

## CACHE COUNTY COUNCIL

**June 11 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 Sandi Goodlander, Councilmember Nolan Gunnell, Councilmember Mark Hurd, Councilmember Kathryn Beus.

**MEMBERS EXCUSED:** Councilmember Karl Ward

**STAFF PRESENT:** Bartt Nelson, Bryson Behm

**OTHER ATTENDANCE:** Matt Funk, Steven Wood, Jake Leatham, Mary Jensen, Erik Jensen

### Council Meeting

1. **Call to Order 5:00p.m.** – Chair David Erickson :[13](#)
2. **Opening Remarks and Pledge of Allegiance** :[38](#) Councilmember Kathryn Bues spoke to World Refugee Day in our county.
3. **Review and Approval of Agenda APPROVED** :[3:01](#)  
**Action:** Motion made by Councilmember Sandi Goodlander to approve the agenda; seconded by Councilmember Nolan Gunnell.  
**Motion passes.**  
**Aye:** 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd  
**Nay:** 0
4. **Review and Approval of Minutes APPROVED** :[3:31](#)  
**Action:** Motion made by Councilmember Nolan Gunnell to approve the minutes; seconded by Councilmember Sandi Goodlander.  
**Motion passes.**  
**Aye:** 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd  
**Nay:** 0
5. **Report of the County Executive** :[4:03](#) Executive Zook presented a budget calendar and the process for tax increase notices.
  - A. **Appointment/Discussion** :[10:33](#) Dave Rayfield on the Open Space Advisory Committee would like to step down and Presented Kathleen Alder. :[12:45](#) Vice Chair Barbara Tidwell asked if involvement with Lee McCallister would be a conflict of interest. :[12:53](#) Executive Zook responded no – she would advocate for County State funds. :[13:23](#) councilmember Kathryn Bues clarified if there was an open application posted. :[13:33](#) Executive Zook answered no, this is to fill the interim and will be posted in January. :[14:38](#) Sandi Goodlander asked to hold for two weeks. Council agreed.  
  
**Action:** Motion made by Councilmember to approve; seconded by Councilmember \*.  
**Motion passes.**  
**Aye:** 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd  
**Nay:** 0
  - B. **Appointment/Discussion** :[15:07](#) Executive Zook reappointed David Erickson and Kathryn Bues to Cache County Fire District Board of Trustees.

**Action:** Motion made by Councilmember Sandi Goodlander to approve; seconded by Councilmember Nolan Gunnell.  
**Motion passes.**  
**Aye:** 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd  
**Nay:** 0

**6. Items of Special Interest**

**7. Department or Committee Reports**

**8. Board of Equalization**

**9. Public Hearings**

**A. Set Public hearing for June 25, 2024 – Consideration of the Powder Mountain Development Agreement [26:57](#)**

**Discussion:** None

**Action:** Motion made by Councilmember Kathryn Bues to approve public hearing; seconded by Vice Chair Barbara Tidwell.

**Motion passes.**

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

**Nay:** 0

**B. Set Public hearing for June 25, 2024 – Ordinance 2024 – 08 – Title 16 Subdivision Regulations**

**Discussion:**

**Action:** Motion made by Councilmember \* to approve public hearing; seconded by Councilmember \*.

**Motion passes.**

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

**Nay:** 0

**C. Set Public hearing for June 25, 2024 – Resolution 2024 – 13 – Opening the 2024 Budget**

**Discussion:**

**Action:** Motion made by Councilmember \* to approve public hearing; seconded by Councilmember \*.

**Motion passes.**

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

**Nay:** 0

**D. Public hearing – Ordinance 2024 – 05 – Quarter-In Ventures Property Rezone**

**Discussion:**

**Action:** Motion made by Councilmember \* to approve public hearing; seconded by Councilmember \*.

**Motion passes.**

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

**Nay:** 0

**E. Set Public hearing**

**Discussion:**

**Action:** Motion made by Councilmember \* to approve public hearing; seconded by Councilmember \*.

**Motion passes.**

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

**Nay:** 0

#### **F. Set Public hearing**

**Discussion:**

**Action:** Motion made by Councilmember \* to approve public hearing; seconded by Councilmember \*.

**Motion passes.**

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

**Nay:** 0

#### **10. Pending Action**

#### **11. Initial Proposals for Consideration of Action**

##### **A. Ordinance 2024-05 Quarter –In Ventures Property Rezone [28:05](#)**

**Discussion:** Stephen Nelson presented proposal from applicant to rezone agriculture to commercial space. [31:12](#) Chair Erickson opened hearing. [31:48](#) Mary and Eric Jensen – owners of Quarter in Ventures said their reason to rezone is to allow those coming to events can stay in their trailers on the property. [32:38](#) Councilmember Sandi Goodlander asked if overnight accommodations are available. Mary answered plans are – yes. [33:16](#) Vice Chair Barbara Tidwell asked about water lines or electric. Mary and Eric answered no plans right now.

**Action:** Motion made to close public hearing by Councilmember Nolan Gunnell to approve Ordinance/Resolution; seconded by Vice Chair Barbara Tidwell.

**Motion passes.**

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

**Nay:** 0

[34:53](#) Chair Erickson opened back up for discussion. [35:04](#) Executive Zook asked about UDOT and Hyrum studies realigning state route 101 and right of way preservation. [35:24](#) Stephen answered not with this zone application. [35:49](#) Chair Erickson and Stephen discussed dedication requirements of typical county right of way and future plans for 4200 S. [37:00](#) Executive Zook asked about discussion happening if a structure would possibly ever be in the way of the road. [37:39](#) Stephen Wood with Sunrise Engineering said the space anticipated for future buildings will be reserved with parking lots, no structure. Executive Zook followed up and asked if three access points is allowed in code. Wood answered a frontage road will parallel 4200 S if the state eventually takes ownership. [39:56](#) Chair Erickson opened. Councilmember Sandi Goodlander said it is nice to see a conditional use permit with zoning change and agreed with the zoning commission approval. [41:08](#) Chair Erickson asked when rezoned to commercial what other uses of the property can be done. Stephen answered right now it is considered a conditional use permit and once right is given anything under commercial use is allowed. [41:41](#) Council discussed intention to draw business to that road. [43:30](#) Chair Erickson moved to close.

**Action:** Motion made to suspend rules by Councilmember Sandi Goodlander to approve Ordinance/Resolution; seconded by Nolan Gunnell.

**Motion passes.**

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

**Nay:** 0

##### **B. Ordinance 2024-06 An Ordinance Amending Section 3.48.020 Regarding Grant Records**

**Discussion:** [15:59](#) Micah explained policy is that copies of contracts for grants are required by various offices. Since CDOC allows department's universal access to them this ordinance changes the policy that copies are needed. [19:05](#) Councilmember Nolan Gunnell asked Bryson how he knows he has received all grant contracts. Bryson answered all documents are uploaded to CDOC. [19:45](#) Councilmember Mark Hurd asked if the question was more toward how County Clerk Bryson knows he has all documents. Bryson answered there is tracking with the executive office and finance. [20:26](#) Micah said all contracts are reviewed by the attorney's office, signed by the executive office, and then sent to the clerk. [20:48](#) Attorney Taylor Sorenson added the requirements under the grant contracts are reviewed. [21:37](#) Councilmember Kathryn Bues, Micah, and Bryson clarified what the process is for grants vs contracts. [23:44](#) Sandi asked about a contract software approved last year. [24:09](#) Bryson answered that decision is still being made but there is a system in place in the clerk's office currently that is working. [24:52](#) Chair Erickson confirmed every contract we have must go through attorney's office. Bryson answered yes, every contract we have has a signature on it.

**Action:** Motion made by Vice Chair Barbara Tidwell to suspend the rules and approve Ordinance/Resolution; seconded by Councilmember Kathryn Bues.

**Motion passes.**

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

**Nay:** 0

**C. Ordinance 2024-07 An Ordinance Amending Section 5.08.040 Relating to Local Consent for Single Event or Temporary Beer Event Permits**

**Discussion:** [44:24](#) Micah presented an amendment for single event permits where beer is sold. [48:24](#) Vice Chair Barbara Tidwell responded she was not there and asked Mark and Karl for their knowledge. [48:39](#) Councilmember Karl Ward said code permitted the consent and no dissent was recalled. [49:58](#) Micah said the state still has regulations to follow. [50:23](#) Vice Chair clarified this would be year by year and agreed with the amendment. Councilmember Sandi Goodlander added she heard no dissent from the Sheriff. [51:18](#) Councilmember Nolan Gunnell clarified the intent of the permit. [51:47](#) Mark Hurd said the availability and consumption of beer in association to the event is enforced by the state. [52:04](#) Kathryn Bues asked about liability from the state. [52:28](#) Attorney Taylor Sorenson answered the state issues and enforces the permit and consent is a nod to the local entities. [53:28](#) Councilmember Kathryn Bues asked if every permit will be seen by council. [53:41](#) Micah and council answered the clerk's office will review them. [54:07](#) Chair Erickson expressed frustration how this happened and the need to fix things.

**Action:** Motion made by Vice Chair Barbara Tidwell to suspend rules and approve Ordinance/Resolution; seconded by Councilmember Nolan Gunnell.

**Motion passes.**

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

**Nay:** 0

**D. Resolution 2024 – 12 A Resolution Approving the Cooper Wellsville Round One Open Space Application**

**Discussion:** [56:16](#) Stephen Nelson gave presentation of property assessment. [1:03:12](#) Councilmember Nolan Gunnell raised concerns for farmland precluding a future trail. [1:03:51](#) Stephen answered this was COSAC's recommendation and he couldn't speak to the motivation. He added UDOT has planned trail frontage. [1:04:36](#) Councilmember Nolan Gunnell repeated his concern and wanted more information with the trail and the landowners purpose with the farmland. [1:05:43](#) Councilmember Sandi Goodlander asked if final approval could be contingent on offering a public trail. [1:05:55](#) Micah said this grant is offered by County Council and Council has discretion. If applicant has no desire no public access but county feels meet intent of bond then no condition needed. [1:07:13](#) Nolan added each landowner should have that opportunity. [1:07:29](#) Stephen said originally there were three parcels- two are now up for consideration and explained language added in whereas, or therefore sections of resolution could be added to regarding the public access. [1:09:12](#) Councilmember Nolan Gunnell clarified the third application scope and exclusion of wildlife. Stephen answered COSAC committee is still considering mainly due to the secluded nature of the property. [1:10:44](#) Councilmember Mark Hurd asked about the Wellsville master road plan has based on parcel lines drawn. [1:10:47](#) Stephen explained the parcel views and roads. [1:12:09](#) Mark said there should be other ways for public access without using private property. He asked



about the intersection at hw89/91 if UDOT weighed in on developments in the future. Stephen answered not to his understanding. [1:14:15](#) Chair Erickson opened for questions and public hearing. [1:14:56](#) Applicant said he is a farmer and would like to keep farm ground kept in the valley instead of houses. [1:16:08](#) Council proceeded to vote then realized the resolution needed revisions. [1:16:32](#) Stephen gave options to council. Councilmember Nolan Gunnell wanted to speak with the property owner. [1:17:44](#) Council discussed public access and resolution approval. [1:20:04](#) Councilmember Sandi Goodlander motioned to amend main motion and include specific parcel number, and include the COSAC committee language. [1:20:29](#) Council discussed motion and amendments. [1:21:14](#) Micah Safsten confirmed the parcel numbers.

**Action:** Motion made by Councilmember Sandi Goodlander to approve Resolution; seconded by Vice Chair Barbara Tidwell.

**Motion passes.**

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

**Nay:** 0

#### **E. *Nautica Subdivision 1<sup>st</sup> Amendment***

**Discussion:** [1:22:40](#) Stephen gave presentation to amend subdivision plats. [1:29:49](#) Councilmember Nolan Gunnell confirmed farm access if land is changed. The landowner answered yes. [1:30:53](#) Micah continued showing the map explaining parcels, roads, and the proposal. [1:32:36](#) Councilmember Nolan Gunnell wanted Matt's opinion how to address the roads and confirmed the private road was built to county standards. Council agreed and decided to postpone. [1:34:30](#) Councilmember Sandi Goodlander asked about requirements missing if they had been addressed. Stephen answered because it was a denial those have not been resolved yet. [1:35:17](#) Mark motioned to continue review of amendment for future meeting.

**Action:**

**Motion passes.**

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

**Nay:** 0

#### **12. Other Business [1:36:35](#)**

- |   |                           |
|---|---------------------------|
| <b>A.</b> Nibley Heritage Days Parade<br>Mark Hurd                              | June 22, 2024 at 10:00 am |
| <b>B.</b> Lewiston Independence Day Parade<br>Chair Erickson<br>Barbara Tidwell | July 4, 2024 at 9:15 am   |
| <b>C.</b> Hyrum Independence Day Parade   | July 4, 2024 at 10:00 am  |
| <b>D.</b> May Building Permits  |                           |

#### **13. Councilmember Reports**

**David Erickson** – [2:04:49](#) Chair Erickson said budget calendar isn't new and to adopt a new one would be good to compare with the old one. He said deadlines are good and agreed with Executive Zook that adhering to them saves money. [2:06:35](#) Nolan suggested Wes in finance attend the workshops also.

**Sandi Goodlander** – [1:57:20](#) Sandi spoke to the tour and the value Cache valley puts in the state for engineering and technology developed at Utah State. She said hiring for a new director of BRAG is started. She would send a summary to

council of a meeting with Nolan and the executive office to include workshops in the calendar, and to prepare for budget in September to give notice if taxes will increase. [2:01:55](#) Kathryn and Sandi discussed workshop details.

**Karl Ward** – Absent

**Barbara Tidwell** –None

**Kathryn Beus** – [1:53:52](#) Kathryn spoke to the rec center and process handed to Stephen for RFP draft. [1:54:30](#) Stephen said a draft for the scope is ready and a meeting is scheduled this week. [1:55:23](#) Kathryn expressed gratitude for Stephen's work. [1:55:39](#) Barbara asked what the name of the committee who will be involved. [1:55:45](#) Stephen answered they are called a 'Technical Committee' comprised of staff, rec directors, other city staff, and council.

**Nolan Gunnell** – [1:47:59](#) Nolan agreed with limiting intradepartmental transfers. He brought up a citizen concern of a bridge limiting use of farm operations as equipment cannot cross the bridge. He spoke to the AGPAC tour next week with state representatives and senators about agriculture involvement in the county and their plans to visit different businesses and Utah State University.

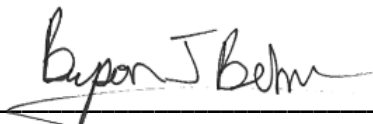
**Mark Hurd** – [1:39:11](#) Mark gave recap of O&P codes for accounting and credit card policy. [1:39:44](#) Chair Erickson clarified Dane Murray had done work on this already. Micah answered yes, but it didn't cover credit cards and he put one together based off state auditor's template. [1:40:23](#) Mark continued thresholds for transfers, intradepartmental vs out and discussion about no permits for transfers from a meeting with Wes Bingham in Finance had been talked about. Mark gave an example when transfers would be needed: A Departments vehicle budget allows for one vehicle four new tires but turns out two vehicles need them; this takes a vehicle out of the departments use until the budget is open again. He said prohibiting flexibility will cause department inflation and miscellaneous charges. He added the encroachment fee waiver failed to receive recommendation from O&P. [1:44:23](#) Mark spoke to an activity with 47G for educational tours around the valley he and Sandi attended and the impact of the organization to our valley. [1:47:22](#) Vice Chair Barbara Tidwell asked about the O&P meeting schedule. [2:03:33](#) Mark said he forgot to mention ballots were mailed out for republican election and asked Bryson to report how things are going. [2:04:06](#) Bryson said ballots are being processed and invited anyone to visit the office or ballot center.

#### 14. Executive Session

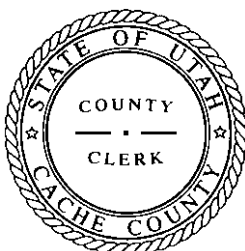
Adjourn: 7:30 PM



APPROVAL: David Erickson, Chair  
Cache County Council



ATTEST: Bryson Behm, Clerk  
Cache County Council



## Ordinance No. 2024-05

### Cache County, Utah

#### Quarter-In Ventures Property Rezone

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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>6 / 11 / 2024</u>	<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				✓
<b>Total:</b>	6	—	—	1
<b>Final action:</b>	✓ <u>      </u> Adopt <u>      </u> Reject			

Cache County Council:



Dave Erickson, Chair

Attest:



Bryson Behm, Clerk  
Cache County

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

\_\_\_\_\_ Disapprove (A Statement of Objection is attached)

David Zook, Executive  
Cache County



**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**

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**

Approval (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)

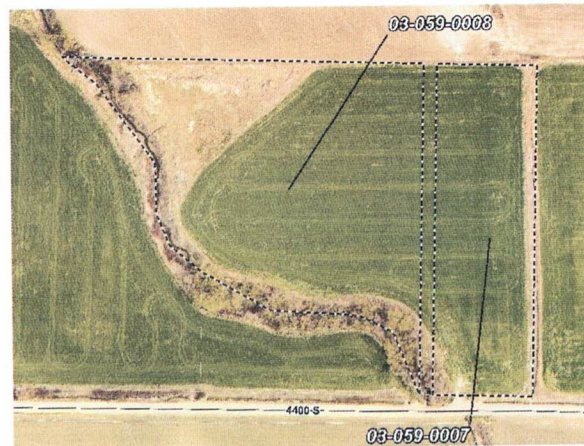
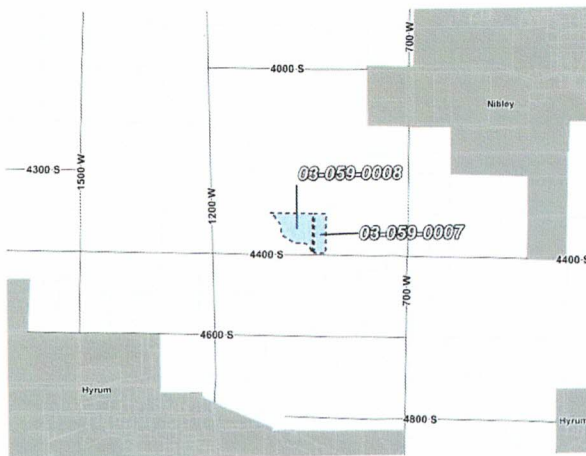
**Surrounding Uses:**

North – Agricultural

South – Agricultural

East – Agricultural

West – Agricultural



**Findings of Fact**

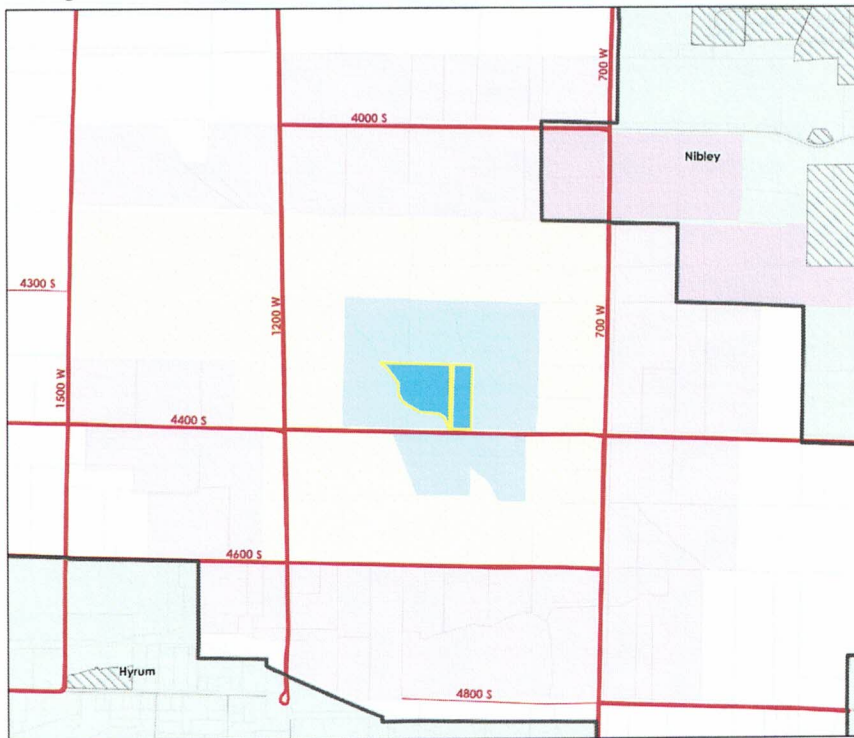
**A. Request description**

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:

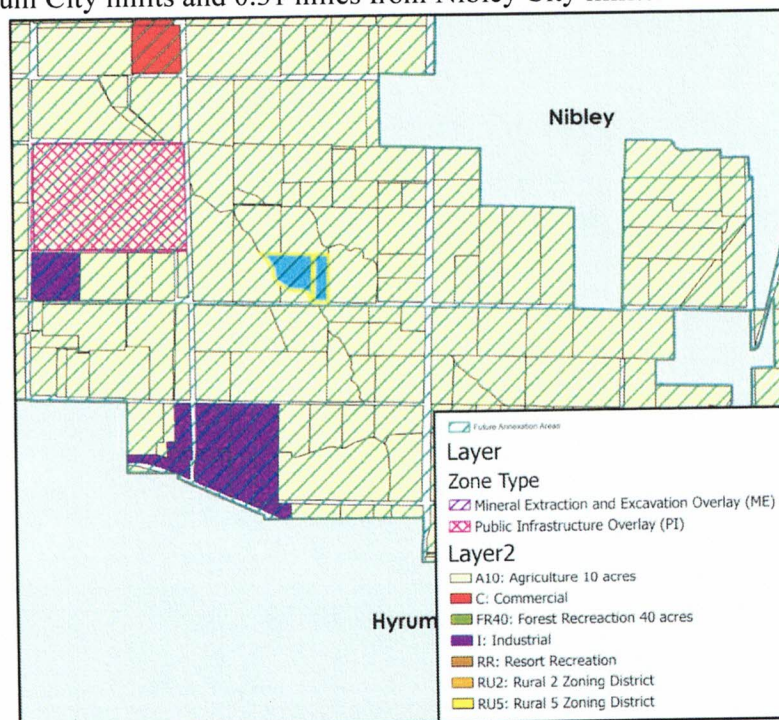
- i. Parcel status: The subject property is legal as it in the same size and configuration since August 8, 2006.
- ii. Average Lot Size: (See Attachment A)



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
  - Transient Lodging
  - Restaurant
  - Mobile Food Truck

- 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.
    - ii. Conditional Use Permit issued in 2007
  - Nibley Office Park
    - i. Rezone approved in 2008 under Ordinance 2008-04.
- 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.
- Swift Beef Company
    - i. Rezone approved in 1983 under Ordinances 83-4, 83-5, 83-6.
    - ii. Has active Conditional Use Permit.
  - Danfors Brothers LLC
    - i. Rezone approved in 2018 under Ordinance 2018-10.
    - ii. Conditional Use Permits issued but expired in 2020 and 2021. Have current Conditional Use Permit that is waiting to be recorded.
- 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.

The Future Land Use Plan is advisory and does not change the existing zoning of any property or the ability of landowners to continue existing legal uses consistent with the existing zoning or nonconforming uses. It serves as a starting point for conversations about regional initiatives and development proposals by illustrating how sometimes separate and uncoordinated activities can help or harm our desired future. The timing of future development will depend on a number of factors including choices made by individual landowners, aspirations of the community, and future availability of facilities and services.

## 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"> <li>• Unincorporated enclaves between or within cities.</li> </ul>
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"> <li>• Accommodate 20-year growth projections</li> <li>• Plan for urban-level densities, intensities</li> <li>• Meet urban design standards</li> <li>• Connect with water and sewer providers, and urban streets</li> <li>• Urban services provided by the County are minimized</li> </ul>
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"> <li>• Civic (meeting spaces)</li> <li>• Residential Support Uses (e.g. parks, medical, schools, fire and police stations)</li> </ul>
Discouraged Uses:	<ul style="list-style-type: none"> <li>• Uses that are not consistent with the municipal general plan or existing county zoning.</li> </ul>

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**

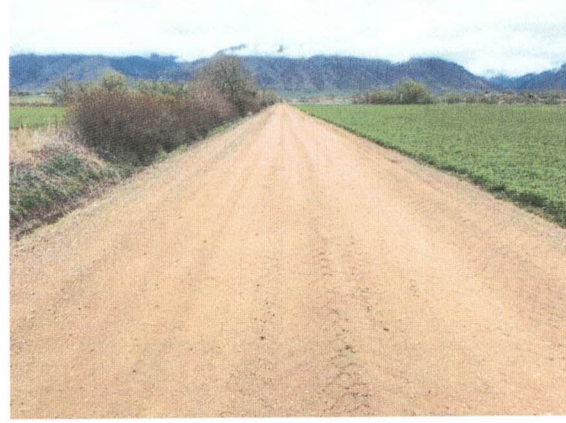
Roadway Element	Existing Width (ft)	Required Width (ft)	Comments or Findings
Travel Lanes	20	24 (20)	Substandard
Right-of-Way	66	80 (66)	OK
Paved Shoulder	0	4 (2)	Substandard
Gravel Shoulder	1 to 2	4 (4)	Substandard
Clear Zone (4:1)	2 to 14	14 (14)	Substandard
Material	Gravel	Paved (Paved)	Substandard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



## 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 11 DAY OF June 2024.

	In Favor	Against	Abstained	Absent
David Erickson	✓			
Sandi Goodlander	✓			
Nolan Gunnell	✓			
Barbara Tidwell	✓			
Karl Ward				✓
Mark Hurd	✓			
Kathryn Beus	✓			
Total	6	-	-	1

**CACHE COUNTY:**

By: [Signature]  
David L. Erickson, Chair

**ATTEST:**

By: [Signature]  
Bryson Behm, County Clerk / Auditor

**ACTION OF THE COUNTY EXECUTIVE:**

3 Approved  
       Disapproved (written statement of objection attached)

By: [Signature]  
David Zook, County Executive

6/13/24  
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.

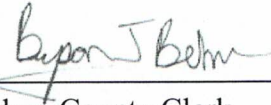
PASSED AND APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH  
THIS 11 DAY OF JUNE 2024.

	In Favor	Against	Abstained	Absent
Sandi Goodlander	✓			
David Erickson	✓			
Nolan P. Gunnell	✓			
Barbara Tidwell	✓			
Karl Ward				✓
Mark Hurd	✓			
Kathryn Beus	✓			
Total	6	-	-	1

**CACHE COUNTY:**

**ATTEST:**

By:   
David L. Erickson, Chairman

By:   
Bryson Behm, County Clerk

**ACTION OF THE COUNTY EXECUTIVE:**

3 Approved  
\_\_\_ Disapproved (written statement of objection attached)

By:   
David Zook, County Executive

6/13/24  
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 (Parcels 10-041-0001 and 10-016-0012) to move to the second application phase. Noting that “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 open space and parks”; and
- (D) WHEREAS, the Cache Open Space Advisory Committee has not made a recommendation and is still considering a recommendation for parcel 10-055-0003; and
- (E) 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:

1. The County Council approves the Cooper Wellsville Open Space Round One Application (Exhibit A) containing parcels 10-041-0001 and 10-016-0012, allowing the applicant to proceed to the second review round.




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

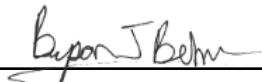
PASSED AND APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH,  
THIS 11 DAY OF June 2024.

	In Favor	Against	Abstained	Absent
David Erickson	✓			
Sandi Goodlander	✓			
Nolan Gunnell	✓			
Barbara Tidwell	✓			
Karl Ward				✓
Mark Hurd	✓			
Kathryn Beus	✓			
Total	6	-	-	1

**CACHE COUNTY:**

By:   
David L. Erickson, Chair

**ATTEST:**

By:   
County Clerk





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

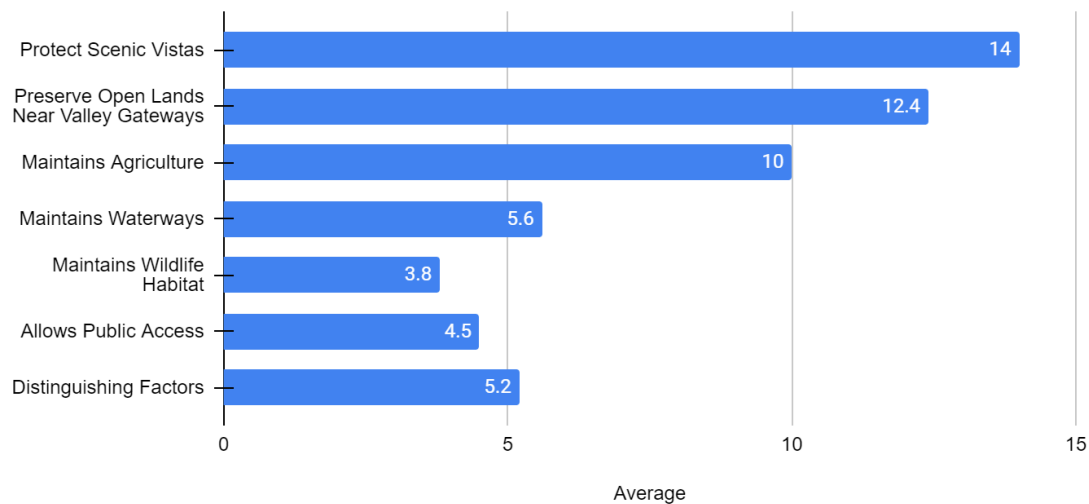
**EXHIBIT A  
Cooper Open Space Application**



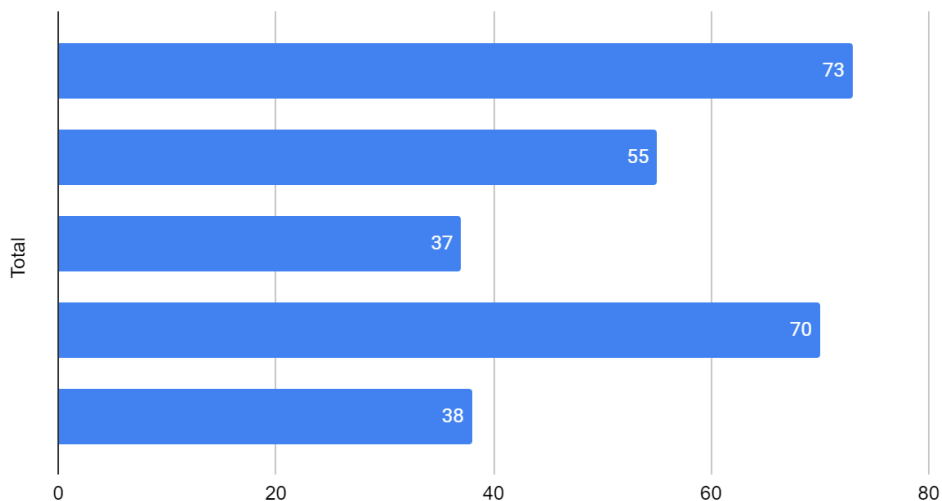
## COSAC Recommendation

*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.
Christoph er 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 Eliaison	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.

*[Signature]*  
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](mailto: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

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

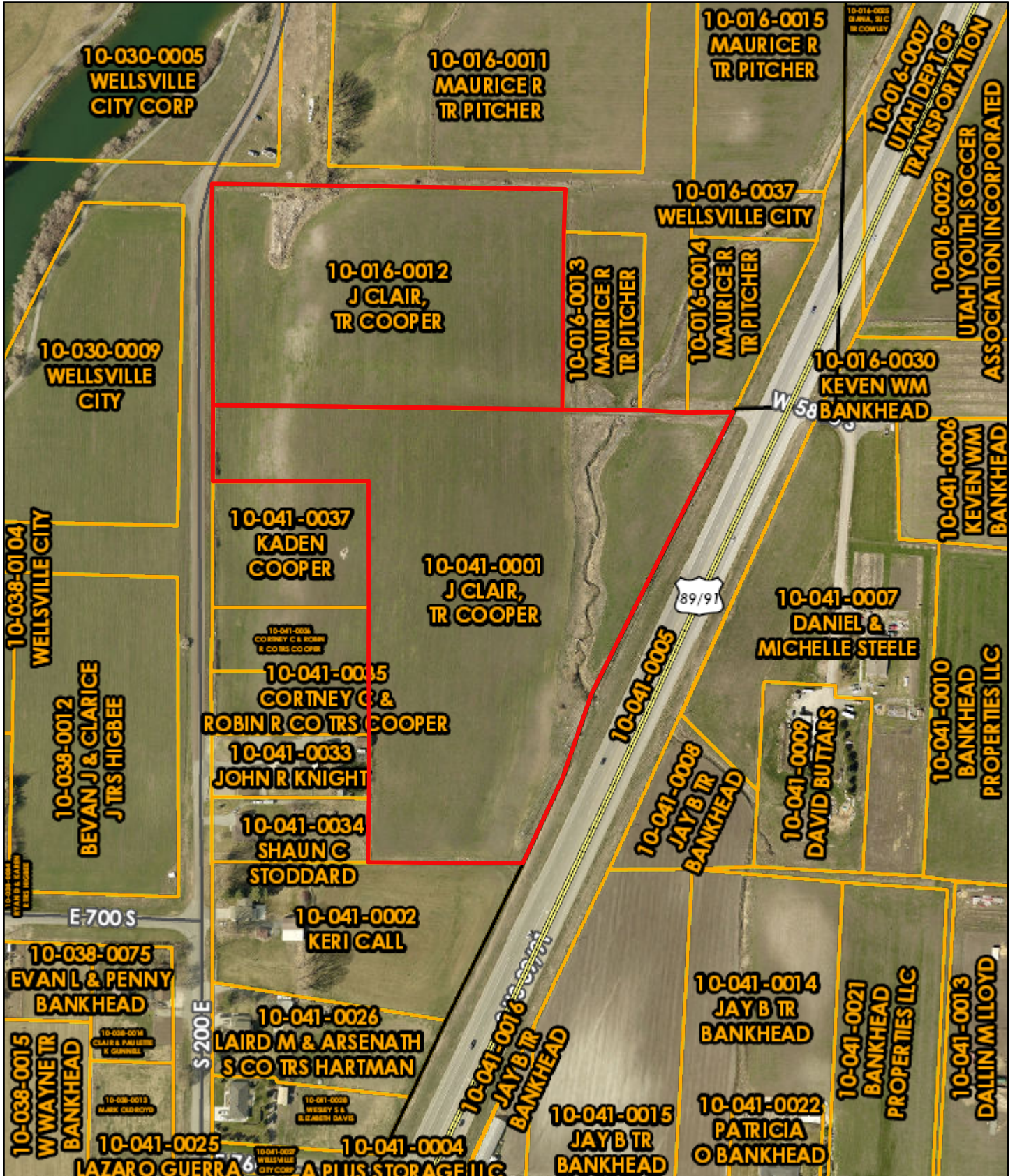


### **Next Steps**

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.

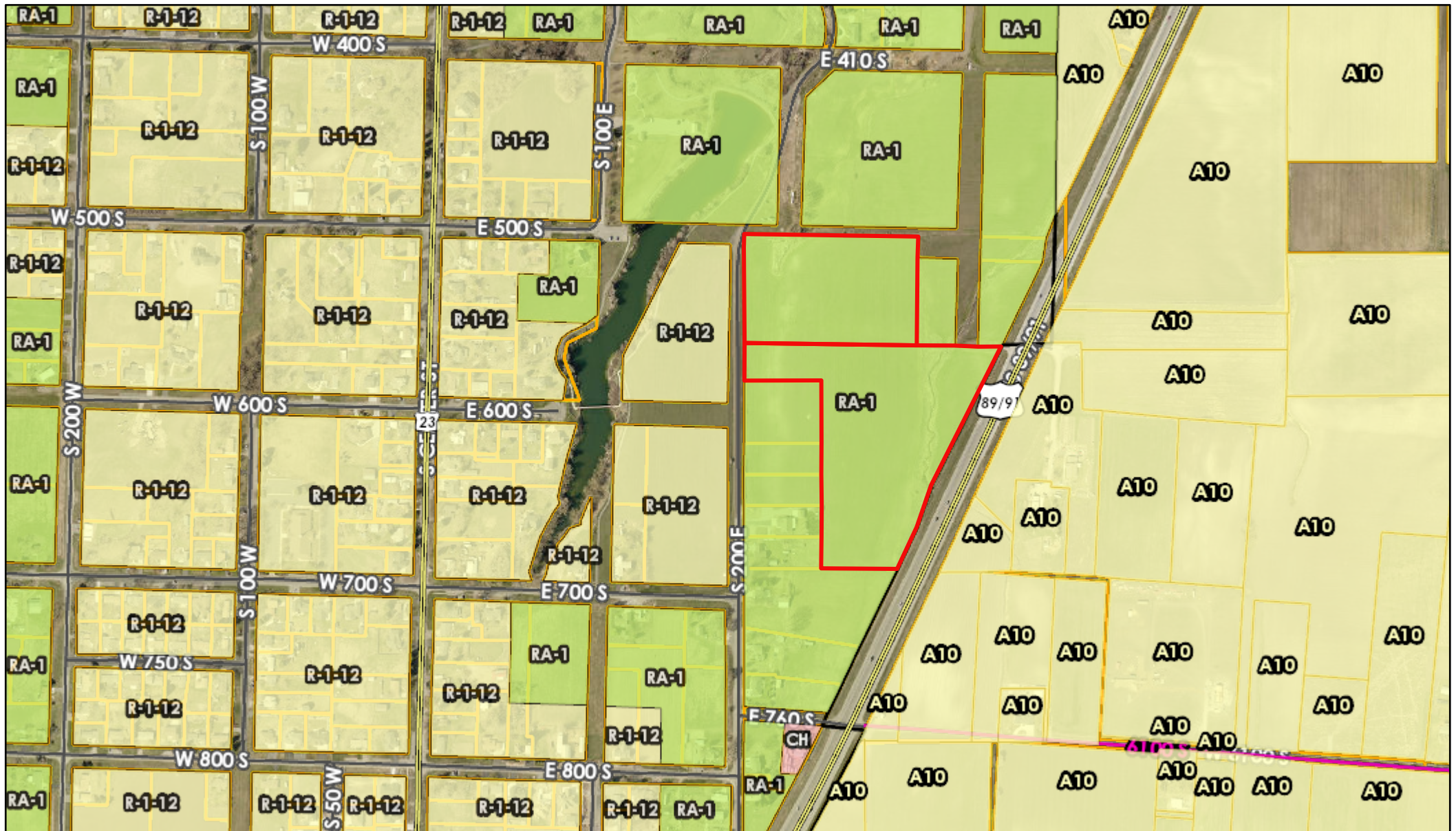


# Cooper Wellsville Parcels

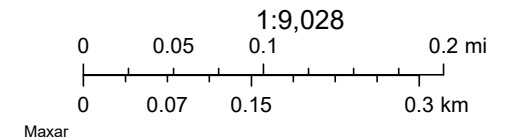
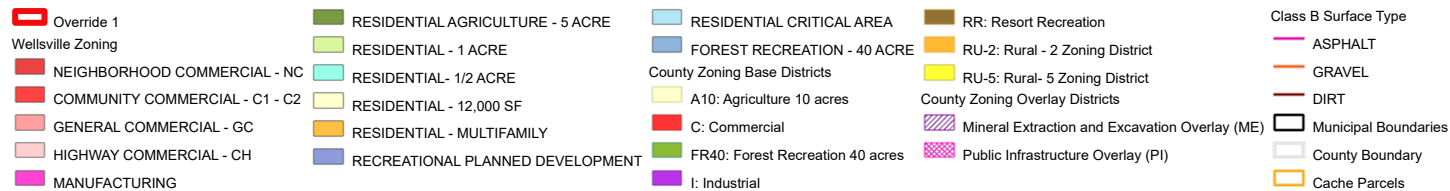




# Cooper Wellsville Zoning



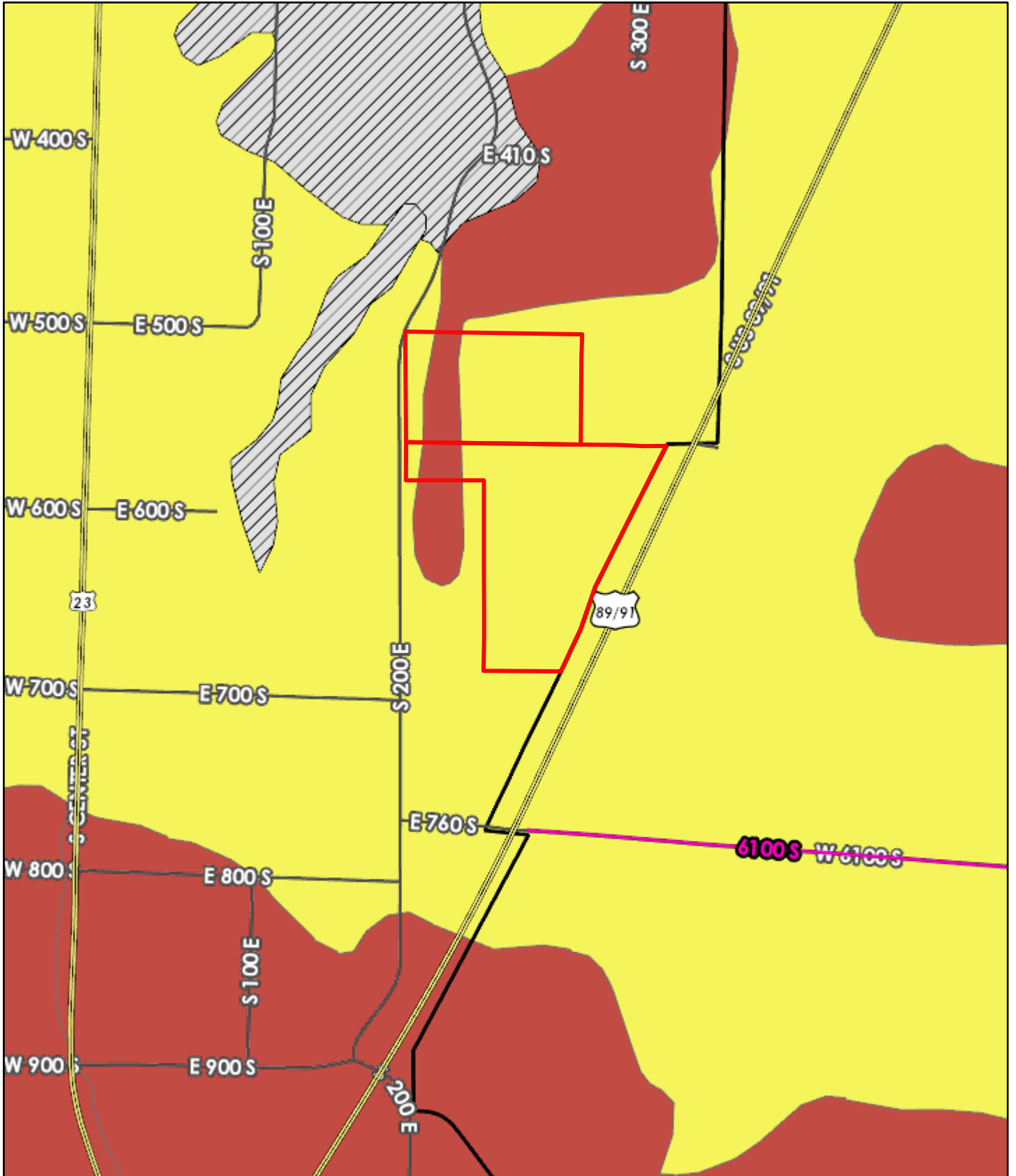
3/26/2024, 4:48:07 PM



Authorized Use: Cache County Development Services Office

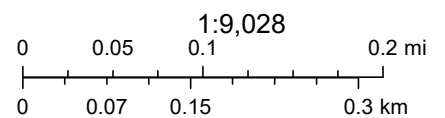
Authorized Use: GIS Division/ Development Services

# Cooper Wellsville NCRS Farmland



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

- |  |   |
|--|---|
| <span style="border: 2px solid red; padding: 2px;"> </span> Override 1   | <span style="background-color: #cccccc; border: 1px solid black; padding: 2px;"> </span> NRCS Soils Farmland                |
| <span style="border-bottom: 2px solid magenta; width: 20px; display: inline-block;"></span> Class B Surface Type | <span style="background-color: #008000; border: 1px solid black; padding: 2px;"> </span> Not Classified                     |
| <span style="border-bottom: 2px solid magenta; width: 20px; display: inline-block;"></span> ASPHALT              | <span style="background-color: #008000; border: 1px solid black; padding: 2px;"> </span> Farmland Of Local Importance       |
| <span style="border-bottom: 2px solid orange; width: 20px; display: inline-block;"></span> GRAVEL                | <span style="background-color: #800000; border: 1px solid black; padding: 2px;"> </span> Farmland Of Statewide Importance   |
| <span style="border-bottom: 2px solid brown; width: 20px; display: inline-block;"></span> DIRT                   | <span style="background-color: #ffff00; border: 1px solid black; padding: 2px;"> </span> Prime Farmland If Irrigated        |
| <span style="border: 2px solid black; padding: 2px;"> </span> Municipal Boundaries                               | <span style="background-color: #ffcccc; border: 1px solid black; padding: 2px;"> </span> Ag. Protection Areas 300 FT Buffer |
| <span style="border: 2px solid grey; padding: 2px;"> </span> County Boundary                                     | <span style="background-color: #00ff00; border: 1px solid black; padding: 2px;"> </span> Ag. Protection Areas               |
|  | <span style="border: 2px solid orange; padding: 2px;"> </span> Cache Parcels  |



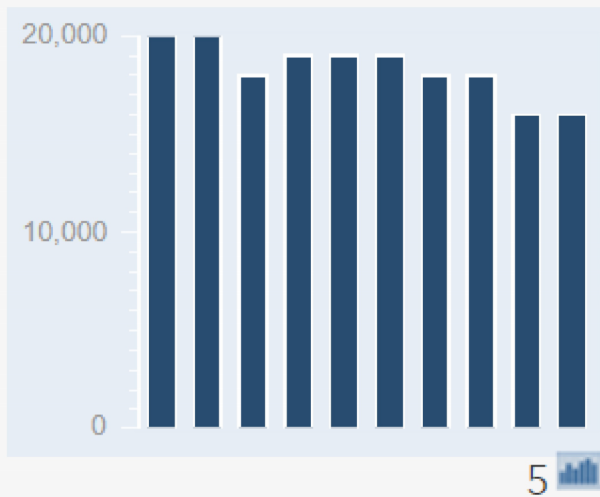
Maxar

[UDOT Traffic Website](#)

[AADT Open Data Portal](#)

**Annual Average Daily Traffic 20,000**

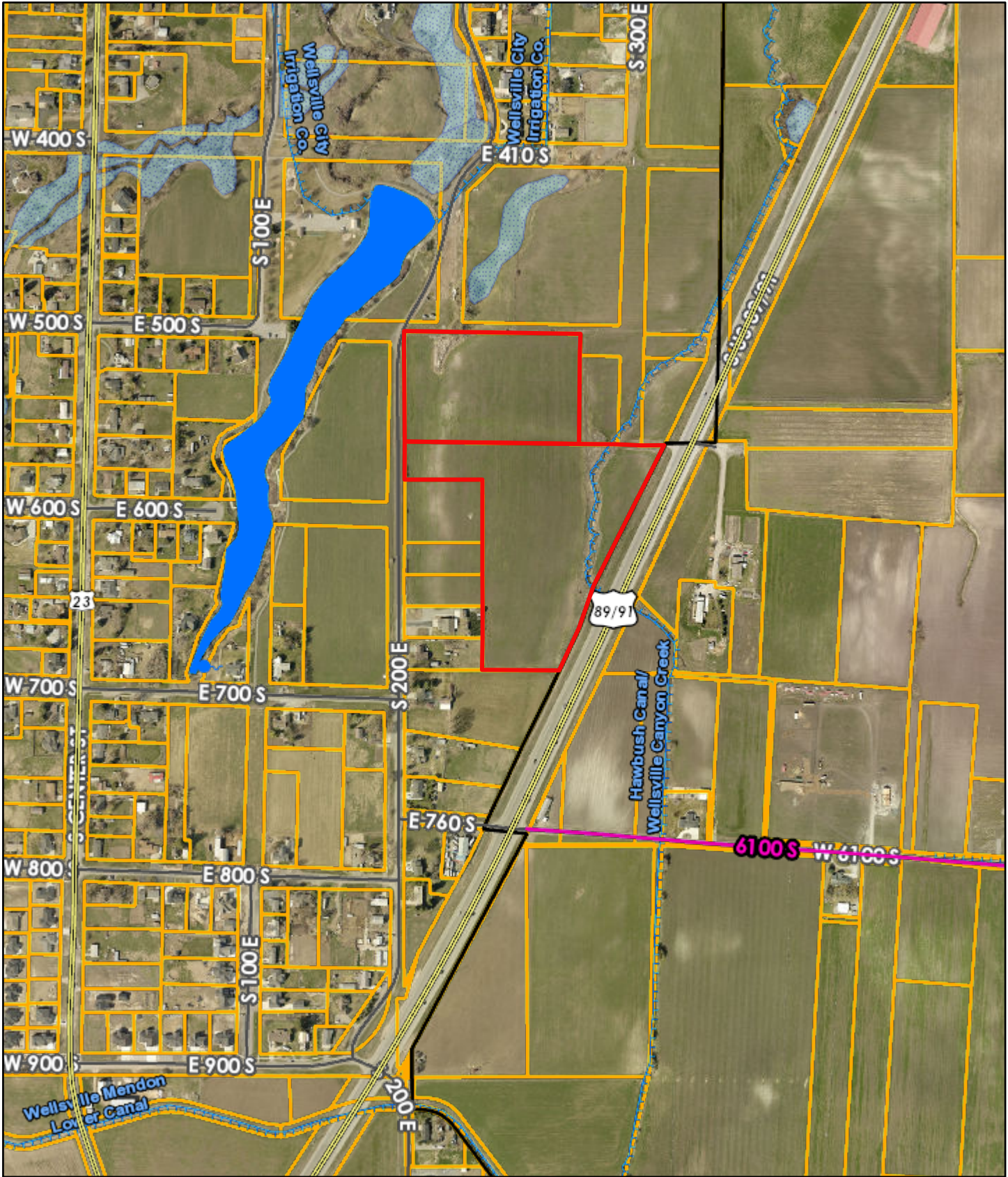
*10 Year AADT History 2022-2013*



[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

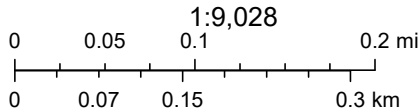
Springs National Hydrology Dataset

Water Bodies

Major Waterways

Wetlands (NWI)

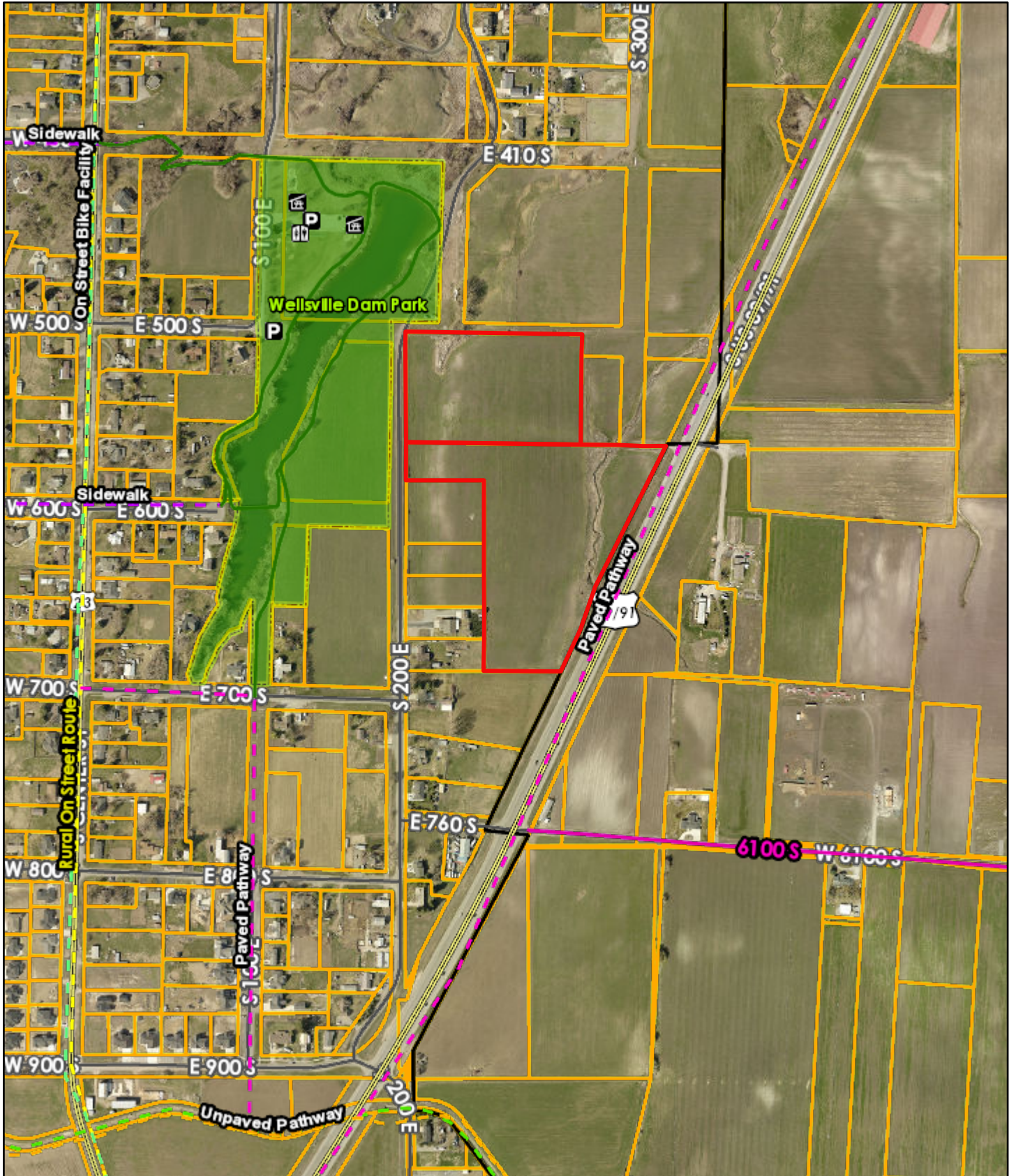
Cache Parcels



Maxar

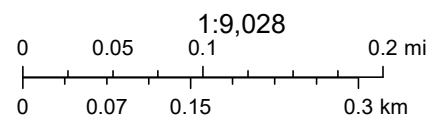


# Cooper Wellsville Trails and Parks



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

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



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 FEX 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.

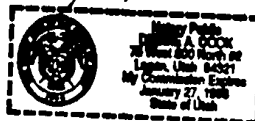
COUNTY OF Cache

On the 9<sup>th</sup> 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.

Rebecca A. Cook  
Notary Public

My Commission Expires: 1-27-93

Residing at: Lepson, Utah





200 EAST

ELDON COOPER  
10-018-0012

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

5322.23'

MAURICE FITCHER  
10-018-0013 & 0014

5/8" REBAR

11 12

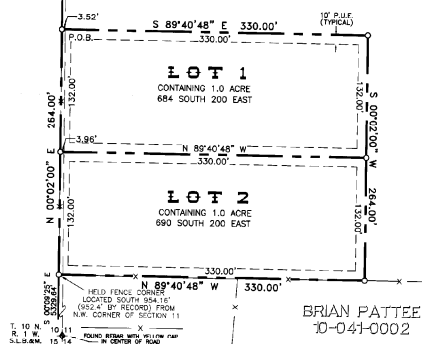
**FINAL PLAT  
FOR THE  
ELDON COOPER SUBDIVISION  
A PART OF THE N.W. 1/4 OF SECTION 11  
TOWNSHIP 10 NORTH, RANGE 1 WEST S.L.B. & M.  
WELLSVILLE CITY, CACHE COUNTY, UTAH  
MAY 2002**

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

## 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 5/1/2007



## 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

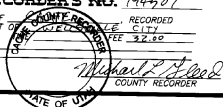
## BEAR RIVER DISTRICT HEALTH DEPT. APPROVAL

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 23 JUN 2002 ABSTRACTED

INDEX 2002-1528  
FILED IN FILE OF PLATS



## APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 12 DAY OF June, 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 JUN 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