

CACHE COUNTY COUNCIL

DAVID L. ERICKSON, *CHAIR*

BARBARA Y. TIDWELL, *VICE CHAIR*

KATHRYN A BEUS

SANDI GOODLANDER

NOLAN P. GUNNELL

MARK R. HURD

KARL B. WARD



199 NORTH MAIN STREET
LOGAN, UT 84321

435-755-1840
www.cachecounty.org

PUBLIC NOTICE is hereby given that the County Council of Cache County, Utah will hold a **REGULAR COUNCIL MEETING** at **5:00 p.m.** in the Cache County Historic Courthouse Council Chambers, 199 North Main Street, Logan, Utah 84321, **TUESDAY, JUNE 11, 2024**

Council meetings are live streamed on the Cache County YouTube channel at:

<https://www.youtube.com/channel/UCa4xvEI8bnIEz3B9zw2teaA>

AGENDA

COUNCIL MEETING

- 5:00 p.m.**
1. **CALL TO ORDER**
 2. **OPENING** – Councilmember Kathryn Beus
 3. **REVIEW AND APPROVAL OF AGENDA**
 4. **REVIEW AND APPROVAL OF MINUTES** (May 28, 2024)
 5. **REPORT OF COUNTY EXECUTIVE**
 - a. **Appointments:**
 - b. **Other Items:**
 6. **ITEMS OF SPECIAL INTEREST**
 7. **DEPARTMENT OR COMMITTEE REPORTS**
 8. **BOARD OF EQUALIZATION**
- 5:30 p.m.**
(Estimated)
9. **PUBLIC HEARINGS**
 - a. **Set Public Hearing for June 25, 2024 – Consideration of the Powder Mountain Development Agreement**
 - b. **Set Public Hearing for June 25, 2024 – Ordinance 2024-08 – Title 16 Subdivision Regulations**
 - b. **Public Hearing – Ordinance 2024-05 – Quarter-In Ventures Property Rezone**
A request to rezone 8.0 acres of property from the Agricultural (A10) Zone to the Commercial (C) Zone on a property located at ~1105 West 4400 South, near Hyrum. (Parcel numbers 03-059-0007, -0008)
 10. **PENDING ACTION**
 11. **INITIAL PROPOSALS FOR CONSIDERATION OF ACTION**
 - a. **Ordinance 2024-05** **Quarter-In Ventures Property Rezone**
A request to rezone 8.0 acres of property from the Agricultural (A10) Zone to the Commercial (C) Zone on a property located at ~1105 West 4400 South, near Hyrum. (Parcel numbers 03-059-0007, -0008)
 - b. **Ordinance 2024-06** **An Ordinance Amending Section 3.48.020 Regarding Grant Records**
 - c. **Ordinance 2024-07** **An Ordinance Amending Section 5.08.040 Relating to Local Consent for Single Event or Temporary Beer Event Permits**

d. ***Resolution 2024-12*** **A Resolution Approving the Cooper Wellsville Round One Open Space Application**

e. **Nautica Subdivision 1st Amendment**

12. OTHER BUSINESS

a. **Nibley Heritage Days Parade**

June 22, 2024 at 10:00 am

Kathryn

b. **Lewiston Independence Day Parade**

July 4, 2024 at 9:15 am

c. **Hyrum Independence Day Parade**

July 4, 2024 at 10:00 am

d. **May Building Permits**

13. COUNCIL MEMBER REPORTS

14. ADJOURN



David L. Erickson, Chair

CACHE COUNTY COUNCIL

***May 28, 2024* at 5:00 p.m. - Cache County Chamber at 199 North Main, Logan, Utah.**

In accordance with the requirements of Utah Code Annotated Section 52-4-203, the County Clerk records in the minutes the names of all persons who appear and speak at a County Council meeting and the substance "in brief" of their comments. Such statements may include opinions or purported facts. The County does not verify the accuracy or truth of any statement but includes it as part of the record pursuant to State law.

MEMBERS PRESENT: Chair David Erickson, Vice-Chair Barbara Tidwell, Councilmember Karl Ward, Councilmember Sandi Goodlander, Councilmember Nolan Gunnell, Councilmember Mark Hurd

MEMBERS EXCUSED: Kathryn Bues

STAFF PRESENT: Bartt Nelson, Wesley Bingham, Nathan Argyle, Bart Esplin, Eric Davis

OTHER ATTENDANCE: Scott Wells, Bob Lindley, Thomas Bailey, Bryan Cox, Daniel Smith, Lyndsay Peterson, Wendi Hassan, Kate Anderson, Hisako Kure, Ruth Rye, Seth Anderson, Caleb Rye, Kent Field, Jamie Andrus, Jenny Lyman

Council Meeting

1. **Call to Order 5:00p.m.** - [0:11](#) Council Chair David Erickson began meeting.
2. **Opening Remarks and Pledge of Allegiance** – [0:20](#) Councilmember Nolan Gunnell gave thanks to our veterans and lead the pledge of allegiance.
3. **Review and Approval of Agenda APPROVED** - [2:28](#)
Action: Motion made by Councilmember Barbara Tidwell to approve the agenda; seconded by Councilmember Nolan Gunnell.
Motion passes.
Aye: 7 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd
Nay: 0
4. **Review and Approval of Minutes APPROVED** - [2:50](#)
Action: Motion made by Councilmember Karl Ward to approve the minutes; seconded by Councilmember Nolan Gunnell.
Motion passes.
Aye: 7 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd
Nay: 0
5. **Report of the County Executive** [3:14](#) Executive Zook spoke to meeting with Department Heads for budget process kick off to gain input and gather information.
6. **Items of Special Interest** [4:09](#)
 - A. **Updating Emergency Interim Successors for Local Officers** – [4:23](#) Will Lusk, County Emergency Manager went over the legislation for The Emergency Management Act for Utah, Emergency Operation Plan, Operation Manager Plan, and the needed Interim successors for elected officials. [16:49](#) Councilmember Sandi Godlander asked what the per capita impact indicator and project threshold chart was. [16:57](#) Will explained what the chart shows as an indicator to keep up with inflation.
 - B. Presentation from the Cache Economic Opportunity Board – [22:29](#) Chair Erickson welcomed those making the presentation. [23:33](#) Councilmember Mark Hurd explained each slide and the economic details to each applicable item.
7. **Department or Committee Reports**

8. Board of Equalization

9. Public Hearings [43:41](#) No discussion.

- A. **Set Public Hearing for June 11, 2024** – Ordinance 2024-05 – Quarter-In Ventures Property Rezone A request to rezone 8.0 acres from the Agricultural (A10) Zone to the Commercial (C) Zone on a property located at ~1105 West 4400 South, near Hyrum. (Parcel numbers 03-059-0007, -0008)

Discussion:

Action: Motion made by Councilmember Karl Ward to approve public hearing; seconded by Councilmember Nolan Gunnell.

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 0

10. Pending Action

- A. **Consideration and Approval of RAPZ Board Decisions** – [44:12](#) Chair Erickson welcomed discussion. [44:31](#) Councilmember Karl Ward brought up the feasibility study for recreation center and suggested \$40,000 to start a RFP and agreed with funding for the zoo. Councilmember Sandi Goodlander wanted to discuss further. [47:27](#) Councilmember Mark Hurd said the amount could be too low to get a full report. [50:33](#) Barbara Tidwell added her concerns the \$200,000 is too high but she supports the study itself. [51:53](#) Council discussed and Councilmember Karl Ward lead saying there is available use for excess funds. [52:22](#) Councilmember Barbara Tidwell thanked those who sent opinions on the subject and agreed on the study in a conservative approach with an RFP. Councilmember Karl Ward agreed with \$50,000. [53:51](#) Councilmember Sandi Goodlander added her proposal of \$100,000 with support from school districts, data to show people's voices, comparison to other counties, and to keep council involved in the scope process. [56:12](#) Councilmember Nolan Gunnell thanked those who sent emails. He reached out to mayors in the valley and received feedback in opposition of the study mainly due to understanding the RAPZ funds were to be used for low funded cities projects and trails. He agreed to start with a RFP and voiced his understanding what the publics want for a facility. He cautioned a tax could be in the future as a result and using grants would help. [1:05:37](#) Vice Chair Barbara Tidwell said Beaver Creek Trails requested funds and she would be willing to approve a smaller amount. Council discussed new information about the request and other matters briefly. [1:08:17](#) Vice Chair Barbara Tidwell asked what funding for Wellsville city sidewalks had been approved. [1:08:41](#) Chair Erickson and Councilmember Mark Hurd answered to fund sidewalks for safety and connectivity. [1:09:38](#) Vice Chair Barbara Tidwell asked about the tennis courts and Councilmember Nolan Gunnell wanted to see the smaller cities parks funds received and supported the top of Utah. [1:10:59](#) Councilmember Sandi Goodlander said to remove \$40,000 for hwy 101 trails for community or feasibility study. [1:11:52](#) Vice Chair Barbara Tidwell voiced her support for Zootah. [1:12:06](#) Chair David Erickson and Councilmembers Sandi Goodlander and Karl Ward had some brief comments from an outside conversation. [1:12:38](#) Chair Erickson gave his support to boost the cruise in funds, Jump the Moon, Top of Utah, and Wellsville trails. [1:13:39](#) Councilmember Nolan Gunnell asked about Mendon and Chair Erickson said it was too big of an ask for a small city. [1:14:21](#) Vice Chair Barbara Tidwell asked about RAPZ application for a 2024 Paradise park. Chair Erickson clarified that is the title of the project. Discussion moved to Wellsville trails and sidewalks. [1:16:02](#) Mark Hurd asked to clarify funding and when it would be open again. Chair Erickson said a decision needs to be made and there can be room left open for changes if needed. Council discussed. [1:18:11](#) Vice Chair Barbara Tidwell confirmed amount for Zootah. Chair Erickson and Councilmember Karl Ward clarified. [1:19:27](#) Chair Erickson said he is not against recreation centers and this is about RAPZ funding. The amount needs to be prepared and not rushed. [1:22:11](#) Councilmember Karl Ward gave his agreement of concern taking RAPZ funds from shovel ready projects for a study and it will take bonds and time. Vice Chair Barbara Tidwell agreed. [1:24:04](#) Councilmember Mark Hurd also agreed and wanted more details and development services insight of scope. [1:25:35](#) Stephen Nelson said the county offers planning services to local

communities and would play a role in coordination of RFP and leading a collaborated effort. [1:26:40](#) Council asked speakers to come to the stand. [1:27:08](#) Mayor Lindsay Peterson spoke and asked council for a consistent scope on their project approval. She asked why there is a RAPZ committee when they are not deferred to. She called on Chair Erickson to answer about voting for the people of the valley or in the smaller unincorporated parts. [1:31:06](#) Chair Erickson responded how the districts are represented by council. [1:31:31](#) Councilmember Sandi Goodlander asked if outside cities are charged differently to use their rec center. Mayor Peterson answered yes. [1:32:04](#) Mayor Cox of Hyde Park spoke to his cities use of funds for studies that impact communities and the importance of good data. [1:35:17](#) Councilmember Nolan Gunnell thanked the mayors. He expressed value in recreation. [1:37:40](#) Chair Erickson suggested leaving this open and getting an RFP in place within three months. [1:39:07](#) Councilmember Karl Ward added the decision is for how much money from RAPZ should be spent for a feasibility study and agreed with an RFP. He added to Nolan using RAPZ funds for studies need firm guidance and policy to avoid this situation again. Chair Erickson clarified how this would work to allocate some of the funds with part still available if needed after the RFP. [1:41:10](#) Councilmember Mark Hurd suggested \$75,000 as a start. [1:42:47](#) Stephen Nelson commented more time would be needed to get bids and asked for five months.

Action: [1:44:12](#) Motion made by Councilmember Mark Hurd to approve \$75,000 and leaving open for five months; seconded by Vice Chair Barbara Tidwell.

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 0

Discussion: Amendment Item 18 [1:45:15](#)

Action: Motion made by Councilmember Sandi Goodlander to reduce awarded request from \$40,000 to \$0 on item 18 seconded by Councilmember Karl Ward.

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 0

Discussion: Amendment Item [1:45:56](#)

Action: Councilmember Nolan Gunnell started with Top of Utah Downtown Alliance then council circled back to item 21. [1:46:43](#). Council discussed Beaver Creek Lodge trails and needed input from RAPZ committee. Council decided to leave item alone. No vote.

Discussion: Amendment Item 28 [1:48:48](#)

Action: Motion made by Councilmember Karl Ward to approve increase to \$40,000; seconded by Councilmember Mark Hurd.

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 0

Discussion: Amendment Item 36 [1:49:13](#)

Chair Erickson explained item 36 RAPZ funding for Cornish parking lot to \$80,000 to get help from contractors. [1:50:15](#) Councilmember Nolan Gunnell asked to proceed but allow to make changes if needed after seeing what is committed to.

Action: No motion made

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 0

Discussion: Amendment Item 41 [1:50:46](#)

Chair Erickson explained Item 41 Hyrum City Ball Field improvements to \$20,000, how funding would rotate, and then elaborated the RAPZ committee is not in charge of allocating the money.

Action: Motion made by Councilmember Karl Ward to approve; seconded by Vice Chair Barbara Tidwell.

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 0

Discussion: Amendment Item 45 [1:52:02](#)

Action: Motion made by Councilmember Nolan Gunnell to approve Downtown Alliance to \$20,000 seconded by Councilmember Sandi Goodlander.

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 0

Discussion: Amendment Item 48 [1:52:34](#)

Action: Motion made by Councilmember Nolan Gunnell to approve increase to \$100,000; seconded by Councilmember Karl Ward.

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 0

Discussion: Amendment Item 48 [1:52:34](#)

Action: Motion made by Councilmember Nolan Gunnell to approve Mendon \$100,000; seconded by Councilmember Karl Ward.

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 0

Discussion: Amendment Item 50 [1:53:48](#) Chair Erickson spoke to the timeframe of RAPZ for a few cities granted funds for parks that this is the last year.

Discussion:

Action: Motion made by Councilmember Sandi Goodlander to approve Millville \$40,000; seconded by Councilmember Barbara Tidwell.

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 0

Discussion: Amendment Item 74 [1:55:34](#)

Action: Motion made by Councilmember Nolan Gunnell to approve increase to \$20,000; seconded by

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 0

Discussion: Amendment Item 76 [1:56:10](#) Chair Erickson offered to leave item 76 open with partial funds allocated.

Action: Motion made by Vice Chair Barbara Tidwell to approve; seconded by Councilmember Karl Ward.

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 0

Discussion: Amendment Item 75 [1:58:06](#)

Action: Motion made by Councilmember Karl Ward to approve Wellsville tennis courts increase \$10,000; seconded by Vice Chair Barbara Tidwell.

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 0

Discussion: Amendment Item [1:59:35](#) Vice Chair Barbara Tidwell expressed her want for more funds to be given to Willow Park. Item raised \$20,000.

Action: Motion made by Councilmember Karl Ward to approve; seconded by Councilmember Barbara Tidwell.

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 0

Discussion: Final Amendments [2:00:42](#) Chair Erickson spoke to closing with hopeful leftover funds for next year and proceeded to take a final vote for amendments.

Action: Motion made by Councilmember Karl Ward to approve RAPZ recommendations as amendments with open requests by council; seconded by Councilmember Mark Hurd.

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 0

11. Initial Proposals for Consideration of Action

A. *Resolution 2021-11 A. A Resolution Supporting the Waiving of Encroachment Fees for the Installation of Broadband in Underserved Areas of Cache County.*

Discussion: [2:04:13](#) Councilmember Sandi Goodlander explained resolution for state grant money to provide broadband service to underserved areas of county. [2:06:26](#) Chair Erickson asked if this has been through O&P. Sandi answered no. Council discussed policy and agreed to move forward with O&P. [2:10:03](#) Sandi explained the text behind the franchise agreement. Council discussed next meeting schedule.

Action: Motion made by Councilmember * to approve Ordinance/Resolution; seconded by Councilmember *.

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 0

12. Other Business [2:13:05](#) No discussion held.

A. Nibley Heritage Days Parade *June 22,2024 @ 10:00 AM*

B. Lewiston Independence Day Parade *July 4, 2024 @ 9:15 AM*

C. Hyrum Independence Day Parade *July 4, 2024 @ 10:00 AM*

D. Discussion of reintroducing the County Agricultural advisory Board [2:13:40](#) – Eric Davis Started to explain the Advisory board is already created and council discussed a separate board for protection that was created also. Council needed more information from past minutes.

E. April 2024 Treasurer's Reconciliation Report

13. Councilmember Reports [2:17:50](#)

David Erickson – [2:30:37](#) Said the Fire Engine in Lewiston is fixed.

Sandi Goodlander – [2:17:59](#) Said she met with Councilmember Nolan Gunnell and Executive Zook about planning sessions for the executive office to work together with Council. She brought up the senior center and special use permits as points of discussion. [2:27:32](#) Sandi said a library/senior center combo would be recommended.

Karl Ward – No report

Barbara Tidwell – [2:20:35](#) Thanked those who contacted her and welcomed Wes Bingham in Finance. [2:22:00](#) Added she spoke to Sheriff Jensen about fees and budget.

Kathryn Beus – Absent

Nolan Gunnell – [2:21:24](#) Recognized Wes and said plans to meet with him and Stephen in Development Services to discuss budget and fees. [2:26:52](#) Added the importance to keep mind the big projects being talked about with senior center, library, and rec center.

Mark Hurd – [2:22:10](#) Thanked the discussion of RAPZ committee and open dialogue to hear from mayors and talked about what the county library system will be in the future with contracts expiring soon. [2:28:55](#) Commented maintenance and infrastructure will be involved for space to each for a Senior Center, Rec Center, Sports Courts, and Library.

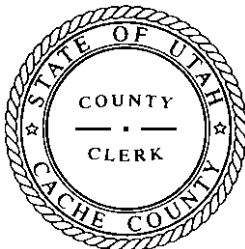
14. Executive Session

15. Other – Wes Bingham Department Head of Finance [2:31:23](#) Gave introduction of himself personally and professionally with work progress for tax separation of general fund and fire district tax, and attention to leveling fees to help property tax.

Adjourn: 7:30 PM [2:34:57](#)

APPROVAL: David Erickson, Chair
Cache County Council

ATTEST: Bryson Behm, Clerk
Cache County Council





Set a Public Hearing

Powder Mountain Development Agreement

Agenda request submitted by: Stephen Nelson, Director of Development Services –
Forwarded from the County Planning Commission

Assisting Department: Development Services

Requested Council meeting date: June 11, 2024

Agenda Item Language: Set a public hearing on June 11, 2024, to be held on June 25, 2024, for the proposed Powder Mountain Development Agreement

Action: Planning Commission – Recommendation of Approval (4-yea; 0-nay)

Background: Powder Mountain has requested to enter into a Development Agreement with the County to allow the County Development Services Office to issue zoning clearances and building permits for two new ski lifts before the property owner submits an update to its master plan with the County. Because of the nature of the Development Agreement, state laws require that the Planning Commission hold a public hearing and make a recommendation on the proposal. The attached report contains more details and background. **The current proposal is included as part of Attachment A.**

Fiscal Impact: N/A

Public Hearing Required: The Planning Commission held the required public hearing on June 6, 2024. No additional hearing is required under the requirements of the State Code, however, the Council has previously directed it is beneficial to rehear the public comment and hold an additional hearing before the Council.

County Staff Presenter: Stephen Nelson, Director of Development Services

Presentation Time: 15 minutes.

County Staff Point of Contact: Stephen Nelson. Director of Development Services



Cache
County
1857

Council Meeting Memorandum

Legal Review: Legal has reviewed the proposed Development Agreement. After some discussion, Development Services and the Cache Attorney's Office is going to propose an expiration date to the proposed development agreement before it comes to the Council for final approval.

Staff Report: Powder Mountain Development Agreement

6 June 2024

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

Agent: Brooke Hontz**Staff Recommendation:** None**Type of Action:** Legislative**Land Use Authority:** Cache County Council**Parcel ID#:** 16-007-0004, -0016

16-017-0007, -0011, -0013, & 16-0161-0004

Location*Reviewed by Angie Zetterquist***Project Address:**

Powder Mountain Resort

Cache County/Weber County

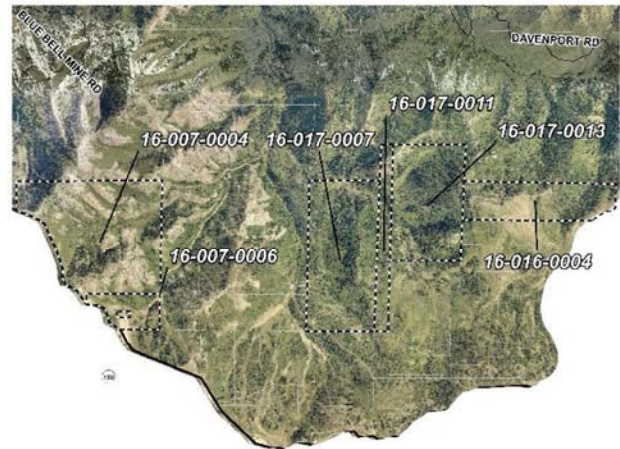
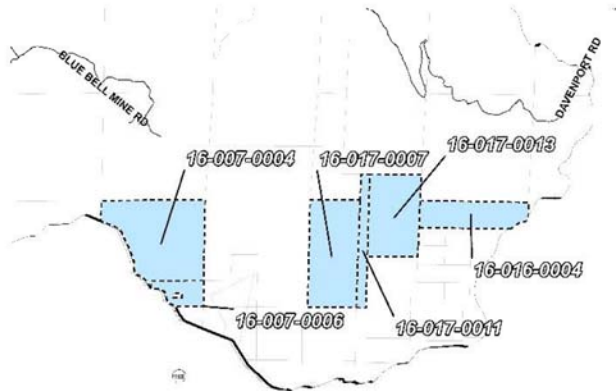
Surrounding Uses:

North – Forest Recreation

South – Forest Recreation/Weber County

East – Forest Recreation

West – Forest Recreation

**Findings of Fact****A. Request description**

1. A request by the applicant to enter into a Development Agreement (Attachment A) with Cache County to construct two new ski lifts at the Powder Mountain Resort prior to submitting and getting approval of a Master Plan as required in the [Resort Recreation \(RR\) Zone](#) (Chapter 17.14).
2. Staff has identified general information as pertains to the proposed Development Agreement to assist the Planning Commission and County Council in arriving at a decision.
3. The Development Agreement is limited to the construction of two new ski lifts, Lighting Ridge and Raintree (Attachment B), in unincorporated Cache County and is not meant to resolve issues of restricted properties nor non-compliant structures or uses within the unincorporated Cache County areas of the resort, and it is not intended to be a substitute for the required Master Plan.

4. Staff has been working with the applicant for a number of months to identify a path forward to allow the construction of the two new ski lifts given the short building season in the higher elevations and the fact that preparing, submitting, and going through the approval process for the required Master Plan will take a significant amount of time.
5. After reviewing County Code and State Code, the Development Services Department and the County Attorneys Office provided the applicant with three options to move forward (Attachment C):
 - a. **Normal Approval Process:** Per [17.14.020 General Requirements](#) of the County Code, any development within the Powder Mountain Resort must submit a master plan as a conditional use permit (CUP) per [17.06.050](#) (see [17.14.030](#)). A master plan and CUP first must be approved by the Planning Commission. The applicant must then submit a Development Plan that meets the standards of [17.14.060](#), which would then be reviewed and approved by the Planning Commission. After these approvals, each building/structure will require a zoning clearance and building permit. Once all these conditions and requirements are met and the property owner has received the necessary permits, the application can proceed with development based on those approvals.
 - b. **Development by using a Development Agreement to allow special conditions:** Per State Code [17-27a-528 – Development Agreements](#), the County may enter into a development agreement allowing for a unique development process that falls outside the standard regulations. However, that development agreement must meet the same standards and requirements of a new land use code, which is a legislative process. Consequently, the Planning Commission must hold a public hearing and review and make recommendations to County Council on the proposed development agreement. Then the County Council, as the Land Use Authority for legislative actions, may approve the proposed development agreement, deny it, or make modifications to the terms of the agreement.

17-27a-528. Development agreements.

- (1) Subject to Subsection (2), a county may enter into a development agreement containing any term that the county considers necessary or appropriate to accomplish the purposes of this chapter.
- (2) (a) A development agreement may not:
 - (i) limit a county's authority in the future to:
 - (A) enact a land use regulation; or
 - (B) take any action allowed under Section [17-53-223](#);
 - (ii) require a county to change the zoning designation of an area of land within the county in the future; or
 - (iii) allow a use or development of land that applicable land use regulations governing the area subject to the development agreement would otherwise prohibit, unless the legislative body approves the development agreement in accordance with the same procedures for enacting a land use regulation under Section [17-27a-502](#), including a review and recommendation from the planning commission and a public hearing.

- c. **Propose a code change through the County's code amendment process:** The applicant has the right to submit an application for an Ordinance Amendment to propose revisions to the Resort Recreation (RR) Zone to change the current requirements and processes. An ordinance amendment is a legislative action and the County Council as the Land Use Authority has a lot of discretion in coming to a decision.
- d. Based on the three options, the applicant has submitted this request for a Development Agreement.

6. History:

- i. According to a summary and timeline of County records (Attachment D) prepared by County staff in 2017, Powder Mountain opened initially in 1972 with scattered mention of the area mentioned in Planning Commission minutes beginning in 1971. Planning Commission response was positive, but no formal approvals were given and no permits were found prior to the Hidden Lake ski lift and lift shack permits that were approved in 1975.
- ii. Two lodges, the main lodge (Timberline) and Hidden Lake, were built on the Cache County side of the boundary between Weber County and Cache County. No permits or other records were found for the Timberline Lodge, which was likely built in 1972. A CUP was approved for a ski inn on the Hidden Lake parcel in 1978, but it was rescinded in 1980 and never reinstated. The Hidden Lake Lodge opened in 1985, but no CUP, building permits, or other files have been found for its construction.
- iii. Individual CUPs for a few ski lifts and small projects have been issued for the Powder Mountain area over the years. An Interlocal Agreement was drafted in 1998 regarding taxation and services between Weber and Cache Counties. The area was rezoned to the Resort Recreation (RR) Zone in 2002. Ownership of the properties has changed multiple times over the years.
- iv. At least five various master plans and subdivision have been proposed for the area in the last 40 years. However, no signed/valid CUP has been found in County records for any version of a master plan for the Powder Mountain Resort development to date. The most recent Master Plan CUP and Development Agreement attempt expired in October 2008.
- v. The timeline produced by staff ends in 2015. Since that time, members of the Powder Mountain development team have reached out to the County every year or so to try and resolve the unpermitted structures and/or uses. However, no applications have been submitted or approved during that time and a Master Plan has not been submitted.

7. Development Agreement

- a. The proposed Development Agreement, as revised, (Attachment E) will be between the property owner, Summit Mountain Holding Group, and the County, acknowledging that it is each party's best interest to agree to the installation and operation of the two new ski lifts recognizing that the development agreement is the appropriate tool outside of full compliance with the Resort Recreation (RR) Zone requirements (i.e., approved Master Plan and CUPs).
- b. The agreement further does not limit the County's authority to pass future land use regulations or ordinances, nor does it require the County to change any zoning designation in the future.
- c. Also, the agreement does not allow any development or expansion beyond the two new ski lifts until the facility is in compliance with Chapter 17.14 of the Code or unless the legislative body approves another development agreement in accordance with the same procedures for enacting a land use regulation.

- d. Finally, the Development Agreement allows the two ski lifts to be placed on sensitive lands, including steep slopes (>30%), but requires the applicant to submit a Geotechnical Report and comply with the recommendations within the report. The County will issue the required permits if the applications and all necessary supporting documentation comply with the Cache County and International Building Code regardless of the facility's compliance with the RR Zone and CUP processes or restricted parcel status.

B. Ordinance—§12.02.010, §17.02.030

8. As per §17.02.030, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.

C. Public Notice and Comment—§17.02.040 Notice of Meetings

9. Public notice was posted online to the Utah Public Notice Website on 24 May 2024.
10. Notices were posted in three public places on 24 May 2024.
11. Notices were mailed to all property owners within 300 feet on 24 May 2024.
12. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

Conclusion

The Powder Mountain Development Agreement, a request by the applicant to enter into a Development Agreement with Cache County to construct two new ski lifts at the Powder Mountain Resort prior to submitting and getting approval of a Master Plan as required in the [Resort Recreation \(RR\) Zone](#) (Chapter 17.14), has been reviewed in conformance with Title 17 of the Cache County Land Use Ordinance and State Code 17-27a-528.

Staff has not made a recommendation based on the findings of fact identified above nor any others identified at the public hearing. Although Staff has not made a recommendation for approval or denial, they can help Planning Commission draft a recommendation to County Council.



Development Services Department

Building | GIS | Planning & Zoning

Application: Ordinance Amendment

Date Received:	By:	Receipt #:	Amount:	Check #:
5/1/24	Aaron*	19768	600	credit card

1. Applications are accepted by appointment only. Call (435) 755-1640 to set an appointment.
2. The items indicated in the attached checklist must accompany this application.
3. Incomplete applications are not accepted.
4. Late applications are held for the next meeting's agenda.
5. The application fee is not refundable.
6. Any information submitted with this application becomes public record and is posted online.

Ordinance Information

Ordinance Section(s): Request for Development AgreementAffected Zones: RR (Lightning Ridge), RR and FR40 (Raintree)

Agent Contact Information

Agent Name: Brooke HontzEmail: bhontz@powdermountain.comPhone: 435-640-1941Mailing Address: PO Box 1119 Eden, UT 84310

Review Process

- 1) Staff will review the application with the applicant to ensure that the information submitted is sufficient to completely review the request.
- 2) Complete applications are forwarded to the necessary county departments for review and comment. The application, site visits, and department reviews are used in the preparation of the staff report that is presented to the county land use authority and is available to all interested parties and is posted online at <http://www.cachecounty.org/pz/>.
- 3) Notices are posted on Utah Public Notice. Agendas are posted online at www.cachecounty.org and at <http://www.utah.gov/pmn/index.html>.
- 4) Projects requiring County Council approval are placed on the next available council agenda once the Planning Commission has made a recommendation. Staff forwards the staff report, the Planning Commission's recommendation, and any other pertinent information for County Council's review.

Attachment A

2024 Meeting Dates and Application Deadlines			
Planning Commission (1 st Thursday of each month*)		County Council (2nd & 4th Tuesday*)	Land Use Hearing Officer (variances & appeals)
Application Deadline 3:00 PM	Meeting Date 5:30 PM	Meeting Date 5:00 PM	
6 Dec 23	4 Jan	9 Jan	Public meetings will be scheduled on an as needed basis.
3 Jan	1 Feb	23 Jan	
31 Jan	7 Mar	13 Feb	
28 Feb	4 Apr	27 Feb	
3 Apr	2 May	12 Mar	
1 May	6 Jun	26 Mar	
5 Jun	11 Jul*	9 Apr	All public meetings will be fully noticed per State and County Codes.
3 Jul	1 Aug	23 Apr	
31 Jul	5 Sep	14 May	
4 Sep	3 Oct	28 May	
2 Oct	7 Nov	11 Jun	
30 Oct	5 Dec	25 Jun	
		9 Jul	
		23 Jul	
		13 Aug	
		27 Aug	
		10 Sep	
		24 Sep	
		8 Oct	
		22 Oct	
		12 Nov	
		26 Nov	
		3 Dec*	
		10 Dec*	

Ordinance Amendment

Application Checklist and Acknowledgment

A complete application must include the items noted below unless specified otherwise. Further information may be required by staff, other departments and agencies, and/or the authority that reviews the application based on the proposed amendment.

- 1) ☒ A completed Ordinance Amendment application form and non-refundable review fees: \$600
- 2) ☒ A copy of the proposed ordinance amendment and any supporting materials.

Acknowledgment

I, Brooke Hontz the undersigned agent and/or owner of the property acknowledge that I have read and understand the information and requirements presented in this application, and that the information I have provided is accurate and complete.


Signature

05/01/2024

Date

Attachment A

May 1, 2024

Stephen Nelsen, AICP
Cache County Development Services Director
179 North Main, Suite 305
Logan, Utah 84321

Re: Proposed Development Agreement

Dear Stephen,

Thank you for your letter of April 26, 2024 responding to our request for assistance and thank you for the phone calls and discussions in the meantime. I appreciate the level of care you and your team have given to our issue, and we are grateful for your efforts.

To that end, after considering the three options you provided, we would like to proceed with the Development Agreement option #2.

However, as I looked for guidance in the State law section you referenced, in particular the section you highlight in yellow, I see that because ski lifts would not otherwise be *prohibited* see 17-27a-528(2)(a) we likely fall squarely under the domain of 17-27a-528(1) which clearly allows the County to enter into the development agreement for this purpose, and further allows you to do it administratively and not require a legislative body's approval under 17-27a-528(2)(b). Would you be willing to take another look at those sections in combination? I believe that this reading is not only possible but most accurately reflects the facts and was the intent of the legislation.

While we feel Section 17-27a-528(2)(b) applies, we are appreciative of the path you outlined under Section 17-27a-528. In a good faith effort to comply with these requirements, we have drafted a very simple, straightforward development agreement focused solely on the issue of the two ski lifts.

We have also included for good measure and due to the nature of our time sensitivities, the building permit application, to clearly identify the parameters of the lift improvements that are the subject of the Development Agreement.

Best regards,

Brooke Hontz 

Brooke Hontz
Chief Development & Construction Officer
Powder Mountain Resort

DEVELOPMENT AGREEMENT

This Development Agreement (“Agreement”) is entered into this ____ day of June, 2024 (“Execution Date”) by and between Summit Mountain Holding Group, L.L.C., a Utah limited liability company (“SMHG”), and Cache County, a body politic in the State of Utah (“County”) (SMHG and County are collectively referred to as the “Parties”).

RECITALS

WHEREAS, SMHG is the owner of that certain real property in Cache County commonly known as Powder Mountain and more specifically described on Exhibit A which is attached and incorporated into this Agreement (the “Property”); and

WHEREAS, the Parties each have an interest in maintaining the ski lift construction schedule, which includes the installation and operation of two new ski lifts (Lightning Ridge and Raintree) in 2024, and have agreed that a development agreement is the appropriate tool by which to accomplish this goal; and

WHEREAS, Cache County is authorized pursuant to Utah Code Annotated section 17-27A-528 to enter into a development agreement containing any term that the county considers necessary or appropriate to accomplish the purposes of this (Chapter 27A) chapter; and

WHEREAS, specific to Utah Code Annotated section 17-27A-528 (2)(a) this Agreement does not limit the County’s authority to pass future land use regulations or ordinances, nor does it require the County to change any zoning designation in the future, further it does not allow the use or development of land that applicable land use regulations governing the area subject to this Agreement would otherwise *prohibit unless the legislative body approves the development agreement in accordance with the same procedures for enacting a land use regulation* and therefore this Agreement is the appropriate tool to accomplish the goals and objectives of state law and the County as they relate to the ski lifts on Exhibit A; and

WHEREAS, the property is zoned Resort Recreation (RR), which requires prior to the development of any RR Zoned property compliance with the standards of RR Zone, including the creation and approval of a Master Plan and approval of a Conditional Use Permit; and

WHEREAS, the ski resort’s general operation is a legal nonconforming use and further expansion of amenities and uses on the Property requires full compliance with RR Zone, namely lacking an updated Master Plan and other requirements within the RR Zone; and

WHEREAS, Ski lifts are specifically allowed in the County RR Zone, and the County desires to provide a means by which SMHG could do some limited expansion of current services prior to full approval of an updated Master Plan, Conditional Use Permit, and other requirements within the RR Zone Standards within County Code 17.14. ; and

NOW THEREFORE, in consideration of the premises and of the mutual covenants and conditions contained in this Agreement and other good and valuable consideration, the receipt and sufficiency of which the Parties acknowledge the Parties agree to the following:

A G R E E M E N T

1. **Property.** The Property covered by this Development Agreement is more specifically described in Exhibit A.
2. **Ski Lifts.** The ski lifts known as the Lightning Ridge Lift and Raintree Lift as described in Exhibit B (collectively, the “Lifts”) are allowed uses in the RR zone and are by this Agreement, allowed to apply for development. SMHG shall apply for, obtain and comply with the Zoning Clearance and Building Permits issued by Cache County for the Lifts. The County shall issue such permits if these applications comply with the Cache County and International Building Code regardless of the Property's compliance with RR Zone and Conditional Use Permit update or restricted parcel status. SMHG shall submit all needed documentation to show compliance with adopted County development standards. The County shall also approve the Lifts to be placed on sensitive lands, including steep slopes, but shall require a geotechnical report and compliance with the recommendation contained within that report. Following completion, the Lifts may operate per the standards of the Utah State Tram Board.
3. **Capacity.** Each person signing on behalf of one of the Parties below has full authority, and the Parties have the sole and full right, power, authority and capacity to execute, deliver and perform this Agreement.

CACHE COUNTY

David Erickson , Cache County Council
Chair

ATTEST:

Cache County Clerk/Auditor

Summit Mountain Holding Group, L.L.C., a
Utah limited liability company

By: Powder Parent LLC

By _____
Brooke Hontz
Chief Development Officer

Exhibit A

Property Tax Parcels

Lightning Ridge:

16-007-0004

16-007-0006

Raintree:

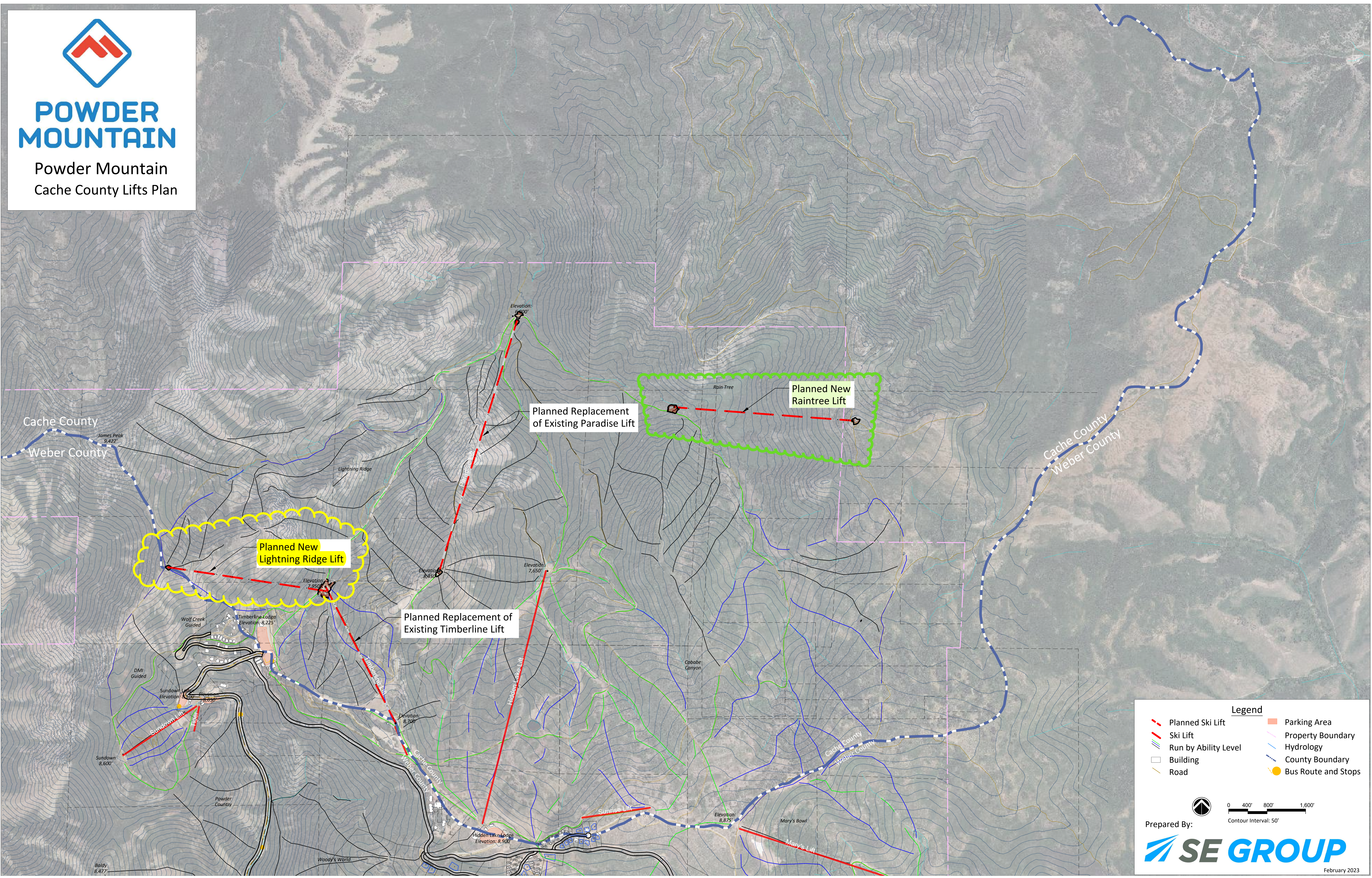
16-017-0007

16-017-0011











16-017-0013


16-016-0004

Exhibit B
Site Plan




Legend

	Planned Ski Lift		Parking Area
	Ski Lift		Property Boundary
	Run by Ability Level		Hydrology
	Building		County Boundary
	Road		Bus Route and Stops



Prepared By:



February 2023



April 26, 2024

SMHG LANDCO LLC
PO BOX 1119
EDEN, UT 84310-1119

Sent Via Email: bhontz@powdermountain.com

Re: Powder Mountain Development Agreement Request

To whom it may concern,

As the Director of Development Services, I have thoughtfully considered your request to find a method for Cache County, namely my department, to issue building permits for the two new proposed ski lifts at Powder Mountain. After thorough consideration, the following methods are the only options available to my department.

Normal Approval Process

As we have discussed in our meetings, Powder Mountain is located within the Resort Recreation (RR) Zone, which is established and mainly governed by [17.08](#), [17.09](#), [17.10](#), and [17.14](#) in Cache County Code (development in the County is governed by a variety of local, state, and federal laws and regulations, this list is summary of the primary sections). Cache County Code states the following:

[17.14.010 General Requirements](#)

B. Development within the RR Zone shall adhere to the standards set forth in this land use ordinance and the Utah Condominium Ownership Act as set forth in Utah Code Annotated title 57, chapter 8, as amended.

This means that any development within the Powder Mountain Development must adhere to the standards outlined in 17.14. Generally, there are numerous requirements within this chapter. Still, to summarize, a development would need to submit a master plan as a conditional use permit (CUP) issuance per 17.06.050 (see 17.14.030). The master plan and CUP need to be approved by the Planning Commission. The applicant must submit a Development Plan that meets the standards within 17.14.060, which would then be reviewed and approved by the Planning Commission. After these approvals, each building will require a zoning clearance and then a building permit (see 17.06.050). Once all these conditions and requirements are met and the property owner has received the necessary permits, the application can proceed with the development based on these approvals.

As noted in our meeting, 17.14.040 currently requires a development agreement. However, based on the updated state code, we no longer require that as a base condition unless the development meets the state's standards.

Development by using a development agreement to allow special conditions

An agent of Powder Mountain Ski Resort has requested that the County enter into a contract with Powder Mountain to allow the County to issue a building permit without going through the full RR Zone Requirements. This would require a development agreement and need to comply with the following section of Utah code:

17-27a-528. Development agreements.

- (1) Subject to Subsection (2), a county may enter into a development agreement containing any term that the county considers necessary or appropriate to accomplish the purposes of this chapter.*
- (2)*
 - (a) A development agreement may not:*
 - (i) limit a county's authority in the future to:*
 - (A) enact a land use regulation; or*
 - (B) take any action allowed under Section 17-53-223;*
 - (ii) require a county to change the zoning designation of an area of land within the county in the future; or*
 - (iii) allow a use or development of land that applicable land use regulations governing the area subject to the development agreement would otherwise prohibit, unless the legislative body approves the development agreement in accordance with the same procedures for enacting a land use regulation under Section 17-27a-502, including a review and recommendation from the planning commission and a public hearing.*

As shown in the highlighted section, the County may enter into a development agreement allowing for a unique development process that falls outside the standard regulations. However, that development agreement must meet the same standards and requirements of a new land use code. Namely, the planning commission would need to hold a public hearing and review and make recommendations on the proposed development agreement. Afterward, the County Council would need to approve the terms of the agreement.

As the Director of Development Services, I do not have the power to enter into an agreement of this sort, and it needs to be approved by the County Council.

Approval as a Compliance Plan

An agent of Powder Mountain Ski Resort has also asked the County for a document stating that the County would not prosecute or enforce current or future violations of county code for a given period while the property owner works on compliance. Allowing property owners additional time to comply is standard with our code enforcement as we work with property owners. Generally, our goal is to have property owners abide by the Cache County code without using enforcement procedures.

However, staff has never used this procedure to preauthorize noncompliant activity. Namely, it is standard practice to delay enforcement while property owners work in good faith to comply with current violations, not to begin new ones. Generally, if a property owner expands on their current violations, it would void any compliance plan as they expand the problem. In addition, a compliance plan or nonenforcement agreement could not authorize the Development Service Office to issue permits for development without the approval of the proper land use authority.

Summary

As staff has reviewed your options within the code, Powder Mountain only has a few avenues to construct the two additional ski lifts legally.

1. Follow the process listed in 17.14 Resort Recreation Zone and other sections of the county code.
2. Propose a Development Agreement and follow the process in State Code 17-27a-528 Development Agreements.
3. Propose a code change through our code amendment process.

Outside of these options, I cannot authorize building permits for the two new proposed ski lifts.

Please let me know if you have any additional questions.

A handwritten signature in blue ink, appearing to read "Stephen Nelson", is positioned above a horizontal line.

Stephen Nelson, AICP
Development Service Director
stephen.nelson@cachecounty.gov
Cell: (435) 720-3543

Powder Mountain Timeline

Summary: Powder Mountain opened initially in 1972. Scattered mention of this area in Planning Commission minutes begin in 1971. Planning commission response was positive, but no formal approvals were given. No permits found prior to the Hidden Lake ski lift and lift shack permits approved in 1975.

Two lodges, the main lodge (Timberline) and Hidden Lake, were built on the Cache County side of the line. No permits or other records found for the Timberline lodge, which was probably built in 1972. A CUP was approved for a ski inn on the Hidden Lake parcel in 1978, but it was rescinded in 1980 and never reinstated. The Hidden Lake lodge opened in 1985, but no CUP, building permits, or other files have been found for its construction.

Individual CUPs for a few ski lifts and small projects have been issued for the Powder Mountain area over the years. In Interlocal Agreement was drafted in 1998 regarding taxation and services between Weber and Cache counties. The area was successfully rezoned to Resort Recreation in 2002. Ownership of the primary entities proposing development has changed at least 3 times. At least 5 various master plans and subdivisions have been proposed for the area in the last 40 years. No signed/valid CUP has been found in our records for any version of a master plan for Powder Mountain Resort development to date.

The most recent Master Plan CUP and Development Agreement attempt expired in Oct 2008.

Early Records, 1970-1975

1972 – Main Lodge (Timberline) opens this year, according to the Powder Mountain website. No building permit or other files have been found for this building.

Sep 1972 – Maps and sketches of Powder Mountain plans presented to planning commission, but not described in the minutes. No file folder found containing these plans. Though response appears to be positive, no approvals were given in this meeting for any development based on those plans.

Aug 1975 – CUP with accompanying Building Permits 16-007-0006 Hidden Lake Ski lift & shack (BP #s 172 & 173) CUP also allows construction of a primitive overnight lodge/ski shelter (24x40 ft, 960 sq ft). Permit for the lift shack (69 sq ft) references a “master plan submitted to planning commission.” No files found containing a copy of this master plan.

Attachment D

Dec 1978 – 16-007-0006 Ski Inn. This lodging planned with multiple rooms, significantly larger than the overnight lodge described in the 1975 CUP. This CUP was rescinded due to disagreement on whether Cache or Weber County would provide services to the area, and which side of the line the primary developments should be built.

July 1979 – 16-007-0006, PUD request - did not submit prelim. plat

Aug 1980 – 16-001-0006, granted allowance of sewer lagoons, pending approval of State and Weber County. No papers showing that those approvals were finalized. CUP page has Planning Commission approval, but does not have the applicant or notary signatures.

Sep 1980 – 16-007-0006, requested FR-40 to C-3 to allow hotel construction. Denied due to inability to reach agreement with Weber County about services to the area.

Sep 1980 – 16-007-0006, Requested variance for a lodge. Denied due to lack of clearance for services from Weber County.

1985 – Hidden Lake Lodge opened this year, according to the Powder Mountain website (parcel #16-001-0009). No building permit, CUP, or other files found in our records for this lodge. Unknown how close the plans for this lodge were to the lodge proposed in 1978. Searched by parcel numbers, known owner's names, and for any files covering this area, but found none.

Sep 1993 – CUP with accompanying Building Permit & ZC 16-001-0006, Ski Lift (Sunrise Lift)

1995 – REZONE (unresolved) Requested rezone of FR-40 Zone to be consistent with Weber County CR1, FR1, and FR3 zones. Discussion recommended, but no decision made.

May 1996 – CUP with accompanying Building Permit & ZC 16-007-0006, Maintenance Shop in the Hidden Lake area of the resort.

July 1997 – CUP with accompanying Building Permit & ZC 16-017-0006, Ski Lift (Paradise Lift) Approved, never built.

Attachment D

Sep 1998 – **INTERLOCAL COOPERATION AGREEMENT** (Resolution 1998-029) Cache and Weber County approve an agreement regarding taxation and services in the Powder Mountain area. Resolution begins 1 Jan 1999 and expires 31 Dec 2002 with option to extend.

Apr 1999 – CUP with accompanying Building Permit & ZC 16-017-0006, 0009, 0005 Ski Lift (Paradise Lift) approved, to be much larger than the lift originally approved in 1997.

July 2000 – CUP with accompanying ZC. No building permit found. 16-001-0009, Nextell Communications put a multi-tenant telecommunication site to include a building addition and an 80 foot high monopole.

Dec 2000 – CUP with accompanying ZC No building permit found. 16-001-0009, Nextell Communications put antennas on top of the existing Hidden Lake Lodge. Equipment structure located under a proposed deck.

Successful Rezone to RR , Master Plan and Development Agreement Attempt– 2001-2002

Nov 2001 – BUSINESS LICENSE CLEARANCE for Powder Mountain Inc. – 16-001-0010
This document claims that “A 36 room Ski Inn was approved 14 Dec 1978,” and that “the Hidden Lake Lodge and Main Lodge were built in the 1970s.” It is true that the original CUP was approved on 14 Dec 1978. However, that CUP was the one rescinded on 10 Sep 1980 (see above). No record has been found of any re-instatement of that original 1978 CUP. The original main lodge was built in 1972, but the Hidden Lake Lodge was built in 1985, according to the Powder Mountain website. No papers found for the lodge built in 1985.

Nov 2001 – SUBDIVISION **VOID** Application for 86-lot clustered major subdivision, no specific parcel numbers given. Requested a 12 month extension. Was not continued after 12 months and indefinitely placed on hold in Nov 2002. The subdivision application was meant to be re-submitted after acceptance of the Master Plan. However, that master plan was never approved, and a subdivision plan was never re-submitted.

October 2002 – REZONE Multiple parcels rezoned from FR-40 to RR Zone

Nov 2002 –CUP **WITHDRAWN** - Master Plan and Development Agreement. This was placed on hold by the applicant due to a buyout option lapse on 11 November 2002.

Attachment D

_____ ? ? ? ? ? ? ? ? r ?

Jun 2006 – Master Plan CUP The CUP was approved and never officially revoked by a County Council motion/vote. However, the CUP is void since the Development Agreement was never approved and the stipulations were never met. It was never signed or formally issued on paper. There was a 6 month deadline to approve a Development Agreement. The Development Agreement was rejected and re-drafted several times. Extensions granted in Sep 2006 and again in Apr 2007.

Sep 2007 – Development Agreement approval requested under a separate CUP-like application. Extensions granted in Oct 2007, and Feb 2008.

Jan 2008 – Application filed to incorporate the Town of Powder Mountain.

Aug 2008 – Town of Powder Mountain granted incorporation, but the Weber County commissioners refuse to appoint a mayor and town council.

Oct 2008 – Development Agreement declared Extensions officially expired 31 Aug 2008, but the only official recognition of that expiration was on 28 Oct 2008, when Brian chambers stated in the County Council meeting that “Cache County is no longer involved” with Powder Mountain due to their litigation with Weber County.

_____ ? ? ? ? ? r

Apr 2006 – ZC and accompanying Building Permit, upgrade\replace the ski lift at Hidden Lake.

Oct 2006 – ZC and attached CUP for Nextel/Sprint Antennas placed at the Hidden Lake Lodge. No separate Building Permits found for these.

Jun 2008 – BP for an interior remodel – bathroom, one lodge room, and ventilation hood in the kitchen. 16-001-0007, Note on the permit indicates “This work was all done before a permit was issued. Do not assume the work is compliant.”

Nov 2008 – ZC and accompanying BP for a *temporary* yurt. Building permit notes: “Owners say it will be used for one season only.” Parcel 16-001-0008. The yurt is still there today, apparently being used as their “adventure center” from which ski tours depart.

Jun 2013 – ZC and accompanying Building Permit. On parcel 16-001-0009, Replace the antennas that were originally installed in 2000.

Dec 2015 – REZONE On parcel 16-001-0009 for a .7 acre portion of property in the RR zone to include the PI Overlay Zone.

Attachment E: Powder Mountain
Planning Commission Presentation



POWDER MOUNTAIN

**Development Agreement
Raintree and Lightning Ridge Lifts**

INTRODUCTION



View of Powder Mountain Resort looking west at sunrise toward Lightning Ridge with Paradise ski lift viewable in the foreground.

DEVELOPMENT AGREEMENT





RESORT HISTORY



Powder Mountain Resort had humble beginnings as the winter range for Frederick James Cobabe's sheep herd. Frederick, who was orphaned at age 15, moved around from family to family until he went to work for Charley Scmaltz. He tended camp for Charley's herders taking his pay in sheep until he built a herd of his own.

Between 1902 and 1948, Fred accumulated land for a summer range around Eden, Utah. Fred's son, Alvin F. Cobabe bought the livestock company with its 8,000 acres in 1948. While horseback riding with friends along Lightning Ridge in the 1950's, someone casually mentioned that the terrain would make a great ski resort. The idea rang true with Alvin (Dr. Cobabe) and he began to amass adjacent property adding to the thousands acquired from his father. When the resort opened on February 19, 1972, he owned 14,000 acres.

The Sundown lift was the inaugural operational area during Powder Mountain's first season. The area was lit for night skiing and a ski school was established. Food was prepared on an outdoor barbecue. The Main Lodge, the Sundown Lodge and the Timberline lift were added to operations for the 72/73 season.

Dr. Alvin Cobabe, at age 88, sold Powder Mountain, Inc in 2006 and since then, Powder Mountain has changed ownership four times. Since that time, the resort added two lifts on the Weber County side, added a few miles of road and utilities for a handful of small single-family subdivisions – also in Weber and created hiking and biking trails.

TIMELINE



1971/72 Season

- Powder Mountain opened February 19 with Sundown Lift.
- Ski School began.

1972/73 Season

- Main Lodge (Timberline) opened.
- Sundown Lodge opened.
- Timberline Lift opened.

1975/76 Season

- Hidden Lake Lift added.

1981/82 Season

- Shuttle service for employees started from Eden to ski lodges.

1984/85 Season

- Powder was the first Utah resort to allow snowboarding.

1986/87 Season

- Hidden Lake Lodge opened.

1994/95 Season

- Sunrise Lift opened.

1999/2000 Season

- Paradise Lift, a quad, opened.
- Cat skiing on Lightning Ridge
- Powder Mountain became resort with the most skiable terrain in America.

2007/08 Season

- Hidden Lake lift upgraded (see image).

2013/14 Season

- New ownership.
- Brim hike/bike summer trail built.
- Summit Pass Road paved.

2016/17 Season

- Village and Mary's lifts installed.

2018-2021

- Summer hike and bike trails added, lift service mountain biking begins in 2021.

MAP



LIFTS	HOURS
Timberline	9AM - 4PM
Hidden Lake	9AM - 4PM
Sundown	9AM - 9PM
Village	9AM - 3PM
Paradise	9AM - 3:30PM
Mary's	9AM - 3:30PM
Sunrise	9AM - 3:30PM
Sun Tunnel	9AM - 9PM
Saddle Horn	9AM - 4PM

UNCONVENTIONAL LIFTS	HOURS
Powder Country/Woody's World	9AM - 3:30PM
Raintree Snowcat	9AM - 2:30PM
Lightning Ridge Snowcat	9AM - 2:30PM

LIFT INFORMATION	LENGTH	VERTICAL
Timberline	3,196	782
Hidden Lake	5,629	1,268
Sundown	1,830	554
Village	3,680	582
Paradise	5,535	1,605
Mary's	3,880	867
Sunrise	1,406	155
Sun Tunnel	150	20
Saddle Horn	734	80

● Easiest	ⓧ Food
■ More Difficult	Ⓟ Parking
◆ Very Difficult	Ⓜ Restrooms
◆◆ Experts Only	Ⓜ Quad Chair
Ⓜ Tickets	Ⓜ Double Chair
Ⓜ Ski School	Ⓜ Surface Tow
Ⓜ Rentals	Ⓜ Surface Lift
Ⓜ Ski Patrol	Ⓜ Snowcat Loading
	Ⓜ Shuttle Pick-up
— Ski Area Boundary	— Powder Runs
— Single Cat Rides	— Ski And Skin
— Adventure Area Boundary	

YOUR RESPONSIBILITY CODE

1. Always stay in control. You must be able to stop or avoid people or objects.
2. People ahead or downhill of you have the right of way. You must avoid them.
3. Stop only where you are visible from above and do not restrict traffic.
4. Look uphill and avoid others before starting downhill or entering a trail.
5. You must wear your safety equipment.
6. Read and obey all signs, warnings, and hazard markings.
7. Keep off closed trails and out of closed areas.
8. You must know how and be able to load, ride and unload lifts safely. If you need assistance, ask the lift attendant.
9. Do not use lifts or terrain when impaired by alcohol or drugs.
10. If you are involved in a collision or incident, share your contact information with each other and ski area employees.

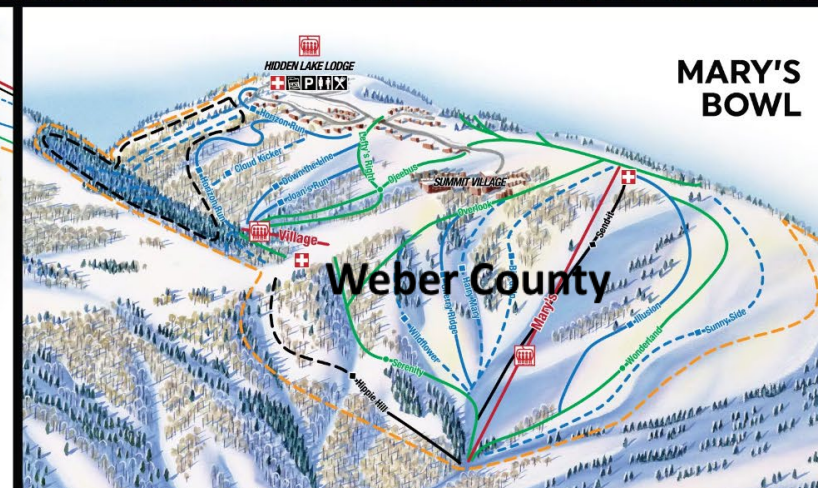
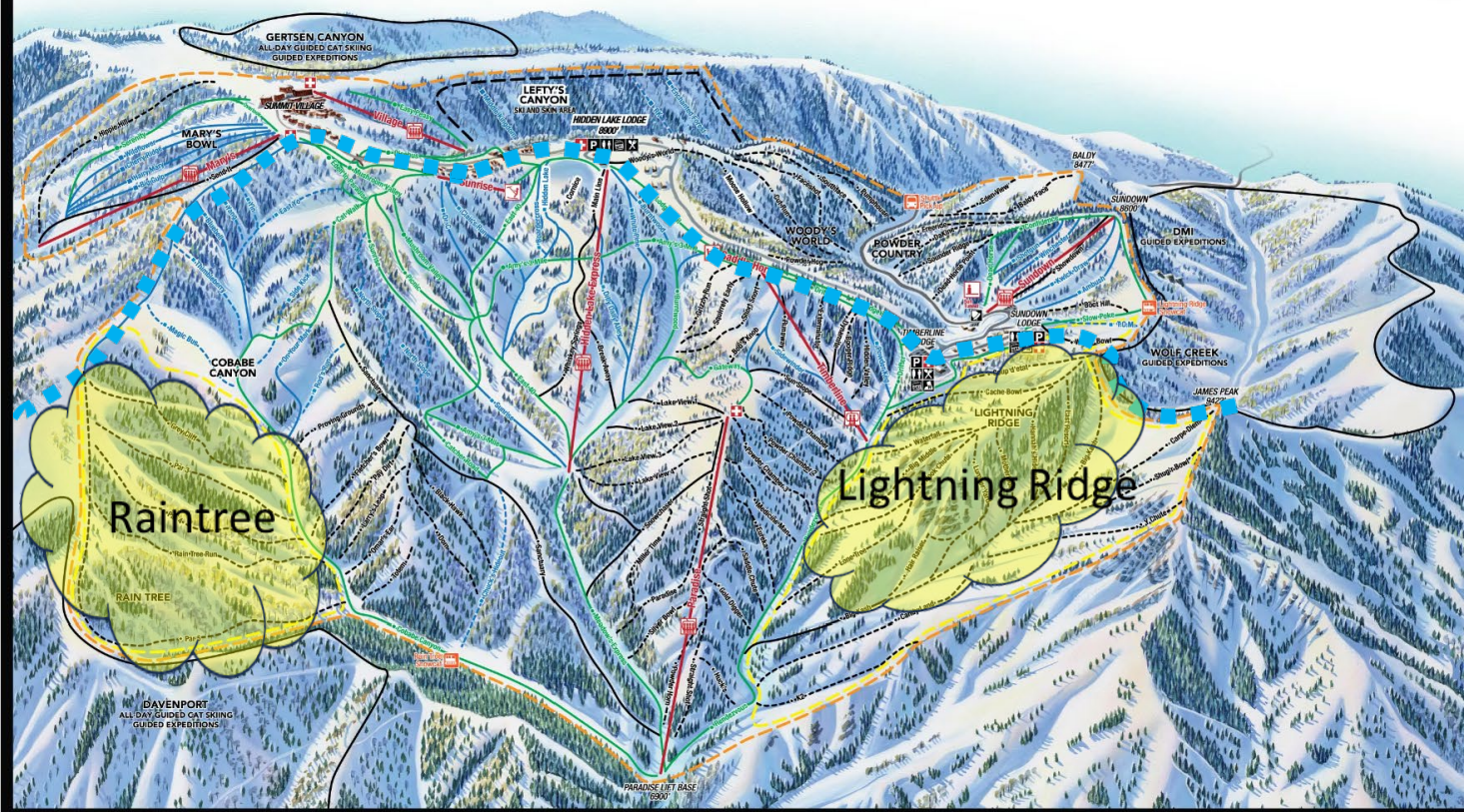
**Know and Obey the Code.
It's your Responsibility.**

If you need help understanding the Code, please ask an employee.

Emergency (Ski Patrol) 801-745-3772 ext. 3

BOUNDARY POLICY

Powder Mountain maintains a closed out-of-bounds skiing and riding policy. Guests who ski/ride out-of-bounds may be subject to theft of services charges and/or trespassing.







Set a Public Hearing

Ordinance 2024-08 – Title 16 Subdivision Regulations 2024 Update

Agenda request submitted by: Stephen Nelson, Director of Development Services –
Forwarded from the County Planning Commission

Assisting Department: Development Services

Requested Council meeting date: June 11, 2024

Agenda Item Language: Set a public hearing on June 11, 2024, to be held on June 25, 2024, for Powder Mountain Development Agreement

Action: Planning Commission – Recommendation of Approval (4-yea; 0-nay)

Background: This subdivision update is in response to HB 476, which clarifies updates to the new subdivision process approved in 2023. The main changes are as follows:

1. Review Cycles: Staff and the Planning Commission added a change in 16.01.030 in the definitions section, stating that the review cycle count shall only apply to the final subdivision application.
2. Preliminary Subdivision Plat Requirements: We deleted the subdivision improvement plans required as part of the preliminary subdivision plat (16.03.030 (C) (17)) and loosened some of the stormwater requirements for the preliminary plat based on public works recommendations.
3. Made some clarifications for the final plat and subdivision improvement plans application in 16.03.040.

HB476 takes effect on November 1, 2024, so staff recommends that if the Council approves this ordinance, it also takes effect on November 1, 2024, as noted in the ordinance. We have included a copy of the changes in state law in this packet.

Fiscal Impact: N/A

Public Hearing Required: The Planning Commission held a public hearing on June 6, 2024, in which no comment was submitted. No additional hearing is required under the requirements of the State Code, however, the Council has previously directed it is beneficial to rehear the public comment and hold an additional hearing before the Council.



Cache
County
1857

Council Meeting Memorandum

See attached for additional information.

County Staff Presenter: Stephen Nelson, Director of Development Services

Presentation Time: 10 minutes.

County Staff Point of Contact: Stephen Nelson, Director of Development Services

Legal Review: The County Attorney's Office has reviewed the proposed draft.

Utah 2024 HB476 Update for:

17-27a-604.2 (Effective 11/01/24). Review of subdivision applications and

subdivision improvement plans.

(1)As used in this section:

(a)"Review cycle" means the occurrence of:

(i)the applicant's submittal of a complete subdivision ~~land-use~~ application;

(ii)the county's review of that subdivision ~~land-use~~ application;

(iii)the county's response to that subdivision ~~land-use~~ application, in accordance

with this section; and

(iv)the applicant's reply to the county's response that addresses each of the county's

required modifications or requests for additional information.

(b) "Subdivision application" means a land use application for the subdivision of land

located within the unincorporated area of a county.

~~(b)~~ (c) "Subdivision improvement plans" means the civil engineering plans associated

with required infrastructure improvements and county-controlled utilities required for

a subdivision.

~~(c)~~ (d) "Subdivision ordinance review" means review by a county to verify that a

	1012
subdivision land use application meets the criteria of the county's subdivision	
	1013
ordinances.	
	1014
(d) <u>(e)</u> "Subdivision plan review" means a review of the applicant's subdivision	
	1015
improvement plans and other aspects of the subdivision land use application to	
	1016
verify that the application complies with county ordinances and applicable <u>installation</u>	
	1017
standards and <u>inspection</u> specifications <u>for infrastructure improvements</u> .	
	1018
(2) The review cycle restrictions and requirements of this section do not apply to the review	
	1019
of subdivision applications affecting property within identified geological hazard areas.	
	1020
<u>(3) (a) A county may require a subdivision improvement plan to be submitted with a</u>	
	<u>1021</u>
<u>subdivision application.</u>	
	1022
<u>(b) A county may not require a subdivision improvement plan to be submitted with both</u>	
	<u>1023</u>
<u>a preliminary subdivision application and a final subdivision application.</u>	
	1024
<u>(4) (a) The review cycle requirements of this section apply:</u>	
	1025
<u>(i) to the review of a preliminary subdivision application, if the county requires a</u>	
	<u>1026</u>
<u>subdivision improvement plan to be submitted with a preliminary subdivision</u>	
	<u>1027</u>
<u>application: or</u>	

	1028
<u>(ii) to the review of a final subdivision application, if the county requires a</u>	<u>1029</u>
<u>subdivision improvement plan to be submitted with a final subdivision application.</u>	1030
<u>(b) A county may not, outside the review cycle, engage in a substantive review of</u>	<u>1031</u>
<u>required infrastructure improvements or a county controlled utility.</u>	1032
(3) (a) No later than 15 business days after the day on which an applicant submits a	1033
complete preliminary subdivision land use application for a residential subdivision for	1034
single family dwellings, two family dwellings, or townhomes, the county shall complete	1035
the initial review of the application, including subdivision improvement plans.	1036
(b) (5) (a) A county shall complete the initial review of a complete subdivision	<u>1037</u>
<u>application submitted for ordinance review for a residential subdivision for</u>	<u>1038</u>
<u>single-family dwellings, two-family dwellings, or town homes:</u>	1039
<u>(i) no later than 15 business days after the complete subdivision application is</u>	<u>1040</u>
<u>submitted, if the county has a population over 5,000; or</u>	1041
<u>(ii) no later than 30 business days after the complete subdivision application is</u>	<u>1042</u>
<u>submitted, if the county has a population of 5,000 or less.</u>	1043
<u>(b) A county shall maintain and publish a list of the items comprising the complete</u>	

	1044
preliminary subdivision land use application, including:	
	1045
(i)the application;	
	1046
(ii)the owner's affidavit;	
	1047
(iii)an electronic copy of all plans in PDF format;	
	1048
(iv)the preliminary subdivision plat drawings; and	
	1049
(v)a breakdown of fees due upon approval of the application.	
	1050
(4) (6) (a) A county shall publish a list of the items that comprise a complete final	
	1051
subdivision land use application.	
	1052
(b) No later than 20 business days after the day on which an applicant submits a plat,	
	1053
the county shall complete a review of the applicant's final subdivision land use	
	1054
application for single-family dwellings, two-family dwellings, or townhomes,	
	1055
including all subdivision plan reviews.	
	1056
<u>(7) A county shall complete a subdivision plan review of a subdivision improvement plan</u>	
	1057
<u>that is submitted with a complete subdivision application for a residential subdivision for</u>	
	1058
<u>single-family dwellings, two-family dwellings, or town homes:</u>	
	1059
<u>(a) within 20 business days after the complete subdivision application is submitted, if the</u>	

	1060
<u>county has a population over 5,000; or</u>	
	1061
<u>(b) within 40 business days after the complete subdivision application is submitted, if</u>	
	1062
<u>the county has a population of 5,000 or less.</u>	
	1063
(5) (8) (a) In reviewing a subdivision land-use application, a county may require:	
	1064
(i) additional information relating to an applicant's plans to ensure compliance with	
	1065
county ordinances and approved standards and specifications for construction of	
	1066
public improvements; and	
	1067
(ii) modifications to plans that do not meet current ordinances, applicable standards,	
	1068
or specifications or do not contain complete information.	
	1069
(b) A county's request for additional information or modifications to plans under	
	1070
Subsections (5)(a)(i) <u>Subsection (8)(a)(i)</u> or (ii) shall be specific and include citations	
	1071
to ordinances, standards, or specifications that require the modifications to	
	1072
<u>subdivision improvement</u> plans, and shall be logged in an index of requested	
	1073
modifications or additions.	
	1074
(c) A county may not require more than four review cycles <u>for a subdivision</u>	
	1075
<u>improvement plan review</u> .	

(d) (i) Subject to Subsection ~~(5)(d)(ii)~~ (8)(d)(ii), unless the change or correction is

necessitated by the applicant's adjustment to a subdivision improvement plan ~~set~~

or an update to a phasing plan that adjusts the infrastructure needed for the

specific development, a change or correction not addressed or referenced in a

county's subdivision improvement plan review is waived.

(ii) A modification or correction necessary to protect public health and safety or to

enforce state or federal law may not be waived.

(iii) If an applicant makes a material change to a subdivision improvement plan ~~set~~ ,

the county has the discretion to restart the review process at the first review of the

~~final application~~ subdivision improvement plan review, but only with respect to

the portion of the subdivision improvement plan ~~set~~ that the material change

substantively ~~effects~~ affects.

(e) (i) ~~If This Subsection (8) applies if~~ an applicant does not submit a revised

subdivision improvement plan within :

~~(A)~~ 20 business days after the county requires a modification or correction, ~~the~~

~~county shall have an additional 20 business days to respond to the plans if the~~

	<u>1092</u>
<u>county has a population over 5,000; or</u>	
	1093
<u>(B) 40 business days after the county requires a modification or correction, if the</u>	
<u>county has a population of 5,000 or less.</u>	<u>1094</u>
	1095
<u>(ii) If an applicant does not submit a revised subdivision improvement plan within the</u>	
<u>time specified in Subsection (8)(e)(i), a county has an additional 20 business days</u>	<u>1096</u>
<u>after the time specified in Subsection (7) to respond to a revised subdivision</u>	<u>1097</u>
<u>improvement plan.</u>	<u>1098</u>
	1099
(6) <u>(9)</u> After the applicant has responded to the final review cycle, and the applicant has	
complied with each modification requested in the county's previous review cycle, the	1100
county may not require additional revisions if the applicant has not materially changed	1101
the plan, other than changes that were in response to requested modifications or	1102
corrections.	1103
	1104
(7) <u>(10)</u> (a) In addition to revised plans, an applicant shall provide a written explanation	
in response to the county's review comments, identifying and explaining the	1105
applicant's revisions and reasons for declining to make revisions, if any.	1106
	1107
(b) The applicant's written explanation shall be comprehensive and specific, including	

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citations to applicable standards and ordinances for the design and an index of
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requested revisions or additions for each required correction.
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(c)If an applicant fails to address a review comment in the response, the review cycle is
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not complete and the subsequent review cycle may not begin until all comments are
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addressed.
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~~(8)~~ (11) (a)If, on the fourth or final review, a county fails to respond within 20 business
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days, the county shall, upon request of the property owner, and within 10 business
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days after the day on which the request is received:
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(i)for a dispute arising from the subdivision improvement plans, assemble an appeal
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panel in accordance with Subsection 17-27a-507(5)(d) to review and approve or
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deny the final revised set of plans; or
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(ii)for a dispute arising from the subdivision ordinance review, advise the applicant,
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in writing, of the deficiency in the application and of the right to appeal the
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determination to a designated appeal authority.

CACHE COUNTY
ORDINANCE NO. 2024-08

An ordinance amending the County Land Use Code as required by the adoption of Ord. 2024-08 amending Title 16 Subdivision Regulations to comply with HB476 Municiplan Land Use Regulation Modifications recently passed State legislation that requires updates to the code and a more streamlined review process.

Whereas, Utah Legislature approved HB476 in 2024 requiring political subdivision to update the process in reviewing and approving subdivision applications; and

Whereas, Cache County seeks to provide an excellent level of service to residents in the County while providing a process for the County to review land use applications to ensure they comply with County code requirements; and

Whereas, on June 6, 2024, the Planning Commission held a public hearing, accepted all comments; and

Whereas, on June 6, 2024, the Planning Commission recommended the approval of the proposed amendments to the County Council for final action; and

Whereas, the Act also provides certain procedures for the county legislative body to adopt or reject amendments to the land use ordinance; and

Whereas, following proper notice, the County Council held a public hearing on _____ to consider any comments regarding the proposed amendments. The County Council accepted all comments; and

Now, therefore, the County Legislative Body of Cache County ordains as follows:

1. Statutory Authority

The statutory authority for acting on this ordinance is Utah Code Annotated Sections 17-27a Part 1 and Part 3, and 17-53 part 2(1953, as amended to date).

2. Amendment to Title 16 Subdivision Regulation

TITLE 16 SUBDIVISION REGULATIONS CHAPTER

16.01 GENERAL PROVISIONS AND ADMINISTRATION CHAPTER

16.02 TYPE AND PROCESS CHAPTER

16.03 REQUIREMENTS CHAPTER 16.04 GENERAL REQUIREMENTS FOR ALL
SUBDIVISIONS

CHAPTER 16.01 GENERAL PROVISIONS AND ADMINISTRATION

16.01.010: TITLE

16.01.020: PURPOSE AND AUTHORITY

16.01.030: DEFINITIONS AND APPLICABILITY

16.01.040: JURISDICTION AND PENALTY

16.01.050: SEVERABILITY (EFFECT)

16.01.060: GENERAL RESPONSIBILITIES

16.01.070: SITE PREPARATION WORK PROHIBITED

16.01.80 : INCOMPLETE APPLICATION

16.01.010: TITLE

This title shall be known as the CACHE COUNTY SUBDIVISION ORDINANCE,
hereinafter, "this title". (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.01.020: PURPOSE AND AUTHORITY

The Cache County council adopts this title pursuant to the county land use development and management act, title 17, chapter 27a, Utah Code Annotated, 1953, for the purposes set forth therein. The maps and appendices to this title are a part hereof. The intent of this title is to provide a means of ensuring predictability and consistency in the use of land and individual properties and to implement the goals and policies of the Cache countywide comprehensive plan.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.01.030: DEFINITIONS AND APPLICABILITY

For the purposes of this title, all terms shall have the same definitions as provided by section 17-27a- 103, Utah Code Annotated, 1953, as amended or as in sections 17.07.030 and 17.07.040 of this code.

"Review cycle" means the occurrence of:

- i. The applicant's submittal of a complete subdivision land use application;

- ii. The County's review of that subdivision land use application;
- iii. The County's response to that subdivision land use application, in accordance with this title; and
- iv. The applicants reply to the County's response that addresses each of the municipality's required modifications or requests for additional information.
- v. The subdivision applicants shall be limited to four review cycles.
- vi. The Review Cycle, as defined and used in this chapter, shall only apply to the review of a final subdivision application

"Subdivision Improvement Plans" means the civil engineering plans associated with required infrastructure and County controlled utilities required for a subdivision.

"Subdivision ordinance review" means review by a county to verify that a subdivision land use application meets the criteria of the county's subdivision ordinances.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

HISTORY

Amended by Ord. 2023-37 on 12/5/2023

16.01.040: JURISDICTION AND PENALTY

This title shall govern and apply to the subdivision, platting and recording of all lands lying within the unincorporated area of Cache County, Utah.

- A. No person shall subdivide any land, nor shall any building permit, other required development approval, or any other license or permit be issued for any lot or parcel of land which is located wholly, or in part, within the unincorporated area of Cache County, except in compliance with this title, the Cache County zoning ordinance, and all applicable state and federal laws.
- B. Any plat of a subdivision, or any survey description, filed or recorded without the approvals required by this title is deemed to be void, for the purposes of development or the issuance of a building permit, as required by section 17-27a-611 et seq., Utah Code Annotated, 1953, as amended.
- C. Any owner or agent of the owner of any land located in a "subdivision", as defined herein, who transfers or sells any land located within the subdivision before the subdivision has been approved and recorded, in the office of the Cache County recorder, consistent with the requirements of this title, and applicable state and federal requirements is guilty of a violation of this title, and section 17-27a-611 et seq., Utah Code Annotated, 1953, as amended, for each lot or parcel transferred or sold.

D. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring lots, plots, parcels, sites, units, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions does not exempt the transaction from the requirements of this title and such action from the penalties or remedies provided by this title, the Cache County zoning ordinance, or the laws of the state of Utah.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.01.50 0: SEVERABILITY (EFFECT)

If any section, provision, sentence, or clause of this title is declared unconstitutional by a court of competent jurisdiction, such determination shall not impair the validity of the remainder of this title which shall remain in full force and effect.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.01.060: GENERAL RESPONSIBILITIES

A. The developer shall prepare a plat consistent with the standards contained herein and shall pay for the design and inspection of the public improvements required. The county shall process said plats in accordance with the regulations set forth herein.

B. The Development Services Department shall review the plats for design; for conformity to the Cache Countywide Comprehensive Plan and to the Cache County Zoning Ordinance; for the environmental quality of the subdivision design; and shall process the subdivision plats and reports as provided for in this title.

C. Proposed subdivisions shall be referred by the Development Services Department to such county departments and special districts, governmental boards, bureaus, utility companies, and

other agencies which will provide public and private facilities and services to the subdivision for their information and comment. The Cache County Development Services Office is responsible for coordinating the comments received from all public and private entities and shall decide which agencies to refer the proposed subdivisions to.

D. The County Public Works Department shall make comments as to engineering requirements for street widths, grades, alignments and flood control, whether the proposed public improvements are consistent with this title and other applicable ordinances and for the inspection and approval of all construction of public

improvements. Street layout and overall circulation shall be coordinated with the Development Services Department.

E. The Development Services Department shall approve the form of the final plat, that the developer dedicating land for use of the public is the owner of record, and that the land is free and clear of unacceptable encumbrances according to the title report.

F. The Planning Commission has final jurisdiction in the approval of preliminary subdivision plats. The County Council has the final jurisdiction for the establishment of requirements for and design standards of public improvements; and the acceptance of lands and public improvements that may be proposed for dedication.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - -2020)

HISTORY

Amended by Ord. 2 023-37 on 12/5/2023

16.01.070: SITE PREPARATION WORK PROHIBITED

No excavation, grading or regrading, or removal of vegetation for a proposed subdivision shall take place and no building permits shall be issued until a proposed subdivision has received approval from the Planning Commission and the subdivision has been recorded in the office of the Cache County Recorder, as required herein.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - - 2020)

16.01.080: INCOMPLETE APPLICATION

The lack of any information required by this title, or improper information supplied by the applicant shall be cause for the director of development services to find a subdivision application incomplete. The director shall allow sixty (60) days from the date of notification of an incomplete application for the applicant to provide the required information and provide a complete application to the director. If the application remains incomplete after sixty (60) days from date of notification of an incomplete application, the director shall return the entire incomplete application to the applicant accompanied by application fees paid less any administrative expenses incurred by the development services department to process the application.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

CHAPTER 16.02 TYPE AND PROCESS

16.02.010: STANDARDS AND LOT SIZE

16.02.020: NATURAL BARRIER

16.02.030: AGRICULTURAL SUBDIVISION

16.02.040: APPROVAL PROCESS

16.02.050: SUBDIVISION PLAT AMENDMENT
16.02.060: CLUSTER SUBDIVISION OPTION
16.02.070: BOUNDARY LINE ADJUSTMENTS

16.02.80 : SINGLE LOT SUBDIVISIONS

16.02.010: STANDARDS AND LOT SIZE

All subdivisions must meet the minimum lot and development standards as outlined in each base zone of the Cache County zoning ordinance and within this title.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.02.020: NATURAL BARRIER

- A. Applicants may utilize natural or manmade obstructions as boundary lines for subdivisions in conformance with this title and the Zoning Ordinance.
- B. An application may be made for any lot that is clearly separated by a natural or manmade barrier within the Agricultural Zone.
 - 1. Natural barrier determinations of this type will require that the lot is of sufficient size to allow for access, sewer/septic and water, and that further variances will not be required for development of the lot.
 - 2. Natural barrier determinations that do not meet the minimum density requirements for the zone within which the parcel is located may apply to the Board of Adjustments for a variance to the density requirement.
 - a. The Board of Adjustments shall consider any such request in compliance with state and county code requirements.
 - 3. The Planning Commission is the land use authority for natural barrier determinations. In the event that the Planning Commission or applicant requires further review of a proposed natural barrier, the County Council shall be the land use authority. Any appeal of the Planning Commission's decision must be reviewed by the Land Use Hearing Officer.
 - 4. Parcels created through the natural barrier process are allowed further subdivision in accordance with the standards of the Cache County ordinance currently in effect.
- C. Each parcel created by a natural barrier determination may be allowed to be further divided in compliance with this title and title 17 of this code.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - -2020)

HISTORY

Amended by Ord. 2 023-37 on 12/5/2023

16.02.030: AGRICULTURAL SUBDIVISION

Agricultural parcels may be subdivided without requiring a plat or specific approvals from the director, planning commission, or county council in conformance with state code 17-27a-605 with the following conditions:

- A. The lot qualifies as land in agricultural use under state code 59-2-5 of the farmland assessment act.
- B. The lot meets the minimum size requirements of applicable land use ordinances.
- C. The lot is not used and will not be used for any nonagricultural purpose.
- D. Lots having been subdivided by this process may obtain clearance for the construction of agricultural buildings, but shall not be permitted to construct residential or commercial structures. In the event that an agriculturally subdivided lot requests nonagricultural development, the lot will require a legal subdivision from the most recent legal parcel size and configuration, as defined by this title, prior to the issuance of any permits.
- E. Any requirements, conditions, stipulations, or restrictions on the use or development of a parent parcel shall apply to all lots that have been or are subdivided from a parent parcel, whether they are subdivided through an agricultural subdivision process or otherwise, unless specifically cleared by the Director of Development Services or Planning Commission with findings of fact.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.02.040: APPROVAL PROCESS

Subdivisions are to be approved utilizing the following process (any alterations in this process shall be approved by the Director of Development Services):

- A. Pre Application: Upon completing a concept plan, applicants may request that the Director and/or the Planning Commission review all applicable codes and identify any preliminary issues which are likely to be of concern in evaluating the subdivision.
- B. Preliminary Plat: Applicants must submit to the Director a completed subdivision application, a preliminary plat, and any other associated materials deemed necessary by this code or by the Director. This information shall be reviewed by the Planning

Commission. The Planning Commission shall establish a reasonable deadline for applications to be heard for each meeting. The Planning Commission shall be the land use authority and may approve, Approve with conditions, or deny a Preliminary Plat Application.

C. Final Plat: The Director of Development Services must review the application, proposed plat, and any recommendations by staff. The Director of Development Services may approve, approve with stipulations or alterations, or deny any subdivision plat.

D. Final Plat Recordation: The final step in the review and approval process is the recordation of the final plat of the proposed subdivision in the office of the Cache County Recorder. It shall be the responsibility of the Director to ensure that all stipulations/alterations have been completed and that the plat meets all applicable codes prior to recordation.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - -2020)

HISTORY

Amended by Ord. 2 023-37 on 12/5/2023

16.02.050: SUBDIVISION PLAT AMENDMENT

A. Amending a recorded Subdivision plat shall comply with the Utah Code 17-27a-608 as amended. The County shall publish notices in compliance with Utah Code 17-27a-207 as amended.

B. Amending A Legally Recorded Subdivision Plat: Any fee owner, as shown on the last County assessment rolls, of land within a subdivision may, in writing, petition the Land Use Authority to have the plat, any portion of it, or any road or lot contained in it, vacated, altered, or amended.

1. The Planning commission shall be the Land Use Authority for a Subdivision Plat Amendment unless the amendment proposes to amend, vacate, or alter a County right-of-way or easement, in which case the Planning commission shall make a recommendation to the County Council that will serve as the Land Use Authority.

C. Approved With A Conditional Use Permit: The division of any property previously approved through the conditional use permit process shall be considered, for the purpose of this title and title 17 of this Code, a legally recorded subdivision if a subdivision plat for that division was recorded at the time of approval.

D. Consideration Of Amendment: The Land Use Authority may consider any proposed vacation, alteration, or amendment of a recorded subdivision plat in

compliance with section 17-27a-608 and 609, Utah Code Annotated, 1953, as amended.

E. Request For Amendment: A request for a subdivision amendment must include the following material:

1. For The Adjustment Of Boundary Lines Between Existing, Legal Lots: A record of survey showing the parcels or lots identifying the existing lot line dividing the parcels and the proposed new lot line(s) after the adjustment including the legal description for each amended lot or parcel.
2. For The Creation Of A New Lot/Parcel: Any division of property that results in the creation of a developable lot must meet the minimum lot and development standards as outlined in each base zone of the Cache County zoning ordinance and within this title.

F. Amending An Approved Subdivision Plat Prior To Recordation: An approved, unrecorded subdivision plat may have minor modifications made to the final plat so long as the modifications are not substantial, as determined by the Director of Development Services. The final plat must contain all necessary signatures and be recorded in compliance with this title.

(Ord. 2018-09, 8-14-2018, eff. 8-28-2018)

HISTORY

Amended by Ord. 2 023-37 on 12/5/2023

16.02.060: CLUSTER SUBDIVISION OPTION

The cluster subdivision option is provided by Cache County to encourage creativity in subdivision design, to encourage the achievement of the goals and policies of the Cache Countywide Comprehensive Plan, and to allow for the protection of natural features and the provision of features and amenities for the subdivision site and Cache County. Full compliance with all the provisions of this title and all other applicable state and federal requirements is required.

A. An application for a cluster subdivision shall be submitted to the Director of Development Services and shall be considered concurrently with an application for subdivision approval. All use requirements of the zoning district in which the cluster subdivision is located shall apply; and the application requirements for either a preliminary subdivision plat application, final subdivision plat application, or lot split subdivision application, as applicable, shall apply.

B. The total number of dwelling units allowed in a cluster subdivision shall be the same as the number allowed by the minimum lot area requirements of the zoning

district in which the proposed cluster subdivision is located. Any land(s) used for other uses shall not be included in the area for determining the total number of allowed dwelling units. The total number of allowed dwelling units must also recognize any sensitive areas overlay requirements that may be applicable to the development site as identified in chapter 17.18 of this code.

C. The land(s) proposed for a cluster subdivision shall be in a single ownership or the application for a cluster subdivision shall be filed jointly by all owners.

D. A "cluster" is a designed grouping of residential lots of two (2) or more lots which may be used as a repetitive motif to form a series of clusters. Each cluster grouping shall be separated by either an agricultural area or natural open space to form the larger cluster subdivision.

E. Total open space areas for a cluster subdivision must be fifty percent (50%) or greater of the total area of the subdivision.

F. All roads developed within the cluster subdivision shall be designed and constructed in accordance with the county's road standards, and shall also be designed in a manner as to limit the amount of impact on the open space areas of the subdivisions.

G. All areas to be preserved for farm use and/or open space areas as a result of a cluster subdivision approval shall be preserved. These areas shall only be used, and shall be maintained in accordance with the conditions of the cluster subdivision approval as approved by the Planning Commission. Such area(s) shall be noted on the subdivision plat as an agricultural or open space area with future residential and commercial development prohibited.

H. The maximum density, or number of lots allowed, is based on the density standards of title 17, chapter 17.10, and as defined in chapter 17.07.040: General Definitions - "Developable Land in this code or as determined by the Land Use Authority to be in accordance with applicable County or State Code.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - -2020)

16.02.070: BOUNDARY LINE ADJUSTMENTS

A. Within A Legally Recorded Subdivision: An agreement to adjust property lines between adjoining properties within or affecting the boundary of a legally recorded subdivision requires the approval of the land use authority and must be executed upon the approval and completion of a subdivision amendment (see section 16.02.050 of this chapter).

B. Outside A Legally Recorded Subdivision: In compliance with sections 17-27a-522 and 523, Utah Code Annotated, 1953, as amended, an agreement to adjust property

lines between adjoining properties must meet the standards of, and shall be recorded in the office of the Cache County recorder, and is not subject to the review of the Cache County land use authority.

C. Compliance With Code: All properties amended by a boundary line adjustment are subject to the regulations of this code. Where boundaries, including subdivision amendments, are adjusted between properties that do not share the same zone, the zoning designation does not adjust with the adjusted property lines. Base and/or overlay zoning districts shall not be amended except through the formal process as identified in this code and by the state.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.02.080: SINGLE LOT SUBDIVISIONS

A division of land resulting in the creation of a single developable lot and a single agricultural remainder parcel. Can only be created on an existing legal lot and is not required to conform with the density standards of title 17, chapter 17.10 of this code. This subdivision process must conform to all other requirements of this title and title 17 of this code.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

CHAPTER 16.03 REQUIREMENTS

16.03.010: APPLICATION

16.03.020: Pre Application Meeting

16.03.030: PRELIMINARY SUBDIVISION PLAT REQUIREMENTS

16.03.040: FINAL SUBDIVISION PLAT AND SUBDIVISION IMPORVEMENT PLANS REQUIREMENTS

16.03.010: APPLICATION

The director of development services shall establish guidelines for all subdivision applications in conformance with this title. The application shall include all of the information required by staff, the planning commission, and the county council to make a decision on the proposed subdivision.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.03.20 0: Pre Application Meeting

To promote efficiency and an understanding of the subdivision review and approval process of Cache County and to allow applicants to present their initial subdivision proposals to the county, all applicants for subdivision approval may present a concept plan of the proposed subdivision to the Director of Development Services. This process is not required, but it is highly recommended.

A. The conceptual development plan is an informal discussion document designed to allow the identification of policies, procedures, standards and other items that may be considered in the subdivision review and approval processes of Cache County once a subdivision application is received. To achieve these objectives and to promote the identification of all items necessary for consideration, the applicant should provide at a minimum a map, plat, and/or other scale drawing of the area. The following applicable information may also be submitted to provide further information on the nature and intent of the subdivision:

1. The configuration, size and number of lots in the proposed development;
2. Potential locations of hazards and sensitive lands as defined by title 17, chapter 17.18, "Sensitive Areas", of this code or other features which may impose peculiar construction requirements;
3. Potential open space;
4. The way in which the proposed development will fit into the context of the surrounding area;
5. The present and planned surrounding roads and utilities;
6. Access points and limiting of access, if required;
7. Existing and proposed trail system;
8. The anticipated time schedule for the development;
9. Plans and needs for water, sewer, roads, and sanitation disposal;
10. The development method that will be used, the total acreage involved, the number of allowable lots and the number of planned lots;
11. Any planned phasing or future development of adjacent land;
12. Any other information available or pertinent to the proposed subdivision or as required by the director.

B. A conceptual development plan shall not constitute an application for subdivision approval, as provided by this title, and is in no way binding on the county or the applicant. Any discussion that occurs at the concept plan phase shall not be considered as an indication of subdivision approval or denial, either actual or implied.

C. The director shall determine if a concept plan has sufficient detail and meets the basic requirements of this title and the zoning ordinance prior to presenting any concept plan to the planning commission.

D. The County shall provide feedback on the concept plan and shall provide or have available on the county website the following.

1. Copies of applicable land use regulations.
2. A complete list of standards required for subdivision applications.
3. Preliminary and final application checklist.
4. Deadlines and timelines for applications.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

HISTORY

Amended by Ord. 2 023-37 on 12/5/2023

16.03.030: PRELIMINARY SUBDIVISION PLAT REQUIREMENTS

The following information is required for the subdivision of all lands located within Cache County. The applicant may be required to provide other information as required by the Director of Development Services, Planning Commission, and/or County Council necessary to evaluate the proposed subdivision.

- A. An application for a subdivision, provided by the Director, completed and signed by the owner(s), or authorized agent of the owner(s), of the land parcel(s) proposed to be subdivided.
- B. A preliminary subdivision plat shall be prepared by a licensed land surveyor in pen and the sheets shall be numbered in sequence if more than one sheet is used or required by the Director.
- C. The preliminary subdivision plat shall show the following:
 1. The layout or configuration of the proposed subdivision at a scale of no more than one inch equals one hundred feet (1" = 100'), or as recommended by the Director;
 2. Located at the top and center of the subdivision plat the proposed name of the subdivision and the section, township, range, principal median, and county of its location;
 3. A title block, placed on the lower right hand corner of the plat showing:
 - a. Name and address of owner(s) of record; and
 - b. Name and address of the licensed land surveyor responsible for preparing the preliminary plat; and
 - c. Date of preparation of the preliminary subdivision plat, and any revision dates;

4. Signature blocks prepared, as required and provided by the county, for the dated signatures of the Planning Commission Chair, Deputy County Surveyor, County Attorney, County Recorder and Bear River Board of Health Director;
5. North arrow, graphic and written scale, and the basis of bearings used;
6. Bearings shall be shown to the nearest second; lengths to the nearest hundredth foot; areas to the nearest hundredth acre;
7. Tabulation of the number of acres in the proposed subdivision, showing the total number of lots, and the areas of each lot;
8. A vicinity map of the site at a minimum scale of one inch equals two thousand feet (1" = 2,000');
9. Surveyed boundary of the proposed subdivision; accurate in scale, dimension, and bearing; giving the location of and ties to the nearest two (2) existing government control monuments. This information shall provide data sufficient to determine readily the location, bearing, and length of all lines and the location of all proposed monuments. The names of all adjoining property owners shall be shown;
10. A legal description of the entire subdivision site boundary;
11. All existing monuments found during the course of the survey (including a physical description such as "brass cap");
12. Identification of known natural features including, but not limited to, wetlands as identified by the U.S. Army Corps of Engineers, areas which would be covered in the event of one hundred (100) year floods, all water bodies, floodways including floodplains identified by FEMA and drainage ways, slopes exceeding twenty percent (20%) and slopes exceeding thirty percent (30%), and any other natural features as required by the Director or Planning Commission, for the entire or a portion of the subdivision site, including a tabulation of the acres in each. Subdivision impacted by sensitive Area Analysis as required by Cache County Code 17.18
13. Identification of known manmade features including, but not limited to, high voltage power lines, high pressure gas lines, hard surfaced roads, road easements, road rights-of-way, bridges, culverts and drainage channels, field drains, existing water and sewer trunk lines, all utility easements, railroads and railroad easements, irrigation ditches, canals and canal easements within and adjacent to the subdivision site as required by the Director or Planning Commission, for the entire or a portion of the subdivision site;
14. The location and dimensions of all existing buildings, existing property lines and fence lines;
15. The location with name and parcel number of all existing platted lots within, or contiguous to the subdivision site;
16. All lots, rights-of-way, and easements created by the subdivision with their boundary, bearings, lengths, widths, name, number, or purpose, shall be given. The

addresses of all lots shall be shown. All proposed new roads, whether public or private, shall be numbered, as provided by the Development Services Department, with the coordinates to proposed connections to existing county roads being shown;

17. Shall provide ~~layout of improvements draft Subdivision Improvement Plans,~~ including, but not limited to, the following:

a. All existing and proposed roadway locations and dimensions, including the width of the driving surface and the rights-of-way, with cross sections of all proposed roads. All proposed roads shall be designed to comply with the adopted road standards of Cache County;

b. Location and size of existing and proposed culinary water and sewer lines and/or, the location of all wells proposed, active and abandoned, and springs used for culinary water and the location of all septic systems and drain fields, as applicable, and the location of fire hydrants, and secondary water facilities if proposed as required by the Director, Planning Commission, or County Council for the entire or a portion of the subdivision site shall be shown;

c. ~~Proposed storm water drainage system for both surface and flood water, including a~~ Any drainage easements and natural drainage ways, indicating how the flow will be altered with the proposed development;

d. Layout of proposed power lines, including the source and connection to the existing power supply, together with the location of existing and proposed bridges, culverts, utilities, utility easements, and any common space or open space areas including the location and dimensions of all property proposed to be set aside for public or private reservation, with designation of the purpose of those set aside, and conditions, if any, of the dedication or reservation;

e. ~~All other plans required to construct the subdivision.~~

18. Located on the preliminary plat, or separate map, the identification of the minimum building setback lines for each lot shall be shown;

19. An indication of the use for all proposed lots including required plat notes identifying agricultural protection areas, and other proposed or required protective and restrictive covenants;

20. Endorsement on the plat by every person having a security interest in the subdivision property that they are subordinating their liens to all covenants, servitudes, and easements imposed on the property;

21. All monuments erected, corners, and other points established in the field in their proper places. The material of which the monuments, corners, or other points are made shall be noted. The legend for metal monuments shall indicate the kind of metal, the diameter, and length of the monuments;

22. A letter or other written form of consent by the owner including a reference to the named subdivision and the dedication of public ways or spaces, as required. This shall be signed, dated, and notarized;

23. A surveyor's certificate showing the name and registration number of the land surveyor responsible for making the final plat, and certifying to the plat's accuracy. A simple subdivision may not require a full survey, but instead may be completed through a metes and bounds determination. A waiver form shall be approved by the Cache County Recorder, the County Surveyor (or their representative), and the Director;

24. Any subdivision notes as required by the Director. An approved list of all possible notes and their applicability shall be maintained by staff.

D. A title report for the property proposed to be subdivided provided by a title company within thirty (30) days of the date of subdivision application.

E. A development phasing schedule (if applicable) including the sequence for each phase, approximate size in area of each phase, and proposed phasing of construction of all private and public improvements.

F. A tax clearance from the Cache County Treasurer indicating that all taxes, interest and penalties owing for the property have been paid.

G. The names and addresses of all owners of record of real property within three hundred feet (300') of the parcel of land proposed for subdivision, including the names and addresses of the holders of any known valid mineral leases.

H. Payment of the non-refundable administrative processing fee, and a refundable preliminary plat application fee. See Consolidated Fee Schedule for amount of fee.

I. No later than 15 business days after the day on which a complete application was submitted, county staff shall complete and provide an initial review report to the applicant and the Planning Commission.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - - 2020; Ord. 2021-22, 12-14-2021, eff. 1-1-2022)

HISTORY

Amended by Ord. 2 023-37 on 12/5/2023

16.03.040: FINAL SUBDIVISION PLAT AND SUBDIVISION IMPORVEMENT PLANS REQUIREMENTS

Following approval or approval with conditions of a Preliminary ~~Plat and the draft Subdivision Improvement Plan~~, the applicant shall submit a Final Plat and Subdivision Improvement Plans application with the Development Services Office. The final subdivision plat is required for the recordation of a subdivision plat as approved by the Development Services Director. The final plat shall reflect any changes to the proposed plat required by the Planning Commission conditions during the preliminary plat approval and must be reviewed and approved by the Director of Development Services for completeness prior to recordation.

A. Final Subdivision Plat: A final Subdivision plat shall be prepared by a licensed land surveyor, and conforming to current surveying practice and in a form acceptable to the Cache County Recorder for recordation. The final subdivision plat shall contain all of the information required in the preliminary subdivision plat and shall be presented to the Director in the following form: one twenty four inches by thirty six inches (24" x 36") in ink on reproducible mylar copy of the final subdivision plat along with one digital copy (type to be specified by the Director) at the same scale and containing the same information. All sheets shall be numbered and referenced to an index map and all required certificates shall appear on a single sheet (along with the index and vicinity maps). All revision dates must be shown as well as the following:

1. Notation of any self-imposed restrictions, or other restrictions, if required by the Planning Commission in accordance with this title or title 17 of this code;
2. Other final subdivision plat notes, as required by Cache County or State Code or as required by the Planning Commission.

B. Subdivision Improvement Plans: Subdivision Improvement Plans shall be prepared by a licensed engineer and conform to current engineering, public works, and International Fire Code standards and all other applicable County and State Code Requirements provided in a form acceptable to the Cache County Engineer and Fire District.

1. The Subdivision Improvement Plans shall address conditions within the initial preliminary plat report and any conditions of approval by the Planning Commission.
2. Improvement Plans shall comply with Cache County Requirements for all Subdivisions found in this chapter, in addition to adopted design standards, master plans, Manual of Roadway Design & Construction Standards (Road Manual), stormwater standards as adopted by the County and State, and any other applicable standards adopted by the County.
3. The County Engineer and Fire Marshall shall be the Land Use Authority for Subdivision Improvement Plans

C. Review of proposed Final Plat and Subdivision Improvement Plans: Cache County Development Services, County Engineer, and Fire District shall review and provide reports to the applicant in

compliance with State Code 17-27a-604.2 as amended.

1. The subdivision Final Plat and Improvement Plans shall be subject to four Review Cycles, as defined in this chapter.

a. The County shall have 20 business days to review and provide an indexed report to the applicant with all required changes. This report shall cite and reference adopted code, design standards, and master plans that would require the change.

(1) The County may require additional information relating to an applicant's plans to ensure compliance with county ordinances and approved standards and specification for construction of public improvements; and

(2) Modification to plans that do not meet current ordinances, applicable standards, or specification or do not contain complete information.

b. The Review Cycle limitation does not apply to property containing sensitive lands and geological hazard areas.

2. If an applicant makes a material change to a plan set, the County Engineer has the discretion to restart the review process at the first review of the final application, but only with respect to the portion of the plan set that the material change substantially affects.

3. The applicant shall submit revised plans and shall provide a written explanation in response to the county's review comments, identifying and explaining the applicant's revisions and any reasons for declining to make a revision.

a. If the applicant does not submit a revised plan within 20 business days after the County requires a modification or correction, the County shall have an additional 20 business days to respond to the plans.

D. If on the the fourth and final review review, the County fails to respond within 20 business days, the County shall, upon request of the property owner, and within 10 business days after the day on which the request is received:

1. For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with State Code 17-27a-604.2, to review and approve or deny the final revised set of plans. Unless otherwise agreed by the applicant and the County, the panel shall consist of the following three experts:

a. one licensed engineer, designated by the County;

b. one licensed engineer, designated by the land use applicant; and

c. one licensed engineer, agreed upon and designated by the two designated engineers as appointed in this section.

2. The members of the appeal panel assembled by the County may not have an interest in the application that is the subject of the appeal.

3. The subdivision applicant shall pay 50% of the cost of the panel and the County's published appeal fee.

4. For a dispute arising from a subdivision ordinance review, the County shall advise the applicant to file an appeal with the Land Use Hearing Officer.

E. All of the required signature blocks shall be signed prior to the recordation of the final plat.

F. All other requirements of this title, title 17 of this code, or of the Planning Commission shall be met prior to the recordation of the final plat.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - -2020)

HISTORY

Amended by Ord. 2 023-37 on 12/5/2023

CHAPTER 16.04 GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS

16.04.010: SUBDIVISION LAYOUT

16.04.020: COMMENCEMENT OF SITE DEVELOPMENT

16.04.030: LOTS

16.04.040: ROADS

16.04.050: PROTECTION STRIPS

16.04.060: UTILITIES AND EASEMENTS

16.04.070: STORM DRAINAGE REQUIREMENTS

16.04.080: SUITABILITY REQUIREMENTS FOR SUBDIVISIONS

16.04.090: REDESIGN

16.04.100: COMPLETION OF DEVELOPMENT IMPROVEMENTS

16.04.110: IMPROVEMENT SURETY

16.04.120 : COORDINATION WITH MUNICIPALITIES AND OTHER SERVICE PROVIDERS

16.04.010: SUBDIVISION LAYOUT

A. The subdivision layout shall conform to the Cache countywide comprehensive plan, this title, and all other requirements of state code and this code.

B. Where trees, groves, waterways, scenic points, historic spots or other county assets and landmarks, as determined by the land use authority, are located within a proposed subdivision, every practical means shall be provided to preserve these features. Staff may provide recommendations from qualified organizations to aid in the determination of these features.

C. Whenever a tract to be subdivided adjoins or embraces any part of an existing road as claimed by the county or a proposed road designated within the countywide comprehensive plan, such part of the public way shall be platted and dedicated to the county.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

16.04.020: COMMENCEMENT OF SITE DEVELOPMENT

The development services department shall have the authority to authorize the initiation of construction activities (altering the terrain or vegetation) on the proposed subdivision site. Any site development shall only commence after receiving all required permits and reviews and meeting the requirements of this title and this code.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

16.04.030: LOTS

A. All subdivisions shall result in the creation of lots which are developable and capable of being built upon with the exception of agricultural remainders. A subdivision shall not create lots which would make improvement impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewerage, or access grades, or other physical conditions.

B. All lots or parcels created by the subdivision shall have reasonable access as defined within this code.

C. The minimum area, dimensions, and density of all lots shall conform to the requirements of title 17 of this code for the zoning district in which the subdivision is located.

D. A lot shall not be divided by an incorporated town or county limit line. No permits shall be issued on any lot/parcel that is divided by a municipal jurisdictional line except for agricultural buildings.

E. Lot numbers shall begin with the number "1" and shall continue consecutively through the subdivision, with no omissions or duplications; no block designations shall be used.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

16.04.040: ROADS

- A. All roads shall be designed and constructed in accordance with the specifications found within title 12 of this code.
- B. Private roads shall be identified on the subdivision plat with the appropriate subdivision notes.
- C. Road patterns in the subdivision shall be in conformity with the most advantageous development of adjoining areas. The following principles shall be observed:
 - 1. Where appropriate to the design and terrain, proposed roads shall be continuous and in alignment with existing planned or platted roads with which they are to connect and based on the grid system common to Cache County. Where dead end roads are proposed, the land use authority may require that a road and/or right of way be extended to the subdivision boundary to provide road connectivity and access alternatives for current, proposed, and future development.
 - 2. Proposed roads shall intersect one another at right angles, or as near to as topography and other limiting factors of good design permit.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

16.04.050: PROTECTION STRIPS

Protection strips shall not be permitted under any circumstances, nor shall remnant parcels be permitted which may act as protection strips. A protection strip is any piece of ground created to inhibit access to a road, right of way, and/or easement as determined by the land use authority.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

16.04.060: UTILITIES AND EASEMENTS

Utility easements shall be provided within the subdivision as required for public utility purposes. Easements shall be dedicated along all front, rear, and side setbacks as deemed necessary by the Planning Commission and/or utility providers.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016; amd. Ord. 2020-02, - -2020)

16.04.070: STORM DRAINAGE REQUIREMENTS

All subdivision applications shall be required to meet all state and county stormwater permitting requirements.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

HISTORY

Amended by Ord. 2 023-37 on 12/5/2023

16.04.080: SUITABILITY REQUIREMENTS FOR SUBDIVISIONS

The following information is required as part of a subdivision review to establish the availability of basic services required to provide for the public health, safety, and welfare.

A. Water Requirements:

1. Domestic water rights are required for all subdivided lot(s) with the exception of subsection A1a of this section. The land use authority may also require culinary water systems on any subdivision. The required water rights shall be as approved by the State Division of Water Quality and in conformance with Utah Administrative Code R309-510.

a. Subdivisions may be approved with a single dry lot. Any dry lot approved shall be labeled clearly on the plat as "Dry Lot - Restricted for development until an approved domestic water right is provided." In addition to the plat notation, a certificate shall be recorded on each new dry lot created stating that the lot has been approved, but that domestic water shall be required prior to the issuance of a zoning clearance. The plat notation may be removed by the Director of Development Services upon evidence that an approved water right has been assigned to the lot.

2. If a water source being utilized for a lot is not located within that lot, appropriate easements and rights-of-way shall be provided and recorded with the plat, or at such time that development occurs.

3. The land use authority may require that secondary (irrigation) water rights for a subdivided lot(s) be established as a condition of any subdivision approval. The amount of water required shall be in conformance with Utah Administrative Code R309-510.

4. Any secondary water presented to fulfill the requirements of this title shall indicate the source of the water, proof of water rights, and the equivalent amount of acre feet.

B. Sewage Requirements:

1. Subdivision applications, proposing individual on-site wastewater disposal systems, shall include feasibility reports meeting the requirements of the Bear River Health Department or Utah Department of Environmental Quality, as applicable, for each lot proposed. All applicants for a subdivision where on site wastewater systems

are proposed shall provide a septic tank permit or septic tank feasibility letter from the applicable authority for the entire subdivision and/or each lot proposed. The minimum lot size, as determined in each base zoning district, may be increased as required to ensure that each lot will be able to provide adequate on-site sewer treatment.

2. If a subdivision requires that off-site facilities be provided, appropriate easements and rights-of-way shall be required. Additionally, any engineering, site studies, or other requirements by the health department shall be conditions of approval for the proposed subdivision.

3. Alternative sewage treatment may be required in conformance with section 17.10.050A4b.

C. Fire Control: A review provided by the Cache County Fire District identifying any items related to providing the proposed subdivision with adequate fire protection and suppression services including but not limited to:

1. Ability to meet the requirements of the International Fire Code;
2. Suitable equipment access based on the needs of the proposed use including but not limited to sufficient roadway improvements (minimum width, structural stability, turn-around capabilities, year round maintenance, and other legal requirements);
3. Access to suitable water supply for fire protection (water tenders, hydrants, storage tanks, or as otherwise required).

D. School Bus Service: A review provided by the Cache County School District, identifying any items related to the provision of school bus services.

E. Roads And Access: A review provided by the Development Services Department that identifies the following:

1. Basic layout of the existing road(s) proposed to service the subdivision.
2. A basic analysis, to the extent possible, outlining if the existing roads meet current standards as outlined within title 12.
3. A review of the existing maintenance efforts, both summer (pavement preservation versus grading) and winter (snow removal services).
4. Additional information that would impact access issues related to the proposed subdivision or the traveling public.

Alternatively, if the proposed subdivision is accessed directly from a state highway, an access permit as required by the state of Utah Department of Transportation shall be provided with the application materials. A UDOT review through the Cache Access Management Program shall be provided prior to Planning Commission review of the plat.

F. Solid Waste Disposal: If the proposed subdivision is located outside of the boundaries of Service Area #1, a garbage or refuse plan shall be provided for review by the Planning Commission.

G. Other Information And Materials: The Land Use Authority may require, with the reasons for such request being identified as either code requirements or items of concern as specified on the record, the applicant to provide additional information including but not limited to feasibility studies and/or evidence indicating suitability of the area for the proposed subdivision.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016; amd. Ord. 2020-02, - -2020)

16.04.090: REDESIGN

The Planning Commission may require that a subdivision be redesigned based on a recommendation from either staff or the Planning Commission. The redesign may be required based on either site constraints that may include, but are not limited to, topography, floodplain or waterways, historic or culturally significant elements, access issues, or other natural features. A redesign of a subdivision may also be required based on land use planning external to the site.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016; amd. Ord. 2020-02, - -2020)

16.04.100: COMPLETION OF DEVELOPMENT IMPROVEMENTS

A. Improvements: The Planning Commission may require on-site and off-site improvements as outlined within County Code or as otherwise determined necessary by the Land Use Authority based on the record as required to protect the public health, safety, and welfare.

B. No development shall be recorded until all of the conditions for approval have been met and all required improvements have been completed to the standards and specifications established by the county or other codes, laws, or regulations unless an improvement agreement is in place as defined by section 17.07.040. The following minimum requirements also apply:

1. Construction within the subdivision shall conform to all federal and state regulations.

2. Subdivision Improvement Plans and construction within the subdivision shall conform to the Cache County Ordinance and Manual of Roadway Design and Construction Standards.

C. Permits must be obtained for construction of the infrastructure facilities within the subdivision.

D. Issuance Of Permits: No permits for structures shall be issued within a development that has not completed all improvements and/or conditions. However, the Director of Development Services may, upon review of health, safety, and/or access concerns, issue permits for non-combustible construction only.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016; amd. Ord. 2020-02. - -2020)

HISTORY

Amended by Ord. 2 023-37 on 12/5/2023

16.04.110: IMPROVEMENT SURETY

A subdivider shall guarantee improvements in accordance with the following:

A. Completion of improvements before recordation. If an applicant desires to construct improvements as shown on approved subdivision Improvement Plans prior to recordation:

1. Recordation of the plat shall not occur until the improvements required in connection with the subdivision have been completed and accepted.
2. An applicant shall provide improvement surety of conditionally accepted improvements in a form acceptable to the County as shown in this Title in the following amount:
 - a. Ten percent of the total cost of all the required improvements shall be retained by the County during the 12-month (24-month if applicable) warranty period.

B. Recordation before completion of improvements. An applicant who desires to record any subdivision plat prior to the completion of subdivision improvements shall provide a financial guarantee for the completion of the improvements.

C. Authorization To Accept Surety: The Public Works is authorized to accept improvement surety to the completion of improvements and/or conditions imposed by ordinance or by a land use authority.

D. Acceptable Types Of Surety: The following types of improvement surety reflecting one hundred ten percent (110%) of the average of the bid estimates may be accepted:

1. Irrevocable letter of credit issued by a federally insured financial institution.
2. Performance bond issued by a financial institution, insurance company, or surety company with an A.M. Best rating of not less than A-:IX.

E. Estimating The Cost Of Improvements:

1. The developer shall present the county with a firm construction bid for the improvements and/or conditions to be addressed. The bid must be valid for a reasonable period of time from the date of the bid.
2. The bid shall be reviewed by the director or the director's designee prior to acceptance.

3. Upon the director's approval of the bid amount, the developer may provide improvement surety of not less than one hundred ten percent (110%) of the bid amount.

4. If the director does not accept the bid, the developer shall obtain an additional firm bid for the work to be secured with prices valid for at least six (6) months. The county shall accept the average of the two (2) submitted bids as the base amount for improvement security.

F. Completion Of Improvements: As applicable, improvements as identified in the Subdivision Improvement Plans must be completed three (3) months prior to the expiration of the improvement surety or said surety shall be required to be extended.

G. Inspection: Upon completion of improvements, the county will inspect said facilities to ensure conformance with all requirements and accept the facilities based on said conformance. Upon acceptance of the improvements, the county shall retain ten percent (10%) of the bond amount for a period of not less than one year and no longer than allowed by state code.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

HISTORY

Amended by Ord. 2 023-37 on 12/5/2023

16.04.120: COORDINATION WITH MUNICIPALITIES AND OTHER SERVICE PROVIDERS

A. Cache County fully supports access management along all state roads and shall work with all applicants of subdivisions through the Cache access management policy to work with the Utah department of transportation to coordinate access, capaCounty, and safety issues.

B. Cache County will work fully with applicants of subdivisions and adjacent/nearby municipalities to ensure that the information is available to applicants and the municipalities in terms of service provision, development, and annexation in conformance with this title, the land use ordinance, and state code section 10.2, part 4, annexation.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

HISTORY

Amended by Ord. 2 023-37 on 12/5/2023

4. Amends and Supersedes

This ordinance amends and supersedes applicable portions of Title 16 of the Cache County Code, and supersedes all other prior ordinances, resolutions, policies, and actions of the County Legislative Body of Cache County to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

5. Effect

The ordinance amendments will take effect on **November 1, 2024** to coincide with the effective date of HB 476. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

Approved and Adopted this _____ day of _____, 2024.

	In Favor	Against	Abstained	Absent
Beus				
Erickson				
Goodlander				
Gunnell				
Hurd				
Tidwell				
Ward				
Total				

Cache County Council:

Attest:

David Erickson, Chair
Cache County Council

David Benson
Cache County Clerk

Publication Date: _____, 2024

Action of the County Executive

Regarding Ordinance 2024-08

_____ Approve

_____ Disapprove (A Statement of Objection is attached)

David Zook, Executive
Cache County

_____ Date



Hold a Public Hearing

Ordinance 2024-05 – Quarter-In Ventures Property Rezone

Agenda request submitted by: Stephen Nelson, Director of Development Services –
Forwarded from the County Planning Commission

Assisting Department: Development Services

Requested Council meeting date: June 11, 2024

Agenda Item Language: Hold a public hearing on June 11, 2024, for Ordinance 2024-05 Quarter-In Ventures Property Rezone – A request to rezone 8.0 acres located at 1105 West 4400 South, near Hyrum, from the Agricultural (A10) Zone to the Commercial (C) Zone.

Action: Planning Commission – Recommendation of Approval (6-yea; 0-nay)

Background: A request to rezone 8.0 acres located at 1150 West 4400 South, near Hyrum, from the Agricultural (A10) Zone to the Commercial (C) Zone.

Fiscal Impact: N/A

Public Hearing Required: Rezone requests require a public hearing before the County Planning Commission (PC). This hearing was held on 2 May 2024 and their recommendation to approve the rezone was made on 2 May 2024.

No additional hearing is required under the requirements of the State Code, however, the Council has previously directed it is beneficial to rehear the public comment and hold an additional hearing before the Council.

See attached for additional information.

County Staff Presenter: Stephen Nelson, Director of Development Services

Presentation Time: 10 minutes.

County Staff Point of Contact: Angie Zetterquist, Planning Manager

Legal Review: N/A

Ord 2024-05
Quarter-In Ventures Property Rezone
Amending the Cache County Zoning Map by rezoning
8.0 acres of property from the Agricultural (A10) Zone
to the Commercial (C) Zone.

County Council action

Set a public hearing on 28 May 2024 to be held on June 11, 2024.

If approved, the rezone will take effect 15 days from the date of approval.

Planning Commission action

Denial (6-yea; 0-nay).

Public hearing held on May 2, 2024.

Conclusion: Based on the findings of fact noted [in the staff report], the Quarter-In Ventures Property Rezone is hereby recommended for approval to the County Council as follows:

1. The location of the subject property to be rezoned is compatible with future land use zoning:
 - a. The subject properties, and properties to the north and east, are identified on the Future Land Use Map for Cache County as an “Urban Expansion Overlay” area and on the Nibley City Future Land Use Map as “Commercial & Medium to High Density Residential”;
 - b. Properties to the west are of the subject properties are identified as an industrial area on the Nibley City Future Land Use Map and as “Urban Expansion Overlay” area on the Cache County Future Land Use Map adopted as part of the General Plan.
2. The location of the subject property to be rezoned is compatible with the purpose of the Commercial (C) Zone.

Staff Report review by Development Services Director

Stephen Nelson

Staff Report by County Planner

Conner Smith

General Description

This ordinance amends the County Zoning Map by rezoning 8.0 acres from the Agricultural (A10) Zone to the Commercial (C) Zone.

Additional review materials included as part of Exhibit A

Staff Report to Planning Commission - revised

Staff Report: Quarter-In Ventures LLC Rezone

2 May 2024

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

Agent: Steve D. Wood

Parcel ID#: 03-059-0007, 03-059-0008

Staff Recommendation: None

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

Reviewed by Conner Smith

Project Address:

1105 West 4400 South

Hyrum

Acres: 8.0

Current Zoning:

Agricultural (A10)

Proposed Zoning:

Commercial (C)

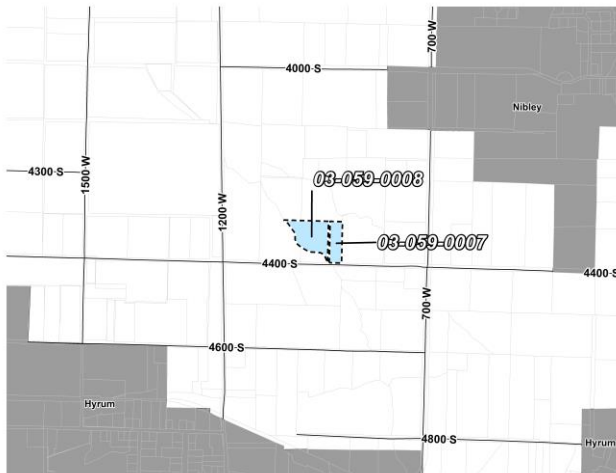
Surrounding Uses:

North – Agricultural

South – Agricultural

East – Agricultural

West – Agricultural



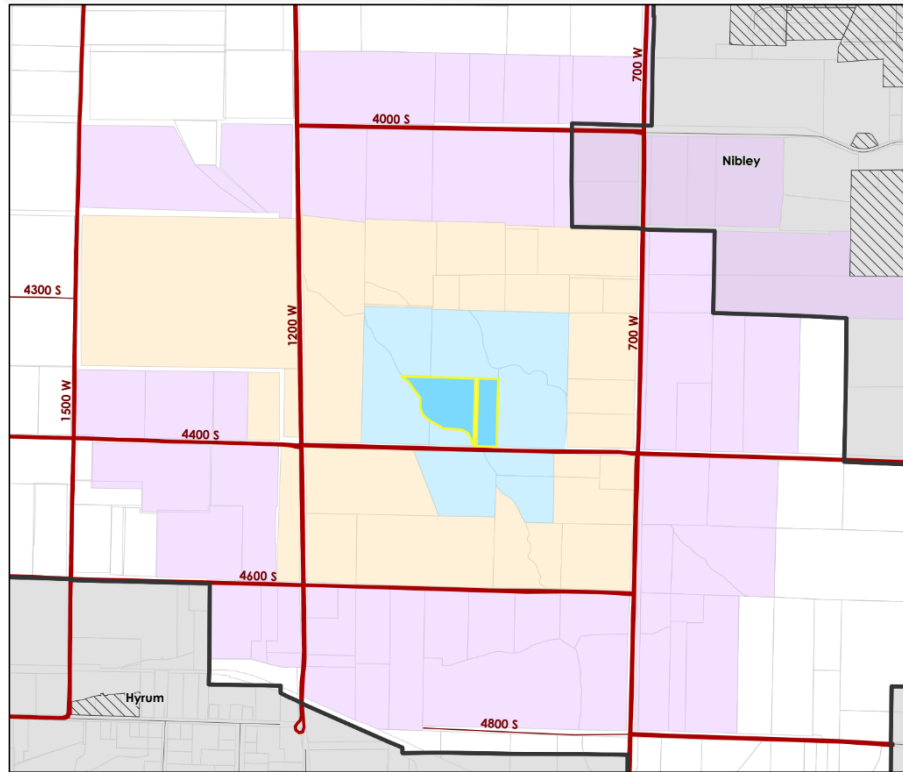
Findings of Fact

A. Request description

1. A request to rezone 8.0 acres from the Agricultural (A10) Zone to the Commercial (C) Zone.
2. This rezone may allow the parcel to establish uses permitted in the Commercial (C) Zone. A rezone request is general in nature and is not tied to any proposed use. Any impacts related to permitted and conditional uses allowed within the Commercial Zone will be addressed as part of each respective approval process required prior to site development activities.
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map (Attachment A) and in the following text:

a. Land Use Context:

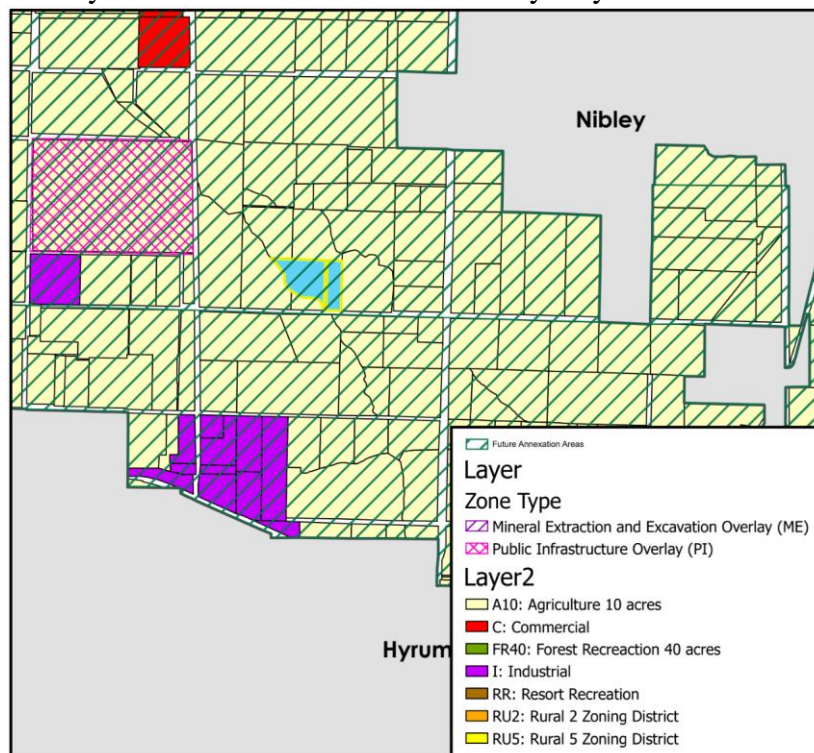
- i. Parcel status: The subject property is legal as it in the same size and configuration since August 8, 2006.
- ii. Average Lot Size: (See Attachment A)



Average Parcel Size	
Adjacent Parcels	Without a Home: 7 Acres (11 Parcels)
1/4 Mile Buffer	Without a Home: 8.5 Acres (41 Parcels)
1/2 Mile Buffer	Without a Home: 8.4 Acres (93 Parcels) Without a Home in Nibley: 10 (8 Parcels)

- iii. Schedule of Zoning Uses: The Commercial (C) Zone allows for a variety of uses with the approval of a zoning clearance and/or conditional use permit, including the following uses, that are not permitted in the current Agricultural (A10) Zone:
 - Commercial Business
 - Campground
 - Commercial Kennel/Animal Shelter
 - Self Service Storage Facility
 - General Vehicle Repair
 - Medical Services/Facilities
 - Human Care Services
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- Educational Facility
 - Telecommunications Facility, Major
 - Telecommunications Facility, Minor
 - Private Airport
- iv. Adjacent Uses: The properties adjacent to the subject parcel to the north, east, south, and west are primarily used for agricultural purposes. The nearest parcels in the Commercial (C) Zone are located north of the subject parcel at 9339 S. 1200 W. (between a ½ and ¾ mile north of the subject parcel).
- South Cache Storage LLC
 - i. Rezone approved in 2007 under Ordinance 2007-12.
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- The nearest parcels in the Industrial Zone located south and west of the parcel at 4650 S. 1200 W., Hyrum and 1440 W. 4400 S., Hyrum.
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 - i. Rezone approved in 1983 under Ordinances 83-4, 83-5, 83-6.
 - ii. Has active Conditional Use Permit.
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- v. Annexation Areas: The subject properties are located within both the Nibley City and Hyrum City future annexation areas. The property is located 0.51 miles away from Hyrum City limits and 0.31 miles from Nibley City limits.



- The Nibley Future Land Use Map, an appendix to the Nibley City General Plan, marks this location as “Commercial and Medium to High Density Residential”.
- Hyrum City has no Future Land Use Map.
- Both Nibley City and the Cache County Trails and Active Transportation Master Plan show a future trail going through these parcels.

B. Ordinance—§12.02.010, §17.02.060; §17.08.030 [E]

4. As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
5. The current County Land Use Ordinance does not specify appropriate locations for the Commercial (C) Zone but does contain general guidelines for its implementation. County Land Use Ordinance §17.08.030 [E] identifies the purpose of the Commercial Zone and includes the following:
 - a. “To provide compatible locations for retail, office, and business/commerce activities, to enhance employment opportunities, to encourage the efficient use of land, to enhance, property values, and to strengthen the county’s tax base.
 - b. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.”
6. The future land use map (Attachment B) adopted as part of the Cache County General Plan identifies the area where the subject property is located as “Urban Expansion Overlay.” *Cache County General Plan, Chapter 4, Page 29.*

CHAPTER 4: FUTURE LAND USE PLAN

The use of land is one of the most important and fundamental values for landowners, residents, civic leaders, and elected officials. This determines—in large measure—the future of Cache County. The Future Land Use Map represents the County’s collective vision of our desired future. It conveys the patterns and priorities of economic development and community character, the locations of neighborhoods and industries, and the preservation of natural, agricultural, and rural landscapes.

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URBAN EXPANSION OVERLAY

Location:	Adjacent to city/town limits within municipal annexation policy areas, where future development could be accommodated with urban-level services. As communities may provide additional information, these reference areas may be updated on the Future Land Use Map without an adopted amendment to reflect the probable expansion of services within a 10 to 20 year timeframe.
Example Areas:	<ul style="list-style-type: none"> • Unincorporated enclaves between or within cities.
Purpose and Character:	<p>To provide for unified municipal growth that aligns with the municipal land use plan in an approved annexation policy area with an approved County Intergovernmental Agreement. If developed, these areas would need to be annexed into the neighboring community which would facilitate service provision.</p> <p>The following criteria must be met for these areas:</p> <ul style="list-style-type: none"> • Accommodate 20-year growth projections • Plan for urban-level densities, intensities • Meet urban design standards • Connect with water and sewer providers, and urban streets • Urban services provided by the County are minimized
Preferred Land Uses:	Annexations within these areas should strive to accomplish the densities, intensities, and street patterns contained in the municipal land use plan. New uses should be developed where urban-level infrastructure is available. Affordable housing options are also appropriate in this area.
Secondary Land Uses:	<ul style="list-style-type: none"> • Civic (meeting spaces) • Residential Support Uses (e.g. parks, medical, schools, fire and police stations)
Discouraged Uses:	<ul style="list-style-type: none"> • Uses that are not consistent with the municipal general plan or existing county zoning.

7. Consideration of impacts related to uses allowed within the Commercial (C) Zone will be addressed as part of each respective approval process required prior to site development activities.

C. Access—16.04.040 [A], 16.04.080 [E], Road Manual

8. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.
9. §16.02.010 Standards and Lot Size – All subdivisions must meet the minimum lot and development standards as outlined in each base zone of the Cache County Zoning Ordinance and within this title.
10. Table 17.10.040 Site Development Standards – Minimum lot frontage required in the Commercial Zone is 150 feet.
11. §17.07.040 General Definitions – Lot/Parcel Frontage: that portion of a development site that abuts a public or private roadway. For the purposes of determining setback requirements on corner lots, all sides of a lot adjacent to a roadway shall be considered frontage
12. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
13. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).

14. The Road Manual specifies the following:

- a.** §2.1 Roadway Functional Classification – Major Collector (MC): Major collector roads serve larger towns and other traffic generators of equivalent inter-county importance, such as schools, shipping points, and county parks, which are not directly served by minor arterial roads.
- b.** §2.1 Roadway Functional Classification – Major Local Road (ML): Major local roads serve a dual function of providing access to properties that abut the road as well as providing through or connection service between higher road classification facilities. Major local roads may have significant local continuity and may operate at relatively high speeds. Because of the possibility of through traffic, a meaningful segment of traffic on major local roads may include drivers who are unfamiliar with the roads. Traffic on major local roads is largely composed of passenger vehicles or other smaller vehicle types. Where a significant proportion of traffic is trucks or other heavy vehicles, additional design considerations will be required.

15. A basic review of the access to the subject property identifies the following:

- a.** Primary access to the subject property is 4400 S.

16. 4400 South – County Road:

- a.** South of the subject parcel, 4400 South is a County road classified as a Major Collector.
- b.** Provides access from SR-165 between Nibley and Hyrum to properties in between the two cities and extends to the west end of Hyrum.
- c.** The road services commercial properties, industrial properties, and agricultural lands.
- d.** Has a 66-foot- right-of-way, an unpaved width of 20 feet, and a posted speed limit of 55 mph.
- e.** Is maintained year round by the County.
- f.** Is considered substandard as to travel lanes, paved shoulder, gravel shoulder, clear zone, and material.
- g.** Any new access points must meet the minimum standards for a Major Collector, which is a minimum of 200 feet spacing between driveways and 350 feet spacing between public or private roads.
- h.** The County's transportation plan is for 4400 South to have 12-foot wide travel lanes, wide shoulders, and a paved width of 24 feet.

Analysis of Existing Roadway - Along Frontage

Roadway Element	Existing Width (ft)	Required Width (ft)	Comments or Findings
Travel Lanes	20	24 (20)	Substandard
Right-of-Way	66	80 (66)	OK
Paved Shoulder	0	4 (2)	Substandard
Gravel Shoulder	1 to 2	4 (4)	Substandard
Clear Zone (4:1)	2 to 14	14 (14)	Substandard
Material	Gravel	Paved (Paved)	Substandard
Structural			Base is visually OK

* Road is classified as a Major Collector but would only be required to meet a Major Local road standard. Major Local road requirements are given in parenthesis.

Access Management

Classification	Min. Spacing Standard (ft)		
	Public/Private Roads	Commercial	Residential/Farm Access
Major Collector	350	200	200

Driveways for all uses except single family homes shall not be closer than eight (8) feet to an adjacent interior property line. Single family homes may be granted with two (2) feet of the property line.



D. Service Provisions:

17. §16.04.080 [C] Fire Control – The County Fire District will require an adequate on-site water supply and fire department access for future development in the Commercial (C) Zone.
18. §16.04.080 [F] Solid Waste Disposal – Applicant must work with Waste Management for solid waste disposal.

E. Public Notice and Comment—§17.02.040 Notice of Meetings

19. Public notice was posted online to the Utah Public Notice Website on 22 April 2024.
20. Notices were posted in three public places on 22 April 2024.
21. Notices were mailed to all property owners within 300 feet on 19 April 2024.
22. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

Planning Commission Conclusion

Based on the findings of fact noted herein, the Quarter-In Ventures LLC rezone is hereby recommended for approval to the County Council as follows:

1. The location of the subject property to be rezoned is compatible with future land use zoning:
 - a. The subject properties, and properties to the north and east, are identified on the Future Land Use Map for Cache County as an “Urban Expansion Overlay” area and on the Nibley City Future Land Use Map as “Commercial & Medium to High Density Residential”;
 - b. Properties to the west of the subject properties are identified as an industrial area on the Nibley City Future Land Use Map and as “Urban Expansion Overlay” area on the Cache County Future Land Use Map adopted as part of the General Plan.
2. The location of the subject property to be rezoned is compatible with the purpose of the Commercial (C) Zone.

Ordinance No. 2024-05
Cache County, Utah
Quarter-In Ventures Property Rezone

An ordinance amending the County Zoning Map by rezoning 8.0 acres of property from the Agricultural (A10) Zone to the Commercial (C) Zone.

Whereas, the “County Land Use Development and Management Act,” Utah Code Ann. §17-27a-101 et seq., as amended (the “Act”), provides that each county may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

Whereas, pursuant to the Act, the County’s Planning Commission (the “Planning Commission”) shall prepare and recommend to the county’s legislative body, following a public hearing, a proposed land use ordinance and a zoning map, or amendments thereto, that represent the Planning Commission’s recommendations for zoning the area within the county; and

Whereas, the Planning Commission caused notice of a public hearing for the rezone to be posted at least ten (10) days before the date of the public hearing; and

Whereas, on May 2, 2024, the Planning Commission held a public hearing, accepted all comments, and accepted all comments, and recommended the approval of the proposed amendments to the County Council for final action; and

Whereas, the Act also provides certain procedures for the county legislative body to adopt or reject amendments to the land use ordinance and zoning map for the county; and

Whereas, following proper notice, the County Council held a public hearing on June 11, 2024, to consider any comments regarding the proposed rezone. The County Council accepted all comments; and

Whereas, the Cache County Council has determined that it is both necessary and appropriate for the County to amend and implement this ordinance.

Now, therefore, the County Legislative Body of Cache County ordains as follows:

1. Statutory Authority

The statutory authority for enacting this ordinance is Utah Code Annotated Sections 17-27a Part 1 and Part 3, and 17-53 part 2(1953, as amended to date).

2. Adoption of amended Zoning Map

The County Council hereby amends the County’s Zoning Map to reflect the rezone of the property affected by this ordinance and hereby adopts the amended Zoning Map with the amendment identified as Exhibit B, of which a detailed digital or paper copy is available in the Development Services Department.

3. Conclusions

- A.** The location of the subject property is compatible with future land use zoning:
 - i. The subject properties, and properties to the north and east, are identified on the Future Land Use Map for Cache County as an “Urban Expansion Overlay” area and on the Nibley City Future Land Use as “Commercial & Medium to high Density Residential”;
 - ii. Properties to the west of the subject properties are identified as an industrial area on the Nibley City Future Land Use Map and as “Urban Expansion Overlay” area on the Cache County Future Land Use Map adopted as part of the General Plan.
- B.** The location of the subject property to be rezoned is compatible with the purpose of the Commercial (C) Zone.

4. Prior ordinances, resolutions, policies, and actions superseded

This ordinance amends and supersedes the Zoning Map of Cache County, and all prior ordinances, resolutions, policies, and actions of the Cache County Council to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

5. Exhibits

- A.** Exhibit A: Rezone summary and information
- B.** Exhibit B: Zoning Map of Cache County showing affected portion.

6. Effective date

This ordinance takes effect on _____, 2024. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

7. Council Vote and Final Action

Date: ____ / ____ / ____	<u>Council Votes</u>			
<u>Council members</u>	In Favor	Against	Abstain	Absent
Kathryn Beus				
Dave Erickson				
Sandi Goodlander				
Nolan Gunnell				
Mark Hurd				
Barbara Tidwell				
Karl Ward				
Total:				
Final action:	_____ Adopt _____ Reject			

Cache County Council:

Attest:

Dave Erickson, Chair_____
Bryson Behm, Clerk
Cache County

Action of the County Executive

Regarding Ordinance 2024-05, the Quarter-In Ventures Property Rezone

_____ Approve

_____ Disapprove (A Statement of Objection is attached)

David Zook, Executive
Cache County

Date

Ord 2024-05
Quarter-In Ventures Property Rezone
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8.0 acres of property from the Agricultural (A10) Zone
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County Council action

Hold a public hearing on June 11, 2024.

If approved, the rezone will take effect 15 days from the date of approval.

Planning Commission action

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Public hearing held on May 2, 2024.

Conclusion: Based on the findings of fact noted [in the staff report], the Quarter-In Ventures Property Rezone is hereby recommended for approval to the County Council as follows:

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Stephen Nelson

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Agent: Steve D. Wood

Parcel ID#: 03-059-0007, 03-059-0008

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Type of Action: Legislative

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Reviewed by Conner Smith

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Acres: 8.0

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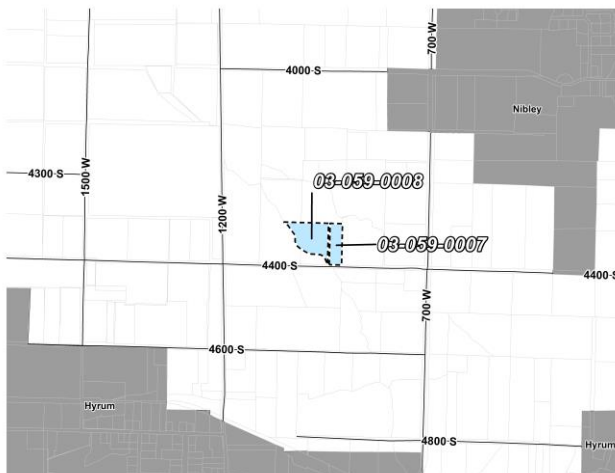
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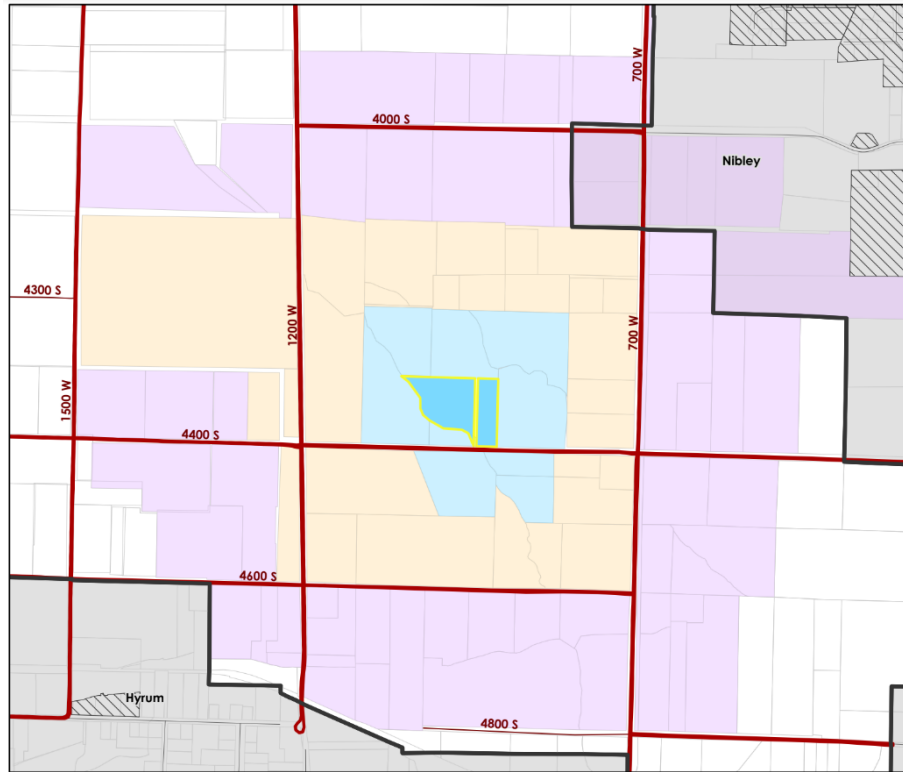
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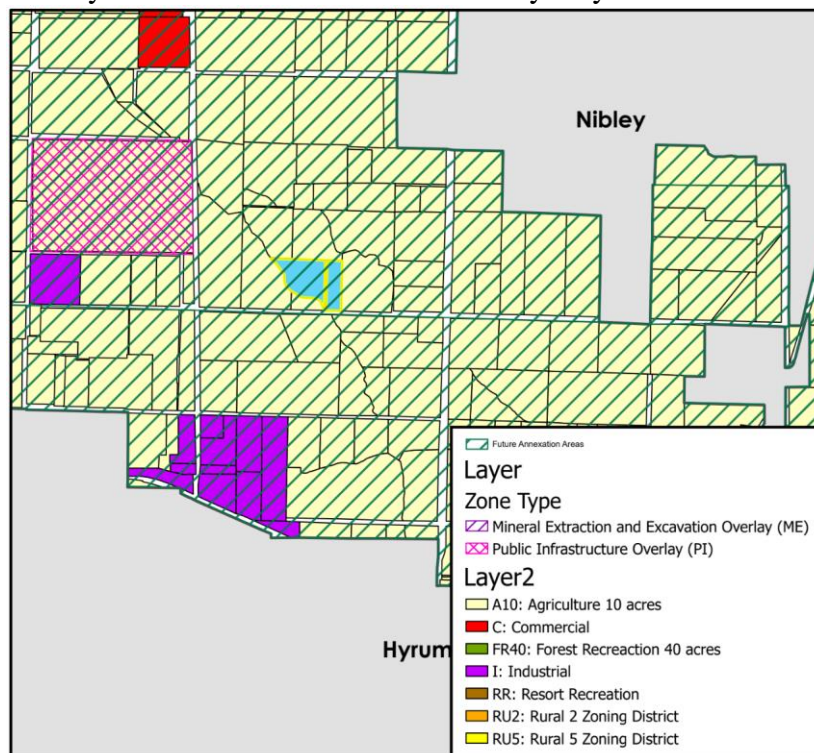
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14. The Road Manual specifies the following:

- a.** §2.1 Roadway Functional Classification – Major Collector (MC): Major collector roads serve larger towns and other traffic generators of equivalent inter-county importance, such as schools, shipping points, and county parks, which are not directly served by minor arterial roads.
- b.** §2.1 Roadway Functional Classification – Major Local Road (ML): Major local roads serve a dual function of providing access to properties that abut the road as well as providing through or connection service between higher road classification facilities. Major local roads may have significant local continuity and may operate at relatively high speeds. Because of the possibility of through traffic, a meaningful segment of traffic on major local roads may include drivers who are unfamiliar with the roads. Traffic on major local roads is largely composed of passenger vehicles or other smaller vehicle types. Where a significant proportion of traffic is trucks or other heavy vehicles, additional design considerations will be required.

15. A basic review of the access to the subject property identifies the following:

- a.** Primary access to the subject property is 4400 S.

16. 4400 South – County Road:

- a.** South of the subject parcel, 4400 South is a County road classified as a Major Collector.
- b.** Provides access from SR-165 between Nibley and Hyrum to properties in between the two cities and extends to the west end of Hyrum.
- c.** The road services commercial properties, industrial properties, and agricultural lands.
- d.** Has a 66-foot- right-of-way, an unpaved width of 20 feet, and a posted speed limit of 55 mph.
- e.** Is maintained year round by the County.
- f.** Is considered substandard as to travel lanes, paved shoulder, gravel shoulder, clear zone, and material.
- g.** Any new access points must meet the minimum standards for a Major Collector, which is a minimum of 200 feet spacing between driveways and 350 feet spacing between public or private roads.
- h.** The County's transportation plan is for 4400 South to have 12-foot wide travel lanes, wide shoulders, and a paved width of 24 feet.

Analysis of Existing Roadway - Along Frontage

Roadway Element	Existing Width (ft)	Required Width (ft)	Comments or Findings
Travel Lanes	20	24 (20)	Substandard
Right-of-Way	66	80 (66)	OK
Paved Shoulder	0	4 (2)	Substandard
Gravel Shoulder	1 to 2	4 (4)	Substandard
Clear Zone (4:1)	2 to 14	14 (14)	Substandard
Material	Gravel	Paved (Paved)	Substandard
Structural			Base is visually OK

* Road is classified as a Major Collector but would only be required to meet a Major Local road standard. Major Local road requirements are given in parenthesis.

Access Management

Classification	Min. Spacing Standard (ft)		
	Public/Private Roads	Commercial	Residential/Farm Access
Major Collector	350	200	200

Driveways for all uses except single family homes shall not be closer than eight (8) feet to an adjacent interior property line. Single family homes may be granted with two (2) feet of the property line.



D. Service Provisions:

17. §16.04.080 [C] Fire Control – The County Fire District will require an adequate on-site water supply and fire department access for future development in the Commercial (C) Zone.
18. §16.04.080 [F] Solid Waste Disposal – Applicant must work with Waste Management for solid waste disposal.

E. Public Notice and Comment—§17.02.040 Notice of Meetings

19. Public notice was posted online to the Utah Public Notice Website on 22 April 2024.
20. Notices were posted in three public places on 22 April 2024.
21. Notices were mailed to all property owners within 300 feet on 19 April 2024.
22. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

Planning Commission Conclusion

Based on the findings of fact noted herein, the Quarter-In Ventures LLC rezone is hereby recommended for approval to the County Council as follows:

1. The location of the subject property to be rezoned is compatible with future land use zoning:
 - a. The subject properties, and properties to the north and east, are identified on the Future Land Use Map for Cache County as an “Urban Expansion Overlay” area and on the Nibley City Future Land Use Map as “Commercial & Medium to High Density Residential”;
 - b. Properties to the west of the subject properties are identified as an industrial area on the Nibley City Future Land Use Map and as “Urban Expansion Overlay” area on the Cache County Future Land Use Map adopted as part of the General Plan.
2. The location of the subject property to be rezoned is compatible with the purpose of the Commercial (C) Zone.

Exhibit B: Ordinance 2024-05

Zoning Map of Cache County – Affected Portion
Quarter-In Ventures Property Rezone



The following legal description reflects the noted properties above to be rezoned from Agricultural (A10) to Commercial (C):

03-059-0007

BEG AT SE COR OF LOT 3 BLK 17 PLAT A HYRUM FARM SVY IN SEC 32 T 11N R 1E & TH N 88*22' W 3 CHS TH N 1*20' E 10 CHS TH S 88*22' E 3 CHS TH S 1*20' W 10 CHS TO BEG 3 AC

03-059-0008

BEG ON A SLOUGH 4.30 CHS & N 88*22' W OF NW COR OF S/2 LOT 3 BLK 17 PLAT A HYRUM FARM SVY, S 88*22' E 10.90 CHS S 1*20' W 10 CHS NW'LY TO BEG CONT 5 AC NE/4 SEC 32 T 11N R 1E



**CACHE COUNTY
ORDINANCE NO. 2024 - 06**

**AN ORDINANCE AMENDING SECTION 3.48.020 OF THE CACHE COUNTY CODE
REGARDING GRANT RECORDS**

- (A) WHEREAS, it is unnecessary to maintain records amongst various offices, and there is a county-wide records retention system that can permit multiple offices to access the same records; and
- (B) WHEREAS, the County Clerk is in the best position to retain records and to access them under the Government Records Access and Management Act; and
- (C) WHEREAS, Cache County Code 2.20.040, states, “[t]he office of the county clerk shall have all the functions, responsibilities and powers provided by law[;]” and
- (D) WHEREAS, Utah State Code § 17-20-4(6), states, “[the] county clerk shall [...] keep other records and perform other duties as may be prescribed by law[;]” and
- (E) WHEREAS; the County Council may pass all ordinances and rules and make all regulations, not repugnant to law, necessary for carrying into effect or discharging its powers and duties pursuant to Utah Code § 17-53-223(1); and
- (F) WHEREAS, the Cache County Council Ordinance and Policy Review Committee approved this ordinance by a vote of 2-0-1,

NOW, THEREFORE, the County Legislative Body of Cache County ordains as follows:

SECTION 1

3.48.020: RECORDS

All grant documents, including executed copies of applications and contracts, shall be filed and maintained in the manner provided for contracts and contract documents in chapter 3.16 of this title in the Office of County Clerk with the Office of County Executive, the Office of County Auditor, and the Office of County Attorney all having access to filed copies.

SECTION 2

This ordinance takes effect fifteen (15) days following its passage and approval by the County Council.



CACHE COUNTY
ORDINANCE NO. 2024 - 06

PASSED AND APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH
THIS ____ DAY OF _____ 2024.

	In Favor	Against	Abstained	Absent
David Erickson				
Sandi Goodlander				
Nolan Gunnell				
Barbara Tidwell				
Karl Ward				
Mark Hurd				
Kathryn Beus				
Total				

CACHE COUNTY:

ATTEST:

By: _____
David L. Erickson, Chair

By: _____
Bryson Behm, County Clerk / Auditor

ACTION OF THE COUNTY EXECUTIVE:

____ Approved
____ Disapproved (written statement of objection attached)

By: _____
David Zook, County Executive

Date



CACHE COUNTY
ORDINANCE NO. 2024 - 06

EXHIBIT 1

The redline version of Cache County Code, Section 3.48.020, below, shows the proposed changes to that chapter:

3.48.020: RECORDS

All grant documents, including executed copies of applications and contracts, shall be filed and maintained in the manner provided for contracts and contract documents in chapter 3.16 of this title in the Office of ~~the~~ County Clerk with ~~the Office of County Executive, the Office of County Auditor, and the Office of County Attorney~~ all having access to filed copies. ~~being filed in addition in the office of the county executive, county auditor and county attorney.~~

(Ord. 90-16; amd. Ord. 96-01, amd. Ord. 24-06)



**CACHE COUNTY
ORDINANCE NO. 2024 - 07**

**AN ORDINANCE AMENDING SECTION 5.08.040 RELATING TO LOCAL CONSENT
FOR SINGLE EVENT OR TEMPORARY BEER EVENT PERMITS**

- (A) WHEREAS, the County Council may pass all ordinances and rules and make all regulations, not repugnant to law, necessary for carrying into effect or discharging its powers and duties pursuant to Utah Code § 17-53-223(1);
- (C) WHEREAS, state law leaves many issues regarding the regulation of alcoholic beverages to local decision and control; and
- (D) WHEREAS, the County has an interest in promoting economic activity and development in the County; and
- (E) WHEREAS, the Cache County Council finds that this ordinance is in the best interest of Cache County and its citizens; and
- (F) WHEREAS, the Cache County Council Ordinance and Policy Review Committee approved this ordinance by a vote of 2-0-1,

NOW, THEREFORE, the County Legislative Body of Cache County ordains as follows:

SECTION 1:

Cache County Code 5.08.040 is amended to read as follows, with a redline version attached as **Exhibit A:**

5.08.040 LOCAL CONSENT PERMITTED ONLY FOR DESIGNATED LICENSES, PERMITS, AND PACKAGE AGENCIES

- (A) The County may give local consent only for the issuance of the following state licenses, permits, and package agencies:
 - (1) a Winery Manufacturing License under Utah Code sections 32B-11-101 to -303, as amended from time to time;
 - (2) a Type 5 Package Agency under Utah Code sections 32B-2-601 to -607, as amended from time to time, and Utah Admin. Code R82-2-301; and
 - (3) a Single Event Permit or a Temporary Beer Event Permit under Utah Code sections 32B-9-101 to -406, as amended from time to time.



Section 2:

This ordinance will take effect 15 days following its passage and approval by the County Council.

PASSED AND APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH
THIS ____ DAY OF _____ 2024.

	In Favor	Against	Abstained	Absent
Sandi Goodlander				
David Erickson				
Nolan P. Gunnell				
Barbara Tidwell				
Karl Ward				
Mark Hurd				
Kathryn Beus				
Total				

CACHE COUNTY:

ATTEST:

By: _____
David L. Erickson, Chairman

By: _____
Bryson Behm, County Clerk

ACTION OF THE COUNTY EXECUTIVE:

____ Approved
____ Disapproved (written statement of objection attached)

By: _____
David Zook, County Executive

Date



EXHIBIT A

The redline version of the proposed amendments to Cache County Code 5.08.040 is provided below:

5.08.040 LOCAL CONSENT PERMITTED ONLY FOR DESIGNATED LICENSES, PERMITS, AND PACKAGE AGENCIES

- (B) The County may give local consent only for the issuance of the following state licenses, permits, and ~~or~~ package agencies:
- (1) a Winery Manufacturing License under Utah Code sections 32B-11-101 to -303, as amended from time to time;
 - (2) a Type 5 Package Agency under Utah Code sections 32B-2-601 to -607, as amended from time to time, and Utah Admin. Code R82-2-301; and
 - (3) a Single Event Permit or a Temporary Beer Event Permit under Utah Code sections 32B-9-101 to -406, as amended from time to time.



**CACHE COUNTY
RESOLUTION NO. 2024 - 12**

**A RESOLUTION APPROVING THE COOPER WELLSVILLE ROUND ONE OPEN
SPACE APPLICATION**

- (A) WHEREAS, the 2022 Cache County voter-approved General Obligation Bond authorizing a principal amount not to exceed twenty million dollars (\$20,000,000) to protect scenic vistas, preserve open lands near valley gateways, add trails and trail connectivity, and maintain agriculture, waterways, and wildlife habitat within Cache County; and
- (B) WHEREAS, Cache County Council adopted Ordinance 2023-06, creating code section 2.76 and establishing the Cache Open Space Advisory Committee; and
- (C) WHEREAS, the Cache Open Space Advisory Committee has reviewed the Cooper Wellsville Open Space Application, scored it according to the approved scoring criteria, and recommended the County Council approve the Cooper Wellsville Open Space Application to move to the second application phase; and
- (D) WHEREAS, Cache County Council has found that the application meets many of the goals established in the General Obligation Open Space Bond.

NOW, THEREFORE, the County Legislative Body of Cache County resolves as follows:

The County Council approves the Cooper Wellsville Open Space Round One Application (Exhibit A), allowing the applicant to proceed to the second review round.

PASSED AND APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH
THIS ____ DAY OF _____ 2024.

	In Favor	Against	Abstained	Absent
David Erickson				
Sandi Goodlander				
Nolan Gunnell				
Barbara Tidwell				
Karl Ward				
Mark Hurd				
Kathryn Beus				
Total				



CACHE COUNTY
RESOLUTION NO. 2024 - 12

CACHE COUNTY:

ATTEST:

By: _____
David L. Erickson, Chair

By: _____
Bryson Behm, County Clerk



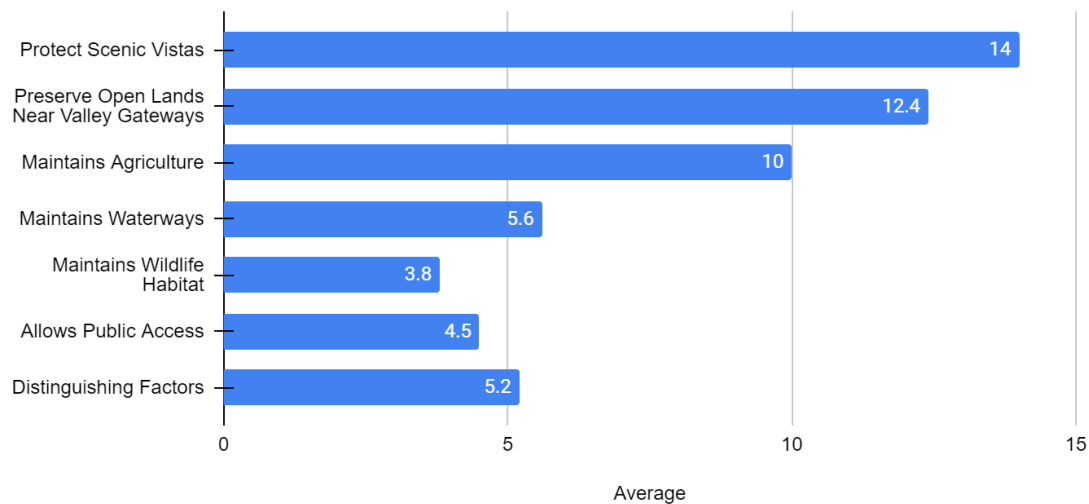
CACHE COUNTY
RESOLUTION NO. 2024 - 12

EXHIBIT A
Cooper Wellsville Open Space Application

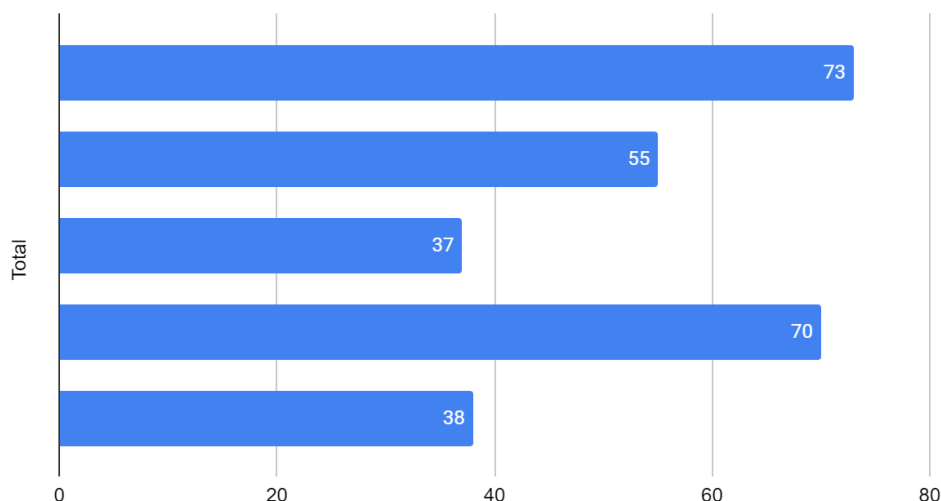
COSAC Recommendation

Recommend the County Council approve the Cooper Wellsville Open Space Application to move to the second application phase. Public access was not resolved within this application but the land owner is willing to consider. Conservation easement should not preclude a future trail. The Council should note that the property adjacent to the north may be considered in the future, which would add additional farmland. This property is also contiguous to Wellsville City's open space and parks.

Average Score



Total Score By Member





**Development Services
Department**
Building | GIS | Planning

	Protect Scenic Vistas	Preserve Open Lands Near Valley Gateway s	Maintains Agricultur e	Maintai ns Waterw ays	Maintains Wildlife Habitat	Allows Public Access	Distinguish ing Factors	
Kendra Penry	15	15	12	8	7	10	6	
Brent Thomas	15	12	10	5	5	3	5	
Clair Ellis	12	5	8	5	2		5	Need to see the public access plan to score that category.
Christopher Sands	15	15	10	10	5	5	10	This project can be an important catalyst for farmland conservation within our primary gateway entry into the valley.
Eric Eliason	13	15	10	0	0	0	0	



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 11, 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, containing 20 acres, and a sizeable 160-acre parcel is located on the bench near the old Sardine Canyon roadway in the Mt. Sterling area. COSAC has made a positive recommendation for the two properties within Wellsville but is still considering the property within the Mt. Sterling area.

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

Purpose of Proposed Conservation Easement

The applicant has proposed applying for funds to place a conservation easement on listed properties, which are currently being farmed with water access and rights.

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. It is not anticipated that an application will score high in every category. Staff reviewed the properties and provided the following for each item.

Protect Scenic Vistas

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

Preserve Open Lands Near Valley Gateways

These two parcels are located within the Wellsville Canyon Gateway, as reviewed by COSAC. These properties have 1070 feet of frontage along US 89/91.



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

Maintain Agriculture

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 is 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 subdivision amendments. This property is within Wellsville, and their code governs whether it could be further developed.

Maintain Waterways

The property has a natural waterway, the Hawbush Canal, that goes through it. According to the applicant, this waterway frequently has water year-round and is drainage from the mountains around the Wellsville Canyon area. However, no known wetlands are on the property (see attached map).

Maintains Wildlife Habitat

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

Allows Public Access

The applicant has indicated, “Possibly, we currently allow hunting by permission (referring to the Mt. Sterling 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, but will likely be placed in the right-of-way.

**Distinguishing Factors**

Staff is currently unaware of additional factors for consideration.

Partnering Organizations

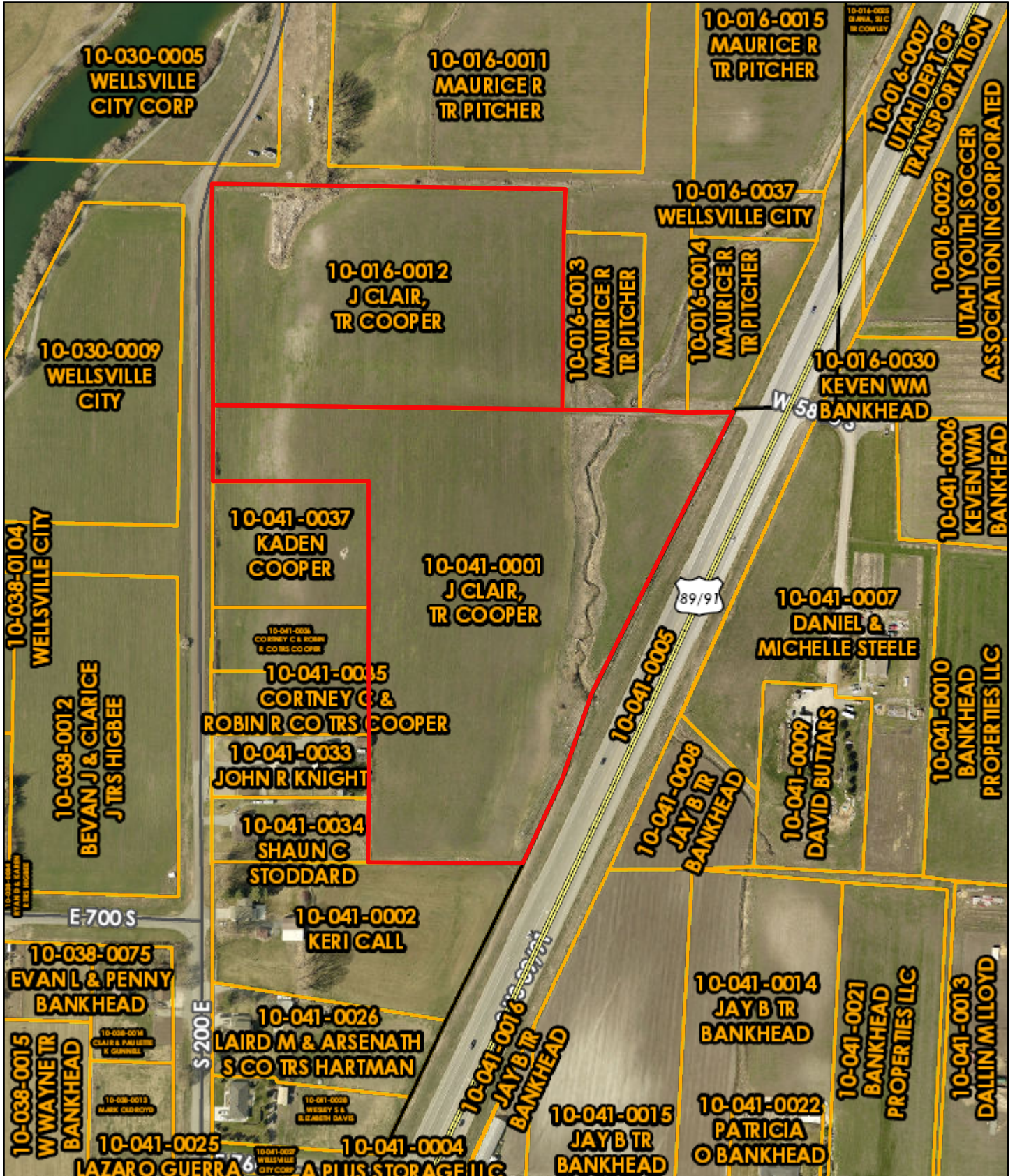
There are no additional partnering organizations as of the time of this report. Staff has sent the application to Wellsville for their review and feedback.



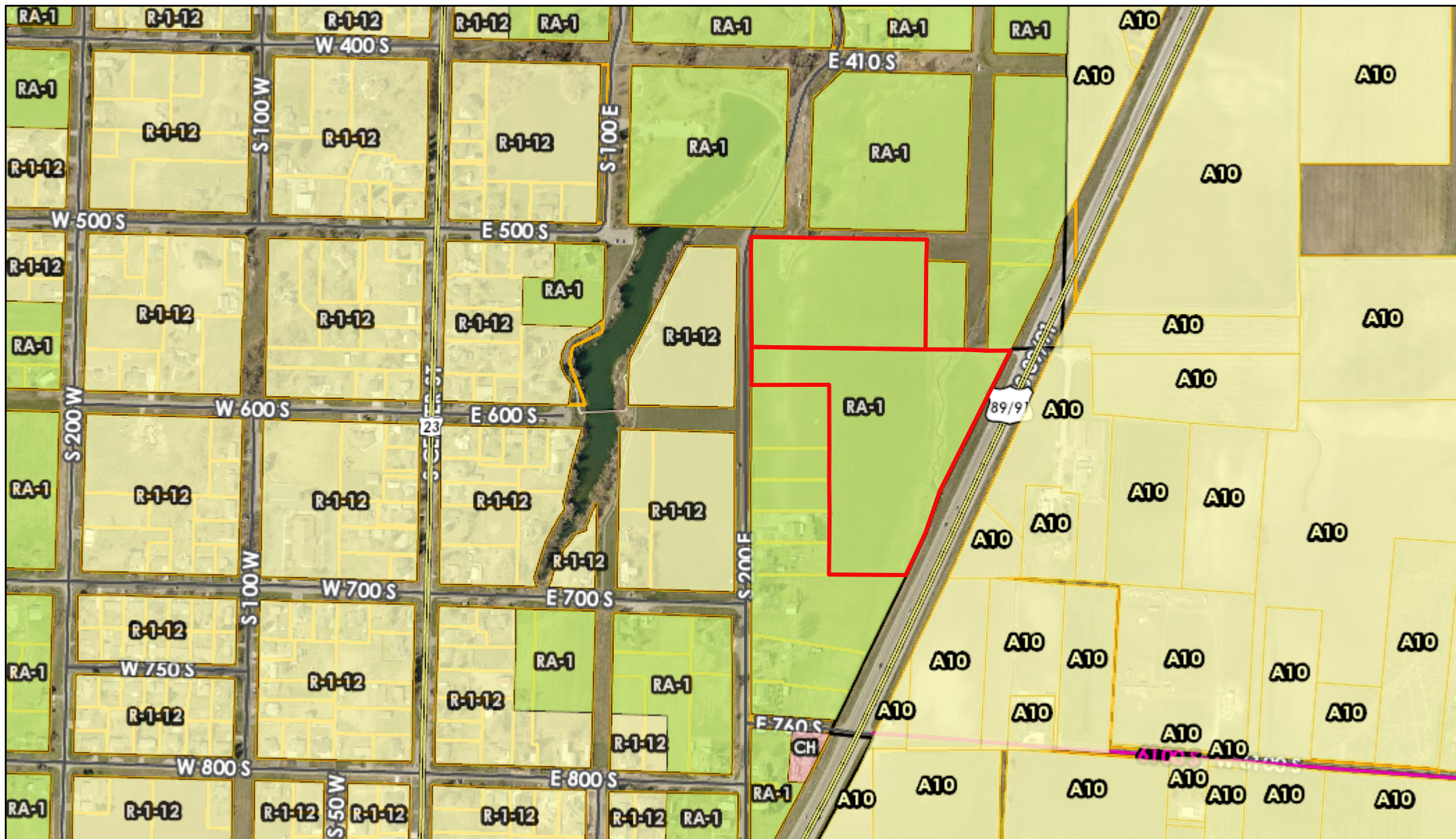
Next Steps

COSAC is a recommendation body for the County Council, while the County Council is the approval authority. At this meeting, the County Council can approve, approve with conditions, or deny the open space application. If approved, this application will be allowed to proceed with the next round of review.

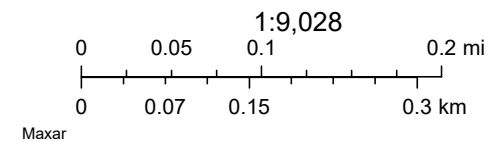
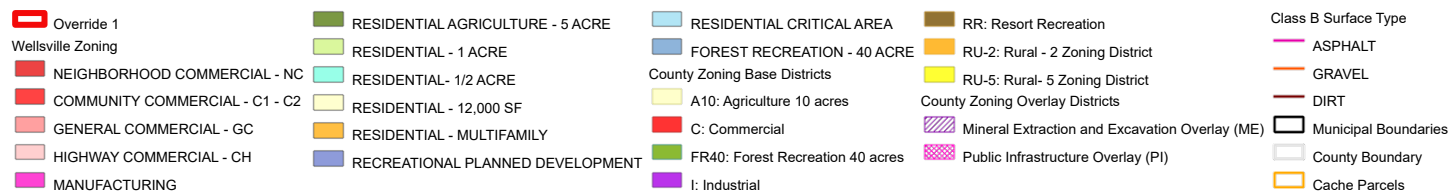
Cooper Wellsville Parcels



Cooper Wellsville Zoning



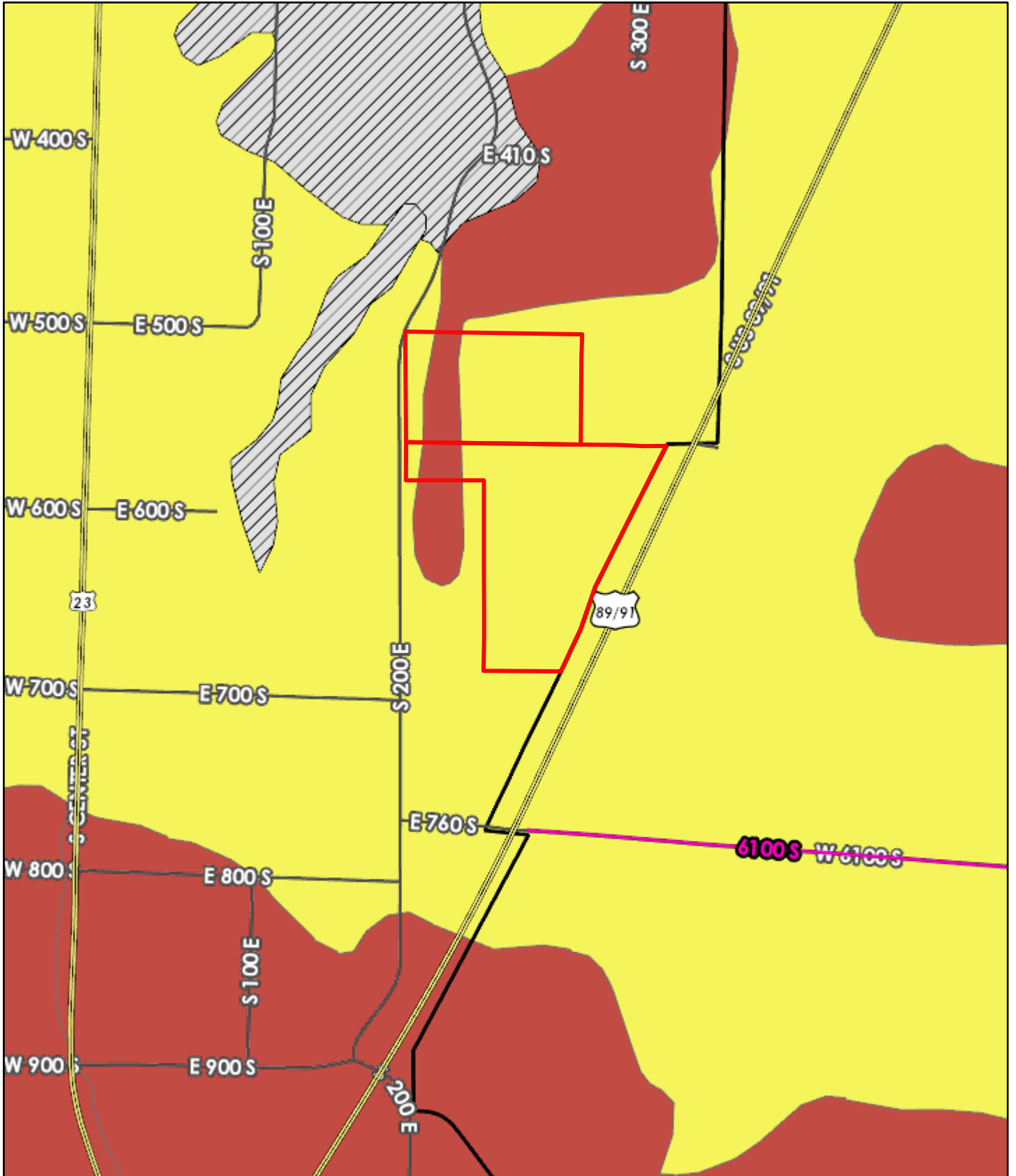
3/26/2024, 4:48:07 PM



Authorized Use: Cache County Development Services Office

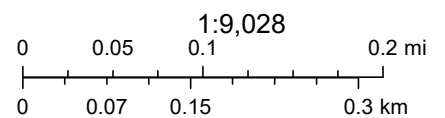
Authorized Use: GIS Division/ Development Services

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 |



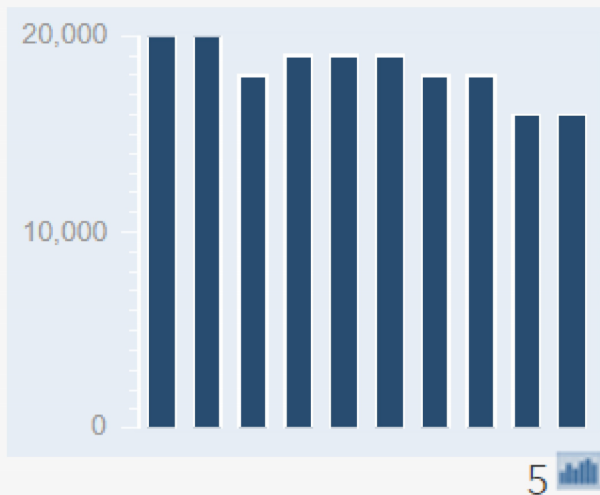
Maxar

[UDOT Traffic Website](#)

[AADT Open Data Portal](#)

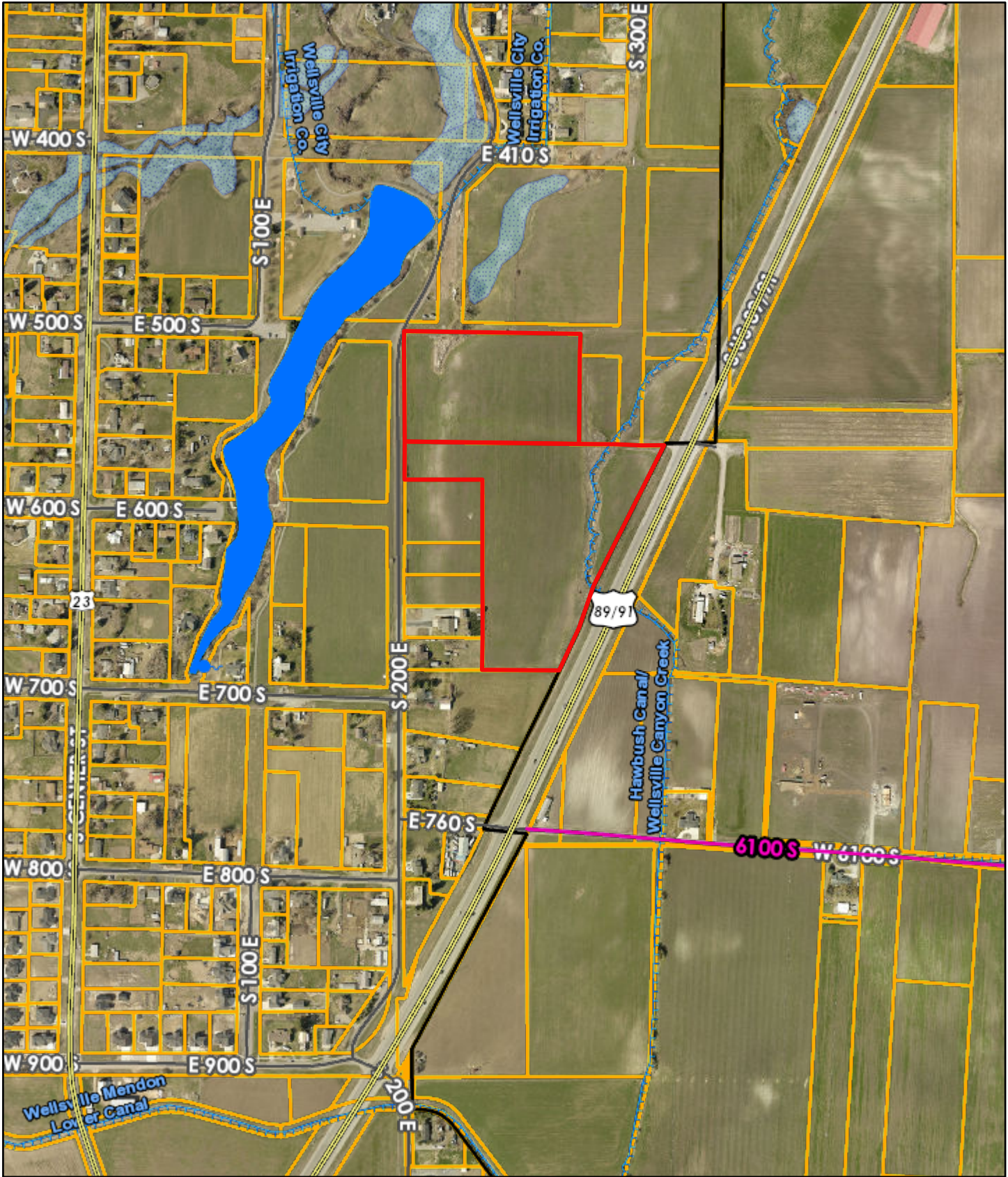
Annual Average Daily Traffic 20,000

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

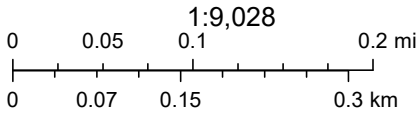
Springs National Hydrology Dataset

Water Bodies

Major Waterways

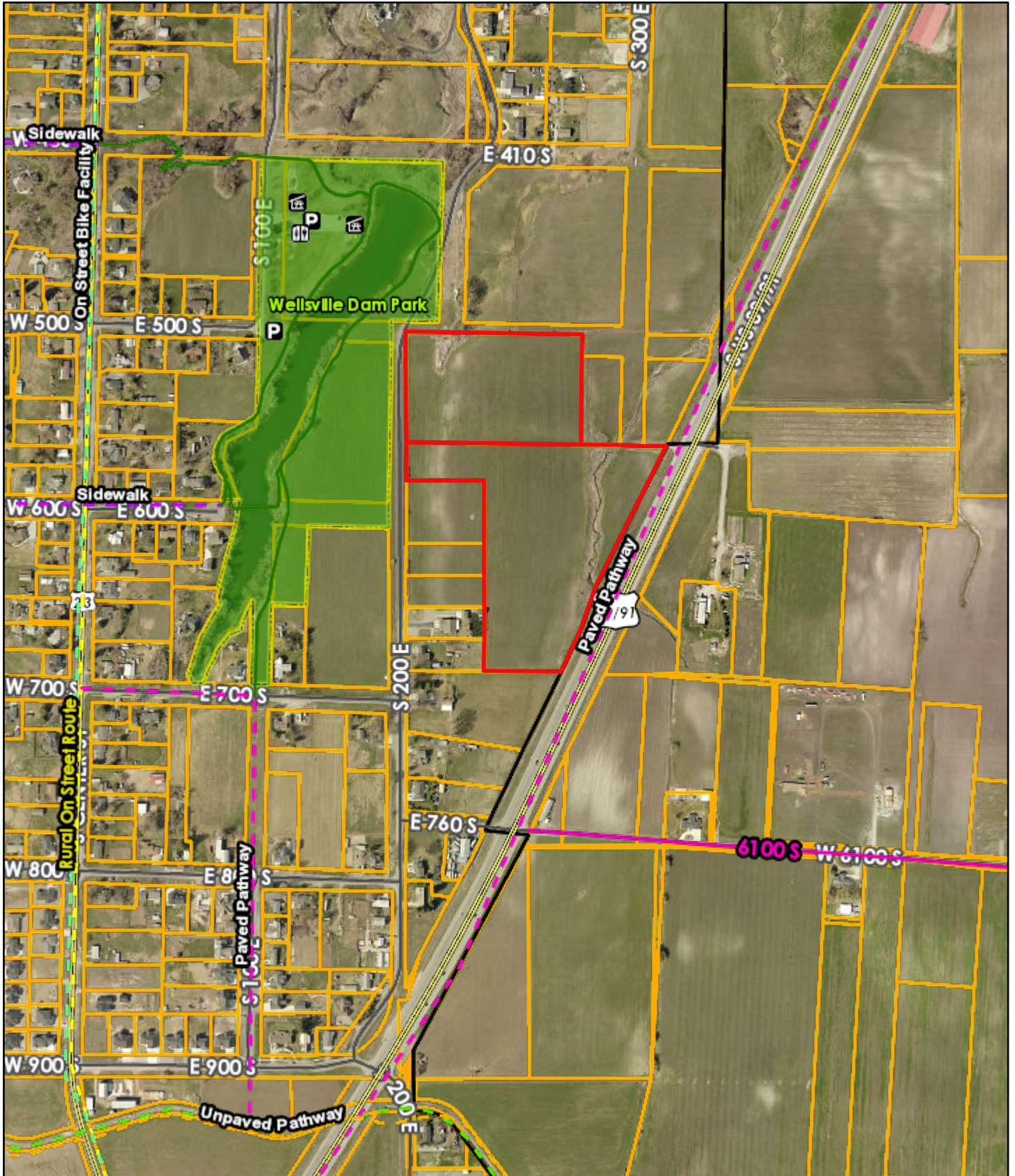
Wetlands (NWI)

Cache Parcels



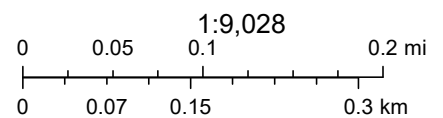
Maxar

Cooper Wellsville Trails and Parks



3/26/2024, 4:29:56 PM

- | | | |
|--|--|---|
| <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.

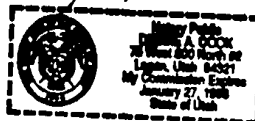
COUNTY OF Cache

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: Lagoon, Utah





200 EAST

ELDON COOPER
10-018-0012

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

5322.23'

MAURICE FITCHER
10-018-0013 & 0014

5/8" REBAR

11 12

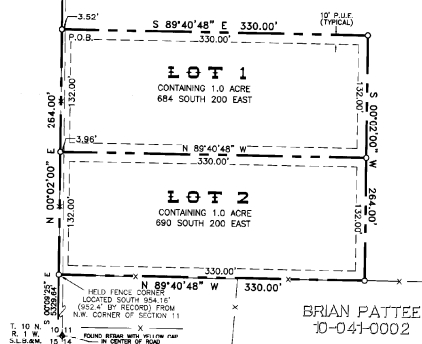
**FINAL PLAT
FOR THE
ELDON COOPER SUBDIVISION
A PART OF THE N.W. 1/4 OF SECTION 11
TOWNSHIP 10 NORTH, RANGE 1 WEST S.L.B. & M.
WELLSVILLE CITY, CACHE COUNTY, UTAH
MAY 2002**

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 MAYOR Jeff Hansen ATTEST

BEAR RIVER DISTRICT HEALTH DEPT. APPROVAL

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

Nautica Subdivision 1st Amendment

Agenda request submitted by: Stephen Nelson, Director of Development Services –
Forwarded from the County Planning Commission

Assisting Department: Development Services

Requested Council meeting date: June 11, 2024

Agenda Item Language: Discussion and decision on a request to create a new lot (Lot 12) from the Agricultural Remainder in an existing 11—lot subdivision located a ~6600 South 1600 West, near Hyrum, in the Agricultural (A10) Zone. Approval of the subdivision amendment is contingent on the County Council adopting a portion of a private road, which is not permitted per [Resolution 2002-32](#).

Action: Planning Commission – Recommendation of Denial (4-yea; 0-nay).
Further discussion by the Planning Commission, included that, though they had to deny the subdivision amendment because of Resolution 2002-32, they hoped the County Council and Road Advisory Board could find a solution due to the unique nature of the road situation.

Background: A request to amend a subdivision to create a new lot that requires the County to adopt a portion of a private road. Per §16.02.050 [B] [1] Subdivision Plat Amendment – The Planning Commission is authorized to act as the Land Use Authority for subdivision amendments unless the amendment proposes to amend, vacate, or alter a County right-of-way or easement, in which the Planning Commission shall make a recommendation to the County Council that will serve as the Land Use Authority. However, Resolution 2002-32 clearly states that the County will not adopt private roads.

Fiscal Impact: N/A

Public Hearing Required: N/A
See attached for additional information.

County Staff Presenter: Stephen Nelson, Director of Development Services

Presentation Time: 10 minutes.

County Staff Point of Contact: Angie Zetterquist, Planning Manager

Legal Review: N/A

Staff Report: Nautica Subdivision 1st Amendment

6 June 2024

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

Agent: Spencer Butterfield

Parcel ID#: 01-081-0017

Staff Determination: Recommend denial to County Council

Type of Action: Administrative

Land Use Authority: County Council

Project Location

Reviewed by Angie Zetterquist

Project Address:

~6600 South 1600 West
near Hyrum

Current Zoning:

Agricultural (A10)

Acres: 43.92

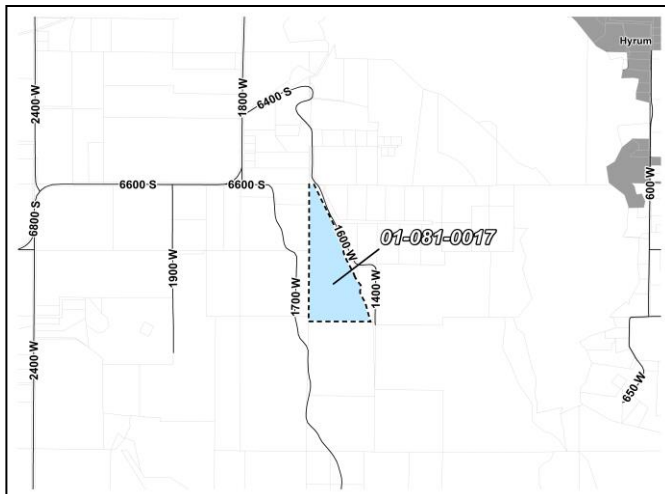
Surrounding Uses:

North – Agricultural/Residential

South – Agricultural

East – Agricultural/Residential

West – Agricultural



Findings of Fact

A. Request description

1. The Nautica Subdivision 1st Amendment is a request to create a new lot (Lot 12) from the Agricultural Remainder in an existing 11-lot subdivision located at ~6600 South 1600 West, near Hyrum, in the Agricultural (A10) Zone.
 - a. The entire 43.92 acre Agricultural Remainder will be changed to the new buildable Lot 12.
2. The subdivision boundary is a total of 129.73 acres. At the time of the original subdivision, the number of potential buildable lots was determined by net developable acreage, which allowed a maximum of 11 lots. Net developable acreage was determined by taking the gross acreage and

With the change in the density calculation, the Nautica Subdivision has the potential for one additional buildable lot and, based on the size of the existing Agricultural Remainder, all of the development potential for the 12th lot is held by the property owner of the subject parcel.

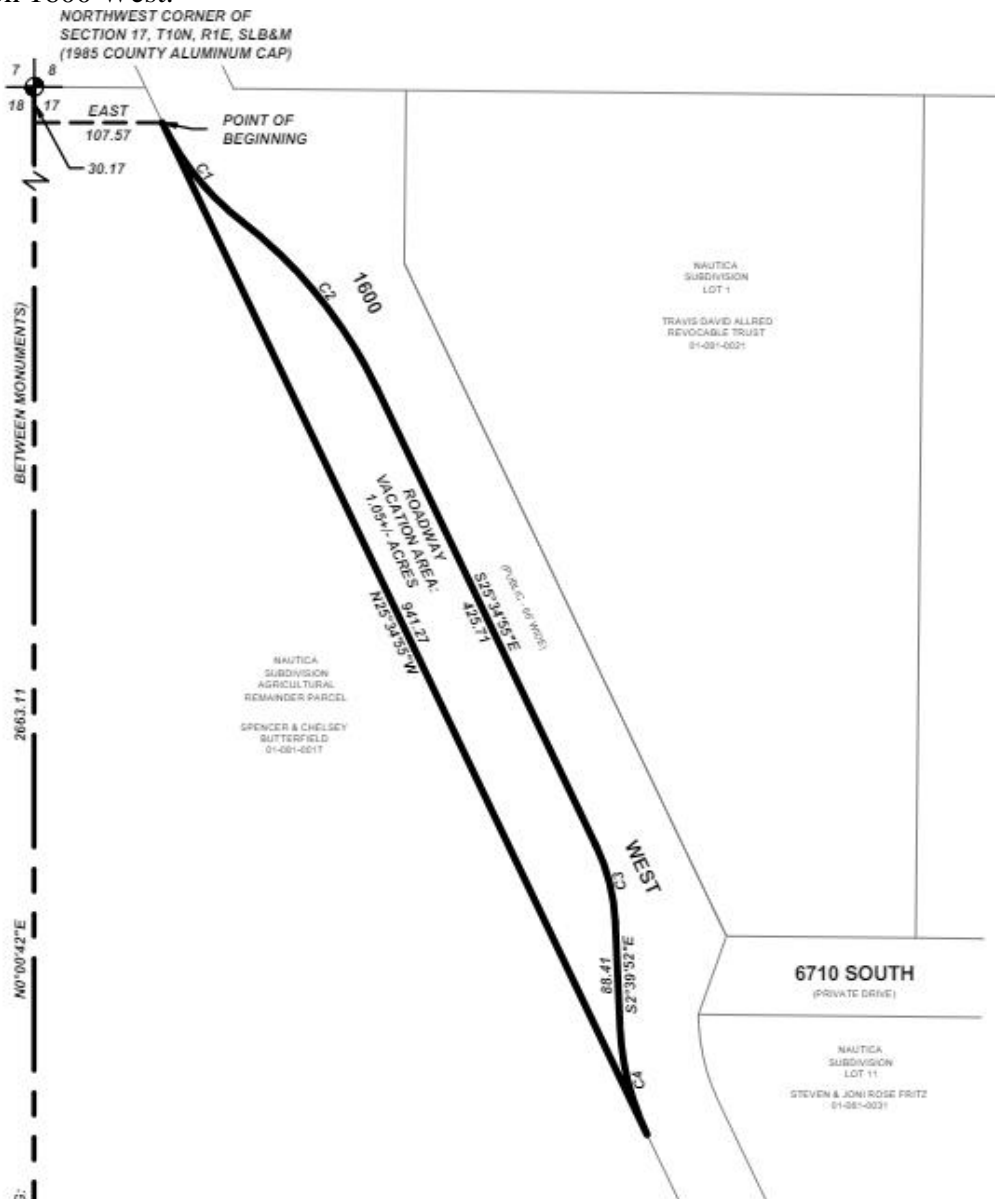
- The result is that the private road 1590 West parallels 1600 West, the county road. The applicant is seeking access in the location where the roads parallel each other.



4. Consequently, in addition to the conversion of the Agricultural Remainder to a buildable lot, the amendment also proposes that the County adopt a portion of the private road, 1590 West, and vacate part of the existing 1600 West. Per [Chapter 16.02.050 \[B\]\[1\]](#):

“The Planning Commission shall be the Land Use Authority for a Subdivision Plat Amendment unless the amendment proposes to amend, vacate, or alter a County right-of-way or easement, in which case the Planning Commission shall make a recommendation to the County Council that will serve as the Land Use Authority.”

5. As proposed by the applicant, approval of the proposed amendment is contingent upon the County Council adopting a portion of a private road, 1590 West, that provides access to the existing lots of the Nautica Subdivision, and vacating part of the existing right-of-way (ROW) on 1600 West.



6. If the County Council agreed to adopt a portion of the private road and vacate existing County ROW, it would satisfy the frontage requirement for the property and decrease the amount of frontage on 1600 West that the applicant will be required to improve.
7. However, [Resolution 2002-32](#) prohibits the adoption of private roads as county roads. As the resolution has not been rescinded and it clearly states that the County will not accept private roads, staff recommends that the Planning Commission recommend denial of the subdivision amendment to the County Council.

B. Parcel legality

8. The subject property is legal as it is in the same size and configuration as the Nautica Subdivision plat recorded in October 2017.

C. Authority

9. §16.02.050 [B] [1] Subdivision Plat Amendment – The Planning Commission is authorized to act as the Land Use Authority for subdivision amendments unless the amendment proposes to amend, vacate, or alter a County right-of-way or easement, in which the Planning Commission shall make a recommendation to the County Council that will serve as the Land Use Authority. *See conclusion #1.*

D. Culinary water, septic system, and storm water

10. §16.04.080 [A] Water Requirements – A change application for a domestic culinary water right is in process for the proposed Lot (Water Right #25-11961/a51230). Confirmation of approved domestic culinary water right must be provided prior to recording a subdivision for any new buildable lots.
11. §16.04.080 [B] Sewage Requirements – The applicant has provided a copy of a letter for the proposed Lot 12 from the Bear River Health Department confirming the feasibility of a septic system on the new lot.
12. §16.04.070 Storm Drainage Requirements – Compliance with State Stormwater Detention must be met (i.e., retain 80% of storm event and no increased runoff). A Land Disturbance Permit is required for any future development. Prior to recording a subdivision, a stormwater report prepared by a licensed professional detailing how the proposed development will manage rainfall on-site and the off-site discharge is required. Any structures required to meet the long term stormwater requirements will need to be constructed prior to recording a subdivision plat. Structures will also need to be maintained by the lot owners with a note stating this must be added to the plat. Any access and maintenance easements will also need to be shown on the plat.

Access

13. §16.02.010 Standards and Lot Size – All subdivisions must meet the minimum lot and development standards as outlined in each base zone of the Cache County Zoning Ordinance and within this title.
14. Table 17.10.040 Site Development Standards – Minimum lot frontage required in the A10 Zone is 90 feet.
15. §17.07.040 General Definitions – Lot/Parcel Frontage: that portion of a development site that abuts a public or private roadway. For the purposes of determining setback requirements on corner lots, all sides of a lot adjacent to a roadway shall be considered frontage
16. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
17. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).

18. §16.04.080 [E] Roads and Access – A basic road review is required and must consider:
 - a. The layout of proposed roads;
 - b. An analysis of existing roadway compliance with the Road Manual requirements;
 - c. Existing maintenance;
 - d. And any additional impacts to the proposed development access roads.
19. The Road Manual specifies the following:
20. A basic review of the access to the proposed subdivision identifies the following:
 - a. Access to the proposed subdivision is from 1600 West.
 - b. 1600 West:
 - i. Is a County road classified as Agricultural Access.
 - ii. Must be improved to a Minor Local road to allow development of a single-family dwelling.
 - iii. Is unimproved, provides access to agricultural land.
 - iv. Is not maintained in the winter.
 - v. Is considered substandard as to material, paved and gravel shoulders, and clear zone.

Analysis of Existing Roadway – 1600 West

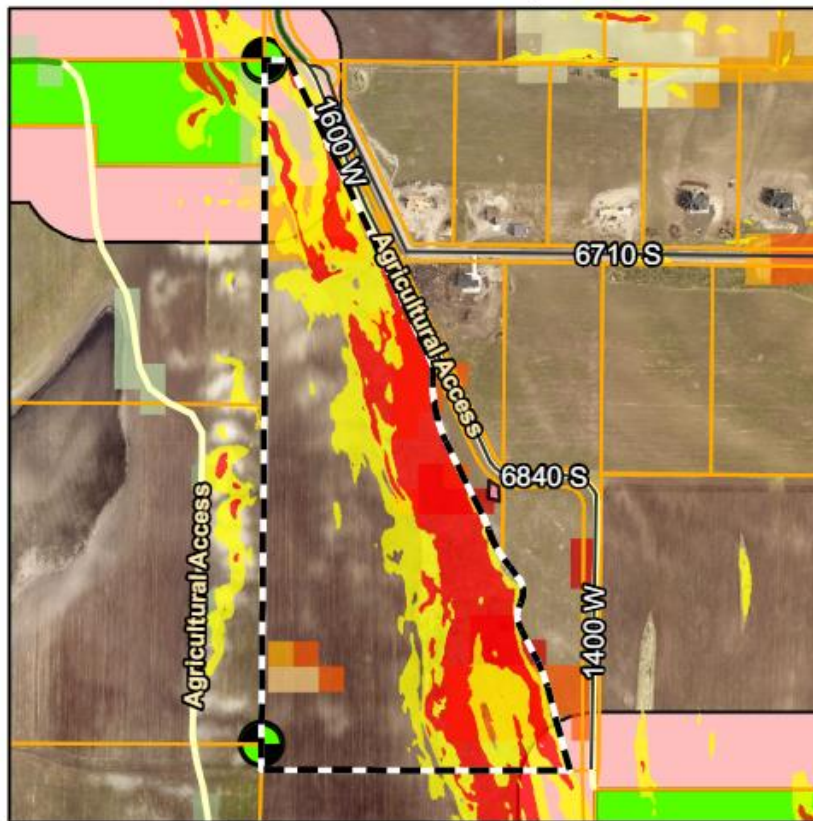
Roadway Element	Existing Width (ft)	Required Width (ft)	Comments or Findings
Travel Lanes	14	20	OK
Right-of-Way	66	66	OK
Paved Shoulder	0	0	Substandard
Gravel Shoulder	4	0	Substandard
Clear Zone (4:1)	0-10+	10	Substandard
Material	Gravel/Dirt	Paved	Substandard
Structural			Visually OK

E. Service Provision

21. §16.04.080 [C] Fire Control – The County Fire District visited the site of the proposed subdivision and has no comments regarding the subdivision amendment request.
22. §16.04.080 [F] Solid Waste Disposal – Solid waste disposal service in unincorporated County is provided by Waste Management.

F. Sensitive Areas

23. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
 - a. There are a number of sensitive areas on the subject property that have not been provided on the preliminary plat as required per [Chapter 16.03.030 \[C\] \[12\]](#):
 Identification of known natural features including, but not limited to, wetlands as identified by the U.S. Army Corps of Engineers, areas which would be covered in the event of one hundred (100) year floods, all water bodies, floodways including floodplains identified by FEMA and drainage ways, slopes exceeding twenty percent (20%) and slopes exceeding thirty percent (30%), and any other natural features as required by the Director or Planning Commission, for the entire or a portion of the subdivision site, including a tabulation of the acres in each. Subdivision impacted by sensitive Area Analysis as required by Cache County Code 17.18.



G. Preliminary Subdivision Plat Requirements – §16.03.030

24. The plat submitted is for a [Final Plat](#) and does not meet the requirements for a Preliminary Subdivision plat per the [Code](#).

- a.** Missing and incomplete information includes, but is not limited to the following:
 - i.** Plat needs to be stamped by a licensed land surveyor. (16.03.030.B)
 - ii.** Plat needs to include identification of known natural features including, but not limited to, wetlands as identified by the U.S. Army Corps of Engineers, areas which would be covered in the event of one hundred (100) year floods, all water bodies, floodways including floodplains identified by FEMA and drainage ways, slopes exceeding twenty percent (20%) and slopes exceeding thirty percent (30%), and any other natural features as required by the Director or Planning Commission, for the entire or a portion of the subdivision site, including a tabulation of the acres in each. (16.03.030.C.12)
 - iii.** Plat needs to include identification of known manmade features including, but not limited to, high voltage power lines, high pressure gas lines, hard surfaced roads, road easements, road rights-of-way, bridges, culverts and drainage channels, field drains, existing water and sewer trunk lines, all utility easements, railroads and railroad easements, irrigation ditches, canals and canal easements within and adjacent to the subdivision site as required by the Director or Planning Commission, for the entire or a portion of the subdivision site. (16.03.030.C.13)
 - iv.** Plat needs to include the location and dimensions of all existing buildings, existing property lines and fence lines. (16.03.030.C.14)

- v. Plat needs to include the location with name and parcel number of all existing platted lots within, or contiguous to the subdivision site. (16.03.030.C.15)
- vi. All lots, rights-of-way, and easements created by the subdivision with their boundary, bearings, lengths, widths, name, number, or purpose, shall be given. The addresses of all lots shall be shown. All proposed new roads, whether public or private, shall be numbered, as provided by the Development Services Department, with the coordinates to proposed connections to existing county roads being shown. (16.03.030.C.16)

H. Public Notice and Comment—§17.02.040 Notice of Meetings

- 25. Public notice was posted online to the Utah Public Notice Website on 24 May 2024.
- 26. Notices were posted in three public places on 24 May 2024.
- 27. Notices were mailed to all property owners within 300 feet of the subject property on 24 May 2024.
- 28. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

Conclusions

Based on the findings of fact and conditions noted herein, staff recommends that the Planning Commission recommend that the County Council deny the Nautica Subdivision 1st Amendment as:

- 1. The County Council is the Land Use Authority for a subdivision amendment that proposes changes to any County rights-of-way;
- 2. It has been reviewed by the Planning Commission and it is not in conformance with, nor does it meet the requirements of, the Cache County Subdivision and Land Use Ordinances.
- 3. The proposed adoption of a private road is in direct conflict with [Resolution 2002-32 – Policy of Changing Private Roads to Public Roads](#).