

CACHE COUNTY COUNCIL

SANDI GOODLANDER, CHAIR
KATHRYN A BEUS, VICE CHAIR
DAVID L. ERICKSON
KEEGAN GARRITY
NOLAN P. GUNNELL
MARK R. HURD
BARBARA Y. TIDWELL



Cache
County
1857

199 NORTH MAIN STREET
LOGAN, UT 84321
435-755-1840
www.cachecounty.gov

Revised

PUBLIC NOTICE is hereby given that the County Council of Cache County, Utah will hold a **WORKSHOP** at **3:30 p.m.** and a **REGULAR COUNCIL MEETING** at **5:00 p.m.** in the Cache County Historic Courthouse Council Chambers, 199 North Main Street, Logan, Utah 84321, **January 28th, 2025.**

Council meetings are live streamed on the Cache County YouTube channel at:
<https://www.youtube.com/channel/UCa4xvEI8bnIEz3B9zw2teaA>

AGENDA

WORKSHOP

- 3:30 p.m. 1. CALL TO ORDER
2. GOAL SETTING WITH ELECTED OFFICIALS AND DEPARTMENT HEADS
- 4:30 p.m. 3. ADJOURN

COUNCIL MEETING

- 5:00 p.m. 1. CALL TO ORDER
2. OPENING – David Erickson
3. REVIEW AND APPROVAL OF AGENDA
4. REVIEW AND APPROVAL OF MINUTES (January 14, 2025 Meeting)
5. REPORT OF COUNTY EXECUTIVE
a. Appointments:
b. Other Items:
6. ITEMS OF SPECIAL INTEREST
a. Bear River Health Department Interlocal Agreement Discussion
– Jordan Mathis, Director BRHD
b. County Economic Opportunity Advisory Board
– Shawn Milne, Cache County Economic Development Director
- 5:30 p.m. 7. PUBLIC HEARINGS
(Estimated) a. **Ordinance 2025-01 – Staker Parson North Smithfield Plant Rezone**
– Amends the County Zoning Map by approving the Mineral Extraction (ME) Overlay Zone on 53.86 acres located at approximately 6600 N. 400 E., near Smithfield in the Agricultural (A10) Zone.
b. **Ordinance 2025-02 – Rick Champlin Rezone**
– Amends the County Zoning Map by rezoning 29.5 acres, located at approximately 1200 W. 6200 N., Smithfield, from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
c. **Ordinance 2025-03 – Powder Mountain Rezone 2024 Rezone**
– Amends the County Zoning Map by rezoning 1,621 acres from the Forest 43 Recreation (FR40) Zone to the Resort Recreation (RR) Zone.

8. **PENDING ACTION**

a. **Ordinance 2025-01 – Staker Parson North Smithfield Plant Rezone**

– Amends the County Zoning Map by approving the Mineral Extraction (ME) Overlay Zone on 53.86 acres located at approximately 6600 N. 400 E., near Smithfield in the Agricultural (A10) Zone.

b. **Ordinance 2025-02 – Rick Champlin Rezone**

– Amends the County Zoning Map by rezoning 29.5 acres, located at approximately 1200 W. 6200 N., Smithfield, from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.

c. **Ordinance 2025-03 – Powder Mountain Rezone 2024 Rezone**

– Amends the County Zoning Map by rezoning 1,621 acres from the Forest 43 Recreation (FR40) Zone to the Resort Recreation (RR) Zone.

9. **INITIAL PROPOSALS FOR CONSIDERATION OF ACTION**

a. **Resolution 2025-03 – A Resolution Approving the Re-Drafted Interlocal Agreement for the Bear River Association of Governments (BRAG)**

– Approves Re-drafted BRAG Interlocal Agreement that was presented before the Council in its January 14th meeting

b. **Resolution 2025-04 – A Resolution to Provide Approval of the Multicounty United Local Health Department Interlocal Agreement**

– Approves the Interlocal Agreement that was presented before the Council in its January 28th (this) meeting

c. **Resolution 2025- 05 – A Resolution Approving the Silva Farm Round One Open Space Application**

– Presented by Brandon Bell, Countywide Planner, Cache County Development Services

10. **OTHER BUSINESS**

a. Council Goals Discussion

b. Final draft of County Council Member assignments (Department Liaisons, Committees, Boards, etc.)

c. UAC Day on the Hill

February 5, 2025

11. **COUNCIL MEMBER REPORTS**

12. **EXECUTIVE SESSION** – Utah Code 52-4-205(1)(d) – Discussion of the purchase, exchange, or lease of real property, including any form of a water right or water shares, or to discuss a proposed development agreement, project proposal, or financing proposal related to the development of land owned by the state.

13. **ADJOURN**


Sandi Goodlander, Chair

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Janeen Allen at 435-755-1850 at least three working days prior to the meeting.

CACHE COUNTY COUNCIL

January 14, 2025 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 Mark Hurd Councilmember Sandi Goodlander, Councilmember Nolan Gunnell, Councilmember Keegan Garrity, Councilmember Kathryn Beus.

MEMBERS EXCUSED:

STAFF PRESENT: Matthew Funk, Shawn Milne, Jeris Kendall

OTHER ATTENDANCE: Brooke Hontz, Olga Mariasana, Erik Anderson, Kurt Bankhead, Roger Karren, Corbin Allen, Celeste Ballio

Council Meeting

1. **Call to Order 5:00p.m. – [1:30:15](#)**
2. **Opening Remarks and Pledge of Allegiance – [1:30:32](#)** Mark Hurd gave opening prayer
3. **Review and Approval of Revised Agenda [1:31:57](#)**
Action: Motion made by Councilmember Kathryn Beus to approve the amended agenda; seconded by Councilmember Nolan Gunnell.
Motion passes.
Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Keegan Garrity, Mark Hurd
Nay: 0
4. **Review and Approval of Minutes – Dec 3, 2024; Dec. 10, 2024; December 17, 2024; January 7, 2025 [1:32:15](#)**
Action: Motion made by Councilmember Barbara Tidwell to approve the minutes with spelling corrections for 'Erickson'; seconded by Councilmember Sandi Goodlander
Motion passes.
Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Keegan Garrity, Mark Hurd
Nay: 0
5. **Report of the County Executive [1:33:07](#)** Executive Zook spoke to a meeting with the Logan City Police Chief where he stated there was concern about funding for shared operations and would like to present to Council.
6. **Items of Special Interest [1:35:25](#)**
 - A. Election of Council Chair and Vice Chair (per Cache County Code 2.12.050)
Action: Motion made by Councilmember Barbara Tidwell to nominate Sandi Goodlander as Council Chair and Nolan Gunnell as Vice Chair; seconded by None.
Motion Dies for Lack of Second
[1:36:38](#) Chair Erickson opened for new motion.
Action: Motion made by Councilmember Mark Hurd to nominate Sandi Goodlander as Council Chair and Kathryn Beus as Vice Chair; seconded by Councilmember Keegan Garrity.

Action: [1:37:16](#) Vote for Sandi Goodlander as Chair
Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Keegan Garrity, Mark Hurd
Nay: 0
Motion Passes

Action: [1:37:26](#) Vote for Kathryn Beus as Vice Chair

Aye: 4, Kathryn Beus, Sandi Goodlander, Keegan Garrity, Mark Hurd

Nay: 3 Barbara Tidwell, Nolan Gunnell, David Erickson

Motion Passes

[1:37:35](#) Kathryn Beus commented Robert's Rules is one motion and one vote.

[1:38:01](#) Seat change for new nominated positions. Chair Sandi Goodlander thanked Council and the citizens in the County who come to the meetings and support the Council.

- **Discussion on updating all documents passed in this meeting and beyond to account for new leadership and newest Council Member.**

Action: [1:39:11](#) Motion made by Councilmember Mark Hurd to update Council Documents to account for change in Year, Separation of Clerk/Auditor in two independent positions, two newly sworn in Councilmembers, and newly elected leadership of Council; seconded by Vice Chair Kathryn Beus.

Motion passes.

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

Nay: 0

- A. [1:40:20](#) Bear River Association of Governments (BRAG), Draft Interlocal Agreement - Jeris Kendall, Chief Deputy Attorney, Cache County Attorney's Office - Jeris explained state law required new agreement after 50 years. Chair Sandi Goodlander thanked Jeris and asked if the Box Elder County Commission had passed. Jeris confirmed yes, and Rich County also. [1:43:06](#) Councilmember Keegan Garrity asked if he could abstain since he was unable to read it. [1:55:44](#) Vice Chair clarified another potential application. Julie said this is doubtful. [1:56:35](#) Alma Burgess commented the funds needs to come from restaurants, and if the \$40,000 was for both or each. Council confirmed each.

Action: [1:39:11](#) Motion made by Vice Chair Kathryn Beus to seconded by Councilmember David Erickson

Motion passes.

Aye: 6 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd

Nay: 0

Abstain: 1 Keegan Garrity

B. Music Theater West RAPZ Funding Request [1:43:41](#)

- Julie Terrill, Department Head, Cache County Visitors Bureau Julie explained the application with concern for loss of performances in downtown Logan, mostly the Ellen Eccles Theater from Utah Festival of Opera taking a hiatus this year, among others. She spoke to the impact this will have on hotels and restaurants. [1:49:02](#) Vice Chair Kathryn Beus asked how many shows will be put on. Celeste answered number of shows and performances. [1:49:48](#) Executive Zook asked how many weeks the Opera would have normally rented the Theater. Julie answered 12. She explained the challenge bringing awareness to the fact Logan has availability in the summer when before it was not available. Executive Zook asked how many weeks are still available. [1:51:10](#) Vice Chair Kathryn Beus commented she had received an email reporting 6/11 weeks were filled. Executive Zook followed up and asked how this affects summer citizens. Julie shared a positive story from a summer citizen how the arts made a wonderful place to come and see. [1:52:35](#) Councilmember Barbara Tidwell thanked the efforts made to keep the local entertainment alive. [1:52:59](#) Chair Sandi Goodlander clarified both theater groups are asking for \$40,000. Julie answered she did not know about Cache Theater. Chair Sandi Goodlander referenced an email she received with that information. Councilmember David Erickson said the funding is quite healthy and made motion. [1:54:28](#) Councilmember Keegan Garrity asked if this would be the time to reallocate funds. Council explained that would be later.

Action: Motion made by Councilmember David Erickson to approve Music Theater West and Cache Theater for \$40,000 each; seconded by Councilmember Barbara Tidwell.

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander Keegan Garrity, Mark Hurd
Nay: 0

7. PUBLIC HEARINGS [1:57:04](#)

A. Set Public Hearing for January 28, 2025 – Ordinance 2025-01- Staker Parson North Smithfield Plant Rezone Amends the County Zoning Map by approving the Mineral Extraction (ME) Overlay Zone on 53.86 acres located at approximately 6600 N 400 E near Smithfield in the Agricultural (A10) Zone.

Set Public Hearing for January 28, 2025 – Ordinance 2025-02 – Rick Champlin Rezone Amends the County Zoning Map by rezoning 29.5 acres, located at approximately 1200 W. 6200 N. Smithfield, from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.

Set Public Hearing for January 28, 2025 Ordinance 2025-03 – Powder Mountain Rezone 2024 Rezone Amends the County Zoning Map by rezoning 1,621 acres from the Forest 43 Recreation (FR40) Zone to the Resort Recreations (RR) Zone.

Discussion: None

Action: Motion made by Councilmember Mark Hurd to approve public hearings for Ordinance 2025-01, Ordinance 2025-02, and Ordinance 2025-03; seconded by Councilmember Barbara Tidwell.

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Keegan Garrity, Mark Hurd
Nay: 0

8. Pending Action

A. Ordinance 2024-23 - CVB Rezone

Amending the Cache County Zoning Map by rezoning 1.4 acres from the Agricultural (A10) Zone to the Industrial (I) Zone located at approximately 208 W 3700 N, near Hyde Park.

Discussion: [1:57:51](#) Andrew Erickson explained to follow due procedure the Ordinance was presented in the text required as it had not been before. Councilmember Nolan Gunnell pointed out there is a mistake in the labels on their document. [1:59:22](#) Councilmember Mark Hurd added the agenda has them in the right sequence. [1:59:50](#) Chair Sandi Goodlander asked if this had been reviewed before. Andrew answered yes but was incorrectly written.

Action: Motion made by Councilmember David Erickson to approve Ordinance 2024-23 CVB Rezone; seconded by Councilmember Barbara Tidwell.

Motion passes.

Aye: 6 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd

Nay: 0

Abstain: 1 Keegan Garrity

B. Ordinance 2024-24 – Marshall Maughan Trust A10 to RU5 Rezone

Amending the Cache County Zoning Map

[2:01:01](#)

Action: Motion made by Councilmember Nolan Gunnell to approve Ordinance/Resolution; seconded by Councilmember Barbara Tidwell.

Motion passes.

Aye: 6 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd

Nay: 0

Abstain: 1 Keegan Garrity

9. Initial Proposals for Consideration of Action [2:01:20](#)

A. Ordinance 2025-04 – Amending the Cache County Fire Code to come into Compliance with Updates to International Fire Code [2:01:38](#) Attorney Jeris Kendall explained changes to code language.

Action: Motion made by Councilmember David Erickson to suspend rules and approve Ordinance; seconded by Vice Chair Kathryn Beus.

Motion passes.

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

Nay: 0

B. Ordinance 2025-05 – Amending the Disclosure of Conflicts of Interests Established under Cache County Code 2.62 to come into Compliance with Updates to State Code [2:03:10](#) Attorney Jeris Kendall explained changes to code language.

Action: Motion made by Vice Chair Kathryn Beus to suspend rules and approve Ordinance; seconded by Councilmember Mark Hurd.

Motion passes.

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

Nay: 0

C. Resolution 2025-01 – Amending the Cache County Personnel Policy and Procedures Manual Section VII.X. [2:04:17](#)

Attorney Jeris Kendall explained changes to Personnel Policy language. [2:06:00](#) Councilmember Barbara Tidwell clarified the document referenced and asked if it should be 2025 instead of 2024. Andrew added the motion done earlier covered that change. Councilmember Barbara Tidwell thanked Jeris and Steven for their work.

Action: Motion made by Councilmember Mark Hurd to suspend rules and approve Resolution; seconded by David Erickson.

Motion passes.

Aye: 6 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd

Nay: 0

Abstain: 1 Keegan Garrity

D. Resolution 2025-02 Add a Policy on Whistleblowing to Section 2 of the County wide Policy [2:08:08](#) Attorney Jeris Kendall explained changes to Personnel Policy language. [2:09:35](#) Vice Chair Kathryn Beus asked if this was drafted based on other sources. Jeris answered input from many knowledgeable individuals have been involved.

Action: Motion made by Councilmember David Erickson to suspend rules and approve Resolution; seconded by Barbara Tidwell.

Motion passes.

Aye: 6 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd

Nay: 0

Abstain: 1 Keegan Garrity

10. Other Business

A. 2025 Council Member Goals [2:11:29](#)

B. 2025 Council Member Boards, Committees, and Department Assignments [2:11:46](#) Council agreed the current list was not accurate. [2:12:34](#) Councilmember Mark Hurd said the liaison assignment that Karl held with the Auditors office would need to be filled. [2:13:07](#) Councilmember Barbara Tidwell commented she would like to stay with HR and Sherriff. [2:13:16](#) Councilmember Keegan Garrity said he is interested in Trails, Open Space, Airport, Economic and Opportunity,

and Visitors Bureau in that order. Chair Sandi Goodlander read through the open liaison positions. [2:14:15](#) Discussion amongst Council who the liaisons for open positions would be and placement in Committees. [2:23:39](#) Wes Bingham in Finance asked if Auditor Matt Funk's liaison should be on the Audit committee. [2:24:03](#) Chair Goodlander spoke as the liaison and agreed. Discussion continued. [2:24:38](#) Vice Chair Kathryn Beus asked what the Cache County Community Foundation Board was for. Executive Zook responded the foundation is a place where tax deductible receipts can be given for donations. Council continued discussion for liaisons. [2:30:54](#) Chair Sandi Goodlander lead conversation who would share the role for Bear River Homeless Council. [2:35:10](#) Council continued discussion. [2:40:24](#) Vice Chair Kathryn Beus recommended to Chair Sandi Goodlander find an elected official to take the homeless shelter role. Clerk Bryson Behm offered to take the position. [2:40:49](#) Council gave Bryson praise and role suggestions. [2:41:47](#) Executive Zook asked if COSAC had been discussed. Vice Chair Kathryn Beus described position. [2:42:51](#) Councilmember Keegan Garrity offered to take the role. [2:43:50](#) Chair Sandi Goodlander thanked everyone for participation. Councilmember Keegan Garrity said if there is an imbalance he would be willing to take more.

- | | |
|--|--|
| C. Upcoming Holiday Martin Luther King Jr. Day
Not discussed | Monday, January 20, 2025 |
| D. 2025 General session of the 67 th Legislature
2:44:31 | January 21, 2025 to March 7, 2025 |
| E. UAC County Day on the Hill
2:44:34 | Wednesday, February 5 th , 2025 |

11. Council Member Reports

Mark Hurd – [2:44:59](#) Mark gave update on O&P and the approvals/recommendations that Jeris spoke about earlier in the meeting. He said the library has seen an increase in Library cards over the last year and he planned to invite the Director of the Library to talk about the program and the interlocal agreement between the County, Providence, and River Heights. He added the CEO Board will need new appointments soon.

Nolan Gunnell – None

Barbara Tidwell – [2:47:45](#) Barbara expressed her appreciation for her time as Vice Chair and excitement for the New Year. She planned to have a presentation about BRAG given to Council.

Kathryn Beus – [2:49:04](#) Kathryn reported for the gateway areas COSAC needs a letter reviewed by Council sent to the property owners to remind them of the bond and expected Council to have that in the next month or two. [2:49:51](#) Councilmember Nolan Gunnell said in the past the landowner has been able to petition. Vice Chair Kathryn Beus responded this is a reminder that the taxpayers voted for it and if there are questions to contact the County. [2:50:26](#) Councilmember Keegan Garrity clarified it as an awareness campaign. Vice Chair continued the gateways were identified as pieces to preserve. Councilmember Nolan Gunnell asked about Council signing off on that. Vice Chair answered Council can decide yay or nay and since the funds are available they need to be used. [2:51:15](#) Councilmember Barbara Tidwell added a couple months ago Council had discussed the closed roads and asked if the notice went out as it was supposed to. Attorney Taylor Sorenson answered it was being worked out with Public Works.

Sandi Goodlander – [2:58:03](#) Sandi thanked David Erickson and Barbara Tidwell for their service.

David Erickson – [2:52:02](#) David reported hearing several unhappy people and businesses with Waste Management's service. Chair Goodlander asked when the Waste Committee meets and if there is a plan for one. David responded it needed to be addressed. He gave his appreciation for his time served as Chair. [2:55:02](#) Councilmember Barbara Tidwell added she has also received questions/complaints about recycling. [2:55:33](#) Councilmember Nolan Gunnell said few places recycle and we are lucky to have it however it is a tenuous issue.

Keegan Garrity – [2:57:34](#) Councilmember Keegan Garrity thanked those who have been part of his welcome to Council.

12. Executive Session – Utah Code 52-4-205(1)(d) – Discussion of the purchase, exchange, or lease of real property, including any form of a water right or water shares, or to discuss a proposed developmental agreement, project proposal, or financing proposal related to the development of land owned by the state.

Action: Motion made by Barbara Tidwell to close Council Meeting and move to Executive Session; seconded by Vice Chair Kathryn Beus

Motion passes.

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

Nay: 0

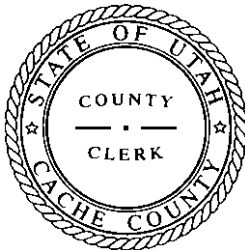
13. Other

14. Other

Adjourn: 7:30 PM

APPROVAL: David Erickson, Chair
Cache County Council

ATTEST: Bryson Behm, Clerk
Cache County Council



CACHE COUNTY COUNCIL WORKSHOP

January 14 at 3:30 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, Councilmember Keegan Garrity

MEMBERS EXCUSED:

STAFF PRESENT: Matt Funk, Shawn Milne, Jeris Kendall

OTHER ATTENDANCE: Brooke Hontz, Olga Mariasana, Erik Anderson, Kurt Bankhead, Roger Karren, Corbin Allen, Celeste Ballio

Council Meeting

1. Call to Order 3:30p.m. – [1:26](#)

2. Joint Discussion with Cache County Planning Commission Review and Approval of amended Agenda

a. Powder Mountain Proposed Master Plan

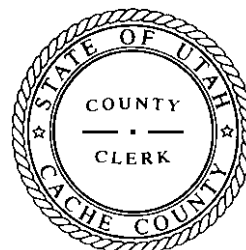
[2:25](#) Dirk Anderson gave brief overview to Council what the project is for and explained the reason for the discussion at the meeting is to set the Public Hearing for the rezone and that the hearing will occur as one of the necessary precursors before completed. [5:17](#) Brooke Hans Chief Development and Construction Officer for Powder Development described the project and different zoning in the area. [9:18](#) Councilmember Sandi Goodlander clarified R40- still allowed skiing and to develop it would need to be RR. Brooke answered yes they could use that zoning but it isn't what their plan for the land use is. Brooke showed Council the map and explained the plan. [19:41](#) After Brooke explained the financial impact analysis Executive Zook asked if it included both Weber and Cache or Cache only. Brooke answered Cache only. [23:23](#) Chair Erickson asked if the plan included EMS, Fire, water, waste, etc concerned with 1.38 of taxable value within the Cache County and no roads to service it. Brooke answered. ----- [26:46](#) asked if sewer will be taken up over the mountain to Weber County. Brooke answered yes. [27:40](#) Councilmember Nolan Gunnell asked if other impact studies had been done. Brooke responded as part of the RR zoning all requirements were done. Nolan asked legal if they are comfortable with this scope of project. [29:48](#) Attorney Andrew Crane answered specifics would need to be looked at and they could facilitate it. Nolan expressed slight concern with the size. Andrew agreed it is large but still possible. [31:00](#) Councilmember Mark Hurd confirmed there was a current interlocal agreement already. Brooke answered the agreement is outdated and should be revisited to meet the master plan application. Mark suggested a shorter time frame of contract to allow for adjustments. [32:08](#) Councilmember Nolan Gunnell agreed to build in stages. [32:47](#) Vice Chair Barbara Tidwell raised her concern that proper time is not being given to thoughtfully prepare the interlocal agreement. [33:15](#) Executive Zook shared the concern and said he and development services have looked into a third party to be a consult. [34:09](#) Councilmember Sandi Goodlander asked if the Master plan included the interlocal agreement. Brooke answered the state changed the laws that prohibit the County from requiring a development agreement. She added there isn't a risk when it comes to finances for Cache County. Councilmember Nolan Gunnell responded he wouldn't agree to that yet. [36:40](#) Chair Erickson asked what the agriculture uses on the properties are. Brooke answered there are green belt. Discussion between two. [37:33](#) Chair Erickson complimented Brooke's timeline and her speed in putting the plan together however raised concern that it was really fast. Brooke responded they had the resources available and she had the experience to put the plan together. [39:12](#) Mr. Watterson asked if the tax revenue from sales tax was low because the point of sale was in Weber County. Brooke answered there aren't a lot of other places to garner sales tax so it was estimated low. [40:19](#) Councilmember Sandi Goodlander asked about the parcels around the resort if they are privately owned and how they work with zoning. Brooke answered all but three land masses as of October 2024 are owned by Powder Mountain Resort. [43:15](#) _____ asked to show the rezoning area map. Brooke described the map

colors that represented the proposed zoning changes and noted the development is 90 of 1600 acres. [44:31](#) Councilmember Sandi Goodlander asked if those developments would come to Cache County Planning Commission. [44:39](#) Brooke answered she planned to maintain the process as it is and explained with a Master Plan CUP the plats and building permits would be received by Cache and the water, sewer, fire, police, and EMS by Weber. Councilmember Sandi Goodlander clarified if the Master Plan is approved other developments are included already. Brooke answered they come as a plat and a building permit. [45:47](#) Councilmember Keegan Garrity asked about transportation plans. Brooke responded UTA is currently providing service with no significant plans to increase parking and added a traffic impact study was being done to check density. [47:43](#) Councilmember Nolan Gunnell asked Chair Erickson for other input from the County on building inspections and fire safety. [48:26](#) Chief Rod Hammer said fire inspections are done on Cache County side for business licenses and permits. He explained an agreement for fire protection was made and the developers have agreed to a fire station but Cache does not have access. He said they can annex area into Weber fire district which creates complications on Cache, or pay for a contract. [50:13](#) Councilmember Nolan Gunnell said this impacts the future tax projection that would come to Cache County. Rod agreed. [50:29](#) Councilmember Nolan Gunnell asked Dirk Anderson how sending inspectors impacts him. [50:40](#) Dirk answered he would need to talk with Bryan. He added what he has noticed is the difference is what is in the Master Plan and the services and who is covering them. Councilmember Nolan Gunnell asked about slope and roads to get to these buildings. [51:54](#) Angie Zetterquist answered that is part of the review process and they were working on getting consultants to help understand it all. [53:09](#) Councilmember Nolan Gunnell expressed concern getting a contractor by June. Vice Chair Barbara Tidwell agreed. [53:39](#) Councilmember Sandi Goodlander asked what the timeframe for planning commission to accept the plan would be. Dirk answered the plan won't go to the planning commission until it can be fully analyzed. He added there is great learning opportunity with the County code currently being outdated. [56:32](#) Chair Erickson asked if it was common to have the CUP and Master Plan married together. Dirk explained the process happening at the same time is unique to the Master Plan and emphasized the important questions need to be asked now. Dirk continued the plan would not be approved until thoroughly reviewed. [58:48](#) Vice Chair Barbara Tidwell asked if other county business would lower in priority. Dirk answered that contributes why a consultant is needed to take on this project alone and did not expect a slow down in those priorities. [59:36](#) _____ commented the County would be in close contact with Weber County with the master plan. _____ asked for a summary or similarly permitted status for Weber County. [1:00:12](#) Brooke answered Weber Commission has given their support to the Master Plan. She explained in the early 2000's a development agreement was entered into that confine the limitations to that agreement for the development of the master plan. [1:02:25](#) Chair Erickson urged anyone with comments to let Council know. [1:02:48](#) _____ commented the information is great but it has been rushed. He added experience needs to be used as a light to help. Chair Erickson agreed. [1:03:46](#) Councilmember Keegan Garrity asked what other resorts Brooke had worked on. Brooke answered recently Deer Valley and in the past international resorts, and Tamarak resort. [1:04:50](#) Chair Erickson complimented those in the County who would make the decisions as competent.

Adjourn: 4:30 PM [1:05:14](#)

APPROVAL: David Erickson, Chair
Cache County Council

ATTEST: Bryson Behm, Clerk
Cache County Council



Multicounty United Local Health Department Interlocal Agreement

2025

On the ____ day of _____ 2025, Box Elder County, Cache County, and Rich County (referred to individually as the "County" and collectively as the "Counties"), each being a political subdivision of the State of Utah, have entered into this Interlocal Agreement to formally establish the Bear River Health Department (referred to as "Department"). The purpose of this agreement is to provide public health, mental health, and substance abuse services more efficiently and to ensure quality and effective services for the citizens of these counties.

RECITALS

WHEREAS, each party is a county of the State of Utah, and through their respective governing bodies and as their local mental health authorities and local substance abuse authorities, are authorized by Utah Code [26A](#) and [17-43](#) to provide public health, mental health, and substance abuse programs to their respective counties;

WHEREAS, [Utah Code 11-13](#), Interlocal Cooperation Act (the "Interlocal Act") permits the Counties to cooperate with each other to create interlocal entities to more efficiently provide governmental facilities, services, and improvements to the general public;

WHEREAS, each county within the State of Utah is required to create and maintain a local health department under the provisions of the [Utah Code 26A](#) Local Health Authorities Act (the "Health Authorities Act"), and the Health Authorities Act expressly authorizes two or more contiguous counties to unite to create and maintain a multicounty united local health department;

WHEREAS, Bear River Health was created by the Counties as a local health department created, organized, and validly existing pursuant to state law;

WHEREAS, the Health Authorities Act requires a multicounty united local health department to administer the programs and services of a local health department, mental health authority, and substance abuse authority;

WHEREAS, the Counties desire to confirm, reaffirm, and ratify the creation of Bear River Health Department as the multicounty local health department and expand it to be a multicounty united local health department under the Health Authorities Act and the Interlocal Cooperation Act and to hereby memorialize such creation;

WHEREAS, the Counties are each committed to maintaining Bear River Health Department as the multicounty united local health department within and for the benefit of the Counties;

WHEREAS, the legislative body of each of the Counties determined that restructuring Bear River Health Department as a multicounty local health department will enhance the public health, sanitation, public welfare, and economic base of each of the Counties; and

WHEREAS, the Counties desire to jointly qualify for and obtain funding from the Utah Department of Health and Human Services for mental health and substance abuse services through Bear River Health;

WHEREAS, the Counties desire to monitor, review, and evaluate the performance of and compliance with all contracts for funding of mental health and substance abuse services through Bear River Health;

WHEREAS, the Counties desire Bear River Health Department to qualify for, obtain, allocate, and administer such funding, and to perform such other tasks for the Counties; and

WHEREAS, this interlocal cooperative agreement shall not become effective until it is first approved by resolution of the legislative body of each of the Counties as evidenced by the execution hereof by the appropriate officers of said Counties;

NOW, THEREFORE, the Counties declare and agree to continue the existence of the Bear River Health Department as an interlocal entity and restructure it to be a multicounty united local health department with the following terms and conditions:

1. DEFINITIONS AND INTERPRETATIONS.

- 1.1. **Meanings and Construction.** The following terms, for all purposes of this agreement and any amendments hereto, shall have the meaning herein set forth:
- 1.1.1. "Interlocal Agreement" shall mean this interlocal cooperative agreement and any amendments and supplements thereto.
 - 1.1.2. "Appropriation Committee" shall mean a committee consisting of one representative from the Legislative Body of each participating county, the Board of Health Chairperson, the Local Health Officer, and the Department Senior Support Officer.
 - 1.1.3. "Behavioral Health or Behavioral Health Programs" shall mean the comprehensive integration of Substance Abuse and Mental Health programs and services as defined in [Utah Code 17-34](#) Local Human Services Act.
 - 1.1.4. "Board of Health" shall mean the Department's governing body or the Bear River Board of Health.
 - 1.1.5. "Counties" shall mean collectively Box Elder County, Cache County, and Rich County, and their successors.
 - 1.1.6. "Legislative Body or Legislative Bodies" shall mean one or all participating county governing bodies as defined by [Utah Code 26A-1-102\(2\)](#).
 - 1.1.7. "Public Health Programs" shall mean public health programs and services per [Utah Code 26A](#), excluding any programs and services that include Substance Abuse and Mental Health programs.
- 1.2. **Interpretations.** This Interlocal Agreement, except where the context by clear implication herein otherwise requires, shall be construed as follows:
- 1.2.1. definitions include both singular and plural; and
 - 1.2.2. pronouns include both singular and plural and cover both genders.

2. FORMATION, POWERS, AND DUTIES OF BEAR RIVER HEALTH.

- 2.1. **Formation.** This Interlocal Agreement reaffirms the creation of the Department, an interlocal entity formed by the Counties in May of 1971, and restructures the Department as a multicounty united local health department. Pursuant to [Utah Code 11-13-203\(I\)](#), the Department is separate from the Counties, a body politic and corporate, and a political subdivision of the state. It shall have the powers to perform all functions consistent with a multicounty united local health department as described in [Utah Code 26A](#) Local Health Authorities Act.
- 2.2. **Powers.** The powers of the Department shall be as follows:
- 2.2.1. Have all powers and duties permitted and outlined in [Utah Code 26A](#) Local Health Department Act necessary to provide Public Health Programs;
 - 2.2.2. Have all applicable powers and duties permitted and outlined in [Utah Code 11-13](#) Interlocal Cooperation Act;
 - 2.2.3. Have all powers and duties permitted and outlined in [Utah Code 17-43](#) Local Human Services Act; and
 - 2.2.3.1. Develop, oversee, and administer all contracts for Behavioral Health Programs per [subsection 4.14](#) of this agreement.
- 2.3. **Duties.**

2.3.1. The Department shall unify the local substance abuse and mental health plans from the three Counties, emphasizing funding and service delivery as mandated by the [Utah Code 17-43](#) Local Human Services Act. This unified plan will be called the Behavioral Health Programs Area Plan (“BHP Area Plan”).

2.3.1.1. The BHP Area Plan will be created as specified in this Interlocal Agreement and compliance with state law. The Department will hold a public hearing each year for input on the BHP Area Plan. After receiving public input on the BHP Area Plan, the Department shall present the BHP Area Plan to each County for approval by the Local Mental Health and Substance Abuse Authorities of those Counties.

3. DURATION.

3.1. This Interlocal Agreement shall be in full force and effect and be legally binding upon the Counties only after its execution and approval by resolution by the Legislative Bodies of each County. Thereafter, both this Interlocal Agreement and the existence of the Department shall continue for a period of fifty (50) years. At this time, it may be terminated or a new agreement executed.

4. ORGANIZATION.

4.1. **Board of Health.** The Bear River Board of Health shall govern the Department, subject to the limitations outlined in Utah Code [26A](#), which include being subject to the authority of the mental health and substance abuse authorities of the Counties regarding Behavioral Health Programs.

4.2. **Membership.** Membership of the Bear River Board of Health shall consist of nine (9) members, as follows:

4.2.1. One (1) elected official from each county, as determined by the Legislative Body; and

4.2.2. Six (6) members of the public at large shall be appointed on a non-partisan basis in numbers proportional to the population of the Counties by the respective Legislative Bodies of the Counties, with the advice and recommendation of the Board of Health.

4.2.3. An employee of the Department may not be a board member. All board members shall reside within the area served by Bear River Health; and

4.2.4. A majority of board members may not:

- a. be primarily engaged in providing health care or in the administration of facilities or institutions in which health care is provided;
- b. hold a fiduciary position or have a fiduciary interest in any entity involved in the provision of health care;
- c. receive either directly or through a spouse more than one-tenth (1/10) of the board member's gross income from any entity or activity relating to health care; and
- d. be members of one particular type of business or profession.

4.3. **Appointment.** All members are to be appointed by the Legislative Bodies of the Counties.

4.4. **Term.** Appointments shall be for a term of three (3) years and shall be made as possible, so one-third of the terms of office of those serving on the Board of Health expire each year. Board members appointed to fill vacancies shall hold office until the expiration of the

terms of their predecessors. Board members may be appointed to successive terms pursuant to the policies of the respective Counties.

- 4.5. **Fiduciary Duty.** Each member of the Board of Health has and owes a fiduciary duty to the Department.
- 4.6. **Officers.** The Board of Health shall elect a chair, a vice-chair, and a secretary. The Local Health Officer of the Department appointed pursuant to [Utah Code 26A-1-110](#) may serve as secretary to the Board of Health.
- 4.7. **Local Health Officer.** Following [Utah Code 26A-1-105.5\(4\)](#), the Local Health Officer shall be appointed, hold office, and have the powers as set forth in [Utah Code 26A-1-110](#), and may be removed as outlined in [Utah Code 26A-1-111](#).
- 4.8. **Meetings.** The Board of Health meetings shall be held at least six times per year. The chair may call special meetings or a majority of the board members at any time by providing three (3) days notice to each board member or, in the case of an emergency, as soon as possible after all board members have been notified.
- 4.9. **Quorum.** A majority of the Board of Health members shall constitute a quorum.
- 4.10. **Bylaws.** The Board of Health may adopt and amend bylaws that are not inconsistent with this agreement and state law for the transaction of business. The bylaws and any subsequent amendments must be approved by the county attorney and by a majority vote of a Quorum in a public meeting.
- 4.11. **Compensation.** Under [Utah Code 26A-1-109](#), board members serve without compensation but shall be reimbursed for actual and necessary traveling and subsistence expenses when absent from their place of residence in attendance at authorized meetings.
- 4.12. **Personnel.** The Legislative Bodies of the Counties must ratify the Board of Health's approval of all changes to Bear River Health's merit system, personnel policies, and compensation plans. In addition, the provisions of [Utah Code 26A-1-112](#) shall generally apply to the appointment of personnel, including removal for cause.
- 4.13. **Reports.** The Board of Health shall, annually, report the operations of Bear River and the board to the local governing bodies of the municipalities and the Counties served by Bear River Health. In addition, the Board of Health shall send a copy of Bear River's approved budget to all local governing bodies of the municipalities and Counties served by the Department no later than thirty (30) days after the beginning of Bear River Health's fiscal year.
- 4.14. **Behavioral Health Programs.** Through this Interlocal agreement, the Counties, as the Substance Abuse and Mental Health Authorities as outlined in [Utah Code 17-43](#), delegate the oversight for all Behavioral Health Programs to the Department with the following stipulations.
 - 4.14.1. The Counties grant the responsibility for continuing, maintaining, and overseeing contracting for Behavioral Health Programs to the Department. The contracting shall be governed by [Utah Code 63G-6a](#) and Bear River Health's approved procurement policies with the following stipulations:
 - 4.14.1.1. The Counties authorize the Department to contract directly with the Utah Department of Health and Human Services for any funds (state or federal) available to the Counties to deliver Behavioral Health Programs.

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- 4.14.1.2. The Counties authorize the Department to develop, oversee, administer, and monitor contracts for Behavioral Health Programs on behalf of the Counties.
- 4.14.1.2.1. To avoid a lapse in critical government services and mitigate circumstances likely to negatively impact public health, safety, and welfare of vulnerable populations, the Department shall prioritize the Counties' established contract(s) for Behavioral Health Programs that exist at the creation of this Interlocal Agreement.
- 4.14.1.2.2. Changes may be made to the contract(s) as long as they are intended to enhance the integrity of the contract(s) or the delivery of Behavioral Health Programs. However, the duration established in the contracts referenced in subsection [4.14.1.2.1](#) must remain unchanged unless the contracted service provider and the Department agree otherwise.
- 4.14.1.2.3. Any established contract(s) for Behavioral Health Programs must be re-executed to spell out the expectation for delivering integrated mental health and substance abuse programs.
- 4.14.2. As allowed under [Utah Code 17-43-309](#), the Legislative Bodies of the Counties, under this agreement, officially establish a local behavioral health advisory council to advise on planning, organizing, and operating all Behavioral Health Programs. The council shall be called the Bear River Behavioral Health Advisory Council (BHAC). The BHAC shall meet at least once per quarter and be governed by bylaws. The bylaws must not conflict with any federal, state, or local law or this Interlocal Agreement and must be approved by the Counties.
- 4.14.3. The BHAC shall comprise nine members appointed by the Counties as directed in [Utah Code 17-43-309](#) with the following makeup based on county population.
- 4.14.3.1. Five members from Cache County;
- 4.14.3.2. Three members from Box Elder County; and
- 4.14.3.3. One member from Rich County.
- 4.14.4. BHAC members shall be selected from persons representative of interested groups in the community, but they cannot be individuals employed or otherwise associated with contracted service providers.
- 4.14.4.1. All BHAC members will be appointed by the Legislative Bodies of the Counties, with the BHAC's advice and recommendation.
- 4.14.4.1.1. Initially, one-fourth of the members shall be appointed for one year, one-fourth for two years, one-fourth for three years, and one-fourth for four years.
- Cache County (5 members)
- One member initially appointed for a four-year term;

One member initially appointed for a three-year term;

One member initially appointed for a two-year term; and

Two members initially appointed for a one-year term.

Box Elder County (3 members)

One member initially appointed for a four-year term;

One member initially appointed for a three-year term; and

One member initially appointed for a two-year term

Rich County (1 member)

One member initially appointed for a four-year term.

4.14.4.1.2. After the initial appointment, each member's term shall be four years.

4.14.4.1.3. Vacancies shall be filled in the same manner as for unexpired terms.

4.14.4.1.4. Council members may be removed for cause.

4.14.4.2. The BHAC shall advise the Counties and the Director of Behavioral Health Programs in planning (including the required BHP Area Plan), organizing, and operating community Behavioral Health Programs.

4.14.4.3. Under this Interlocal Agreement, the BHAC shall be an agent of the Counties and is subject to laws and requirements relating to the Local Mental Health and Substance Abuse Authorities. All BHAC meetings must comply with [Utah Code 52-4](#) Open and Public Meetings Act.

4.14.5. Under this Interlocal Agreement, the Department is authorized to fulfill the requirements laid out in [Utah Code 17-43-201\(5\)](#) and [17-43-301\(6\)](#) in recruiting, interviewing, and recommending for appointment to the Legislative Bodies of the Counties a Director of Behavioral Health Programs. Once appointed by each of the county governing bodies, the Director of Behavioral Health will be an employee of the Department and shall be responsible for the following:

4.14.5.1. Serve as the director of substance use programs and services per [Utah Code 17-43-201\(5\)](#).

4.14.5.2. Serve as the director of mental health programs and services per [Utah Code 17-43-301\(6\)](#).

4.14.5.3. Shall not be the Local Health Officer.

4.14.5.4. Shall serve as the secretary to the BHAC.

4.14.5.5. Work with the BHAC in planning (including the required BHP Area Plan), organizing, and operating community behavioral health programs.

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- 4.14.5.6. Develop, oversee, and administer all contracts with qualified behavioral health providers and the Department, per subsection [4.14.1](#) of this Section.
 - 4.14.5.7. Contract providers must establish administrative, clinical, personnel, financial, procurement, and management policies regarding behavioral health programs and facilities following the rules of the state division and state and federal law.
 - 4.14.5.8. Have general oversight of Medicaid Capitation for Behavioral Health Programs.
 - 4.14.5.9. Establish mechanisms allowing for direct citizen input into Behavioral Health Programs.
 - 4.14.5.10. Annually contract with the state division to provide Behavioral Health Programs.
 - 4.14.5.11. Ensure compliance with all applicable state and federal statutes, policies, audit requirements, contract requirements, and any directives resulting from those audits and contract requirements.

5. BUDGET, FUNDING, CONTRACTS & PROCUREMENT.

5.1. Operating Budget.

- 5.1.1. The Department's fiscal year shall begin on January 1 of each year and end on December 31.
- 5.1.2. The Local Health Officer of the Department shall submit a proposed fiscal year budget to the Board of Health for the upcoming fiscal year.
- 5.1.3. The Board of Health shall adopt an annual budget for each fiscal year in compliance with the Uniform Fiscal Procedures Act for Counties, [Utah Code 17-36](#). The proposed annual budget, approved by the Board of Health, shall be presented to the Legislative Bodies of the Counties.

5.2. County Funding.

- 5.2.1. Following [Utah Code 26A-1-117](#), the Counties involved in the establishment and operation of the Department shall be responsible for funding the ongoing operations as follows.
 - 5.2.1.1. Following [Utah Code 26A-1-115](#), the cost of establishing and maintaining the Department shall be apportioned among the participating Counties based on the most recent federal census population estimates in proportion to the total population of all Counties within the boundaries of the Department.
 - 5.2.1.1.1. The population appropriation may be paid from the County General Fund, from the levy of a tax, or in part by an appropriation and in part by a levy under [Utah Code 17-53-221](#).
 - 5.2.1.1.2. The County's population appropriation shall be jointly evaluated by an Appropriation Committee every five years, and a recommendation shall be made regarding the

per-capita appropriation for the subsequent five (5) year period.

- 5.2.1.1.3. The County Legislative Bodies will review and consider this appropriation recommendation for adoption.
- 5.2.1.1.4. Appropriated funds shall only be used to support the Department's operations.
- 5.2.1.1.5. Once the Counties adopt this agreement, the minimum population appropriation can only be reduced through consultation and approval from each County involved.
- 5.2.1.1.6. The agreed-upon population appropriation will be in a written addendum to this agreement.
- 5.2.1.1.7. Nothing in this Interlocal Agreement shall prohibit a County from contributing more than the agreed-upon population appropriation.

5.2.2. County Match.

- 5.2.2.1. Following [Utah Code 26A-1-115\(6\)\(a\)\(i\)](#), all state funds distributed by contract from the Utah Department of Health and Human Services to local health departments for public health services shall be matched by those local health departments at a percentage determined by the department in consultation with local health departments.
- 5.2.2.2. Following Utah Code [17-43-201\(5\)\(k\)](#) and [17-43-301\(6\)\(a\)\(x\)](#), the Counties shall provide funding equal to at least 20% of the state funds received to fund services described in the required BHP Area Plan.

5.3. **Contract Funding.** The Department is authorized to contract with the Utah Department of Health and Human Services and other state and federal agencies for eligible public health, mental health, and substance abuse funding to come to the Counties.

- 5.3.1. The Local Health Officer is authorized to approve all new and renewed contracts, grants, or other sources of revenue for Public Health Programs, but only after ensuring that the contracts are aligned with local needs.
 - 5.3.1.1. The Local Health Officer shall authorize making agreements not in conflict with state law that are conditional to receiving funds through a donation, grant, or contract.
 - 5.3.1.1.1. The Director of Behavioral Health is responsible for reviewing all contracts related to the delivery of Behavioral Health Programs on behalf of the counties and their Local Mental Health and Substance Abuse Authorities. This review ensures that the contracts align with the local needs outlined in the BHP Area Plan. After a thorough review, the contracts will be submitted to the Local Health Officer for authorization.
 - 5.3.1.2. The Board of Health may direct the Local Health Officer to cancel or not renew any contract, grant, or other source of revenue.

5.4. **Fees.**

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- 5.4.1. The Board of Health shall, annually, establish and adopt a fee schedule for all the Department programs and services for which there is a charge based on recommendations provided by the Local Health Officer.
- 5.4.1.1. The provisions of Section [Utah Code 26A-1-114](#) shall generally apply to the establishment and collection of fees by Bear River Health.
- 5.4.1.2. For budgeting purposes, the establishment of all fees will be finalized by October 31 of each year and shall be effective at the beginning of the next calendar year.
- 5.4.1.3. The Board of Health does not establish fees for those programs and services where a fee has been directed and established by state statute or rule.
- 5.5. **Additional Revenue.** Money from surpluses, grants, and donations may also be used to establish and maintain Bear River Health.
- 5.6. **Security for Financing Physical Facilities.** Following [Utah Code 26A-1-115](#), the cost of providing, equipping, and maintaining suitable offices and facilities for a local health department is the responsibility of participating Legislative Bodies of the Counties. Under this agreement, this is best accomplished in consultation with the Board of Health to ensure that the facilities adequately address the community's needs. To facilitate the financing of physical facilities, each county may enter into separate arrangements with the Department with respect to the operation and utilization of all facilities used for Public Health Programs in their respective county.
- 5.7. **Treasurer.** The provisions of Utah Code [17-43-201\(2\)\(c\)\(i\)\(a\)](#), [17-43-301\(3\)\(c\)\(i\)\(a\)](#), and [26A-1-118](#) shall apply, and the Cache County Treasurer shall serve as treasurer for the Department over Public Health and Behavioral Health Programs. The treasurer or other disbursing officer authorized by the treasurer may make payments from monies for the joint programs and services of the Counties upon audit of the appropriate auditing officer or officers representing the Counties.
- 5.8. **Auditor.**
- 5.8.1. The Counties grant the Department the authority to appoint an independent auditor to audit the operation of the Department as outlined in Utah Code [17-43-201\(2\)\(c\)\(ii\)](#), [17-43-301\(3\)\(c\)\(ii\)](#), and [26A-1-115\(7\)\(a\)](#).
- 5.8.2. The Counties reserve the right to assign an auditor to audit any Department operations.
- 5.9. **Procurement Procedures.** The Department will develop written procurement policies to guide all procurement procedures, except as dictated otherwise in subsection [4.14.1](#) of this Interlocal Agreement. The procurement policies must not conflict with [Utah Code 11-13-226](#), be reviewed by legal counsel, and be approved by the Board of Health.

6. LEGAL REPRESENTATION.

- 6.1. The Cache County Attorney shall provide legal representation for Public Health and Behavioral Health Programs as required by Utah Code [26A-1-120](#), [17-43-201\(2\)\(c\)\(iii\)](#), and [17-43-301\(3\)\(c\)\(iii\)](#).
 - 6.1.1. The Cache County Attorney is authorized to request and receive the assistance of the county attorneys of the other Counties in defending or prosecuting actions within their county related to behavioral health programs.
 - 6.1.2. The Department and the Cache County Attorney can rely on the provisions of Utah Code [26A-1-120](#) to utilize the other county attorneys' legal services as defined in that code section for public health programs.
 - 6.1.3. The Health Officer shall notify the Cache County Attorney of any pending or imminent legal actions against Bear River Health.
 - 6.1.4. If there is a conflict of interest involving the county attorney acting as legal advisor to the Department or defending an action against Bear River Health, the Board of Health, or officers and employees. In that case, the Cache County Attorney shall assign a county attorney of a county participating herein to act as legal advisor.

7. REPRESENTATION.

- 7.1. **County Representation.** Each County represents that it is a political subdivision of the State of Utah and is authorized to enter into the transactions contemplated by this Interlocal Agreement and to carry out its obligations hereunder, including funding the Department per the Local Health Authorities Act.
- 7.2. **No Litigation.** Each County represents that there is no litigation or legal or governmental action, proceeding, inquiry or investigation pending or threatened to which said County, as applicable, is a party or to which any of its property is subject, which, if determined adversely to said County, would individually or in the aggregate (i) affect the validity or enforceability of this Interlocal Agreement, or (ii) otherwise materially adversely affect the ability of the said County to comply with its obligations under this Interlocal Agreement or the transactions contemplated by this Interlocal Agreement.

8. TERMINATION AND DISSOLUTION.

- 8.1. **Termination & Dissolution.**
 - 8.1.1. Any party to this agreement may terminate its participation in this entity only after complying with [Utah Code 26A-1-122](#).
 - 8.1.2. At least ninety (90) days prior written notice of the withdrawal shall be given to the Board of Health.
 - 8.1.3. The effective date of any withdrawal shall be December 31.
 - 8.1.4. The participating Counties shall establish local health departments under Section [26A-1-103](#), [26A-1-105](#), or [26A-1-106](#) at least 30 days before dissolution.
 - 8.1.5. Upon termination, the Board of Health is authorized to take such actions as necessary to effectuate the dissolution of the Department and dispose of the property of the Department as spelled out in subsection [8.2](#) of this Section.

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- 8.1.6. Unless explicitly stated otherwise in this Interlocal Agreement, no party shall have the right to unilaterally cancel, rescind, or terminate this Interlocal Agreement due to a breach. However, this limitation does not affect any other rights or remedies that either party may have as a result of such a breach.
- 8.2. **Division of Assets.** Upon termination and dissolution of this Interlocal Agreement, title to the assets of the Department shall revert to the respective Counties for which those assets have been secured and utilized for the delivery of Public Health Programs.
- 8.3. **Division of Workforce.** Upon termination and dissolution of this Interlocal Agreement, the Counties agree to jointly negotiate in good faith regarding the division of the current workforce. The Counties agree that the primary focus of the negotiations will be to minimize the disruption of public health service delivery in each county.

9. MISCELLANEOUS

- 9.1. **Filing.** Each County covenants to file this Interlocal Agreement with its records keeper.
- 9.2. **Assignment.** None of the Counties may assign any interest herein without the consent of all other parties to this Interlocal Agreement.
- 9.3. **Counterparts.** This Interlocal Agreement may be executed in multiple counterparts, each of which will be considered an original for all purposes. Each County agrees to execute any necessary deeds, instruments, legal documents, and resolutions or ordinances to implement the terms of this Interlocal Agreement.
- 9.4. **Entire Contract.** This Interlocal Agreement consolidates and replaces all previous negotiations, representations, and agreements between the Counties regarding the subject matter addressed herein. It serves as the complete contract between the Counties concerning the establishment and powers of the Department. Additionally, the intent of this Interlocal Agreement is to document and reaffirm the formation and powers that the Department has exercised up to this point.
- 9.5. **Amendment.** This Interlocal Agreement may only be modified or amended in writing. Such modifications or amendments must be signed by a duly authorized representative of the Counties, following the adoption of a resolution by the Counties' Legislative Bodies that approves the changes.
- 9.6. **Attorney Fees.** The prevailing party in any litigation to interpret and/or enforce the provisions of this Agreement shall be entitled to an award of reasonable attorney fees and costs, in addition to any other relief that the court grants.
- 9.7. **Severability.** Whenever possible, each provision of this Interlocal Agreement shall be interpreted in such a manner as to be valid; but if any provision of this Interlocal Agreement is held, in a final judicial determination, to be invalid or prohibited under applicable law, that provision shall be ineffective to the extent of such invalidity or prohibition without invalidating the remainder of such provision or the remaining provisions of this Interlocal Agreement. Notwithstanding the foregoing, however, should such judicially determined invalidity of any provision of this Interlocal Agreement frustrate the intended purpose of the member entities, as expressed herein, that invalidity shall cause this Interlocal Agreement to be terminated, with the parties, to the extent possible, to be restored to the status quo.

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- 9.8. **Conflict with State Law.** To the extent that any provision contained in this Interlocal Agreement is, or subsequently comes, in conflict with Utah State Code, Utah State Code shall be controlling with respect to the Department's organization and operation.
- 9.9. **Governing Law.** The laws of the State of Utah shall govern this Agreement.
- 9.10. **Annual Review.** The Local Health Officer will work with the Cache County Attorney's Office to conduct an annual review of this Interlocal Agreement to ensure all references to Utah State Code are current and that this Interlocal Agreement complies with current Utah State Code to assess potential conflicts and suggest solutions to clarify or resolve them.

AGREED TO AND APPROVED BY:

Name	Date
Box Elder County Board Chair	

Name	Date
Cache County Board Chair	

Name	Date
Rich County Board Chair	

APPROVED TO FORM

Name	Date
Box Elder County Attorney	

Name	Date
Cache County Attorney	

Name	Date
Rich County Attorney	

Ordinance No. 2025-01

Cache County, Utah

Staker Parson North Smithfield Plant Rezone

An ordinance amending the County Zoning Map by adding the Mineral Extraction and Excavation (ME) Zone on 53.86 acres of property in the Agricultural (A10) 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 December 5th, 2024, the Planning Commission held a public hearing, 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, on January 28th, 2025, the County Council held a public hearing, 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 to be rezoned is compatible with the purpose of the Mineral Extraction and Excavation (ME) Overlay Zone:
 - i.** The purpose of this zone is to establish locations and to protect the commercial mineral extraction and excavation industry while protecting the environment and county citizens. This zone is to assure that the operations of such sites do not impact adjoining uses and are not encroached upon by surrounding non-compatible land uses within Cache County.
 - ii.** This zone and provisions thereof are deemed necessary in the public interest to affect practices which will, for the economical use of vital materials necessary for our economy, give due consideration to the present and future use of land in the interest of promoting the health, safety, and general welfare of the residents of Cache County.
- B.** The four parcels are historical gravel extraction sites.
- C.** The nearest parcel in the county, with the Mineral Extraction (ME) Overlay is located 400 feet north-east of the subject parcel.
- D.** The location of the subject property, according to the Sand and Gravel Resource Potential Map, likely falls within an area that contains delta and shoreline deposits which have the highest resource potential.
- E.** Smithfield City is in favor of the rezone.

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 _____, 2025. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

7. Council Vote and Final Action

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

Cache County Council:

Attest:

Sandi Goodlander, Chair_____
Bryson Behm, County Clerk

Action of the County Executive

Regarding Ordinance 2025-01, Staker Parson North Smithfield Plant Rezone

_____ Approve

_____ Disapprove (A Statement of Objection is attached)

David Zook, Executive
Cache County

Date

Ord 2025-01
Staker Parson North Smithfield Plant Rezone
Amending the Cache County Zoning Map by adding the
Mineral Extraction and Excavation (ME) Overlay to 53.86 acres
in the Agricultural (A10) Zone

County Council action

Hold a public hearing on January 28th, 2025.

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

Planning Commission action

Approval (5-yea; 0-nay).

Public hearing held on December 5th, 2024

Conclusion: Based on the findings of fact noted [in the staff report], the Staker Parson North Smithfield Plant 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 the purpose of the Mineral Extraction and Excavation (ME) Overlay Zone:
 - a. The purpose of this zone is to establish locations and to protect the commercial mineral extraction and excavation industry while protecting the environment and county citizens. This zone is to assure that the operations of such sites do not impact adjoining uses and are not encroached upon by surrounding noncompatible land uses within Cache County.
 - b. This zone and provisions thereof are deemed necessary in the public interest to affect practices which will, for the economical use of vital materials necessary for our economy, give due consideration to the present and future use of land in the interest of promoting the public health, safety, and general welfare of the residents of Cache County.
2. The four parcels are historical gravel extraction sites.
3. The nearest parcel in the county, with the Mineral Extraction and Excavation (ME) Overlay is located 400 feet north-east of the subject parcel.
4. The location of the subject property, according to the Sand and Gravel Resource Potential Map, likely falls within an area that contains delta and shoreline deposits which have the highest resource potential.
5. Smithfield City is in favor of the rezone.

Staff Report review by Planning Manager

Angie Zetterquist

41 **Staff Report by County Planner**

42 Conner Smith

43

44 **General Description**

45 This ordinance amends the County Zoning Map by adding the Mineral Extraction and
46 Excavation (ME) Overlay to 53.86 acres in the Agricultural (A10) Zone.

47

48 **Additional review materials included as part of Exhibit A**

49 Staff Report to Planning Commission – revised

Staff Report: Staker Parson North Smithfield Plant Rezone

5 December 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: Dak Maxfield

Parcel ID#: 08-044-0012, -0013, -0017, -0048

Staff Recommendation: None

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

Reviewed by Conner Smith

Project Address:

Acres: 53.86

6600 N. 400 E.,
Smithfield

Surrounding Uses:

North – Mineral Extraction

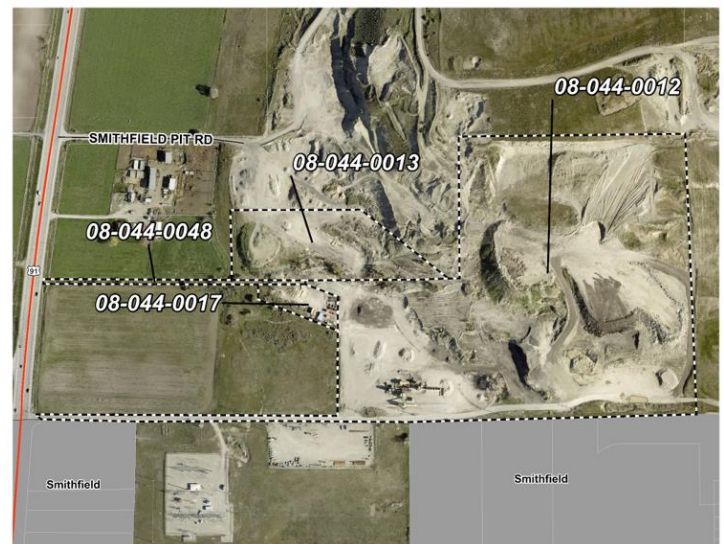
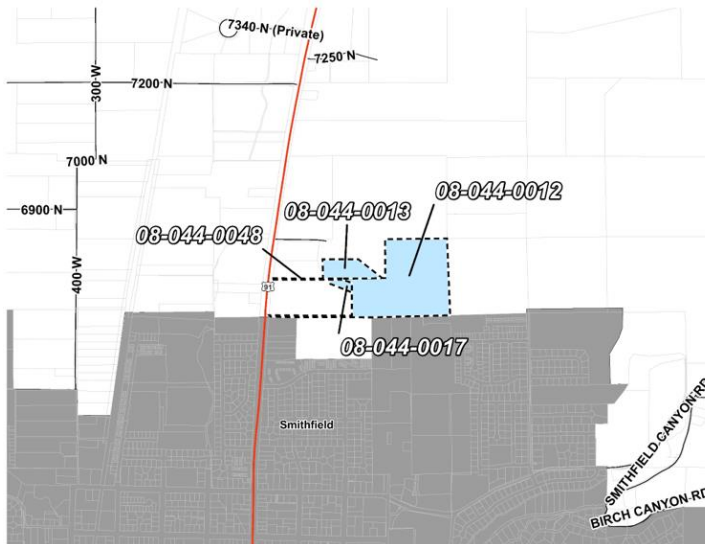
South – Residential/Agricultural

East – Mineral Extraction

West – Residential/Agricultural

Current Zoning:
Agricultural (A10)

Proposed Zoning:
Mineral Extraction
and Excavation (ME)
Overlay



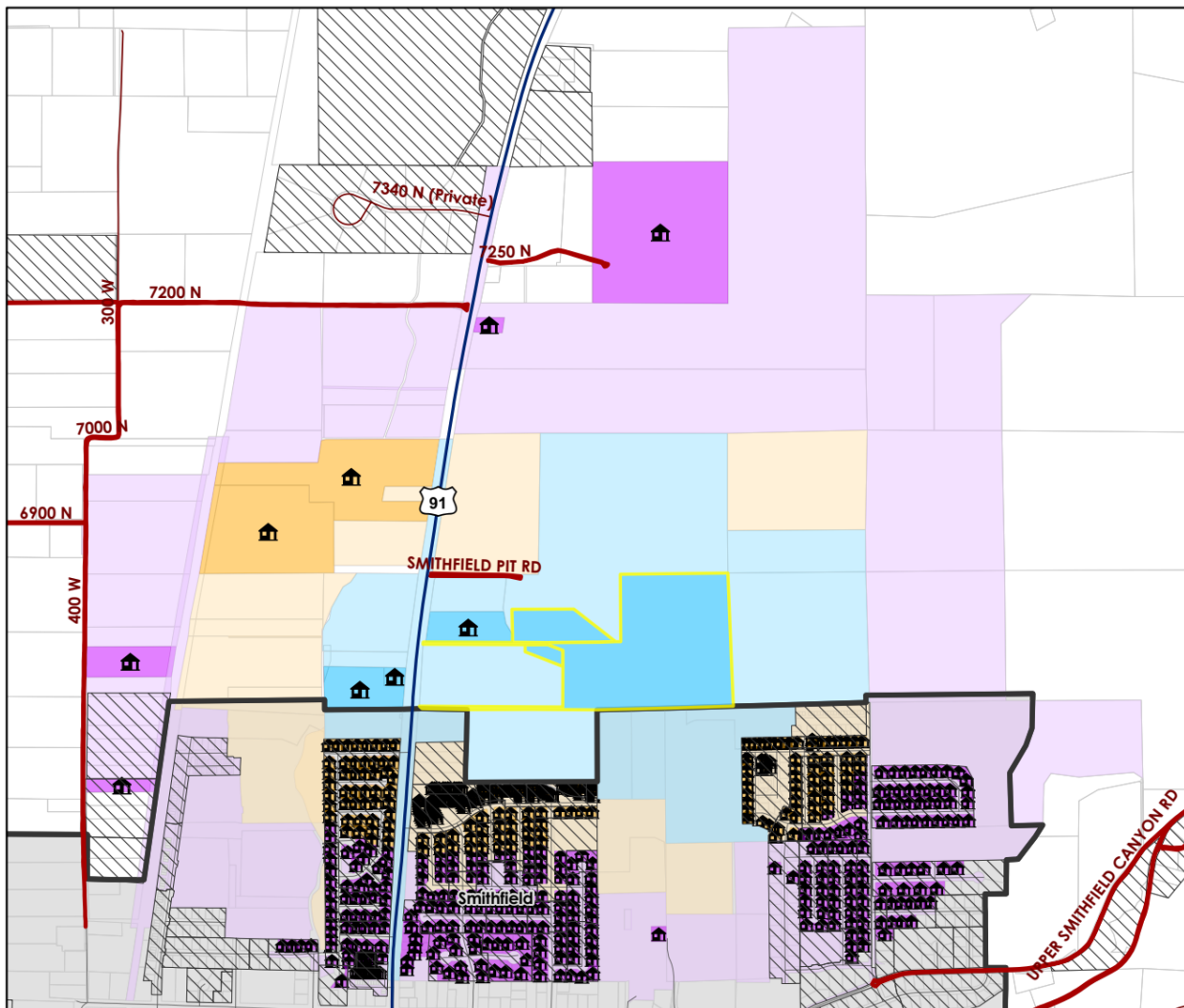
Findings of Fact

A. Request description

1. A request to approve the Mineral Extraction and Excavation (ME) Overlay zone to 53.86 acres in the Agricultural (A10) Zone.
2. This rezone may allow the parcel to establish uses permitted in the ME Overlay 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 ME Overlay Zone will be addressed as part of each respective approval process required prior to site development activities.

Revised Pg. 6 and 7 - Planning Commission Recommendation

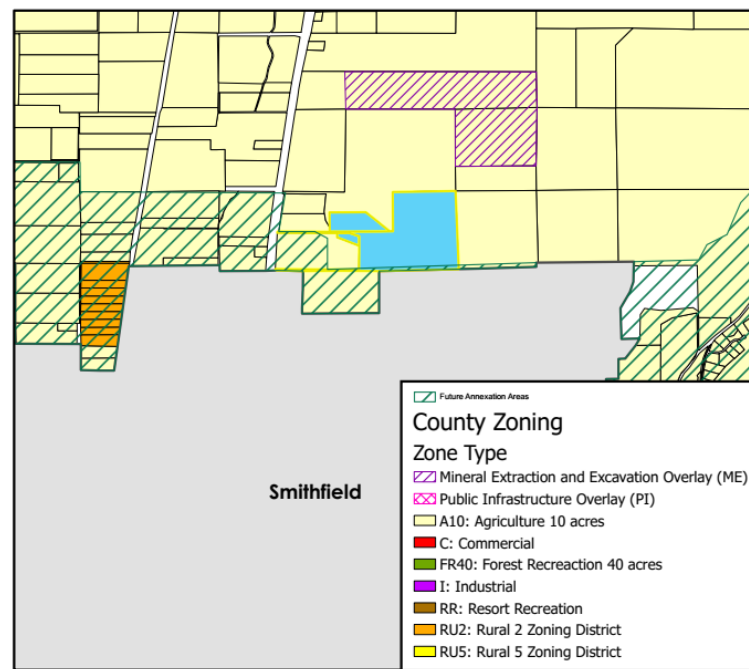
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map (Attachment A) and in the following text.
 - a. Land Use Context:
 - i. Parcel status: The properties match the configuration they had on August 8, 2006 and are legal.
 - ii. The Mineral Extraction and Excavation (ME) Overlay Zone allows mineral extraction (Use Type 6400) and topsoil extraction (Use Type 6410) with approval of a Conditional Use Permit. These use types are not permitted in any of the other base zoning districts.
 - iii. Average Lot Size:



Revised Pg. 6 and 7 - Planning Commission Recommendation

Average Parcel Size	
Adjacent Parcels	With a Home: 4.3 Acres (3 Parcels)
	Without a Home: 14.4 Acres (12 Parcels)
	Without a Home in Smithfield City: 6.3 Acres (8 Parcels)
1/4 Mile Buffer	With a Home: 12.2 Acres (5 Parcels)
	With a Home in Smithfield City: 0.1 Acres (240 Parcels)
	Without a Home: 13.4 Acres (22 Parcels)
1/2 Mile Buffer	Without a Home in Smithfield City: 1.6 Acres (87 Parcels)
	With a Home: 12.4 Acres (9 Parcels)
	With a Home in Smithfield City: 0.2 Acres (558 Parcels)
	Without a Home: 15.6 Acres (46 Parcels)
	Without a Home in Smithfield City: 1.5 Acres (218 Parcels)

- i. Property Owners: These four parcels are owned by two different owners, Smithfield City and Jack B. Parson Companies:
 - Smithfield City:
 - i. Smithfield City owns parcels 08-044-0013 and 08-044-0048. Currently, parcel 08-044-0013 appears to be a mineral extraction operation while 08-044-0048 appears to be an access point.
 - Jack B. Parson Companies:
 - i. Jack B. Parson Companies owns parcels 08-044-0012 and 08-044-0017. Historically, these parcels have been involved in a sand and gravel extraction operation.
- ii. Adjacent Uses: The parcels to the north and east are primarily used for mineral extraction while parcels to the south and west are a mix of agricultural and residential. The nearest parcel, in the county, with the Mineral Extraction (ME) Overlay, is located 400 feet to the north-east of the subject parcel.
 - The Nixon & Nixon, Inc. rezone was a request to add the Mineral Extraction and Excavation (ME) Overlay to a total of 72.90 acres and was approved 24 January 2017.
- iii. Mineral Map: The Sand and Gravel Resource Potential Map (See Attachment B) indicates that the general area may contain delta and shoreline deposits which have the highest resource potential.
- iv. Annexation Areas: The subject property is not located within any future annexation area.



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 Mineral Extraction and Excavation (ME) Overlay Zone but does contain general guidelines for its implementation. County Land Use Ordinance §17.08.030 [E] identifies the purpose of the Mineral Extraction and Excavation (ME) Overlay Zone and includes the following:
 - a. “The purpose of this zone is to establish locations and to protect the commercial mineral extraction and excavation industry while protecting the environment and county citizens. This zone is to assure that the operations of such sites do not impact adjoining uses and are not encroached upon by surrounding noncompatible land uses within Cache County.”
 - b. “This zone and provisions thereof are deemed necessary in the public interest to affect practices which will for the economical use of vital materials necessary for our economy, give due consideration to the present and future use of land in the interest of promoting the public health, safety, and welfare of the residents of Cache County.”
6. Chapter 4: Future Land Use Plan of the Cache County General Plan states:
 - a. 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.
 - b. 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.

7. The future land use map (Attachment C) adopted as part of the Cache County General Plan identifies the area where the subject property is located as “Agriculture and Ranching.” *Cache County General Plan, Chapter 4, Page 26*. This section states:

- a. Location: Private agriculture landscapes in the Cache Valley outside of municipalities.
- b. Example Areas: Most of the valley.
- c. Purpose and Character: Agricultural and rangeland uses on private lands under conservation easements (no public access) are expected to continue in the Valley. Separation from dense residential developments is advantageous. The agricultural landscape provides separation between adjacent municipalities and protects suitable soils.
- d. Preferred Land Uses: Agriculture, ranching, rural residential uses at densities of less than one unit per 10 acres, Conservation Easements (CEs) and conserved public lands, Agritourism.
- e. Secondary Land Uses: Industrial and Commercial uses directly supportive of agriculture (Processing, Packaging, Distribution), clustered subdivision developments, outdoor recreation, farm worker housing.
- f. Discouraged Uses: Residential developments at densities of greater than one unit per 10 acres if not in a clustered subdivision development, commercial office, commercial retail, flex office/industrial, heavy industrial.

8. Parcels 08-044-0012, -0013, and -0017 are not located in the Urban Expansion Overlay. Parcel 08-044-0048 is located partially within the Urban Expansion Overlay.

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

9. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.
10. §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.
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. §12.1 Roadway Functional Classification – Private Roads: Private roads are not intended for use by the public. These roads are privately owned, provide access to two or more legal lots or parcels, and are not maintained by the County. Geometric and structural design standards for private roads are the same as those used for public roads. For purposes of design and construction standards, private roads are subdivided into Major Private (PM) roads and Minor Private (P) roads.
 - b. §12.1 Roadway Functional Classification – Local Roads: Local roads are roads whose primary function is to provide access to residences, farms, businesses, or other properties that abut the road, rather than to serve through traffic. Although some through traffic may occasionally use a local road, through traffic service is not the primary purpose of local

roads. For purposes of design and construction standards, local roads are subdivided into Major Local (ML) and Minor Local (L) roads.

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

- a.** Parcel 08-044-0048, owned by Smithfield City, serves as an access to the other three parcels in this rezone. There are visible remnants of the access road but it appears it has not been used or improved in quite some time.
- b.** Parcel 08-044-0012, owned by Staker Parsons, has access to US 91 via 6600 N. (800 N.).
 - i.** 6600 N. is paved, accesses the existing gravel pits and a Rocky Mountain Power substation. It is unclear if it is currently a public, private, or just an access road. It has been on the Class B road inventory in past years, but it is currently not considered a Class B road and is not maintained by the County.

16. A full road review was not completed for this rezone request as access is off of US 91. Any permits needed to expand or create an access onto US 91 would be granted by the Utah Department of Transportation (UDOT).

D. Service Provisions:

17. §16.04.080 [C] Fire Control – The County Fire District had no comments in regards to this application.

18. §16.04.080 [F] Solid Waste Disposal – Applicant must work with Waste Management for solid waste disposal.

19. §17.08.040 General Definitions, Sensitive Area; §17.18

a. Noxious Weeds:

- i.** Currently, all four parcels have noxious weeds present. It is recommended that a noxious weed management plan is created.

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

20. Public notice was posted online to the Utah Public Notice Website on 22 November 2024.

21. Notices were posted in three public places on 22 November 2024.

22. Notices were mailed to all property owners within 300 feet on 22 November 2024.

23. At this time, one written public comment, from Smithfield City, regarding this proposal has been received by the Development Services Office.

Conclusion

The Staker Parsons North Smithfield Plant rezone, a request to approve the Mineral Extraction and Excavation (ME) Overlay Zone to 53.86 acres in the Agricultural (A10) Zone has been reviewed in conformance with Title 17 of the Cache County Land Use Ordinance and the County Manual of Roadway Design and Construction Standards. Staff has not made a recommendation based on the findings of fact identified above and any others identified at the public hearing. Although Staff has not made a recommendation for approval or denial, they can help Planning Commission draft a recommendation to County Council.

Planning Commission Conclusion

Based on the findings of fact noted herein, the Staker Parson North Smithfield Plant rezone is hereby recommended for approval to the County Council as follows:

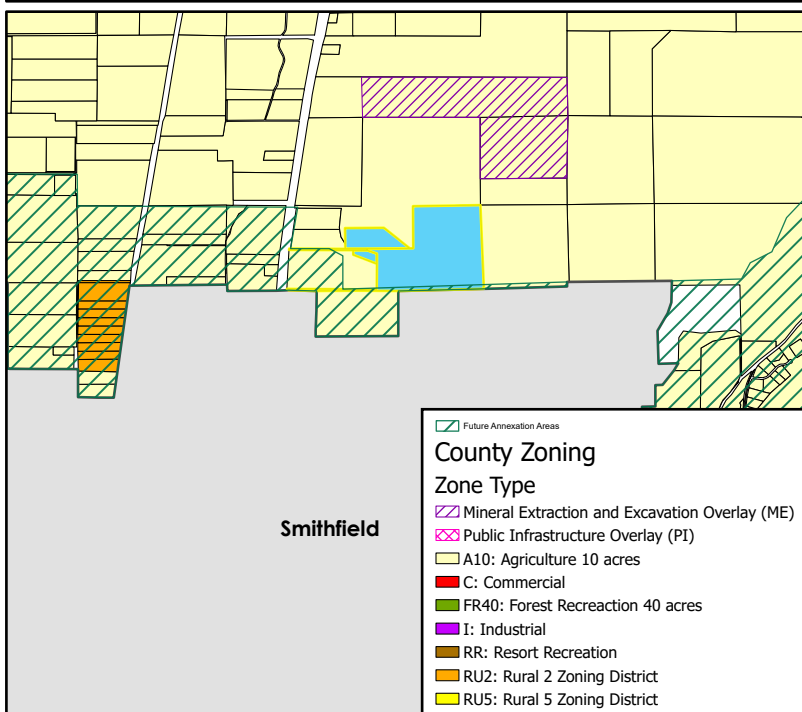
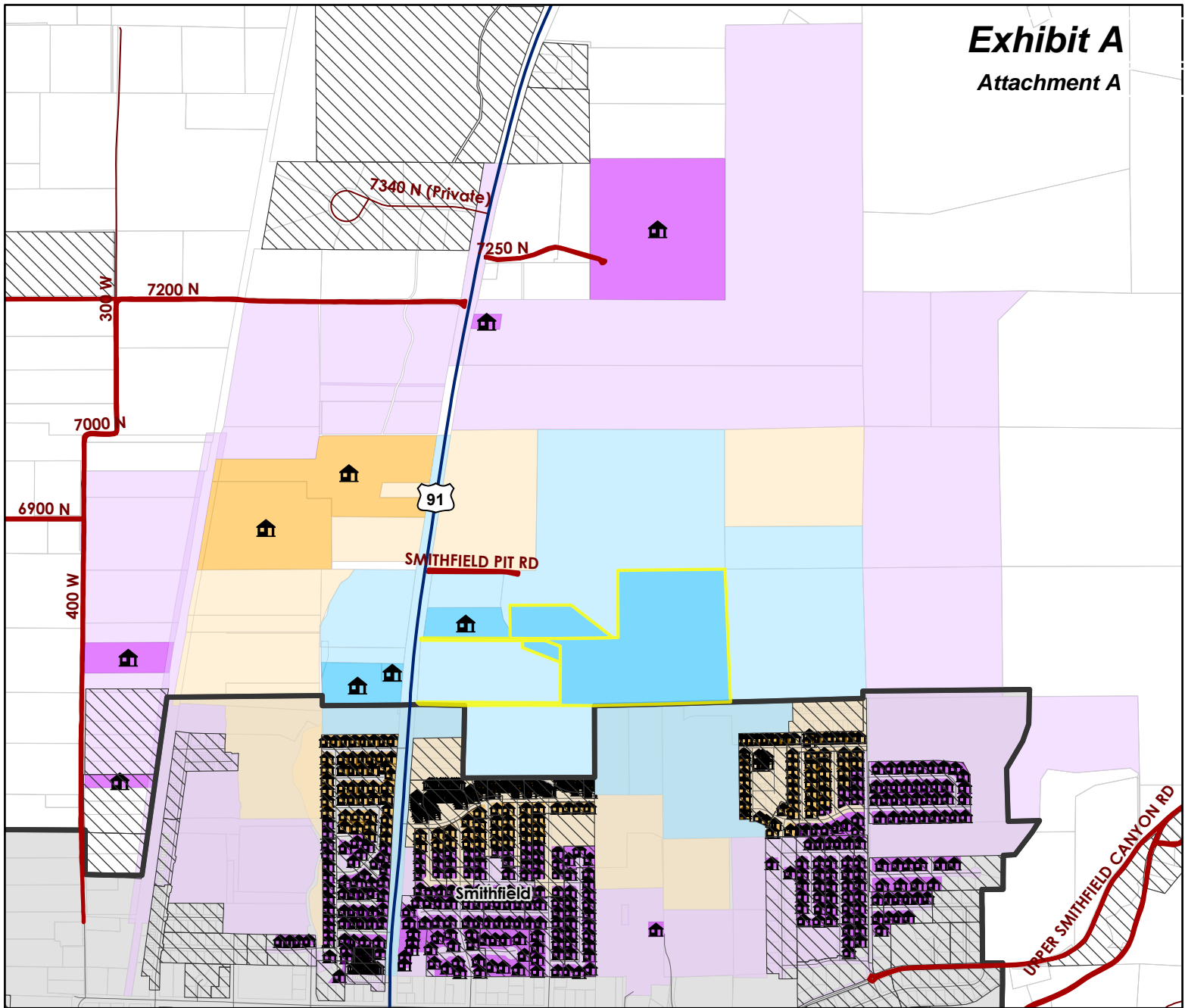
- 1.** The location of the subject property to be rezoned is compatible with the purpose of the Mineral Extraction and Excavation (ME) Overlay Zone:
 - a.** The purpose of this zone is to establish locations and to protect the commercial mineral extraction and excavation industry while protecting the environment and county citizens. This zone is to assure that the operations of such sites do not impact

adjoining uses and are not encroached upon by surrounding noncompatible land uses within Cache County.

- b.** This zone and provisions thereof are deemed necessary in the public interest to affect practices which will, for the economical use of vital materials necessary for our economy, give due consideration to the present and future use of land in the interest of promoting the public health, safety, and general welfare of the residents of Cache County.
- 2.** The four parcels are historical gravel extraction sites.
- 3.** The nearest parcel in the county, with the Mineral Extraction and Excavation (ME) Overlay is located 400 feet north-east of the subject parcel.
- 4.** The location of the subject property, according to the Sand and Gravel Resource Potential Map, likely falls within an area that contains delta and shoreline deposits which have the highest resource potential.
- 5.** Smithfield City is in favor of the rezone.

Exhibit A

Attachment A



Legend

- Proposed Rezone
- Municipal Boundaries
- Subdivisions
- Parcels
- Winter Maintenance
- County Roads
- Highways

Average Parcel Size

Adjacent Parcels	With a Home: 4.3 Acres (3 Parcels)
	Without a Home: 14.4 Acres (12 Parcels)
	Without a Home in Smithfield City: 6.3 Acres (8 Parcels)
1/4 Mile Buffer	With a Home: 12.2 Acres (5 Parcels)
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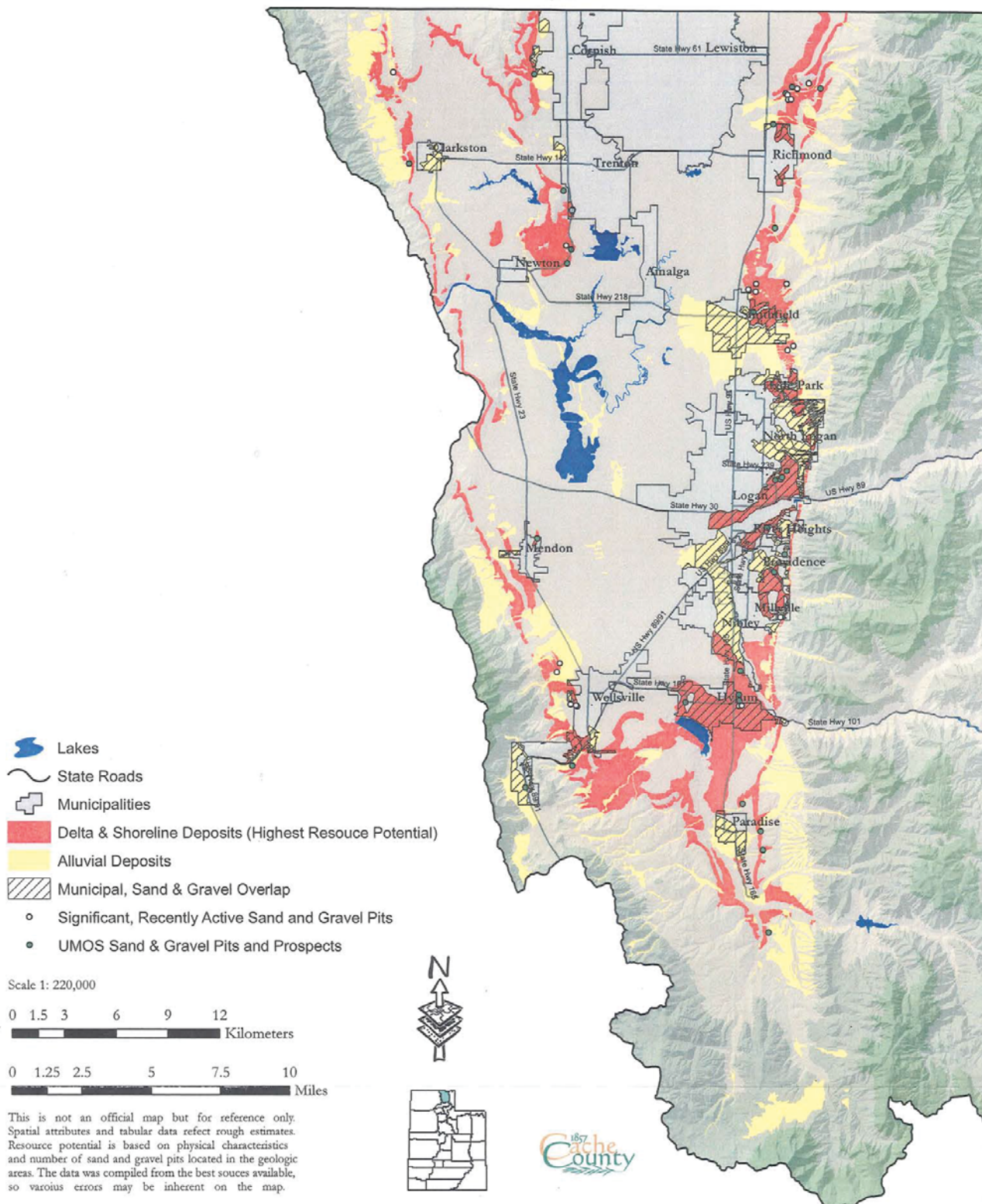


11/5/2024

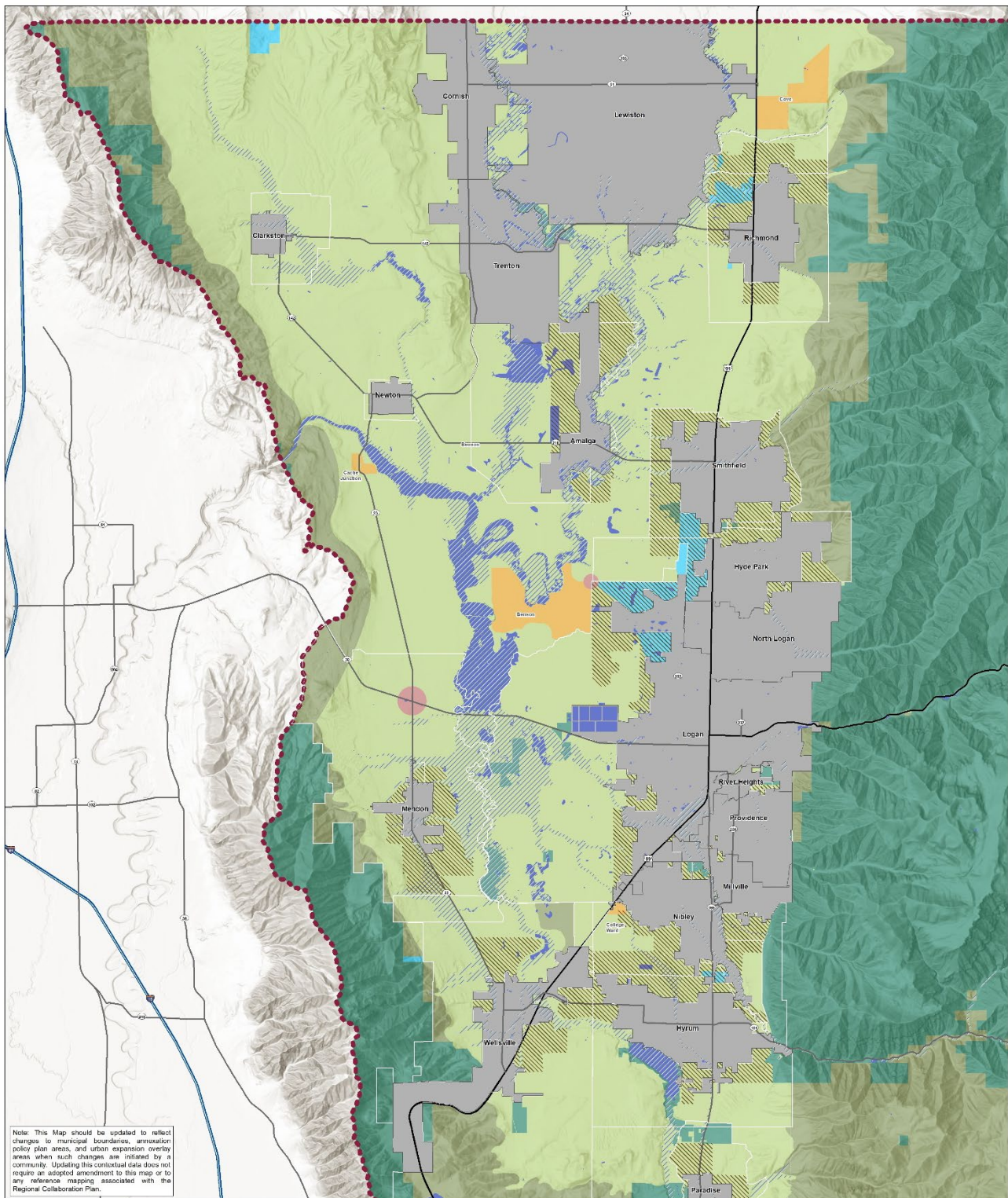
Sand & Gravel Resource Potential Cache County, Utah

Exhibit A

Attachment B



SYMBOL	UNIT	MUNICIPAL ACRES	COUNTY ACRES	MAX THICK (FEET)	SORTING	ROUNDING	NUM PITS
Qlpd	Deltaic deposits, Provo level (regressive)	5791	4984.23	82.02	mod. to well	subrounded to round	23
Qlpg	Lacustrine gravel and sand, Provo shoreline (regressive)	889	3953.86	16.4	well	subrounded to round	9
Qlbd	Deltaic deposits, Bonneville level (transgressive)	665	416.35	16.4	mod. to well	subrounded to round	1
Qlbg	Lacustrine gravel and sand, Bonneville shoreline (transgressive)	9	10402.73	65.62	well	subrounded to round	12
Qaly	Younger stream alluvium	3066	5649.82	32.81			0
Qalp	Stream alluvium, Provo phase	3	119.57	16.4	moderately	subangular to rounded	0
Qalb	Stream alluvium, Bonneville phase	0	498.17	16.4	moderately	subangular to rounded	0
Qaf1	Fan alluvium 1	2478	5730.01	16.4	poorly	angular to subround	0
Qaf2	Fan alluvium 2	1558	2862.06	16.4	poorly	angular to subround	0
Qafy	Younger fan alluvium	1783	5791.91	16.4	poorly	angular to subround	0
Qafp	Fan alluvium (Provo shoreline)	243	100.24	16.4	poorly to moderate	angular to well	0
Qafo	Older fan alluvium	256	6973.7	32.81	poorly	angular to well	0



Conner:

Exhibit A

Attachment D

Good morning,

Smithfield City does not have any concerns or issues with the rezone request by Staker Parson Companies for parcels located at approximately 800 North 300 East, Smithfield.

Thanks,



Justin B. Lewis
City Manager

Smithfield City Corporation
96 South Main
Smithfield, UT 84335

P (435) 792-7990
jlewis@smithfieldcity.org



The following legal description reflects the noted property above to be rezoned to add the Mineral Extraction and Excavation (ME) Overlay:

08-044-0012

BEG 80 RDS W OF SE COR NE/4 SEC 22 T 13N R 1E & TH W 186 RDS TO E LN OF CO ROAD TH N'LY ALG SD ROAD 2 RDS TH E 84.91 RDS TH N 30.3 RDS TO FENCE TH SE'LY ALG FENCE 38.48 RDS TO PT 22 RDS N OF PT 64.5 RDS W OF BEG TH N 2 RDS TH NW'LY 17 RDS TO PT 70.5 RDS W OF PT 40 RDS N OF BEG TH E 70.5 RDS TH S 40 RDS TO BEG CONT 23.75 AC

ALSO: BEG 80 RDS W & 40 RDS N OF SE COR NE/4 SD SEC 22 & TH N 40 RDS TO NE COR SW/4 NE/4 SD SEC TH W 1108 FT TH S 636 FT TO PT 2428 FT W & 633.4 FT N OF SE COR NE/4 SEC 22 TH E 1108 FT TO BEG CONT 19.61 AC

ALSO: BEG 9.5 RDS (156.75 FT) E OF PT 40 RDS BR (633.4 FT MEAS) N OF SW COR NE/4 SEC 22 TH W 660 FT TH S 18 FT TH SE'LY 49 RDS (808.5 FT) M/L TO PT 6 RDS E OF PT 18 RDS W OF BEG TH N 2 RDS TH NW'LY 17 RDS (280.5 FT) M/L TO BEG CONT 2.50 AC CONT 45.86 AC IN ALL SUBJ TO ESMNT TO UP&L (SEE DEED 450104) LESS PARCEL TO UDOT FOR HWY 91 ENT 812089 CONT 0.00 AC

08-044-0013

BEG 2.63 CHS E OF PT 10 CHS N OF SW COR OF NE/4 OF SEC 22 T 13N R 1E & TH W 13.094 CHS TH N 5.00 CHS TH E 6.92 CHS TH S 51° E 7.945 CHS TO BEG CONT 5.00 AC ALSO: BEG 10 CHS N & 10.46 CHS W OF SW COR OF NE/4 OF SEC 22 & TH W 8 RDS TH N 20 RDS TH E 8 RDS TH S 20 RDS TO BEG CONT 1.0 AC

08-044-0017

BEG 407 FT N OF PT 183.09 FT W OF SE COR NE/4 SEC 22 T 13N R 1E & TH N 193 FT M/L TO PT IN FENCE LN TH NW'LY ALG FENCE LN 10.5 RDS TH W 160 FT M/L TO PT N OF PT 203.09 FT W OF SE COR NE/4 SD SEC 22 TH S 66 FT TH SE'LY 350 FT M/L TO BEG CONT 1.5 AC SEC 22 T 13N R 1E 1.5 AC (05-300-0148)

08-044-0048

ACCESS ROAD TO GRAVEL PIT: BEG N 10 CHS & W 25.69 CHS FROM CENTER OF SEC 22 T 13N R 1E & ON E LN OF ST HWY 91 & TH S'LY ALG R/W 18 FT M/L TH E'LY 1213 FT M/L ALG N LN OF PARCEL OWNED BY MEYER HONEY COMPANY & PARCEL OWNED BY PARSON DEV CO TH N 18 FT M/L TH W'LY TO BEG LESS: PARCEL TO UDOT FOR HWY 91 ENT 887924 CONT 234.509 SQ FEET (BEING PT OF COUNTY ROAD)

Ordinance No. 2025-02

Cache County, Utah

Rick Champlin Rezone

An ordinance amending the County Zoning Map by rezoning 29.5 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) 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 December 5th, 2024, the Planning Commission held a public hearing, accepted all comments, and recommended the denial 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, on January 28th, 2025, the County Council held a public hearing, 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 to be rezoned is compatible with the purpose of the Rural 2 (RU2) Zone:
- i.** To allow for residential development in a moderately dense pattern that can allow for rural subdivisions, and to allow for clustering plans larger than a single parcel. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.
 - ii.** To implement the policies of Cache County General Plan, including those regarding improved roadways, density based residential standards, clustering, moderate income housing and municipality standards.
 - iii.** 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.

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 _____, 2025. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

7. Council Vote and Final Action

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

Cache County Council:

Attest:

Sandi Goodlander, Chair_____
Bryson Behm, County Clerk

Action of the County Executive

Regarding Ordinance 2025-02, Rick Champlin Rezone

_____ Approve

_____ Disapprove (A Statement of Objection is attached)

David Zook, Executive
Cache County

Date

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Amending the Cache County Zoning Map by rezoning 29.5 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone

Hold a public hearing on January 28th, 2025.
If approved, the rezone will take effect 15 days from the date of approval.

Denial (5-yea; 0-nay).
Public hearing held on December 5th, 2024
Conclusion: Based on the findings of fact noted [in the staff report], the Rick Champlin rezone is hereby recommended for denial to the County Council as follows:

1. The subject property is potentially not consistent with the Cache County General Plan.
 - a. The Cache County General Plan identifies this area as “Agriculture and Ranching” which places an emphasis on agricultural production. The Rural 2 (RU2) Zone has limited agricultural potential as many agriculture related uses are not possible within the Rural 2 (RU2) Zone.
 - b. The Cache County General Plan indicates that, should any potential subdivisions not be clustered, densities of residential developments that are greater than one unit per ten acres are discouraged.
 - c. These parcels are not located in the Urban Expansion Overlay.
2. The nearest parcel, in the County, that is in the Rural 2 (RU2) Zone is located 0.5 mile away.

Angie Zetterquist

Conner Smith

This ordinance amends the County Zoning Map by rezoning 29.5 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.

Staff Report to Planning Commission – revised

Staff Report: Rick Champlin Rezone

5 December 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: Rick Champlin

Parcel ID#: 08-038-0012, 08-088-0008

Staff Recommendation: None

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

Reviewed by Conner Smith

Project Address:

Acres: 29.5

1200 W. 6200 N.,
Smithfield

Surrounding Uses:

North – Agricultural

South – Residential/Agricultural

East – Residential/Agricultural

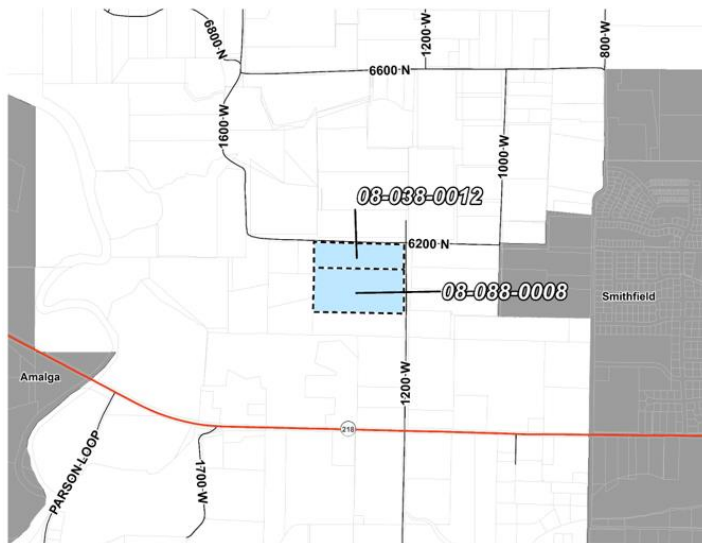
West – Agricultural

Current Zoning:

Proposed Zoning:

Agricultural (A10)

Rural 2 (RU2)



Findings of Fact

A. Request description

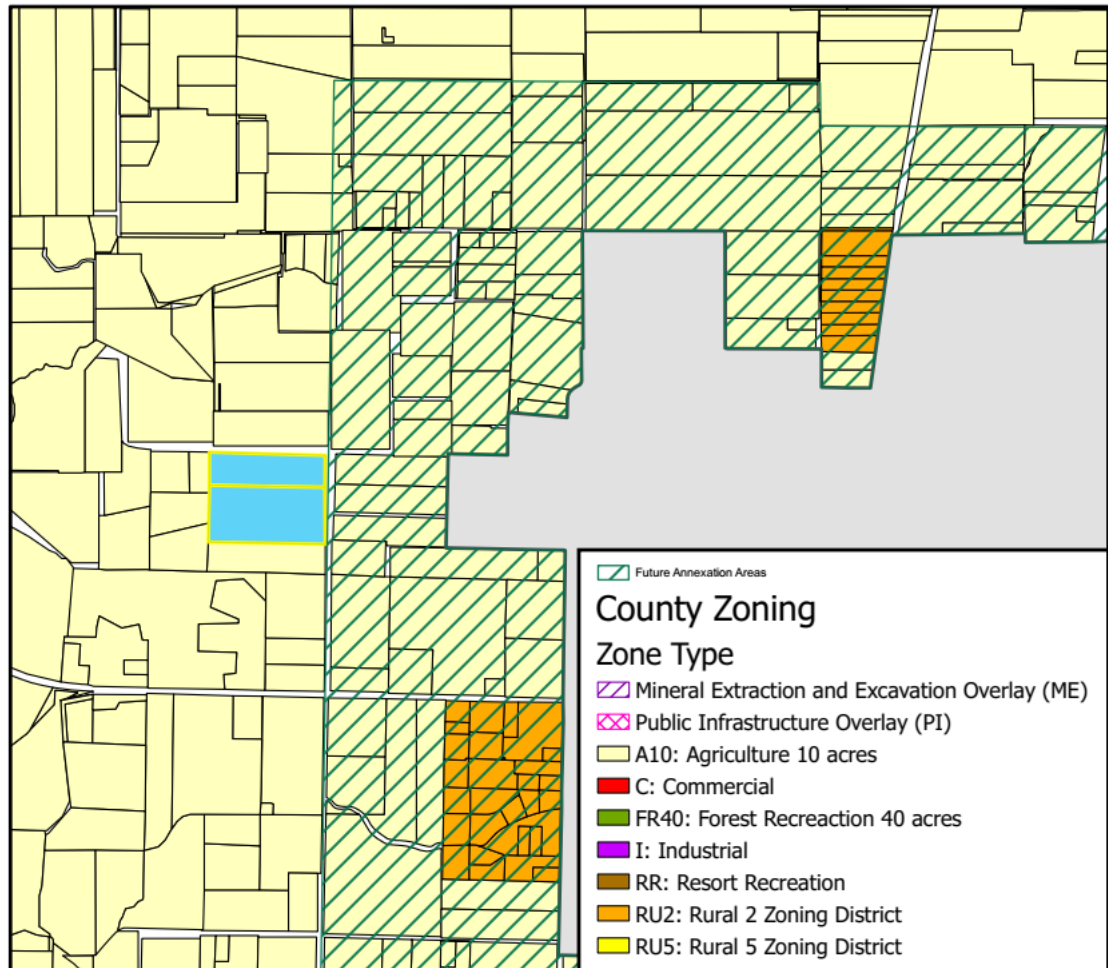
1. A request to rezone 29.5 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
2. Should the rezone request be approved, the maximum number of potential lots will be fourteen whereas the maximum number of lots currently allowed is three.
3. This rezone may allow the parcel to establish uses permitted in the Rural 2 (RU2) 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 Rural 2 (RU2) Zone will be addressed as part of each respective approval process required prior to site development activities.

Revised Pg. 7 - Planning Commission Recommendation

- i. Schedule of Zoning Uses: The Rural 2 (RU2) Zone allows for a variety of uses with the approval of a zoning clearance and/or conditional use permit, including the following uses:
 - Single Family Dwelling
 - Foster Home
 - Accessory Apartment
 - Accessory/Agricultural Structures
 - Home Based Business
 - Seasonal Cabin
 - Residential Living Facilities
 - Home Based Kennel
 - Bed and Breakfast Inn
 - Public Uses
 - Religious Meeting House
 - Utility Facility, Distribution
 - Utility Facility, Service
 - Agricultural Production
 - Farm Stand
 - Boarding Facility
 - Site Grading
- ii. Adjacent Uses: The parcels to the north and west are primarily used for agriculture while parcels to the south and east are a mix of agriculture and residential. The nearest parcel, in the County, that is in the Rural 2 (RU2) Zone, is located 0.4 miles south-east of the subject parcel. Additionally, there are several other Rural 2 (RU2) Zones that are between 0.5 to 1.5 miles away.
 - The Birch Hollow rezone, located 0.4 miles from the subject parcels, was a request to rezone 10.00 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone, and was approved by County Council on May 23rd, 2017 as Ordinance 2017-06.
 - The West Acres rezone, located 0.5 miles from the subject parcels, was a request to rezone 10.00 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone, and was approved by County Council on February 27th, 2018 as Ordinance 2018-03.
 - The Birch Hollow South rezone, located 0.5 miles from the subject parcels, was a request to rezone 10.00 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone, and was approved by County Council on July 10th, 2018 as Ordinance 2018-07.
 - The Creekside Estates rezone, located 0.6 miles from the subject parcels, was a request to rezone 31.67 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone, and was approved by County Council on April 27th, 2021 as Ordinance 2021-13.
 - The Hansen rezone, located 1.10 miles from the subject parcels, was a request to rezone 8.76 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone, and was approved by County Council on July 26th, 2016 as Ordinance 2016-14.

Revised Pg. 7 - Planning Commission Recommendation

- The Brooks Hansen Smithfield West rezone, located 1.10 miles from the subject parcels, was a request to rezone 14.37 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone, and was approved by County Council on January 25th, 2022 as Ordinance 2022-03.
- iii. Annexation Areas: The subject property is not located within any future annexation area.

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

5. 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.
6. The current County Land Use Ordinance does not specify appropriate locations for the Rural 2 (RU2) Zone but does contain general guidelines for its implementation. County Land Use Ordinance §17.08.030 [E] identifies the purpose of the Rural 2 (RU2) Zone and includes the following:
 - a. “To allow for residential development in a moderately dense pattern that can allow for rural subdivisions, and to allow for clustering plans larger than a single parcel. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.”

Revised Pg. 7 - Planning Commission Recommendation

- b. “To implement the policies of Cache countywide comprehensive plan, including those regarding improved roadways, density based residential standards, clustering, moderate income housing and municipality standards.”
 - c. “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.”
- 7. Chapter 4: Future Land Use Plan of the Cache County General Plan states:
 - a. 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.
 - b. 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.
- 8. 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 “Agriculture and Ranching.” *Cache County General Plan, Chapter 4, Page 26*. This section states:
 - a. Location: Private agriculture landscapes in the Cache Valley outside of municipalities.
 - b. Example Areas: Most of the valley.
 - c. Purpose and Character: Agricultural and rangeland uses on private lands under conservation easements (no public access) are expected to continue in the Valley. Separation from dense residential developments is advantageous. The agricultural landscape provides separation between adjacent municipalities and protects suitable soils.
 - d. Preferred Land Uses: Agriculture, ranching, rural residential uses at densities of less than one unit per 10 acres, Conservation Easements (CEs) and conserved public lands, Agritourism.
 - e. Secondary Land Uses: Industrial and Commercial uses directly supportive of agriculture (Processing, Packaging, Distribution), clustered subdivision developments, outdoor recreation, farm worker housing.
 - f. Discouraged Uses: Residential developments at densities of greater than one unit per 10 acres if not in a clustered subdivision development, commercial office, commercial retail, flex office/industrial, heavy industrial.
- 9. Neither parcel is located in the Urban Expansion Overlay.
- C. Access—**16.04.040 [A], 16.04.080 [E], Road Manual**
 - 10. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.
 - 11. §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.
 - 12. Table §17.10.040 Site Development Standards – Minimum lot frontage required in the Rural 2 (RU2) Zone is 90 feet.

Revised Pg. 7 - Planning Commission Recommendation

13. §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
14. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
15. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
16. The Road Manual specifies the following:
 - a. §2.1 Roadway Functional Classification – Major Local (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.
17. A basic review of the access to the subject properties identifies the following:
 - a. The subject parcels have access to 6200 N and 1200 W.
18. 6200 N. and 1200 W.:
 - a. Classified as Major Local
 - b. The road services agricultural and residential properties.
 - c. Have a paved width of 20-feet, has a 66-foot right-of-way, a 1-foot shoulder, a 0 to 4-foot gravel shoulder, and a variable clear zone.
 - d. Is maintained year round by the county.
 - e. Is considered substandard as to paved shoulder, gravel shoulder, and clear zone.

Analysis of Existing Roadway – 6200 North and 1200 West

Roadway Element	Existing Width (ft)	Required Width (ft)	Comments or Findings
Travel Lanes	20	20	OK
Right-of-Way	66	66	OK
Paved Shoulder	1	2	Substandard
Gravel Shoulder	0-4	4	Substandard
Clear Zone (4:1)	varies	7-10	Substandard
Material	Paved	Paved	OK
Structural			Visually OK

Access Management – 6200 North and 1200 West

Classification	Min. Spacing Standard (Feet)		
	Public/Private Roads	Commercial	Residential/Farm Access
Major Local	300	150	10 ¹

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

¹ Min. Spacing from Private or Public Road Intersection shall be 80 feet

D. Service Provisions:

19. §16.04.080 [C] Fire Control – The County Fire District had no comments in regards to this application.
20. §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

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

Conclusion

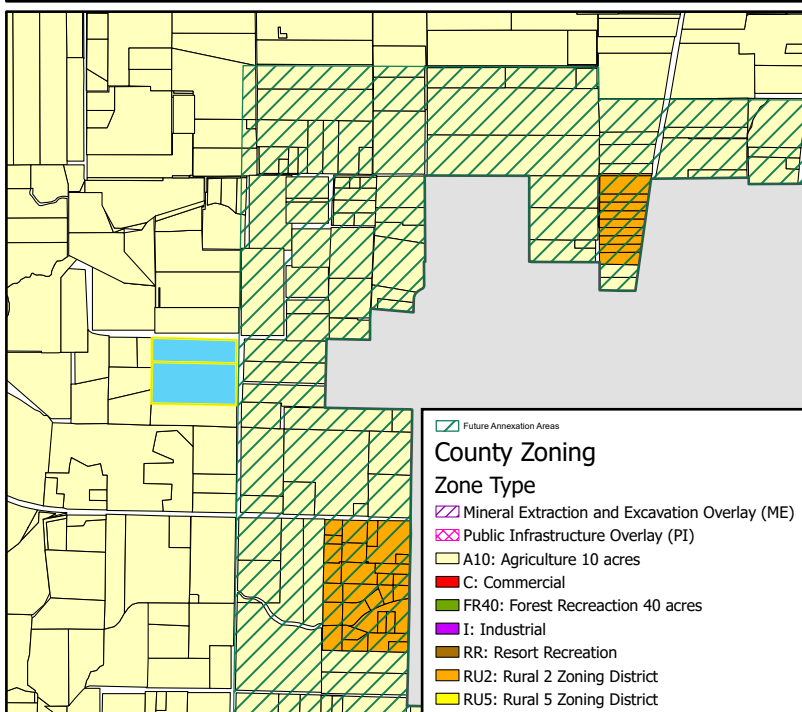
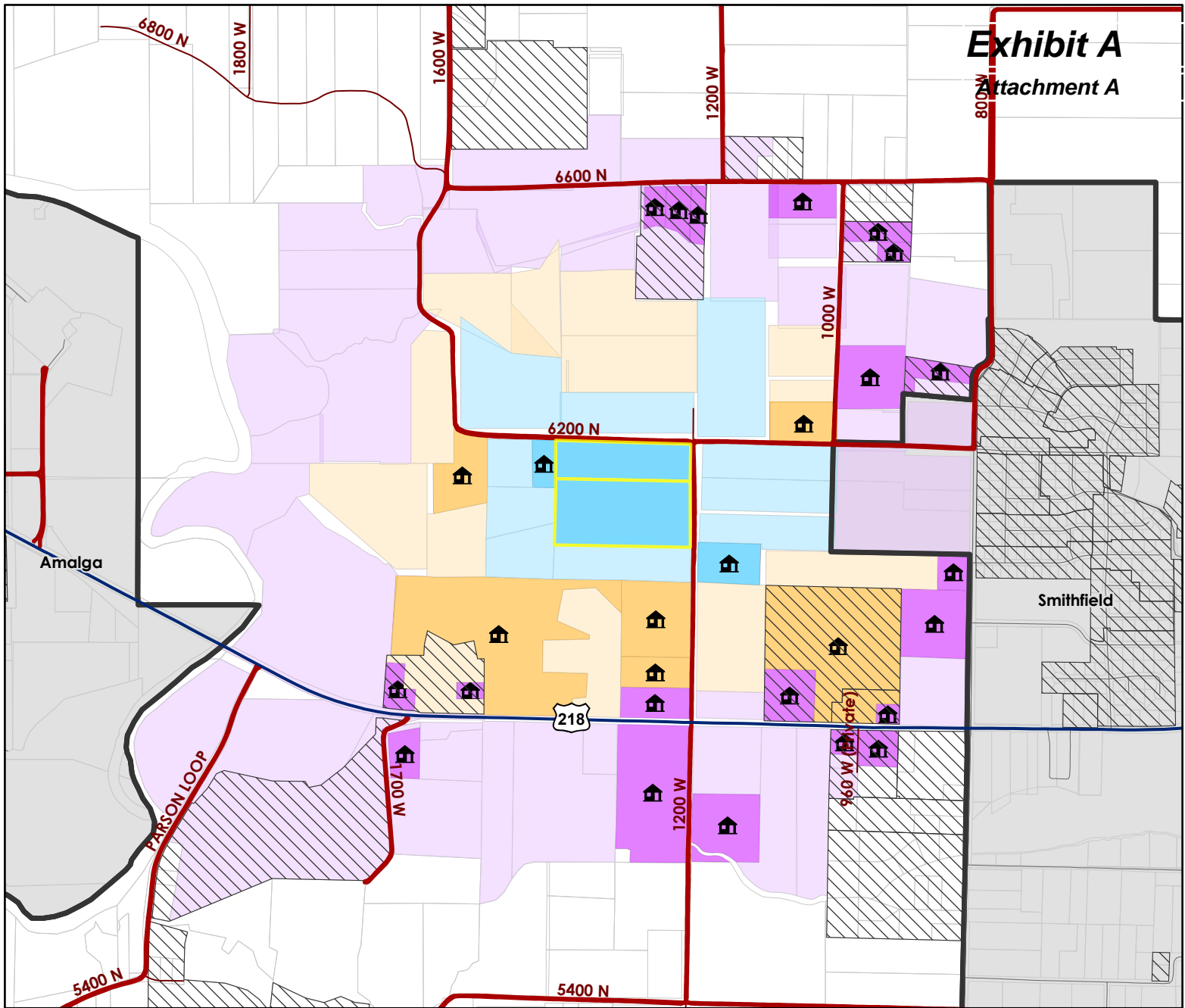
The Rick Champlin rezone, a request to rezone 29.5 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone has been reviewed in conformance with Title 17 of the Cache County Land Use Ordinance and the County Manual of Roadway Design and Construction Standards. Staff has not made a recommendation based on the findings of fact identified above and any others identified at the public hearing. Although Staff has not made a recommendation, they can help Planning Commission draft a recommendation to County Council.

Planning Commission Conclusion

Based on the findings of fact noted herein, the Rick Champlin rezone is hereby recommended for denial to the County Council as follows:

1. The subject property is potentially not consistent with the Cache County General Plan.
 - a. The Cache County General Plan identifies this area as “Agriculture and Ranching” which places an emphasis on agricultural production. The Rural 2 (RU2) Zone has limited agricultural potential as many agriculture related uses are not possible within the Rural 2 (RU2) Zone.
 - b. The Cache County General Plan indicates that, should any potential subdivisions not be clustered, densities of residential developments that are greater than one unit per ten acres are discouraged.
 - c. These parcels are not located in the Urban Expansion Overlay
2. The nearest parcel, in the County, that is in the Rural 2 (RU2) Zone is located 0.5 mile away.

Exhibit A Attachment A



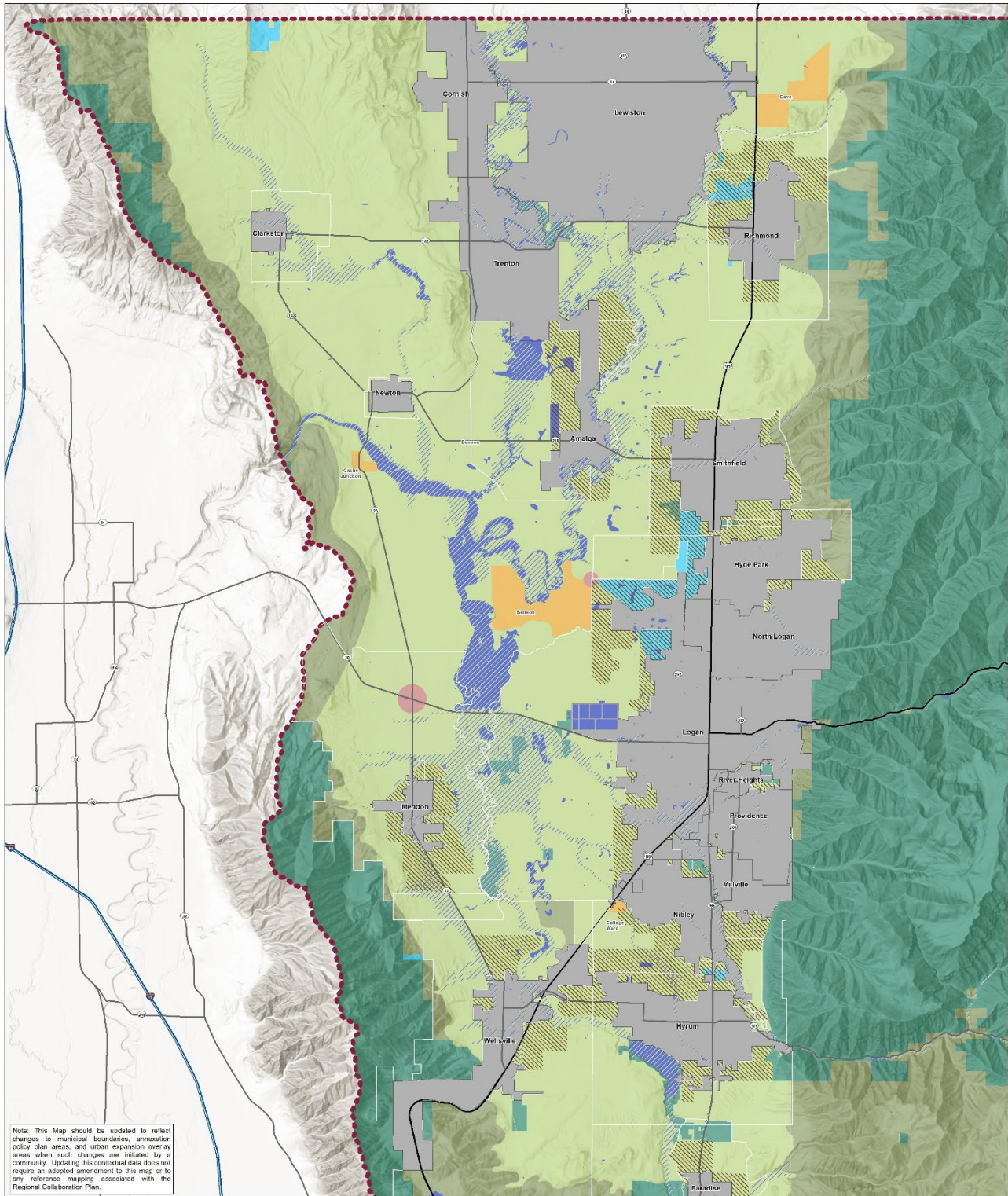
Legend

- Proposed Rezone
- Municipal Boundaries
- Subdivisions
- Parcels
- Winter Maintenance
- County Roads
- Highways

Average Parcel Size	
Adjacent Parcels	With a Home: 3.7 Acres (2 Parcels)
	Without a Home: 11.6 Acres (12 Parcels)
1/4 Mile Buffer	With a Home: 13.7 Acres (8 Parcels)
	Without a Home: 12.1 Acres (26 Parcels)
1/2 Mile Buffer	With a Home: 7.3 Acres (28 Parcels)
	Without a Home: 11 Acres (78 Parcels)
	Without a Home in Smithfield City: 7.3 Acres (4 Parcels)



11/5/2024



Note: This Map should be updated to reflect changes to municipal boundaries, annexation policy plan areas, and urban expansion overlay areas when such changes are initiated by a community. Updating this conceptual data does not require an adopted amendment to this map or to any reference mapping associated with the Regional Collaboration Plan.

- Water Bodies
- 100 Year Floodplain
- Municipalities
- Annexion Policy Plan Areas
- Urban Expansion Overlay
- Retail Commercial
- Rural Community
- Industrial and Mineral Extraction
- Agriculture and Ranching
- Mountain Rural and Conservation
- Forest and Natural Resource

Cache County Future Land Use Map

Disclaimer: This map is illustrative and for advisory purposes only. This is not a regulatory or zoning document, and locations are generalized to illustrate concepts.

Date: February 28, 2023



Dec. 2, 2024

To: Cache County Planning and Zoning Commission
Cache County Council

Re: Rick Champlin Rezone Request of 29.5 acres from A10 to RU2 at approximately 1200 West 6200 North near Smithfield, UT.

My name is Kip Panter and I own a home and property on 1200 West, 5841 North west of Smithfield. I purchased the property over 12 years ago, as is, and have tried to maintain it with agricultural interests in mind. While I believe in the freedom to do with one's property as one wishes there is also a public interest that must be considered. I'm opposed to the rezone request and respectfully request the commission consider the following reasons to recommend denial of the proposal.

- 1) There is a strong desire among many of us to see the legacy of Cache County remain in Agriculture. I realize that people are moving in at a rapid rate for various reasons and there is more and more pressure on agricultural land to be converted to residential use for townhouses, multifamily dwellings, single family dwellings and etc. Unfortunately, we are losing our quality agricultural land at an alarming rate in Cache County. This area being considered for the rezone is surrounded primarily by farm, and grazing land, and the A-10 zone fits closer to the Cache County General Plan than does the RU2 or more dense zones. I realize that as the population moves out from the city centers eventually this will change but we should try to keep agricultural land for as long as possible.
- 2) Road width and traffic issues on 6200 North and 1200 West are major safety concerns. Increased traffic from development in Estancia, the new subdivisions near Birch Creek School, continued use by farm equipment and gravel trucks, not to mention the increased pressure associated with the reception center on 1200 West, all contribute to increasing safety hazards on both roads as well as access onto Highway 218 between Smithfield and Amalga. The roads are narrow, people drive faster and with the heavy use these roads get from farm equipment and gravel trucks it's only a matter of time before conflict will happen. Both roads need to be widened and additional planning for traffic patterns in the entire area west of Smithfield need more study and engineering before more residential development occurs.
- 3) Water quality is another issue to consider. My well and my neighbors well are flowing wells and there are multiple flowing wells in the surrounding area including the fish farm located west of me and directly south of the proposed rezone. Ground water contamination is an ever present issue and this entire area has ground water close to the surface creating concerns for and from septic systems.

I appreciate this P&Z commission and your strong agricultural background and thank each of you for your service. Thanks for considering these issues and hope you all have a happy Holiday Season.

Sincerely,


Kip E. Panter

Keith L Christensen
1404 W 6200 N
Smithfield, Utah 84335

04 December 2024

Cache County Planning Commissioners:

Nate Daug, Kurt Bankhead, Brady Christensen, Lane Parker, Val Jay Rigby, Chris Sands, Jason Watterson, and Nolan Gunnell.

c/o Cache County Development Services
179 North Main, Suite 305
Logan, Utah 84321

Project: Rick Champlin Rezone

Cache County Planning Commission,

Our property borderlines most of the west boundary of the 2 parcels that are involved with the Rick Champlin Rezone request. Parcels 08-038-0012 and 08-088-0008.

There are a few items that need careful consideration.

A- Spring

- **Explanation:** A spring and several drainage pipes buried on parcel 08-088-0008. Refer to Exhibit A below. The spring and drainage water runs into a collection basin on the east edge of parcel 08-088-0002 (our parcel). The collection basin collects water from this spring, an additional spring on parcel 08-088-0002, and an open free flowing well. The water then runs south and surfaces in a collection pond at the Mountain Valley Fish Farm.
- **Concern:** water contamination to the fish farm from septic systems.

B- Home Water Well

- **Explanation:** Our well is an artesian free flowing well at about 9 gallons per minute. Currently our pump is on the surface as the water free flows to the surface.
- **Concern:** It is possible that the drilling of additional wells will reduce or eliminate that flow and lower the well water level to where we possibly may need to install a pump down the well.

C- Surface Water

- **Explanation:** Most of the surface water (melting snow, etc.) from both parcels drains from east to west. Refer to Exhibit B below. We installed an 8" culvert under our driveway to mitigate the damming of the water flow. This culvert allows the water to flow onto our land.
- **Concern:** Drainage needs to be diverted to the north property ditch next to the 6200 N.

D- Recommendation:

- Leave Zoning to A10, or Zone it to RU5.

Sincerely,



Keith L Christensen

Exhibit A

**Spring Water Collection For Use
At The Fish Farm**



Exhibit B

Surface Runoff Water

**Culvert Under Drive-
way Is Currently
Plugged. Water
From Ditch Backs
Up And Runs South
Up And Runs South
To A Culvert Under
Driveway**



Rick Champlin Rezone Request Cache County Planning Commission Hearing,
December 5, 2024 Prepared by Thad L. Erickson

This request to rezone 29.5 acres west of Smithfield to a RU2 zone from an A10 zone is receiving a lot of concern from neighbors and should receive close scrutiny as to its potential impact on Cache groundwater quality.

About two decades ago the Cache County Water Policy Advisory Board in conjunction the Utah Geological Survey (UGS) funded a Ground Water Quality Classification project in Cache County. This resulted in two technical reports dated 2003 and 2007. These reports have been added by Alma Burgess to the county data base. Recent conversation with Robert Beers, On Site Manager, Utah DEQ, 385-501-9580, robert.beers@utah.gov, determined that this water quality assessment method is still highly recommended to county governments. Two assessments in Utah are ongoing using DEQ grants. Washington County has recently completed such an assessment. One major purpose of such a study is to allow county government to determine what level of degradation in water quality is acceptable politically in order to guide septic tank density. Beers stated in a conversation today that he highly recommends using these reports and that I am on the right track in raising county water manager's awareness of the two UGS water quality assessment reports.

In Wasatch County about two decades ago, such a classification assessment was used by county government to defensibly reduce septic tank density in the Midway area from one lot per acre to one lot per five or more acres. This was the selling point of UGS to Cache County at the time.

In interviewing several key water managers in Cache County, I find that this important DEQ encouraged situation has been lost to folks corporate memory. Beers is a strong advocate of using advanced septic systems where appropriate to insure that ammonia effluent from septic tanks is properly oxidized and converted to nitrates. State rules require that the bottom of drain fields be at least two feet above ground water to be effective in this chemical process. The 29.5 land parcel involved is laced with a shallow drain system and has two springs. Beers said that septic systems using graded sand and what he calls a "magic box" would keep the drainfields shallow and above the shallow aquifers and thus effective. Such a method would insure that drain fields did not intersect with shallow numerous aquifers.

From the Home Office of . . .

Alma & Cheryl Burgess

435-512-4936 (Alma)

1057 West Hwy 218

435-512-4931 (Cheryl)

Smithfield, Utah 84335

almaburgess@gmail.com or cherylburgess@gmail.com

December 4, 2024

Development Services Department

179 North Main, Suite 305

Logan, Utah 84321

Dear Development Services Department and Cache Planning Commission:

SUBJECT: PROPOSED REZONE FOR 1200 W. 6200 N., SMITHFIELD

We love living in an unincorporated area of Cache County. We are concerned about the encroaching development all around us on the west side of Smithfield. We have had developers knock on our door and our parents' home next door, asking us to sell. We've received multiple letters with the request and multiple phone calls. Developers are anxious to get their hands on land near the new Smithfield LDS Temple, and we have 39 acres of beautiful farmland in the block west of it.

When the RU2 rezone went into effect across the street (south side of Hwy 218 at 960 West) approximately five years ago, the developer originally had four lots for sale, but he was stopped and told only three on one private drive would be permitted by the county. This developer let everyone in this area know that he believed he would exceed the three homes, and he was right. Now, there is a sixth home being built on that private lane, all sharing one well, and all on septic tanks. It's common for developers to request an RU2 and cluster homes on the property with the statement of "In the future when things change, we will add more homes to the rest of the land." We had a developer request a meeting with our family a week ago to pitch us the same line.

So, are we surprised that 29.5 acres further west and just a little north were picked up by a developer wanting to do the same? Of course not. But, we are concerned about the following:

1. The A10 zoning is disappearing around us. This zone exists to keep the county more rural. We are losing the very essence of what makes Cache County great—agricultural land
2. The increase of septic tanks around all of us on well water. We are concerned about water contamination from the proposed septic tanks.
3. The loss of more artisan flowing wells. We had two artisan flowing wells on our property that no longer flow because of all of the well drilling. Keith and Nora Christensen, the couple who live directly adjacent to this proposed subdivision, will face the same loss if these homes are permitted to drill wells to approximately 120 feet underground, which will be in the aquifer used by everyone already here.
4. The predominate lack of concern over where the water is coming from when developers request building permits

5. The roads. On that very corner, a young mother was driving last fall and went off the road. Her car with her in it wasn't visible from the road or to anyone driving by. She couldn't get out of the car. The road is narrow.
6. Another concern is potential contamination from the septic tanks of the fish farm located to the southwest. There is a study (https://ugspub.nr.utah.gov/publications/reports_of_investigations/ri-257.pdf) on a recommendation of septic densities in Cache Valley. This study should be considered when multiple septic tanks and wells are placed in close proximity to others.
7. Stormwater drainage from the proposed rezone to Keith & Nora Christensen's property directly to the west is also a concern. Putting that many homes east of the Christensens will create a lot of additional stormwater drainage that could severely impact them.
8. We have a federal USGS (US Geological Survey) measuring well on our family farm. This well has been used for going on a century by the State of Utah to measure water levels in Cache County. This data is used in water reports for the State of Utah. The well data shows that underground water levels are **seriously** declining. As already mentioned, our two artisan-flowing wells on our family property are no longer flowing because of the increased water use in the area. One of those wells is the USGS well.
9. When water is at its lowest in the summer, it is pulled for public use by Smithfield City from the city well (located at Forrester acres), which is pulled on the same aquifer as homes on culinary wells. In some years, the pumps are turned on in August, others in July, and they run until the water is "turned out of the system in October." When the public wells are turned on each summer, the water levels significantly drop for residential homes using private wells.
10. Our concern is that adding additional wells in the area will only add to the problem.

Adding a 14-home subdivision west of 1200 West with the draw of additional well water and that many septic tanks on 29.5 acres is concerning. Address of proposed rezoning from A10 to RU2: 1200 West and 6200 North, west of Smithfield. **We request the following:**

1. We request that a DEQ (Department of Environmental Quality) study be conducted to allow for the many septic tanks and wells in this consolidated area.
2. We request that the prior septic tank density study be evaluated before this and other proposed developments in Cache County are approved or denied:
https://ugspub.nr.utah.gov/publications/reports_of_investigations/ri-257.pdf
3. We request that the county set a requirement for any new wells in the area to be drilled lower than the current 120 feet (location of the first aquifer in the area)
4. We request that additional consideration be given to preserving A10 zoning
5. We request that this area not be reduced further than to RU5 zoning
6. We request that regardless of whether the land is approved for A10, RU5, or RU2 that the developer not be permitted to cluster homes and is kept to the standard intended by the zoning: one home per acreage as set without clustering.

Please do not allow developers to control what Cache County becomes. Lost agricultural land can never be recovered. The definition of RU2, according to the Cache County site, includes the wording "residential development in a moderately dense pattern." Please do not let that define this area.

Sincerely,

Alma & Cheryl Burgess



The following legal description reflects the noted property above to be rezoned to the Rural 2 (RU2) Zone:

08-038-0012

BEG 50 LKS W & 50 LKS N OF SE COR OF SW/4 SEC 20 T 13N R1E, N 4.75 CHW 20 CH S 4.75 CH E 20 CH TO
BEG 9.50 AC C1159

08-088-0008

BEG AT A PT 50 LKS W FROM SE COR SW/4 SEC 20 T 13N R 1E, S 9.75 CH W20 CH N 9.75 CH E 20 CH TO BEG
20 AC

Ordinance No. 2025-03

Cache County, Utah

Powder Mountain Rezone 2024 Rezone

An ordinance amending the County Zoning Map by rezoning 1,621 acres from the Forest Recreation (FR40) Zone to the Resort Recreation (RR) 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 December 5th, 2024, the Planning Commission held a public hearing, 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, on January 28th, 2025, the County Council held a public hearing, 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 properties to be rezoned are compatible with the purpose of the Resort Recreation (RR) Zone:
 - i.** To allow mountain resort and recreation development within Cache County on privately held land. This zone allows for multiple mountain resort and recreation uses within a master planned area. The regulations of the zone are designed to:
 - i.** Provide new recreation opportunities in northern Utah and create destination resort options for the county; and
 - ii.** Promote interesting, creative, and indigenous mountain landscaping, design and architecture that blends in with natural surroundings and follows project specific design guidelines; and
 - iii.** Stimulate the local economy and increase the tax base of the county; and
 - iv.** Protect the county's environment; and
 - v.** Regulate and control development
- B.** The rezone is partially consistent with the Cache County General Plan:
 - i.** The Cache County General Plan has identified this area as "Mountain Rural and Conservation". The preferred land uses of this area includes outdoor recreation and tourism while secondary land uses includes resorts.
- C.** The nearest parcel in the Resort Recreation (RR) Zone is directly adjacent to the south and south-west.

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 _____, 2025. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

7. Council Vote and Final Action

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

Cache County Council:

Attest:

Sandi Goodlander, Chair_____
Bryson Behm, County Clerk

Action of the County Executive

Regarding Ordinance 2025-03, Powder Mountain Rezone 2024 Rezone

_____ Approve

_____ Disapprove (A Statement of Objection is attached)

David Zook, Executive
Cache County

Date

Ord 2025-03

Powder Mountain Rezone 2024 Rezone

**Amending the Cache County Zoning Map by rezoning 1,621 acres
from the Forest Recreation (FR40) Zone to the Resort Recreation (RR) Zone**

County Council action

Hold a public hearing on January 28th, 2025.

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

Planning Commission action

Approval (4-yea; 0-nay).

Public hearing held on December 5th, 2024

Conclusion: Based on the findings of fact noted [in the staff report], the Powder Mountain
Rezone 2024 rezone is hereby recommended for approval to the County Council as follows:

1. The location of the subject properties to be rezoned are compatible with the purpose of the
Resort Recreation (RR) Zone:
 - a. To allow mountain resort and recreation development within Cache County on
privately held land. This zone allows for multiple mountain resort and recreation
uses within a master planned area. The regulations of the zone are designed to:
 - i. Provide new recreation opportunities in northern Utah and create
destination resort options for the county; and
 - ii. Promote interesting, creative, and indigenous mountain landscaping, design
and architecture that blends in with natural surroundings and follows project
specified design guidelines; and
 - iii. Stimulate the local economy and increase the tax base of the county; and
 - iv. Protect the county's environment; and
 - v. Regulate and control development
2. The rezone is partially consistent with the Cache County General Plan:
 - a. The Cache County General Plan has identified this area as "Mountain Rural and
Conservation". The preferred land uses of this area includes outdoor recreation and
tourism while secondary land uses includes resorts.
3. The nearest parcel in the Resort Recreation (RR) Zone is directly adjacent to the south and
south-west.

Staff Report review by Planning Manager

Angie Zetterquist

Staff Report by County Planner

Conner Smith

41 **General Description**

42 This ordinance amends the County Zoning Map by rezoning 1,621 acres from the Forest
43 Recreation (FR40) Zone to the Resort Recreation (RR) Zone.

44

45 **Additional review materials included as part of Exhibit A**

46 Staff Report to Planning Commission – revised



Staff Report: Powder Mountain Rezone 2024 Rezone

5 December 2024

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

Agent: Brooke Hontz

Parcel ID#: Multiple, See A-1-a-i

Staff Recommendation: None

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

Reviewed by Conner Smith

Project Address:

Acres: 1,621

North of Powder
Mountain Resort

Current Zoning:

Proposed Zoning:

Forest Recreation (FR40) Resort Recreation
(RR)

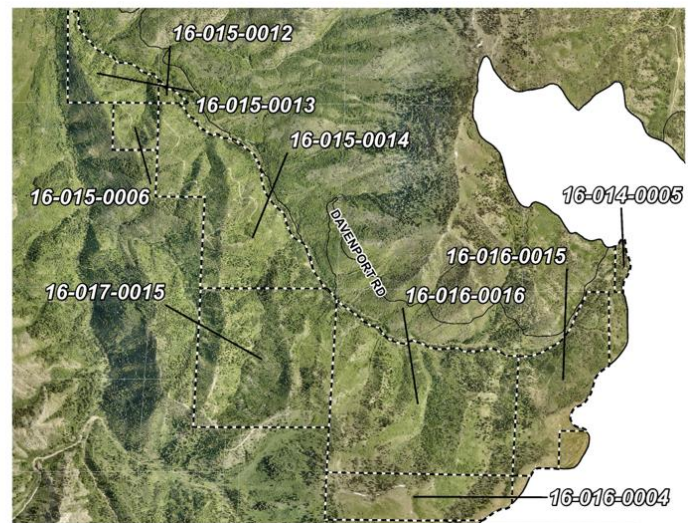
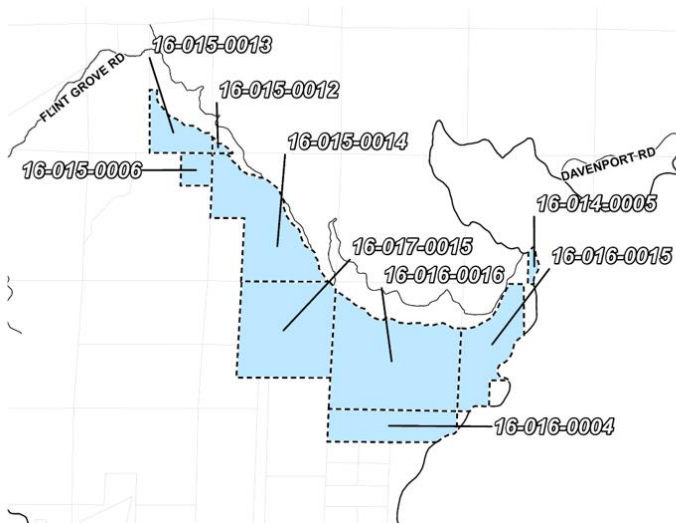
Surrounding Uses:

North – Recreation/Forest

South – Recreation/Forest

East – Recreation/Forest

West – Recreation/Forest

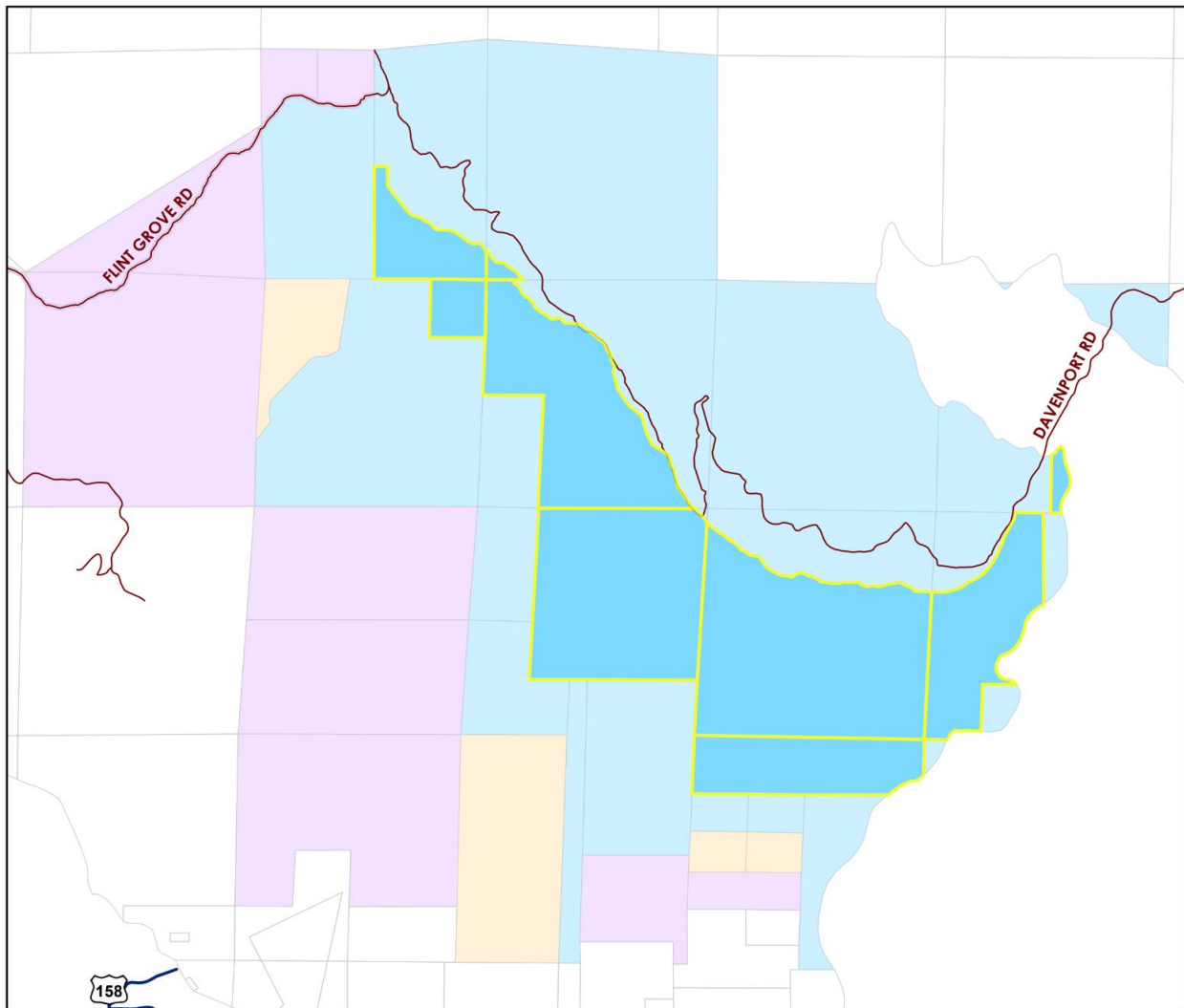


Findings of Fact

A. Request description

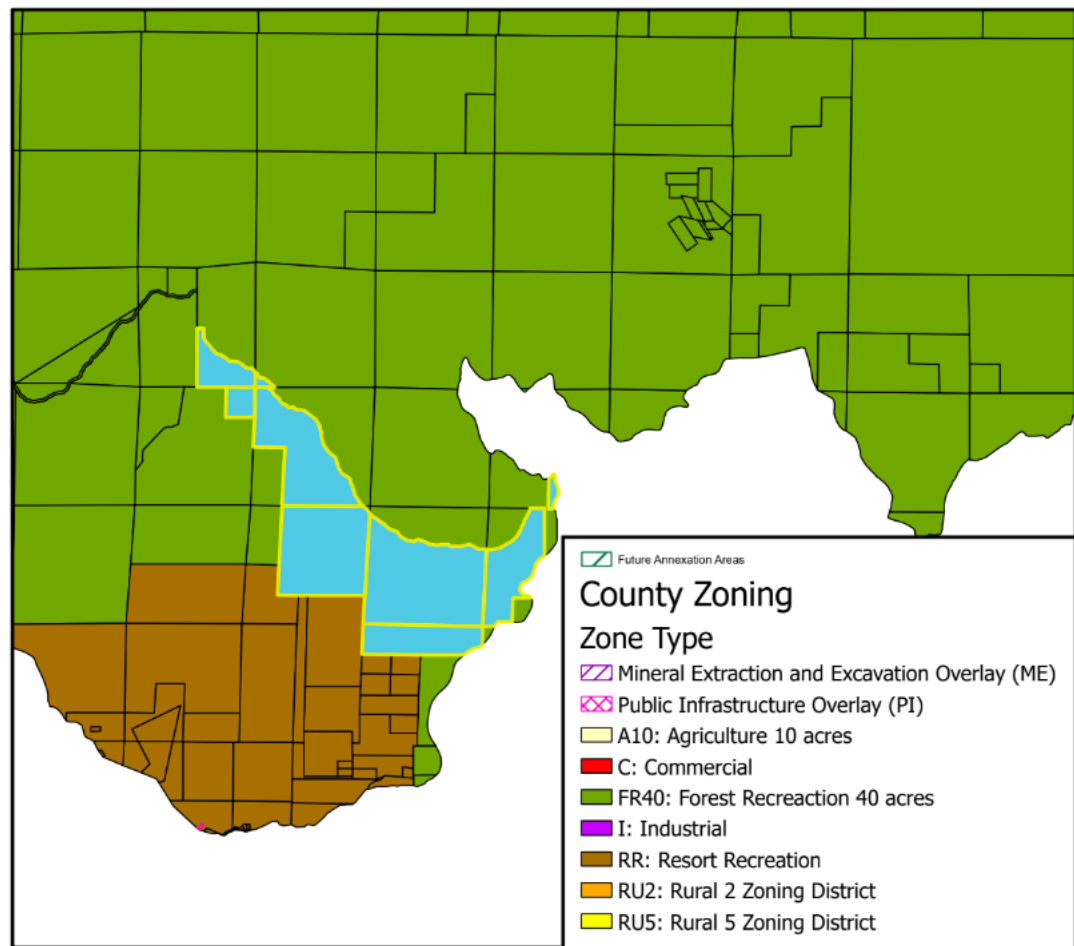
1. A request to rezone 1,621 acres from the Forest Recreation (FR40) Zone to the Resort Recreation (RR) Zone.
 - a. Included parcels:
 - i. 16-014-0005, 16-015-0006, -0012, -0013, -0014, 16-016-0004, -0015, -0016, 16-017-0015
2. This rezone may allow the parcels to establish uses permitted in the Resort Recreation (RR) Zone. A rezone request is general in nature and is not tied to any proposed use.

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:
 - 1. Parcels 16-014-0005, 16-015-0012, -0013, -0014, 16-016-0015, -0016, 16-017-0015 were split using a special warranty deed that was recorded on September 30th, 2024. As they were split without the necessary Land Use Authority approval, they are restricted.
 - 2. Parcels 16-015-0006 and 16-016-0004 match the configuration they had on August 8th, 2006 and are legal.
 - ii. Average Lot Size: (See Attachment A)



Average Parcel Size	
Adjacent Parcels	Without a Home: 173.3 Acres (31 Parcels)
1/4 Mile Buffer	Without a Home: 167.1 Acres (35 Parcels)
1/2 Mile Buffer	Without a Home: 178.6 (45 Parcels)

- i. Schedule of Zoning Uses: The Resort Recreation (RR) Zone allows for a variety of uses with the approval of a zoning clearance and/or Master Plan, including the following uses, that are not permitted in the current Forest Recreation (FR40) Zone.
 - Single Family Dwelling
 - Foster Home
 - Accessory Apartment
 - Home Based Business
 - Multi-Family Dwelling
 - Residential Living Facilities
 - Commercial Business
 - Home Based Kennel
 - General Vehicle Repair
 - Medical Services/Facilities
 - Human Care Services
 - Resort
 - Transient Lodging
 - Restaurant
 - Mobile Food Truck
 - Religious Meeting House
 - Farm Stand
 - Boarding Facility
- ii. Adjacent Uses: The parcels to the north, east, south, and west are primarily used for recreation and/or are forests.
- iii. Annexation Areas: The subject property is not located within any future annexation area.



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 Resort Recreation (RR) Zone but does contain general guidelines for its implementation. County Land Use Ordinance §17.08.030 [E] identifies the purpose of the Resort Recreation (RR) Zone and includes the following:
 - a. “To allow mountain resort and recreation development within Cache County on privately held land. This zone allows for multiple mountain resort and recreation uses within a master planned area. The regulations of the zone are designed to:
 - i. Provide new recreation opportunities in northern Utah and create destination resort options for the county; and
 - ii. Promote interesting, creative, and indigenous mountain landscaping, design, and architecture that blends in with natural surroundings and follows project specified design guidelines; and
 - iii. Stimulate the local economy and increase the tax base of the county; and
 - iv. Protect the county’s environment; and
 - v. Regulate and control development”
6. Chapter 4: Future Land Use Plan of the Cache County General Plan states:
 - a. 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.

- b. 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.

- 7. 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 "Mountain Rural and Conservation" *Cache County General Plan, Chapter 4, Page 25*. This section states:

- a. Location: The majority of privately-owned mountain and foothill areas.
- b. Example Areas: FR-40 zone that is not public land
- c. Purpose and Character: Forestry, recreation, and multiple resource uses on private lands. Forestry and recreation land uses are expected to continue. Maintaining the environmental quality of steep slopes, canyons, and forests with minimal residential development conserves watershed resources and improves resiliency from wildfire, geological, and flood hazards.
- d. Preferred Land Uses: Forestry, agriculture, conservation easements (CEs) and conserved public lands, watershed protection, hazard mitigation (i.e. floodplain management, steep slopes, and high wildfire hazard), outdoor recreation and tourism
- e. Secondary Land Uses: Seasonal residential housing at one unit per 40 acres, clustered subdivision developments, resorts, recreation business, and public institutions.
- f. Discouraged Uses: Residential development at a density greater than one unit per 40 acres, industrial, commercial office, commercial retail, heavy industrial.

- 8. No parcel is located in the Urban Expansion Overlay.

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

- 9. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.
- 10. §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.
- 11. Table §17.10.040 Site Development Standards – Minimum lot frontage required in the Industrial (I) Zone is 150 feet.
- 12. §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
- 13. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
- 14. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
- 15. The Road Manual specifies the following:
 - a. §12.1 Roadway Function Classification – Seasonal/Recreation: Seasonal/Recreation roads are found primarily in rural areas and serve lands that are subject to specialized uses,

including parks, tourist attractions, cabins, forest access, and recreation facilities, such as campsites, boat-launch ramps, and trailheads. These routes are typically open to the general public and are more likely that other functional classes of roads to be used by drivers who are unfamiliar them. In many cases these roads are used only seasonally, they accommodate a wide range of speeds, and they may be relatively long.

16. A full road review was not done for this request but will be evaluated as part of any future developments.

D. Service Provisions:

17. §16.04.080 [C] Fire Control – The County Fire District had no comments in regards to this application as services will be provided by Weber County.
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 November 2024.
20. Notices were posted in three public places on 22 November 2024.
21. Notices were mailed to all property owners within 300 feet on 22 November 2024.
22. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

Conclusion

The Powder Mountain Rezone 2024 rezone, a request to rezone 1,621 acres from the Forest Recreation (FR40) zone to the Resort Recreation (RR) Zone has been reviewed in conformance with Title 17 of the Cache County Land Use Ordinance and the County Manual of Roadway Design and Construction Standards. Staff has not made a recommendation based on the findings of fact identified above and any others identified at the public hearing. Although Staff has not made a recommendation for approval or denial, they can help Planning Commission draft a recommendation to County Council.

Planning Commission Conclusion

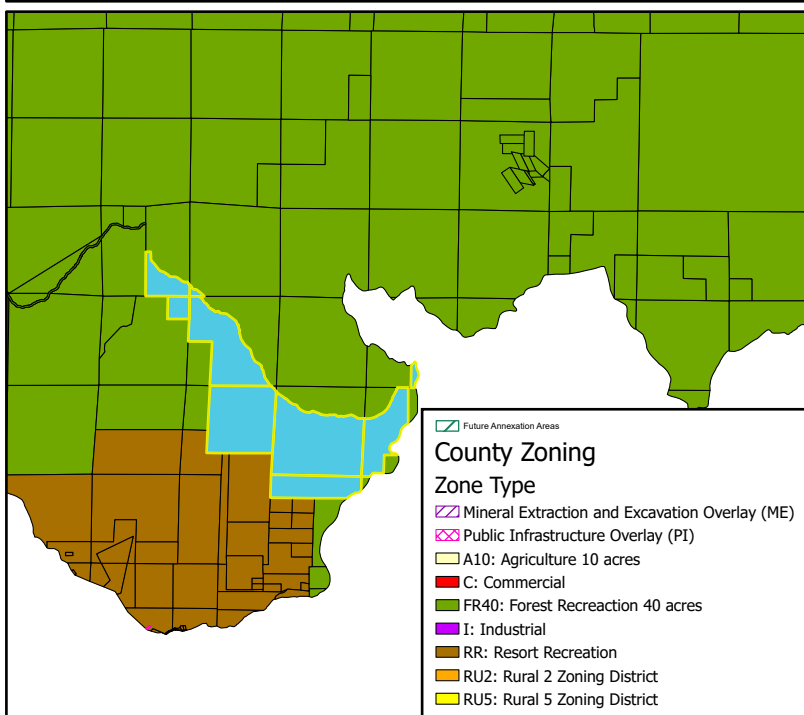
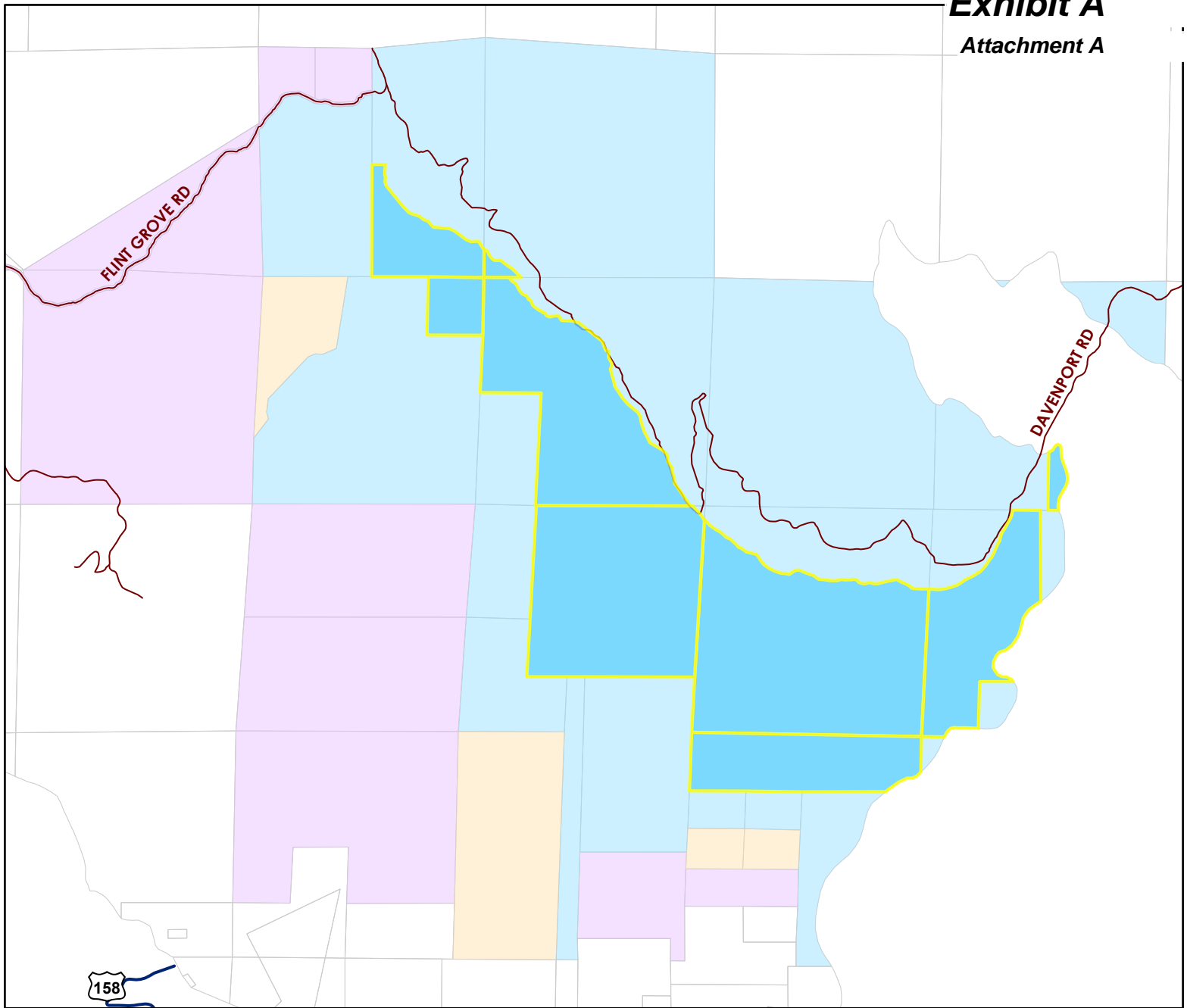
Based on the findings of fact noted herein, the Powder Mountain Rezone 2024 rezone is hereby recommended for approval to the County Council as follows:

1. The location of the subject properties to be rezoned are compatible with the purpose of the Resort Recreation (RR) Zone:
 - a. To allow mountain resort and recreation development within Cache County on privately held land. This zone allows for multiple mountain resort and recreation uses within a master planned area. The regulations of the zone are designed to:
 - i. Provide new recreation opportunities in northern Utah and create destination resort options for the county; and
 - ii. Promote interesting, creative, and indigenous mountain landscaping, design and architecture that blends in with natural surroundings and follows project specified design guidelines; and
 - iii. Stimulate the local economy and increase the tax base of the county; and
 - iv. Protect the county's environment; and
 - v. Regulate and control development
2. The rezone is partially consistent with the Cache County General Plan:
 - a. The Cache County General Plan has identified this area as "Mountain Rural and Conservation". The preferred land uses of this area includes outdoor recreation and tourism while secondary land uses includes resorts.

3. The nearest parcel in the Resort Recreation (RR) Zone is directly adjacent to the south and south-west.

Exhibit A

Attachment A



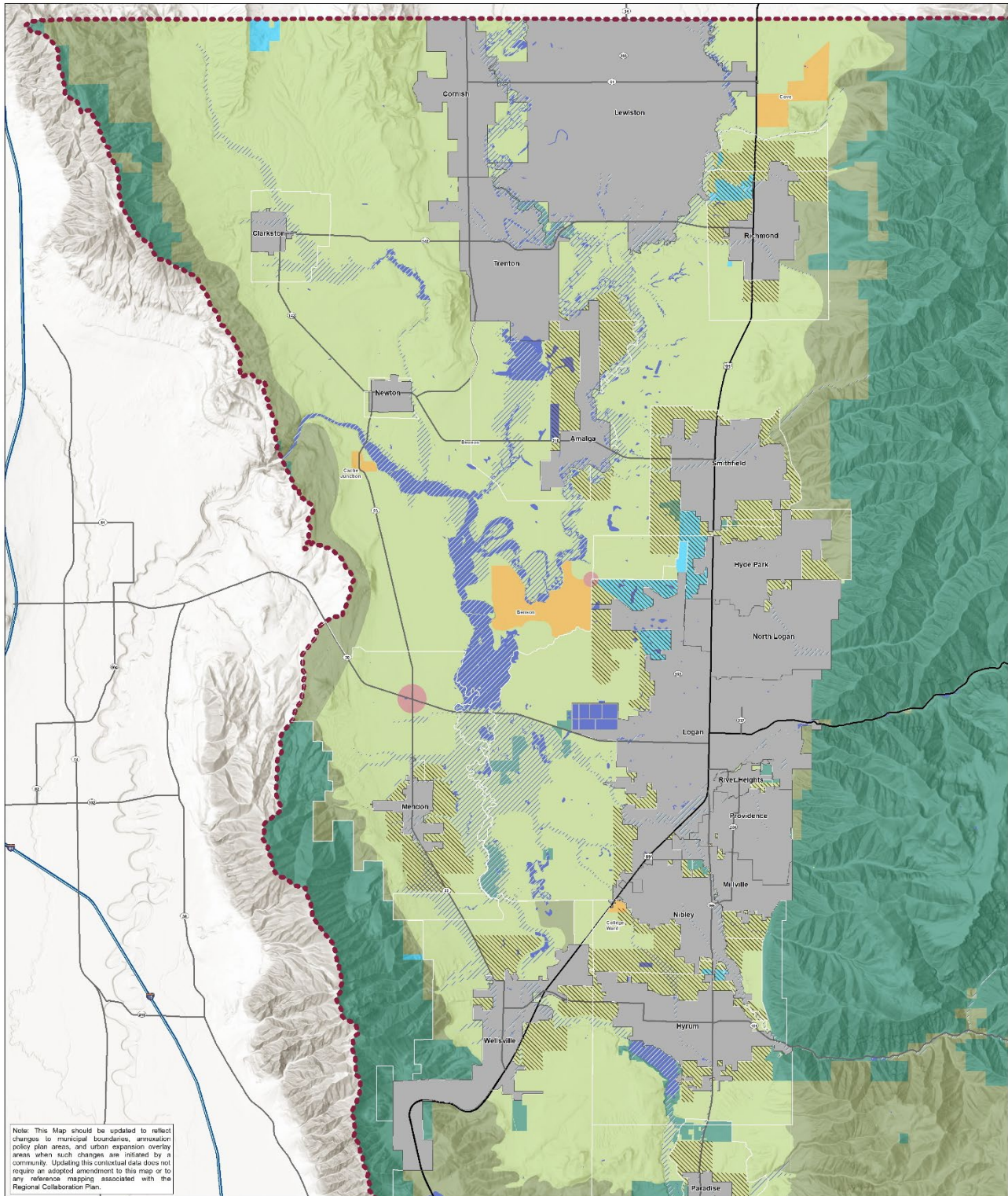
Legend

- Proposed Rezone
- Municipal Boundaries
- Subdivisions
- Parcels
- Winter Maintenance
- County Roads
- Highways

Average Parcel Size	
Adjacent Parcels	Without a Home: 173.3 Acres (31 Parcels)
1/4 Mile Buffer	Without a Home: 167.1 Acres (35 Parcels)
1/2 Mile Buffer	Without a Home: 178.6 (45 Parcels)



11/25/2024



Note: This Map should be updated to reflect changes to municipal boundaries, annexation policy plan areas, and urban expansion overlay areas when such changes are initiated by a community. Updating this conceptual data does not require an adopted amendment to this map or to any reference mapping associated with the Regional Collaboration Plan.

- | | | |
|------------------------------|-----------------------------------|---------------------------------|
| Water Bodies | Urban Expansion Overlay | Agriculture and Ranching |
| 100 Year Floodplain | Retail Commercial | Mountain Rural and Conservation |
| Municipalities | Rural Community | Forest and Natural Resource |
| Annexation Policy Plan Areas | Industrial and Mineral Extraction | |

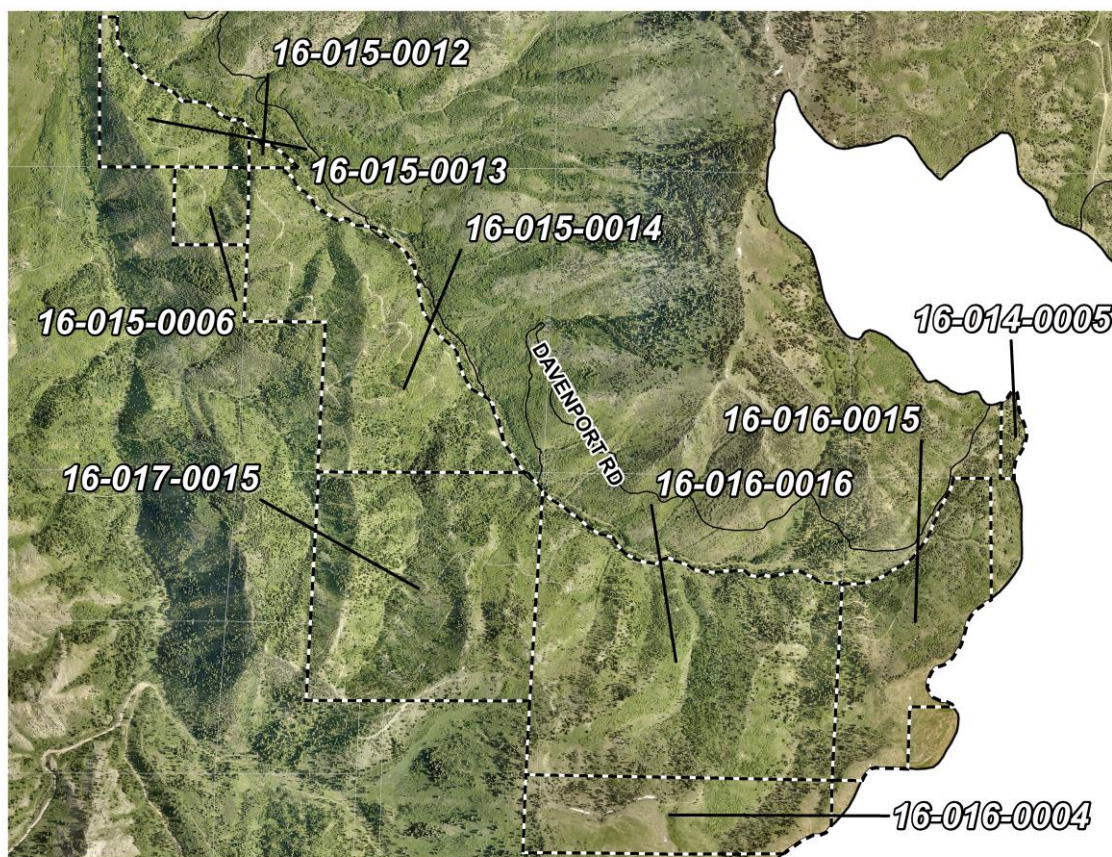
0 0.5 1 2 3 4 Miles

Cache County Future Land Use Map

Disclaimer: This map is illustrative and for advisory purposes only. This is not a regulatory or zoning document, and locations are generalized to illustrate concepts.

Date: February 28, 2023





The following legal description reflects the noted property above to be rezoned to the Resort Recreation (RR) Zone:

16-014-0005

THAT PART OF [SW 1/4 OF THE SE 1/4] SECTION 22 , TOWNSHIP 8 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, LYING IN CACHE COUNTY, AND LYING EASTERLY OF A LINE RUNNING 60 FEET TO THE EAST OF THE CENTERLINE OF DAVENPORT ROAD. (For reference, approximately 27 acres.) SUBJECT TO THE BOUNDARY LINE AGREEMENTS RECORDED IN BOOK 1575, PAGE 1972, BOOK 1579, PAGE 1784, AND IN BOOK 1580, PAGE 2545 (IN WEBER COUNTY).

CONT 27.00 AC

THE DESCRIPTION USED IN ENTRY #1364605 APPEARS TO BE IN CONFLICT WITH THE BRACKETED INFORMATION SHOWN ABOVE

16-015-0006

NE/4 OF NE/4 SEC 19 T 8N R 2E 40 ACA50-1

16-015-0012

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 8 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, CACHE COUNTY LYING SOUTHERLY OF A LINE RUNNING 60 FEET TO THE SOUTH OF THE CENTERLINE OF DAVENPORT CREEK. CONT 5.00 AC

16-015-0013

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 8 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, CACHE COUNTY, LYING SOUTHERLY OF A LINE RUNNING 60 FEET TO THE SOUTH OF THE CENTERLINE OF DAVENPORT CREEK, CONT 85.00 AC

16-015-0014

PORTIONS OF THE NORTH HALF; THE SOUTHEAST QUARTER; AND THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 8 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, CACHE COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE NORTHWEST CORNER OF SECTION 20, TOWNSHIP 8 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE S89°54'55"E 604.89 FEET ALONG THE SECTION LINE; THENCE S19°23'27"E 71.32 FEET; THENCE S55°45'59"E 138.46 FEET; THENCE S27°55'55"E 159.48 FEET; THENCE S37°41'34"E 118.63 FEET; THENCE S65°08'25"E 114.89 FEET; THENCE S28°27'53"E 98.13 FEET; THENCE S73°37'13"E 47.96 FEET; THENCE S20°54'15"E 124.92 FEET; THENCE S50°05'29"E 176.35 FEET; THENCE N60°16'20"E 27.48 FEET; THENCE S27°37'48"E 26.02 FEET; THENCE S56°37'45"E 85.77 FEET; THENCE EAST 35.90 FEET; THENCE S31°23'27"E 80.73 FEET; THENCE S66°49'02"E 84.94 FEET; THENCE N75°33'09"E 140.83 FEET; THENCE S84°08'04"E 67.39 FEET; THENCE S33°11'24"E 125.73 FEET; THENCE S86°03'43"E 237.55 FEET; THENCE S78°41'51"E 160.29 FEET; THENCE S51°33'06"E 701.83 FEET; THENCE S20°53'13"E 229.20 FEET; THENCE S85°45'40"E 60.59 FEET; THENCE S2°55'15"E 162.69 FEET; THENCE S28°12'43"E 166.44 FEET; THENCE S16°43'48"W 135.81 FEET; THENCE S15°54'53"E 309.77 FEET; THENCE S8°28'37"E 86.54 FEET; THENCE S33°54'50"E 325.21 FEET; THENCE S39°05'16"E 182.55 FEET; THENCE S50°22'02"E 313.42 FEET; THENCE S31°40'23"E 105.01 FEET; THENCE S8°55'39"E 134.03 FEET; THENCE S17°47'48"E 233.61 FEET; THENCE S27°13'58"E 293.64 FEET; THENCE S59°56'25"E 338.39 FEET; THENCE S46°16'27"E 138.77 FEET; THENCE S7°46'56"E 181.35 FEET; THENCE S36°11'40"E 156.58 FEET; THENCE SOUTH 60.18 FEET; THENCE S15°05'44"E 228.89 FEET; THENCE SOUTH 78.36 FEET; THENCE S32°42'43"E 417.07 FEET; THENCE S39°49'53"E 156.09 FEET; THENCE S89°07'58"W 3,555.31 FEET ALONG THE SECTION LINE TO THE WEST 1/16TH CORNER BETWEEN SECTIONS 20 AND 23; THENCE N2°58'36"E 2,612.09 FEET ALONG THE 40 ACRE LINE TO THE CENTER-WEST 1/16TH CORNER OF SECTION 20; THENCE N89°32'49"W 1,416.52 FEET ALONG THE 40 ACRE LINE TO THE WEST QUARTER CORNER OF SECTION 20; THENCE N2°35'12"E 1,332.97 FEET ALONG THE SECTION LINE TO THE NORTH 1/ 16TH CORNER BETWEEN SECTIONS 19 & 20; THENCE N1°07'20"E 1,341.40 FEET ALONG THE SECTION LINE TO THE POINT OF BEGINNING. CONT 298.00 AC

16-016-0004

THAT PT OF FOLLOWING IN CACHE COUNTY: ALL THE N/2 OF THE N/2 SEC 33 T 8N R 2E NET 155.18 AC

16-016-0015

NORTHWEST QUARTER AND THE WEST HALF OF THE SOUTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 8 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, LYING IN CACHE COUNTY AND LYING SOUTHERLY AND EASTERLY OF A LINE RUNNING 60 FEET TO THE SOUTH AND EAST OF THE CENTERLINE OF DAVENPORT CREEK. CONT 192.00 AC

16-016-0016

THAT PORTION OF SECTION 28, TOWNSHIP 8 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, CACHE COUNTY, LYING SOUTHERLY OF A LINE RUNNING 60 FEET TO THE SOUTH OF THE CENTERLINE OF DAVENPORT CREEK. CONT 463 AC

16-017-0015

THAT PART OF SECTION 29, TOWNSHIP 8 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, CACHE COUNTY, DESCRIBED AS FOLLOWS: THAT PORTION OF THE NORTHEAST QUARTER LYING SOUTHERLY OF A LINE RUNNING 60 FEET TO THE SOUTH OF THE CENTERLINE OF DAVENPORT CREEK; TOGETHER WITH THE NORTH HALF OF THE SOUTHEAST QUARTER, THE EAST HALF OF THE NORTHWEST QUARTER, AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER. CONT 354.00 AC

Ordinance No. 2025-01

Cache County, Utah

Staker Parson North Smithfield Plant Rezone

An ordinance amending the County Zoning Map by adding the Mineral Extraction and Excavation (ME) Zone on 53.86 acres of property in the Agricultural (A10) 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 December 5th, 2024, the Planning Commission held a public hearing, 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, on January 28th, 2025, the County Council held a public hearing, 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 to be rezoned is compatible with the purpose of the Mineral Extraction and Excavation (ME) Overlay Zone:
 - i.** The purpose of this zone is to establish locations and to protect the commercial mineral extraction and excavation industry while protecting the environment and county citizens. This zone is to assure that the operations of such sites do not impact adjoining uses and are not encroached upon by surrounding non-compatible land uses within Cache County.
 - ii.** This zone and provisions thereof are deemed necessary in the public interest to affect practices which will, for the economical use of vital materials necessary for our economy, give due consideration to the present and future use of land in the interest of promoting the health, safety, and general welfare of the residents of Cache County.
- B.** The four parcels are historical gravel extraction sites.
- C.** The nearest parcel in the county, with the Mineral Extraction (ME) Overlay is located 400 feet north-east of the subject parcel.
- D.** The location of the subject property, according to the Sand and Gravel Resource Potential Map, likely falls within an area that contains delta and shoreline deposits which have the highest resource potential.
- E.** Smithfield City is in favor of the rezone.

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 _____, 2025. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

7. Council Vote and Final Action

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

Cache County Council:

Attest:

Sandi Goodlander, Chair_____
Bryson Behm, County Clerk

Action of the County Executive

Regarding Ordinance 2025-01, Staker Parson North Smithfield Plant Rezone

_____ Approve

_____ Disapprove (A Statement of Objection is attached)

David Zook, Executive
Cache County

Date

Ord 2025-01
Staker Parson North Smithfield Plant Rezone
Amending the Cache County Zoning Map by adding the
Mineral Extraction and Excavation (ME) Overlay to 53.86 acres
in the Agricultural (A10) Zone

County Council action

Hold a public hearing on January 28th, 2025.

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

Planning Commission action

Approval (5-yea; 0-nay).

Public hearing held on December 5th, 2024

Conclusion: Based on the findings of fact noted [in the staff report], the Staker Parson North Smithfield Plant 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 the purpose of the Mineral Extraction and Excavation (ME) Overlay Zone:
 - a. The purpose of this zone is to establish locations and to protect the commercial mineral extraction and excavation industry while protecting the environment and county citizens. This zone is to assure that the operations of such sites do not impact adjoining uses and are not encroached upon by surrounding noncompatible land uses within Cache County.
 - b. This zone and provisions thereof are deemed necessary in the public interest to affect practices which will, for the economical use of vital materials necessary for our economy, give due consideration to the present and future use of land in the interest of promoting the public health, safety, and general welfare of the residents of Cache County.
2. The four parcels are historical gravel extraction sites.
3. The nearest parcel in the county, with the Mineral Extraction and Excavation (ME) Overlay is located 400 feet north-east of the subject parcel.
4. The location of the subject property, according to the Sand and Gravel Resource Potential Map, likely falls within an area that contains delta and shoreline deposits which have the highest resource potential.
5. Smithfield City is in favor of the rezone.

Staff Report review by Planning Manager

Angie Zetterquist

41 **Staff Report by County Planner**

42 Conner Smith

43

44 **General Description**

45 This ordinance amends the County Zoning Map by adding the Mineral Extraction and
46 Excavation (ME) Overlay to 53.86 acres in the Agricultural (A10) Zone.

47

48 **Additional review materials included as part of Exhibit A**

49 Staff Report to Planning Commission – revised

Staff Report: Staker Parson North Smithfield Plant Rezone

5 December 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: Dak Maxfield

Parcel ID#: 08-044-0012, -0013, -0017, -0048

Staff Recommendation: None

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

Reviewed by Conner Smith

Project Address:

Acres: 53.86

6600 N. 400 E.,
Smithfield

Current Zoning:
Agricultural (A10)

Proposed Zoning:
Mineral Extraction
and Excavation (ME)
Overlay

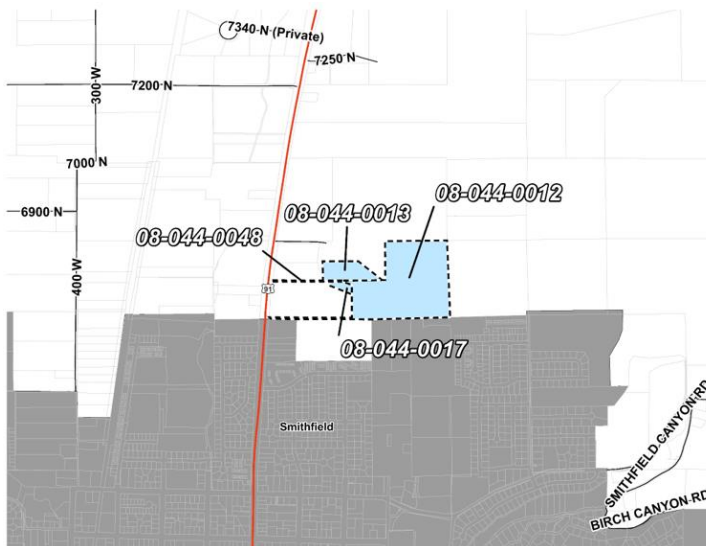
Surrounding Uses:

North – Mineral Extraction

South – Residential/Agricultural

East – Mineral Extraction

West – Residential/Agricultural



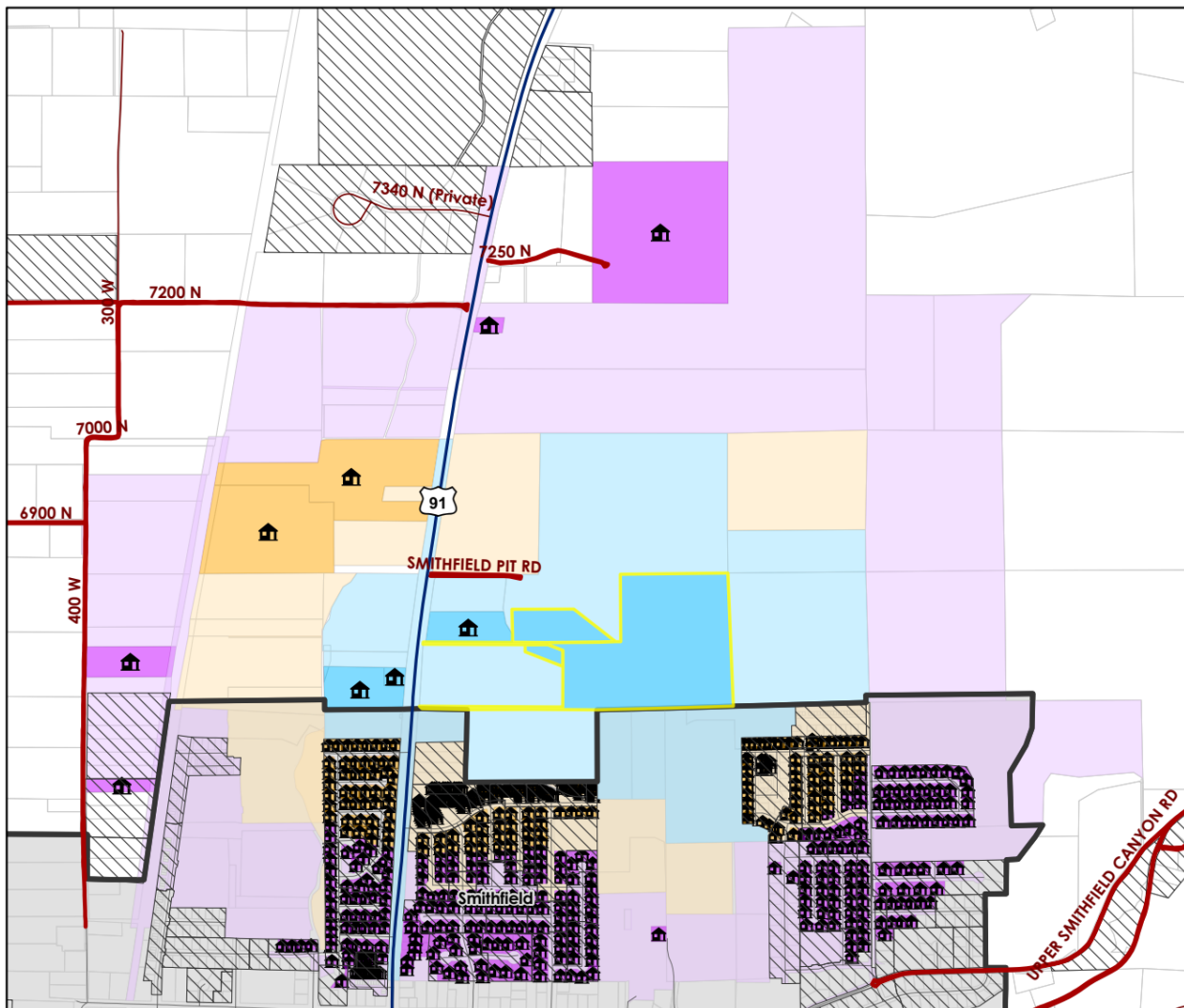
Findings of Fact

A. Request description

1. A request to approve the Mineral Extraction and Excavation (ME) Overlay zone to 53.86 acres in the Agricultural (A10) Zone.
2. This rezone may allow the parcel to establish uses permitted in the ME Overlay 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 ME Overlay Zone will be addressed as part of each respective approval process required prior to site development activities.

Revised Pg. 6 and 7 - Planning Commission Recommendation

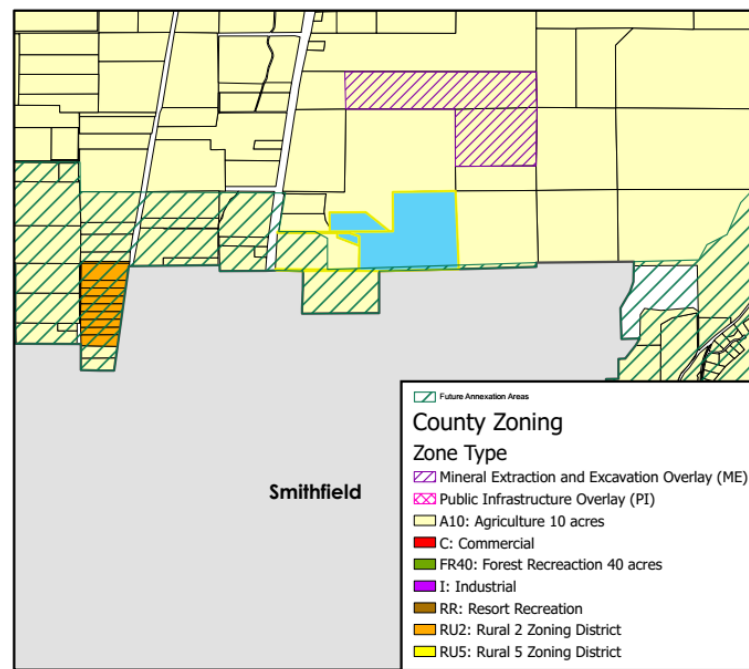
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map (Attachment A) and in the following text.
 - a. Land Use Context:
 - i. Parcel status: The properties match the configuration they had on August 8, 2006 and are legal.
 - ii. The Mineral Extraction and Excavation (ME) Overlay Zone allows mineral extraction (Use Type 6400) and topsoil extraction (Use Type 6410) with approval of a Conditional Use Permit. These use types are not permitted in any of the other base zoning districts.
 - iii. Average Lot Size:



Revised Pg. 6 and 7 - Planning Commission Recommendation

Average Parcel Size	
Adjacent Parcels	With a Home: 4.3 Acres (3 Parcels)
	Without a Home: 14.4 Acres (12 Parcels)
	Without a Home in Smithfield City: 6.3 Acres (8 Parcels)
1/4 Mile Buffer	With a Home: 12.2 Acres (5 Parcels)
	With a Home in Smithfield City: 0.1 Acres (240 Parcels)
	Without a Home: 13.4 Acres (22 Parcels)
1/2 Mile Buffer	Without a Home in Smithfield City: 1.6 Acres (87 Parcels)
	With a Home: 12.4 Acres (9 Parcels)
	With a Home in Smithfield City: 0.2 Acres (558 Parcels)
	Without a Home: 15.6 Acres (46 Parcels)
	Without a Home in Smithfield City: 1.5 Acres (218 Parcels)

- i. **Property Owners:** These four parcels are owned by two different owners, Smithfield City and Jack B. Parson Companies:
 - **Smithfield City:**
 - i. Smithfield City owns parcels 08-044-0013 and 08-044-0048. Currently, parcel 08-044-0013 appears to be a mineral extraction operation while 08-044-0048 appears to be an access point.
 - **Jack B. Parson Companies:**
 - i. Jack B. Parson Companies owns parcels 08-044-0012 and 08-044-0017. Historically, these parcels have been involved in a sand and gravel extraction operation.
- ii. **Adjacent Uses:** The parcels to the north and east are primarily used for mineral extraction while parcels to the south and west are a mix of agricultural and residential. The nearest parcel, in the county, with the Mineral Extraction (ME) Overlay, is located 400 feet to the north-east of the subject parcel.
 - The Nixon & Nixon, Inc. rezone was a request to add the Mineral Extraction and Excavation (ME) Overlay to a total of 72.90 acres and was approved 24 January 2017.
- iii. **Mineral Map:** The Sand and Gravel Resource Potential Map (See Attachment B) indicates that the general area may contain delta and shoreline deposits which have the highest resource potential.
- iv. **Annexation Areas:** The subject property is not located within any future annexation area.



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 Mineral Extraction and Excavation (ME) Overlay Zone but does contain general guidelines for its implementation. County Land Use Ordinance §17.08.030 [E] identifies the purpose of the Mineral Extraction and Excavation (ME) Overlay Zone and includes the following:
 - a. “The purpose of this zone is to establish locations and to protect the commercial mineral extraction and excavation industry while protecting the environment and county citizens. This zone is to assure that the operations of such sites do not impact adjoining uses and are not encroached upon by surrounding noncompatible land uses within Cache County.”
 - b. “This zone and provisions thereof are deemed necessary in the public interest to affect practices which will for the economical use of vital materials necessary for our economy, give due consideration to the present and future use of land in the interest of promoting the public health, safety, and welfare of the residents of Cache County.”
6. Chapter 4: Future Land Use Plan of the Cache County General Plan states:
 - a. 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.
 - b. 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.

7. The future land use map (Attachment C) adopted as part of the Cache County General Plan identifies the area where the subject property is located as “Agriculture and Ranching.” *Cache County General Plan, Chapter 4, Page 26*. This section states:

- a. Location: Private agriculture landscapes in the Cache Valley outside of municipalities.
- b. Example Areas: Most of the valley.
- c. Purpose and Character: Agricultural and rangeland uses on private lands under conservation easements (no public access) are expected to continue in the Valley. Separation from dense residential developments is advantageous. The agricultural landscape provides separation between adjacent municipalities and protects suitable soils.
- d. Preferred Land Uses: Agriculture, ranching, rural residential uses at densities of less than one unit per 10 acres, Conservation Easements (CEs) and conserved public lands, Agritourism.
- e. Secondary Land Uses: Industrial and Commercial uses directly supportive of agriculture (Processing, Packaging, Distribution), clustered subdivision developments, outdoor recreation, farm worker housing.
- f. Discouraged Uses: Residential developments at densities of greater than one unit per 10 acres if not in a clustered subdivision development, commercial office, commercial retail, flex office/industrial, heavy industrial.

8. Parcels 08-044-0012, -0013, and -0017 are not located in the Urban Expansion Overlay. Parcel 08-044-0048 is located partially within the Urban Expansion Overlay.

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

9. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.
10. §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.
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. §12.1 Roadway Functional Classification – Private Roads: Private roads are not intended for use by the public. These roads are privately owned, provide access to two or more legal lots or parcels, and are not maintained by the County. Geometric and structural design standards for private roads are the same as those used for public roads. For purposes of design and construction standards, private roads are subdivided into Major Private (PM) roads and Minor Private (P) roads.
 - b. §12.1 Roadway Functional Classification – Local Roads: Local roads are roads whose primary function is to provide access to residences, farms, businesses, or other properties that abut the road, rather than to serve through traffic. Although some through traffic may occasionally use a local road, through traffic service is not the primary purpose of local

roads. For purposes of design and construction standards, local roads are subdivided into Major Local (ML) and Minor Local (L) roads.

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

- a.** Parcel 08-044-0048, owned by Smithfield City, serves as an access to the other three parcels in this rezone. There are visible remnants of the access road but it appears it has not been used or improved in quite some time.
- b.** Parcel 08-044-0012, owned by Staker Parsons, has access to US 91 via 6600 N. (800 N.).
 - i.** 6600 N. is paved, accesses the existing gravel pits and a Rocky Mountain Power substation. It is unclear if it is currently a public, private, or just an access road. It has been on the Class B road inventory in past years, but it is currently not considered a Class B road and is not maintained by the County.

16. A full road review was not completed for this rezone request as access is off of US 91. Any permits needed to expand or create an access onto US 91 would be granted by the Utah Department of Transportation (UDOT).

D. Service Provisions:

17. §16.04.080 [C] Fire Control – The County Fire District had no comments in regards to this application.

18. §16.04.080 [F] Solid Waste Disposal – Applicant must work with Waste Management for solid waste disposal.

19. §17.08.040 General Definitions, Sensitive Area; §17.18

a. Noxious Weeds:

- i.** Currently, all four parcels have noxious weeds present. It is recommended that a noxious weed management plan is created.

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

20. Public notice was posted online to the Utah Public Notice Website on 22 November 2024.

21. Notices were posted in three public places on 22 November 2024.

22. Notices were mailed to all property owners within 300 feet on 22 November 2024.

23. At this time, one written public comment, from Smithfield City, regarding this proposal has been received by the Development Services Office.

Conclusion

The Staker Parsons North Smithfield Plant rezone, a request to approve the Mineral Extraction and Excavation (ME) Overlay Zone to 53.86 acres in the Agricultural (A10) Zone has been reviewed in conformance with Title 17 of the Cache County Land Use Ordinance and the County Manual of Roadway Design and Construction Standards. Staff has not made a recommendation based on the findings of fact identified above and any others identified at the public hearing. Although Staff has not made a recommendation for approval or denial, they can help Planning Commission draft a recommendation to County Council.

Planning Commission Conclusion

Based on the findings of fact noted herein, the Staker Parson North Smithfield Plant 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 the purpose of the Mineral Extraction and Excavation (ME) Overlay Zone:
 - a.** The purpose of this zone is to establish locations and to protect the commercial mineral extraction and excavation industry while protecting the environment and county citizens. This zone is to assure that the operations of such sites do not impact

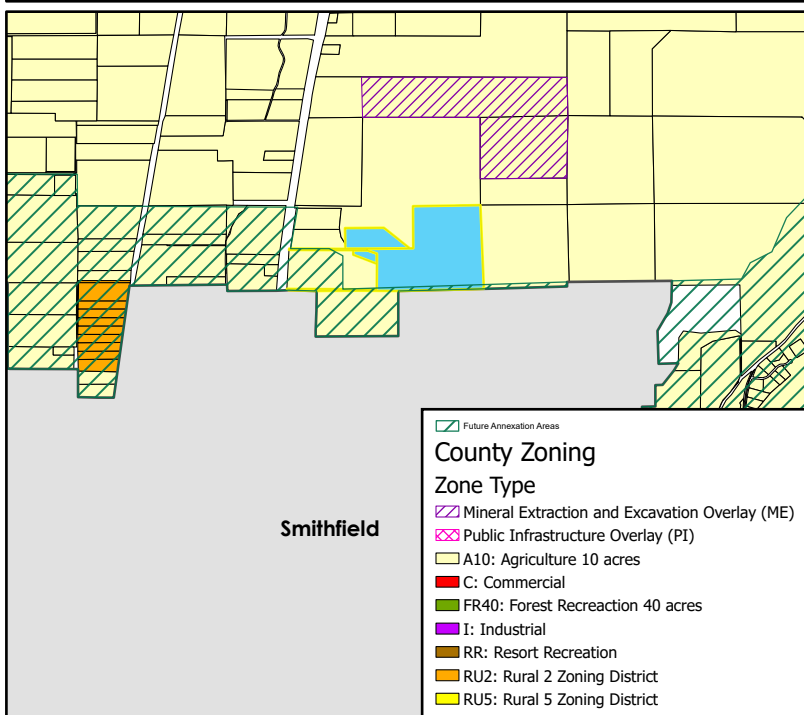
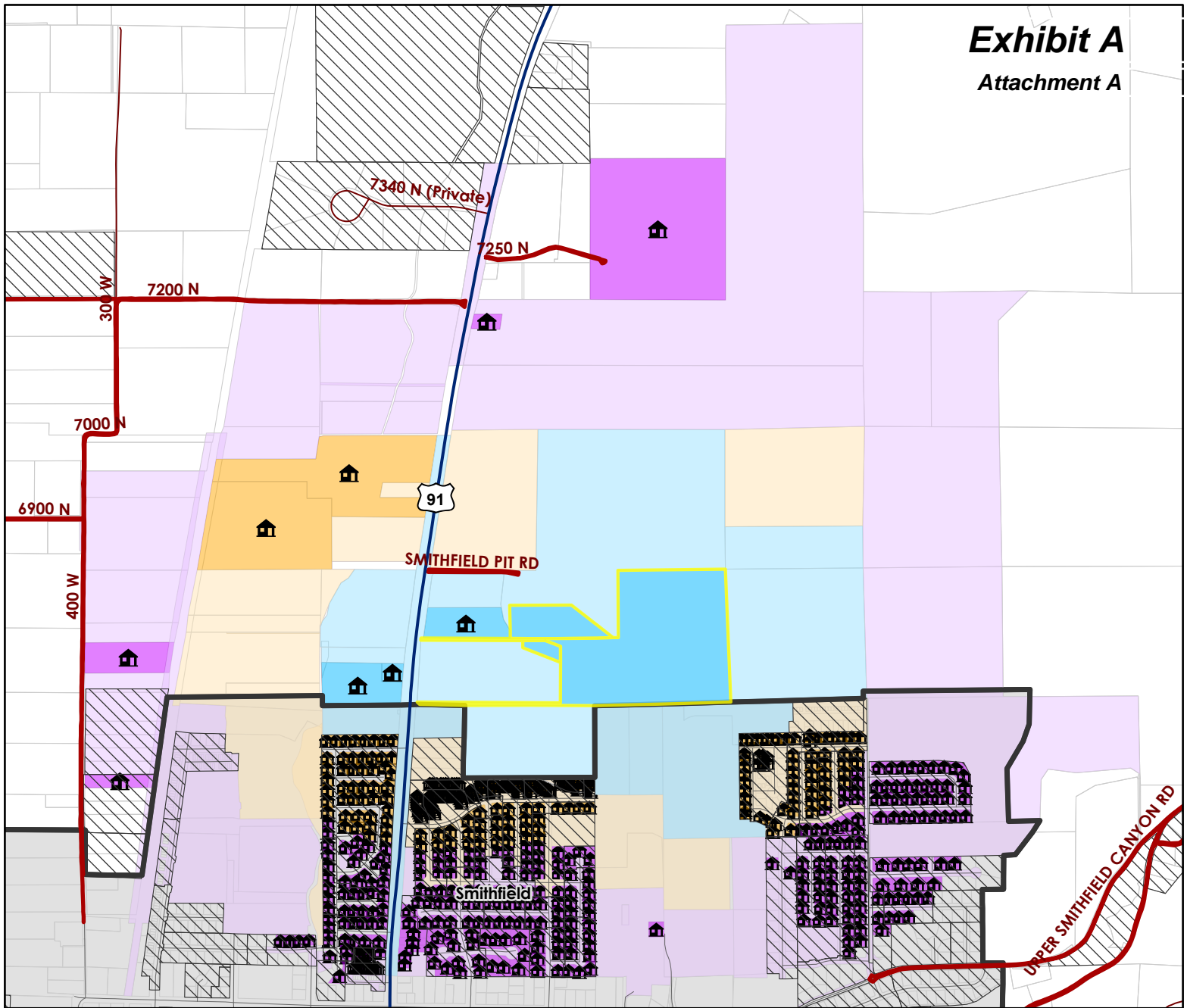
Revised Pg. 6 and 7 - Planning Commission Recommendation

adjoining uses and are not encroached upon by surrounding noncompatible land uses within Cache County.

- b.** This zone and provisions thereof are deemed necessary in the public interest to affect practices which will, for the economical use of vital materials necessary for our economy, give due consideration to the present and future use of land in the interest of promoting the public health, safety, and general welfare of the residents of Cache County.
- 2.** The four parcels are historical gravel extraction sites.
- 3.** The nearest parcel in the county, with the Mineral Extraction and Excavation (ME) Overlay is located 400 feet north-east of the subject parcel.
- 4.** The location of the subject property, according to the Sand and Gravel Resource Potential Map, likely falls within an area that contains delta and shoreline deposits which have the highest resource potential.
- 5.** Smithfield City is in favor of the rezone.

Exhibit A

Attachment A



Legend

- Proposed Rezone
- Municipal Boundaries
- Subdivisions
- Parcels
- Winter Maintenance
- County Roads
- Highways

Average Parcel Size

Adjacent Parcels	With a Home: 4.3 Acres (3 Parcels)
	Without a Home: 14.4 Acres (12 Parcels)
	Without a Home in Smithfield City: 6.3 Acres (8 Parcels)
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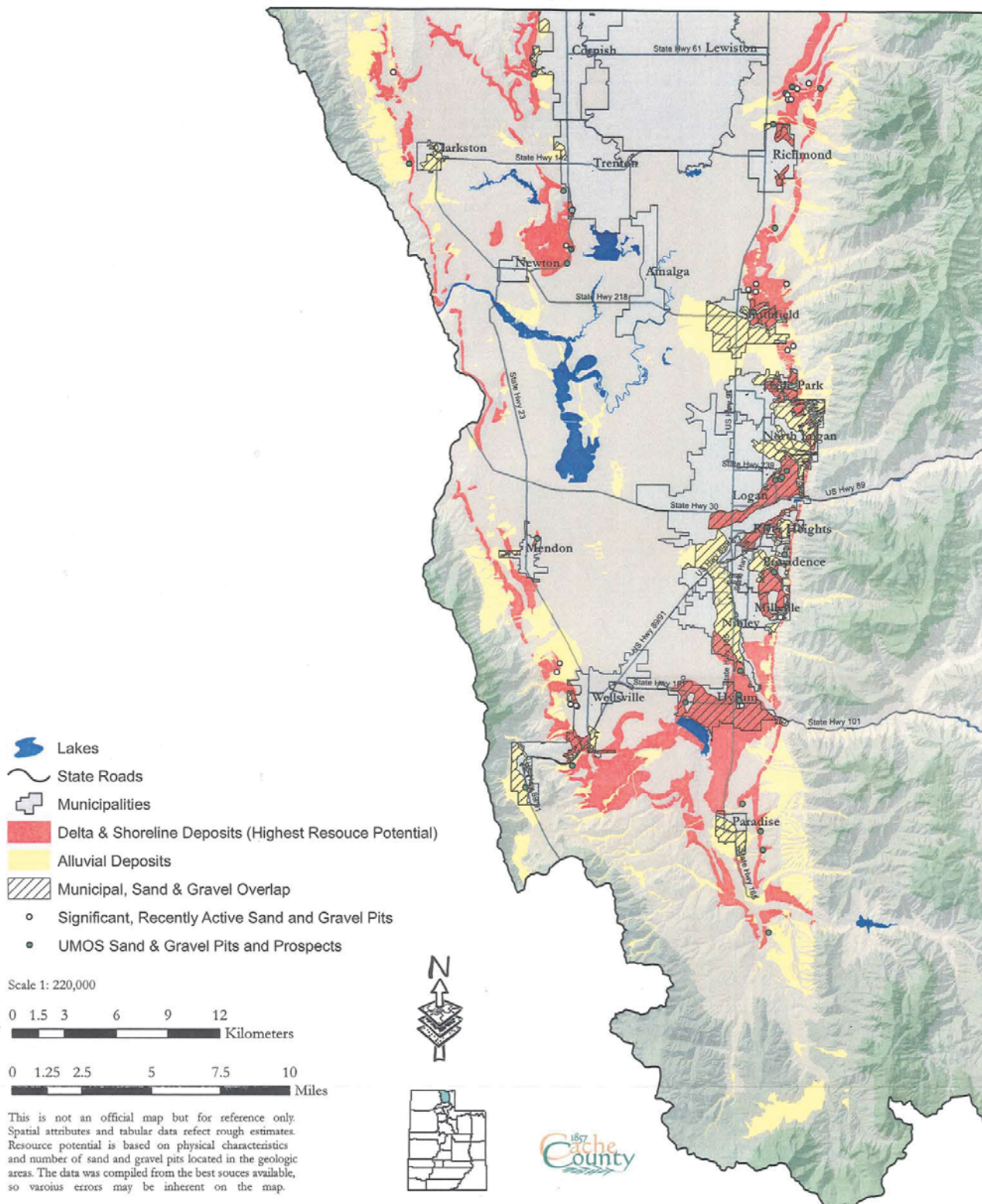


11/5/2024

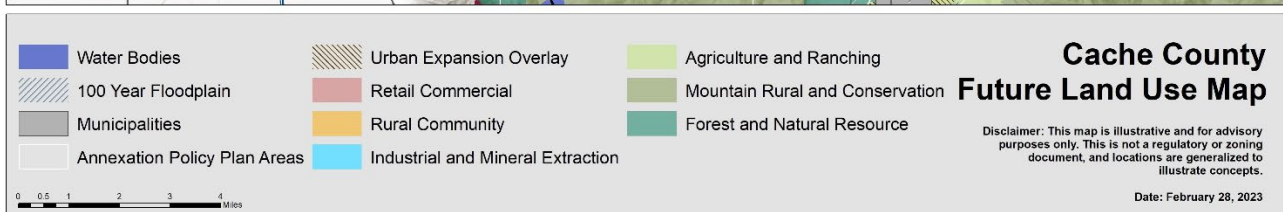
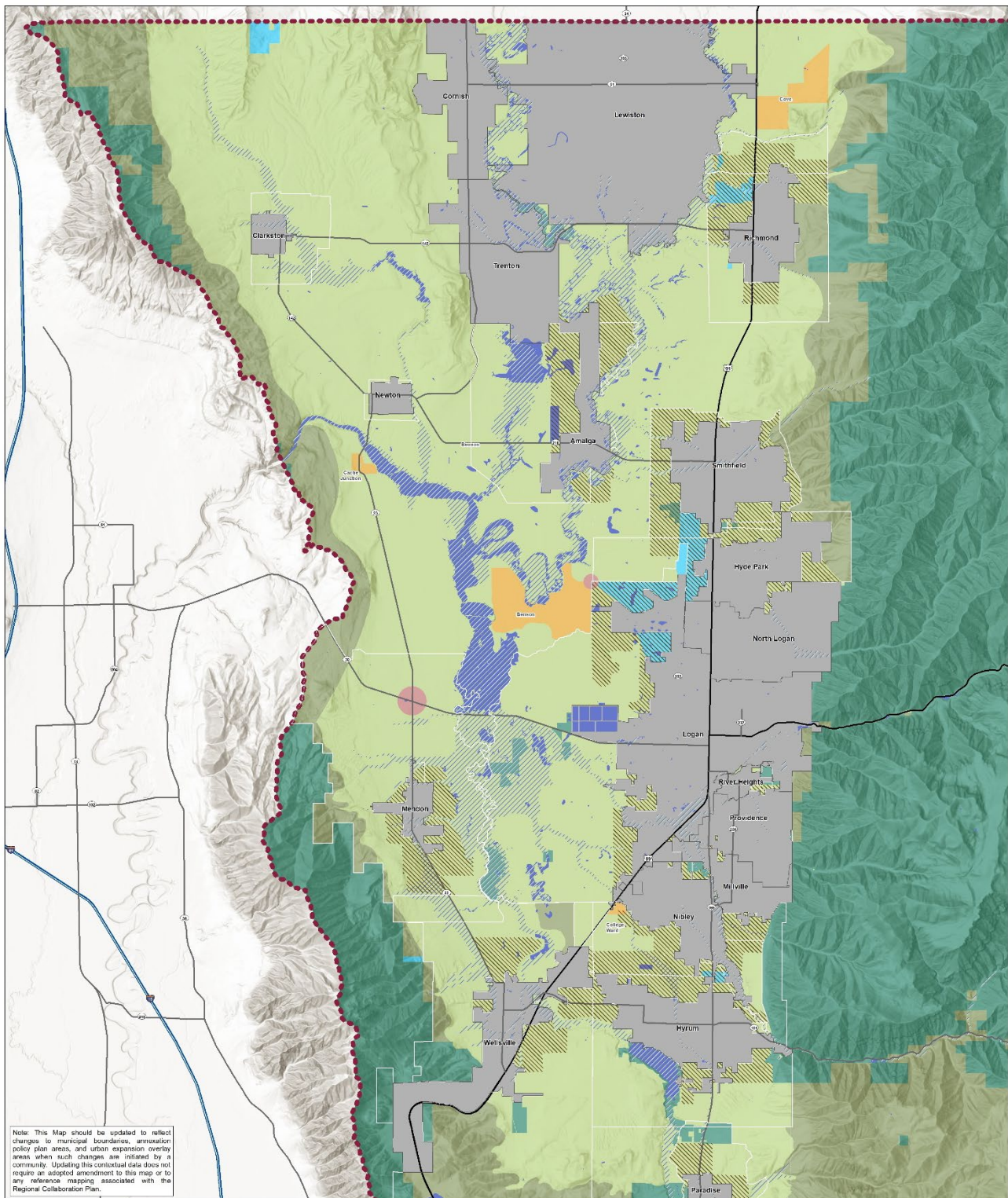
Sand & Gravel Resource Potential Cache County, Utah

Exhibit A

Attachment B



SYMBOL	UNIT	MUNICIPAL ACRES	COUNTY ACRES	MAX THICK (FEET)	SORTING	ROUNDING	NUM PITS
Qlpl	Deltaic deposits, Provo level (regressive)	5791	4984.23	82.02	mod. to well	subrounded to round	23
Qlpg	Lacustrine gravel and sand, Provo shoreline (regressive)	889	3953.86	16.4	well	subrounded to round	9
Qlbd	Deltaic deposits, Bonneville level (transgressive)	665	416.35	16.4	mod. to well	subrounded to round	1
Qlbg	Lacustrine gravel and sand, Bonneville shoreline (transgressive)	9	10402.73	65.62	well	subrounded to round	12
Qaly	Younger stream alluvium	3066	5649.82	32.81			0
Qalp	Stream alluvium, Provo phase	3	119.57	16.4	moderately	subangular to rounded	0
Qalb	Stream alluvium, Bonneville phase	0	498.17	16.4	moderately	subangular to rounded	0
Qaf1	Fan alluvium 1	2478	5730.01	16.4	poorly	angular to subround	0
Qaf2	Fan alluvium 2	1558	2862.06	16.4	poorly	angular to subround	0
Qafy	Younger fan alluvium	1783	5791.91	16.4	poorly	angular to subround	0
Qafp	Fan alluvium (Provo shoreline)	243	100.24	16.4	poorly to moderate	angular to well	0
Qafo	Older fan alluvium	256	6973.7	32.81	poorly	angular to well	0



Conner:

Exhibit A

Attachment D

Good morning,

Smithfield City does not have any concerns or issues with the rezone request by Staker Parson Companies for parcels located at approximately 800 North 300 East, Smithfield.

Thanks,



Justin B. Lewis
City Manager

Smithfield City Corporation
96 South Main
Smithfield, UT 84335

P (435) 792-7990
jlewis@smithfieldcity.org



The following legal description reflects the noted property above to be rezoned to add the Mineral Extraction and Excavation (ME) Overlay:

08-044-0012

BEG 80 RDS W OF SE COR NE/4 SEC 22 T 13N R 1E & TH W 186 RDS TO E LN OF CO ROAD TH N'LY ALG SD ROAD 2 RDS TH E 84.91 RDS TH N 30.3 RDS TO FENCE TH SE'LY ALG FENCE 38.48 RDS TO PT 22 RDS N OF PT 64.5 RDS W OF BEG TH N 2 RDS TH NW'LY 17 RDS TO PT 70.5 RDS W OF PT 40 RDS N OF BEG TH E 70.5 RDS TH S 40 RDS TO BEG CONT 23.75 AC

ALSO: BEG 80 RDS W & 40 RDS N OF SE COR NE/4 SD SEC 22 & TH N 40 RDS TO NE COR SW/4 NE/4 SD SEC TH W 1108 FT TH S 636 FT TO PT 2428 FT W & 633.4 FT N OF SE COR NE/4 SEC 22 TH E 1108 FT TO BEG CONT 19.61 AC

ALSO: BEG 9.5 RDS (156.75 FT) E OF PT 40 RDS BR (633.4 FT MEAS) N OF SW COR NE/4 SEC 22 TH W 660 FT TH S 18 FT TH SE'LY 49 RDS (808.5 FT) M/L TO PT 6 RDS E OF PT 18 RDS W OF BEG TH N 2 RDS TH NW'LY 17 RDS (280.5 FT) M/L TO BEG CONT 2.50 AC CONT 45.86 AC IN ALL SUBJ TO ESMNT TO UP&L (SEE DEED 450104) LESS PARCEL TO UDOT FOR HWY 91 ENT 812089 CONT 0.00 AC

08-044-0013

BEG 2.63 CHS E OF PT 10 CHS N OF SW COR OF NE/4 OF SEC 22 T 13N R 1E & TH W 13.094 CHS TH N 5.00 CHS TH E 6.92 CHS TH S 51° E 7.945 CHS TO BEG CONT 5.00 AC ALSO: BEG 10 CHS N & 10.46 CHS W OF SW COR OF NE/4 OF SEC 22 & TH W 8 RDS TH N 20 RDS TH E 8 RDS TH S 20 RDS TO BEG CONT 1.0 AC

08-044-0017

BEG 407 FT N OF PT 183.09 FT W OF SE COR NE/4 SEC 22 T 13N R 1E & TH N 193 FT M/L TO PT IN FENCE LN TH NW'LY ALG FENCE LN 10.5 RDS TH W 160 FT M/L TO PT N OF PT 203.09 FT W OF SE COR NE/4 SD SEC 22 TH S 66 FT TH SE'LY 350 FT M/L TO BEG CONT 1.5 AC SEC 22 T 13N R 1E 1.5 AC (05-300-0148)

08-044-0048

ACCESS ROAD TO GRAVEL PIT: BEG N 10 CHS & W 25.69 CHS FROM CENTER OF SEC 22 T 13N R 1E & ON E LN OF ST HWY 91 & TH S'LY ALG R/W 18 FT M/L TH E'LY 1213 FT M/L ALG N LN OF PARCEL OWNED BY MEYER HONEY COMPANY & PARCEL OWNED BY PARSON DEV CO TH N 18 FT M/L TH W'LY TO BEG LESS: PARCEL TO UDOT FOR HWY 91 ENT 887924 CONT 234.509 SQ FEET (BEING PT OF COUNTY ROAD)

Ordinance No. 2025-02

Cache County, Utah

Rick Champlin Rezone

An ordinance amending the County Zoning Map by rezoning 29.5 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) 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 December 5th, 2024, the Planning Commission held a public hearing, accepted all comments, and recommended the denial 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, on January 28th, 2025, the County Council held a public hearing, 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 to be rezoned is compatible with the purpose of the Rural 2 (RU2) Zone:
- i.** To allow for residential development in a moderately dense pattern that can allow for rural subdivisions, and to allow for clustering plans larger than a single parcel. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.
 - ii.** To implement the policies of Cache County General Plan, including those regarding improved roadways, density based residential standards, clustering, moderate income housing and municipality standards.
 - iii.** 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.

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 _____, 2025. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

7. Council Vote and Final Action

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

Cache County Council:

Attest:

Sandi Goodlander, Chair_____
Bryson Behm, County Clerk

Action of the County Executive

Regarding Ordinance 2025-02, Rick Champlin Rezone

_____ Approve

_____ Disapprove (A Statement of Objection is attached)

David Zook, Executive
Cache County

Date

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Amending the Cache County Zoning Map by rezoning 29.5 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone

Hold a public hearing on January 28th, 2025.
If approved, the rezone will take effect 15 days from the date of approval.

Denial (5-yea; 0-nay).

Public hearing held on December 5th, 2024

Conclusion: Based on the findings of fact noted [in the staff report], the Rick Champlin rezone is hereby recommended for denial to the County Council as follows:

1. The subject property is potentially not consistent with the Cache County General Plan.
 - a. The Cache County General Plan identifies this area as “Agriculture and Ranching” which places an emphasis on agricultural production. The Rural 2 (RU2) Zone has limited agricultural potential as many agriculture related uses are not possible within the Rural 2 (RU2) Zone.
 - b. The Cache County General Plan indicates that, should any potential subdivisions not be clustered, densities of residential developments that are greater than one unit per ten acres are discouraged.
 - c. These parcels are not located in the Urban Expansion Overlay.
2. The nearest parcel, in the County, that is in the Rural 2 (RU2) Zone is located 0.5 mile away.

Angie Zetterquist

Conner Smith

This ordinance amends the County Zoning Map by rezoning 29.5 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.

Staff Report to Planning Commission – revised

Staff Report: Rick Champlin Rezone

5 December 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: Rick Champlin

Parcel ID#: 08-038-0012, 08-088-0008

Staff Recommendation: None

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

Reviewed by Conner Smith

Project Address:

Acres: 29.5

1200 W. 6200 N.,
Smithfield

Surrounding Uses:

North – Agricultural

South – Residential/Agricultural

East – Residential/Agricultural

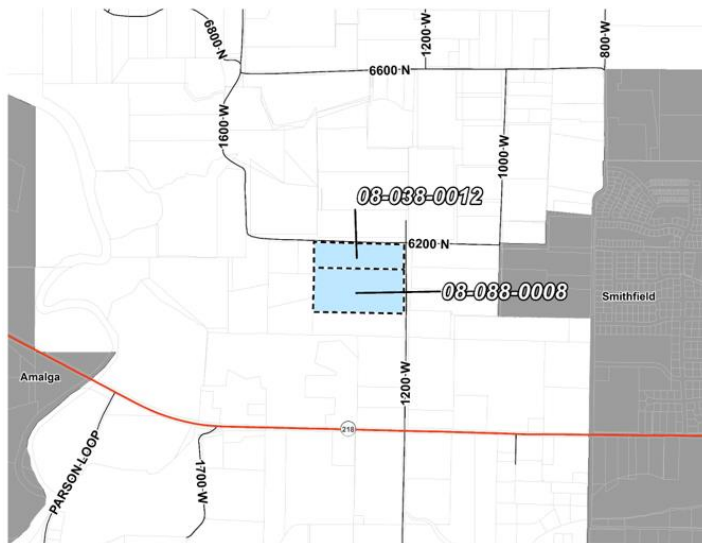
West – Agricultural

Current Zoning:

Agricultural (A10)

Proposed Zoning:

Rural 2 (RU2)



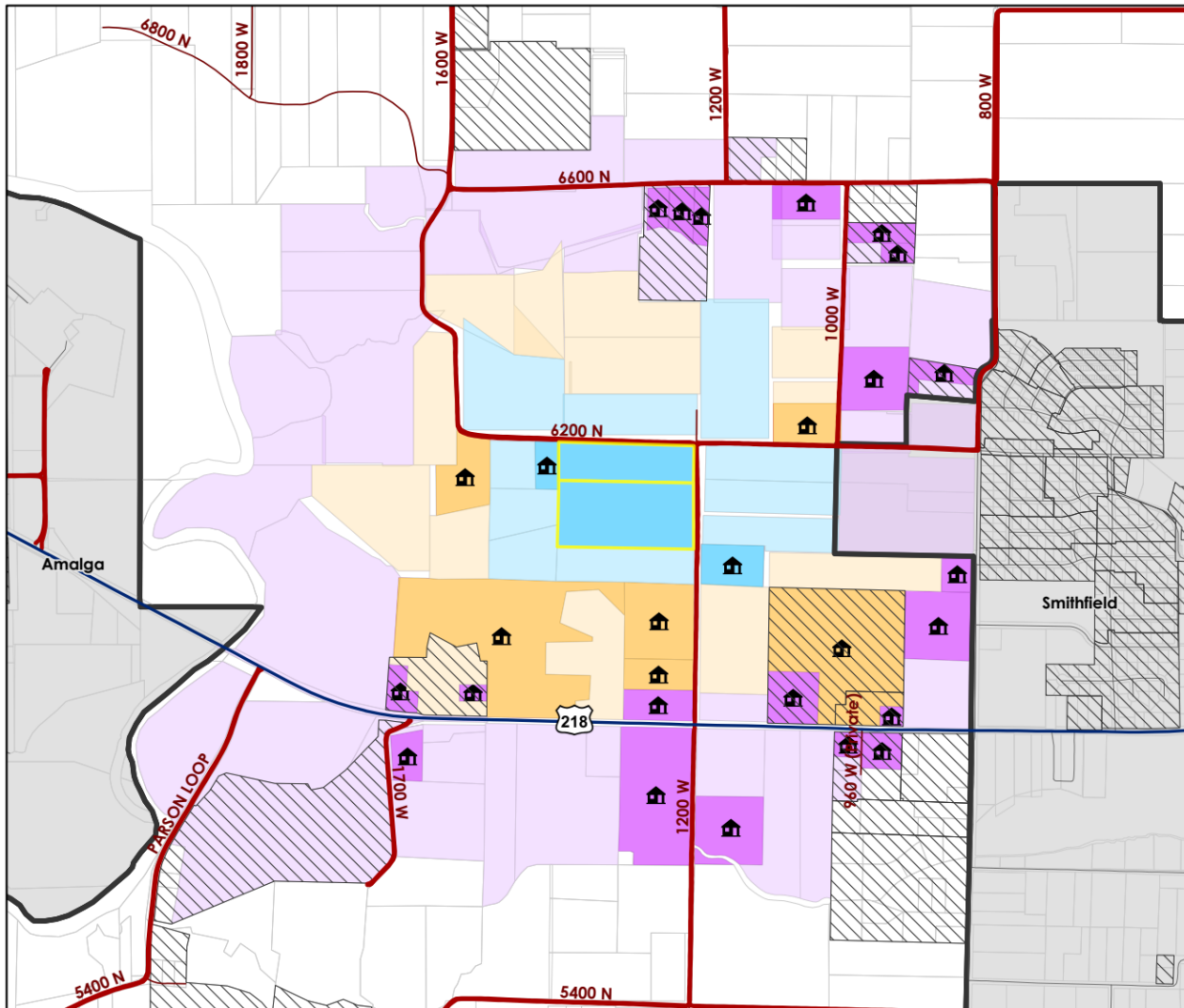
Findings of Fact

A. Request description

1. A request to rezone 29.5 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
2. Should the rezone request be approved, the maximum number of potential lots will be fourteen whereas the maximum number of lots currently allowed is three.
3. This rezone may allow the parcel to establish uses permitted in the Rural 2 (RU2) 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 Rural 2 (RU2) Zone will be addressed as part of each respective approval process required prior to site development activities.

Revised Pg. 7 - Planning Commission Recommendation

4. 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 properties match the configuration they had on August 8, 2006 and are legal.
 - ii. Average Lot Size: (See Attachment A)



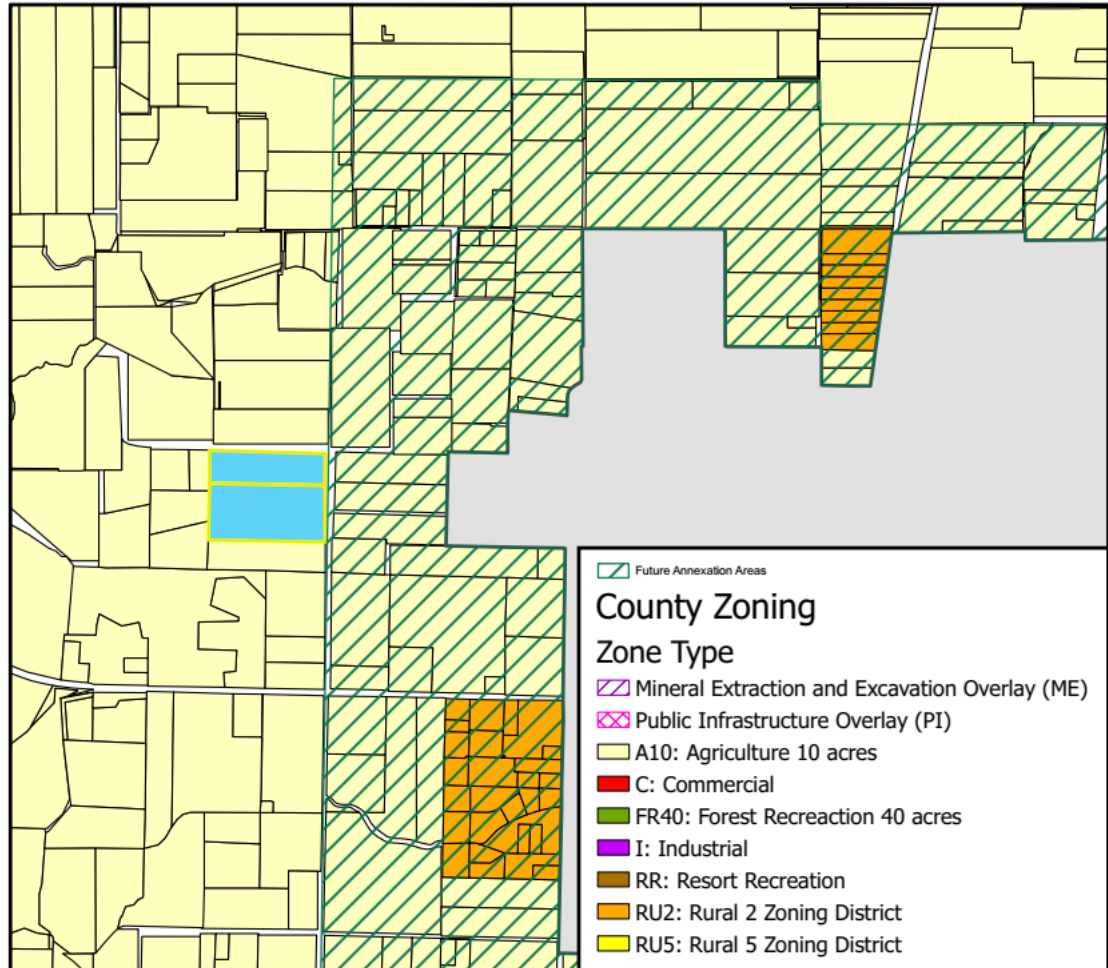
Average Parcel Size	
Adjacent Parcels	With a Home: 3.7 Acres (2 Parcels)
	Without a Home: 11.6 Acres (12 Parcels)
1/4 Mile Buffer	With a Home: 13.7 Acres (8 Parcels)
	Without a Home: 12.1 Acres (26 Parcels)
1/2 Mile Buffer	With a Home: 7.3 Acres (28 Parcels)
	Without a Home: 11 Acres (78 Parcels)
	Without a Home in Smithfield City: 7.3 Acres (4 Parcels)

Revised Pg. 7 - Planning Commission Recommendation

- i. Schedule of Zoning Uses: The Rural 2 (RU2) Zone allows for a variety of uses with the approval of a zoning clearance and/or conditional use permit, including the following uses:
 - Single Family Dwelling
 - Foster Home
 - Accessory Apartment
 - Accessory/Agricultural Structures
 - Home Based Business
 - Seasonal Cabin
 - Residential Living Facilities
 - Home Based Kennel
 - Bed and Breakfast Inn
 - Public Uses
 - Religious Meeting House
 - Utility Facility, Distribution
 - Utility Facility, Service
 - Agricultural Production
 - Farm Stand
 - Boarding Facility
 - Site Grading
- ii. Adjacent Uses: The parcels to the north and west are primarily used for agriculture while parcels to the south and east are a mix of agriculture and residential. The nearest parcel, in the County, that is in the Rural 2 (RU2) Zone, is located 0.4 miles south-east of the subject parcel. Additionally, there are several other Rural 2 (RU2) Zones that are between 0.5 to 1.5 miles away.
 - The Birch Hollow rezone, located 0.4 miles from the subject parcels, was a request to rezone 10.00 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone, and was approved by County Council on May 23rd, 2017 as Ordinance 2017-06.
 - The West Acres rezone, located 0.5 miles from the subject parcels, was a request to rezone 10.00 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone, and was approved by County Council on February 27th, 2018 as Ordinance 2018-03.
 - The Birch Hollow South rezone, located 0.5 miles from the subject parcels, was a request to rezone 10.00 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone, and was approved by County Council on July 10th, 2018 as Ordinance 2018-07.
 - The Creekside Estates rezone, located 0.6 miles from the subject parcels, was a request to rezone 31.67 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone, and was approved by County Council on April 27th, 2021 as Ordinance 2021-13.
 - The Hansen rezone, located 1.10 miles from the subject parcels, was a request to rezone 8.76 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone, and was approved by County Council on July 26th, 2016 as Ordinance 2016-14.

Revised Pg. 7 - Planning Commission Recommendation

- The Brooks Hansen Smithfield West rezone, located 1.10 miles from the subject parcels, was a request to rezone 14.37 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone, and was approved by County Council on January 25th, 2022 as Ordinance 2022-03.
- iii. Annexation Areas: The subject property is not located within any future annexation area.



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

5. 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.
6. The current County Land Use Ordinance does not specify appropriate locations for the Rural 2 (RU2) Zone but does contain general guidelines for its implementation. County Land Use Ordinance §17.08.030 [E] identifies the purpose of the Rural 2 (RU2) Zone and includes the following:
 - a. “To allow for residential development in a moderately dense pattern that can allow for rural subdivisions, and to allow for clustering plans larger than a single parcel. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.”

Revised Pg. 7 - Planning Commission Recommendation

- b. “To implement the policies of Cache countywide comprehensive plan, including those regarding improved roadways, density based residential standards, clustering, moderate income housing and municipality standards.”
 - c. “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.”
7. Chapter 4: Future Land Use Plan of the Cache County General Plan states:
- a. 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.
 - b. 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.
8. 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 “Agriculture and Ranching.” *Cache County General Plan, Chapter 4, Page 26*. This section states:
- a. Location: Private agriculture landscapes in the Cache Valley outside of municipalities.
 - b. Example Areas: Most of the valley.
 - c. Purpose and Character: Agricultural and rangeland uses on private lands under conservation easements (no public access) are expected to continue in the Valley. Separation from dense residential developments is advantageous. The agricultural landscape provides separation between adjacent municipalities and protects suitable soils.
 - d. Preferred Land Uses: Agriculture, ranching, rural residential uses at densities of less than one unit per 10 acres, Conservation Easements (CEs) and conserved public lands, Agritourism.
 - e. Secondary Land Uses: Industrial and Commercial uses directly supportive of agriculture (Processing, Packaging, Distribution), clustered subdivision developments, outdoor recreation, farm worker housing.
 - f. Discouraged Uses: Residential developments at densities of greater than one unit per 10 acres if not in a clustered subdivision development, commercial office, commercial retail, flex office/industrial, heavy industrial.
9. Neither parcel is located in the Urban Expansion Overlay.
- C. Access—16.04.040 [A], 16.04.080 [E], Road Manual**
10. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.
11. §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.
12. Table §17.10.040 Site Development Standards – Minimum lot frontage required in the Rural 2 (RU2) Zone is 90 feet.

Revised Pg. 7 - Planning Commission Recommendation

13. §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
14. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
15. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
16. The Road Manual specifies the following:
 - a. §2.1 Roadway Functional Classification – Major Local (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.
17. A basic review of the access to the subject properties identifies the following:
 - a. The subject parcels have access to 6200 N and 1200 W.
18. 6200 N. and 1200 W.:
 - a. Classified as Major Local
 - b. The road services agricultural and residential properties.
 - c. Have a paved width of 20-feet, has a 66-foot right-of-way, a 1-foot shoulder, a 0 to 4-foot gravel shoulder, and a variable clear zone.
 - d. Is maintained year round by the county.
 - e. Is considered substandard as to paved shoulder, gravel shoulder, and clear zone.

Analysis of Existing Roadway – 6200 North and 1200 West

Roadway Element	Existing Width (ft)	Required Width (ft)	Comments or Findings
Travel Lanes	20	20	OK
Right-of-Way	66	66	OK
Paved Shoulder	1	2	Substandard
Gravel Shoulder	0-4	4	Substandard
Clear Zone (4:1)	varies	7-10	Substandard
Material	Paved	Paved	OK
Structural			Visually OK

Access Management – 6200 North and 1200 West

Classification	Min. Spacing Standard (Feet)		
	Public/Private Roads	Commercial	Residential/Farm Access
Major Local	300	150	10 ¹

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

¹ Min. Spacing from Private or Public Road Intersection shall be 80 feet

D. Service Provisions:

19. §16.04.080 [C] Fire Control – The County Fire District had no comments in regards to this application.
20. §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

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

Conclusion

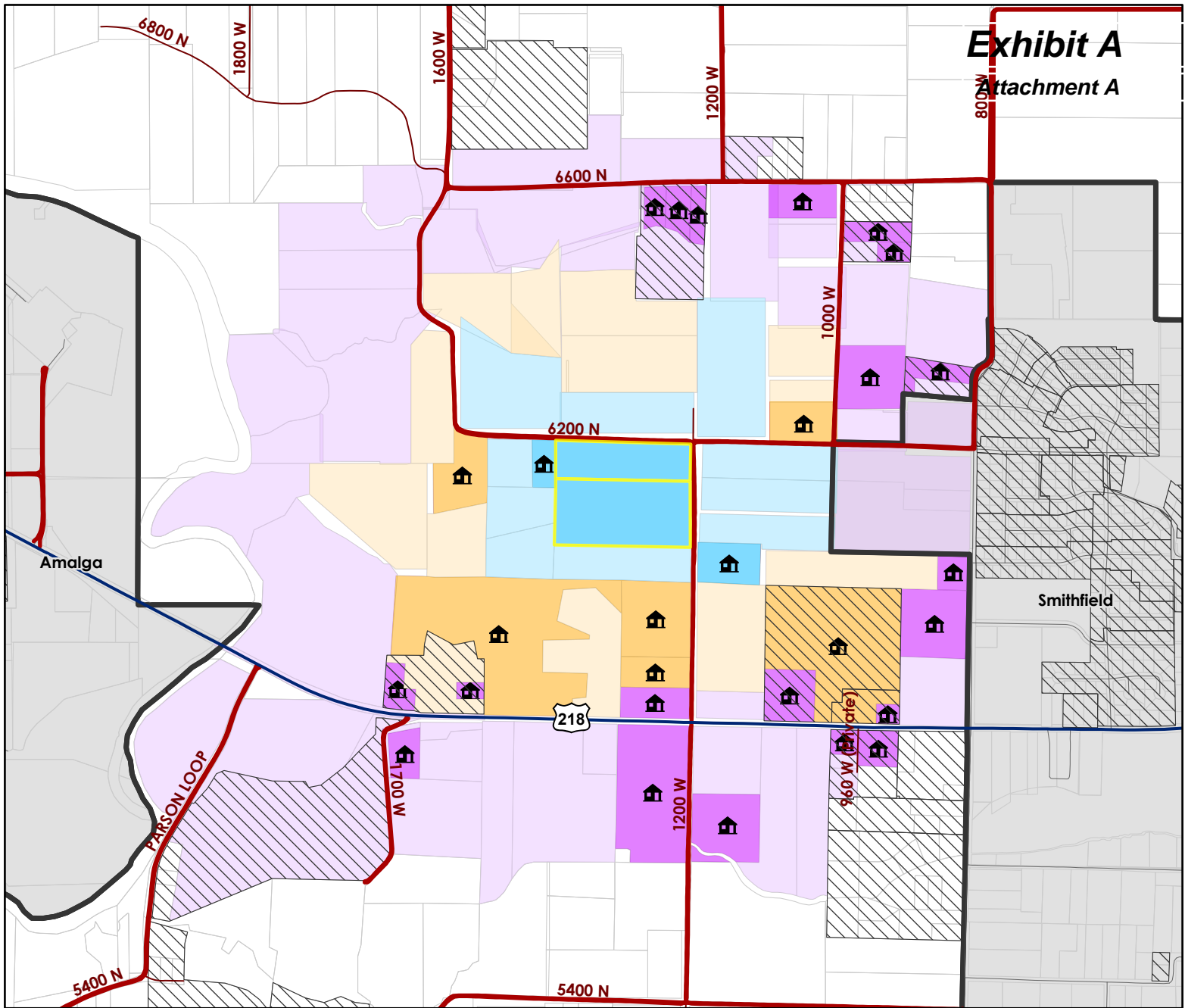
The Rick Champlin rezone, a request to rezone 29.5 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone has been reviewed in conformance with Title 17 of the Cache County Land Use Ordinance and the County Manual of Roadway Design and Construction Standards. Staff has not made a recommendation based on the findings of fact identified above and any others identified at the public hearing. Although Staff has not made a recommendation, they can help Planning Commission draft a recommendation to County Council.

Planning Commission Conclusion

Based on the findings of fact noted herein, the Rick Champlin rezone is hereby recommended for denial to the County Council as follows:

1. The subject property is potentially not consistent with the Cache County General Plan.
 - a. The Cache County General Plan identifies this area as “Agriculture and Ranching” which places an emphasis on agricultural production. The Rural 2 (RU2) Zone has limited agricultural potential as many agriculture related uses are not possible within the Rural 2 (RU2) Zone.
 - b. The Cache County General Plan indicates that, should any potential subdivisions not be clustered, densities of residential developments that are greater than one unit per ten acres are discouraged.
 - c. These parcels are not located in the Urban Expansion Overlay
2. The nearest parcel, in the County, that is in the Rural 2 (RU2) Zone is located 0.5 mile away.

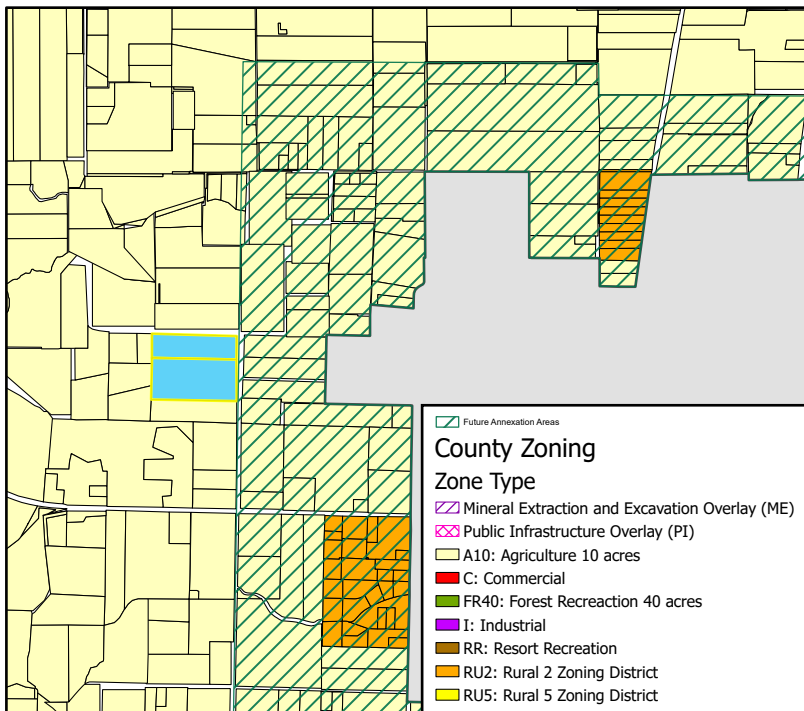
Exhibit A Attachment A



0 0.25 0.5 Mile

Legend

- Proposed Rezone
- Municipal Boundaries
- Subdivisions
- Parcels
- Winter Maintenance
- County Roads
- Highways

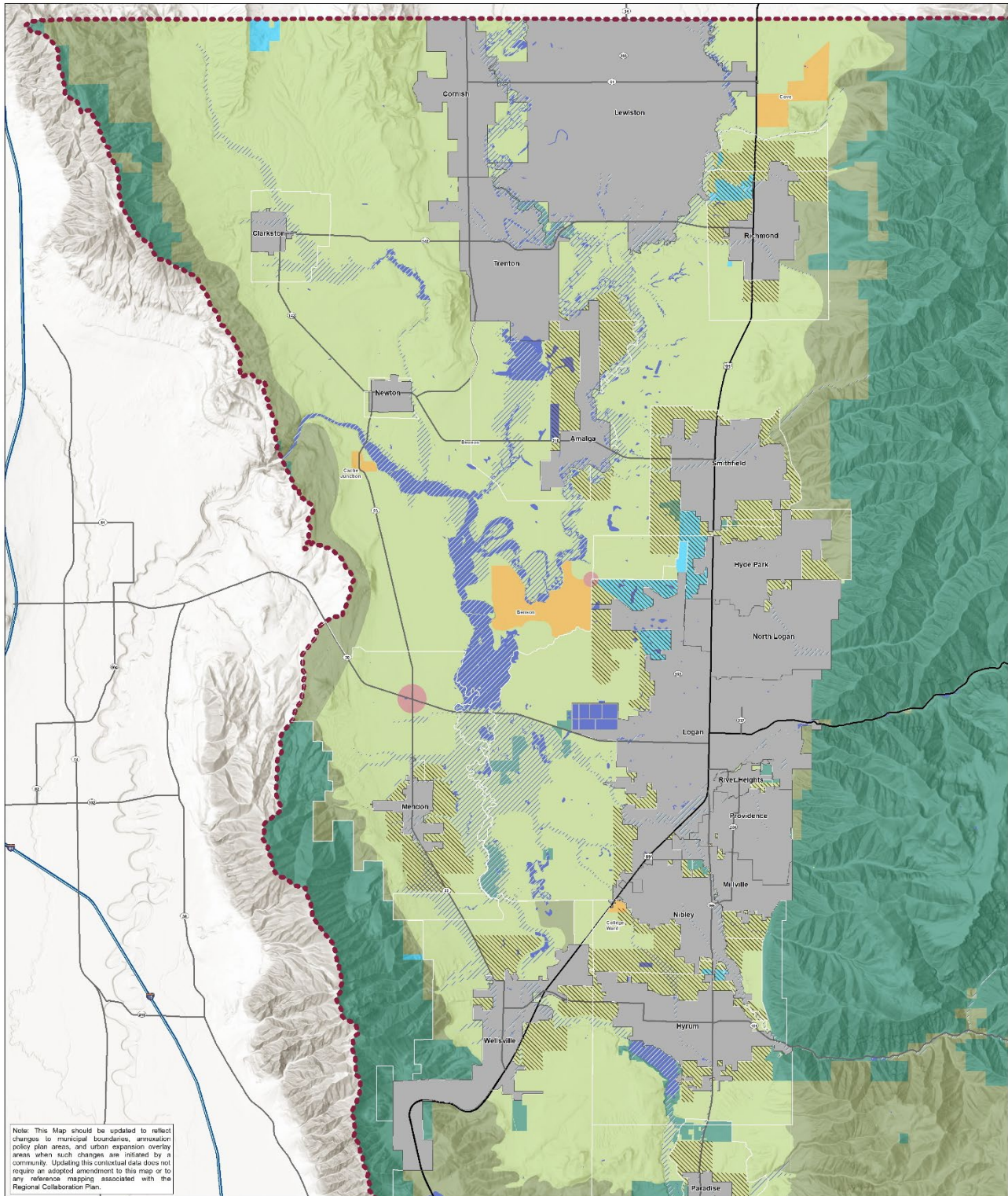


- Future Annexation Areas
- ### County Zoning
- Zone Type**
- Mineral Extraction and Excavation Overlay (ME)
 - Public Infrastructure Overlay (PI)
 - A10: Agriculture 10 acres
 - C: Commercial
 - FR40: Forest Recreation 40 acres
 - I: Industrial
 - RR: Resort Recreation
 - RU2: Rural 2 Zoning District
 - RU5: Rural 5 Zoning District

Average Parcel Size	
Adjacent Parcels	With a Home: 3.7 Acres (2 Parcels)
	Without a Home: 11.6 Acres (12 Parcels)
1/4 Mile Buffer	With a Home: 13.7 Acres (8 Parcels)
	Without a Home: 12.1 Acres (26 Parcels)
1/2 Mile Buffer	With a Home: 7.3 Acres (28 Parcels)
	Without a Home: 11 Acres (78 Parcels)
	Without a Home in Smithfield City: 7.3 Acres (4 Parcels)



11/5/2024



Water Bodies	Urban Expansion Overlay	Agriculture and Ranching
100 Year Floodplain	Retail Commercial	Mountain Rural and Conservation
Municipalities	Rural Community	Forest and Natural Resource
Annexion Policy Plan Areas	Industrial and Mineral Extraction	

Cache County Future Land Use Map

Disclaimer: This map is illustrative and for advisory purposes only. This is not a regulatory or zoning document, and locations are generalized to illustrate concepts.

Date: February 28, 2023



Dec. 2, 2024

To: Cache County Planning and Zoning Commission
Cache County Council

Re: Rick Champlin Rezone Request of 29.5 acres from A10 to RU2 at approximately 1200 West 6200 North near Smithfield, UT.

My name is Kip Panter and I own a home and property on 1200 West, 5841 North west of Smithfield. I purchased the property over 12 years ago, as is, and have tried to maintain it with agricultural interests in mind. While I believe in the freedom to do with one's property as one wishes there is also a public interest that must be considered. I'm opposed to the rezone request and respectfully request the commission consider the following reasons to recommend denial of the proposal.

- 1) There is a strong desire among many of us to see the legacy of Cache County remain in Agriculture. I realize that people are moving in at a rapid rate for various reasons and there is more and more pressure on agricultural land to be converted to residential use for townhouses, multifamily dwellings, single family dwellings and etc. Unfortunately, we are losing our quality agricultural land at an alarming rate in Cache County. This area being considered for the rezone is surrounded primarily by farm, and grazing land, and the A-10 zone fits closer to the Cache County General Plan than does the RU2 or more dense zones. I realize that as the population moves out from the city centers eventually this will change but we should try to keep agricultural land for as long as possible.
- 2) Road width and traffic issues on 6200 North and 1200 West are major safety concerns. Increased traffic from development in Estancia, the new subdivisions near Birch Creek School, continued use by farm equipment and gravel trucks, not to mention the increased pressure associated with the reception center on 1200 West, all contribute to increasing safety hazards on both roads as well as access onto Highway 218 between Smithfield and Amalga. The roads are narrow, people drive faster and with the heavy use these roads get from farm equipment and gravel trucks it's only a matter of time before conflict will happen. Both roads need to be widened and additional planning for traffic patterns in the entire area west of Smithfield need more study and engineering before more residential development occurs.
- 3) Water quality is another issue to consider. My well and my neighbors well are flowing wells and there are multiple flowing wells in the surrounding area including the fish farm located west of me and directly south of the proposed rezone. Ground water contamination is an ever present issue and this entire area has ground water close to the surface creating concerns for and from septic systems.

I appreciate this P&Z commission and your strong agricultural background and thank each of you for your service. Thanks for considering these issues and hope you all have a happy Holiday Season.

Sincerely,


Kip E. Panter

Keith L Christensen
1404 W 6200 N
Smithfield, Utah 84335

04 December 2024

Cache County Planning Commissioners:

Nate Daus, Kurt Bankhead, Brady Christensen, Lane Parker, Val Jay Rigby, Chris Sands, Jason Watterson, and Nolan Gunnell.

c/o Cache County Development Services
179 North Main, Suite 305
Logan, Utah 84321

Project: Rick Champlin Rezone

Cache County Planning Commission,

Our property borderlines most of the west boundary of the 2 parcels that are involved with the Rick Champlin Rezone request. Parcels 08-038-0012 and 08-088-0008.

There are a few items that need careful consideration.

A- Spring

- **Explanation:** A spring and several drainage pipes buried on parcel 08-088-0008. Refer to Exhibit A below. The spring and drainage water runs into a collection basin on the east edge of parcel 08-088-0002 (our parcel). The collection basin collects water from this spring, an additional spring on parcel 08-088-0002, and an open free flowing well. The water then runs south and surfaces in a collection pond at the Mountain Valley Fish Farm.
- **Concern:** water contamination to the fish farm from septic systems.

B- Home Water Well

- **Explanation:** Our well is an artesian free flowing well at about 9 gallons per minute. Currently our pump is on the surface as the water free flows to the surface.
- **Concern:** It is possible that the drilling of additional wells will reduce or eliminate that flow and lower the well water level to where we possibly may need to install a pump down the well.

C- Surface Water

- **Explanation:** Most of the surface water (melting snow, etc.) from both parcels drains from east to west. Refer to Exhibit B below. We installed an 8" culvert under our driveway to mitigate the damming of the water flow. This culvert allows the water to flow onto our land.
- **Concern:** Drainage needs to be diverted to the north property ditch next to the 6200 N.

D- Recommendation:

- Leave Zoning to A10, or Zone it to RU5.

Sincerely,



Keith L Christensen

Exhibit A

**Spring Water Collection For Use
At The Fish Farm**



Exhibit B

Surface Runoff Water

**Culvert Under Drive-
way Is Currently
Plugged. Water
From Ditch Backs
Up And Runs South
Up And Runs South
To A Culvert Under
Driveway**



Rick Champlin Rezone Request Cache County Planning Commission Hearing,
December 5, 2024 Prepared by Thad L. Erickson

This request to rezone 29.5 acres west of Smithfield to a RU2 zone from an A10 zone is receiving a lot of concern from neighbors and should receive close scrutiny as to its potential impact on Cache groundwater quality.

About two decades ago the Cache County Water Policy Advisory Board in conjunction the Utah Geological Survey (UGS) funded a Ground Water Quality Classification project in Cache County. This resulted in two technical reports dated 2003 and 2007. These reports have been added by Alma Burgess to the county data base. Recent conversation with Robert Beers, On Site Manager, Utah DEQ, 385-501-9580, robert.beers@utah.gov, determined that this water quality assessment method is still highly recommended to county governments. Two assessments in Utah are ongoing using DEQ grants. Washington County has recently completed such an assessment. One major purpose of such a study is to allow county government to determine what level of degradation in water quality is acceptable politically in order to guide septic tank density. Beers stated in a conversation today that he highly recommends using these reports and that I am on the right track in raising county water manager's awareness of the two UGS water quality assessment reports.

In Wasatch County about two decades ago, such a classification assessment was used by county government to defensibly reduce septic tank density in the Midway area from one lot per acre to one lot per five or more acres. This was the selling point of UGS to Cache County at the time.

In interviewing several key water managers in Cache County, I find that this important DEQ encouraged situation has been lost to folks corporate memory. Beers is a strong advocate of using advanced septic systems where appropriate to insure that ammonia effluent from septic tanks is properly oxidized and converted to nitrates. State rules require that the bottom of drain fields be at least two feet above ground water to be effective in this chemical process. The 29.5 land parcel involved is laced with a shallow drain system and has two springs. Beers said that septic systems using graded sand and what he calls a "magic box" would keep the drainfields shallow and above the shallow aquifers and thus effective. Such a method would insure that drain fields did not intersect with shallow numerous aquifers.

From the Home Office of . . .

Alma & Cheryl Burgess

435-512-4936 (Alma)

1057 West Hwy 218

435-512-4931 (Cheryl)

Smithfield, Utah 84335

almaburgess@gmail.com or cherylburgess@gmail.com

December 4, 2024

Development Services Department

179 North Main, Suite 305

Logan, Utah 84321

Dear Development Services Department and Cache Planning Commission:

SUBJECT: PROPOSED REZONE FOR 1200 W. 6200 N., SMITHFIELD

We love living in an unincorporated area of Cache County. We are concerned about the encroaching development all around us on the west side of Smithfield. We have had developers knock on our door and our parents' home next door, asking us to sell. We've received multiple letters with the request and multiple phone calls. Developers are anxious to get their hands on land near the new Smithfield LDS Temple, and we have 39 acres of beautiful farmland in the block west of it.

When the RU2 rezone went into effect across the street (south side of Hwy 218 at 960 West) approximately five years ago, the developer originally had four lots for sale, but he was stopped and told only three on one private drive would be permitted by the county. This developer let everyone in this area know that he believed he would exceed the three homes, and he was right. Now, there is a sixth home being built on that private lane, all sharing one well, and all on septic tanks. It's common for developers to request an RU2 and cluster homes on the property with the statement of "In the future when things change, we will add more homes to the rest of the land." We had a developer request a meeting with our family a week ago to pitch us the same line.

So, are we surprised that 29.5 acres further west and just a little north were picked up by a developer wanting to do the same? Of course not. But, we are concerned about the following:

1. The A10 zoning is disappearing around us. This zone exists to keep the county more rural. We are losing the very essence of what makes Cache County great—agricultural land
2. The increase of septic tanks around all of us on well water. We are concerned about water contamination from the proposed septic tanks.
3. The loss of more artisan flowing wells. We had two artisan flowing wells on our property that no longer flow because of all of the well drilling. Keith and Nora Christensen, the couple who live directly adjacent to this proposed subdivision, will face the same loss if these homes are permitted to drill wells to approximately 120 feet underground, which will be in the aquifer used by everyone already here.
4. The predominate lack of concern over where the water is coming from when developers request building permits

5. The roads. On that very corner, a young mother was driving last fall and went off the road. Her car with her in it wasn't visible from the road or to anyone driving by. She couldn't get out of the car. The road is narrow.
6. Another concern is potential contamination from the septic tanks of the fish farm located to the southwest. There is a study (https://ugspub.nr.utah.gov/publications/reports_of_investigations/ri-257.pdf) on a recommendation of septic densities in Cache Valley. This study should be considered when multiple septic tanks and wells are placed in close proximity to others.
7. Stormwater drainage from the proposed rezone to Keith & Nora Christensen's property directly to the west is also a concern. Putting that many homes east of the Christensens will create a lot of additional stormwater drainage that could severely impact them.
8. We have a federal USGS (US Geological Survey) measuring well on our family farm. This well has been used for going on a century by the State of Utah to measure water levels in Cache County. This data is used in water reports for the State of Utah. The well data shows that underground water levels are **seriously** declining. As already mentioned, our two artisan-flowing wells on our family property are no longer flowing because of the increased water use in the area. One of those wells is the USGS well.
9. When water is at its lowest in the summer, it is pulled for public use by Smithfield City from the city well (located at Forrester acres), which is pulled on the same aquifer as homes on culinary wells. In some years, the pumps are turned on in August, others in July, and they run until the water is "turned out of the system in October." When the public wells are turned on each summer, the water levels significantly drop for residential homes using private wells.
10. Our concern is that adding additional wells in the area will only add to the problem.

Adding a 14-home subdivision west of 1200 West with the draw of additional well water and that many septic tanks on 29.5 acres is concerning. Address of proposed rezoning from A10 to RU2: 1200 West and 6200 North, west of Smithfield. **We request the following:**

1. We request that a DEQ (Department of Environmental Quality) study be conducted to allow for the many septic tanks and wells in this consolidated area.
2. We request that the prior septic tank density study be evaluated before this and other proposed developments in Cache County are approved or denied:
https://ugspub.nr.utah.gov/publications/reports_of_investigations/ri-257.pdf
3. We request that the county set a requirement for any new wells in the area to be drilled lower than the current 120 feet (location of the first aquifer in the area)
4. We request that additional consideration be given to preserving A10 zoning
5. We request that this area not be reduced further than to RU5 zoning
6. We request that regardless of whether the land is approved for A10, RU5, or RU2 that the developer not be permitted to cluster homes and is kept to the standard intended by the zoning: one home per acreage as set without clustering.

Please do not allow developers to control what Cache County becomes. Lost agricultural land can never be recovered. The definition of RU2, according to the Cache County site, includes the wording "residential development in a moderately dense pattern." Please do not let that define this area.

Sincerely,

Alma & Cheryl Burgess



The following legal description reflects the noted property above to be rezoned to the Rural 2 (RU2) Zone:

08-038-0012

BEG 50 LKS W & 50 LKS N OF SE COR OF SW/4 SEC 20 T 13N R1E, N 4.75 CHW 20 CH S 4.75 CH E 20 CH TO
BEG 9.50 AC C1159

08-088-0008

BEG AT A PT 50 LKS W FROM SE COR SW/4 SEC 20 T 13N R 1E, S 9.75 CH W20 CH N 9.75 CH E 20 CH TO BEG
20 AC

Ordinance No. 2025-03

Cache County, Utah

Powder Mountain Rezone 2024 Rezone

An ordinance amending the County Zoning Map by rezoning 1,621 acres from the Forest Recreation (FR40) Zone to the Resort Recreation (RR) 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 December 5th, 2024, the Planning Commission held a public hearing, 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, on January 28th, 2025, the County Council held a public hearing, 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 properties to be rezoned are compatible with the purpose of the Resort Recreation (RR) Zone:
 - i.** To allow mountain resort and recreation development within Cache County on privately held land. This zone allows for multiple mountain resort and recreation uses within a master planned area. The regulations of the zone are designed to:
 - i.** Provide new recreation opportunities in northern Utah and create destination resort options for the county; and
 - ii.** Promote interesting, creative, and indigenous mountain landscaping, design and architecture that blends in with natural surroundings and follows project specific design guidelines; and
 - iii.** Stimulate the local economy and increase the tax base of the county; and
 - iv.** Protect the county's environment; and
 - v.** Regulate and control development
- B.** The rezone is partially consistent with the Cache County General Plan:
 - i.** The Cache County General Plan has identified this area as "Mountain Rural and Conservation". The preferred land uses of this area includes outdoor recreation and tourism while secondary land uses includes resorts.
- C.** The nearest parcel in the Resort Recreation (RR) Zone is directly adjacent to the south and south-west.

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 _____, 2025. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

7. Council Vote and Final Action

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

Cache County Council:

Attest:

Sandi Goodlander, Chair_____
Bryson Behm, County Clerk

Action of the County Executive

Regarding Ordinance 2025-03, Powder Mountain Rezone 2024 Rezone

_____ Approve

_____ Disapprove (A Statement of Objection is attached)

David Zook, Executive
Cache County

Date

Ord 2025-03

Powder Mountain Rezone 2024 Rezone

**Amending the Cache County Zoning Map by rezoning 1,621 acres
from the Forest Recreation (FR40) Zone to the Resort Recreation (RR) Zone**

County Council action

Hold a public hearing on January 28th, 2025.

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

Planning Commission action

Approval (4-yea; 0-nay).

Public hearing held on December 5th, 2024

Conclusion: Based on the findings of fact noted [in the staff report], the Powder Mountain Rezone 2024 rezone is hereby recommended for approval to the County Council as follows:

1. The location of the subject properties to be rezoned are compatible with the purpose of the Resort Recreation (RR) Zone:
 - a. To allow mountain resort and recreation development within Cache County on privately held land. This zone allows for multiple mountain resort and recreation uses within a master planned area. The regulations of the zone are designed to:
 - i. Provide new recreation opportunities in northern Utah and create destination resort options for the county; and
 - ii. Promote interesting, creative, and indigenous mountain landscaping, design and architecture that blends in with natural surroundings and follows project specified design guidelines; and
 - iii. Stimulate the local economy and increase the tax base of the county; and
 - iv. Protect the county's environment; and
 - v. Regulate and control development
2. The rezone is partially consistent with the Cache County General Plan:
 - a. The Cache County General Plan has identified this area as "Mountain Rural and Conservation". The preferred land uses of this area includes outdoor recreation and tourism while secondary land uses includes resorts.
3. The nearest parcel in the Resort Recreation (RR) Zone is directly adjacent to the south and south-west.

Staff Report review by Planning Manager

Angie Zetterquist

Staff Report by County Planner

Conner Smith

41 **General Description**

42 This ordinance amends the County Zoning Map by rezoning 1,621 acres from the Forest
43 Recreation (FR40) Zone to the Resort Recreation (RR) Zone.

44

45 **Additional review materials included as part of Exhibit A**

46 Staff Report to Planning Commission – revised



Staff Report: Powder Mountain Rezone 2024 Rezone

5 December 2024

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

Agent: Brooke Hontz

Parcel ID#: Multiple, See A-1-a-i

Staff Recommendation: None

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

Reviewed by Conner Smith

Project Address:

Acres: 1,621

North of Powder
Mountain Resort

Current Zoning:

Forest Recreation (FR40)

Proposed Zoning:

Resort Recreation
(RR)

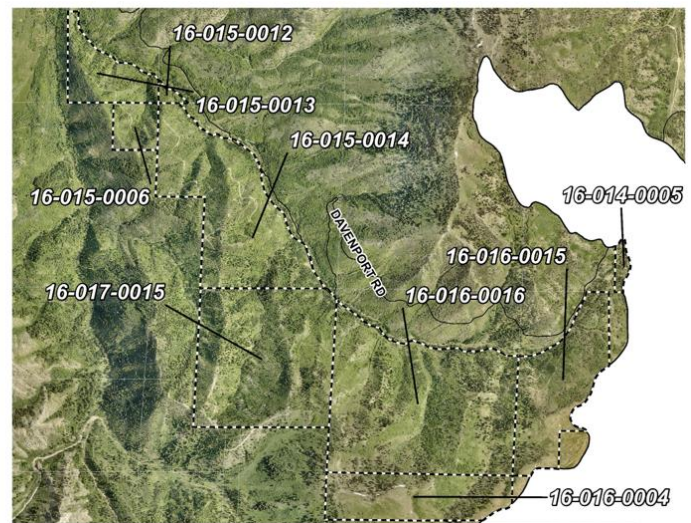
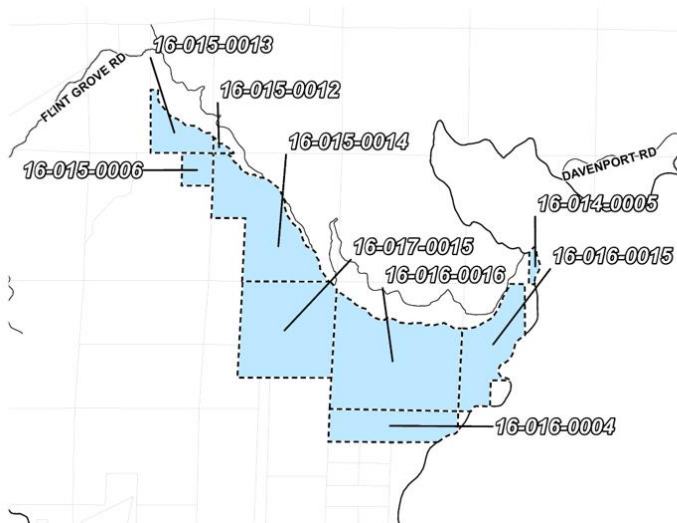
Surrounding Uses:

North – Recreation/Forest

South – Recreation/Forest

East – Recreation/Forest

West – Recreation/Forest

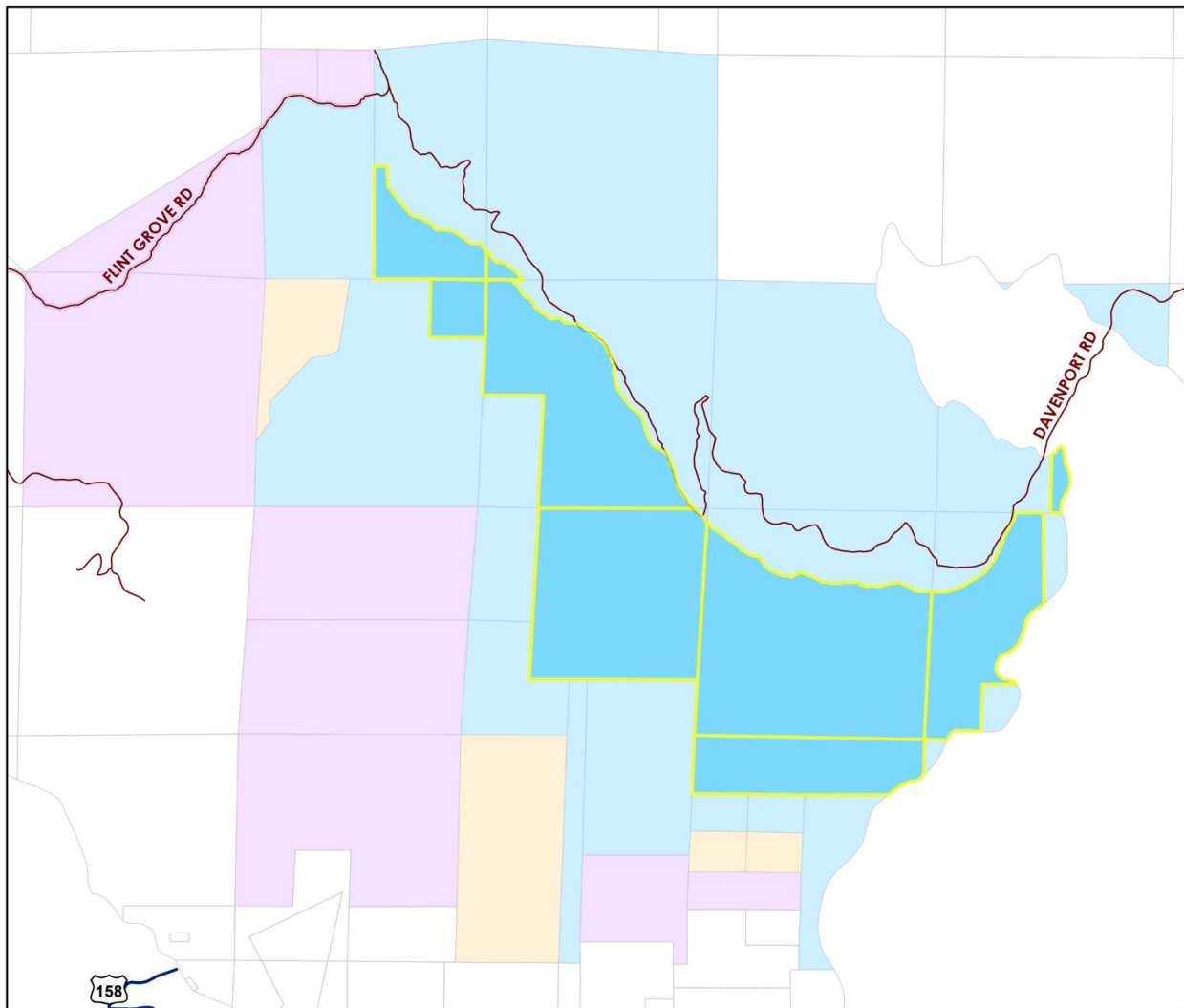


Findings of Fact

A. Request description

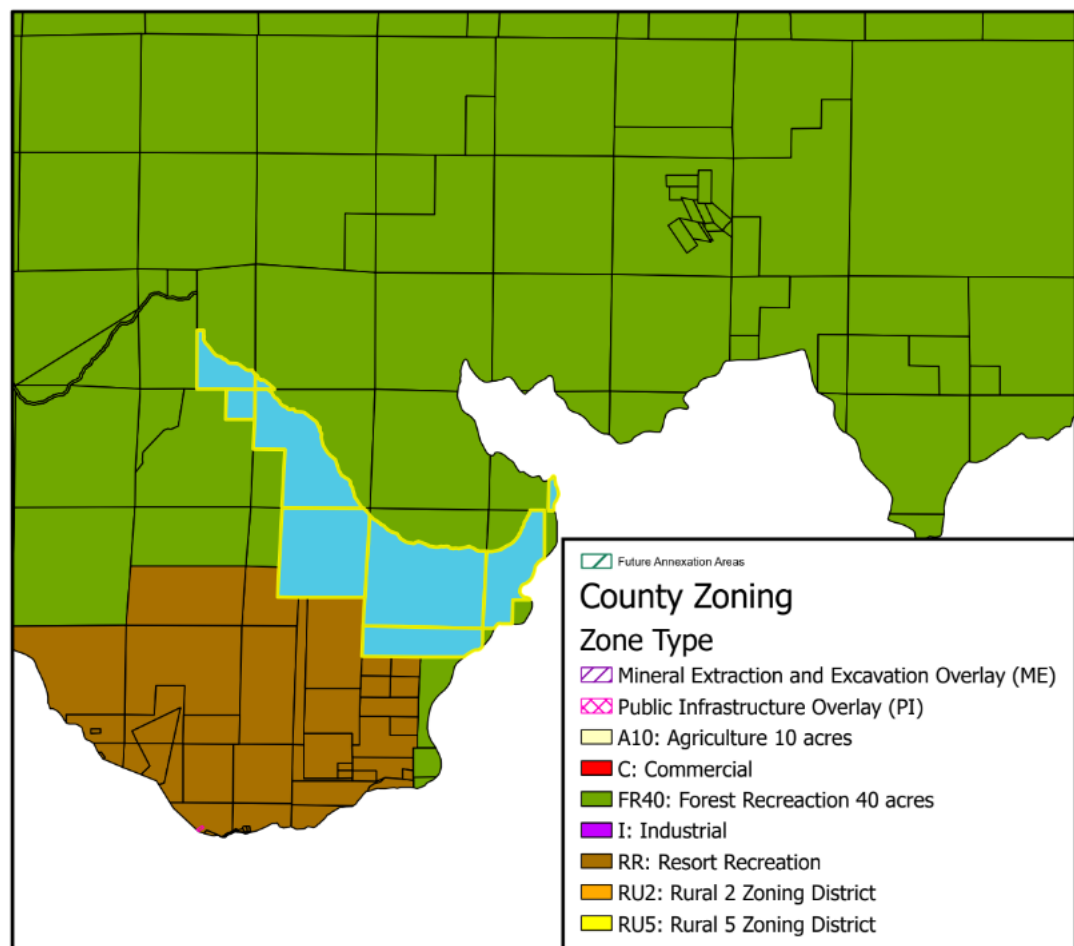
1. A request to rezone 1,621 acres from the Forest Recreation (FR40) Zone to the Resort Recreation (RR) Zone.
 - a. Included parcels:
 - i. 16-014-0005, 16-015-0006, -0012, -0013, -0014, 16-016-0004, -0015, -0016, 16-017-0015
2. This rezone may allow the parcels to establish uses permitted in the Resort Recreation (RR) Zone. A rezone request is general in nature and is not tied to any proposed use.

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:
 - 1. Parcels 16-014-0005, 16-015-0012, -0013, -0014, 16-016-0015, -0016, 16-017-0015 were split using a special warranty deed that was recorded on September 30th, 2024. As they were split without the necessary Land Use Authority approval, they are restricted.
 - 2. Parcels 16-015-0006 and 16-016-0004 match the configuration they had on August 8th, 2006 and are legal.
 - ii. Average Lot Size: (See Attachment A)



Average Parcel Size	
Adjacent Parcels	Without a Home: 173.3 Acres (31 Parcels)
1/4 Mile Buffer	Without a Home: 167.1 Acres (35 Parcels)
1/2 Mile Buffer	Without a Home: 178.6 (45 Parcels)

- i. Schedule of Zoning Uses: The Resort Recreation (RR) Zone allows for a variety of uses with the approval of a zoning clearance and/or Master Plan, including the following uses, that are not permitted in the current Forest Recreation (FR40) Zone.
 - Single Family Dwelling
 - Foster Home
 - Accessory Apartment
 - Home Based Business
 - Multi-Family Dwelling
 - Residential Living Facilities
 - Commercial Business
 - Home Based Kennel
 - General Vehicle Repair
 - Medical Services/Facilities
 - Human Care Services
 - Resort
 - Transient Lodging
 - Restaurant
 - Mobile Food Truck
 - Religious Meeting House
 - Farm Stand
 - Boarding Facility
- ii. Adjacent Uses: The parcels to the north, east, south, and west are primarily used for recreation and/or are forests.
- iii. Annexation Areas: The subject property is not located within any future annexation area.



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 Resort Recreation (RR) Zone but does contain general guidelines for its implementation. County Land Use Ordinance §17.08.030 [E] identifies the purpose of the Resort Recreation (RR) Zone and includes the following:
 - a. “To allow mountain resort and recreation development within Cache County on privately held land. This zone allows for multiple mountain resort and recreation uses within a master planned area. The regulations of the zone are designed to:
 - i. Provide new recreation opportunities in northern Utah and create destination resort options for the county; and
 - ii. Promote interesting, creative, and indigenous mountain landscaping, design, and architecture that blends in with natural surroundings and follows project specified design guidelines; and
 - iii. Stimulate the local economy and increase the tax base of the county; and
 - iv. Protect the county’s environment; and
 - v. Regulate and control development”
6. Chapter 4: Future Land Use Plan of the Cache County General Plan states:
 - a. 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.

- b. 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.

- 7. 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 "Mountain Rural and Conservation" *Cache County General Plan, Chapter 4, Page 25*. This section states:

- a. Location: The majority of privately-owned mountain and foothill areas.
- b. Example Areas: FR-40 zone that is not public land
- c. Purpose and Character: Forestry, recreation, and multiple resource uses on private lands. Forestry and recreation land uses are expected to continue. Maintaining the environmental quality of steep slopes, canyons, and forests with minimal residential development conserves watershed resources and improves resiliency from wildfire, geological, and flood hazards.
- d. Preferred Land Uses: Forestry, agriculture, conservation easements (CEs) and conserved public lands, watershed protection, hazard mitigation (i.e. floodplain management, steep slopes, and high wildfire hazard), outdoor recreation and tourism
- e. Secondary Land Uses: Seasonal residential housing at one unit per 40 acres, clustered subdivision developments, resorts, recreation business, and public institutions.
- f. Discouraged Uses: Residential development at a density greater than one unit per 40 acres, industrial, commercial office, commercial retail, heavy industrial.

- 8. No parcel is located in the Urban Expansion Overlay.

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

- 9. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.
- 10. §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.
- 11. Table §17.10.040 Site Development Standards – Minimum lot frontage required in the Industrial (I) Zone is 150 feet.
- 12. §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
- 13. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
- 14. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
- 15. The Road Manual specifies the following:
 - a. §12.1 Roadway Function Classification – Seasonal/Recreation: Seasonal/Recreation roads are found primarily in rural areas and serve lands that are subject to specialized uses,

including parks, tourist attractions, cabins, forest access, and recreation facilities, such as campsites, boat-launch ramps, and trailheads. These routes are typically open to the general public and are more likely that other functional classes of roads to be used by drivers who are unfamiliar them. In many cases these roads are used only seasonally, they accommodate a wide range of speeds, and they may be relatively long.

16. A full road review was not done for this request but will be evaluated as part of any future developments.

D. Service Provisions:

17. §16.04.080 [C] Fire Control – The County Fire District had no comments in regards to this application as services will be provided by Weber County.
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 November 2024.
20. Notices were posted in three public places on 22 November 2024.
21. Notices were mailed to all property owners within 300 feet on 22 November 2024.
22. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

Conclusion

The Powder Mountain Rezone 2024 rezone, a request to rezone 1,621 acres from the Forest Recreation (FR40) zone to the Resort Recreation (RR) Zone has been reviewed in conformance with Title 17 of the Cache County Land Use Ordinance and the County Manual of Roadway Design and Construction Standards. Staff has not made a recommendation based on the findings of fact identified above and any others identified at the public hearing. Although Staff has not made a recommendation for approval or denial, they can help Planning Commission draft a recommendation to County Council.

Planning Commission Conclusion

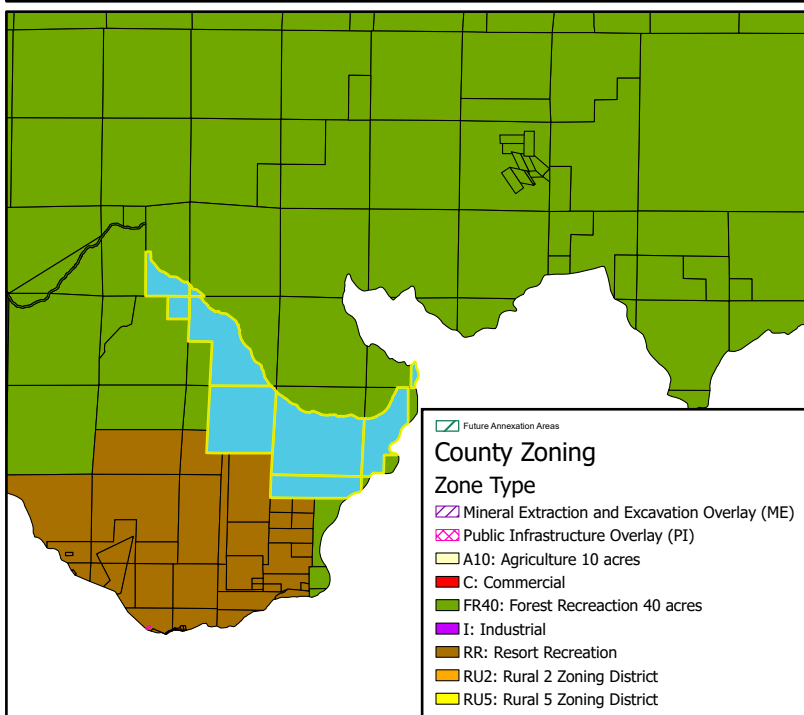
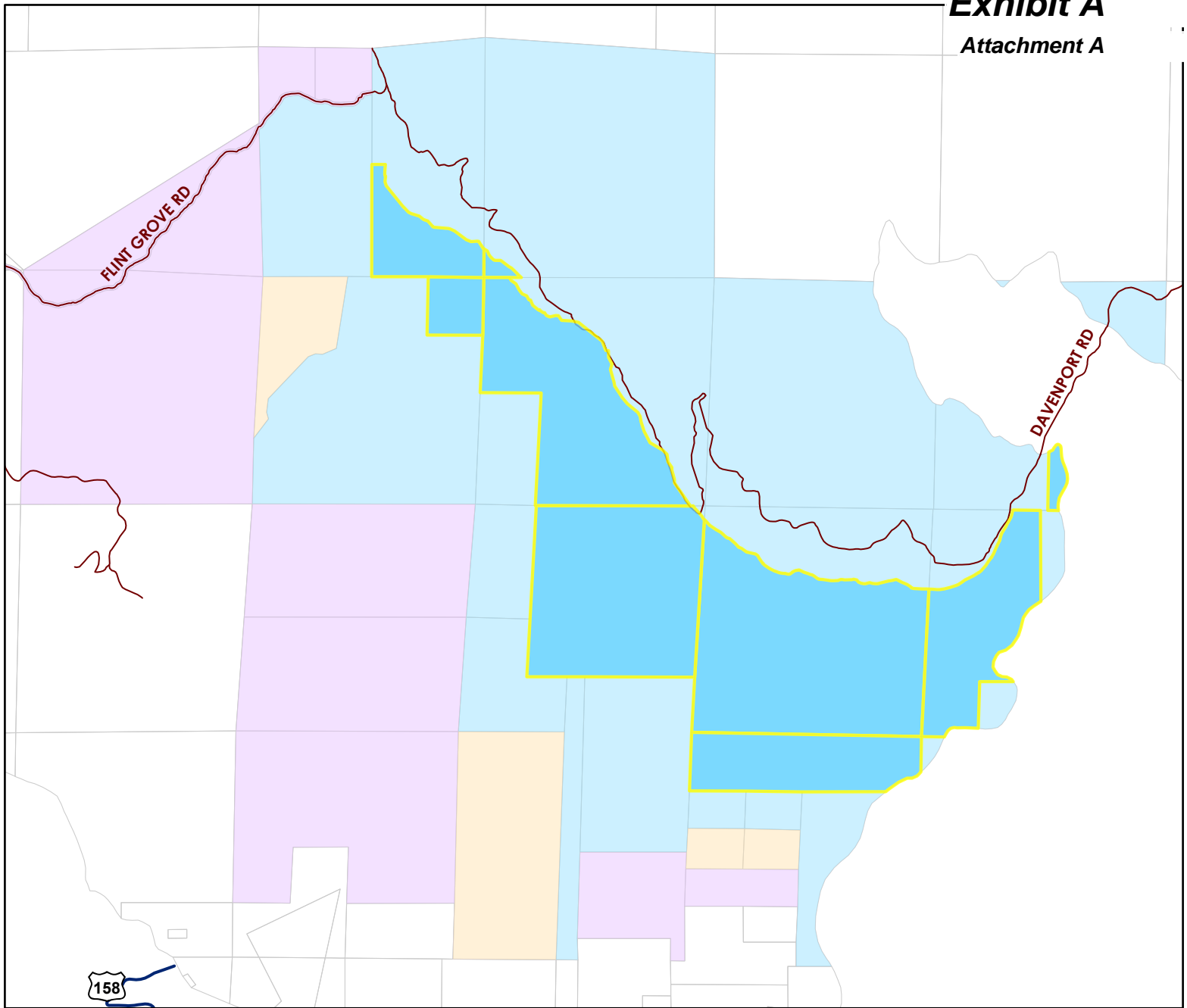
Based on the findings of fact noted herein, the Powder Mountain Rezone 2024 rezone is hereby recommended for approval to the County Council as follows:

1. The location of the subject properties to be rezoned are compatible with the purpose of the Resort Recreation (RR) Zone:
 - a. To allow mountain resort and recreation development within Cache County on privately held land. This zone allows for multiple mountain resort and recreation uses within a master planned area. The regulations of the zone are designed to:
 - i. Provide new recreation opportunities in northern Utah and create destination resort options for the county; and
 - ii. Promote interesting, creative, and indigenous mountain landscaping, design and architecture that blends in with natural surroundings and follows project specified design guidelines; and
 - iii. Stimulate the local economy and increase the tax base of the county; and
 - iv. Protect the county's environment; and
 - v. Regulate and control development
2. The rezone is partially consistent with the Cache County General Plan:
 - a. The Cache County General Plan has identified this area as "Mountain Rural and Conservation". The preferred land uses of this area includes outdoor recreation and tourism while secondary land uses includes resorts.

3. The nearest parcel in the Resort Recreation (RR) Zone is directly adjacent to the south and south-west.

Exhibit A

Attachment A



Legend

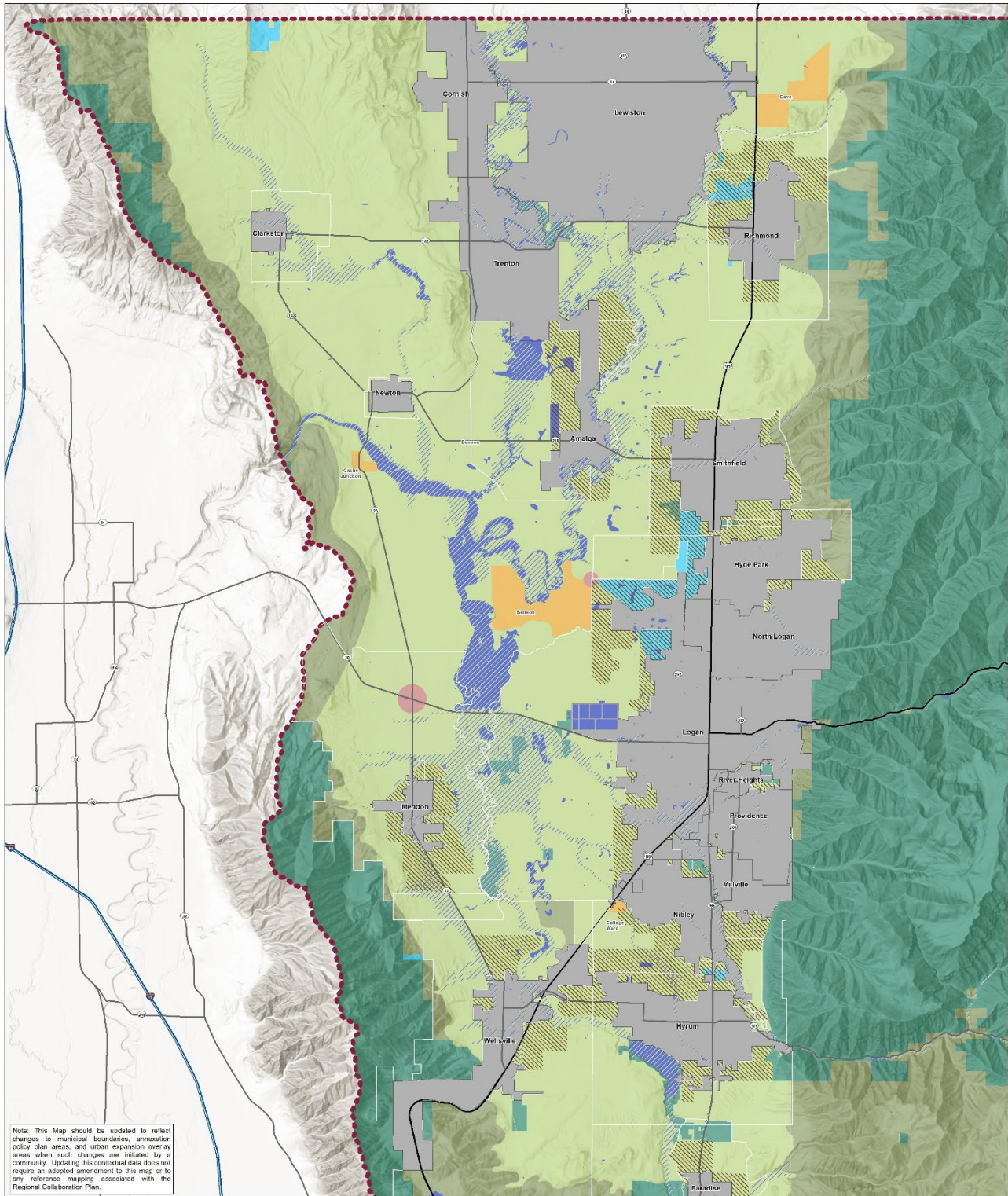
- Proposed Rezone
- Municipal Boundaries
- Subdivisions
- Parcels
- Winter Maintenance
- County Roads
- Highways

Average Parcel Size

Adjacent Parcels	Without a Home: 173.3 Acres (31 Parcels)
1/4 Mile Buffer	Without a Home: 167.1 Acres (35 Parcels)
1/2 Mile Buffer	Without a Home: 178.6 (45 Parcels)



11/25/2024



Water Bodies	Urban Expansion Overlay	Agriculture and Ranching
100 Year Floodplain	Retail Commercial	Mountain Rural and Conservation
Municipalities	Rural Community	Forest and Natural Resource
Annexation Policy Plan Areas	Industrial and Mineral Extraction	

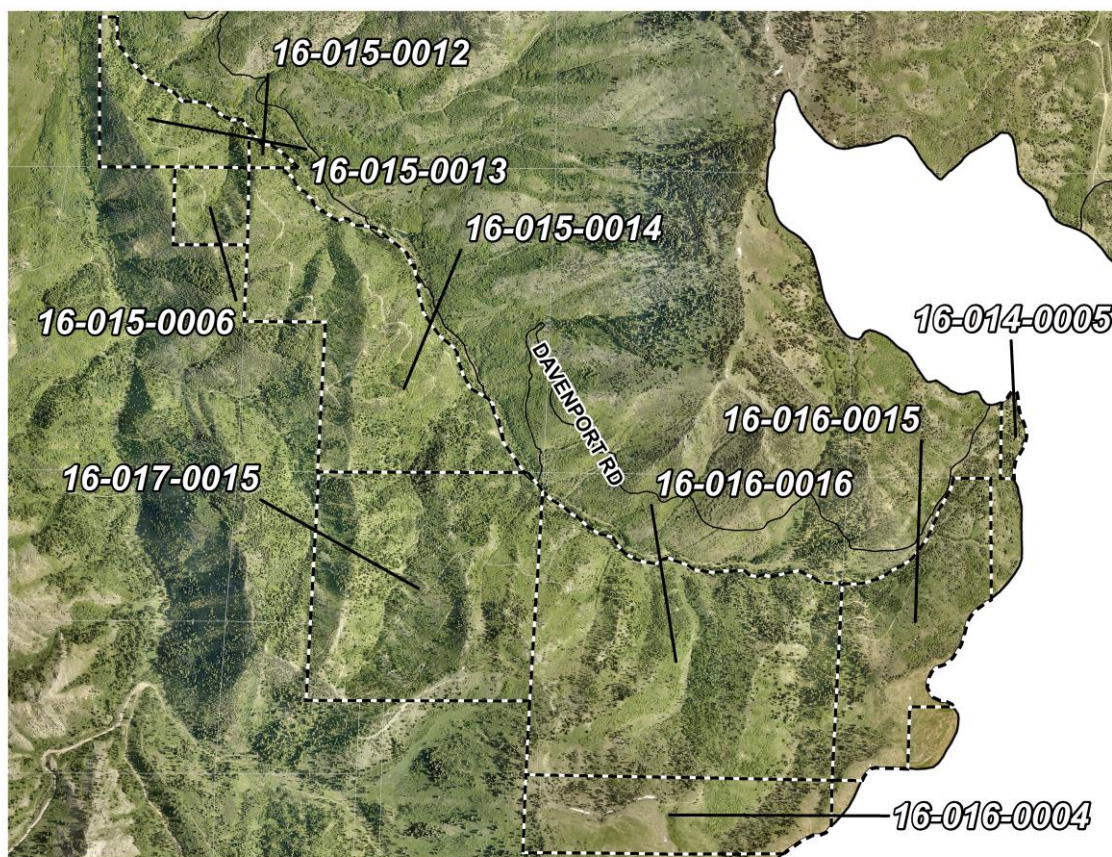
Cache County Future Land Use Map

Disclaimer: This map is illustrative and for advisory purposes only. This is not a regulatory or zoning document, and locations are generalized to illustrate concepts.

Date: February 28, 2023

0 0.5 1 2 3 4 Miles





The following legal description reflects the noted property above to be rezoned to the Resort Recreation (RR) Zone:

16-014-0005

THAT PART OF [SW 1/4 OF THE SE 1/4] SECTION 22 , TOWNSHIP 8 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, LYING IN CACHE COUNTY, AND LYING EASTERLY OF A LINE RUNNING 60 FEET TO THE EAST OF THE CENTERLINE OF DAVENPORT ROAD. (For reference, approximately 27 acres.) SUBJECT TO THE BOUNDARY LINE AGREEMENTS RECORDED IN BOOK 1575, PAGE 1972, BOOK 1579, PAGE 1784, AND IN BOOK 1580, PAGE 2545 (IN WEBER COUNTY).

CONT 27.00 AC

THE DESCRIPTION USED IN ENTRY #1364605 APPEARS TO BE IN CONFLICT WITH THE BRACKETED INFORMATION SHOWN ABOVE

16-015-0006

NE/4 OF NE/4 SEC 19 T 8N R 2E 40 ACA50-1

16-015-0012

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 8 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, CACHE COUNTY LYING SOUTHERLY OF A LINE RUNNING 60 FEET TO THE SOUTH OF THE CENTERLINE OF DAVENPORT CREEK. CONT 5.00 AC

16-015-0013

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 8 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, CACHE COUNTY, LYING SOUTHERLY OF A LINE RUNNING 60 FEET TO THE SOUTH OF THE CENTERLINE OF DAVENPORT CREEK, CONT 85.00 AC

16-015-0014

PORTIONS OF THE NORTH HALF; THE SOUTHEAST QUARTER; AND THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 8 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, CACHE COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE NORTHWEST CORNER OF SECTION 20, TOWNSHIP 8 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE S89°54'55"E 604.89 FEET ALONG THE SECTION LINE; THENCE S19°23'27"E 71.32 FEET; THENCE S55°45'59"E 138.46 FEET; THENCE S27°55'55"E 159.48 FEET; THENCE S37°41'34"E 118.63 FEET; THENCE S65°08'25"E 114.89 FEET; THENCE S28°27'53"E 98.13 FEET; THENCE S73°37'13"E 47.96 FEET; THENCE S20°54'15"E 124.92 FEET; THENCE S50°05'29"E 176.35 FEET; THENCE N60°16'20"E 27.48 FEET; THENCE S27°37'48"E 26.02 FEET; THENCE S56°37'45"E 85.77 FEET; THENCE EAST 35.90 FEET; THENCE S31°23'27"E 80.73 FEET; THENCE S66°49'02"E 84.94 FEET; THENCE N75°33'09"E 140.83 FEET; THENCE S84°08'04"E 67.39 FEET; THENCE S33°11'24"E 125.73 FEET; THENCE S86°03'43"E 237.55 FEET; THENCE S78°41'51"E 160.29 FEET; THENCE S51°33'06"E 701.83 FEET; THENCE S20°53'13"E 229.20 FEET; THENCE S85°45'40"E 60.59 FEET; THENCE S2°55'15"E 162.69 FEET; THENCE S28°12'43"E 166.44 FEET; THENCE S16°43'48"W 135.81 FEET; THENCE S15°54'53"E 309.77 FEET; THENCE S8°28'37"E 86.54 FEET; THENCE S33°54'50"E 325.21 FEET; THENCE S39°05'16"E 182.55 FEET; THENCE S50°22'02"E 313.42 FEET; THENCE S31°40'23"E 105.01 FEET; THENCE S8°55'39"E 134.03 FEET; THENCE S17°47'48"E 233.61 FEET; THENCE S27°13'58"E 293.64 FEET; THENCE S59°56'25"E 338.39 FEET; THENCE S46°16'27"E 138.77 FEET; THENCE S7°46'56"E 181.35 FEET; THENCE S36°11'40"E 156.58 FEET; THENCE SOUTH 60.18 FEET; THENCE S15°05'44"E 228.89 FEET; THENCE SOUTH 78.36 FEET; THENCE S32°42'43"E 417.07 FEET; THENCE S39°49'53"E 156.09 FEET; THENCE S89°07'58"W 3,555.31 FEET ALONG THE SECTION LINE TO THE WEST 1/16TH CORNER BETWEEN SECTIONS 20 AND 23; THENCE N2°58'36"E 2,612.09 FEET ALONG THE 40 ACRE LINE TO THE CENTER-WEST 1/16TH CORNER OF SECTION 20; THENCE N89°32'49"W 1,416.52 FEET ALONG THE 40 ACRE LINE TO THE WEST QUARTER CORNER OF SECTION 20; THENCE N2°35'12"E 1,332.97 FEET ALONG THE SECTION LINE TO THE NORTH 1/ 16TH CORNER BETWEEN SECTIONS 19 & 20; THENCE N1°07'20"E 1,341.40 FEET ALONG THE SECTION LINE TO THE POINT OF BEGINNING. CONT 298.00 AC

16-016-0004

THAT PT OF FOLLOWING IN CACHE COUNTY: ALL THE N/2 OF THE N/2 SEC 33 T 8N R 2E NET 155.18 AC

16-016-0015

NORTHWEST QUARTER AND THE WEST HALF OF THE SOUTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 8 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, LYING IN CACHE COUNTY AND LYING SOUTHERLY AND EASTERLY OF A LINE RUNNING 60 FEET TO THE SOUTH AND EAST OF THE CENTERLINE OF DAVENPORT CREEK. CONT 192.00 AC

16-016-0016

THAT PORTION OF SECTION 28, TOWNSHIP 8 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, CACHE COUNTY, LYING SOUTHERLY OF A LINE RUNNING 60 FEET TO THE SOUTH OF THE CENTERLINE OF DAVENPORT CREEK. CONT 463 AC

16-017-0015

THAT PART OF SECTION 29, TOWNSHIP 8 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, CACHE COUNTY, DESCRIBED AS FOLLOWS: THAT PORTION OF THE NORTHEAST QUARTER LYING SOUTHERLY OF A LINE RUNNING 60 FEET TO THE SOUTH OF THE CENTERLINE OF DAVENPORT CREEK; TOGETHER WITH THE NORTH HALF OF THE SOUTHEAST QUARTER, THE EAST HALF OF THE NORTHWEST QUARTER, AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER. CONT 354.00 AC



CACHE COUNTY
RESOLUTION NO. 2025 - 03

**A RESOLUTION APPROVING THE RE-DRAFTED INTERLOCAL AGREEMENT
FOR THE BEAR RIVER ASSOCIATION OF GOVERNMENTS (BRAG)**

- (A) WHEREAS, Utah Code §11-13-203(2) permits counties in the State of Utah to enter into an agreement to approve the creation of a Utah interlocal entity regarding a cooperative action; and
- (B) WHEREAS, the Bear River Association of Governments (Region I), hereinafter referred to as “BRAG” or “Association,” is “a voluntary organization of governments to facilitate inter-governmental cooperation and to ensure the orderly and harmonious coordination of federal, state, and local programs for the solution of mutual concerns of the region”;
- (C) WHEREAS, Cache County has been a participating member of BRAG for several decades and believes in, and is committed to continuing its participation towards, its mission;
- (D) WHEREAS, officials from the counties constituting BRAG, including Box Elder County, Cache County, and Rich County recognize a new agreement is needed because the prior agreement may not exceed a term of 50 years under Utah Code and that time has lapsed; and
- (E) WHEREAS, Cache County Code 3.16.060(B) states, “No interlocal cooperation agreement requiring approval of the county council pursuant to state law may be entered or executed without the adoption of a resolution of approval by the county council.”

NOW, THEREFORE, BE IT RESOLVED that the Cache County Council approves the re-drafted Interlocal Agreement for the Bear River Association of Governments, attached as Exhibit A, subject to the provisions therein and applicable state law.

NOW, BE IT FURTHER RESOLVED that upon signing the aforementioned agreement, this resolution approving the agreement shall be forwarded to the Rich County Commission, the Box Elder County Commission, and the keeper of records of the Association pursuant to Utah Code 11-13-209.



CACHE COUNTY
RESOLUTION NO. 2025 - 03

PASSED AND APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH
THIS ____ DAY OF _____, 2025.

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

CACHE COUNTY:

ATTEST:

By: _____
Sandi Goodlander, Chair

By: _____
Bryson Behm, County Clerk



CACHE COUNTY
RESOLUTION NO. 2025 - 03

EXHIBIT A

“Bear River Association of Governments Interlocal Agreement”

[The rest of this page is intentionally left blank]

INTERLOCAL AGREEMENT
BEAR RIVER
ASSOCIATION OF GOVERNMENTS

Re-drafted from the Articles of Association dated November 28, 1973 which was re-drafted and re-executed from the original version dated June 23, 1971 that included amendments from May 24, 1972, October 25, 1972, and October 24, 1973.

We, the representatives of the counties of Box Elder, Cache, and Rich, find the following. First, concerns of growth and development transcend the boundary lines of our local government units and that no single unit can plan for their solution without affecting other units in the region. Second, various multi-county planning activities available under various laws of the United States should be conducted and administered in a coordinated manner. Third, intergovernmental cooperation on a regional basis is an effective means of combining the resources of local governments to approach common concerns.

Therefore, we hereby continue this voluntary collaborative effort by establishing this interlocal agreement and continuing the organization known as Bear River Association of Governments (Region I). We will continue to meet regularly to discuss and study area-wide concerns of common interest and to develop policies and recommendations for ratification and implementation by the counties who are members of the Association.

We also continue to encourage cooperation. We declare that this Association is not a new layer of government, nor is it a government that holds power over the governments that created it. As a voluntary organization, we continue the effective execution and coordination of programs to meet the common needs of the citizens. Our goal is to utilize our combined resources to provide a more effective means of planning for and developing the physical, economic, and government resources of the region to address the mutual concerns we face.

We declare that the Bear River Association of Governments (Region I) was previously established by the joint powers agreement among its previous members pursuant to Utah Code Title 11, Chapter 13 (1953, as amended). The Association shall now continue as a public agency pursuant to Utah Code Title 11, Chapter 13, Interlocal Cooperation Act (2002, as amended), and is separate from the agencies creating it, is a body politic and corporate, and is a political subdivision of the State of Utah.

Terms & Conditions

I. Definitions

Region. A geographic area composed of groupings of counties designated and established for carrying out the purposes of these articles.

Regional Concerns. A regional issue that meets the following criteria:

- a. A concern that is common to two or more local governments within the region, the solution of which will not or cannot be achieved by government agencies acting independently of each other, or which cannot be achieved separately as economically as when acting cooperatively, and
- b. A concern regarding the public health, safety, or welfare that is not the specific duty of the local public health department, law enforcement, or any other government agency charged with these concerns.
- c. The following list is an incomplete list of recognized regional concerns and does not limit BRAG to these efforts only:
 - i. Aging services;
 - ii. Community and economic development;
 - iii. Housing; and
 - iv. Human services.

II. Purpose

The Bear River Association of Governments (Region I), hereinafter referred to as “BRAG” or “Association,” is a voluntary organization of governments to facilitate inter-governmental cooperation and to ensure the orderly and harmonious coordination of federal, state, and local programs for the solution of mutual concerns of the region.

Additionally the purpose of the Association should be to create efficiencies and cost savings to the taxpayers by having shared regional staff to carry out designated functions of government. It should help eliminate the duplication of efforts and provide local governments with planning, coordination, and administration of state and federal programs. It should also bring resources to the area that might not otherwise be available while ensuring those resources meet local needs.

III. Powers & Duties

The Association shall hold all the powers and duties that are permitted under Utah Code §11-13-204(1). Some of these powers and duties of the Association are listed below along with other powers and duties delegated to the Association.

a. The power to:

- i. Act in its own name, to sue and where appropriate, to be sued;
- ii. Make, enter into, and enforce all manner of contracts and obligations consistent with the law for the purposes, duties, and functions stated in this interlocal agreement;
- iii. Adopt and amend bylaws, policies, and procedures for the regulation of the Association's affairs and to conduct its business;
- iv. Amend or repeal bylaws, policy, or procedure;
- v. Create, construct, or otherwise acquire facilities or improvements to render services or provide benefits to meet the purposes set forth in this agreement;
- vi. Issue bonds or notes as permitted under Utah Code §11-13-218 and all other applicable laws; and
- vii. Perform any other act or function permitted under the Interlocal Cooperation Act (2002, as amended).

b. The duty to:

- i. Identify, discuss, study, and bring into focus regional challenges and opportunities;
- ii. Make the most effective use of local government leadership and staff resources;
- iii. Engage and carry out planning and development programs to achieve regional benefit and advantage;
- iv. Review and create policy with respect to proposals from public and private agencies;
- v. Provide effective communication and coordination among public officials pertaining to regional interests;
- vi. Serve as a liaison between the local governments and interested groups and organizations;
- vii. Register and maintain its registration as a limited purpose entity in accordance with state law;
- viii. Serve as a regional representative for the counties served by BRAG;
- ix. Perform those functions delegated to the Association that are identified in this interlocal agreement;

- x. Establish a system of personnel administration as provided in Utah Code §11-13-225 and in conformity with all other applicable laws; and
- xi. Perform other duties as deemed appropriate by the counties.

IV. Functions Delegated to the Association

- a. Administer & Coordinate Programs. The Association shall coordinate, administer, and operate common programs of mutual interest and impact to the region. The Association is the authorized agent to receive federal grants for all planning and development programs that have multi-county or regional level designation. Regarding these functions, BRAG may establish boards, committees, or similar subunits to meet state and federal program requirements or to meet its own requirements. The Governing Board of the Association shall determine the composition of these subunits, but in no case may the subunit have less than thirty-three (33) percent elected local government officials. Subunits shall, as far as practical, serve as advisory groups to the Governing Board.
- b. Planning. The Association shall prepare and amend area-wide plans for the physical, economic, and social resources of the region, and conduct studies and research on matters of regional concern. These plans shall serve to foster, develop, and review policies and priorities for regional growth and development.
- c. Review of Federal & State Aid Programs. The Association has the authority to apply for and receive state and federal grants for regional purposes. The Association may review and coordinate federal, state, and local applications for loans or grants from the United States of America for all units of government operating within the region. The Association shall be eligible to serve as the official clearinghouse agency for the purpose of Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 and Title IV of the Intergovernmental Cooperation Act of 1968, acting on behalf of, and under the recommendations of the counties of the Association. The Association shall develop review procedures in accordance with federal requirements.
- d. Services to Local Governments. The Association may furnish general and technical aid to local units of government within the region to provide them with services and technical assistance with planning and development activities.

- e. Joint-Powers Authorization. The counties may authorize the Association to exercise those powers held by the counties that are necessary or desirable for dealing with concerns of mutual interest. Such authorization may include joint financing, scheduling, and development of public facility projects with interjurisdictional significance or involve direct public services functions.

V. Governing Structure

- a. Governing Board. The Association shall have one policy making body known as the Governing Board. The Governing Board shall consist of the county commissioners of Box Elder and Rich Counties, the County Executive and two appointed county council members from Cache County, and two appointed mayors from each county. One mayor from each county should represent the largest municipality in the county and another mayor should represent the remaining municipalities within the county. The county commission or county council of the respective county shall appoint each appointed position.
 - i. Fiduciary Duty. Each member of the Governing Board has and owes a fiduciary duty to the Association at large.
 - ii. Terms of Office. Appointed members on the Governing Board shall serve until the respective jurisdictions elect their successors. All other positions are permanent positions.
 - iii. Officers. The Governing Board shall elect the officers of the Governing Board by a majority vote. There shall be a chairperson and a vice chair.
 - iv. Voting. Each member of the Governing Board shall have one vote. A simple majority of the entire Governing Board is necessary to make a determination on an issue.
 - v. Quorum. A quorum shall consist of either the Chair or the Vice Chair and a majority of the other members of the Governing Board.
 - vi. Meetings. The Governing Board shall approve a yearly meeting schedule and shall meet at least quarterly. The Governing Board may meet upon the call of the Chair if the need arises. Every six months, the Governing Board shall hold a meeting where the Executive Director presents a full report of current activities and where the Executive Director or a designee presents the budget and financial transactions that transpired since the previous semi-annual meeting. This semi-annual meeting may be held during a regularly held board meeting or as a separate meeting.
 - 1. Each meeting of the Governing Board shall comply with Utah Code Title 52, Chapter 4, Open and Public Meetings Act

- (2006, as amended) regardless of whether the Association is supported in whole or part by tax revenue;
2. The Governing Board shall adopt rules of order and procedure to govern public meetings;
 3. Conduct meetings in accordance with adopted rules of order and procedure; and
 4. Make the rules of order and procedure available to the public at each meeting and on the Association's website if available.
- vii. Responsibilities. The powers and responsibilities of the Governing Board are to:
1. Manage and direct the business and affairs of the Association;
 2. Adopt bylaws for the orderly functioning of the Governing Board;
 3. Adopt and enforce rules and regulations for the orderly operation of the Association or for carrying out the Association's purposes;
 4. Establish and impose fees for the services provided by the Association;
 5. Establish advisory councils and subcommittees as needed;
 6. Appoint, fix the salary of, and remove the Executive Director;
 7. Review the actions of the Executive Director and the staff;
 8. Control or direct litigation to which the Association is a party or in which it is otherwise involved;
 9. Delegate to employees or officers the authority to exercise a power or to perform a function of the Association, as needed;
 10. Adopt rules or policies for the competitive public procurement of goods and services required for the operation of the Association as required under Utah Code §11-13-226; and
 11. Perform all functions provided in the interlocal agreement and the Interlocal Cooperation Act that are necessary to accomplish the Association's purpose unless otherwise specified in the agreement or the Interlocal Cooperation Act.
- viii. Compensation. The members of the Governing Board may receive compensation for their services in accordance with Utah Code §11-13-403.

b. Staff and Staff Services

- i. Executive Director. The position of Executive Director is an at-will position. The Governing Board shall appoint the Executive Director and may terminate the Executive Director for any reason that is not contrary to the law. The Governing Board shall vote on whether to terminate the Executive Director when the issue is brought before them. The Chair or Vice Chair shall ensure that the issue of termination is addressed by the board if any one or more board members request that the board consider terminating the Executive Director.
 1. Responsibilities. The responsibilities of the Executive Director are:
 - a. Coordinate and direct all staff;
 - b. Recommend staff appointments, advancements, employment policies, and policy amendments to the Governing Board;
 - c. Prepare and administer an annual work program and budget; and
 - d. Perform all other duties delegated from the Governing Board.
- ii. Central Staff. The Association may provide basic administrative, research, and planning services for all regional activities of the Association. The central staff shall perform their activities for and be responsible to the Governing Board.
- iii. Other Staff. The Governing Board may appoint the staff of the Association when recommended by the Executive Director or when recommended and contributed by any public agencies or any of the counties that are a member of the Association.

VI. Finances

- a. Fiscal Procedures. The Association shall comply with all relevant requirements of the law as found in Utah Code Title 11, Chapter 13, Part 5 Fiscal Procedures for Interlocal Entities.
- b. State & Federal Funding. The Association shall exert maximum effort to obtain and use state and federal funds whenever possible.
- c. County Funding. Each county must contribute to the Association. At a minimum, the three counties shall contribute funds annually to meet the requirements of federal match funds and to help cover administrative and

operational costs of the Association through an assessment that is in addition to match funds.

- i. The Association must submit the total requested county match amount and the recommended assessed amount to the three counties well in advance of the time the counties adopt their budgets. The counties must each contribute a portion of the total match and assessed amounts approved by the counties. The counties may approve, disapprove, or request an adjustment to any match or assessed amount. Each county contribution from the total match and assessed amounts shall be proportional to the total population of the counties as determined by the most recent federal census.
 - ii. The Association may levy a separate special assessment on any of the three counties that agree with the Association to provide special services to that government alone, if approved by the legislative body of that county.
- d. Budget. The Executive Director or designee shall prepare a proposed annual budget describing the estimated revenues and expenditures for the consideration and approval of the Governing Board in accordance with Utah Code §11-13-508 through 11-13-511. With regard to the budget, the Association shall comply with Utah Code §§11-13-506 and 11-13-507. The Association shall comply with all other relevant budget requirements of the law as found in Utah Code Title 11, Chapter 13, Part 5 Fiscal Procedures for Interlocal Entities.
- e. Fiscal Year. The Governing Board shall determine whether the fiscal year is the calendar year or a period from July 1 to the following June 30.
- f. Uniform Accounting System. The Association shall establish and maintain accounting records and financial statements as required by generally accepted accounting principles. The Association shall also adopt and implement internal accounting controls in light of the needs and resources of the Association.

VII. Duration, Withdrawal, & Termination

- a. Duration of this Agreement. Pursuant to Utah Code §11-13-204(3)(a), the duration of this agreement will be fifty (50) years from the effective date.
- b. Withdrawal of Membership. Any county may withdraw from this agreement by submitting a written notice to the Governing Board 30 days prior to the effective date of withdrawal.

- c. Termination of the Agreement. All parties to the agreement may agree to terminate the Association. Upon termination, none of the assets or property shall be distributed to any individual, staff, or officers of the Association, but shall be distributed to the counties and cities on the same pro rata basis that they contributed to the Association.

VIII. Amendments

The Governing Board may amend this interlocal agreement at regular or special meetings of the Governing Board if the county government proposing an amendment provides written notice that states the proposed amendments to each county who is a member of the Association. Two thirds of the Governing Board must affirm the amendment by vote for the amendment to pass.

IX. Review

The Association shall review this interlocal agreement regularly and often to ensure the Association is abiding by the terms and conditions of this agreement. The Association shall also review this agreement annually to ensure that the agreement is compliant with applicable law.

X. Effective Date

This interlocal agreement shall go into effect once all parties to the agreement sign and date this agreement, and all counties that are members of the Association file the completed agreement with their respective keeper of records pursuant to Utah Code 11-13-209.

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IN WITNESS WHEREOF, we attach our signatures on this ____ day of _____
20__.

BOX ELDER COUNTY

APPROVED AS TO FORM

BY: _____
County Commission Chair

BY: _____
Box Elder County Attorney

DATE: _____

DATE: _____

ATTEST:

BY: _____
County Clerk

DATE: _____

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CACHE COUNTY

APPROVED AS TO FORM

BY: _____
County Council Chair

BY: _____
Cache County Attorney

DATE: _____

DATE: _____

BY: _____
County Executive

DATE: _____

ATTEST:

BY: _____
County Clerk

DATE: _____

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RICH COUNTY

APPROVED AS TO FORM

BY: _____
County Commission Chair

BY: _____
Rich County Attorney

DATE: _____

DATE: _____

ATTEST:

BY: _____
County Clerk

DATE: _____

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CACHE COUNTY
RESOLUTION NO. 2025-04

**A RESOLUTION TO APPROVE AN INTERLOCAL AGREEMENT TO
RESTRUCTURE THE BEAR RIVER HEALTH DEPARTMENT AS A MULTICOUNTY
UNITED LOCAL HEALTH DEPARTMENT**

- (A) WHEREAS, Utah Code §26A-1-105.5 permits two or more contiguous counties to execute an interlocal agreement pursuant to the provisions of Utah Code Title 11, Chapter 13, Interlocal Cooperation Act, to create and maintain a multicounty united local health department;
- (B) WHEREAS, Utah Code §11-13-203(2) permits counties in the State of Utah to enter into an agreement to approve the creation of a Utah interlocal entity regarding a cooperative action;
- (C) WHEREAS, the County agrees that combining the substance abuse and mental health programs of the three counties under the Bear River Health Department to create a multicounty united local health department will help to integrate substance abuse and mental health services;
- (D) WHEREAS, the County finds that signing a new interlocal agreement that restructures the Bear River Health Department as the multicounty united local health department is in the best interest of the residents of Cache County;
- (E) WHEREAS, the three counties, Box Elder, Cache, and Rich, have not previously authorized, under an interlocal agreement, that their substance abuse or mental health programs fall under the supervision of the Bear River Health Department and there is a need to do so; and
- (F) WHEREAS, Cache County Code 3.16.060(B) states, "No interlocal cooperation agreement requiring approval of the county council pursuant to state law may be entered or executed without the adoption of a resolution of approval by the county council[:]"

NOW, THEREFORE, BE IT RESOLVED that the Cache County Council approves the Interlocal Agreement to restructure the Bear River Health Department as a multicounty united local health department under Utah Code §26A-1-105.5, attached as Exhibit A, and subject to all other applicable state laws.

NOW, BE IT FURTHER RESOLVED that upon signing the aforementioned agreement, this resolution approving the agreement shall be forwarded to the Rich County Commission, the Box Elder County Commission, and the keeper of records of the Association pursuant to Utah Code 11-13-209.

PASSED AND APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH
THIS ____ DAY OF _____, 2025.

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

CACHE COUNTY:

ATTEST:

By: _____
Sandi Goodlander, Chair

By: _____
Bryson Behm, County Clerk

EXHIBIT A

“Multicounty United Local Health Department Interlocal Agreement”

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Multicounty United Local Health Department Interlocal Agreement

2025

On the ____ day of _____ 2025, Box Elder County, Cache County, and Rich County (referred to individually as the "County" and collectively as the "Counties"), each being a political subdivision of the State of Utah, have entered into this Interlocal Agreement to formally establish the Bear River Health Department (referred to as "Department"). The purpose of this agreement is to provide public health, mental health, and substance abuse services more efficiently and to ensure quality and effective services for the citizens of these counties.

RECITALS

WHEREAS, each party is a county of the State of Utah, and through their respective governing bodies and as their local mental health authorities and local substance abuse authorities, are authorized by Utah Code [26A](#) and [17-43](#) to provide public health, mental health, and substance abuse programs to their respective counties;

WHEREAS, [Utah Code 11-13](#), Interlocal Cooperation Act (the "Interlocal Act") permits the Counties to cooperate with each other to create interlocal entities to more efficiently provide governmental facilities, services, and improvements to the general public;

WHEREAS, each county within the State of Utah is required to create and maintain a local health department under the provisions of the [Utah Code 26A](#) Local Health Authorities Act (the "Health Authorities Act"), and the Health Authorities Act expressly authorizes two or more contiguous counties to unite to create and maintain a multicounty united local health department;

WHEREAS, Bear River Health was created by the Counties as a local health department created, organized, and validly existing pursuant to state law;

WHEREAS, the Health Authorities Act requires a multicounty united local health department to administer the programs and services of a local health department, mental health authority, and substance abuse authority;

WHEREAS, the Counties desire to confirm, reaffirm, and ratify the creation of Bear River Health Department as the multicounty local health department and expand it to be a multicounty united local health department under the Health Authorities Act and the Interlocal Cooperation Act and to hereby memorialize such creation;

WHEREAS, the Counties are each committed to maintaining Bear River Health Department as the multicounty united local health department within and for the benefit of the Counties;

WHEREAS, the legislative body of each of the Counties determined that restructuring Bear River Health Department as a multicounty local health department will enhance the public health, sanitation, public welfare, and economic base of each of the Counties; and

WHEREAS, the Counties desire to jointly qualify for and obtain funding from the Utah Department of Health and Human Services for mental health and substance abuse services through Bear River Health;

WHEREAS, the Counties desire to monitor, review, and evaluate the performance of and compliance with all contracts for funding of mental health and substance abuse services through Bear River Health;

WHEREAS, the Counties desire Bear River Health Department to qualify for, obtain, allocate, and administer such funding, and to perform such other tasks for the Counties; and

WHEREAS, this interlocal cooperative agreement shall not become effective until it is first approved by resolution of the legislative body of each of the Counties as evidenced by the execution hereof by the appropriate officers of said Counties;

NOW, THEREFORE, the Counties declare and agree to continue the existence of the Bear River Health Department as an interlocal entity and restructure it to be a multicounty united local health department with the following terms and conditions:

1. DEFINITIONS AND INTERPRETATIONS.

- 1.1. **Meanings and Construction.** The following terms, for all purposes of this agreement and any amendments hereto, shall have the meaning herein set forth:
- 1.1.1. "Interlocal Agreement" shall mean this interlocal cooperative agreement and any amendments and supplements thereto.
 - 1.1.2. "Appropriation Committee" shall mean a committee consisting of one representative from the Legislative Body of each participating county, the Board of Health Chairperson, the Local Health Officer, and the Department Senior Support Officer.
 - 1.1.3. "Behavioral Health or Behavioral Health Programs" shall mean the comprehensive integration of Substance Abuse and Mental Health programs and services as defined in [Utah Code 17-34](#) Local Human Services Act.
 - 1.1.4. "Board of Health" shall mean the Department's governing body or the Bear River Board of Health.
 - 1.1.5. "Counties" shall mean collectively Box Elder County, Cache County, and Rich County, and their successors.
 - 1.1.6. "Legislative Body or Legislative Bodies" shall mean one or all participating county governing bodies as defined by [Utah Code 26A-1-102\(2\)](#).
 - 1.1.7. "Public Health Programs" shall mean public health programs and services per [Utah Code 26A](#), excluding any programs and services that include Substance Abuse and Mental Health programs.
- 1.2. **Interpretations.** This Interlocal Agreement, except where the context by clear implication herein otherwise requires, shall be construed as follows:
- 1.2.1. definitions include both singular and plural; and
 - 1.2.2. pronouns include both singular and plural and cover both genders.

2. FORMATION, POWERS, AND DUTIES OF BEAR RIVER HEALTH.

- 2.1. **Formation.** This Interlocal Agreement reaffirms the creation of the Department, an interlocal entity formed by the Counties in May of 1971, and restructures the Department as a multicounty united local health department. Pursuant to [Utah Code 11-13-203\(l\)](#), the Department is separate from the Counties, a body politic and corporate, and a political subdivision of the state. It shall have the powers to perform all functions consistent with a multicounty united local health department as described in [Utah Code 26A](#) Local Health Authorities Act.
- 2.2. **Powers.** The powers of the Department shall be as follows:
- 2.2.1. Have all powers and duties permitted and outlined in [Utah Code 26A](#) Local Health Department Act necessary to provide Public Health Programs;
 - 2.2.2. Have all applicable powers and duties permitted and outlined in [Utah Code 11-13](#) Interlocal Cooperation Act;
 - 2.2.3. Have all powers and duties permitted and outlined in [Utah Code 17-43](#) Local Human Services Act; and
 - 2.2.3.1. Develop, oversee, and administer all contracts for Behavioral Health Programs per [subsection 4.14](#) of this agreement.
- 2.3. **Duties.**

2.3.1. The Department shall unify the local substance abuse and mental health plans from the three Counties, emphasizing funding and service delivery as mandated by the [Utah Code 17-43](#) Local Human Services Act. This unified plan will be called the Behavioral Health Programs Area Plan (“BHP Area Plan”).

2.3.1.1. The BHP Area Plan will be created as specified in this Interlocal Agreement and compliance with state law. The Department will hold a public hearing each year for input on the BHP Area Plan. After receiving public input on the BHP Area Plan, the Department shall present the BHP Area Plan to each County for approval by the Local Mental Health and Substance Abuse Authorities of those Counties.

3. DURATION.

3.1. This Interlocal Agreement shall be in full force and effect and be legally binding upon the Counties only after its execution and approval by resolution by the Legislative Bodies of each County. Thereafter, both this Interlocal Agreement and the existence of the Department shall continue for a period of fifty (50) years. At this time, it may be terminated or a new agreement executed.

4. ORGANIZATION.

4.1. **Board of Health.** The Bear River Board of Health shall govern the Department, subject to the limitations outlined in Utah Code [26A](#), which include being subject to the authority of the mental health and substance abuse authorities of the Counties regarding Behavioral Health Programs.

4.2. **Membership.** Membership of the Bear River Board of Health shall consist of nine (9) members, as follows:

4.2.1. One (1) elected official from each county, as determined by the Legislative Body; and

4.2.2. Six (6) members of the public at large shall be appointed on a non-partisan basis in numbers proportional to the population of the Counties by the respective Legislative Bodies of the Counties, with the advice and recommendation of the Board of Health.

4.2.3. An employee of the Department may not be a board member. All board members shall reside within the area served by Bear River Health; and

4.2.4. A majority of board members may not:

- a. be primarily engaged in providing health care or in the administration of facilities or institutions in which health care is provided;
- b. hold a fiduciary position or have a fiduciary interest in any entity involved in the provision of health care;
- c. receive either directly or through a spouse more than one-tenth (1/10) of the board member's gross income from any entity or activity relating to health care; and
- d. be members of one particular type of business or profession.

4.3. **Appointment.** All members are to be appointed by the Legislative Bodies of the Counties.

4.4. **Term.** Appointments shall be for a term of three (3) years and shall be made as possible, so one-third of the terms of office of those serving on the Board of Health expire each year. Board members appointed to fill vacancies shall hold office until the expiration of the

terms of their predecessors. Board members may be appointed to successive terms pursuant to the policies of the respective Counties.

- 4.5. **Fiduciary Duty.** Each member of the Board of Health has and owes a fiduciary duty to the Department.
- 4.6. **Officers.** The Board of Health shall elect a chair, a vice-chair, and a secretary. The Local Health Officer of the Department appointed pursuant to [Utah Code 26A-1-110](#) may serve as secretary to the Board of Health.
- 4.7. **Local Health Officer.** Following [Utah Code 26A-1-105.5\(4\)](#), the Local Health Officer shall be appointed, hold office, and have the powers as set forth in [Utah Code 26A-1-110](#), and may be removed as outlined in [Utah Code 26A-1-111](#).
- 4.8. **Meetings.** The Board of Health meetings shall be held at least six times per year. The chair may call special meetings or a majority of the board members at any time by providing three (3) days notice to each board member or, in the case of an emergency, as soon as possible after all board members have been notified.
- 4.9. **Quorum.** A majority of the Board of Health members shall constitute a quorum.
- 4.10. **Bylaws.** The Board of Health may adopt and amend bylaws that are not inconsistent with this agreement and state law for the transaction of business. The bylaws and any subsequent amendments must be approved by the county attorney and by a majority vote of a Quorum in a public meeting.
- 4.11. **Compensation.** Under [Utah Code 26A-1-109](#), board members serve without compensation but shall be reimbursed for actual and necessary traveling and subsistence expenses when absent from their place of residence in attendance at authorized meetings.
- 4.12. **Personnel.** The Legislative Bodies of the Counties must ratify the Board of Health's approval of all changes to Bear River Health's merit system, personnel policies, and compensation plans. In addition, the provisions of [Utah Code 26A-1-112](#) shall generally apply to the appointment of personnel, including removal for cause.
- 4.13. **Reports.** The Board of Health shall, annually, report the operations of Bear River and the board to the local governing bodies of the municipalities and the Counties served by Bear River Health. In addition, the Board of Health shall send a copy of Bear River's approved budget to all local governing bodies of the municipalities and Counties served by the Department no later than thirty (30) days after the beginning of Bear River Health's fiscal year.
- 4.14. **Behavioral Health Programs.** Through this Interlocal agreement, the Counties, as the Substance Abuse and Mental Health Authorities as outlined in [Utah Code 17-43](#), delegate the oversight for all Behavioral Health Programs to the Department with the following stipulations.
 - 4.14.1. The Counties grant the responsibility for continuing, maintaining, and overseeing contracting for Behavioral Health Programs to the Department. The contracting shall be governed by [Utah Code 63G-6a](#) and Bear River Health's approved procurement policies with the following stipulations:
 - 4.14.1.1. The Counties authorize the Department to contract directly with the Utah Department of Health and Human Services for any funds (state or federal) available to the Counties to deliver Behavioral Health Programs.

-
- 4.14.1.2. The Counties authorize the Department to develop, oversee, administer, and monitor contracts for Behavioral Health Programs on behalf of the Counties.
- 4.14.1.2.1. To avoid a lapse in critical government services and mitigate circumstances likely to negatively impact public health, safety, and welfare of vulnerable populations, the Department shall prioritize the Counties' established contract(s) for Behavioral Health Programs that exist at the creation of this Interlocal Agreement.
- 4.14.1.2.2. Changes may be made to the contract(s) as long as they are intended to enhance the integrity of the contract(s) or the delivery of Behavioral Health Programs. However, the duration established in the contracts referenced in subsection [4.14.1.2.1](#) must remain unchanged unless the contracted service provider and the Department agree otherwise.
- 4.14.1.2.3. Any established contract(s) for Behavioral Health Programs must be re-executed to spell out the expectation for delivering integrated mental health and substance abuse programs.
- 4.14.2. As allowed under [Utah Code 17-43-309](#), the Legislative Bodies of the Counties, under this agreement, officially establish a local behavioral health advisory council to advise on planning, organizing, and operating all Behavioral Health Programs. The council shall be called the Bear River Behavioral Health Advisory Council (BHAC). The BHAC shall meet at least once per quarter and be governed by bylaws. The bylaws must not conflict with any federal, state, or local law or this Interlocal Agreement and must be approved by the Counties.
- 4.14.3. The BHAC shall comprise nine members appointed by the Counties as directed in [Utah Code 17-43-309](#) with the following makeup based on county population.
- 4.14.3.1. Five members from Cache County;
- 4.14.3.2. Three members from Box Elder County; and
- 4.14.3.3. One member from Rich County.
- 4.14.4. BHAC members shall be selected from persons representative of interested groups in the community, but they cannot be individuals employed or otherwise associated with contracted service providers.
- 4.14.4.1. All BHAC members will be appointed by the Legislative Bodies of the Counties, with the BHAC's advice and recommendation.
- 4.14.4.1.1. Initially, one-fourth of the members shall be appointed for one year, one-fourth for two years, one-fourth for three years, and one-fourth for four years.
- Cache County (5 members)
- One member initially appointed for a four-year term;

One member initially appointed for a three-year term;

One member initially appointed for a two-year term; and

Two members initially appointed for a one-year term.

Box Elder County (3 members)

One member initially appointed for a four-year term;

One member initially appointed for a three-year term; and

One member initially appointed for a two-year term

Rich County (1 member)

One member initially appointed for a four-year term.

4.14.4.1.2. After the initial appointment, each member's term shall be four years.

4.14.4.1.3. Vacancies shall be filled in the same manner as for unexpired terms.

4.14.4.1.4. Council members may be removed for cause.

4.14.4.2. The BHAC shall advise the Counties and the Director of Behavioral Health Programs in planning (including the required BHP Area Plan), organizing, and operating community Behavioral Health Programs.

4.14.4.3. Under this Interlocal Agreement, the BHAC shall be an agent of the Counties and is subject to laws and requirements relating to the Local Mental Health and Substance Abuse Authorities. All BHAC meetings must comply with [Utah Code 52-4](#) Open and Public Meetings Act.

4.14.5. Under this Interlocal Agreement, the Department is authorized to fulfill the requirements laid out in [Utah Code 17-43-201\(5\)](#) and [17-43-301\(6\)](#) in recruiting, interviewing, and recommending for appointment to the Legislative Bodies of the Counties a Director of Behavioral Health Programs. Once appointed by each of the county governing bodies, the Director of Behavioral Health will be an employee of the Department and shall be responsible for the following:

4.14.5.1. Serve as the director of substance use programs and services per [Utah Code 17-43-201\(5\)](#).

4.14.5.2. Serve as the director of mental health programs and services per [Utah Code 17-43-301\(6\)](#).

4.14.5.3. Shall not be the Local Health Officer.

4.14.5.4. Shall serve as the secretary to the BHAC.

4.14.5.5. Work with the BHAC in planning (including the required BHP Area Plan), organizing, and operating community behavioral health programs.

-
- 4.14.5.6. Develop, oversee, and administer all contracts with qualified behavioral health providers and the Department, per subsection [4.14.1](#) of this Section.
 - 4.14.5.7. Contract providers must establish administrative, clinical, personnel, financial, procurement, and management policies regarding behavioral health programs and facilities following the rules of the state division and state and federal law.
 - 4.14.5.8. Have general oversight of Medicaid Capitation for Behavioral Health Programs.
 - 4.14.5.9. Establish mechanisms allowing for direct citizen input into Behavioral Health Programs.
 - 4.14.5.10. Annually contract with the state division to provide Behavioral Health Programs.
 - 4.14.5.11. Ensure compliance with all applicable state and federal statutes, policies, audit requirements, contract requirements, and any directives resulting from those audits and contract requirements.

5. BUDGET, FUNDING, CONTRACTS & PROCUREMENT.

5.1. Operating Budget.

- 5.1.1. The Department's fiscal year shall begin on January 1 of each year and end on December 31.
- 5.1.2. The Local Health Officer of the Department shall submit a proposed fiscal year budget to the Board of Health for the upcoming fiscal year.
- 5.1.3. The Board of Health shall adopt an annual budget for each fiscal year in compliance with the Uniform Fiscal Procedures Act for Counties, [Utah Code 17-36](#). The proposed annual budget, approved by the Board of Health, shall be presented to the Legislative Bodies of the Counties.

5.2. County Funding.

- 5.2.1. Following [Utah Code 26A-1-117](#), the Counties involved in the establishment and operation of the Department shall be responsible for funding the ongoing operations as follows.
 - 5.2.1.1. Following [Utah Code 26A-1-115](#), the cost of establishing and maintaining the Department shall be apportioned among the participating Counties based on the most recent federal census population estimates in proportion to the total population of all Counties within the boundaries of the Department.
 - 5.2.1.1.1. The population appropriation may be paid from the County General Fund, from the levy of a tax, or in part by an appropriation and in part by a levy under [Utah Code 17-53-221](#).
 - 5.2.1.1.2. The County's population appropriation shall be jointly evaluated by an Appropriation Committee every five years, and a recommendation shall be made regarding the

per-capita appropriation for the subsequent five (5) year period.

- 5.2.1.1.3. The County Legislative Bodies will review and consider this appropriation recommendation for adoption.
- 5.2.1.1.4. Appropriated funds shall only be used to support the Department's operations.
- 5.2.1.1.5. Once the Counties adopt this agreement, the minimum population appropriation can only be reduced through consultation and approval from each County involved.
- 5.2.1.1.6. The agreed-upon population appropriation will be in a written addendum to this agreement.
- 5.2.1.1.7. Nothing in this Interlocal Agreement shall prohibit a County from contributing more than the agreed-upon population appropriation.

5.2.2. County Match.

- 5.2.2.1. Following [Utah Code 26A-1-115\(6\)\(a\)\(i\)](#), all state funds distributed by contract from the Utah Department of Health and Human Services to local health departments for public health services shall be matched by those local health departments at a percentage determined by the department in consultation with local health departments.
- 5.2.2.2. Following Utah Code [17-43-201\(5\)\(k\)](#) and [17-43-301\(6\)\(a\)\(x\)](#), the Counties shall provide funding equal to at least 20% of the state funds received to fund services described in the required BHP Area Plan.

5.3. **Contract Funding.** The Department is authorized to contract with the Utah Department of Health and Human Services and other state and federal agencies for eligible public health, mental health, and substance abuse funding to come to the Counties.

- 5.3.1. The Local Health Officer is authorized to approve all new and renewed contracts, grants, or other sources of revenue for Public Health Programs, but only after ensuring that the contracts are aligned with local needs.
 - 5.3.1.1. The Local Health Officer shall authorize making agreements not in conflict with state law that are conditional to receiving funds through a donation, grant, or contract.
 - 5.3.1.1.1. The Director of Behavioral Health is responsible for reviewing all contracts related to the delivery of Behavioral Health Programs on behalf of the counties and their Local Mental Health and Substance Abuse Authorities. This review ensures that the contracts align with the local needs outlined in the BHP Area Plan. After a thorough review, the contracts will be submitted to the Local Health Officer for authorization.
 - 5.3.1.2. The Board of Health may direct the Local Health Officer to cancel or not renew any contract, grant, or other source of revenue.

5.4. **Fees.**

-
- 5.4.1. The Board of Health shall, annually, establish and adopt a fee schedule for all the Department programs and services for which there is a charge based on recommendations provided by the Local Health Officer.
- 5.4.1.1. The provisions of Section [Utah Code 26A-1-114](#) shall generally apply to the establishment and collection of fees by Bear River Health.
- 5.4.1.2. For budgeting purposes, the establishment of all fees will be finalized by October 31 of each year and shall be effective at the beginning of the next calendar year.
- 5.4.1.3. The Board of Health does not establish fees for those programs and services where a fee has been directed and established by state statute or rule.
- 5.5. **Additional Revenue.** Money from surpluses, grants, and donations may also be used to establish and maintain Bear River Health.
- 5.6. **Security for Financing Physical Facilities.** Following [Utah Code 26A-1-115](#), the cost of providing, equipping, and maintaining suitable offices and facilities for a local health department is the responsibility of participating Legislative Bodies of the Counties. Under this agreement, this is best accomplished in consultation with the Board of Health to ensure that the facilities adequately address the community's needs. To facilitate the financing of physical facilities, each county may enter into separate arrangements with the Department with respect to the operation and utilization of all facilities used for Public Health Programs in their respective county.
- 5.7. **Treasurer.** The provisions of Utah Code [17-43-201\(2\)\(c\)\(i\)\(a\)](#), [17-43-301\(3\)\(c\)\(i\)\(a\)](#), and [26A-1-118](#) shall apply, and the Cache County Treasurer shall serve as treasurer for the Department over Public Health and Behavioral Health Programs. The treasurer or other disbursing officer authorized by the treasurer may make payments from monies for the joint programs and services of the Counties upon audit of the appropriate auditing officer or officers representing the Counties.
- 5.8. **Auditor.**
- 5.8.1. The Counties grant the Department the authority to appoint an independent auditor to audit the operation of the Department as outlined in Utah Code [17-43-201\(2\)\(c\)\(ii\)](#), [17-43-301\(3\)\(c\)\(ii\)](#), and [26A-1-115\(7\)\(a\)](#).
- 5.8.2. The Counties reserve the right to assign an auditor to audit any Department operations.
- 5.9. **Procurement Procedures.** The Department will develop written procurement policies to guide all procurement procedures, except as dictated otherwise in subsection [4.14.1](#) of this Interlocal Agreement. The procurement policies must not conflict with [Utah Code 11-13-226](#), be reviewed by legal counsel, and be approved by the Board of Health.

6. LEGAL REPRESENTATION.

- 6.1. The Cache County Attorney shall provide legal representation for Public Health and Behavioral Health Programs as required by Utah Code [26A-1-120](#), [17-43-201\(2\)\(c\)\(iii\)](#), and [17-43-301\(3\)\(c\)\(iii\)](#).
 - 6.1.1. The Cache County Attorney is authorized to request and receive the assistance of the county attorneys of the other Counties in defending or prosecuting actions within their county related to behavioral health programs.
 - 6.1.2. The Department and the Cache County Attorney can rely on the provisions of Utah Code [26A-1-120](#) to utilize the other county attorneys' legal services as defined in that code section for public health programs.
 - 6.1.3. The Health Officer shall notify the Cache County Attorney of any pending or imminent legal actions against Bear River Health.
 - 6.1.4. If there is a conflict of interest involving the county attorney acting as legal advisor to the Department or defending an action against Bear River Health, the Board of Health, or officers and employees. In that case, the Cache County Attorney shall assign a county attorney of a county participating herein to act as legal advisor.

7. REPRESENTATION.

- 7.1. **County Representation.** Each County represents that it is a political subdivision of the State of Utah and is authorized to enter into the transactions contemplated by this Interlocal Agreement and to carry out its obligations hereunder, including funding the Department per the Local Health Authorities Act.
- 7.2. **No Litigation.** Each County represents that there is no litigation or legal or governmental action, proceeding, inquiry or investigation pending or threatened to which said County, as applicable, is a party or to which any of its property is subject, which, if determined adversely to said County, would individually or in the aggregate (i) affect the validity or enforceability of this Interlocal Agreement, or (ii) otherwise materially adversely affect the ability of the said County to comply with its obligations under this Interlocal Agreement or the transactions contemplated by this Interlocal Agreement.

8. TERMINATION AND DISSOLUTION.

- 8.1. **Termination & Dissolution.**
 - 8.1.1. Any party to this agreement may terminate its participation in this entity only after complying with [Utah Code 26A-1-122](#).
 - 8.1.2. At least ninety (90) days prior written notice of the withdrawal shall be given to the Board of Health.
 - 8.1.3. The effective date of any withdrawal shall be December 31.
 - 8.1.4. The participating Counties shall establish local health departments under Section [26A-1-103](#), [26A-1-105](#), or [26A-1-106](#) at least 30 days before dissolution.
 - 8.1.5. Upon termination, the Board of Health is authorized to take such actions as necessary to effectuate the dissolution of the Department and dispose of the property of the Department as spelled out in subsection [8.2](#) of this Section.

-
- 8.1.6. Unless explicitly stated otherwise in this Interlocal Agreement, no party shall have the right to unilaterally cancel, rescind, or terminate this Interlocal Agreement due to a breach. However, this limitation does not affect any other rights or remedies that either party may have as a result of such a breach.
- 8.2. **Division of Assets.** Upon termination and dissolution of this Interlocal Agreement, title to the assets of the Department shall revert to the respective Counties for which those assets have been secured and utilized for the delivery of Public Health Programs.
- 8.3. **Division of Workforce.** Upon termination and dissolution of this Interlocal Agreement, the Counties agree to jointly negotiate in good faith regarding the division of the current workforce. The Counties agree that the primary focus of the negotiations will be to minimize the disruption of public health service delivery in each county.

9. MISCELLANEOUS

- 9.1. **Filing.** Each County covenants to file this Interlocal Agreement with its records keeper.
- 9.2. **Assignment.** None of the Counties may assign any interest herein without the consent of all other parties to this Interlocal Agreement.
- 9.3. **Counterparts.** This Interlocal Agreement may be executed in multiple counterparts, each of which will be considered an original for all purposes. Each County agrees to execute any necessary deeds, instruments, legal documents, and resolutions or ordinances to implement the terms of this Interlocal Agreement.
- 9.4. **Entire Contract.** This Interlocal Agreement consolidates and replaces all previous negotiations, representations, and agreements between the Counties regarding the subject matter addressed herein. It serves as the complete contract between the Counties concerning the establishment and powers of the Department. Additionally, the intent of this Interlocal Agreement is to document and reaffirm the formation and powers that the Department has exercised up to this point.
- 9.5. **Amendment.** This Interlocal Agreement may only be modified or amended in writing. Such modifications or amendments must be signed by a duly authorized representative of the Counties, following the adoption of a resolution by the Counties' Legislative Bodies that approves the changes.
- 9.6. **Attorney Fees.** The prevailing party in any litigation to interpret and/or enforce the provisions of this Agreement shall be entitled to an award of reasonable attorney fees and costs, in addition to any other relief that the court grants.
- 9.7. **Severability.** Whenever possible, each provision of this Interlocal Agreement shall be interpreted in such a manner as to be valid; but if any provision of this Interlocal Agreement is held, in a final judicial determination, to be invalid or prohibited under applicable law, that provision shall be ineffective to the extent of such invalidity or prohibition without invalidating the remainder of such provision or the remaining provisions of this Interlocal Agreement. Notwithstanding the foregoing, however, should such judicially determined invalidity of any provision of this Interlocal Agreement frustrate the intended purpose of the member entities, as expressed herein, that invalidity shall cause this Interlocal Agreement to be terminated, with the parties, to the extent possible, to be restored to the status quo.

-
- 9.8. **Conflict with State Law.** To the extent that any provision contained in this Interlocal Agreement is, or subsequently comes, in conflict with Utah State Code, Utah State Code shall be controlling with respect to the Department's organization and operation.
- 9.9. **Governing Law.** The laws of the State of Utah shall govern this Agreement.
- 9.10. **Annual Review.** The Local Health Officer will work with the Cache County Attorney's Office to conduct an annual review of this Interlocal Agreement to ensure all references to Utah State Code are current and that this Interlocal Agreement complies with current Utah State Code to assess potential conflicts and suggest solutions to clarify or resolve them.

AGREED TO AND APPROVED BY:

Name	Date
Box Elder County Board Chair	

Name	Date
Cache County Board Chair	

Name	Date
Rich County Board Chair	

APPROVED TO FORM

Name	Date
Box Elder County Attorney	

Name	Date
Cache County Attorney	

Name	Date
Rich County Attorney	



CACHE COUNTY
RESOLUTION NO. 2025 - 05

**A RESOLUTION APPROVING THE SILVA FARM 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, establishing the Cache Open Space Advisory Committee; and
- (C) WHEREAS, the Cache Open Space Advisory Committee has reviewed the Silva Farms Open Space Application, scored it according to the approved scoring criteria, and recommended the County Council approve the Silva Farms Wellsville Open Space Application, (13-002-0014, 13-002-0039, 13-002-0013, and 13-002-0017) to move to the second application phase, to be considered for funding at 10% of total project cost of the conservation easement; and
- (D) WHEREAS, Cache County Council has found that the application meets sufficient criteria established in the General Obligation Open Space Bond,;

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

Section 1: The County Council approves the Silva Farms Open Space Round One Application (Exhibit A) containing parcels 13-002-0014, 13-002-0039, 13-002-0013, and 13-002-0017, allowing the applicant to proceed to the second review round, wherein it is anticipated that the application will be considered for a 10% funding percentage, or another percentage, as determined by the County Council, and factors considered during the second round of review and consideration of this application.



CACHE COUNTY
RESOLUTION NO. 2025 - 05

PASSED AND APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH,
THIS ____ DAY OF _____ 2025.

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

CACHE COUNTY:

ATTEST:

By: _____
Sandi Goodlander, Chair

By: _____
Bryson Behm, County Clerk



CACHE COUNTY
RESOLUTION NO. 2025 - 05

EXHIBIT A

“Silva Farms Open Space Application”

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Cache County Development Services Staff Report

for January 28, 2025 County Council Meeting

Project	Silva Agricultural Property
Applicant	Adolfo and Leilani Silva
Location	Located at Approximately 910 South and 800 East, Trenton, Utah, 84338
Total Acres	Approx. 130 Acres Requested to Be Conserved, Approx. 155 Acres Total
Parcels	13-002-0014, 13-002-0039, 13-002-0013, and 13-002-0017
Proposed Use	Agriculture Conservation Easement & Potential Public Trail or Trail Access

Introduction

Adolfo and Leilani Silva have applied to place a conservation easement over his property. The property intended to be preserved contains approximately **130** acres of farmland in Trenton, at approximately 910 South and 800 East. The applicant has indicated that the proposed easement would be used for farmland preservation. One item that should be noted, is that the applicant would like to separate several properties for or with residential structures on the west side of the property, totalling approximately 20-25 acres.

Bond Language & Purposes:

The language from the bond reads as follows:

Shall Cache County, Utah, be authorized to issue General Obligation Bonds in a principal amount not to exceed TWENTY MILLION DOLLARS for the purpose of paying all or a portion of the costs of purchasing land, conservation easements, and other interests in land from willing landowners in order to protect scenic vistas, preserve open lands near valley gateways, add trails and trail connectivity, and maintain agriculture, waterways, and wildlife habitat, with all acquisitions to be selected by the County Council based upon recommendations of an Open Lands Board and subject to periodic independent audit commissioned by the County; said Bonds to be due and payable in not to exceed 20 years from the date of issuance of the Bonds?

[Cache County Code 2.26 The Cache Open Space Advisory Committee](#) provides additional information about the duties and responsibilities of COSAC.

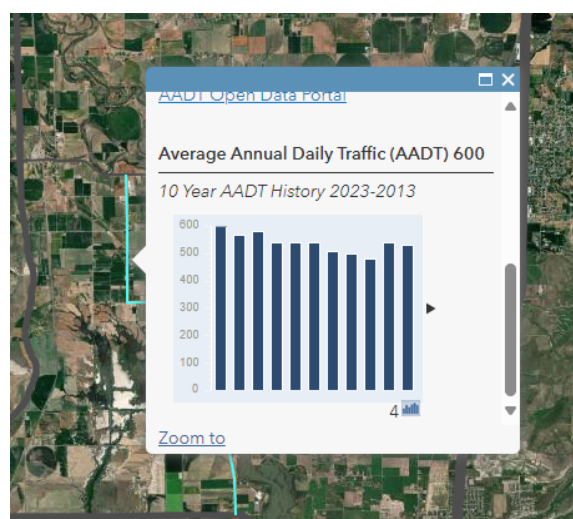
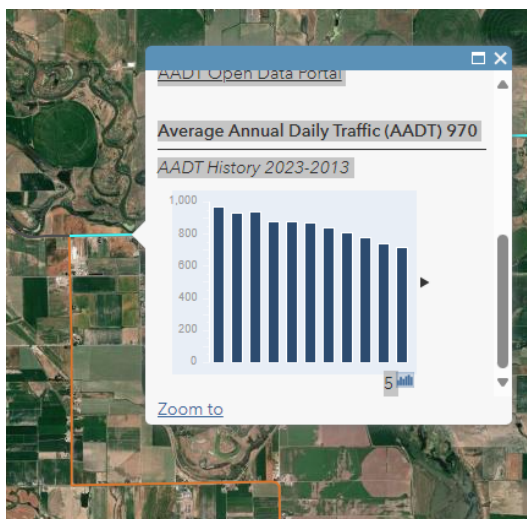
COSAC established a review system and criteria, approved by the County Council. This report addresses the criteria in that review system.

Surrounding Uses	
North	Farmland
East	Farmland, Bear River
South	Farmland
West	Farmland

Purpose of Proposed Conservation Easement

The property owner has applied for conservation bond funds to secure a conservation easement over the property. The applicant has indicated they wish to keep the property as farmland.

The Cache Open Space Advisory Committee (COSAC) created a scoring sheet and form to help evaluate each application. The electronic form was sent out by email to the Committee members. The following are the main criteria for review: Protect Scenic Vistas, Preserve Open Lands Near Valley Gateways, Maintains Agriculture, Maintains Waterways, Maintains Wildlife Habitat, Allows Public Access, and Distinguishing Factors. Staff has reviewed the properties and provided the following review for each item. Each committee member is to score the property according to their individual, and independent judgment, attached as part of their recommendation.





AADT for SR-142

AADT for SR-218

Protect Scenic Vistas

The Silva Property Open Space Application is not directly adjacent to any major state or local highway. However, state Route 218 is immediately adjacent to the west of the property with a AADT of 600 vehicles per day. State Route 142 is more than 4,000 feet from the property which has an Annual Average Daily Traffic Count of 970.

Preserve Open Lands Near Valley Gateways

This property falls outside the traditional valley gateways (Wellsville Canyon, Valley View Highway, and SR 91 at the Idaho/Utah border) that COSAC has discussed. The property is a little over 5 miles from the Idaho border.

Maintain Agriculture

The Utah Department of Agriculture and Food has indicated that as agricultural properties go, this property is an incredibly well put-together farming operation. UDAF's focus regarding land conservation is to conserve properties that will have substantive impact on the food security of the state, to feed a growing population, with benefits for conserved properties going beyond the property themselves, including food going to feed the community, providing rural character, and preserving wildlife habitat. As those priorities relate to this property, there is a new pivot in place, the property is currently agriculturally productive, the land has been laser-leveled, and the soil on the property, overwhelmingly, is designated as prime farmland on the NRCS web soil survey. UDAF further communicated that this property is a great example of a viable farm operation worth preserving.

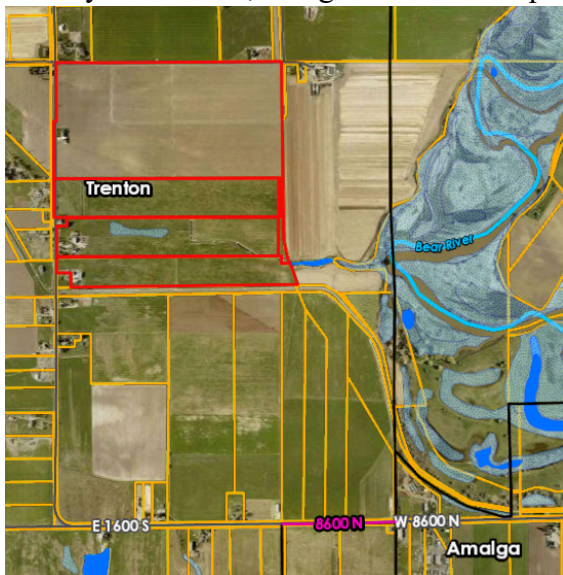
The NRCS has identified almost the entirety of the property as "Prime Farmland If Irrigated" and the remainder as "Farmland of Local Importance", Farmland as Statewide Importance (see attached map). The property is irrigated, and has actively been farmed for many decades by the Silva's.

Staff typically tries to reach out to a Mayor for applications which are within their property for comment, on an application, as we did with the Mayor of Trenton. It was noted in the conversation that culinary water is a big issue currently for Trenton City, and as a result of this, there is extremely limited water for development in Trenton, given the very limited culinary water supply. There is a waiting list for development. This culinary water issue limits development potential in the near future.



Maintain Waterways

The property includes at least one minor area that is designated as an NWI registered wetlands. There is a minor waterbody to the east, that connects to the wetlands of the Bear River. The applicant has indicated that this is the area along the east of the property where the applicant would be okay with a trail, along the east of the property.





Maintains Wildlife Habitat

According to the GIS information provided there is no significant wildlife habitat shown on the properties. The property is not located within the Wildland Urban Interface, (see attached map). The Bear River is nearby, located to the east that likely serves as wildlife habitat for a number of species, although nothing is formally shown on the map.

Allows Public Access

Staff is not aware of an official trails masterplan for Trenton City. The County trails masterplan currently shows a Rural On-Street Trail on 800 East in Trenton. The County Trails Masterplan is in the beginning stages of being updated, and adjustments may occur to trails designated as Rural On-Street Trails, to separated trails, in the future Trails Masterplan. The applicant has stated that he is okay with a trail going into the property from 800 East, eastward in between a couple of the homes. The property may also provide access to the Bear River which is accessible from the property at one point along the eastern border. The applicant has also pointed out that a trail could be provided from the north side of the property, along the length of the east side of the property, and provide access to the River, and that he would be willing to work out a trail along the east side from the north to the east. Staff recommends discussing the possibility of securing trail easements to access the master plan trails on the property. The County will also need to work out an agreement for the constructions, details of design, and the timing of construction of any trails; any agreement should be completed prior to the purchase of the easement.

There is a Wildlife Management Area along portions of the Bear River, that have informal trails along portions of the River. Based on past applications, the Utah Department of Agriculture and Food has also indicated that the trail may help the property owner secure additional grants.

Distinguishing Factors

The property being used for agriculture is overwhelmingly prime farmland soils, and otherwise is also designated as farmland of statewide importance, or farmland of local importance.

Partnering Organizations

The Utah Department of Agriculture and Food (UDAF) has been working with the applicant and is supportive of the conservation of the property. UDAF is in the process of finalizing a letter of intent and working with the applicant to create a funding plan for the conservation of the property. Further, they have been engaged with the applicant to help the applicant apply for the NRCS conservation conservation program funding, as well as funding from the LeRoy McAllister Working Farm and Ranch Fund. UDAF will be the entity that will hold the conservation easement, in perpetuity, if the application is approved and completed. If eventually approved, UDAF will also help with the completion of due diligence requirements. These items include tasks such as getting a full conservation easement appraisal, any title issues getting cleared up, etc.



COSAC Scoring

The COSAC scored the property with an average overall score of 42.6., out of a possible 100 points. This score of 42.6 accounted for the recommendation at a 10% funding level, as was noted by COSAC. The property scored high in the 'Preserves Agriculture,' and secondarily did fair in the 'Maintains Public Access' category, but did not score as high in the other 4 categories. More detail can be found in

COSAC Recommendation to the Council

COSAC has provided a recommendation to the County Council that the Silva Farm Round One application be approved, for a Round Two application, at a funding percentage of 10% of the cost of the conservation easement. The County Council may consider whether to recommend approval of the application, continue or table the application, or other actions, including any recommended conditions to an approval. If approved, the applicant will eventually need to get the project surveyed to provide a description of the agricultural easement, and any related trail easement. Both of these would become part of the easement document.

Staff recommends that the County Council consider the merits of the application. If the application is recommended for Round 1 approval by the County Council, Staff recommends that the applicant provide a funding plan, to include a funding plan for other sources of funding, and seek funding from the LeRay McAllister Working Farm and Ranch Fund, the Natural Resources Conservation Service, and other potential funding sources, in addition to the other remaining documents needed for the application.

Exhibits

- A. Silva Farm Application Form**
- B. COSAC Scoring Summary**
- C. Silva Property Attribute Maps**



Development Services
Department
Building | GIS | Planning

Site Photos





Development Services
Department
Building | GIS | Planning



Development Services Department
179 North Main, Suite 305
Logan, Utah 84321

www.cachecounty.org/devserv
devservices@cachecounty.org
(435) 755-1640



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Development Services
Department
Building | GIS | Planning





**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 No
yes, please describe. Select one ▾ _____

Section B: Property Information

Project Name: _____

Address or location: TI 910S, 800E. Trenton UT 84338

Municipality or nearest city: Trenton UT.

Parcel number(s): 13-002-0014, 13-002-0039, 13-002-0013, 13-002-0017

Total acres: ~~130.00~~ 155.44

Acres proposed to be preserved by conservation easement: 130.

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): Adolfo and Leilani Silva

Address: 910S, 800E. City: Trenton State: UT Zip: 84338

Phone: 435-237-3232 Email: leilanisilva66@gmail.com

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

Title / position: N/A

Address: N/A City: N/A State: Zip:

Phone: N/A Email: N/A

☐ I authorize this agent as my legal contact person

Agent relationship to project, check all that apply: N/A

☐ 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: N/A

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. We grow alfalfa and potatoes, corn, grass, grain. There are geese, swans, ducks, muskrats, raccoons, deer, coyotes, pheasants on property.
2. Are you aware of any toxic or hazardous materials on the property? Select one - If yes, NO please explain.
3. Is the property subject to any DEQ or EPA restrictions? Select one - If yes, please Not that I know of. 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 - NO 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.

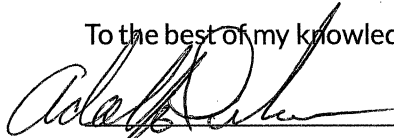
Section E: Supporting Documents

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.

x  Heilani Silva 9-18-2024
Property Owner(s) Signature (Required) Date

Authorized Agent Signature

Date

To complete and send this form:

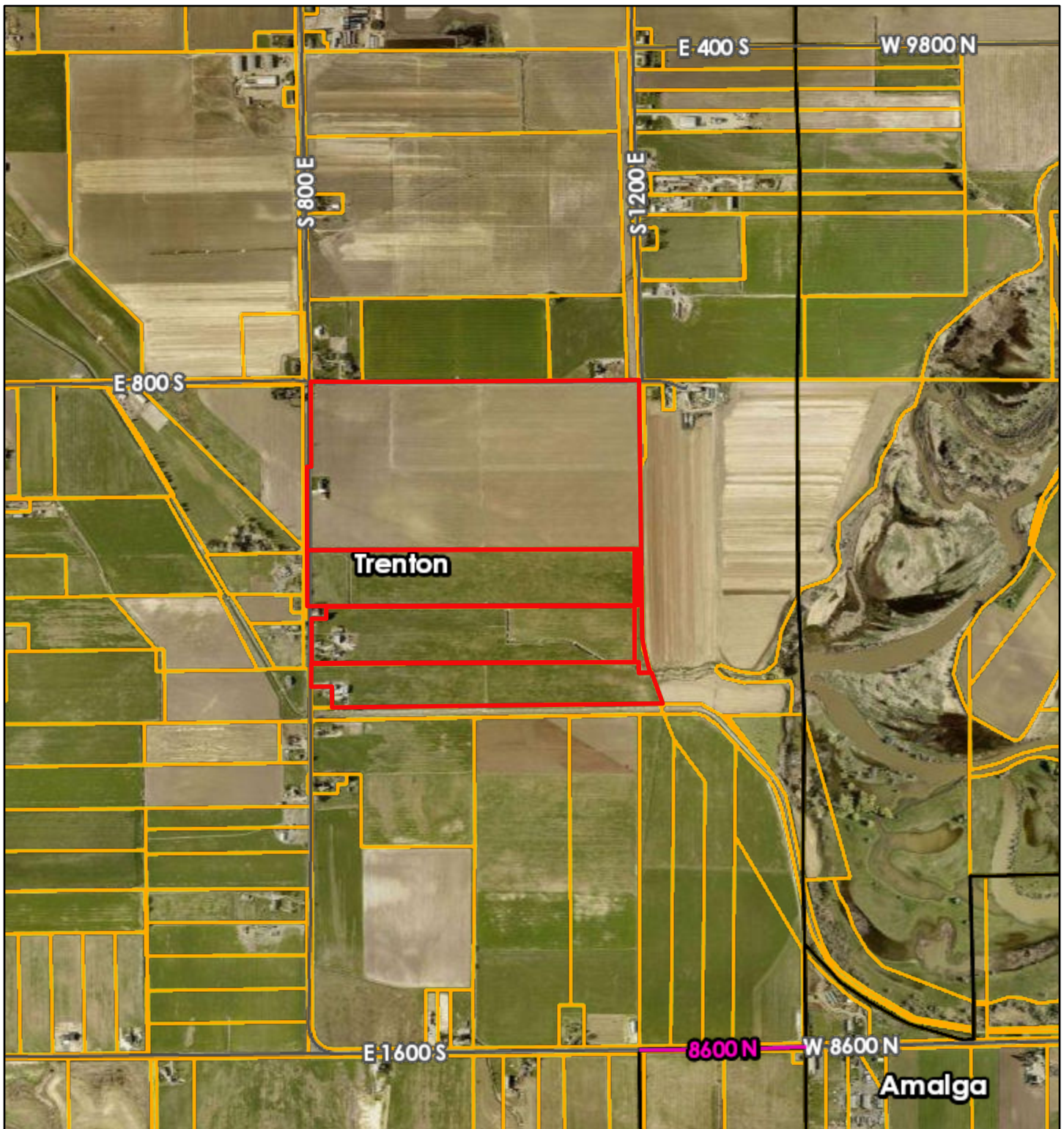
1. Save a copy on your computer as a PDF. Your draft can be attached to an email for editing and contribution by others.
2. Submit the final version via email to devservices@cachecounty.gov.

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



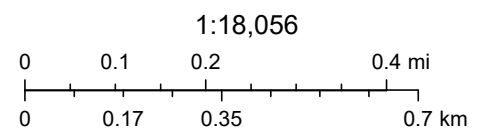


Silva Property - Parcels Map



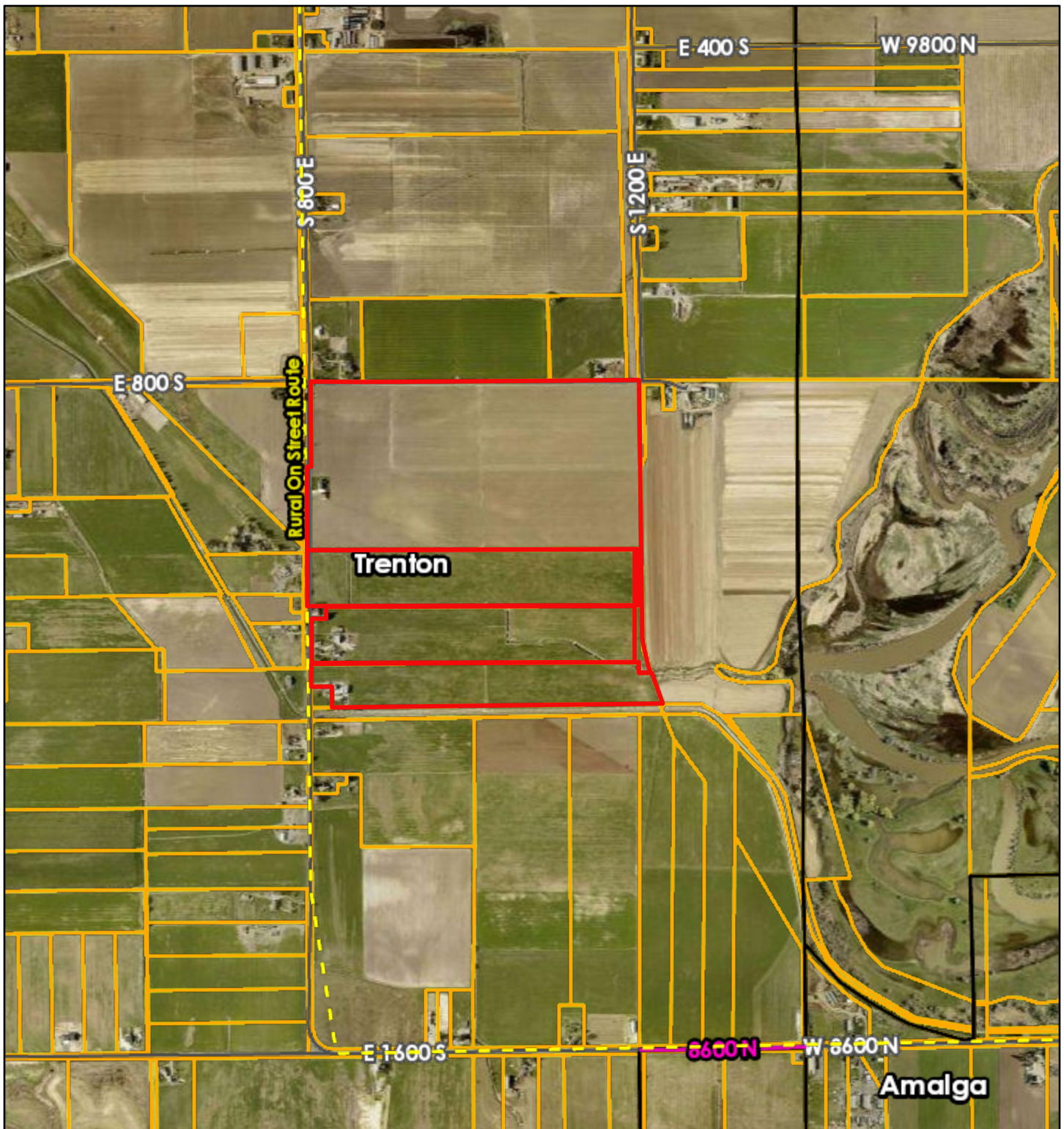
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|---|--|
| Override 1 | DIRT |
| Class B Surface Type | Municipal Boundaries |
| ASPHALT | County Boundary |
| GRAVEL | Cache Parcels |



Maxar

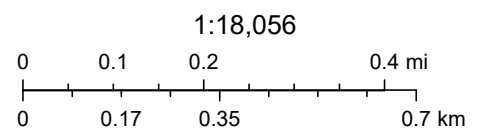
Silva Property - Master Planned Trails



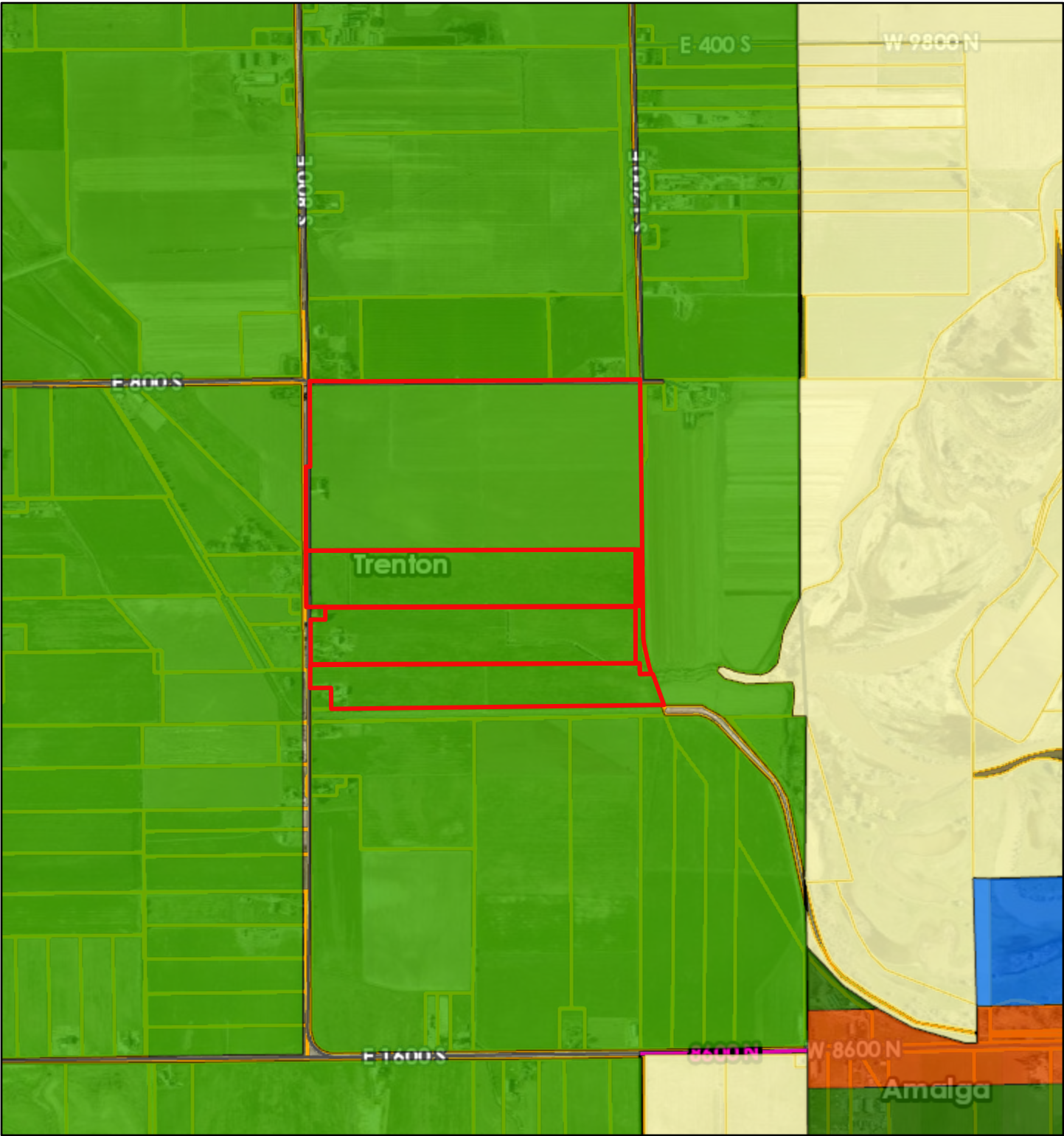
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- | | | |
|--|---|--|
| <ul style="list-style-type: none"> Override 1 City Master Plan Trailheads Cache Bikeways Near Term/ Long Term Recommendations Proposed Sharrows Proposed Bike Lanes Parking Restrictions - Side Specific Bike Lanes Proposed Advisory Bike Lanes Parking on Gravel Shoulder Only Proposed Bike Lane Up / Sharrows Down Bike Lane Up / Sharrows Down Buffered Bike Lanes Paved Trail Proposed Paved Trail | <ul style="list-style-type: none"> Sharrows Trails Master Plan Future Arterial Street Trail Sidewalk Trail Quiet Street Bike Lane Paved Pathway Improved Pathway Mountain Road Mountain Trail Spot Improvements Crossing Improvement Future City Trailhead | <ul style="list-style-type: none"> City Master Trail Plan Richmond, Motorized Richmond, Single Track Richmond, Sidewalks Richmond, On Street Bike Richmond, Paved Multi-Use Richmond, Non-Paved Multi-Use Hyde Park, Arterial Street Trail Hyde Park, Sidewalk Trail Hyde Park, Bike Lane Hyde Park, Improved Pathway Hyde Park, Mountain Road Hyde Park, Mountain Trail Hyde Park, Bonneville Shoreline Trail |
|--|---|--|

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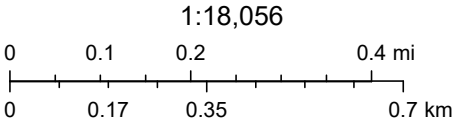


Silva Property - City and County Zoning

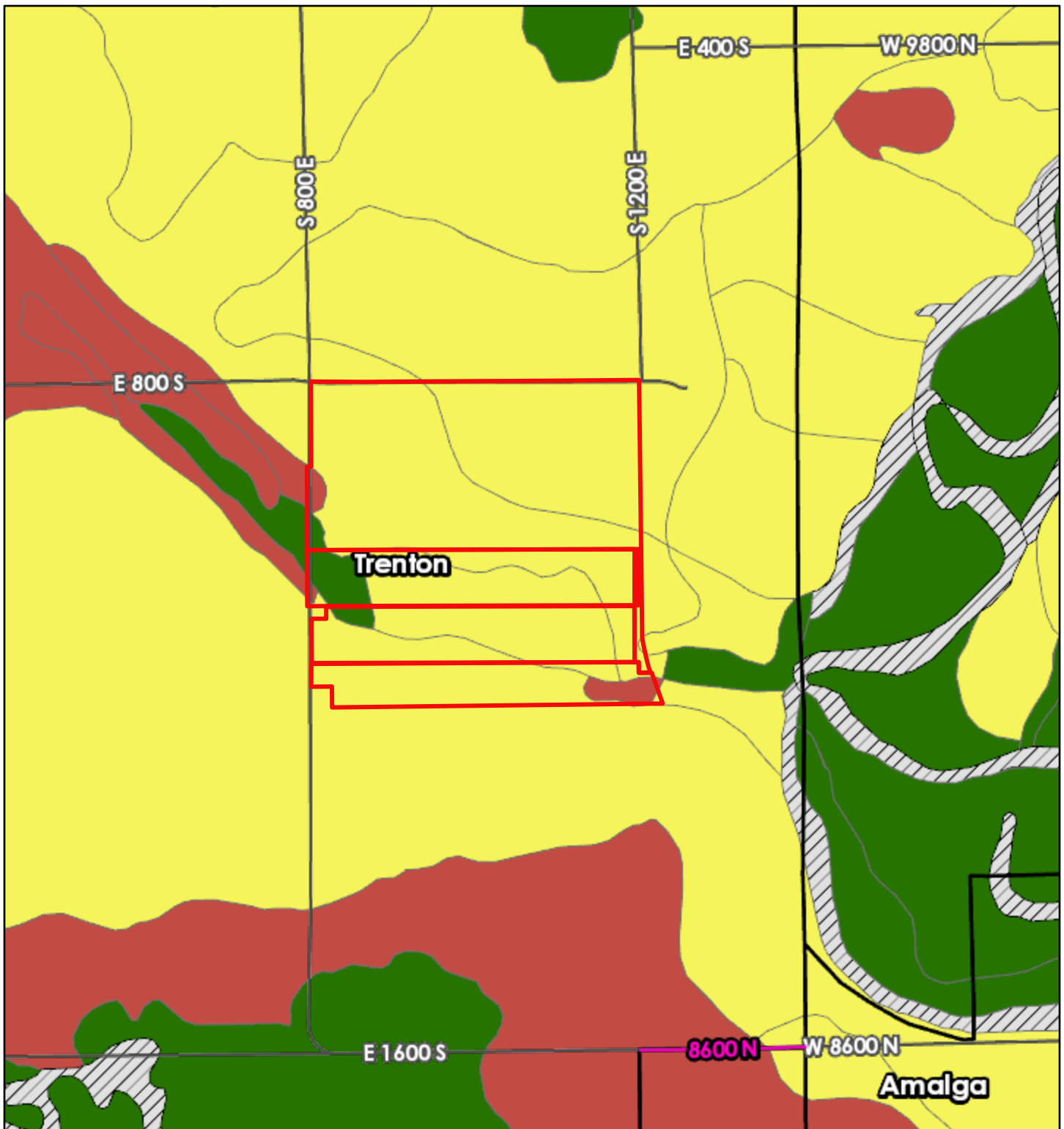


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- | | | | |
|---|---|--|---|
| <ul style="list-style-type: none">Override 1Smithfield Zoning<ul style="list-style-type: none">NEIGHBORHOOD COMMERCIAL - NCCOMMUNITY COMMERCIAL - C1 - C2GENERAL COMMERCIAL - GCHIGHWAY COMMERCIAL - CHMANUFACTURINGRESIDENTIAL AGRICULTURE - 5 ACRERESIDENTIAL - 1 ACRERESIDENTIAL - 1/2 ACRERESIDENTIAL - 12,000 SFRESIDENTIAL - MULTIFAMILYRECREATIONAL PLANNED DEVELOPMENTRESIDENTIAL CRITICAL AREA | <ul style="list-style-type: none">FOREST RECREATION - 40 ACRERiver Heights Zoning<ul style="list-style-type: none">AGRICULTURALCOMMERCIAL C1COMMERCIAL C2PARKRESIDENTIALRichmond Zoning<ul style="list-style-type: none">PUD OVERLAYMIXED USE OVERLAYAGRICULTURAL - A-3AGRICULTURAL - A-5AGRICULTURAL - A-10CENTRAL BUSINESS DISTRICT - CB | <ul style="list-style-type: none">COMMERCIAL PROFESSIONALCOMMUNITY COMMERCIAL - CCGENERAL COMMERCIAL - GCINSTITUTIONAL - I-1MANUFACTURING - M1MULTIPLE FAMILY RESIDENTIAL - RMRESIDENTIAL AGRICULTURAL - RA-1RESIDENTIAL AGRICULTURAL - RA-2RESIDENTIAL R-1-10RESIDENTIAL R-1-12RESIDENTIAL R-1-20MASTER PLANNED COMMUNITY - MPCProvidence Zoning<ul style="list-style-type: none">AGRICULTURAL - AG | <ul style="list-style-type: none">COMMERCIAL - CCOMMERCIAL PARKINGPARK - PRMIXED USE - MUHISTORICRESIDENTIAL - R-1-8RESIDENTIAL - R-1-10RESIDENTIAL - R-1-12Paradise Zoning<ul style="list-style-type: none">AGRICULTURAL A-10AGRICULTURAL A-5CENTRAL BUSINESSPLANNED INDUSTRIALHIGHWAY |
|---|---|--|---|

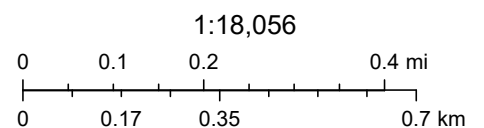


Silva Property - Farmland



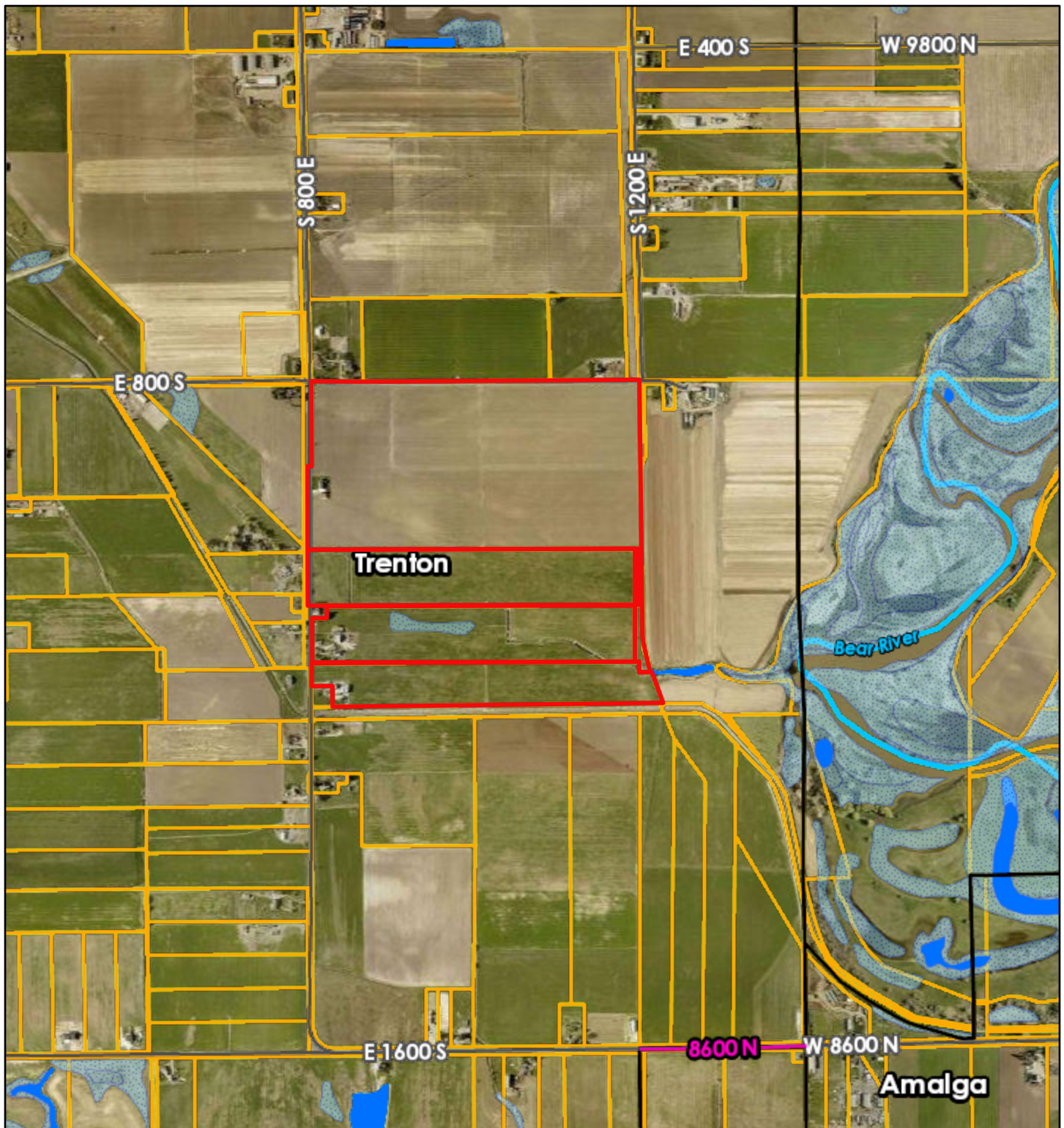
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- Override 1
- Class B Surface Type
 - ASPHALT
 - GRAVEL
 - DIRT
- Municipal Boundaries
- County Boundary
- Ag. Protection Areas 300 FT Buffer
- Ag. Protection Areas
- NRCS Soils Farmland
- Not Classified
- Farmland Of Local Importance
- Farmland Of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



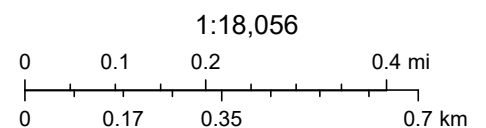
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Silva Property - Wetlands, Waterbodies, and Waterways



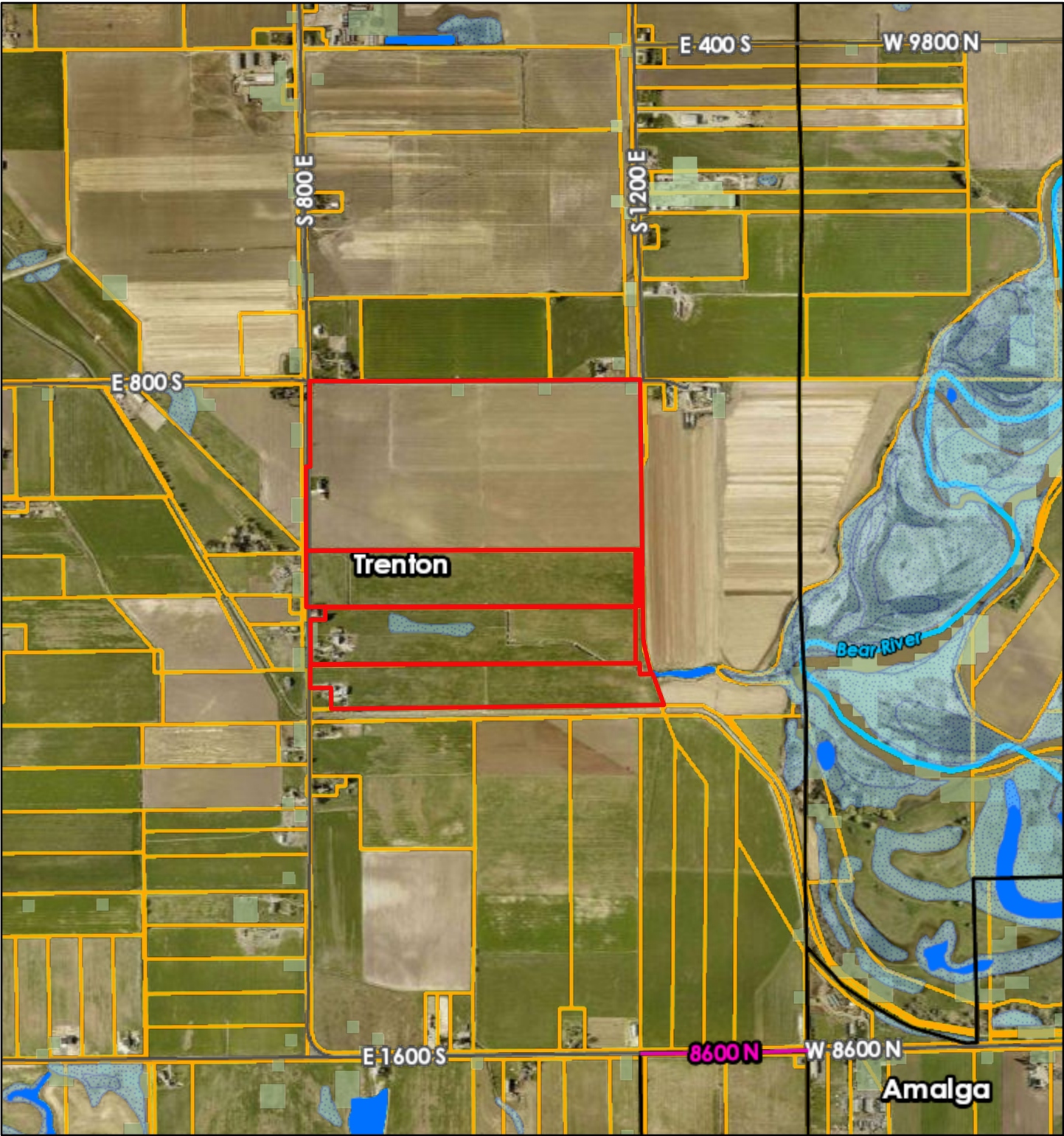
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- | | |
|---|---|
| Override 1 | County Boundary |
| Class B Surface Type | Wetlands (NWI) |
| ASPHALT | Water Bodies |
| GRAVEL | Major Waterways |
| DIRT | Cache Parcels |
| Municipal Boundaries | |

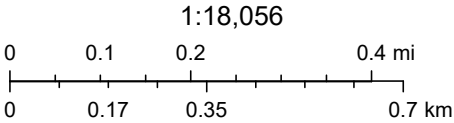
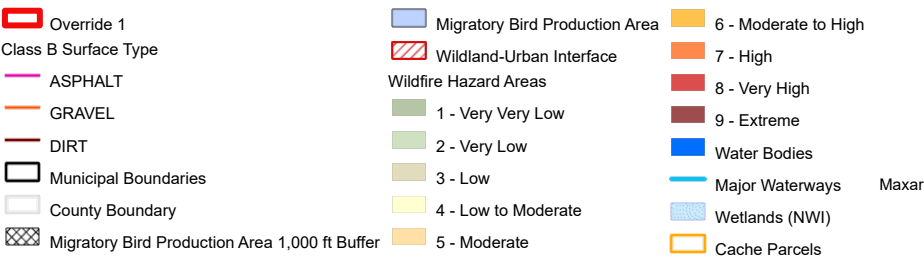


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Silva Property - Wildlife



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Name	PROTECT SCENIC VISTAS The location is along major roads a. Major state highways b. Minor state highways c. Major county roadways d. Visibility e. Traffic counts f. Foothills	PRESERVE OPEN LANDS NEAR VALLEY GATE The location is seen from major gateways a. View from entry way into the valley at the mouth of Wellsville Canyon or the transit through Wells Canyon b. First full view of the valley along Highway 89 heading east from Box Elder county (roughly from county border) c. View from Highway 89 heading west from Laramie canyon, just before the road drops down around campus (roughly at 900 E.) d. View from Highway 91 just south of the Idaho border. e. View from Highway 91 north of Smithfield where the road traverses the side of Crow Mountain f. View from the rise along Highway 165 just north of Hyrum; g. View from the visitor center at the America	MAINTAINS AGRICULTURE Land evaluation components a. Soil Productivity Index (SPI) b. Land Capability Index (LCI) c. Size of Parcel d. Commercial farm activity e. Proximity to protected land f. Canals/ Laterals g. Century Farm Dedication	MAINTAINS WATERWAYS The following will be included in the evaluation a. Floodplain b. Wetlands c. Major Waterways d. Waterbodies e. Springs	MAINTAINS WILDLIFE HABITAT The following will be included in the evaluation a. Important Habitat Areas b. Wildland-Urban Interface c. Migratory Bird Production Area d. Deer & Elk Migration Corridors e. Mule Deer Habitat g. Deer & Elk Winter Range h. Fish Habitat	ALLOWS PUBLIC ACCESS Please see the COSAC Trail projects. The following will be considered a. A trail easement will be included b. The project allows for an public access	DISTINGUISHING FACTORS Other factors including unique features
Kendra Penry	8	2	15	12	10	10	10
Regan Wheeler	0	1	13	1	2	10	5
Christopher Sands	5	5	15	5	5	10	5
Eric Eliason	5	5	15	0	3	4	5
Brent Thomas	2	0	15	3	4	2	1
	4.00	2.60	14.60	4.20	4.80	7.20	5.20
						Average Total Scores	42.60