Space Application for Cooper Open Space, containing parcels 10-041-001, 10-016-0012, 10-055-003. Located between 200 E and US 89/91 and around 600 S Wellsville, and located about half a mile west of the south end of 4000 W in unincorporated county. Applicant Clair Cooper.



Cache
County
1857

Cache Open Space Advisory Committee (COSAC) -

Open Space Funding Application

For screening of projects requesting bond funding from Cache
County.

Section A: Required Criteria

Select one ▾ The property(s) is in Cache County.

yes

Select one ▾ The landowner is willing. The property owner should be engaged in the conservation of the property and willing to enter into good faith negotiations with the County.

yes

Select one ▾ Property(s) has a clear title. The appropriate title and ownership are free of disputes or other conflicts.

yes

If you answered no to any of these questions your application is ineligible.

Are you aware of any legal disputes or conflicts relating to the property or proposed project? If yes, please describe. Select one ▾

No

Section B: Property Information

Project Name: Cooper

Address or location: Wellsville / Mt. Sterling

Municipality or nearest city: Wellsville

Parcel number(s): 10-041-001 / 10-016-0012 / 10-055-0003

Total acres: 180

Acres proposed to be preserved by conservation easement: 180

Acres proposed to be preserved by ownership transfer (fee title): _____

If not the entire parcel(s), provide a map of the proposed project.

Section C: Applicant Information

Property Owner(s): Clair Cooper (J Clair Cooper Trust)

Address: 1340 S. center City: Wellsville State: UT Zip: 84339

Phone: 435-760-7245 Email: evergreensprinkling@gmail.com

Contact person/ Authorized Agent (if other than property owner): _____

Title / position: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

☐ I authorize this agent as my legal contact person

Agent relationship to project, check all that apply:

☐ Municipality

☐ 501c3

☐ Land Trust

☐ Other, describe



Cache Open Space Advisory Committee (COSAC) -
Open Space Funding Application
For screening of projects requesting bond funding from Cache
County.

Additional contacts:

Name: _____ Phone: _____ Email: _____

Name: _____ Phone: _____ Email: _____

If you are working with a land trust, please list name here: _____

Section D: Additional Information - Please answer the following questions on a separate page.

1. Please describe past, present, and future uses of the property.
Grazing, Hay, Grain, Pasture
2. Are you aware of any toxic or hazardous materials on the property? **Select one ▾** If yes, please explain. *No*
3. Is the property subject to any DEQ or EPA restrictions? **Select one ▾** If yes, please explain. *No*
4. What benefits will the public receive as a result of the proposed transaction. Select all that apply:
 - ☒ Protects scenic vistas
 - ☒ Preserves open lands near valley gateways
 - ☐ Adds trails and trail connectivity
 - ☒ Maintains agriculture
 - ☒ Maintains waterways
 - ☒ Maintains wildlife habitat
 - ☐ Other: _____
5. Are you proposing to open any portion of the property to public access? **Select one ▾**
Please explain. *Possibly, We currently allow hunting by permission*
6. Are you working with other organizations or agencies that may provide professional assistance or potential funding sources (such as NRCS, Bear River Land Conservancy, Utah Open Lands, Fish and Wildlife, UDAF LeRay McAllister)? If yes, please provide details.
No



Cache Open Space Advisory Committee (COSAC) -
Open Space Funding Application
For screening of projects requesting bond funding from Cache
County.

Section E: Supporting Documents

If your application is accepted, you will be asked to complete a final application with additional information which may include, but is not limited to, the following documents. **Please do not send them at this time.**

Current real estate appraisal
Mineral rights
Easements or right of ways
Legal description

Water rights
Encumbrances
Letters of support
Relevant planning documents

To the best of my knowledge I attest the information provided here is true and correct.

Dea Lar
Property Owner(s) Signature (Required)

3/8/24
Date

Authorized Agent Signature

Date

To complete and send this form:

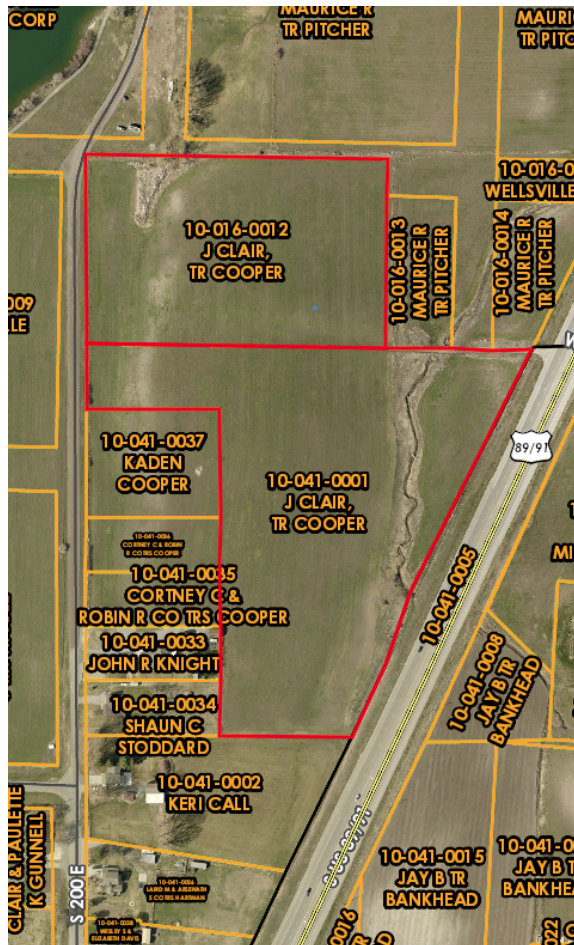
1. Save a copy on your computer as a PDF. Your draft can be attached to an email for editing and contribution by others.
2. Submit the final version via email to devservices@cachecounty.gov.

This form is subject to change as the Cache Open Space Advisory Committee sees fit.

Cache County Development Services Staff Report

June 3, 2024

Project	Cooper
Applicant	Clair Cooper
Location	Wellsville and Mt Sterling
Total Acres	180 (Wellsville 20.14 Acres, Mt. Sterling 160 Acres)
Parcels	10-041-0001, 10-016-0012, 10-055-0003
Proposed Use	Agriculture Conservation Easement



Introduction

The property owner has applied for three parcels for conservation funds. Two parcels are located adjacent to US 89/91 within Wellsville, and a large 160-acre parcel is located on a bench near the old Sardine Canyon roadway. The property within Wellsville is currently being farmed, while the property in Mt. Sterling also has farmland and contains forest areas.

Surrounding Uses (Wellsville)	
North	Farmland and single family development
East	US-89/91 and farmland
South	US-89/91 and farmland
West	Park and single family development

Surrounding Uses (Mt. Sterling)	
North	Wilderness and Mountains
East	Farmland and ag. protection areas
South	Farmland, ag. protection areas, and wilderness
West	Wilderness and farmland.

Purpose of Proposed Conservation Easement

The applicant has proposed to apply a conservation easement on listed properties. The properties within Wellsville are currently being farmed. The property in the Mt. Sterling area is also proposed for agricultural conservation, however, there are quite bit of steep slopes and wilderness area (see the attached map). There is a spring on the Mt. Sterling Property and water access and rights with Wellsville Property.

Evaluation Criteria

The Cache Open Space Advisory Committee (COSAC) created a scoring sheet (attached) to help evaluate each application. The main sections for review are Protect Scenic Vistas, Preserve Open

Lands Near Valley Gateways, Maintain Agriculture, Maintain Waterways, Maintain Wildlife Habitat, Allow Public Access, and Distinguishing Factors. Staff reviewed the properties and provided the following for each item.

Protect Scenic Vistas

Wellsville Property: The 20 acres are located along the US 89/91 within Wellsville. There is an Average Annual Daily Traffic count of around 20,000 vehicles daily. There is also a master plan UDOT trail along the highway.

Mt. Sterling: This property is located on the western bench of the valley, though it is not located near any major or minor roadways. It is also not clearly visible in most populated areas within the valley.

Preserve Open Lands Near Valley Gateways

Wellsville Property: These two parcels are located within the Wellsville Canyon Gateway as reviewed by COSAC. These properties have .2 miles of frontage along US 89/91.



View of the property from the US 89/91: Credit Google Maps

Sterling Property: This property does not fall within a gateway area (Wellsville Canyon, Valley View Highway, SR-91 Idaho/Utah Border).

Maintain Agriculture

Wellsville Property: These properties are currently being farmed for "Grazing, Hay, Grain, Pasture" according to the application. There is a canal (stream) and water access within this property. There is a type of conservation easement on it, but it identified as a "Trust Deed" with the Utah Department of Agriculture and the Utah Soil Conservation Commission that applies to both 10-041-0001 and 10-016-0012 (attached), and it may include the three parcels divided off of 10-041-0001. 10-041-001 is a remainder parcel that was further split without a subdivision

amendments. This property is within Wellsville and their code would govern whether it could be further developed.

Mt. Sterling Property: This property is also currently being farmed for “Grazing, Hay, Grain, Pasture” according to the application. However, 20% and >30% slope occupy a large section of the property. This would limit its function as farmland. There is a spring on the property with the Cooper Family holding the rights to the water of that spring. By County code, under the current zoning of FR40, it is likely that a seasonal cabin could only be developed on the property, with most of the property being restricted from development due to the steep slopes.



Mt. Sterling property's southwest slopes

Maintain Waterways

Wellsville Property: The property has a natural waterway, the Hawbush Canal, that goes through it. However, no known wetlands are on the property (see attached map).

Mt. Sterling Property: There is a natural spring and a relatively small wetland area around the spring (see attached map).



Maintains Wildlife Habitat

Wellsville Property: The applicant has not indicated any wildlife within this property. During the site visit, some species of birds were around the waterway.

Mt. Sterling Property: The applicant has indicated there are frequent herds of elk and deer on the property, and he does allow hunters on the property with his permission. During the site visit, a few deer were observed. This parcel is also contained within Wildland Urban Interface (see attached map). This area is defined as “the zone of transition between unoccupied land and human development. It is the line, area or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels” (U.S. Fire Administration).

Allows Public Access

The applicant has indicated, “Possibly, we currently allow hunting by permission.”

Wellsville Property: A trail is planned along Highway 89/91. This proposed trail appears in the County's Trails and Active Transportation Plan, Wellsville's Trails and Active Transportation Plan, Tier 3 of the Utah Trail Network, and has been prioritized in the ongoing US-89/91 Corridor Study. At the time of this writing, staff doesn't know what side of the highway the trail is planned to be placed.

Mt. Sterling Property: This property has a couple of primitive trails planned with the Wellsville Trail Master Plan. Staff recommends discussing the possibility of securing easements to access the master plan trails on the property.

Distinguishing Factors

Wellsville Property: Staff is currently unaware of additional factors for consideration.

Mt. Sterling Property: Staff is currently unaware of additional factors for consideration.

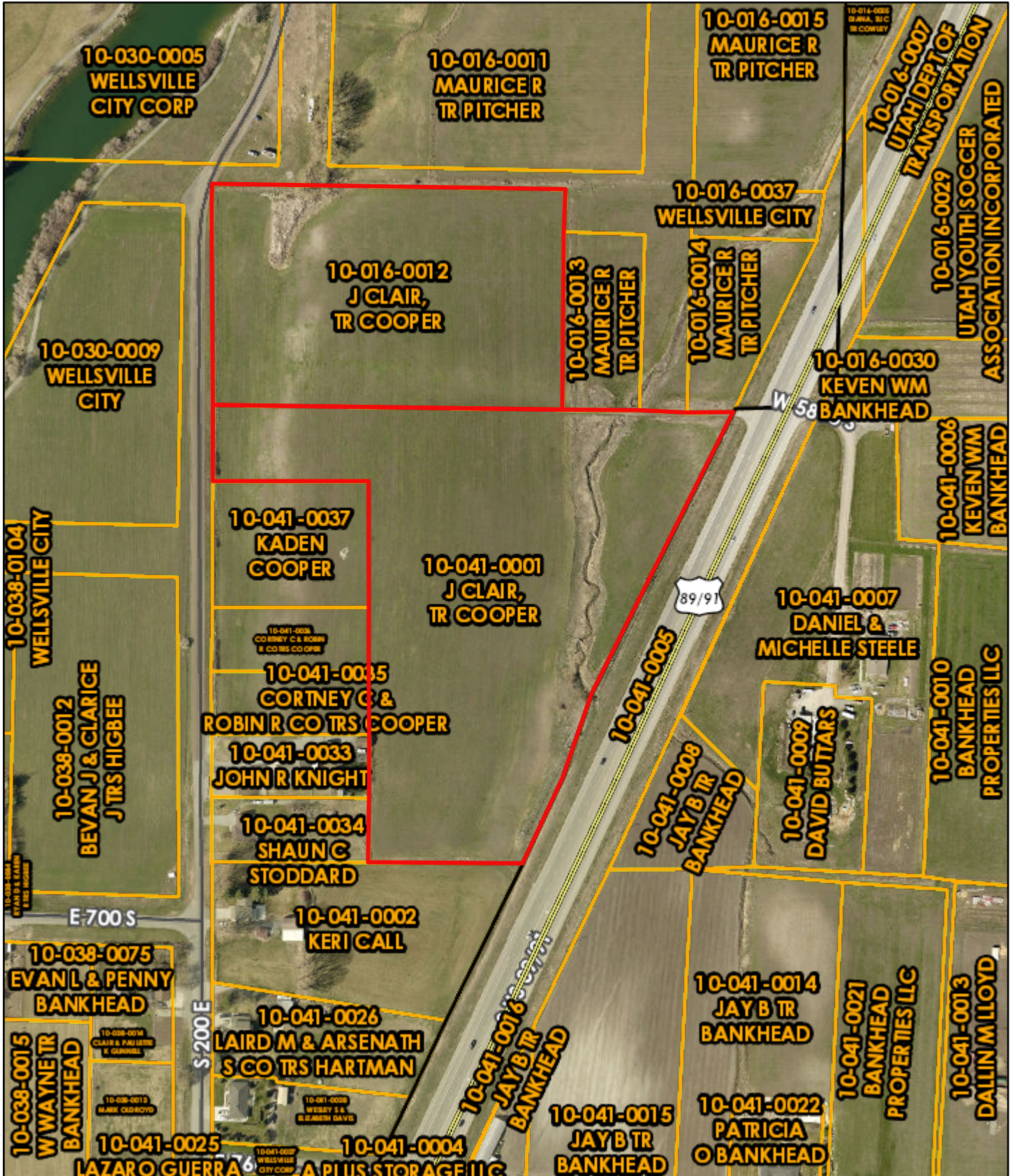
Partnering Organizations

There are no additional partnering organizations as of the time of this report. Staff has sent the application to Wellsville for their review and feedback.

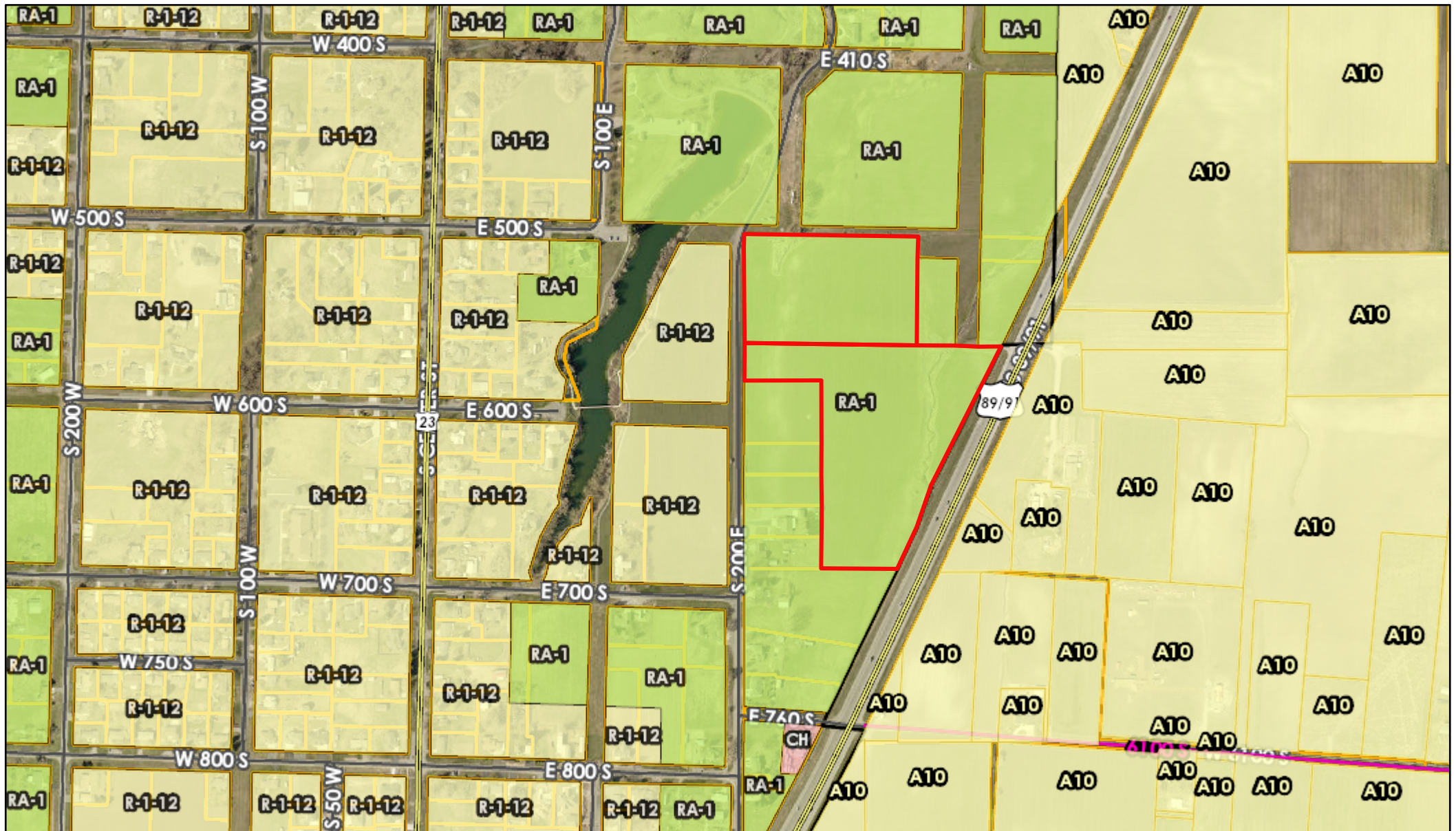
Next Steps

COSAC is a recommendation body for the County Council. At this meeting, COSAC can recommend approval, approval with conditions, or denial of the open space application. This application will then be sent to the next County Council meeting. COSAC may also continue the item to the next meeting.

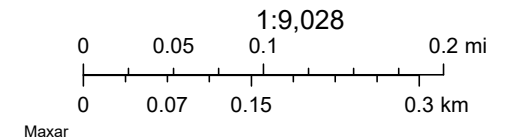
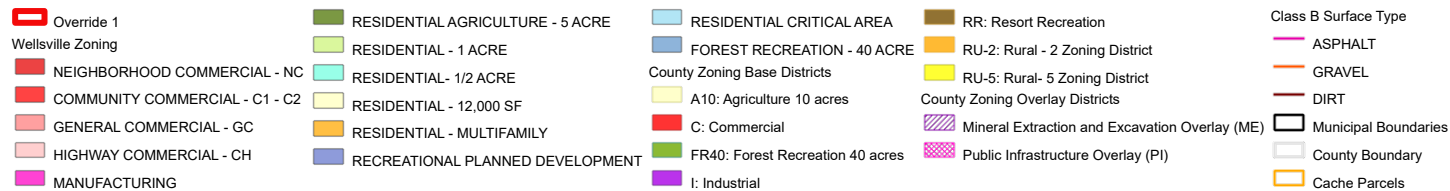
Cooper Wellsville Parcels



Cooper Wellsville Zoning



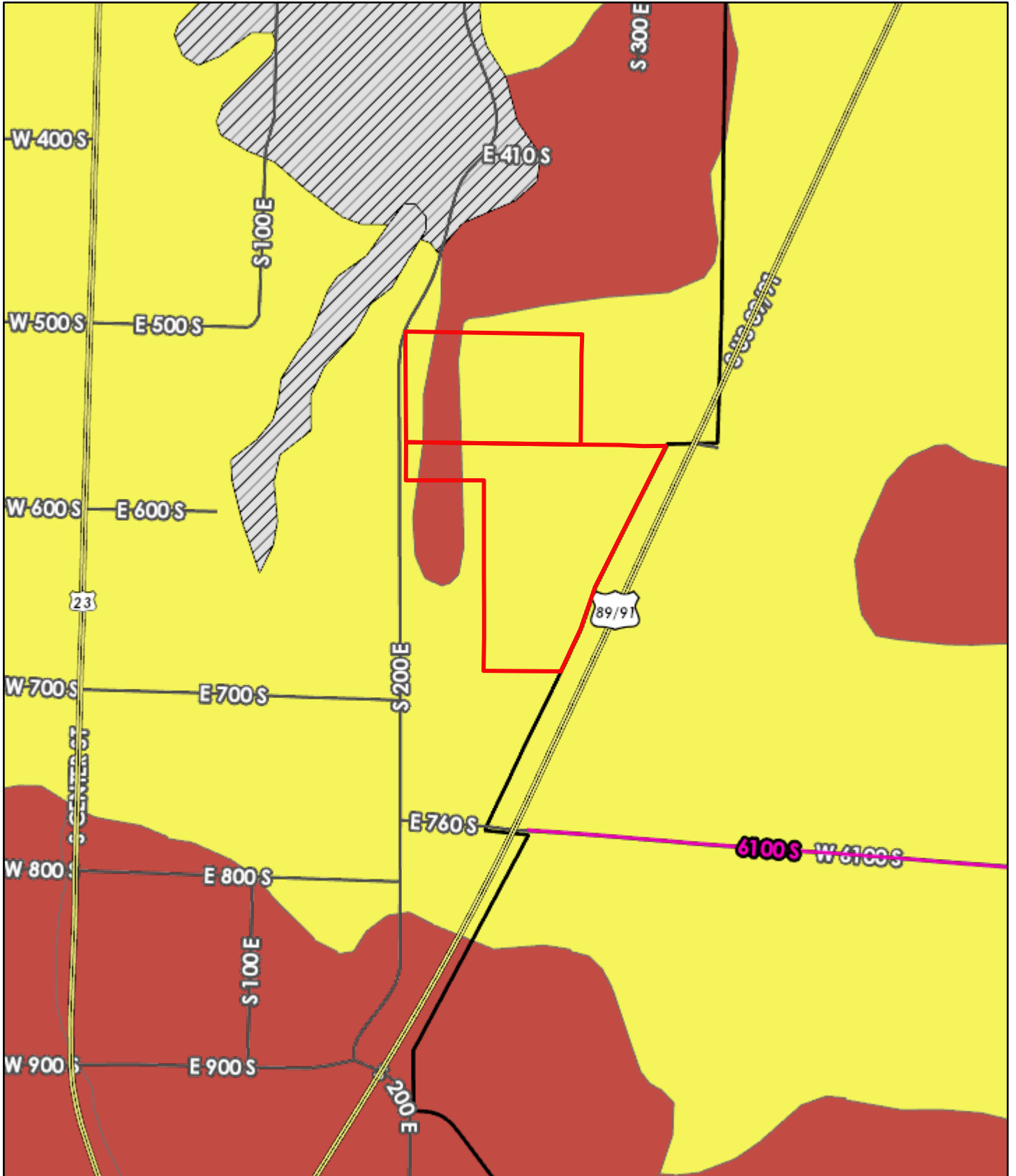
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Authorized Use: Cache County Development Services Office

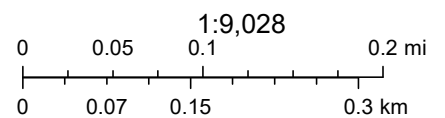
Authorized Use: GIS Division/ Development Services

Cooper Wellsville NCRS Farmland



3/26/2024, 4:28:19 PM

- | | |
|--|---|
| Override 1 | NCRS Soils Farmland |
| Class B Surface Type | Not Classified |
| ASPHALT | Farmland Of Local Importance |
| GRAVEL | Farmland Of Statewide Importance |
| DIRT | Prime Farmland If Irrigated |
| Municipal Boundaries | Ag. Protection Areas 300 FT Buffer |
| County Boundary | Ag. Protection Areas |
| | Cache Parcels |



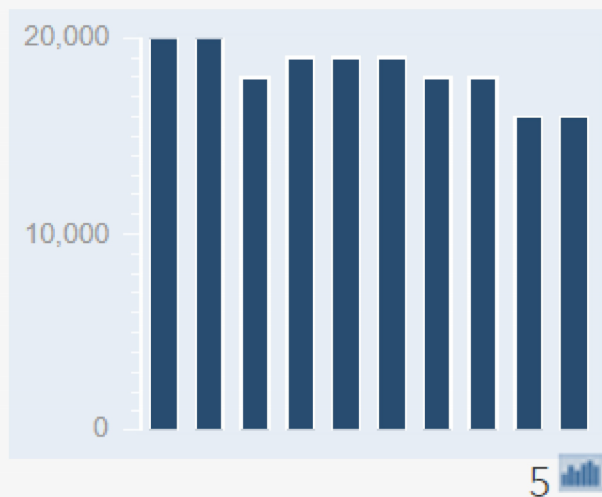
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[UDOT Traffic Website](#)

[AADT Open Data Portal](#)

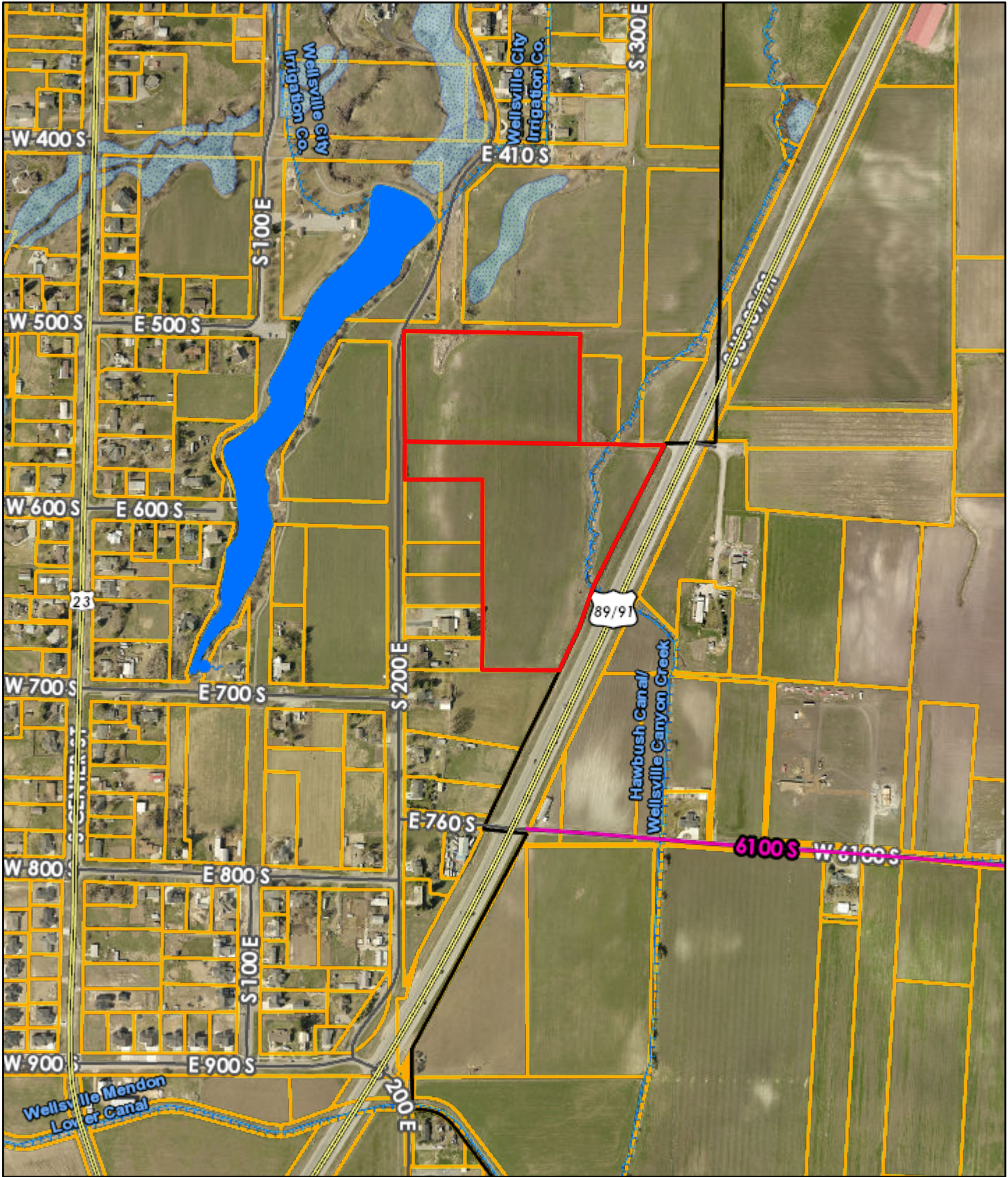
Annual Average Daily Traffic 20,000

10 Year AADT History 2022-2013



[Zoom to](#)

Cooper Wellsville Waterways



3/26/2024, 4:26:30 PM

- Override 1

Class B Surface Type

ASPHALT

GRAVEL

DIRT

Municipal Boundaries

County Boundary
- Canals/Laterals

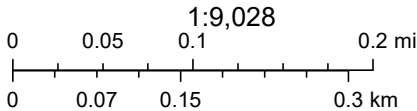
Springs National Hydrology Dataset

Water Bodies

Major Waterways

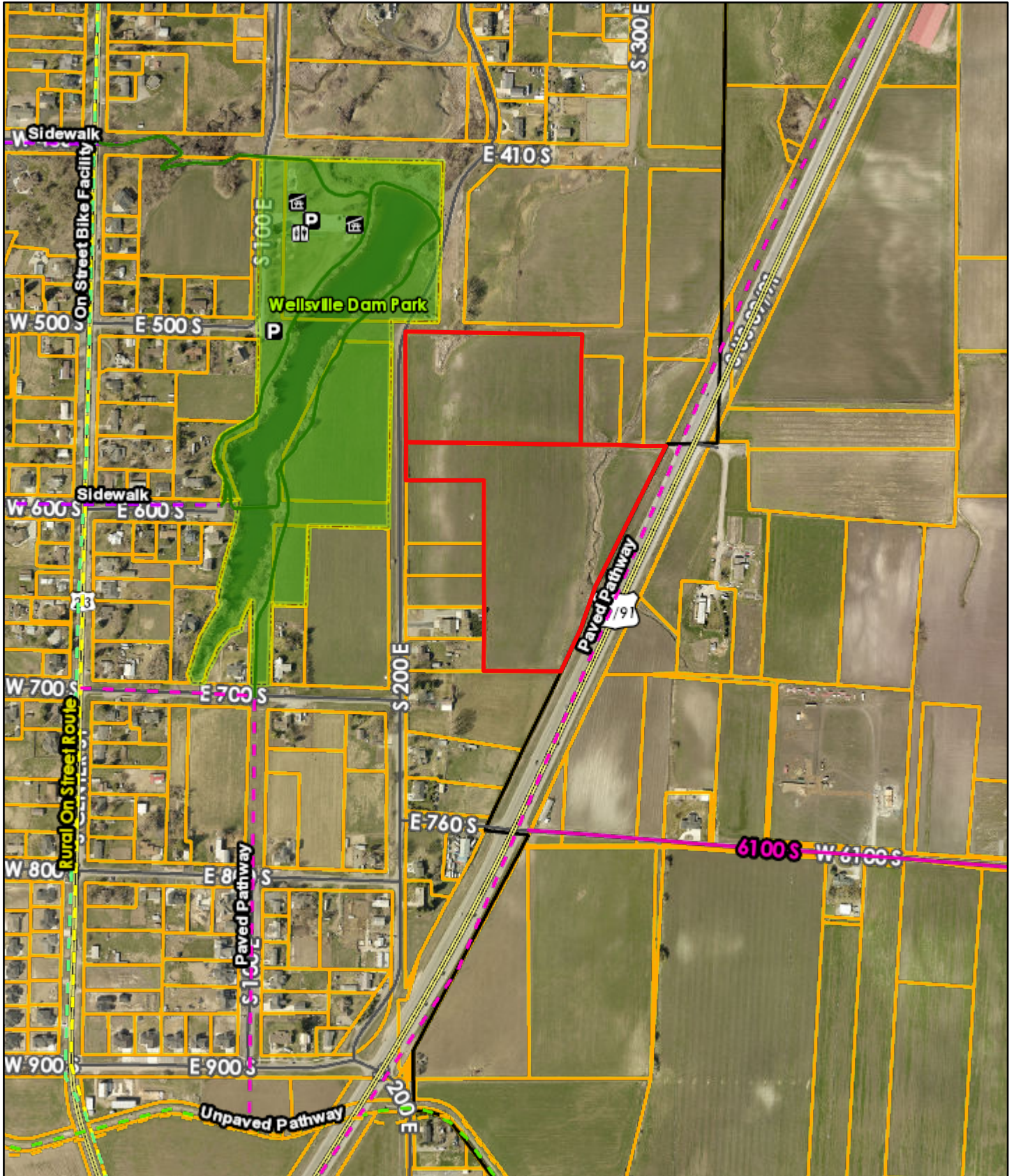
Wetlands (NWI)

Cache Parcels



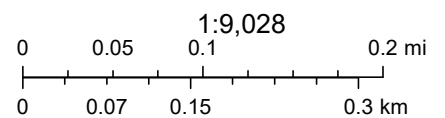
Maxar

Cooper Wellsville Trails and Parks



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- | | | |
|--|--|---|
| <ul style="list-style-type: none"> Override 1 DNR Partner Walk-in Access & Conservation Properties DNR Partner Walk-in Access Strava & Favorite Cycling Routes Strava Logo Parks Trails <ul style="list-style-type: none"> Hiking Single Track (Bikes) Paved Trails (Pathways) Urban Trails (Sidewalks) ATV/ OHV Canoe Trail Bike Route Signs | <ul style="list-style-type: none"> Official/ Unofficial Trailheads Activity Areas Bench Bench/ Look Out Boat Launch Campground Parking Pavilion Picnic Area Restrooms Summer Home Sites Ski Area Cache Bikeways Near Term/ Long Term Recommendations Proposed Sharrows | <ul style="list-style-type: none"> Proposed Bike Lanes Parking Restrictions - Side Specific Bike Lanes Proposed Advisory Bike Lanes Parking on Gravel Shoulder Only Proposed Bike Lane Up / Sharrows Down Bike Lane Up / Sharrows Down Buffered Bike Lanes Paved Trail Proposed Paved Trail Sharrows Trails Master Plan Future Arterial Street Trail Sidewalk Trail |
|--|--|---|



Maxar

Authorized Use: Cache County Development Services Office
Authorized Use: GIS Division/ Development Services

T-15634

WHEN RECORDED, MAIL TO:

UTAH DEPARTMENT OF AGRICULTURE
A R D L PROGRAM
350 NORTH REDWOOD ROAD
SALT LAKE CITY, UTAH 84116-3087

ENT 532191 Bk 470 Pg 92
DATE 25-APR-1990 12:53PM FAX 9.00
MICHAEL L GLEED, RECORDER
** CACHE COUNTY, UTAH ** RECORDED BY SA
FOR NICKMAN LAND TITLE COMPANY

**** TRUST DEED ****

THIS TRUST DEED is made this 30th day of March, 1990, between ELDON G. COOPER and ARLENE P. COOPER, husband and wife, as joint tenants, as Trustor, whose address is 6640 South 4200 West, Wellsville, Utah 84339; Stephen C. Ward, Assistant Utah Attorney General, as Trustee, and the Utah Soil Conservation Commission, as Beneficiary.

Trustor hereby CONVEYS AND WARRANTS TO TRUSTEE IN TRUST, WITH POWER OF SALE, the following described property situated in Cache County, Utah:

PARCEL 1: BEGINNING at the Northwest Corner of Section 11, Township 10 North, Range 1 West of the Salt Lake Base and Meridian and running thence South 14.43 chains to a point 25.6 chains North of the Southwest Corner of the Northwest Quarter of said Section 11 and running thence East 10.48 chains to the West line of the State Highway; thence North 25°00' East along said Highway 15.60 chains to a point East of beginning; thence West to the point of beginning.

10-41-1

PARCEL 2: BEGINNING at the Northwest Corner of said Section 11, Township 10 North, Range 1 West of the Salt Lake Base and Meridian, and running thence North 6.75 chains; thence East 11.16 chains; thence South 673 chains; thence West 11.11 chains to the place of beginning.

EXCEPTING THEREFROM the following: Part of the Northwest Quarter of the Northwest Quarter of Section 11, Township 10 North, Range 1 West, Salt Lake Base and Meridian, described as follows: BEGINNING at the intersection of the Southerly right-of-way line of the existing 6th South Street of Wellsville City and the Northwesterly right-of-way and limited access line of the existing U.S. Highway 91, which point is approximately 1,134.33 feet East (which equals Highway bearing South 89°38'14" East) along the North line of said Section 11 and 30.92 feet South (equals Highway South 0°21'46" West) from the Northwest Corner of said Section 11 as monumented by Cache County, Utah; and running thence South 25°00' West (equals Highway South 25°18'31" West) 1,021.32 feet, more or less, along said Northwesterly right-of-way and limited access line to the Southerly boundary fence line of said entire tract; thence West (equals Highway North 89°24'45" West) 55.04 feet, more or less, along said Southerly boundary fence line to a point 90.00 feet perpendicularly distant Northwesterly from the "A" line, for said project at Engineer Station 399+27.00; thence North 25°18'31" East (Highway bearing) 172.93 feet, more or less, along a line parallel to said "A" line, to a point opposite Engineer Station 401+00.00; thence North 19°35'53" East (Highway bearing) 201.00 feet; thence North 29°35'52" East (Highway bearing) 401.12 feet to a point 80.00 feet perpendicularly distant Northwesterly from said "A" line at Engineer Station 407+00.00; thence North 25°18'31" East (Highway bearing) 252.96 feet, more or less, along a line parallel to said "A" line to said Southerly right-of-way line; thence East (equals Highway bearing South 89°27'06" East) 44.05 feet, more or less, along said Southerly right-of-way line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

TOGETHER WITH 46 shares of water stock in the Hyrum, Wellsville, and Hannon Irrigation Company.

Together with all buildings, fixtures and improvements thereon and all water rights, rights-of-way, easements, rents, issues, profits, income, tenements, hereditaments, privileges and appurtenances thereto now or hereafter used or enjoyed with said property, or any part thereof;

(continued)

Eldon and Arlene Cooper
Trust Deed - March 30, 1990
Page 2 of 2

FOR THE PURPOSE OF SECURING payment of the indebtedness evidenced by a promissory note of even date herewith, in the principal sum of \$10,712.00, payable to the order of Beneficiary at the times, in the manner and with interest as therein set forth, and payment of any sums expended or advanced by Beneficiary to protect the security hereof.

Trustor agrees to pay all taxes and assessments on the above property, to pay all charges and assessments on water or water stock used on or with said property, not to commit waste, to maintain adequate fire insurance on improvements on said property, to pay all costs and expenses of collection (including Trustee's and attorney's fees in event of default in payment of the indebtedness secured hereby) and to pay reasonable Trustee's fees for any of the services performed by Trustee hereunder, including a reconveyance hereof.

The undersigned Trustor requests that a copy of any notice of default and of any notice of sale hereunder be mailed to him at the address hereinbefore set forth.

Eldon G. Cooper
Arlene P. Cooper

STATE OF UTAH

SS.

COUNTY OF Cache

On the 9th day of April, 1990, personally appeared before me ELDON G. COOPER and ARLENE P. COOPER, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.

Robbie A. Cook
Notary Public

My Commission Expires: 1-27-93

Residing at: Lepson, Utah





200 EAST

ELDON COOPER
10-018-0012

(BASIS OF BEARING)
N. 89°56'33" E
1105.85'

5322.23'

MAURICE PITCHER
10-018-0013 & 0014

5/8" REBAR

11 12

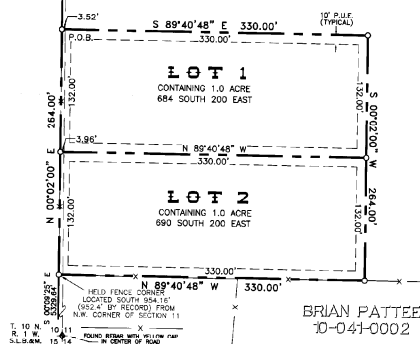
**FINAL PLAT
FOR THE
ELDON COOPER SUBDIVISION
A PART OF THE N.W. 1/4 OF SECTION 11
TOWNSHIP 10 NORTH, RANGE 1 WEST S.L.B. & M.
WELLSVILLE CITY, CACHE COUNTY, UTAH
MAY 2002**

REMAINDER PARCEL 10-041-0001

U.S. HIGHWAY 89/S1

LEGEND

- FENCE LINE
- REBAR
- RIGHT OF WAY MARKER
- ♦ SECTION CORNER
- SET 5/8" REBAR WITH RLS 325023 CAP



BRIAN PATTEE
10-041-0002

SURVEY CERTIFICATE

I, JEFF S. HANSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 325023 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT INTO LOTS, HEREINAFTER TO BE KNOWN AS ELDON COOPER SUBDIVISION, AND THE SAME HAS BEEN CORRECTLY SURVEYED AND ALL STREETS ARE THE DIMENSIONS SHOWN.



R.L.S. No. 325023

Date 1-01-02

BOUNDARY DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 10 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE CACHE COUNTY SURVEYORS BRASS CAP MONUMENT FOUND AT THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 10 NORTH, RANGE 1 WEST, OF THE SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 00°09'25" EAST ALONG THE WEST LINE OF SAID SECTION AS CURRENTLY MONUMENTED 660.16 FEET; THENCE LEAVING SAID SECTION LINE NORTH 89°40'48" WEST 3.52 FEET TO A POINT IN AN EXISTING FENCE LINE ON THE EAST RIGHT OF WAY LINE OF 200 EAST STREET IN WELLSVILLE CITY, UTAH AND IS THE TRUE POINT OF BEGINNING; AND THENCE LEAVING SAID RIGHT OF WAY LINE SOUTH 89°40'48" EAST 330.00 FEET; THENCE SOUTH 00°02'00" WEST 284.00 FEET TO A POINT IN AN EXISTING FENCE LINE ON GRANTORS SOUTH PROPERTY LINE; THENCE NORTH 89°40'48" WEST ALONG GRANTORS SOUTH PROPERTY LINE AND SAID FENCE LINE 330.00 FEET TO AN EXISTING FENCE CORNER AND A POINT DESCRIBED OF RECORD AS BEING SOUTH 89°24' FEET FROM THE AFOREMENTIONED NORTHWEST SECTION CORNER; THENCE LEAVING SAID SOUTH PROPERTY LINE AND FENCE LINE NORTH 00°02'00" EAST ALONG SAID RIGHT OF WAY LINE 284.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2.00 ACRES.

ACKNOWLEDGEMENT

STATE OF UTAH
COUNTY OF Cache
ON THIS 14 DAY OF July, 2002
PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY OF Cache, IN SAID STATE OF UTAH, THE SIGNERS OF THE ABOVE OWNERS DEDICATION, WHO ADULT ACKNOWLEDGED TO ME THAT THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC
MY COMMISSION EXPIRES 4/1/02



OWNER'S DEDICATION

THE OWNER/S, OR HIS/HER REPRESENTATIVE, HEREBY IRREVOCABLY DEDICATES TO WELLSVILLE CITY ALL THE STREETS, CITY USES, EASEMENTS, AND REQUIRED UTILITIES SHOWN ON THIS SUBDIVISION PLAT AND CONSTRUCTION PLANS.

IN WITNESS WE HAVE HEREUNTO SET OUR SIGNATURES THIS

DAY OF July, A.D. 2002
Eldon G. Cooper Arlene P. Cooper

COUNTY SURVEYOR'S CERTIFICATE

I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND IT TO BE CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE.

23 JUN 2002

DATE



PLANNING COMMISSION APPROVAL

APPROVED THIS 12 DAY OF June, A.D. 2002
BY THE WELLSVILLE CITY PLANNING AND ZONING COMMISSION.

Carol Brown
CHAIRPERSON

COUNCIL APPROVAL AND ACCEPTANCE

PRESENTED TO THE WELLSVILLE CITY COUNCIL THIS 12 DAY OF June, A.D. 2002, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

Brian Pattee Jeff S. Hansen
MAYOR ATTORNEY

BEAR RIVER DISTRICT HEALTH DEPT. APPROVAL

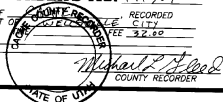
THE SUBDIVISION DESCRIBED HEREON HAS BEEN APPROVED BY THE BEAR RIVER DISTRICT HEALTH DEPARTMENT.
THIS 12 DAY OF July, A.D. 2002
Jeff S. Hansen
DISTRICT SANITARIAN

COUNTY RECORDER'S NO. 794507

STATE OF UTAH, COUNTY OF Cache,
AND FILED AT THE REQUEST OF Eldon G. Cooper
DATE 24 JUL 2 2002
ABSTRACTED

INDEX - 2002-1528

FILED IN FILE OF PLATS



APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 12 DAY OF July, A.D. 2002

Brian Pattee
ATTORNEY

ENGINEER'S CERTIFICATE

I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND IT TO BE CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE.

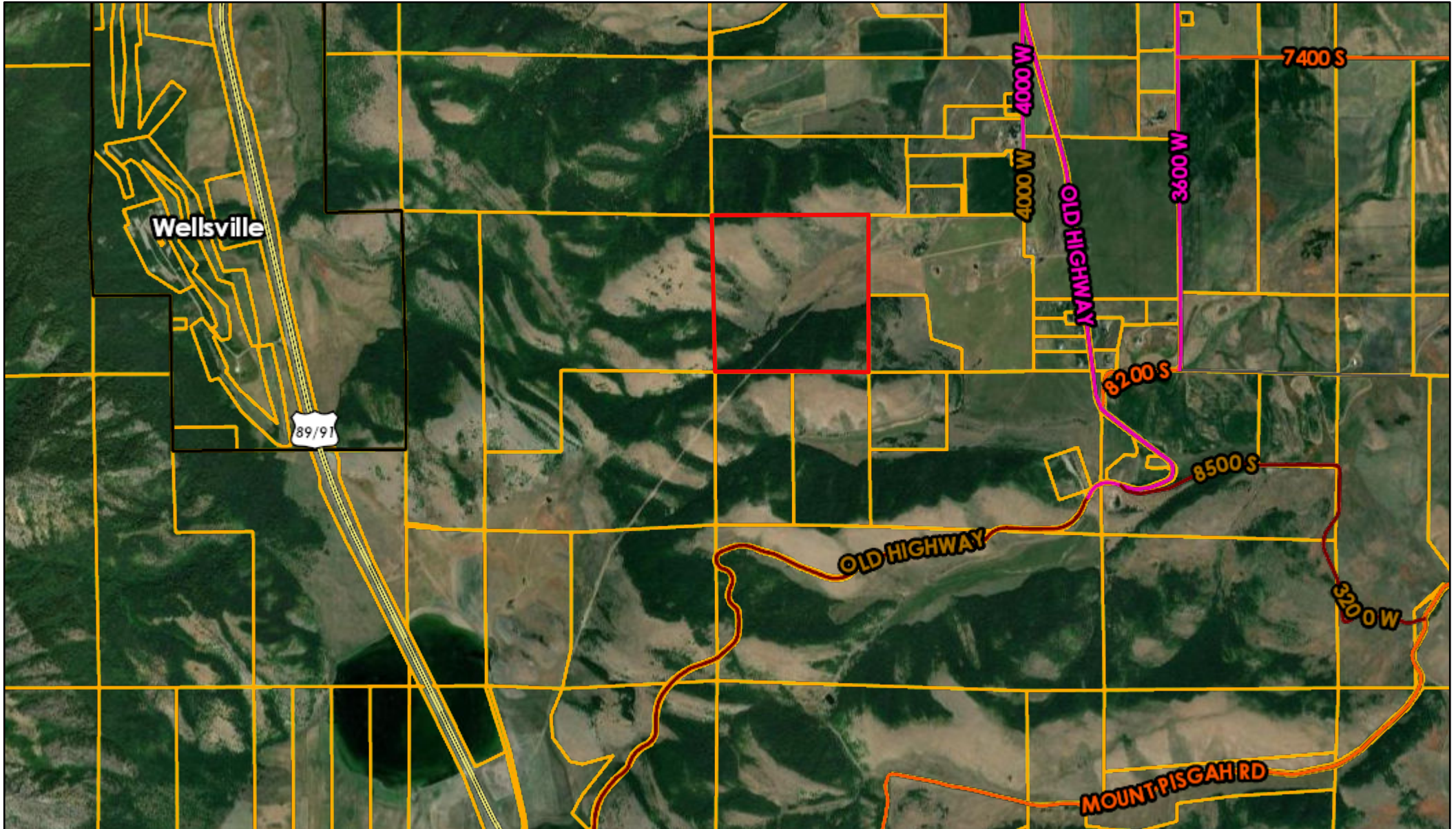
Jeff S. Hansen Jeff S. Hansen
DATE ENGINEER

SUBDIVISIONS
PROPERTY SURVEYS
TOPOGRAPHIC SURVEYS
CONSTRUCTION STAKING

JSH
SURVEYING & DRAFTING INC.

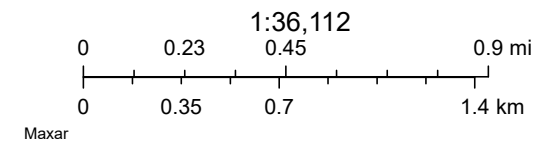
2820 SOUTH 600 WEST • NIBLEY, UTAH 84321
(435) 753-0268 • TOLL FREE 1-888-420-0268

Cooper Mt. Sterling Parcels

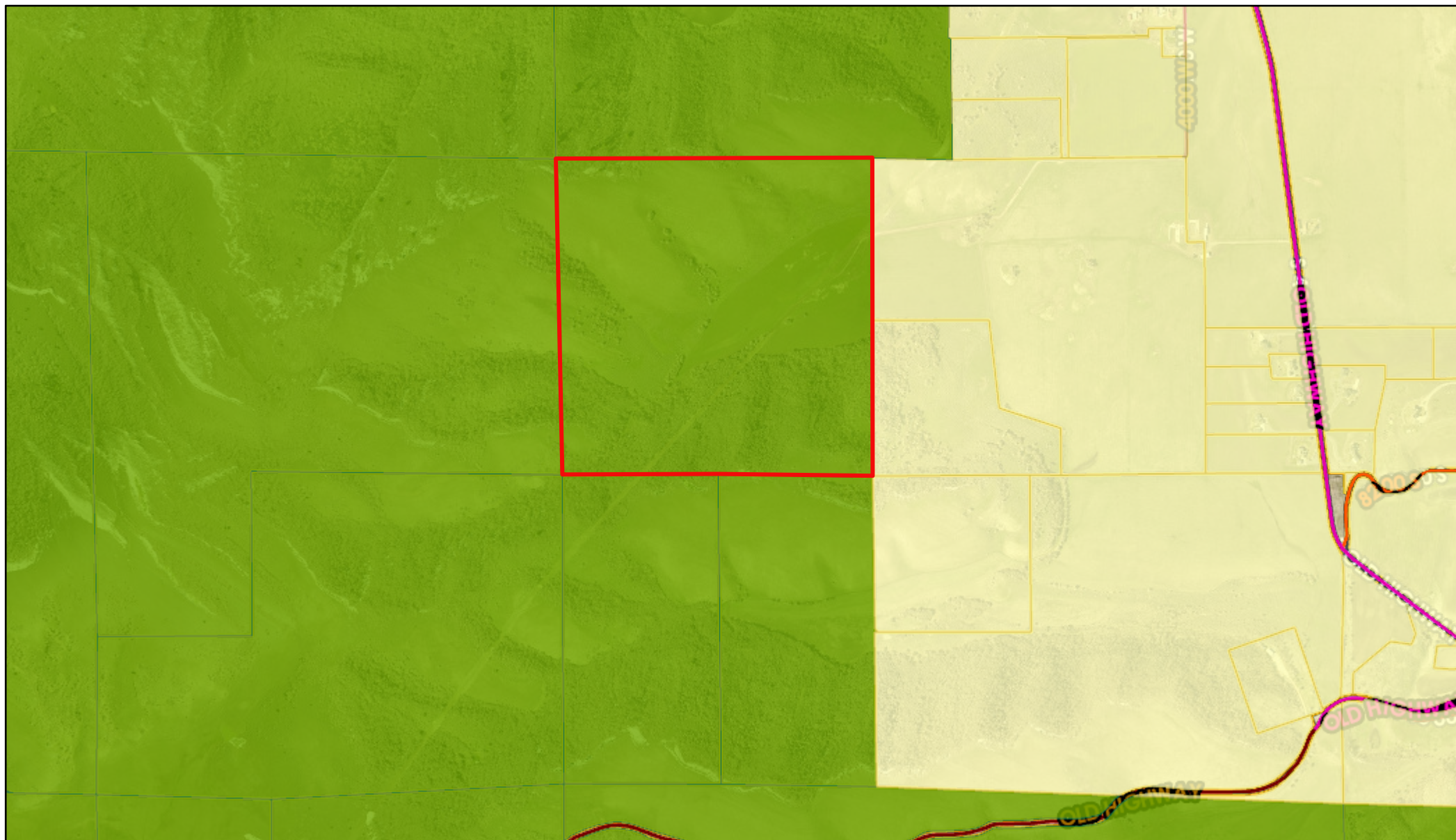


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- Override 1
- GRAVEL
- DIRT
- ASPHALT
- County Boundary
- Cache Parcels
- Municipal Boundaries



Cooper Mt. Sterling Zoning



3/26/2024, 4:43:52 PM

- Override 1

County Zoning Base Districts

-  A10: Agriculture 10 acres

- C: Commercial

-  FR40: Forest Recreation 40 acres

-  I: Industrial

- RR: Resort Recreation

-  RU-2: Rural - 2 Zoning District

- RU-5: Rural- 5 Zoning District

County Zoning Overlay Districts

-  Mineral Extraction and Excavation Overlay (ME)

-
- Public Infrastructure Overlay (PI)

Class B Surface Type

- ASPHALT

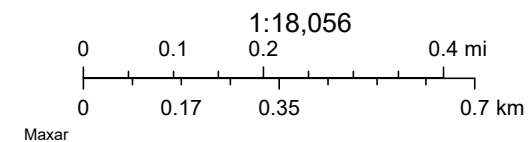
- GRAVEL

- DIRT

-
- Municipal Boundaries

-  Municipal Boundary
-  County Boundary

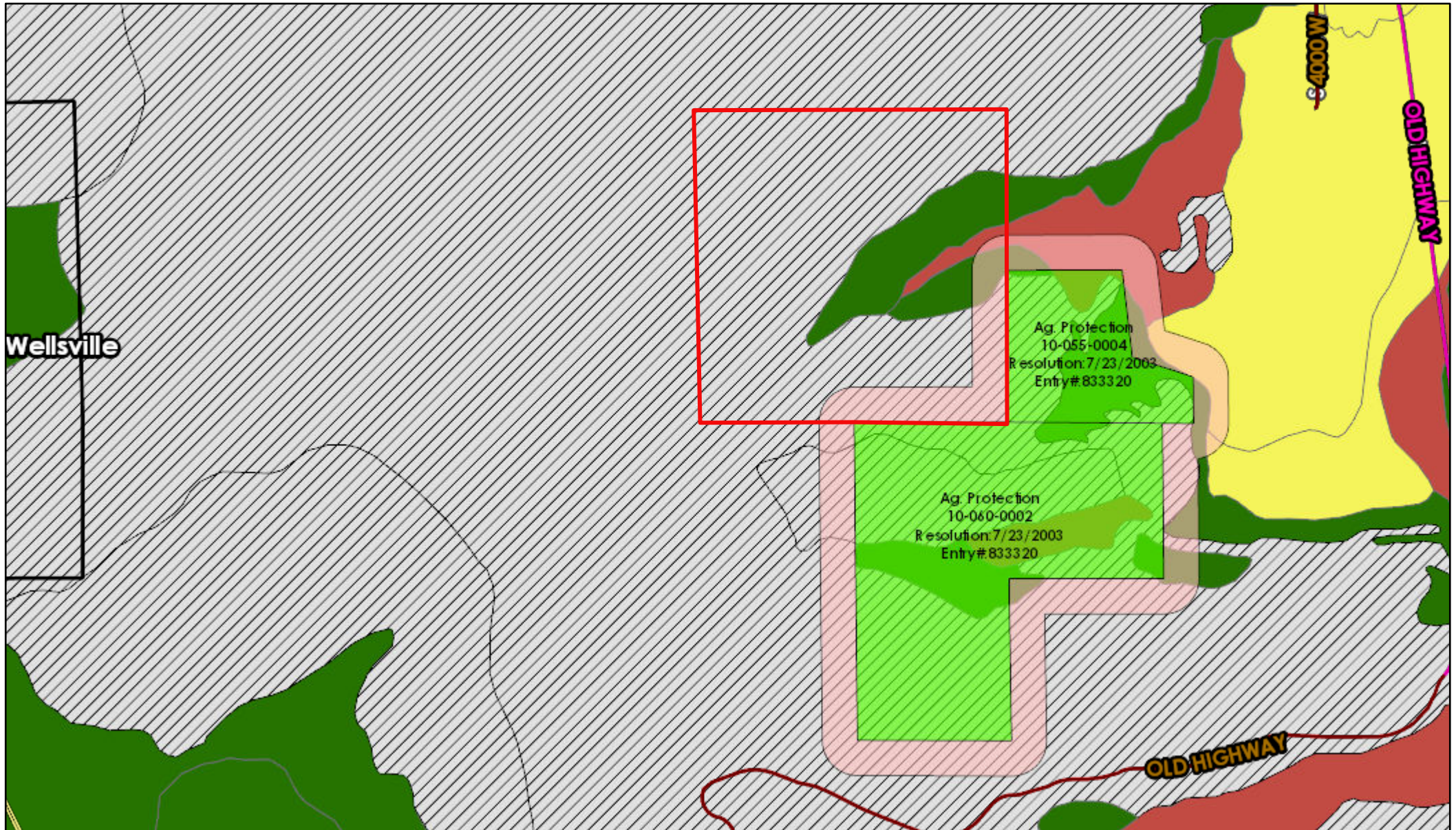
-  Cache Parcels



Authorized Use: Cache County Development Services Office

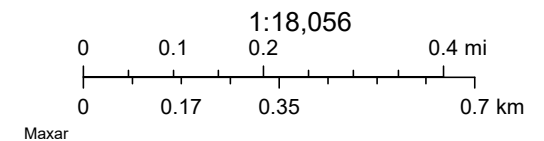
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Cooper Mt. Sterling NCRS and Ag. Protection



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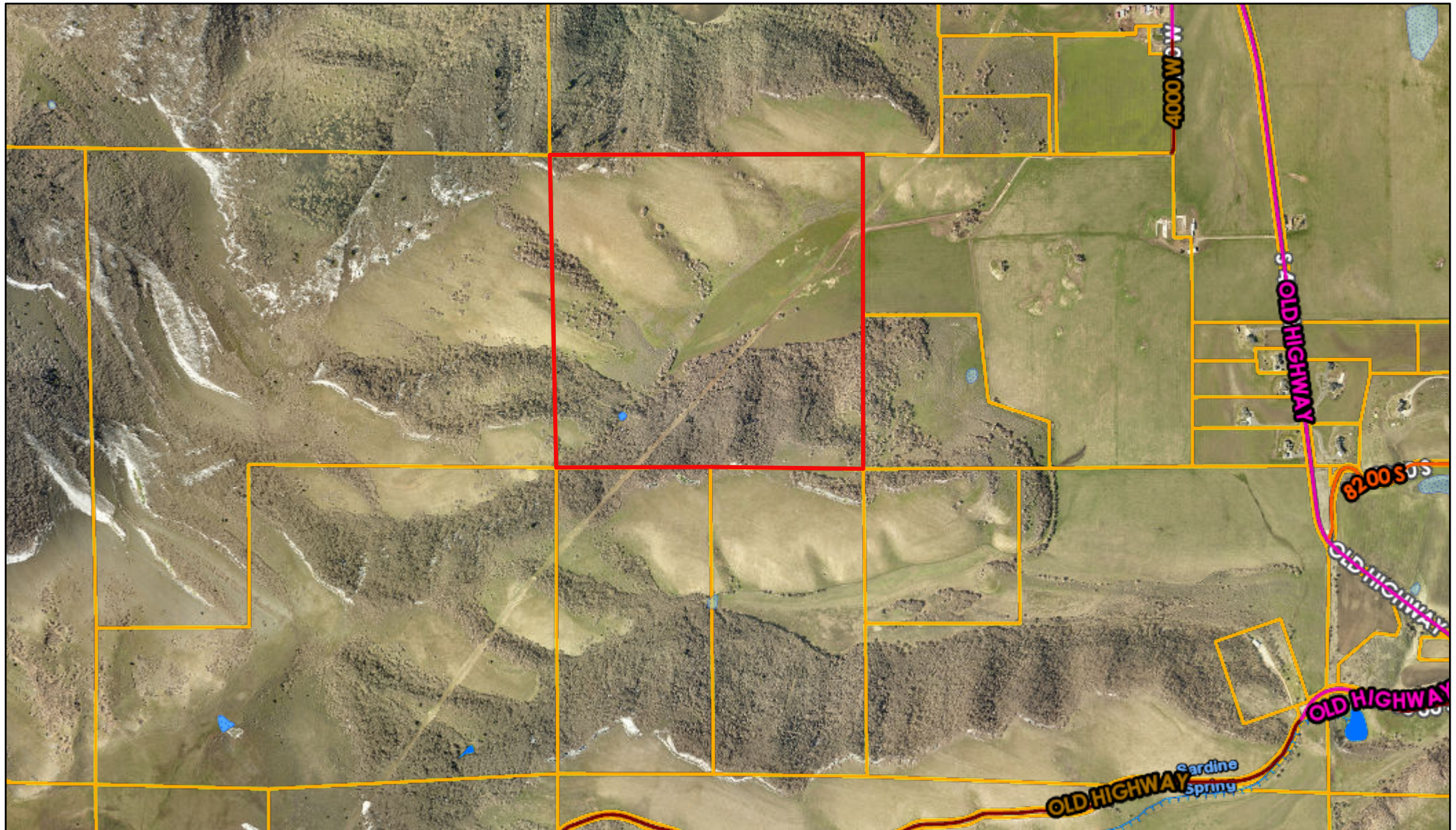
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|--|--|---|--|
| Override 1 | DIRT | NRCS Soils Farmland Not Classified | Prime Farmland If Irrigated |
| Class B Surface Type | Municipal Boundaries | Farmland Of Local Importance | Ag. Protection Areas 300 FT Buffer |
| ASPHALT | County Boundary | Farmland Of Statewide Importance | Ag. Protection Areas |
| GRAVEL | | Cache Parcels | |



Authorized Use: Cache County Development Services Office

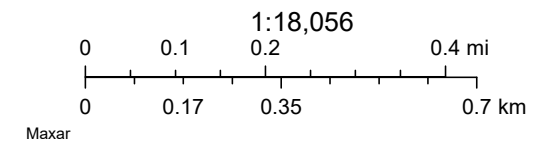
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Cooper Mt. Sterling Wetlands and Waterways



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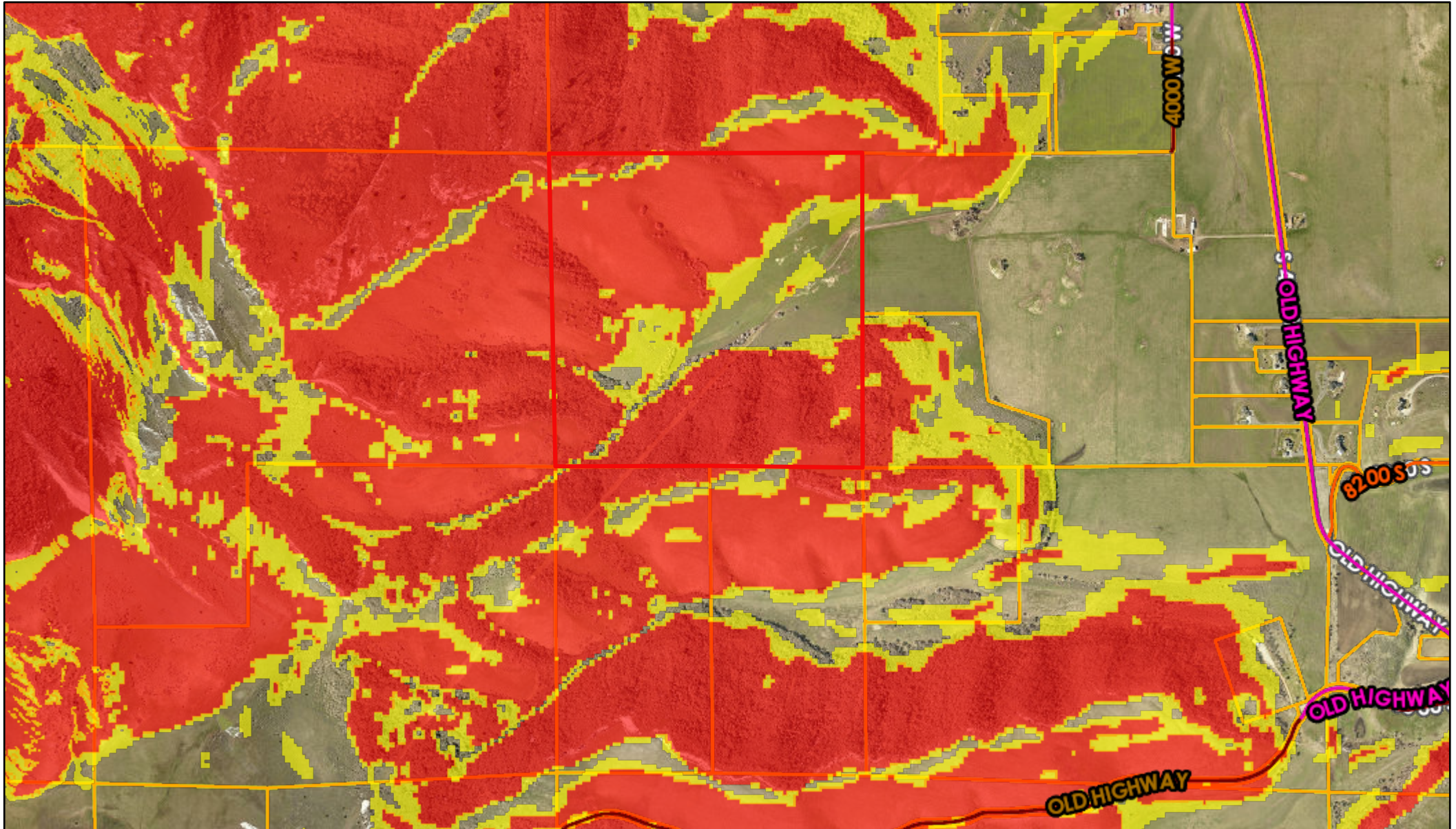
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|---|---|---|--|
| Override 1 | GRAVEL | County Boundary | Water Bodies |
| Class B Surface Type | DIRT | Wetlands (NWI) | Major Waterways |
| ASPHALT | Municipal Boundaries | Canals/Laterals | Cache Parcels |



Authorized Use: Cache County Development Services Office

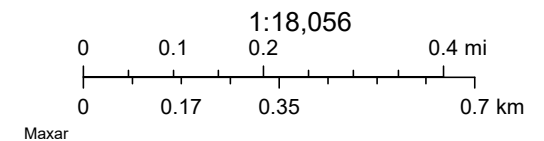
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Cooper Mt. Sterling Slopes



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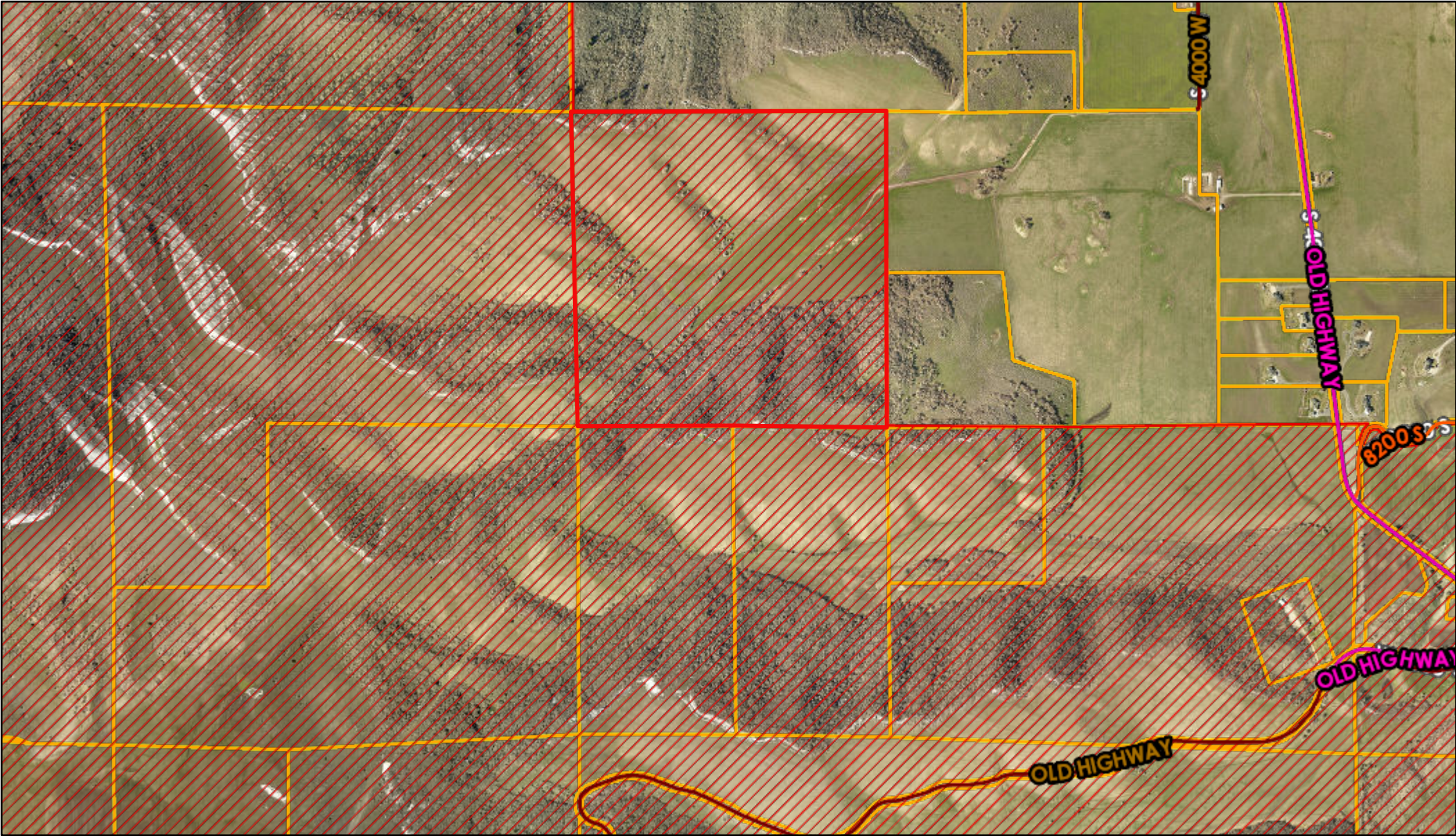
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| Override 1 | GRAVEL | County Boundary | Cache Parcels |
| Class B Surface Type | DIRT | > 30% | |
| ASPHALT | Municipal Boundaries | < 20% to 30% | |



Authorized Use: Cache County Development Services Office

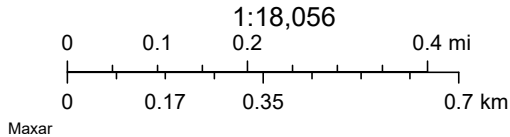
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Cooper Mt. Sterling Wildland Urban Interface

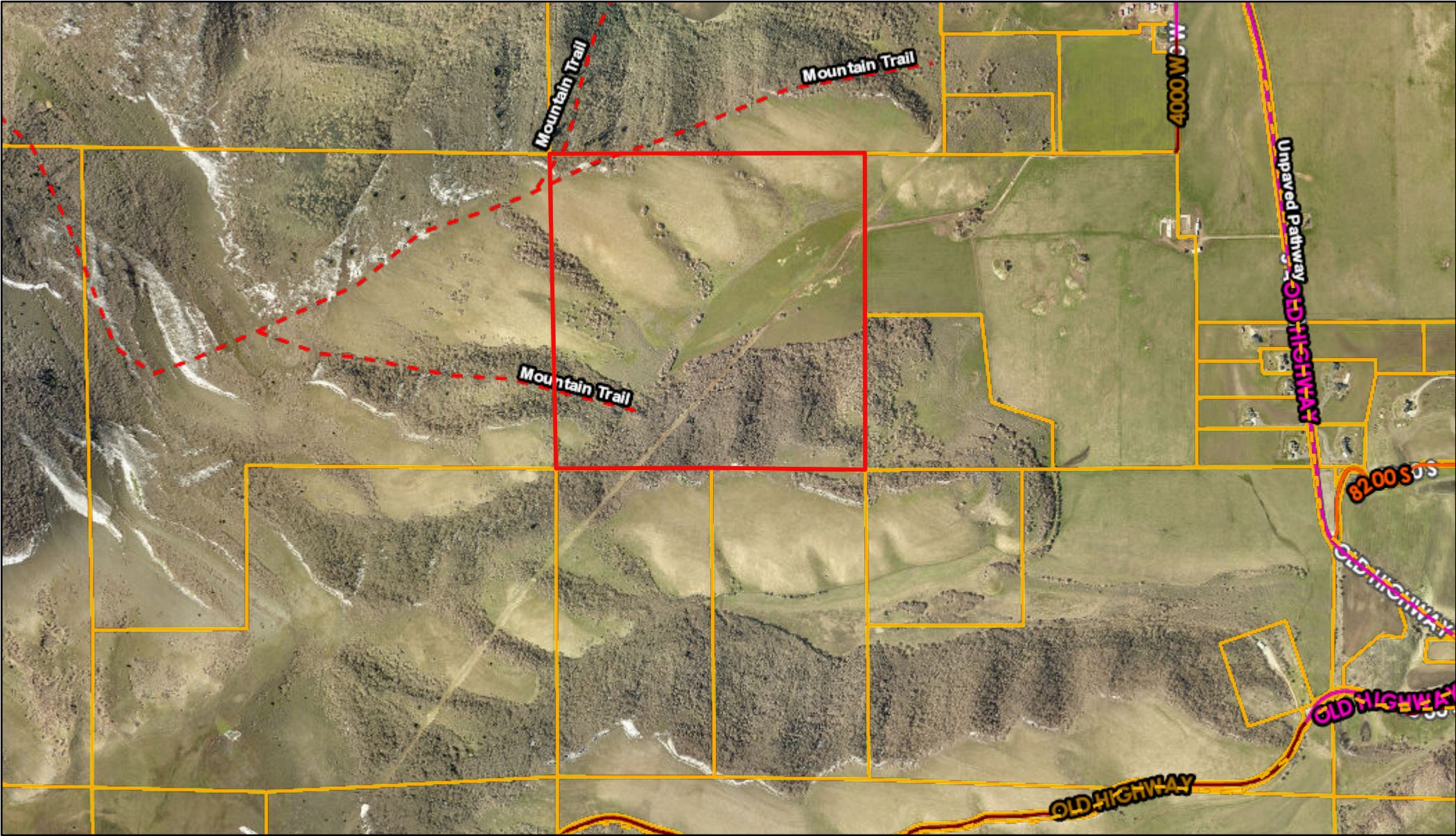


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- | | | |
|----------------------|----------------------|--------------------------|
| Override 1 | GRAVEL | County Boundary |
| Class B Surface Type | DIRT | Wildland-Urban Interface |
| ASPHALT | Municipal Boundaries | Cache Parcels |

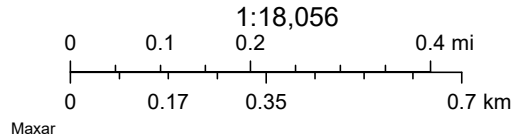


Cooper Mt. Sterling Trails



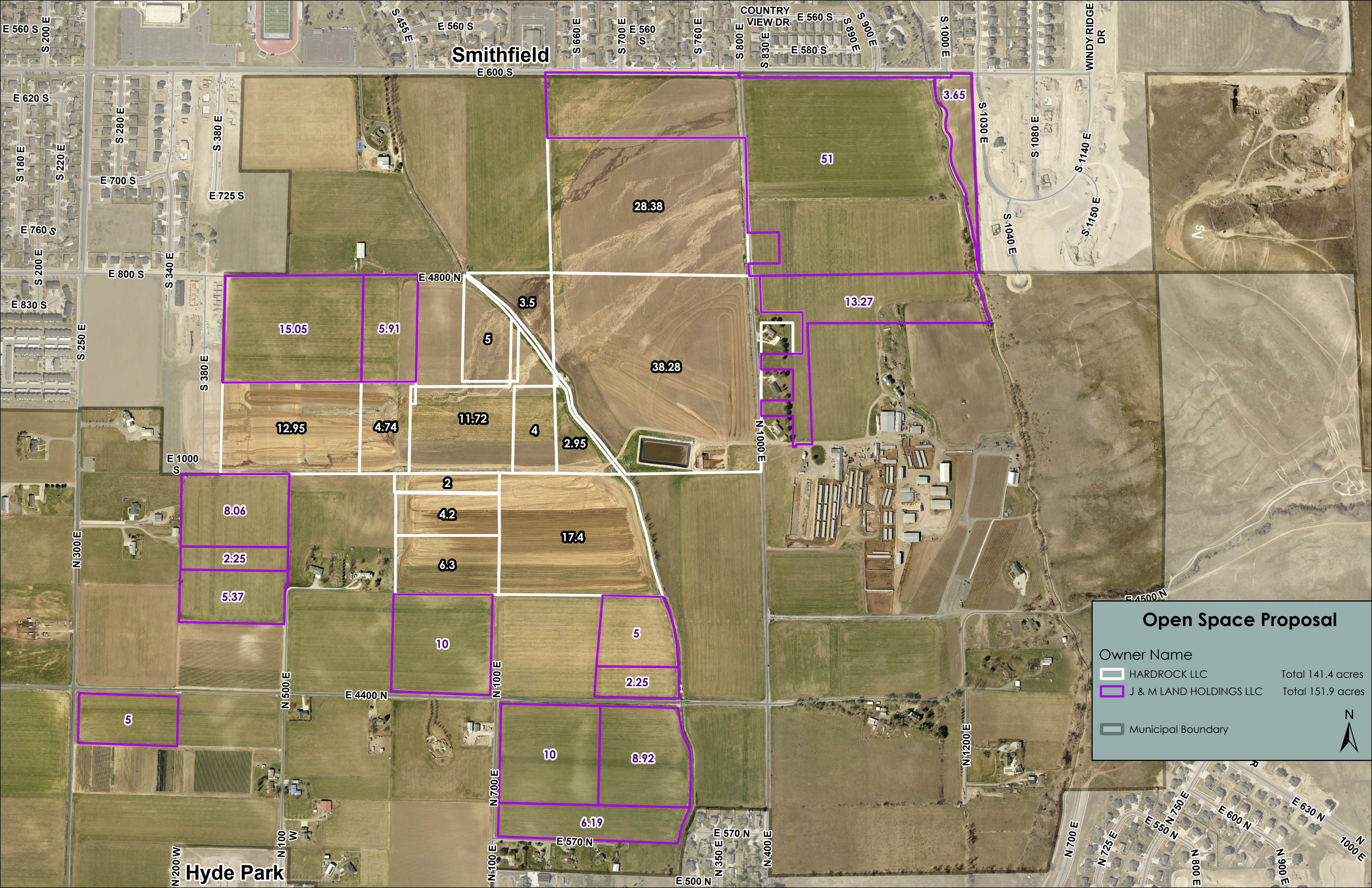
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- | | | | |
|--|---------------------------------|-------------------|---------------------------|
| Override 1 | Paved Trails (Pathways) | Boat Launch | Buffered Bike Lanes |
| DNR Partner Walk-in Access & Conservation Properties | Urban Trails (Sidewalks) | Campground | Paved Trail |
| DNR Partner Walk-in Access | ATV/ OHV | Parking | Proposed Paved Trail |
| Strava & Favorite Cycling Routes | Canoe Trail | Pavilion | Sharrows |
| Strava Logo | Bike Route Signs | Picnic Area | Trails Master Plan Future |
| Parks | Official/ Unofficial Trailheads | Restrooms | Arterial Street Trail |
| Trails | Bench | Summer Home Sites | Sidewalk Trail |
| Hiking | Bench/ Look Out | Ski Area | Quiet Street |
| Single Track (Bikes) | | | Bike Lane |
- Cache Bikeways Near Term/ Long Term Recommendations
- Proposed Sharrows
 - Proposed Bike Lanes
 - Parking Restrictions – Side Specific
 - Bike Lanes
 - Proposed Advisory Bike Lanes
 - Parking on Gravel Shoulder Only
 - Proposed Bike Lane Up / Sharrows Down
 - Bike Lane Up / Sharrows Down



Agenda Item Number 4

Pre-Application: Discussion and review of a pre-application for approximately 293.3 acres located between Smithfield and Hyde Park City boundaries, between 300 E and 1200 E. Property owners Hardrock LLC and J & M Land Holdings LLC.



Smithfield

Hyde Park

Open Space Proposal

Owner Name

HARDROCK LLC

Total 141.4 acres

J & M LAND HOLDINGS LLC

Total 151.9 acres

Municipal Boundary



Agenda Item Number 6

Discussion regarding conservation easements, deed restrictions, and purchase of development rights

Conservation Easements vs. Deed Restriction



General Information

The following analysis is general, and more research should be done when looking at options with Open Space Applications. Both conservation easements and deed restrictions limit how a piece of land can be used, but there are some key differences:

Purpose:

- **Conservation easement:** Focuses on preserving the land's natural features, like forests, wetlands, agriculture, or wildlife habitat.
- **Deed restriction:** Can address a wider range of goals, including maintaining aesthetics of a neighborhood or restricting certain activities.

Enforcement:

- **Conservation easement:** Held by a qualified organization (land trust, government agency) with a legal obligation to enforce the restrictions.
- **Deed restriction:** Enforced by whoever benefits from the restriction, often neighboring property owners. This can be weaker enforcement.

Legal Strength:

- **Conservation easement:** Generally considered stronger legal protection for the land. Courts tend to give them more deference in disputes.
- **Deed restriction:** May be subject to interpretation or even nullification by courts.

Tax Benefits:

- **Conservation easement:** Donating a qualified easement may allow the landowner a federal income tax deduction.
- **Deed restriction:** No tax benefits.

Here's a table summarizing the key differences:

Feature	Conservation Easement	Deed Restriction
Purpose	Land conservation	Various restrictions
Holder	Qualified organization	Benefited landowner (e.g., neighbor)
Enforcement	Stronger, legal obligation	Weaker, depends on who benefits
Legal Strength	Stronger	Weaker
Tax Benefits	Potential tax deduction	No tax benefits

Generally, a conservation easement is the preferred option for land with significant conservation value. Deed restrictions can be a useful alternative when a conservation easement isn't feasible.

[Utah Land Conservation Easement Act](#)

Purchase of Development Rights

Purchase of Development Rights can take many forms within the state of Utah. As discussed above, that take form for conservation mostly with conservation easements and deed restrictions. Another option may be to purchase the rights through a contract, but this will be very similar to other forms of restrictions.

You can purchase development rights in Utah through a program called **Transferable Development Rights (TDRs)**. This is not directly applicable to COSAC, but may be used by the County in the future.

Here's how it works:

- Local governments establish TDR programs through ordinances. These ordinances define areas where development rights can be purchased (sending areas) and areas where they can be used for additional development (receiving areas).
- Landowners in sending areas, often agricultural land or open space, can sell their unused development rights.
- Developers in receiving areas can purchase these rights to increase the density of their projects beyond what is normally allowed by zoning.



This is a voluntary process where the government sets the framework, but the actual negotiation happens between the developer and the landowner.

Here are some resources for more information on TDRs in Utah:

- Utah Property Rights Ombudsman: [Transferable Development Rights \(TDRs\) - Utah Property Rights Ombudsman](#)
- Utah Land Use Institute: [Transfer of Development Rights and Land Trusts Practical Tools to Preserve Community Character](#)
- Land Use Academy of Utah- [Transfer of Development Rights](#)

The Cache County General Plan recommends TDRs, but staff does not believe that COSAC should actively consider them at this time. [Nibley City has a TDR program](#) that staff feels may be a good option in the future but could be pursued without bond money.