

## APPROVED

## CACHE COUNTY COUNCIL

**September 27, 2022 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 Barbara Tidwell, Vice Chair Paul Borup, Councilmember David Erickson, Councilmember Gina Worthen, Councilmember Karl Ward

**MEMBERS EXCUSED:** Councilmember Gordon Zilles, Councilmember Nolan Gunnell

**STAFF PRESENT:** Chief Deputy Executive Dirk Anderson, Clerk/Auditor Jess Bradfield, Treasurer Craig McAllister, HR Director Amy Adams, Cameron Jenson, Shawn Milne, Josh Runhaar, Taylor Sorenson, Bryson Behm

\* County Executive David Zook was excused

**OTHER ATTENDANCE:** Shellie Giddings, Mark Hurd, Kelly P. Ecbert, Chris Kuester, Eric Eliason, Mava Pitcher, Holly Daines

### Workshop

1. **Call to Order** – Chair Barbara Tidwell [0:50](#)
2. **Budget Presentation** – Sheriff's Office – Chad Jensen spoke [1:44:53](#)
3. **Budget Presentation** – Public Works – Matt Phillips [1:23](#)
4. **Budget Presentation** – Development Services – Dirk Anderson [1:11:06](#)
5. **Adjourn**

### Council Meeting

1. **Call to Order 5:00p.m.** – Council Chair Barbara Tidwell [0:03](#)
2. **Opening Remarks and Pledge of Allegiance** – Councilmember Gina Worthen [0:34](#)
3. **Review and Approval of Agenda APPROVED [2:37](#)**

**Action:** Motion made by Councilmember David Erickson to strike from the agenda Public Hearings part b Smithfield Country Estates Rezone and Initial Proposals part h Secure Rural School Funding; seconded by Councilmember Gina Worthen

**Motion passes.**

**Aye:** 5 Barbara Tidwell, Paul Borup, David Erickson, Gina Worthen, Karl Ward

**Nay:** 0

**Absent:** 2 Gordon Zilles, Nolan Gunnell

**Action:** Motion made by Councilmember Gina Worthen to approve the agenda as amended; seconded by Councilmember Karl Ward

**Motion passes.**

**Aye:** 5 Barbara Tidwell, Paul Borup, David Erickson, Gina Worthen, Karl Ward

**Nay:** 0

**Absent:** 2 Gordon Zilles, Nolan Gunnell
4. **Review and Approval of Minutes APPROVED [4:13](#)**

**Action:** Motion made by Councilmember Gina Worthen to approve the minutes from September 13, 2022; seconded by Councilmember David Erickson

**Motion passes.**

**Aye:** 4 Barbara Tidwell, David Erickson, Gina Worthen, Karl Ward

**Nay:** 0

**Abstain:** Paul Borup

**Absent:** 2 Gordon Zilles, Nolan Gunnell
5. **Report of the County Executive [4:47](#)**
  - a. **Appointments:** Cache County Assessor Bret D. Robinson [5:13](#)
6. **Items of Special Interest [6:29](#)**
  - a. Bear River Mental Health Area Plan – Beth Smith, Director [6:41](#)
  - b. Request for Approval of County Economic Development Advisory Board's Recommendations [34:24](#)

**Action:** Motion made by Councilmember Karl Ward to approve the County Economic Development Advisory Board's recommendations; no second [53:40](#)  
**Motion fails.**

**7. Department or Committee Reports [1:46:54](#)**

- a. Cache County Library – Brynna Sainsbury, Director [1:47:16](#)
- b. Cache County Fire District – Chief Rod Hammer

**8. Board of Equalization Matters**

**9. Public Hearings [26:28](#)**

**a. Set Public Hearing for October 11, 2022 at 6:00 p.m. – Resolution 2022-27 [26:34](#)**

Opening the 2022 Cache County Budget

**Action:** Motion made by Councilmember Karl Ward to set the public hearing for Resolution 2022-27 for October 11, 2022 at 6:00 p.m.; seconded by Councilmember Gina Worthen [26:48](#)

**Motion passes.**

**Aye:** 5 Barbara Tidwell, Paul Borup, David Erickson, Gina Worthen, Karl Ward

**Nay:** 0

**Absent:** 2 Gordon Zilles, Nolan Gunnell

**b. Public Hearing – Ordinance 2022-29 – Smithfield Country Estates Rezone STRICKEN FROM THE AGENDA/WITHDRAWN [27:19](#)**

Request to rezone 16.5 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone, located at approximately 5400 North 1200 West, near Smithfield

**c. Public Hearing – Ordinance 2022-31 – Recreational Use [27:50](#)**

Amending Title 17 – Use Type 4100 – 'Recreational Facility,' 'Campground' Definition as a New Type and the Schedule of Uses by Zoning District in Section 17.09.030

**Discussion:** Tim Watkins spoke to the ordinance [30:28](#).

**Action:** Motion made by Councilmember David Erickson to close the public hearing; seconded by Councilmember Paul Borup [34:03](#)

**Motion passes.**

**Aye:** 5 Barbara Tidwell, Paul Borup, David Erickson, Gina Worthen, Karl Ward

**Nay:** 0

**Absent:** 2 Gordon Zilles, Nolan Gunnell

**d. Public Hearing – Open Space Bond Ballot Proposition [58:24](#)**

**Discussion:** Jack Draxler spoke to the proposition [58:49](#). Andrew Speth spoke to the proposition [1:00:34](#). Paul Rogers spoke to the proposition [1:05:07](#). Andrew Speth spoke [1:06:22](#). Chris Chambers spoke to the proposition [1:07:28](#). Scott Bushman spoke to the proposition [1:08:24](#). Representative Casey Snyder spoke to the proposition [1:10:00](#). Debra Bannoy spoke to the proposition [1:11:58](#). Logan Mayor Holly Daines spoke to the proposition [1:14:05](#). Patrick Belmont spoke to the proposition [1:15:27](#). Dan Johnson spoke to the proposition [1:16:56](#). Dominique Shore spoke to the proposition [1:18:30](#). Tom Jenson spoke to the proposition [1:18:57](#). Mark Ensign spoke to the proposition [1:21:51](#). Rob Gunn spoke to the proposition [1:23:01](#). Eric Elison spoke to the proposition [1:24:16](#). Joe Fuhrman spoke to the proposition [1:25:22](#). Jeff Williams spoke to the proposition [1:29:56](#). Ed Red spoke to the proposition [1:31:04](#). Councilmember Paul Borup spoke [1:32:59](#). Councilmember Gina Worthen spoke [1:34:26](#). Steve Daniels spoke to the proposition [1:34:57](#). Member of public spoke to the proposition [1:39:52](#).

**Action:** Motion made by Councilmember Gina Worthen to close the public hearing; seconded by Councilmember David Erickson [1:41:57](#)

**Motion passes.**

**Aye:** 5 Barbara Tidwell, Paul Borup, David Erickson, Gina Worthen, Karl Ward

**Nay:** 0

**Absent:** 2 Gordon Zilles, Nolan Gunnell

**e. Public Hearing – RAPZ Tax Ballot Proposition [1:42:37](#)**

**Discussion:** Logan Mayor Holly Daines spoke to the proposition [1:43:29](#). Mark Ensign spoke to the proposition [1:44:09](#).

**Action:** Motion made by Councilmember Karl Ward to close the public hearing; seconded by Councilmember Gina Worthen [1:44:56](#)

**Motion passes.**

**Aye:** 5 Barbara Tidwell, Paul Borup, David Erickson, Gina Worthen, Karl Ward

**Nay:** 0

**Absent:** 2 Gordon Zilles, Nolan Gunnell

**f. Public Hearing – Ordinance 2022-32** [1:45:17](#)

An ordinance making a Cost of Living Adjustment to the Salaries of the Cache County Elected Officers and Members of the Cache County Council

**Discussion:** Human Resources Director Amy Adams spoke to the ordinance [1:45:40](#).

**Action:** Motion made by Councilmember Gina Worthen to close the public hearing; seconded by Councilmember David Erickson [1:46:31](#)

**Motion passes.**

**Aye:** 5 Barbara Tidwell, Paul Borup, David Erickson, Gina Worthen, Karl Ward

**Nay:** 0

**Absent:** 2 Gordon Zilles, Nolan Gunnell

**10. Pending Action** [1:51:18](#)

**a. Ordinance 2022-26** [1:51:23](#) **ATTACHMENT 1**

An ordinance amending County Code Chapter 2.70 Agriculture Protection Area Advisory Board

**Discussion:** Councilmember Gina Worthen spoke to the ordinance [1:51:36](#).

**Action:** Motion made by Councilmember Karl Ward to adopt Ordinance 2022-26; seconded by Councilmember David Erickson

**Motion passes.**

**Aye:** 5 Barbara Tidwell, Paul Borup, David Erickson, Gina Worthen, Karl Ward

**Nay:** 0

**Absent:** 2 Gordon Zilles, Nolan Gunnell

**b. Resolution 2022-25** [1:54:52](#) **ATTACHMENT 2**

A resolution establishing the creation of an Agricultural Advisory Committee

**Discussion:** Councilmember Gina Worthen spoke to the resolution [1:55:07](#). Councilmember discussion ensued.

**Action:** Motion made by Councilmember David Erickson to amend the resolution by replacing the word 'shall' with the word 'may' in section 7a; seconded by Councilmember Karl Ward [2:03:20](#)

**Motion passes.**

**Aye:** 5 Barbara Tidwell, Paul Borup, David Erickson, Gina Worthen, Karl Ward

**Nay:** 0

**Absent:** 2 Gordon Zilles, Nolan Gunnell

**Action:** Motion made by Councilmember Paul Borup to approve Resolution 2022-25 as amended; seconded by Councilmember David Erickson [2:04:02](#)

**Motion passes.**

**Aye:** 5 Barbara Tidwell, Paul Borup, David Erickson, Gina Worthen, Karl Ward

**Nay:** 0

**Absent:** 2 Gordon Zilles, Nolan Gunnell

**c. Ordinance 2022-30 Amending Title 17 – Use Type 5810 – Private Airport** [2:04:36](#) **ATTACHMENT 3**

An ordinance amending the County Land Use Code as required by the adoption Ordinance 2022-30 amending the definition and requirements applicable to Use Related Definition 5810 Private Airport

**Discussion:** Tim Watkins spoke to the ordinance [2:05:05](#). Taylor Sorenson spoke to the ordinance [2:06:52](#). Councilmember discussion followed.

**Action:** Motion made by Councilmember Gina Worthen to amend the ordinance; seconded by Councilmember Karl Ward [2:17:57](#)

**Motion passes.**

**Aye:** 5 Barbara Tidwell, Paul Borup, David Erickson, Gina Worthen, Karl Ward

**Nay:** 0

**Absent:** 2 Gordon Zilles, Nolan Gunnell

**Action:** Motion made by Councilmember Gina Worthen to approve Ordinance 2022-30 as amended; seconded by Councilmember Karl Ward [2:19:59](#)

**Motion passes.**

**Aye:** 5 Barbara Tidwell, Paul Borup, David Erickson, Gina Worthen, Karl Ward

**Nay:** 0

**Absent:** 2 Gordon Zilles, Nolan Gunnell

**11. Initial Proposals for Consideration of Action** [2:20:25](#)

**a. Ordinance 2022-31 Amendments to Title 17, Use Type 4100 – Recreational Facility, Campground Definition and Schedule of Zoning Uses by Zoning District** [2:20:31](#) **ATTACHMENT 4**

An ordinance amending the County Land Use Code as required by the adoption of Ordinance 2022-31 amending the definition and requirements applicable to Use-Related Definition 4100 Recreational Facility, Campground Definition and Schedule of Zoning Uses by Zoning District

**Action:** Motion made by Councilmember David Erickson to waive the rules and approve Ordinance 2022-31; seconded by Councilmember Karl Ward [2:21:18](#)

**Motion passes.**

**Aye:** 5 Barbara Tidwell, Paul Borup, David Erickson, Gina Worthen, Karl Ward

**Nay:** 0

**Absent:** 2 Gordon Zilles, Nolan Gunnell

**b. Ordinance 2022-32** [2:21:40](#)

An ordinance making a Cost of Living Adjustment to the Salaries of the Cache County elected officers and members of the Cache County Council

**Discussion:** HR Director Amy Adams spoke to the ordinance [2:23:13](#). Councilmember Karl Ward spoke [2:23:53](#). Councilmember Barbara Tidwell spoke [2:25:23](#). Amy Adams spoke [2:26:09](#). Council discussion ensued.

**Action:** Motion made by Councilmember Karl Ward to amend the ordinance to make a COLA to the salaries of only the Cache County elected officers and not to members of the Council; no second [2:22:00](#)

**Motion fails.**

**c. Ordinance 2022-33** [2:28:45](#) **ATTACHMENT 5**

An ordinance updating Cache County Code 8.12

**Discussion:** Taylor Sorenson spoke to the ordinance [2:28:52](#).

**Action:** Motion made by Councilmember David Erickson to waive the rules and approve Ordinance 2022-33; seconded by Councilmember Paul Borup [2:30:07](#)

**Motion passes.**

**Aye:** 5 Barbara Tidwell, Paul Borup, David Erickson, Gina Worthen, Karl Ward

**Nay:** 0

**Absent:** 2 Gordon Zilles, Nolan Gunnell

**d. Ordinance 2022-34** [2:30:27](#) **ATTACHMENT 6**

An ordinance amending County Code Chapter 3.04.090 Transfers

**Discussion:** Councilmember Paul Borup spoke to the ordinance [2:30:42](#).

**Action:** Motion made by Councilmember Karl Ward to waive the rules and approve Ordinance 2022-34 with amendment; seconded by Councilmember David Erickson [2:31:36](#)

**Motion passes.**

**Aye:** 5 Barbara Tidwell, Paul Borup, David Erickson, Gina Worthen, Karl Ward

**Nay:** 0

**Absent:** 2 Gordon Zilles, Nolan Gunnell

**e. Discussion on Support of Non-profit Organizations** [2:32:27](#)

**Discussion:** Councilmember Paul Borup spoke [2:32:35](#). Councilmember discussion followed.

**f. Discussion on Training for New Council Members** [2:37:10](#)

**Discussion:** Councilmember David Erickson spoke [2:37:16](#). Councilmember discussion followed.

g. Decision on Truth in Taxation Notice [2:40:31](#)

**Discussion:** Treasurer Craig McAllister spoke [2:40:43](#). Councilmember discussion followed. Cameron Jenson spoke [2:43:16](#).

h. Discussion on County's Election for Secure Rural School Funding – Dirk Anderson POSTPONED

i. Discussion on County Council Policy Analyst [2:50:10](#)

**Discussion:** Councilmember discussion.

**12. Other Business [2:55:33](#)**

a. Cache Cheese & Dairy Festival

*Thursday, September 29 – Saturday, October 1, 2022*

b. USU Homecoming Parade

*Saturday, October 8 at 10:00 a.m.*

c. UAC Annual Conference

*November 15-17, 2022 in St. George*

**13. Councilmember Reports [2:56:37](#)**

**David Erickson** – No report.

**Gordon Zilles** – Excused.

**Karl Ward** – Spoke about setting up a meeting with state legislature representatives.

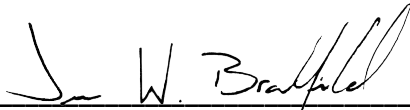
**Barbara Tidwell** – No report.

**Paul Borup** – No report.

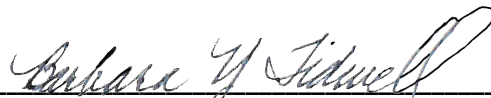
**Nolan Gunnell** – Excused.

**Gina Worthen** – Spoke to an issue regarding a property and road issue in Smithfield canyon.

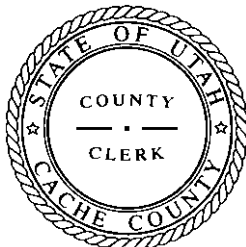
**Adjourn: 7:30 PM**



**ATTEST: Jess W. Bradfield**  
County Clerk/Auditor



**APPROVAL: Barbara Tidwell**  
Chair



**CACHE COUNTY COUNCIL MEETING**  
**SEPTEMBER 27, 2022**

**ATTACHMENT 1**



**CACHE COUNTY  
ORDINANCE NO. 2022-26**

**AN ORDINANCE AMENDING COUNTY CODE CHAPTER 2.70  
AGRICULTURE PROTECTION AREA ADVISORY BOARD**

WHEREAS, the State of Utah has authorized Cache County to adopt an agricultural protection area ordinance; and

WHEREAS, the Cache County Council finds that it is in the best interest of the residents of Cache County to provide property owners the ability to continue to use their lands for agriculture purposes; and

WHEREAS, the Cache County Council has previously found that it is in the best interest of the residents of Cache County to establish an Agriculture Protection Area Advisory Board as provided under Title 17, Chapter 41, Utah Code Annotated, 1953, as amended, and passed Ordinance 96-06 and Ordinance 2009-11, creating acreage requirements, fee schedules, and other procedures regarding review and consideration of proposals to create agriculture protection areas; and

WHEREAS, Title 17, Chapter 41, Utah Code Annotated, 1953, as amended, has been amended since Cache County adopted Ordinance 2009-11 setting forth the requirements and processes related to an Agriculture Protection Area advisory board;

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

**SECTION 1: CODE AMENDMENTS**

Chapter 2.70 of the Cache County Code, titled AGRICULTURE PROTECTION AREA ADVISORY BOARD, is amended to read in full as follows:

**2.70.010: ESTABLISHED:**

An agriculture protection area advisory board has been previously established by resolution 95-32 and Ordinance 2009-11 of the Cache County Council pursuant to Utah Code Annotated section 17-41-201 to perform the duties set out therein or any later amendment or enactment of that section and as provided by County ordinance.

**2.70.020: PURPOSES AND DUTIES:**

The advisory board shall:



- A. Evaluate proposals for the establishment of agriculture protection areas and make recommendations to the County Council about whether the proposal should be accepted;
- B. Provide expert advice to the Planning Commission and to the County Council about:
  - 1. the desirability of the proposal;
  - 2. the nature of agricultural production within the proposed area;
  - 3. the relation of agricultural production in the area to the county as a whole; and
  - 4. which agriculture production should be allowed within the relevant protection area; and
- C. perform the other duties required under title 17, chapter 41, Utah Code Annotated, 1953, as amended.

**2.70.030: OFFICERS:**

The County Council shall appoint five members from the county's conservation district board of supervisors to serve as the agriculture protection area advisory board. The members of the agriculture protection area advisory board shall select a chair, vice chair and secretary. The chair and vice chair shall be selected from among the members of the agriculture protection area advisory board. The secretary may be either a member of the advisory board or contracted.

**2.70.040: QUORUM AND RULES OF OPERATION:**

Any three (3) members of the agriculture protection area advisory board shall constitute a quorum of that board. Any actions of the agriculture protection area advisory board must be approved by at least three (3) members of that board. All meetings shall be conducted in accordance with the Utah open and public meetings act. The agriculture protection area advisory board may adopt such additional rules of operation as it deems necessary to govern its affairs.

**2.70.050: PROPOSAL AND APPROVAL OF AGRICULTURE PROTECTION AREA:**





A. Filing Procedure: Any owner or owners of land in agricultural production may file a proposal for creation of an agriculture protection area with the Cache County Council by completing forms approved by the Cache County Council and filing the forms in the Office of Development Services. The Office of Development Services or other person(s) designated by the County Council to receive and process proposals shall accept and process such forms only if they are properly completed and accompanied by the filing fee as provided in this section. The proposal shall contain the following information:

1. The boundaries of the land in agricultural production that the proposal sponsors wish to become part of an agriculture protection area;
2. Any limits on the type of agriculture production to be allowed within the agriculture protection area; and
3. For each parcel of land:
  - a. The owners of the land contained within the parcel;
  - b. The tax parcel number or account number of each parcel; and
  - c. The number or account number of acres as listed on the parcel tax records.
4. The proposal shall be signed by the majority in number of all owners of real property and the owners of a majority of the land area in agricultural production within the proposed protection area.

B. Notice Requirements: The Office of Development Services shall provide notice of the proposal for an agriculture protection area as required by title 17, chapter 41, Utah Code Annotated, 1953, as amended.

C. Review Of Proposal:

1. After fifteen (15) days from the date of the notice, the Office of Development Services shall refer the proposal, and any proposed modifications and objections to the proposal, to the advisory board and Planning Commission for their review, comment and recommendations.
2. Within forty five (45) days after receipt of the proposal, the advisory board and Planning Commission shall each submit a report to the Cache County Council relative to their review, comments and recommendations as provided in title 17, chapter 41, Utah Code Annotated, 1953, as amended. The County Council shall consider a failure of the Planning Commission or advisory board



to submit a written report within 45 days as a recommendation to approve the proposal as submitted.

3. After receipt of the reports from the advisory board and Planning Commission, or after forty five (45) days have expired, whichever is earlier, the Cache County Council shall schedule a public hearing and provide notice of the same, conduct a public hearing, and within 120 days of the submission of the proposal, approve, modify and approve, or reject the proposal as required by title 17, chapter 41, Utah Code Annotated, 1953, as amended.
- D. Minimum Size For Agriculture Protection Area: At least five (5) continuous acres within Cache County must be included in each agriculture protection area.
- E. Fees For Accepting And Processing Agriculture Protection Area Proposals: Any person or persons filing a proposal to create an agriculture protection area pursuant to title 17, chapter 41, Utah Code Annotated, 1953, as amended, shall pay a fee at the time of filing. See Consolidated Fee Schedule for fee amount. This fee includes all costs associated with processing agriculture protection area proposals.
- F. Adding Land To An Agriculture Protection Area:
1. Any owner of land may add land to an existing agriculture protection area by:
    - a. Filing a proposal with the Office of Development Services; and
    - b. Obtaining approval of the Cache County Council for the addition of the land to the area.
  2. The Cache County Council shall comply with the provisions for creating an agriculture protection area in determining whether or not to accept the proposal.
- G. Removing Land From An Agriculture Protection Area:
1. Any owner may remove land from an agriculture protection area by filing a petition for removal of the land from the agriculture protection area with the County Council. No fee shall be charged for a petition to remove land from the protection area.
  2. The Cache County Council shall:
    - a. Grant the petition for removal of land from an agriculture protection area even if removal of the land would result in an agriculture protection area



of less than the number of acres established by the Cache County Council as the minimum under this section; and

- b. In order to give constructive notice of the removal to all persons who have acquired or who may acquire an interest in land in or adjacent to the agriculture protection area and the land removed from the agriculture protection area, file a legal description of the revised agriculture protection area with the Cache County Recorder and the Planning Commission.
3. The remaining land in the agriculture protection area is still an agriculture protection area.
4. When a municipality annexes any land that is part of an agriculture protection area, the Cache County Council shall, within thirty (30) days after the land is annexed, review the feasibility of that land remaining in the agriculture protection area according to the procedures and requirements of title 17, chapter 41, Utah Code Annotated, 1953, as amended. The Cache County Council shall remove the annexed land from the protection area if it deems removal appropriate and if the owners of all the annexed land that is within the protection area consent in writing to removal.

#### H. Review Of Agriculture Protection Area:

1. The County Council shall review any agriculture protection area created under the authorization of this chapter in the twentieth calendar year after it is created.
2. In the twentieth calendar year, the Cache County Council shall:
  - a. Request the Planning Commission and advisory board to submit recommendations about whether the agriculture protection area should be continued, modified, or terminated;
  - b. At least one hundred twenty (120) days before the end of the calendar year hold a public hearing to discuss whether the agriculture protection area should be continued, modified, or terminated;
  - c. Give notice of the hearing using the same procedures for any notice employed to establish an agriculture protection area; and
  - d. After the public hearing, continue, modify, or terminate the agriculture protection area.



3. If the Cache County Council modifies or terminates the agriculture protection area, it shall file an executed document containing the legal description of the agriculture protection area with the Cache County Recorder.
4. If the Cache County Council does not affirmatively continue, modify, or terminate the agriculture protection area in the twentieth calendar year, the agriculture protection area is considered to be reauthorized for another twenty (20) years.

## SECTION 2: REPEALER

The provisions of all prior ordinances or resolutions, or any parts thereof, in conflict with the above Cache County Code amendments are hereby repealed and superseded to the extent of such conflict. Otherwise such resolutions and ordinances remain in full force and effect.

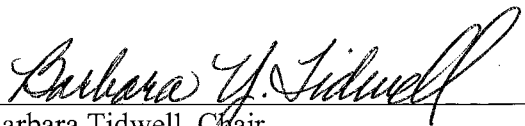
## SECTION 3: EFFECTIVE DATE

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

PASSED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH THIS 27<sup>th</sup> DAY OF SEPTEMBER 2022.

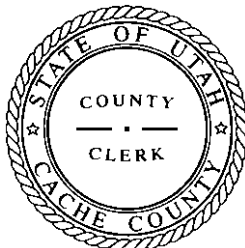
	In Favor	Against	Abstained	Absent
Paul R. Borup	✓			
David Erickson	✓			
Nolan P. Gunnell				✓
Barbara Tidwell	✓			
Karl Ward	✓			
Gina Worthen	✓			
Gordon Zilles				✓
Total	5			2

CACHE COUNTY COUNCIL

  
Barbara Tidwell, Chair

ATTEST:

  
Jess Bradfield, County Clerk



**Cache County**  
**ORDINANCE No. 2022 -26**  
**Substitute 1 changes in blue**

**An Ordinance Amending County Code Chapter 2.70 AGRICULTURE PROTECTION AREA ADVISORY BOARD**

WHEREAS, the State of Utah has authorized Cache County to adopt an agricultural protection area ordinance; and

WHEREAS, the Cache County Council finds that it is in the best interest of the residents of Cache County to provide property owners the ability to continue to use their land for agriculture purposes; and

WHEREAS, the Cache County Council has previously found that it is in the best interest of the residents of Cache County to establish an Agriculture Protection Area Advisory Board as provided under Title 17, Chapter 41, Utah Code Annotated, 1953 as amended, and passed Ordinance 96-06 and Ordinance 2009-11, creating acreage requirements, fee schedules, and other procedures regarding review and consideration of proposals to create agriculture protection areas, and

WHEREAS, Title 17, Chapter 41, Utah Code Annotated, 1953 as amended, has been amended since Cache County adopted Ordinance 2009-11 setting forth the requirements and processes related to an Agriculture Protection Area advisory board; and

NOW, THEREFORE, BE IT ORDAINED by the Cache County Council that Chapter 2.70 AGRICULTURE PROTECTION AREA ADVISORY BOARD of the Cache County Code is hereby amended and superseded as follows: the County Legislative Body of Cache County ordains as follows:

**SECTION 1: CODE AMENDMENTS**

Chapter 2.70 of the Cache County Code, titled AGRICULTURE PROTECTION AREA ADVISORY BOARD, is amended to read in full as follows:

**2.70.010: ESTABLISHED:**

An agriculture protection area advisory board has been previously established by resolution 95-32 and Ordinance 2009-11 of the Cache County Council pursuant to Utah Code Annotated section 17-41-201 to perform the duties set out therein or any later amendment or enactment of that section and as provided by County ordinance. the above mentioned resolution. Resolution 95-32 is hereby incorporated and attached as exhibit A to the ordinance codified herein. (Ord. 2009-11, 11-24-2009, eff. 12-9-2009)

**2.70.020: PURPOSES AND DUTIES:**

The advisory board shall:

- A. Evaluate proposals for the establishment of agriculture protection areas and make recommendations to the County Council about whether the proposal should be accepted;
- B. Provide expert advice to the Planning Commission and to the applicable legislative body County Council about:
- 1. the desirability of the proposal;
  - 2. the nature of agricultural production within the proposed area;
  - 3. the relation of agricultural production in the area to the county as a whole; and



4. which agriculture production should be allowed within the relevant protection area; and

C. perform the other duties required under title 17, chapter 41, Utah Code Annotated, 1953 as amended, 17-41, 17-41-201(3)}

## **2.70.02030: OFFICERS:**

The County Council shall appoint five members from the county's conservation district boards to serve as the agriculture protection area advisory board of supervisors. {17-41-201(1)(a)(i)} The members of the agriculture protection area advisory board shall select a chair~~man~~, vice chair~~man~~ and secretary. The chair~~man~~ and vice chair~~man~~ shall be selected from among the members of the agriculture protection area advisory board. The secretary may be either a member of the advisory board or ~~a Cache County employee. contracted. The selection of a Cache County employee to serve as secretary must be approved and appointed by the Cache County executive with the advice and consent of the county council of Cache County, Utah. (Ord. 2009-11, 11-24-2009, eff. 12-9-2009)~~

## **2.70.03040: QUORUM AND RULES OF OPERATION:**

Any three (3) members of the agriculture protection area advisory board shall constitute a quorum of that board. Any actions of the agriculture protection area advisory board must be approved by at least three (3) members of that board. All meetings shall be conducted in accordance with the Utah open and public meetings act. The agriculture protection area advisory board may adopt such additional rules of operation as it deems necessary to govern its affairs. ~~(Ord. 2009-11, 11-24-2009, eff. 12-9-2009)~~

## **2.70.04050: PROPOSAL AND APPROVAL OF AGRICULTURE PROTECTION AREA:**

**A. Filing Procedure:** Any owner or owners of land in agricultural production may file a proposal for creation of an agriculture protection area with the ~~county executive~~ Cache County Council [17-41-301(1)(a)(i)] by completing forms approved by the ~~county executive~~ Cache County Council [17-41-301(4)(a)] and filing the forms in the Office of the county executive Development Services. The ~~county executive~~ Office of Development Services or other person(s) designated by the County executive Council to receive and process proposals shall accept and process such forms only if they are properly completed and accompanied by the filing fee as provided in this section. The proposal shall contain the following information:

1. The boundaries of the land in agricultural production that the proposal sponsors wish to become part of an agriculture protection area;
2. Any limits on the type of agriculture production to be allowed within the agriculture protection area; and
3. For each parcel of land:
  - a. The owners of the land contained within the parcel;
  - b. The tax parcel number or account number of each parcel; and
  - c. The number or account number of acres as listed on the parcel tax records.

4. The proposal shall be signed by the majority in number of all owners of real property and the owners of a majority of the land area in agricultural production within the proposed protection area. {17-41-301(1)(c)}



**B. Notice Requirements:** The Office of Development Services ~~county executive~~ shall provide notice of the proposal for an agriculture protection area as required by title 17, chapter 41, Utah Code Annotated, 1953, as amended. {17-41-302(1)}

**C. Review Of Proposal:**

1. After fifteen (15) days from the date of the notice, the Office of Development Services ~~county executive~~ shall refer the proposal, and any proposed modifications and objections to the proposal, to the advisory board and Planning Commission for their review, comment and recommendations.
2. Within forty five (45) days after receipt of the proposal, the advisory board and Planning Commission shall each submit a report to the Cache County Council relative to their review, comments and recommendations as provided in title 17, chapter 41, Utah Code Annotated, 1953, as amended. The County Council shall consider a failure of the planning commission or advisory board to submit a written report within 45 days as a recommendation to approve the proposal as submitted. {17-41-303(c)}
3. After receipt of the reports from the advisory board and Planning Commission, or after forty five (45) days have expired, whichever is earlier, the Cache County Council shall schedule a public hearing and provide notice of the same, conduct a public hearing, and act within 120 days of the submission of the proposal, approve, modify and approve, or reject the proposal on the same as required by title 17, chapter 41, Utah Code Annotated, 1953, as amended. {17-41-304(3)(a)}

**D. Minimum Size For Agriculture Protection Area:** At least five (5) continuous acres within Cache County must be included in each agriculture protection area.

**E. Fees For Accepting And Processing Agriculture Protection Area Proposals:** Any person or persons filing a proposal to create an agriculture protection area pursuant to title 17, chapter 41, Utah Code Annotated, 1953, as amended, shall pay a fee at the time of filing. See Consolidated Fee Schedule for fee amount. This fee includes all costs associated with processing agriculture protection area proposals. {17-41-304(7)}

**F. Adding Land To An Agriculture Protection Area:**

1. Any owner of land may add land to an existing agriculture protection area by:
  - a. Filing a proposal with the ~~county executive~~ Office of Development Services ; and {17-41-306(1)(a)}
  - b. Obtaining approval of the Cache County Council for the addition of the land to the area.
2. The Cache County Council shall comply with the provisions for creating an agriculture protection area in determining whether or not to accept the proposal.

**G. Removing Land From An Agriculture Protection Area:**

1. Any owner may remove land from an agriculture protection area by filing a petition for removal of the land from the agriculture protection area with the County ~~executive~~ Council. No fee shall be charged for a petition to remove land from the protection area. {17-41-306(2)(a) & (b)(i)(B)}
2. The Cache County Council shall:
  - a. Grant the petition for removal of land from an agriculture protection area even if removal of the land would result in an agriculture protection area of less than the number of acres established by the Cache County Council as the minimum under this section; and
  - b. In order to give constructive notice of the removal to all persons who have acquired or who may acquire an interest in land in or adjacent to the agriculture protection area and the land removed from



the agriculture protection area, file a legal description of the revised agriculture protection area with the Cache County ~~R~~ecorder and the ~~P~~lanning ~~C~~ommission.

3. The remaining land in the agriculture protection area is still an agriculture protection area.
4. When a municipality annexes any land that is part of an agriculture protection area, the Cache County ~~C~~ouncil shall, within thirty (30) days after the land is annexed, review the feasibility of that land remaining in the agriculture protection area according to the procedures and requirements of title 17, chapter 41, Utah Code Annotated, 1953, as amended. ~~If appropriate, the Cache County Council shall remove the annexed land from the agriculture protection area and the owners of all the annexed land that is within the protection area consent in writing to the removal. The Cache County Council shall remove the annexed land from the protection area if it deems removal appropriate and if the owners of all the annexed land that is within the protection area consent in writing to removal.~~ {17-41-306(3)( b)(i) and(ii)}

#### **H. Review Of Agriculture Protection Area:**

1. The ~~C~~ounty ~~C~~ouncil shall review any agriculture protection area created under the authorization of this chapter in the twentieth calendar year after it is created.
2. In the twentieth calendar year, the Cache County ~~C~~ouncil shall:
  - a. Request the ~~P~~lanning ~~C~~ommission and advisory board to submit recommendations about whether the agriculture protection area should be continued, modified, or terminated;
  - b. At least one hundred twenty (120) days before the end of the calendar year hold a public hearing to discuss whether the agriculture protection area should be continued, modified, or terminated;
  - c. Give notice of the hearing using the same procedures for any notice employed to establish an agriculture protection area; and
  - d. After the public hearing, continue, modify, or terminate the agriculture protection area.
3. If the Cache County ~~C~~ouncil modifies or terminates the agriculture protection area, it shall file an executed document containing the legal description of the agriculture protection area with the Cache County ~~R~~ecorder.
4. If the Cache County ~~C~~ouncil does not affirmatively continue, modify, or terminate the agriculture protection area in the twentieth calendar year, the agriculture protection area is considered to be reauthorized for another twenty (20) years. ~~(Ord. 2009-11, 11-24-2009, eff. 12-9-2009; amd. Ord. 2021-22, 12-14-2021, eff. 1-1-2022)~~

#### **SECTION 2: REPEALER**

The provisions of all prior ordinances or resolutions, or any parts thereof, in conflict with the above Cache County Code amendments are hereby repealed and superseded to the extent of such conflict. Otherwise such resolutions and ordinances remain in full force and effect.

#### **SECTION 3: EFFECTIVE DATE**

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



**CACHE COUNTY COUNCIL MEETING**  
**SEPTEMBER 27, 2022**

**ATTACHMENT 2**

**CACHE COUNTY  
RESOLUTION NO. 2022-25  
A RESOLUTION ESTABLISHING THE CREATION OF A COUNTY COUNCIL AGRICULTURAL  
ADVISORY COMMITTEE**

WHEREAS, the Cache County Council recognizes agriculture as a major contributor to the local economy and the high quality of life for Cache County citizens; and

WHEREAS, the General Plan contains goals and policies that direct the County to conserve and enhance Cache County's agricultural land base, and to maintain and enhance Cache County's agricultural products industry as a long-term sustainable industry, and

WHEREAS, many Council decisions can affect agricultural production and viability; and

WHEREAS, the Council is the governing body of Cache County with all legislative and policy determining powers (County Code 2.12.20 and 2.12.120 );

WHEREAS, the Council has the power to establish and define the duties and functions of appointed boards and commissions deemed appropriate to expedite and facilitate the duties of the Council (County Code 2.12.120 H);

WHEREAS, the Council desires the input of agricultural producers on land use proposals, land use policies, economic strategies and policies and other county, regional, state and/or federal programs that directly or indirectly affect agriculture in Cache County; and

WHEREAS, the Council desires agriculture to continue and supports the establishment of both public and private efforts to that end;

THEREFORE, the Cache County Council hereby adopts the following resolution:

BE IT RESOLVED that:

**Section 1: Establishment of County Council Agricultural Advisory Committee**

There is hereby established the Cache County Council Agricultural Advisory Committee. This resolution repeals Resolution No. 2002-07.

**Section 2: Purpose**

The Agricultural Advisory Committee provides review and recommendations to the Cache County Council on issues that affect agriculture. The Committee also provides a forum for farmers and others interested in enhancing and promoting the long-term viability of Cache County agriculture.

**Section 3: Function**

The function of the Committee is to report directly to and advise the County Council, and any appropriate boards or commissions as directed by the Council, in order to review, analyze and make recommendations on criteria, plans, policies, or programs regarding:

1. Any legislation that affects agriculture;
2. Land uses that impact agriculture;
3. Ways to preserve and enhance agriculture in Cache County;
4. Any other agricultural issues as requested by the Cache County Council.

## **Section 4: Membership - Term of office**

A. The Committee shall be composed of nine voting members consisting of:

1. Two representatives of livestock producers;
2. One grower of crops;
3. One producer of locally grown products for local consumption;
4. One representative of the local agricultural processing industry;
5. One representative of agricultural supplies, equipment, or non-financial services;
6. One representative of a local agricultural financial services company;
7. Two agricultural producers representing a diversity of various agricultural commodities produced in Cache County.

B. The Committee may have up to five non-voting members to assist and advise voting members of the committee.

C. The Committee may call upon others, including representatives of the following organizations, to advise and assist, if desired. Such representatives are not members of the Committee, unless appointed by the Cache County Council. Those who may have expertise helpful to the committee include: USU Extension; USDA Natural Resource Conservation Service (NRCS); USDA Farm Service Agency; Cache Chamber of Commerce; Cache County Development Services Office; Cache Metropolitan Planning Organization (CMPO); Bear River Association of Governments; Western Rural Development Center (USU); Cache Gardner's Market; Cache Farm Bureau; Cache Water District; Cache County Cattlemen's Association; Utah Farmer's Union; Utah Department of Agriculture; Utah Wildlife Resources; U.S. Forest Service; economic development advisors.

D. The Cache County Council shall appoint the members of the Committee.

E. The term of office for voting members shall be three years. The County Council shall set the term of office for non-voting members. Voting and non-voting members may be reappointed.

F. Vacancies created by resignation, death, removal, or otherwise, shall be filled for the unexpired duration of the term by the Council in the same manner as the original appointment.

G. The Council may remove any member for misconduct or neglect of duty.

## **Section 5: Organization - Meetings**

A. The Committee shall determine its own meeting schedule, but shall meet at least quarterly.

B. Meetings shall comply with all requirements of state law, including, but not limited to, the state open and public meetings act.

C. Records of all committee meetings shall be kept, managed, classified and disclosed as required by county ordinance and state law, including, but not limited to the government records access and management act. Findings, recommendations and minutes shall be forwarded to the Cache County Council.

D. A majority of voting members shall constitute a quorum.

E. Committee members may participate electronically or remotely by means that allow simultaneous audio and visual communication. A meeting shall have a physical anchor site where the Chair presides.

F. The first meeting shall be within 45 days of the committee members' appointment, and shall be arranged by a member of the County Council or their designee.

## **Section 6: Bylaws and Officers**

A. The Committee's rules and procedures shall follow the current edition of Roberts Rules of Order, Newly Revised, except, the Committee may adopt and amend, by majority vote, bylaws as needed.

B. The Committee shall elect a chair and vice chair from among its voting members. The chair shall preside at meetings, and shall have full rights to debate and vote on the committee. The term of office for the chair and vice chair shall be two years.

C. The secretary will publish notice of committee meetings, take minutes and maintain official records of the committee. The secretary is a staff position, and is not a member of the committee.

## **Section 7: Committee staffing**

A. The Council may budget funds to provide for clerical duties.

B. The Committee is authorized to request information from administrative departments as necessary.

Action of the Cache County Council:

Date: 9/27/22

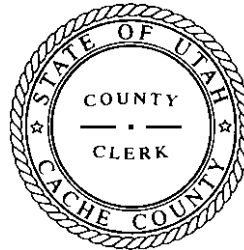
	In favor	Against	Abstained	Absent
Paul Borup	✓			
David Erickson	✓			
Nolan Gunnell				✓
Barbara Tidwell	✓			
Karl Ward	✓			
Gina Worthen	✓			
Gordon Zilles				✓
Total	5			2

Cache County Council:

Attest:

*Barbara Tidwell*  
Barbara Tidwell, Chair

*Jess W. Bradfield*  
Jess Bradfield, County Clerk/Auditor



**CACHE COUNTY COUNCIL MEETING**  
**SEPTEMBER 27, 2022**

**ATTACHMENT 3**

# Ordinance No. 2022-30

## Cache County, Utah

### Amendments to Title 17, Use Type 5810 - Private Airport

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An ordinance amending the County Land Use Code as required by the adoption of Ord. 2022-30 amending the definition and requirements applicable to Use Related Definition 5810 Private Airport.

**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 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, or amendments thereto, that represent the Planning Commission’s recommendations; and

**Whereas**, the Planning Commission caused notice of a public hearing for the rezone to be advertised at least ten (10) days before the date of the public hearing on the Utah Public Notice Website and on the Cache County website as required under County Code Section 17.02.070: Notice for Public Meetings; and

**Whereas**, on July 7, 2022, 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

**Whereas**, following proper notice, the County Council held a public hearing on September 13, 2022, to consider any comments regarding the proposed amendments. The County Council accepted all comments; and

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

**1. Statutory Authority**

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

**2. Amendment to Title 17.07.030 Use Related Definitions**

Amendments to Use Type 5810 Private Airport in section 17.07.030 Use Related Definitions, are to read as follows:

**5810 Private Airport:** Any area for the takeoff or landing of aircraft and that is not open to the public, including uses ~~that may be~~ appurtenant ~~and accessory~~ to said activity (e.g., runways, hangars, facilities for refueling and repair).

1. **Application:** The following are required at the time of land use application:
  - a. A copy of any and/or all FAA reviews, forms, and analyses regarding the airport location, activity, and design including:
    - i. The current FAA Form 7480-1, and;
    - ii. FAA response to the Form 7480-1 submission.
    - iii. ~~A copy of the airport master record.~~
  - b. A copy of the design criteria as per ~~the current~~ FAA Airport Design Advisory Circular AC 150/5300-13BA as applicable to the type of aircraft proposed to operate at the site. Said design criteria must be implemented at the site.
2. **Location** - The airport and the following must be located within the boundaries of property owned by the proponent, or that is within a recorded easement:
  - a. All appurtenant uses and structures; and
  - b. All zones and areas related to the land use and associated with the required design criteria as specified in the noted FAA Airport Design Advisory Circular in item 1b above.

~~Permitting is not required for temporary or intermittent airports as defined by the Federal Aviation Administration (FAA) under title 14 of the Code of Federal Regulations part 157 Notice of Construction, Alteration, Activation, and Deactivation of Airports.~~
3. The proposed use of a private airport must not impose a hazard upon the person or property of others as required in State Code Section 72-10-1-116.

### 3. Amends and Supersedes

This ordinance amends and supersedes Chapter 7 of Title 17 of the Cache County Code, and supersedes all other prior ordinances, resolutions, policies, and actions of the County Legislative Body of Cache County to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

### 4. Effect

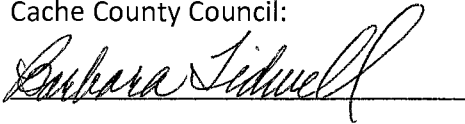
The ordinance amendments will take effect no sooner than 15 days from the date of approval. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.



**Approved and Adopted** this 27<sup>th</sup> day of September, 2022.

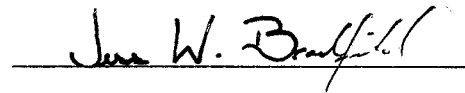
	In Favor	Against	Abstained	Absent
Borup	✓			
Erickson	✓			
Gunnell				✓
Tidwell	✓			
Ward	✓			
Worthen	✓			
Zilles				✓
Total	5			2

Cache County Council:



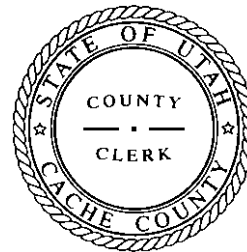
Barbara Tidwell, Chair  
Cache County Council

Attest:



Jess Bradfield  
Cache County Clerk

Publication Date: OCTOBER 12, 2022



**CACHE COUNTY COUNCIL MEETING**  
**SEPTEMBER 27, 2022**

**ATTACHMENT 4**

# **Ordinance No. 2022-31**

## **Cache County, Utah**

### **Amendments to Title 17, Use Type 4100 – Recreational Facility, Campground Definition and Schedule of Zoning Uses by Zoning District**

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An ordinance amending the County Land Use Code as required by the adoption of Ord. 2022-31 amending the definition and requirements applicable to Use Related Definition 4100 Recreational Facility, Campground Definition and Schedule of Zoning Uses by Zoning District.

**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 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, or amendments thereto, that represent the Planning Commission’s recommendations; and

**Whereas**, the Planning Commission caused notice of a public hearing for the rezone to be advertised at least ten (10) days before the date of the public hearing on the Utah Public Notice Website and on the Cache County website as required under County Code Section 17.02.070: Notice for Public Meetings; and

**Whereas**, on August 4, 2022, 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

**Whereas**, following proper notice, the County Council held a public hearing on September 27, 2022, to consider any comments regarding the proposed amendments. The County Council accepted all comments; and

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

**1. Statutory Authority**

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

**2. Amendment to Title 17 Land Use Regulations**

Amendments including but not limited to Use Type 4100 ‘Recreational Facility’ in Section

17.07.030, definition of ‘Campground’ 17.07.040 to become Use Type 4110 ‘Campground’, and Section 17.09.030 ‘Schedule of Uses by Zoning District’, are to read as follows:

#### 17.07.030: Use Related Definitions

4100 - RECREATIONAL FACILITY: A place, either indoor or outdoor, designed and equipped for the conduct of sports and leisure time activities that is operated as a business and/or open to the general public. A recreational facility is operated for a period of greater than thirty (30) days per year and may also include incidental transient lodging accommodations for up to fifteen (15) rooms. For the purposes of a recreational facility only, "room" is defined as a self-contained area within a structure that has a maximum of two (2) sleeping areas, one bathroom, and no provision for cooking. A room provides sleeping accommodations for the general public utilizing the associated recreational facility. All rooms associated with a recreational facility must be contained within a single structure, and access to rooms must be primarily from interior lobbies or halls. A central kitchen and dining room catering to guests and the general public can be provided within the same structure. ~~The term recreational facility includes, but is not limited to, the following: ski facility, and golf course, and campground. A Recreation Facility does not include Use Type 4110 – Campground.~~

#### 17.07.040: General Definitions

~~CAMPGROUND: Any area with 3 or more campsites in the FR40 or RR zones that are improved for occupancy by transients using recreational vehicles, motor homes, mobile trailers, or tents for dwelling, lodging, or sleeping purposes with a duration of state for a period of 30 days or less.~~

#### 17.07.030: Use Related Definitions

4110 – Campground: Any area with 2 or more campsites in the FR40, RR or C zones that are improved for occupancy by transients using recreational vehicles, motor homes, mobile trailers, or tents for dwelling, lodging, or sleeping purposes with a duration of state for a period of 30 days or less. Water and sewage facilities shall comply with State requirements (see § 17-10.040.3.a.).

#### 17.09.030: Schedule of Uses by Zoning District

Index	Description	Base Zone							Overlay Zone	
4000	Cultural, Entertainment, and Recreation	RU2	RU5	A10	FR40	RR	C	I	ME	PI
4100	Recreation facility	N	N	C	C	C	C	N	N	-
<u>4110</u>	<u>Campground</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>-</u>

### 3. Amends and Supersedes

This ordinance amends and supersedes Chapter 7 and Chapter 9 of Title 17 of the Cache County Code, and supersedes all other prior ordinances, resolutions, policies, and actions of the County Legislative Body of Cache County to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

### 4. Effect

The ordinance amendments will take effect no sooner than 15 days from the date of approval. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

**Approved and Adopted** this 27<sup>th</sup> day of September, 2022.

	In Favor	Against	Abstained	Absent
Borup	✓			
Erickson	✓			
Gunnell				✓
Tidwell	✓			
Ward	✓			
Worthen	✓			
Zilles				✓
Total	5			2

Cache County Council:

Barbara Tidwell

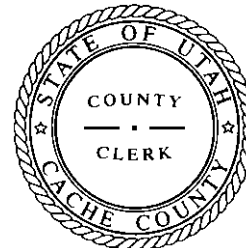
Barbara Tidwell, Chair  
Cache County Council

Attest:

Jess W. Bradfield

Jess Bradfield  
Cache County Clerk

Publication Date: OCTOBER 12, 2022



**CACHE COUNTY COUNCIL MEETING**  
**SEPTEMBER 27, 2022**

**ATTACHMENT 5**



**CACHE COUNTY**  
**ORDINANCE NO. 2022 - 33**

**AN ORDINANCE AMENDING SECTION 8.12 OF THE CACHE COUNTY CODE TO  
UPDATE THE REFERENCED UTAH CODE SECTION**

- (A) WHEREAS, the Cache County Code references and incorporates various provisions the Utah Code; and
- (B) WHEREAS, Chapter 12 of Title 8 of the Cache County Code as currently constituted, references outdated, omitted, and renumbered provisions of the Utah Code, and mirrors outdated language; and
- (C) WHEREAS, the Cache County Council has an interest in maintaining the accuracy and applicability of the references to the Utah Code found in the Cache County Code;

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

**SECTION 1:**

Section 8.12 of the Cache County Code is amended to read in full as follows:

**8.12.010: DEFINITIONS:**

As used in this chapter:

“Agricultural Burning” means open burning, in rural areas, essential to agricultural operations, including the growing of crops, the raising of fowl, animals or bees, when conducted on the premises where produced.

“Air Pollutant” means a substance that qualifies as an air pollutant as defined in 42 U.S.C. Sec. 7602.

“Air Pollutant Source” means private and public sources of emissions of air pollutants.

“Air Pollution” means the presence of an air pollutant in the ambient air in the quantities, for a duration, and under the conditions and circumstances that are injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or use of property, as determined by the rules adopted by the Air Quality Board.

“Appropriate Authority” means the governing body of the County.

“Atmosphere” means the air that envelops or surrounds the earth and includes all spaces outside of buildings, stacks or exterior ducts.

“Ambient air” means that portion of the atmosphere, external to buildings, to which the general public has access

“Authorized Local Authority” means the Chief of the Cache County fire department, or such other local agency duly designated by appropriate authority, with approval of state division of health, as



the agency to issue permits for open burning under regulations of the state division of health and other lawfully adopted ordinances, codes or regulations not in conflict therewith.

“Clearing Index” means a number indicating the predicted rate of clearance of ground level pollutants from a given area. This number is calculated by the U.S. weather bureau, from daily measurements of temperature lapse rates and wind speeds and directions from ground level to ten thousand (10,000) feet.

“Division” means the Utah state division of health.

“Emission” means the act of discharging, into the atmosphere, an air contaminant or an effluent which contains or may contain an air contaminant; or the effluent so discharged into the atmosphere.

“Garbage” means all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food, including wastes attendant thereto.

“Heavy fuel oil” means a petroleum product or similar material heavier than diesel fuel.

“Household Waste” means any solid or liquid material normally generated by a family in a residence in the course of ordinary day to day living, including, but not limited to, garbage, paper products, rags, leaves and garden trash.

“Open Burning” means any burning of combustible materials where the products of combustion are emitted into open air without passing through a chimney or stack; provided, that open burning shall be construed to mean burning in a single chamber incinerator or burning with the use of tepee or wigwam burners, or similar devices, notwithstanding the fact that there is a partial enclosure by the use of such devices.

“Person” means any individual, public or private corporation, partnership, association, firm, trust or estate, the state or any department, institution, bureau or agency thereof, any municipal corporation, county, city and county, or other political subdivision of the state, or any other legal entity whatsoever which is recognized by the law as being subject to rights and duties.

“Refuse” means any solid waste, including garbage and trash.

“Salvage Operation” means any business, trade or industry engaged in whole or part in salvaging or reclaiming any product or material, including, but not limited to, metals, chemicals, shipping containers or drums.

“Trash” means solids not considered to be highly flammable or explosive, including, but not limited to, clothing, rags, leather, plastic, rubber, floor coverings, excelsior, tree leaves, yard trimmings and other similar materials.

“Waste” means all solid, liquid or gaseous material, including, but not limited to, garbage, trash household waste, construction or demolition debris, or other refuse, including that resulting from the prosecution of any business trade or industry.

#### **8.12.020: BURNING AT COMMUNITY WASTE SITES RESTRICTED:**

No burning shall be done at sites used for the disposal of community trash, garbage or other waste, except when authorized for a specific period of time and subject to specific conditions as approved





by the Utah Air Quality Board in accordance with the Utah Air Conservation Act (Utah Code Title 19, Chapter 2) and by the County Council after a public hearing.

**SECTION 2:**

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

PASSED AND APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH  
THIS 27<sup>th</sup> DAY OF September 2022.

	In Favor	Against	Abstained	Absent
Paul R. Borup	✓			
David Erickson	✓			
Nolan Gunnell				✓
Barbara Tidwell	✓			
Karl Ward	✓			
Gina Worthen	✓			
Gordon Zilles				✓
Total	5			2

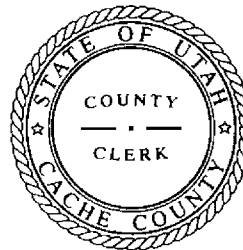
**CACHE COUNTY:**

By: Barbara Tidwell  
Barbara Tidwell, Chair

**ATTEST:**

By: Jess W. Bradfield  
Jess Bradfield, County Clerk / Auditor

By: \_\_\_\_\_  
David Zook, County Executive





Redline version of Chapter 8.12 to show proposed change:

#### Redlined Version

##### **8.12.010: DEFINITIONS:**

As used in this chapter:

~~AGRICULTURAL BURNING:~~ "Agricultural Burning" means ~~Open~~ burning, in rural areas, essential to agricultural operations, including the growing of crops, the raising of fowl, animals or bees, when conducted on the premises where produced.

~~AIR CONTAMINANT~~ "Air Pollutant" means a substance that qualifies as an air pollutant as defined in 42 U.S.C. Sec. 7602. ~~÷Any particulate matter or any gas, vapor, suspended solid, or any combination thereof, excluding steam and water vapors.~~

~~AIR CONTAMINANT SOURCE~~ "Air Pollutant Source" means private and public sources of emissions of air pollutants. ~~Any and all sources of emission of air contaminants, whether privately or publicly owned or operated.~~

~~AIR POLLUTION:~~ "Air Pollution" means the presence of an air pollutant in the ambient air in the quantities, for a duration, and under the conditions and circumstances that are injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or use of property, as determined by the rules adopted by the Air Quality Board. ~~The presence in the ambient air of one or more air contaminants in quantities, or characteristics and under conditions and circumstances, and of a duration sufficient to cause or contribute to injury to human, plant or animal life or health, or to property, or which unreasonably interferes with the enjoyment of life or use of property, as determined by the standards, rules and regulations adopted by the air conservation committee.~~

~~APPROPRIATE AUTHORITY:~~ "Appropriate Authority" means ~~The~~ governing body of the eCounty.

~~ATMOSPHERE:~~ "Atmosphere" means ~~The~~ the air that envelops or surrounds the earth and includes all spaces outside of buildings, stacks or exterior ducts.

"Ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access

~~AUTHORIZED LOCAL AUTHORITY:~~ "Authorized Local Authority" means the Chief of the Cache County fire department, or such other local agency duly designated by appropriate authority, with approval of state division of health, as the agency to issue permits for open burning under regulations of the state division of health and other lawfully adopted ordinances, codes or regulations not in conflict therewith.

~~CLEARING INDEX:~~ "Clearing Index" means ~~Aa~~ a number indicating the predicted rate of clearance of ground level pollutants from a given area. This number is calculated by the U.S. weather bureau, from daily measurements of temperature lapse rates and wind speeds and directions from ground level to ten thousand (10,000) feet.





**DIVISION:** "Division" means the Utah state division of health.

**EMISSION:** "Emission" means the act of discharging, into the atmosphere, an air contaminant or an effluent which contains or may contain an air contaminant; or the effluent so discharged into the atmosphere.

**GARBAGE:** "Garbage" means all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food, including wastes attendant thereto.

**HEAVY FUEL OIL:** "Heavy fuel oil" means a petroleum product or similar material heavier than diesel fuel.

**HOUSEHOLD WASTE:** "Household Waste" means any solid or liquid material normally generated by a family in a residence in the course of ordinary day to day living, including, but not limited to, garbage, paper products, rags, leaves and garden trash.

**OPEN BURNING:** "Open Burning" means any burning of combustible materials where the products of combustion are emitted into open air without passing through a chimney or stack; provided, that open burning shall be construed to mean burning in a single chamber incinerator or burning with the use of tepee or wigwam burners, or similar devices, notwithstanding the fact that there is a partial enclosure by the use of such devices.

**PERSON:** "Person" means any individual, public or private corporation, partnership, association, firm, trust or estate, the state or any department, institution, bureau or agency thereof, any municipal corporation, county, city and county, or other political subdivision of the state, or any other legal entity whatsoever which is recognized by the law as being subject to rights and duties.

**REFUSE:** "Refuse" means any solid waste, including garbage and trash.

**SALVAGE OPERATION:** "Salvage Operation" means any business, trade or industry engaged in whole or part in salvaging or reclaiming any product or material, including, but not limited to, metals, chemicals, shipping containers or drums.

**TRASH:** "Trash" means solids not considered to be highly flammable or explosive, including, but not limited to, clothing, rags, leather, plastic, rubber, floor coverings, excelsior, tree leaves, yard trimmings and other similar materials.

**WASTE:** "Waste" means all solid, liquid or gaseous material, including, but not limited to, garbage, trash household waste, construction or demolition debris, or other refuse, including that resulting from the prosecution of any business trade or industry.

#### **8.12.020: BURNING AT COMMUNITY WASTE SITES RESTRICTED:**

No burning shall be done at sites used for the disposal of community trash, garbage or other waste, except when authorized for a specific period of time and subject to specific conditions as approved by the Utah ~~air conservation committee~~ Air Quality Board in accordance with the Utah ~~a~~Air ~~e~~Conservation ~~a~~Act (Utah Code ~~Annotated~~ ~~t~~Title 2619, ~~e~~Chapter 132) and by the ~~e~~County ~~e~~Council after a public hearing.

**CACHE COUNTY COUNCIL MEETING**  
**SEPTEMBER 27, 2022**

**ATTACHMENT 6**

**CACHE COUNTY**  
**ORDINANCE NO. 2022-34**  
**AN ORDINANCE AMENDING COUNTY CODE CHAPTER 3.04.090**  
**TRANSFERS**

WHEREAS, the Cache County Council is vested with all legislative and policy determining powers of the County (Cache County Code 1.12.120); and

WHEREAS, the Cache County Council has the authority to “Consider, alter, modify and adopt the annual budget ...” (Cache County Organic Act Section 3.12B; Cache County Code 2.12.120B); and

WHEREAS, Title 17, Chapter 36, Section 22(1), Utah Code Annotated, 1953, as amended, clearly gives authority to county legislative bodies to set budgetary and fiscal policies regarding transfers of unexpended appropriations; and

WHEREAS, the legislative intent of Title 17, Chapter 36, Section 22(1) is confirmed in the legislative history of House Bill 309 (2009) by testimony presented in the House Political Subdivisions Committee in February 2009 and by the floor debate in the Senate on Day 45 of the 2009 General Session of the Utah Legislature; and

WHEREAS, Cache County Code requires County Council approval of intradepartmental transfers over one thousand (\$1,000.00) and transfers from one department to another department (Cache County Code 3.04.090A; 3.04.090B); and

WHEREAS, the County Council reiterates that transfers include functional transfers where funds from one department are used to pay a bill from another department without funds actually moving accounts; and

WHEREAS, the County Council amends County Code to make clear its intent and to avoid future disputes;

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

Chapter 3.04.090 B of the Cache County Code, titled TRANSFERS, is amended to read in full as follows:

**3.04.090: TRANSFERS:**

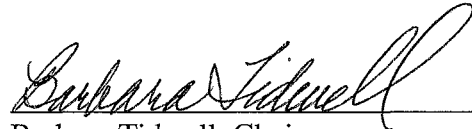
B. (1) At the request of the county executive or upon its own motion, the county council may, by resolution, transfer any unencumbered or unexpended appropriation balance or part thereof from one department in a fund to another department in the same fund; or (2) permit one department in a fund to pay for a line item on behalf of another department in the same fund. ~~Nothwithstanding (1) or (2) provided, that~~ no appropriation for debt retirement and interest, reduction of deficit, or other appropriations required by law may be reduced below the required minimum.

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

PASSED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH THIS 27<sup>th</sup>  
DAY OF SEPTEMBER 2022.

	In Favor	Against	Abstained	Absent
Paul R. Borup	✓			
David Erickson	✓			
Nolan P. Gunnell				✓
Barbara Tidwell	✓			
Karl Ward	✓			
Gina Worthen	✓			
Gordon Zilles				✓
Total	5			2

CACHE COUNTY COUNCIL

  
Barbara Tidwell, Chair

ATTEST:

  
Jess Bradfield, County Clerk

