

## CACHE COUNTY COUNCIL

**April 23, 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, Councilmember Kathryn Beus.

**MEMBERS EXCUSED:**

**STAFF PRESENT:**

**OTHER ATTENDANCE:**

### Council Meeting

1. **Call to Order 5:00p.m.** – Council Chair David Erickson [0:32](#)
2. **Opening Remarks and Pledge of Allegiance** – Councilmember Karl Ward [0:49](#)
3. **Review and Approval of Amended Agenda APPROVED** [2:53](#)

**Discussion:** Micah Safsten added 6B, the tax sale report, to the Agenda. [3:11](#)

**Action:** Motion made by Councilmember Nolan Gunnell to approve the amended agenda with 6B added; seconded by Councilmember Sandi Goodlander. [3:34](#)

**Motion passes.**

**Aye:** 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd  
**Nay:** 0

4. **Review and Approval of Minutes APPROVED** [3:50](#)

**Action:** Motion made by Councilmember Kathryn Beus to approve the minutes dated April 9 and April 16; seconded by Councilmember Sandi Goodlander. [3:57](#)

**Motion passes.**

**Aye:** 6 David Erickson, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd  
**Nay:** 0  
**Abstain:** 1 Barbara Tidwell

5. **Report of the County Executive** [4:27](#)

**A. Discussion:** County Executive David Zook discussed an upcoming groundwater assessment being performed by USU. Councilmembers asked questions. [4:35](#) David Zook discussed a meeting he had with the Governor's office of Economic Opportunity. [6:39](#) David Zook mentioned that the Family Place's upcoming annual stepping up event. [7:15](#) David Zook thanked the public works department for all their hard work. [7:46](#)

6. **Items of Special Interest** [9:40](#)

**A. Presentation of a Performance Award**

Council Chair David Erickson thanked Dianna Schaeffer for all her hard work as Interim Clerk/Auditor. [9:58](#)

**B. Tax Sale Report**

Dianna Schaeffer announced that there will be no tax sale this year. [10:40](#)

7. **Department or Committee Reports**

## 8. Board of Equalization

### a. Tax Exemptions-

1. **Charity-Medical** – Dianna Schaeffer presented 5 charitable-medical tax exemptions. [11:55](#)

2. **Religious** – Dianna Schaeffer presented one religious tax exemptions. [13:13](#)

**Action:** Motion made by Councilmember Karl Ward to enter into the Board of Equalization; seconded by Councilmember Nolan Gunnell. [11:32](#)

**Motion passes.**

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

**Nay:** 0

**Action:** Motion made by Councilmember Sandi Goodlander to accept the 5 charitable/medical tax exemptions; seconded by Councilmember Mark Hurd. [12:50](#)

**Motion passes.**

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

**Nay:** 0

**Action:** Motion made by Councilmember Nolan Gunnell to deny the religious tax exemption application for the Gospel Peace Church; seconded by Councilmember Kathryn Beus. [14:51](#)

**Motion passes.**

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

**Nay:** 0

**Action:** Motion made by Councilmember Nolan Gunnell to get out of the Board of Equalization; seconded by Councilmember Sandi Goodlander. [15:31](#)

**Motion passes.**

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

**Nay:** 0

## 9. Public Hearings

## 10. Pending Action

## 11. Initial Proposals for Consideration of Action

### A. *Ordinance 2024-04*      **An Ordinance Amending Chapter 5.08 of the County Code Relating to Alcoholic Beverages** [15:40](#)

**Discussion:** Micah Safsten presented Ordinance 2024-04 and the changes it will make to County Code 5.08 [15:51](#)  
Councilmember Sandi Goodlander asked what concerns or changes the OMP committee had with this ordinance. [21:31](#)  
Councilmember Nolan Gunnell asked if there was state code concerning approximation to churches, schools, playgrounds, etc. [23:01](#) Council discussed why 5.08.070(A)(6) was being removed. [1:18:43](#)

**Action:** Motion made by Councilmember Barbara Tidwell to suspend the rules and approve Ordinance 2024-04, striking or removing number 5.08.070(A)(6); seconded by Councilmember Kathryn Beus. [1:17:47](#)

**Motion passes.**

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

**Nay:** 0

**B. Resolution 2024-09****A Resolution Approving the Elkhorn Ranch Phase II Round One Open Space Application [25:52](#)**

**Discussion:** Stephan Nelson presented the first application for the Open Space Bond from the COSAC committee. [26:47](#) Stephan Nelson explained the COSAC's scoring on the application [32:30](#) Council discussed how the homeowner's desire to not have public trails on their property might affect the approval for funding. [40:36](#) David Zook asked how this application received points for public access when there are no plans for public access. [46:36](#) David Zook asked for clarification about the UDOT's priority trail list. [48:05](#) David Zook asked if the scoring was created to determine funding or to rank applicants. [49:04](#) At Councilmember Kathryn Beus' request, COSAC Chair Chris Sands shared his opinion on this project and the scoring process. [50:30](#) Councilmember Sandi Goodlander asked Chris Sands asked if there was any way to get an estimate on funding before the first round of approval. [54:44](#) Stephan Nelson mentioned that the homeowner is working with other organizations for funding and how a public access trail may inhibit with that funding. [56:34](#) Councilmember Nolan Gunnell discussed the concern of agricultural applicants being docked for lack of public access. [57:07](#) Councilmember Kathryn Beus asked if there would be a public hearing during the application process. [58:13](#) Homeowners' son in law, Christopher Howell discussed his desire to protect his land for future generations and how this easement will allow that to happen. [1:00:17](#) Homeowner Joe Fuhrman asked if it was legal that the master plan was not discussed with him about trails being placed on his property. [1:03:45](#) Councilmember Kathryn Beus strongly encouraged the council to approve this application. [1:05:39](#) Council chair David Erickson added his concern that public access will ruin this preserved land and stop other homeowners from applying for the easement. [1:06:48](#) Joe Fuhrman asked the council how many of them would like a trail on their property. [1:11:11](#) Councilmember Kathryn Beus asked for clarification on what they would be voting for at this meeting. [1:13:21](#) Council discussed the importance of the wording of the resolution on maintaining the agricultural component. [1:15:59](#)

**Action:** Motion made by Councilmember Kathryn Beus to waive the rules and approve Resolution 2024-09 as written; seconded by Councilmember Nolan Gunnell. [1:14:42](#)

**Motion passes.**

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

**Nay:** 0

**12. Other Business [1:19:16](#)****A. UAC Management Conference**

April 30-May 1, 2024 in St. George

[Barbara, Karl, Dave, Mark, Kathryn, Sandi](#)

**B. Smithfield Health Days Parade**

May 11, 2024 @ 10:00AM

**C. Richmond Black & White Days Parade**

May 18, 2024 at 5:00PM

**13. Councilmember Reports [1:19:26](#)**

**David Erickson** – discussed the importance of finding out why the Alcohol ordinance was drastically changed to guarantee it doesn't happen again. [1:24:57](#)

**Sandi Goodlander** – discussed BRAG's broadband meeting. She also met with Mayor Daines discussing the current homeless population in the county. [1:21:54](#)

**Karl Ward** – discussed the audit committee meeting and the OMP committee meeting. [1:23:59](#)

**Barbara Tidwell** – nothing

**Kathryn Beus** – nothing

**Nolan Gunnell** – nothing

**Mark Hurd** – discussed the meeting with the Governor's office of Economic Opportunity. He is looking forward to the upcoming CEO meeting. He is working on meeting with the new Clerk/Auditor, Bryson Behm, and is encouraged by the direction things are going. [1:19:28](#)

**14. Executive Session** – Utah Code 52-4-205(1)(a) – Discussion of the character, professional competence or physical or mental health of an individual

**Action:** Motion made by Councilmember Barbara Tidwell to enter into Executive Session; seconded by Councilmember Sandi Goodlander. [1:25:29](#)

**Motion passes.**

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

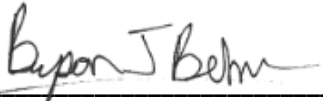
**Nay: 0**

**Adjourn: 7:30 PM**



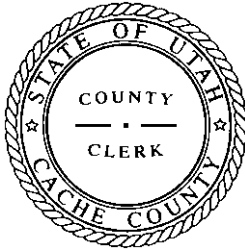
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**APPROVAL: David Erickson, Chair**  
**Cache County Council**



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**ATTEST: Bryson Behm, Clerk**  
**Cache County Council**







# Certificate of Commendation

PRESENTED TO

## Dianna Schaeffer

For leadership and professionalism shown while discharging the duties of Temporary Manager of the Office of Cache County Clerk/ Auditor. This performance award is presented in accordance with Utah Code Ann. § 20A-1-508(2)(c)(viii).

April 23, 2024

A handwritten signature in blue ink, appearing to read "David Erickson", written over a thin horizontal line.

David Erickson  
Chair, Cache County Council

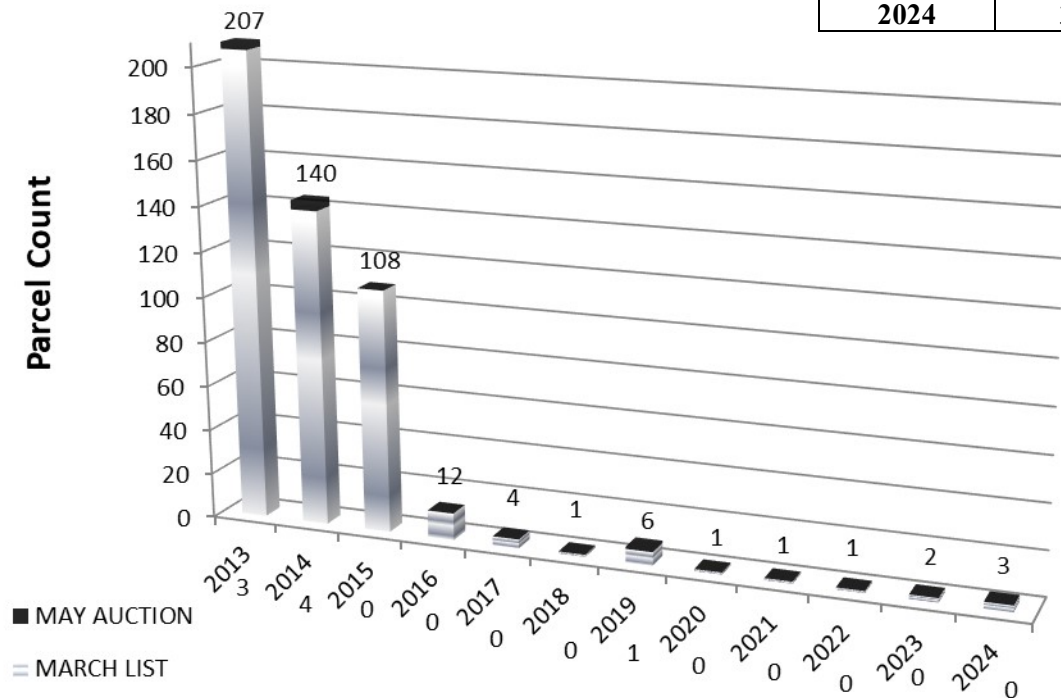
## Cache County Auditor's Report of 2024 Tax Sale

We are pleased to announce that the 2024 tax sale has been *canceled*. All parcels with back taxes of five years or more have been redeemed with the exception of one bankruptcy. We are prohibited from selling this property by the federal homestead exemption and by USTC Standard 12.28.

We were able to conclude the tax sale process on March 21<sup>st</sup> when the owner paid all delinquent taxes, penalties, interest, and administrative costs.

Since Schaeffer began tracking the tax sale in 2013 the tax sale numbers have decreased due to consistent application of relevant law, compliant deferral and settlement arrangements, and outstanding collection efforts by the county treasurer.

TAX SALE HISTORY		
TAX SALE YEAR	MARCH LIST	MAY AUCTION
2013	207	3
2014	140	4
2015	108	0
2016	12	0
2017	4	0
2018	1	0
2019	6	1
2020	1	0
2021	1	0
2022	1	0
2023	2	0
2024	3	0



See notice published on our website <https://www.cachecounty.gov/auditor/tax-sale.html>

**2024 TAX SALE CANCELED-ALL DELINQUENT PROPERTIES REDEEMED!**



## **CACHE COUNTY ORDINANCE NO. 2024 - 04**

### **AN ORDINANCE AMENDING CHAPTER 5.08 OF THE COUNTY CODE RELATING TO ALCOHOLIC BEVERAGES**

- (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);
- (B) WHEREAS, Cache County has an interest in protecting public health, safety, and morals within the unincorporated areas of the County through the regulation and restriction of alcoholic beverages; and
- (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, which may be enhanced by allowing the production and tasting of wine in connection with agriculture and agritourism; 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 3-0,

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

#### **SECTION 1:**

Chapter 8 of Title 5 of the Cache County Code is amended to read as follows, with a redline version attached as **Exhibit A**:

#### **Chapter 5.08 ALCOHOLIC BEVERAGES**

##### **5.08.010 POLICY AND PURPOSE**

The purpose of this chapter is to regulate and restrict alcoholic beverages in Cache County by adopting existing state regulations and further regulating in areas that state law specifically leaves to local control and in areas of local concern not directly covered by state law, including by restricting the categories of state alcoholic beverage licenses, permits, and package agencies that are available in Cache County and by adopting conditions, requirements, and procedures for obtaining the County's consent to such licenses, permits, and agencies.

##### **5.08.020 ADOPTION OF STATE LAW**

The sale and distribution of alcoholic beverages are regulated under state law as found in Utah Code title 32B, the Alcoholic Beverage Control Act, as amended from time to time. The County adopts the Alcoholic Beverage Control Act, Utah Code title 32B, in its entirety, as amended from time to time.

### **5.08.030 DEFINITIONS**

- (A) The definition of each term, which is defined in Utah Code title 32B, the Alcoholic Beverage Control Act, as amended from time to time, is hereby adopted into this chapter, except to the extent modified by this chapter.
- (B) The term “local consent” means a written document giving consent from the County for the issuance of a state alcoholic beverage license, permit, or agency.

### **5.08.040 LOCAL CONSENT PERMITTED ONLY FOR DESIGNATED LICENSES**

- (A) 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;
- (B) It is the responsibility of any applicant under this chapter to be in compliance with applicable conditions and requirements of state law and this chapter when submitting an application with the County for local consent. It is the obligation of each applicant to stay in compliance with state law and this chapter regardless of changes to those laws. To the extent permitted by state law, the officers and administrators of the County have the authority to enforce both the provisions of state law regulating alcoholic beverages and the provisions of this chapter.

### **5.08.050 REQUIREMENTS FOR OBTAINING LOCAL CONSENT**

The granting of local consent for the issuance of any of the permitted licenses under 5.08.040 is conditioned upon the applicant satisfying the following criteria:

- (A) Qualifications. At the time of application, the applicant and/or, as applicable, the natural persons set forth in subsection (B) of this section, must:
  - (1) be 21 years of age or older;

- (2) not have had any alcoholic beverage license, permit, or package agency agreement revoked or canceled in the last 3 years;
  - (3) comply with federal and state laws pertaining to the payment of taxes and contributions to unemployment and insurance funds;
  - (4) not be in default under the provisions of any County ordinance;
  - (5) not be indebted or obligated to the County, except for current taxes; and
  - (6) not have been convicted of:
    - (a) within seven years before the day on which the application is submitted a felony under federal or state law;
    - (b) within four years before the day on which the application is submitted:
      - i. any crime concerning the sale, offering for sale, warehousing, manufacturing, distribution, transportation, or adulteration of an alcoholic product;
      - ii. a crime involving moral turpitude; or
    - (c) on 2 or more occasions within the 5 years preceding the day on which the application is submitted, driving under the influence of alcohol, drugs, or any combination of alcohol and drugs.
- (B) Ownership. The applicant must disclose to the County the identity and mailing address of each of the following individuals, each of whom must meet the qualifications set forth in subsection (A) of this section:
- (1) the applicant if the applicant is a natural person;
  - (2) if the applicant is a partnership, each partner controlling 20% or more of the partnership, and if applicable, each partner controlling 20% or more of a partnership with controlling authority over the applicant;
  - (3) if the applicant is a corporation, each shareholder owning 20% or more of the shares of the corporation, and if applicable, each shareholder owning 20% or more of the shares of a corporation with controlling authority over the applicant;
  - (4) if the applicant is a limited liability company, each owner of 20% or more of the limited liability company, and if applicable, and each owner of 20% or more of a limited liability company with controlling authority over the applicant;

- (5) each officer, director, manager, managing agent, or person holding a similar position of any applicant that is not a natural person and each manager employed by any applicant who is a natural person; and
  - (6) each officer, director, manager, managing agent, or person holding a similar position of any entity with controlling authority over the applicant.
- (C) Application. The applicant must file a written and verified application with the County Clerk. The application must be signed by the applicant or person authorized to act on behalf of the applicant, who must affirm under oath that the facts therein contained are true. Failure to provide all required information or providing false or misleading information in the application constitutes grounds for denial of the application or revocation of the County's consent. The application must include:
- (1) the applicant's full name;
  - (2) the applicant's mailing address;
  - (3) the applicant's proposed location for its premises;
  - (4) a signed consent form stating that law enforcement and authorized County representatives will have the unrestricted right to enter and inspect the premises to ensure compliance with state law and County ordinances; and
  - (5) a statement by the applicant affirming that the applicant and each person identified in subsection (B) of this section possesses the qualifications specified in subsection (A) of this section and the Alcoholic Beverage Control Act.
- (D) Cache County Sheriff's Review. The applicant must receive a positive recommendation from the Cache County Sheriff. All applications filed in accordance with the provisions of this chapter must be referred by the County Clerk to the Sheriff for investigation and report. Prior to issuance of any local consent, all applicants and each individual identified in subsection 5.08.050(B) of this chapter, and the applicant's supervisory personnel, must submit to a Utah Bureau of Criminal Identification ("BCI") check and a Live Scan check of the Federal Bureau of Investigation ("FBI") criminal database. The Sheriff must, within 14 calendar days of his or her receipt of the application, make a recommendation to the County Clerk. If recommending denial of local consent, the Sheriff must submit a detailed report of the investigation, record the recommendation on the application, and sign the application. If recommending approval, the Sheriff must record the recommendation on the application, sign the application, and may at his or her sole discretion submit a detailed report of the investigation. In conducting an investigation and making a recommendation, the Sheriff must investigate and base a decision upon the following factors:
- (1) whether the proposed premises meet the proximity requirements set forth in the Alcoholic Beverage Control Act; and

- (2) whether any criminal violations by the applicant or the individuals identified in subsection 5.08.050(B) of this chapter exist where the violation at issue would make the applicant ineligible for a license, permit, or agency under this chapter or state code.
- (E) Proximity Requirements. The applicant's proposed location must meet the proximity requirements outlined in the Alcoholic Beverage Control Act.
- (F) Fee. The applicant must with its application pay the local consent application fee established by the County Council, which is in addition to the business license fees and any other basic fees or regulatory fees which may apply. Regardless of whether the application is approved or denied, the local consent application fee is nonrefundable and will be retained to pay the costs of processing the application.

#### **5.08.060 APPROVAL OF LOCAL CONSENT**

- (A) Determination. After the applicant files an application with the County Clerk and the requirements under section 5.08.050 above are met, the County Clerk shall submit those materials and any other attachments or documents necessary and pertinent to the application to the County Council. No application shall be forwarded by the County Clerk to the County Council unless and until the application fee has been paid. See Consolidated Fee Schedule for fee amount.
- (B) The County Council, upon receipt of the application and accompanying materials from the County Clerk, shall place the matter on its agenda for consideration. The granting of local consent shall be under the authority and responsibility of the County Council.
- (C) The County Council must make a determination of whether local consent is appropriate under the provisions of this chapter. In making that determination, the County Council is not authorized to deviate from this chapter's requirements. If the County Council determines that local consent is appropriate, the County Council must give local consent to the applicant.
- (D) Authorization. The giving of local consent for purposes of state law does not authorize any action or business practice which is prohibited by or inconsistent with this chapter.
- (E) Requirement of Local Consent. Local consent is required to operate the state licenses, permits, and/or package agencies listed in section 5.08.040 above in Cache County.
- (F) Content of Local Consent. Local consent must be signed by the County Council and contain the following information:
  - (1) the name of the applicant to whom local consent has been issued and the name of a local contact person for the applicant;

- (2) the street address of the premises and, if different, the mailing address of the applicant;
  - (3) the effective date of the local consent; and
  - (4) a statement that local consent is subject to revocation by the County for violation of this chapter and/or violation of the Alcoholic Beverage Control Act.
- (G) Term of Local Consent. Obtaining local consent is a one-time requirement.

#### **5.08.070 DENIAL OF LOCAL CONSENT**

- (A) Grounds for Denial of Local Consent. The County Council has the authority to deny an application for local consent if:
- (1) the application does not contain all of the required information;
  - (2) the application fee is not paid;
  - (3) the applicant, owners, or premises do not meet all of the applicable requirements of section 5.08.050 of this chapter;
  - (4) the applicant intentionally misrepresented or concealed information required by this chapter in an application for local consent or in an application for renewal of a Certificate of Local Consent; or
  - (5) the applicant holds local consent for other premises under this chapter that are not in good standing or upon which premises the provisions of this chapter and state laws are frequently violated.
- (B) Procedure for Denial. The County Council must give notice to any applicant for local consent of the decision to deny local consent by mailing notice by certified mail to the individual identified in the local consent application at the address listed on the application. The notice must include the following:
- (1) the name of the applicant for local consent;
  - (2) the reason for denial, including an identification of any County, state, or federal law violated;
  - (3) an explanation of the applicant's or local consent holder's right to appeal the decision of the County Council;
  - (4) a statement of the time frames and process for appeal; and



- (5) a statement that if the applicant or local consent holder chooses not to appeal within the specified time frame, the decision of the County Council will be final and the applicant or local consent holder will be expected to comply immediately with the denial.
- (C) Appeals. Denials by the County Council under this section may be appealed by filing a written notice of appeal with the County Council within 10 calendar days of the date of mailing of the certified letter notifying the applicant or local consent holder of the denial.

#### **5.08.080 MISCELLANEOUS:**

- (A) Advertising on County-Owned Property Without Contract: Any advertising of alcoholic beverages in or upon any county-owned property is prohibited, unless it is contractually agreed upon with Cache County in accordance with County policy.
- (B) Alcohol Consumption On County-Owned Property: It is unlawful for any individual to consume alcohol while on property owned by Cache County, unless:
  - (1) The individual has a contract with Cache County for a private party that designates facilities or areas of the Cache County Fairgrounds or Event Center where alcohol will be served and consumed;
  - (2) The individual is designated on the guest list for a private party and is within the facilities or areas of the Cache County Fairgrounds or Event Center that are contractually designated as the site for the private party;
  - (3) The individual is (i) attending an event for which a person or entity has obtained a single event permit per Utah Code Chapter 32B, Section 9, Part 3 and has contracted with Cache County to allow alcohol to be served and consumed in designated facilities or areas within the Cache County Fairgrounds or Event Center, (ii) the individual is consuming alcohol within the facilities or areas of the Cache County Fairgrounds or Event Center that are contractually designated for the single event, and (iii) the individual is consuming alcohol within the publicly advertised hours of the event; or
  - (4) The individual is participating in field sobriety and nystagmus training conducted by the Cache County Sheriff's Office.
- (C) Penalties. Unless otherwise provided, any person who violates any provision of this chapter is guilty of a class B misdemeanor and, upon conviction thereof, is punishable as provided by state law.
- (D) Severability. If a provision of this chapter or the application of a provision of this chapter to a person or circumstance is held invalid, the remainder of this chapter must be given effect without the invalid provision or application. The provisions of this chapter are severable.



Section 2:

This ordinance amends and supersedes Chapter 8 of Title 5 of the Cache County Code, and supersedes all other prior ordinances, resolutions, policies, and actions of the Cache County Council relating to alcoholic beverages.


Section 3:

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

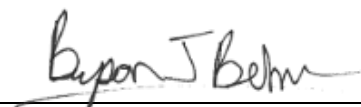
PASSED AND APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH  
THIS 23 DAY OF April 2024.

	In Favor	Against	Abstained	Absent
Sandi Goodlander	✓			
David Erickson	✓			
Nolan P. Gunnell	✓			
Barbara Tidwell	✓			
Karl Ward	✓			
Mark Hurd	✓			
Kathryn Beus	✓			
Total	7	-	-	-

**CACHE COUNTY:**

By:   
David L. Erickson, Chairman

**ATTEST:**

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 chapter 5.08 is provided below to show the proposed change:

### **Chapter 5.08 ALCOHOLIC BEVERAGES**

#### **5.08.010 POLICY AND PURPOSE**

The purpose of this chapter is to regulate and restrict alcoholic beverages in Cache County by adopting existing state regulations and further regulating in areas that state law specifically leaves to local control and in areas of local concern not directly covered by state law, including by restricting the categories of state alcoholic beverage licenses, permits, and package agencies that are available in Cache County and by adopting conditions, requirements, and procedures for obtaining the County's consent to such licenses, permits, and agencies.

#### **5.08.020 ADOPTION OF STATE LAW**

The sale and distribution of alcoholic beverages are regulated under state law as found in Utah Code title 32B, the Alcoholic Beverage Control Act, as amended from time to time. The County adopts the Alcoholic Beverage Control Act, Utah Code title 32B, in its entirety, as amended from time to time.

#### **5.08.030 DEFINITIONS**

- (A) The definition of each term, which is defined in Utah Code title 32B, the Alcoholic Beverage Control Act, as amended from time to time, is hereby adopted into this chapter, except to the extent modified by this chapter.
- (B) ~~The term "local consent" means consent given by the county for the issuance of a state alcoholic beverage license, permit, or agency;~~ The term "local consent" means a written document giving consent from the County for the issuance of a state alcoholic beverage license, permit, or agency.
- (C) ~~The term "Local Consent License" means a license issued by the County Clerk to a person or entity who has obtained local consent for a state alcoholic beverage license, permit, and/or agency.~~

#### **5.08.040: APPLICATION FOR CONSENTS TO STATE RESTAURANT LIQUOR LICENSES**

- ~~A. Applications for consents to state restaurant liquor license shall be verified and filed in duplicate with the county clerk. The applicant shall provide all information required on the application form provided by the county clerk. The county clerk shall submit a copy of the application to the county executive.~~

- ~~B. The information to be provided by the applicant shall include, but not be limited to, the applicant's full name, and if the applicant is a partnership or a corporation, then in addition, the names and addresses of all partners, managers, officers, directors or stockholders, and such other information as may be required by the county.~~
- ~~C. Each applicant must be over the age of twenty one (21) years, a citizen of the United States and the state of Utah, of good moral character, and a fit and proper person to be granted a consent to a state restaurant liquor license. In the event that the applicant is a partnership or a corporation, the partnership or corporation must be duly registered to do business in the state of Utah, possess a business license from Cache County, and be a fit and proper entity to be granted a consent to a state restaurant liquor license.~~
- ~~D. Each applicant must provide a copy of the applicant's current business license and a copy of the application submitted for a state restaurant liquor license to the state of Utah.~~
- ~~E. No consent shall be granted to an applicant who has been convicted of a felony under federal or state law; convicted of any violation of federal or state law or local ordinance concerning the sale, manufacture, distribution, warehousing, adulteration or transportation of alcoholic beverages; nor convicted of any crime involving moral turpitude. If the applicant is a partnership or corporation, no consent shall be granted to the applicant if any partner, managing agent, officer, director or stockholder holding at least twenty percent (20%) of the stock or interest in the applicant partnership or corporation has been convicted of any such offense.~~
- ~~F. In the event that any such conviction occurs during the term of the license, the county shall have the authority to immediately withdraw its consent.~~
- ~~G. No consent shall be issued unless and until the Cache County sheriffs office has made a diligent check of the applicable records and provides a copy of the criminal record, if any, of the applicant to the county clerk.~~
- ~~H. No consent shall be issued unless and until the applicant provides written approval from the Utah department of transportation, if access to the proposed premises is to and from a state highway; or from the Cache County road department, if access is to and from a county road, approving the access for the proposed use.~~
- ~~I. No consent shall be issued until the applicant has first procured from the county health department a permit certifying that the premises is in sanitary condition and the equipment used complies with all health regulations of the state of Utah and Cache County.~~
- ~~J. The applicant must provide written confirmation from the development services department that the premises for which the license is sought is within a zone permitting the establishment of a state restaurant liquor outlet.~~
- ~~K. Upon the receipt by the county clerk of the completed application form, copies of the applicant's current business license and application for state restaurant liquor license, the report of the sheriff's office, written approval from the Utah department of transportation or Cache County road department and written confirmation from the development services department as to the zone of the premises, and a permit from the county health department, then the county clerk shall submit those materials and any other attachments or documents necessary and pertinent to the application to the county council. No application shall be forwarded by the county clerk to the county council unless and until the application fee has been paid. See Consolidated Fee Schedule for fee amount.~~

- ~~L. The county council, upon receipt of the application and accompanying materials from the county clerk, shall place the matter on its agenda for consideration.~~
- ~~M. The granting of a consent to a state restaurant liquor license is deemed a policy decision and therefor shall be under the authority and responsibility of the county council. All consents must be approved by the county council.~~

#### **5.08.040 LOCAL CONSENT PERMITTED ONLY FOR DESIGNATED LICENSES**

- (A) 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;
- (B) It is the responsibility of any applicant under this chapter to be in compliance with applicable conditions and requirements of state law and this chapter when submitting an application with the County for local consent. It is the obligation of each applicant to stay in compliance with state law and this chapter regardless of changes to those laws. To the extent permitted by state law, the officers and administrators of the County have the authority to enforce both the provisions of state law regulating alcoholic beverages and the provisions of this chapter.

#### **5.08.050: PROCEDURES**

- ~~A. In granting any consent, the county council shall give consideration to the locality upon which the proposed resort restaurant is to be operated in its proximity to any existing similar establishments possessing similar licenses, its proximity to any school, church, library, public park, playground or wilderness, public recreation or recreational area, or residential area; and to the potential impact of the granting of such license and the use of the premises as a state restaurant liquor outlet upon traffic and highway safety and the surrounding area.~~
- ~~B. No consent shall be granted to the applicant until he shows that he has filed with the county clerk a bond payable to Cache County in the amount of ten thousand dollars (\$10,000.00). The bond shall be in a form approved by the county attorney and shall be conditioned upon the applicant's faithful compliance with this chapter and the rules and regulations established by the county. If the bond is cancelled due to the applicant's negligence, the county may assess a reinstatement fee. See Consolidated Fee Schedule for fee amount. No part of any cash or corporate bond so posted may be withdrawn during the period that the consent is in effect or while revocation proceedings are pending against the applicant. The bond filed may be forfeited if the consent is revoked.~~

- ~~C. No consent shall be issued until the applicant has first procured from the county health department a permit certifying that the premises are in sanitary condition and the equipment used complies with all health regulations of the state of Utah and Cache County.~~
- ~~D. Each application shall be accompanied by a cashier's check payable to Cache County, as and for a nonrefundable application fee which shall be deemed to cover county expenses in the application process. See Consolidated Fee Schedule for fee.~~

#### **5.08.050 REQUIREMENTS FOR OBTAINING LOCAL CONSENT**

The granting of local consent for the issuance of any of the permitted licenses under 5.08.040 is conditioned upon the applicant satisfying the following criteria:

- (A) Qualifications. At the time of application, the applicant and/or, as applicable, the natural persons set forth in subsection (B) of this section, must:
- (1) be 21 years of age or older;
  - (2) not have had any alcoholic beverage license, permit, or package agency agreement revoked or canceled in the last 3 years;
  - (3) comply with federal and state laws pertaining to the payment of taxes and contributions to unemployment and insurance funds;
  - (4) not be in default under the provisions of any County ordinance;
  - (5) not be indebted or obligated to the County, except for current taxes; and
  - (6) not have been convicted of:
    - (a) within seven years before the day on which the application is submitted a felony under federal or state law;
    - (b) within four years before the day on which the application is submitted:
      - i. any crime concerning the sale, offering for sale, warehousing, manufacturing, distribution, transportation, or adulteration of an alcoholic product;
      - ii. a crime involving moral turpitude; or
    - (c) on 2 or more occasions within the 5 years preceding the day on which the application is submitted, driving under the influence of alcohol, drugs, or any combination of alcohol and drugs.

- (B) **Ownership.** The applicant must disclose to the County the identity and mailing address of each of the following individuals, each of whom must meet the qualifications set forth in subsection (A) of this section:
- (1) the applicant if the applicant is a natural person;
  - (2) if the applicant is a partnership, each partner controlling 20% or more of the partnership, and if applicable, each partner controlling 20% or more of a partnership with controlling authority over the applicant;
  - (3) if the applicant is a corporation, each shareholder owning 20% or more of the shares of the corporation, and if applicable, each shareholder owning 20% or more of the shares of a corporation with controlling authority over the applicant;
  - (4) if the applicant is a limited liability company, each owner of 20% or more of the limited liability company, and if applicable, and each owner of 20% or more of a limited liability company with controlling authority over the applicant;
  - (5) each officer, director, manager, managing agent, or person holding a similar position of any applicant that is not a natural person and each manager employed by any applicant who is a natural person; and
  - (6) each officer, director, manager, managing agent, or person holding a similar position of any entity with controlling authority over the applicant.
- (C) **Application.** The applicant must file a written and verified application with the County Clerk. The application must be signed by the applicant or person authorized to act on behalf of the applicant, who must affirm under oath that the facts therein contained are true. Failure to provide all required information or providing false or misleading information in the application constitutes grounds for denial of the application or revocation of the County's consent. The application must include:
- (1) the applicant's full name;
  - (2) the applicant's mailing address;
  - (3) the applicant's proposed location for its premises;
  - (4) a signed consent form stating that law enforcement and authorized County representatives will have the unrestricted right to enter and inspect the premises to ensure compliance with state law and County ordinances; and
  - (5) a statement by the applicant affirming that the applicant and each person identified in subsection (B) of this section possesses the qualifications specified in subsection (A) of this section and the Alcoholic Beverage Control Act.

- (D) Cache County Sheriff's Review. The applicant must receive a positive recommendation from the Cache County Sheriff. All applications filed in accordance with the provisions of this chapter must be referred by the County Clerk to the Sheriff for investigation and report. Prior to issuance of any local consent, all applicants and each individual identified in subsection 5.08.050(B) of this chapter, and the applicant's supervisory personnel, must submit to a Utah Bureau of Criminal Identification ("BCI") check and a Live Scan check of the Federal Bureau of Investigation ("FBI") criminal database. The Sheriff must, within 14 calendar days of his or her receipt of the application, make a recommendation to the County Clerk. If recommending denial of local consent, the Sheriff must submit a detailed report of the investigation, record the recommendation on the application, and sign the application. If recommending approval, the Sheriff must record the recommendation on the application, sign the application, and may at his or her sole discretion submit a detailed report of the investigation. In conducting an investigation and making a recommendation, the Sheriff must investigate and base a decision upon the following factors:
- (1) whether the proposed premises meet the proximity requirements set forth in the Alcoholic Beverage Control Act; and
  - (2) whether any criminal violations by the applicant or the individuals identified in subsection 5.08.050(B) of this chapter exist where the violation at issue would make the applicant ineligible for a license, permit, or agency under this chapter or state code.
- (E) Proximity Requirements. The applicant's proposed location must meet the proximity requirements outlined in the Alcoholic Beverage Control Act.
- (F) Fee. The applicant must with its application pay the local consent application fee established by the County Council, which is in addition to the business license fees and any other basic fees or regulatory fees which may apply. Regardless of whether the application is approved or denied, the local consent application fee is nonrefundable and will be retained to pay the costs of processing the application.

#### **5.08.060: APPROVAL OF LOCAL CONSENT AND ISSUANCE OF LOCAL CONSENT LICENSE**

- ~~A. Determination: The County Clerk must make a determination of whether local consent is appropriate under the provisions of this chapter. In making that determination, the County Clerk is not authorized to deviate from this chapter's requirements. If the County Clerk determines that local consent is appropriate, the County Clerk must give local consent and issue to the applicant a local consent license.~~
- ~~B. Proof Of State Licensure: Prior to operating under the authority of this chapter, each approved applicant must obtain and provide to the County Clerk proof of state licensure.~~
- ~~C. Authorization: The giving of local consent for purposes of state law does not authorize any action or business practice which is prohibited by or inconsistent with this chapter.~~



- ~~D. Requirement Of Local Consent License: A current local consent license is required to operate a winery manufacturing business or package agency business in Cache County.~~
- ~~E. Content Of Local Consent License: A Local Consent License must be signed by the County Clerk and contain the following information:~~
- ~~1. The name of the applicant to whom the Local Consent License has been issued and the name of a local contact person for the applicant;~~
  - ~~2. The street address of the premises and, if different, the mailing address of the applicant;~~
  - ~~3. The state license, permit, and/or agency for which local consent has been given;~~
  - ~~4. The term of the Local Consent License, including commencement and expiration dates; and~~
  - ~~5. A statement that the local consent license is subject to revocation by the county for violation of this chapter and/or violation of the Alcoholic Beverage Control Act.~~
- ~~F. Term Of Local Consent License: Except as outlined in subsection 5.08.080 of this chapter or unless the applicant's local consent license has been suspended or revoked, obtaining local consent is a one-time requirement. A local consent license must be renewed by February 1 of each year.~~
- ~~G. Display: The Local Consent License must at all times be conspicuously displayed to the public in the place to which it refers and for which it is issued.~~

#### **5.08.060 APPROVAL OF LOCAL CONSENT**

- (A) Determination. After the applicant files an application with the County Clerk and the requirements under section 5.08.050 above are met, the County Clerk shall submit those materials and any other attachments or documents necessary and pertinent to the application to the County Council. No application shall be forwarded by the County Clerk to the County Council unless and until the application fee has been paid. See Consolidated Fee Schedule for fee amount.
- (B) The County Council, upon receipt of the application and accompanying materials from the County Clerk, shall place the matter on its agenda for consideration. The granting of local consent shall be under the authority and responsibility of the County Council.
- (C) The County Council must make a determination of whether local consent is appropriate under the provisions of this chapter. In making that determination, the County Council is not authorized to deviate from this chapter's requirements. If the County Council determines that local consent is appropriate, the County Council must give local consent to the applicant.
- (D) Authorization. The giving of local consent for purposes of state law does not authorize any action or business practice which is prohibited by or inconsistent with this chapter.

- (E) Requirement of Local Consent. Local consent is required to operate the state licenses, permits, and/or package agencies listed in section 5.08.040 above in Cache County.
- (F) Content of Local Consent. Local consent must be signed by the County Council and contain the following information:
  - (1) the name of the applicant to whom local consent has been issued and the name of a local contact person for the applicant;
  - (2) the street address of the premises and, if different, the mailing address of the applicant;
  - (3) the effective date of the local consent; and
  - (4) a statement that local consent is subject to revocation by the County for violation of this chapter and/or violation of the Alcoholic Beverage Control Act.
- (G) Term of Local Consent. Obtaining local consent is a one-time requirement.

#### **5.08.070: RENEWAL OF LOCAL CONSENT LICENSE**

- ~~A. Renewal Of Local Consent License: The holder of a Local Consent License who desires to renew the license must file with the County Clerk a completed renewal application in a form prescribed by the County Clerk, a renewal fee, and a copy of his or her current state Winery Manufacturing License and/or Package Agency agreement at least thirty (30) days prior to expiration of the Local Consent License. The County Clerk must issue a new local consent license valid through February 1 of the next year if the above requirements are met; and the County Clerk is unaware of grounds for nonrenewal, revocation, or suspension of the local consent license.~~
- ~~B. Penalty For Untimely Renewal Application: A holder of a local consent license who fails to timely file an application for renewal must be assessed a penalty equal to twenty-five percent (25%) of the renewal fee.~~
- ~~C. Status When Action Is Pending On A Renewal Application: If an application for renewal has been filed with the County Clerk, upon written notification by the County Clerk, a holder of a local consent license must on the date the existing license expires close his or her licensed premises for all business related to the winery manufacturing license and/or Package Agency and keep the premises closed for all such business until the date a new local consent license is issued. In the absence of such notice, the local consent license is deemed renewed if a renewal application was filed on or before the date the local consent license was set to expire.~~
- ~~D. Transfer Of Local Consent: Neither local consent nor a local consent license is transferable from person to person or from location to location without reapplying for local consent and following the provisions set forth in section 5.08.050 of this chapter. Applicants for transfer of local consent must also present proof that the transfer was~~



~~approved by the state Department of Alcoholic Beverage Control as outlined in the Alcoholic Beverage Control Act.~~

### **5.08.070 DENIAL OF LOCAL CONSENT**

- (A) Grounds for Denial of Local Consent. The County Council has the authority to deny an application for local consent if:
- (1) the application does not contain all of the required information;
  - (2) the application fee is not paid;
  - (3) the applicant, owners, or premises do not meet all of the applicable requirements of section 5.08.050 of this chapter;
  - (4) the applicant intentionally misrepresented or concealed information required by this chapter in an application for local consent or in an application for renewal of a Certificate of Local Consent; or
  - (5) the applicant holds local consent for other premises under this chapter that are not in good standing or upon which premises the provisions of this chapter and state laws are frequently violated.
- (B) Procedure for Denial. The County Council must give notice to any applicant for local consent of the decision to deny local consent by mailing notice by certified mail to the individual identified in the local consent application at the address listed on the application. The notice must include the following:
- (1) the name of the applicant for local consent;
  - (2) the reason for denial, including an identification of any County, state, or federal law violated;
  - (3) an explanation of the applicant's or local consent holder's right to appeal the decision of the County Council;
  - (4) a statement of the time frames and process for appeal; and
  - (5) a statement that if the applicant or local consent holder chooses not to appeal within the specified time frame, the decision of the County Council will be final and the applicant or local consent holder will be expected to comply immediately with the denial.

- (C) Appeals. Denials by the County Council under this section may be appealed by filing a written notice of appeal with the County Council within 10 calendar days of the date of mailing of the certified letter notifying the applicant or local consent holder of the denial.

#### **5.08.080: ANNUAL FEES**

~~There shall be an annual fee for a consent to a state restaurant liquor license; in addition to the application fee, which shall be payable on or before October 31 of each year. See Consolidated Fee Schedule for amount of fee.~~

#### **5.08.090: TRANSFERS**

~~Consents issued by the county may be transferred from one premises to another or from the applicant to any successor or assign only upon the specific written consent of the county council. Any proposed transferee or new premises must meet all the qualifications of the original licensee and premises, including the payment of a nonrefundable application fee. See Consolidated Fee Schedule for amount of fee.~~

#### **5.08.100: MISCELLANEOUS**

##### ~~A. Alcohol Consumption On County-Owned Property:~~

- ~~1. It is unlawful for any individual to consume alcohol while on property owned by Cache County, unless:
  - ~~a. The individual has a contract with Cache County for a private party that designates facilities or areas of the Cache County Fairgrounds or Event Center where alcohol will be served and consumed;~~
  - ~~b. The individual is designated on the guest list for a private party and is within the facilities or areas of the Cache County Fairgrounds or Event Center that are contractually designated as the site for the private party;~~
  - ~~c. The individual is (i) attending an event for which a person or entity has obtained a single event permit per Utah Code Chapter 32B, Section 9, Part 3 and has contracted with Cache County to allow alcohol to be served and consumed in designated facilities or areas within the Cache County Fairgrounds or Event Center, (ii) the individual is consuming alcohol within the facilities or areas of the Cache County Fairgrounds or Event Center that are contractually designated for the single event, and (iii) the individual is consuming alcohol within the publicly advertised hours of the event; or~~
  - ~~d. The individual is participating in field sobriety and nystagmus training conducted by the Cache County Sheriff's Office.~~~~
- ~~2. If an individual violates subsection A1, then the individual is guilty of a class B misdemeanor. If an entity knowingly allows an individual to consume alcohol in violation of subsection A1, then each violation shall result in a civil penalty of five hundred dollars (\$500.00).~~

~~Advertising On County Owned Property Prohibited Without Contract: Any advertising of alcoholic beverages in or upon any county-owned property is prohibited, unless it is contractually agreed upon with Cache County in accordance with County policy.~~

#### **5.08.080 MISCELLANEOUS**

- (A) Advertising on County-Owned Property Without Contract: Any advertising of alcoholic beverages in or upon any county-owned property is prohibited, unless it is contractually agreed upon with Cache County in accordance with County policy.
- (B) Alcohol Consumption On County-Owned Property: It is unlawful for any individual to consume alcohol while on property owned by Cache County, unless:
  - (1) The individual has a contract with Cache County for a private party that designates facilities or areas of the Cache County Fairgrounds or Event Center where alcohol will be served and consumed;
  - (2) The individual is designated on the guest list for a private party and is within the facilities or areas of the Cache County Fairgrounds or Event Center that are contractually designated as the site for the private party;
  - (3) The individual is (i) attending an event for which a person or entity has obtained a single event permit per Utah Code Chapter 32B, Section 9, Part 3 and has contracted with Cache County to allow alcohol to be served and consumed in designated facilities or areas within the Cache County Fairgrounds or Event Center, (ii) the individual is consuming alcohol within the facilities or areas of the Cache County Fairgrounds or Event Center that are contractually designated for the single event, and (iii) the individual is consuming alcohol within the publicly advertised hours of the event; or
  - (4) The individual is participating in field sobriety and nystagmus training conducted by the Cache County Sheriff's Office.
- (C) Penalties. Unless otherwise provided, any person who violates any provision of this chapter is guilty of a class B misdemeanor and, upon conviction thereof, is punishable as provided by state law.
- (D) Severability. If a provision of this chapter or the application of a provision of this chapter to a person or circumstance is held invalid, the remainder of this chapter must be given effect without the invalid provision or application. The provisions of this chapter are severable.



**CACHE COUNTY**  
**RESOLUTION NO. 2024 - 09**

**A RESOLUTION APPROVING THE ELKHORN RANCH PHASE II 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 Elkhorn Ranch Phase II Open Space Application, scored it according to the approved scoring criteria, and recommended the County Council approve the Elkhorn Ranch Phase II Open Space Application to move to the second application phase. Noting that trail connectivity was not resolved within the application and that the Council should note that this property is in an area critical to trail connectivity according to the County's Trail's Master Plan; 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 Elkhorn Ranch Phase II 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 23 DAY OF April 2024.

	In Favor	Against	Abstained	Absent
David Erickson	✓			
Sandi Goodlander	✓			
Nolan Gunnell	✓			
Barbara Tidwell	✓			
Karl Ward	✓			
Mark Hurd	✓			
Kathryn Beus	✓			
Total	7	-	-	-

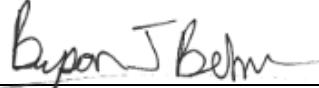


**CACHE COUNTY**  
**RESOLUTION NO. 2024 - 09**

**CACHE COUNTY:**

By:   
David L. Erickson, Chair

**ATTEST:**

By:   
Bryson Behm, County Clerk



**CACHE COUNTY**  
**RESOLUTION NO. 2024 - 09**

**EXHIBIT A**  
**Elkhorn Ranch Phase II Open Space Application**





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: Elkhorn Ranch Phase 2

Address or location: Approximately 2400 S HWY 165 Nibley Ut 84321

Municipality or nearest city: Nibley/Millville

Parcel number(s): 03-001-0019, 03-001-0014, 03-003-0003, 03-002-001, 03-004-0001, 03-002-0012, 03-004-0002, 03-004-0009

Total acres: 115 +/- 5

Acres proposed to be preserved by conservation easement: 115 +/- 5

Acres proposed to be preserved by ownership transfer (fee title): 0

If not the entire parcel(s), provide a map of the proposed project. **See Figure 1 Attached**

Section C: Applicant Information

Property Owner(s): Joe Fuhriman

Address : 2400 S HWY 165 City: Nibley State: Ut Zip: 84321

Phone: 435-770-0099 Email: jhf.ranch@gmail.com

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

Title / position: Executive Director - Bear River Land Conservancy

Address : P.O. Box 4565 City: Logan State: Ut Zip: 84323

Phone: 907-953-2575 Email: gabriel@bearriverlandconservancy.org

☒ I authorize this agent as my legal contact person

Agent relationship to project, check all that apply:

☐ Municipality

☒ Land Trust

☐ 501c3

☐ Other, describe  
\_\_\_\_\_



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

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Additional contacts:

Name: Kristin Howell Phone: 307-413-5270 Email: howell.28@hotmail.com

Name: Matt Coombs Phone: 435-466-0084 Email: mccombs@sagebrushlandtrust.org

If you are working with a land trust, please list name here: Bear River Land Conservancy

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

1. Please describe past, present, and future uses of the property.
2. Are you aware of any toxic or hazardous materials on the property? Select one ▾ If yes, please explain.
3. Is the property subject to any DEQ or EPA restrictions? Select one ▾ If yes, please explain.
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.
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.



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.

Joe Fickman  
Property Owner(s) Signature (Required)

03/01/24  
Date

David J. Murray  
Authorized Agent Signature

03/01/2024  
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 [COSAC@cachecounty.org](mailto:COSAC@cachecounty.org).

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

# COSAC Open Space Funding Application

## Section D: Additional Information

### **1. Please describe past, present, and future uses of the property.**

The present-day property was part of the original settlement of 1855 in Cache Valley. The Fuhriman family purchased the property in 1944 and presently manage an agricultural Cow/Calf livestock operation. In 2003 the family placed the property under agricultural protection and in 2004, the family placed approximately 59 acres under an agricultural conservation easement. This project intends to expand upon the original easement and ensure the long-term viability of the agricultural operation into the future.

### **2. Are you aware of any toxic or hazardous materials on the property?**

There are no known toxic or hazardous materials on the property. As part of a past project an environmental clearance report was undertaken on most of the proposed property and did not reveal any toxic or hazardous materials.

### **3. Is the property subject to any DEQ or EPA restrictions?**

No known DEQ or EPA restrictions exist on the property.

### **4. What benefits will the public receive as a result of the proposed transaction?**

#### **a. Protection of Scenic Vistas:**

- i. As Cache County continues to develop, scenic vistas and open spaces are rapidly disappearing. This property maintains frontage along a major corridor (State Highway 165) and provides vistas of farmlands, rivers, and wet meadows. These scenic values are unique and the very reason many folks call Cache County home.

#### **b. Maintains agriculture:**

- i. The property is part of a historic agricultural operation in Cache County, Utah. Today the property is managed as an active Cow/Calf operation and expands upon an existing 59-acre agricultural easement and agricultural protection area to ensure long-term agricultural viability of the whole property. Additionally, approximately 97% of the property contains critical farmland with 33% being of local importance, 34% being prime farmland, and the remaining 30% being farmland of statewide importance. In addition to critical farmland, the property has numerous water rights that may be encumbered by the conservation easement.

#### **c. Maintains waterways:**

- i. This property protects a 3,700 ft riparian corridor and section of the Blacksmith Fork River a tributary to the Logan River. Additionally, maintaining the property as open space reduces flood impacts and maintains critical green infrastructure allowing for the attenuation of

flooding and mitigating potential downstream impacts to communities. The Blacksmith Fork River also contains habitat for Bonneville Cutthroat Trout with numerous restoration and connectivity projects occurring upstream and downstream of the property. The landowner has also worked with several partners including the Utah Department of Agriculture and Food and NRCS to minimize and mitigate erosion.

**d. Maintains wildlife habitat:**

- i. The property contains numerous benefits to wildlife. The Black Smith Fork River flows unimpeded directly through the property and contains Bonneville Cutthroat Trout and other aquatic species. Additionally, there are numerous springs, wetlands, and wet meadows on the property and past management has been conducive to migratory birds such as Sandhill Cranes and other species. Finally, the property connects two existing conservation easement areas and expands upon open space and connectivity in a rapidly developing portion of Cache County.

**e. Historical significance:**

- i. This property represents the rich agricultural heritage and history of Cache Valley. The property today was part of the first Mormon Pioneer Settlement in 1855. The original fort and corrals were established just to the west of the property and the property provided excellent grazing lands and resources for construction. The property is also one of the last agriculturally viable portions of the original settlement. Protecting this property not only protects an active agricultural operation, but the very history on which modern day Cache County has been built.

**5. Are you proposing to open any portion of the property to public access?**

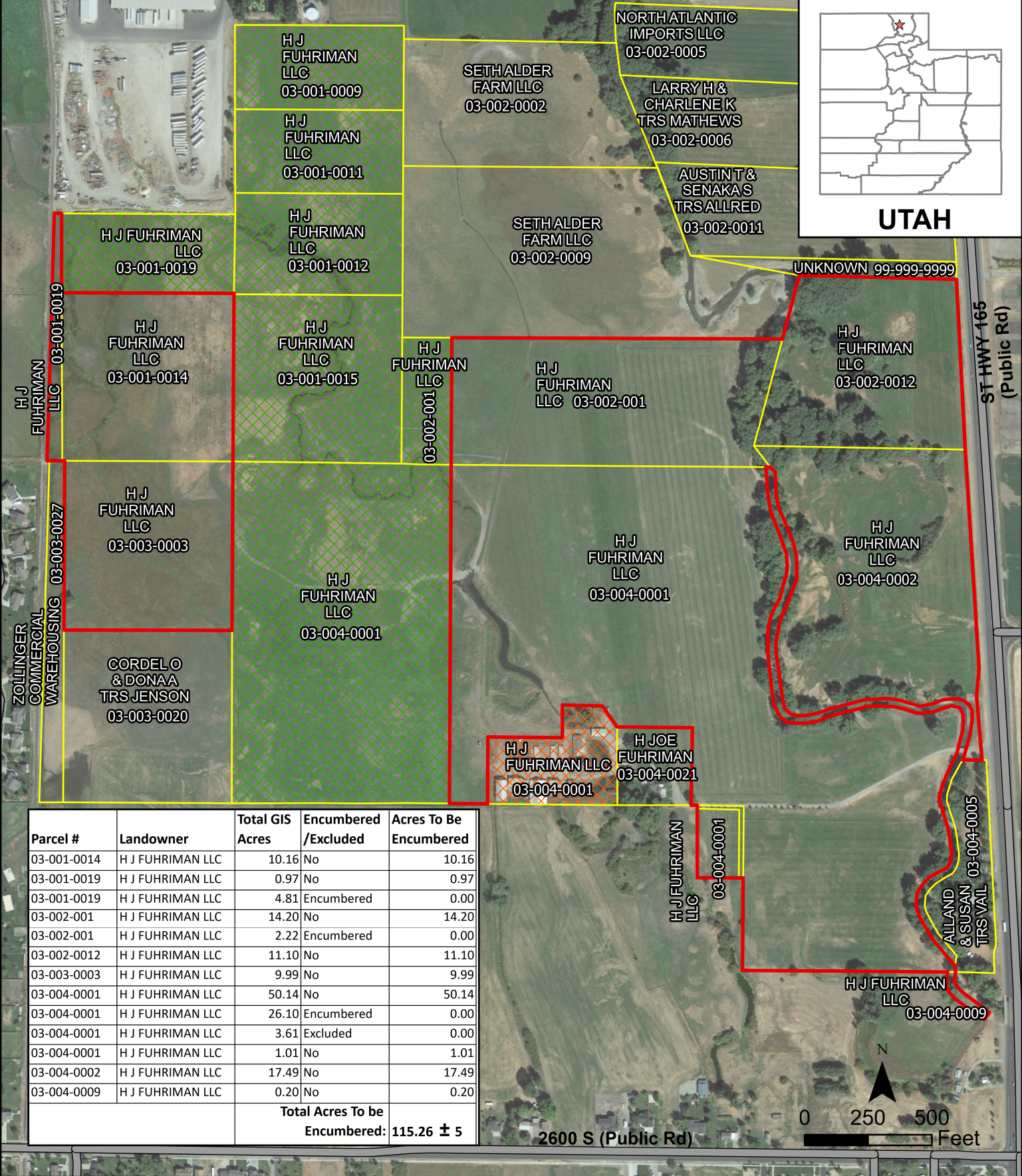
The subject property is an active cattle ranch with livestock that are moved throughout the property on a constant basis. Unfortunately, providing public access to any portion of the property may jeopardize the operation and increase the liability/risk to the landowner and their livelihood. Therefore, public access is not intended to be provided at this time.

**6. Are you working with other organization or agencies that may provide professional assistance or potential funding sources (such as NRCS, Bear River Land Conservancy, Utah Open Lands, U.S. Fish and Wildlife Service, Utah LeRay McAllister Working Farm and Ranch Fund)?**

This project is being facilitated and potentially held or co-held by Bear River Land Conservancy. Bear River Land Conservancy has a history of working with the Natural Resource Conservation Service and the Utah LeRay McAllister Working Farm and Ranch Fund to close conservation easements and intends to submit applications to both funding sources. Bear River Land Conservancy will also be assisting with the due diligence necessary to complete the project.



FIGURE 1: PROPERTY MAP



LEGEND

- Easement Boundary
- Cache County Parcels
- Excluded Area
- Public Roads
- Elkhorn Ranch CE (59.07 AC)



Notes:  
-Drawn By Gabriel Murray 02/22/2024  
-Boundaries and Acreages are not Surveyed and Subject to Change



## 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](http://www.cachecounty.org)

I, David Erickson, Council Chair for the Cache County Council, do solemnly swear under penalty of law that the Cache County Council did close a portion of the April 23, 2024 meeting of the Cache County Council for the sole purpose of discussing the character, professional competence, or physical or mental health of an individual, in accordance with Utah Code § 52-4-205 (1)(a). Furthermore, this portion of the meeting of the Cache County Council was not recorded, consistent with Utah Code § 52-4-206 (6).

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.

SIGNED ON THIS 23rd DAY OF APRIL, 2024, AT LOGAN, UTAH.

A handwritten signature in blue ink, appearing to read "David L. Erickson", is written over a horizontal line.

David L. Erickson, Chair