

**DAVID N. ZOOK**

COUNTY EXECUTIVE

199 NORTH MAIN STREET  
 LOGAN, UT 84321  
 435-755-1850  
[WWW.CACHECOUNTY.ORG](http://WWW.CACHECOUNTY.ORG)

**COUNTY COUNCIL**

DAVID L. ERICKSON, *CHAIR*  
 BARBARA Y. TIDWELL, *VICE CHAIR*  
 KATHRYN A BEUS  
 SANDI GOODLANDER  
 NOLAN P. GUNNELL  
 MARK R. HURD  
 KARL B. WARD

**PUBLIC NOTICE** is hereby given that the County Council of Cache County, Utah will hold a **REGULAR COUNCIL MEETING** at **5:00 p.m.** in the Cache County Historic Courthouse Council Chambers, 199 North Main Street, Logan, Utah 84321, **TUESDAY, JANUARY 24, 2023**

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

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

## AGENDA

### COUNCIL MEETING

- 5:00 p.m.**
1. **CALL TO ORDER**
  2. **OPENING** – Councilmember Kathryn Beus
  3. **REVIEW AND APPROVAL OF AGENDA**
  4. **REVIEW AND APPROVAL OF MINUTES** (January 10, 2023)
  5. **REPORT OF COUNTY EXECUTIVE**
    - a. **Appointments:**
    - b. **Financial Reports:** December 2022 Financial Statement
    - c. **Other Items:**
  6. **ITEMS OF SPECIAL INTEREST**
  7. **DEPARTMENT OR COMMITTEE REPORTS**
    - a. Attorney's Office – Dane Murray, Interim Cache County Attorney
  8. **BOARD OF EQUALIZATION MATTERS**
- 5:30 p.m.**  
**(Estimated)**
9. **PUBLIC HEARINGS**
    - a. **Set Public Hearing for February 14, 2023 – Ordinance 2023-04 – Hot Iron Storage Rezone**  
 A request to rezone 8.77 acres from the Agricultural (A10) Zone to the Industrial (I) Zone located at 501 West 4600 North, near Smithfield
    - b. **Set Public Hearing for February 14, 2023 – Ordinance 2023-05 - Comprehensive General Plan Amendment**
    - c. **Public Hearing – Ordinance 2023-01 – Denali South Rezone**  
 A request to rezone 12.13 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone located at 3388 South Hwy 23, near Wellsville
    - d. **Public Hearing – Ordinance 2023-02 – Amending Title 17, Section 17.07.040 General Definitions 'Density' and 'Developable Acreage'**  
 A request to remove public parks and rights-of way from density calculations
  10. **PENDING ACTION**
  11. **INITIAL PROPOSALS FOR CONSIDERATION OF ACTION**
    - a. **Ordinance 2023-01 Denali South Rezone**  
 An Ordinance amending the County Zoning Map by rezoning 12.13 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone
    - b. **Ordinance 2023-02 Amendments to Title 17, General Definitions 'Density' and 'Developable Acreage'**  
 An Ordinance amending the County Land Use Code as required by the adoption of Ordinance 2023-02 amending the definition and requirements applicable to General definitions of 'Density' and 'Developable Acreage'

- c. ***Ordinance 2023-03***      An Ordinance adding Chapter 6.02, Section 63.02.010 regarding definitions and amending sections 6.08.060 and 6.08.180 of the Cache County Code regarding dogs running at large and the penalty for violations under Chapter 6.08 of the Code
- d. Correction to Ordinance Numbering Errors in 2022
- e. Discussion of Ordinance 2023-05 – Adopting a Comprehensive General Plan Amendment
- f. Discussion regarding Hiring a Children’s Justice Center Director
- g. Caselle Training

12. **OTHER BUSINESS**

- a. 2023 Council Member Goals
- b. 2023 Council Members Boards, Committees and Department Assignments
- c. **UAC Building Utah Conference**      *April 4-5, 2023 – Dixie Convention Center, St. George*
- d. **UAC Management Conference**      *April 27-28, 2023 – Salt Palace Convention Center, SLC*

13. **COUNCIL MEMBER REPORTS**

14. **ADJOURN**



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David L. Erickson, 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.

## DRAFT

## CACHE COUNTY COUNCIL

**January 10, 2023 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, Councilmember David Erickson, Councilmember Kathryn Beus, Councilmember Nolan Gunnell, Councilmember Sandi Goodlander, Councilmember Mark Hurd, Councilmember Karl Ward

**MEMEBERS EXCUSED:**

**STAFF PRESENT:** Executive David Zook, Attorney Dane Murray, Clerk/Auditor Jess Bradfield, Sheriff Chad Jensen, HR Director Amy Adams, Dirk Anderson, Bartt Nelson, Terryl Warner, Rod Hammer, Janeen Allen

**OTHER ATTENDANCE:** Brock Marchant, David Benson, Micah Safsten-, Roy Johnson, Mary Johnson, Yvette Nielson

### Council Meeting

**1. Call to Order 5:00p.m.** – Chair Barbara Tidwell

**2. Opening Remarks and Pledge of Allegiance** – Councilmember Karl Ward [0:24](#)

**3. Review and Approval of Agenda APPROVED [3:35](#)**

**Action:** Motion made by Councilmember David Erickson to approve the agenda; seconded by Councilmember Nolan Gunnell  
**Motion passes.**

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

**4. Review and Approval of Minutes APPROVED [3:54](#)**

**Action:** Motion made by Councilmember Karl Ward to approve the minutes; seconded by Councilmember David Erickson  
**Motion passes.**

**Aye:** 4 Barbara Tidwell, David Erickson, Nolan Gunnell, Karl Ward  
**Nay:** 0

**Abstain:** 3 Kathryn Beus, Sandi Goodlander, Mark Hurd

**5. Report of the County Executive [5:11](#) ATTACHMENT 1**

A report from County Executive David Zook.

**Action:** Motion made by Councilmember David Erickson to approve the appointments to the Logan-Cache Airport Authority Board; seconded by Councilmember Nolan Gunnell  
**Motion passes.**

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

**6. Items of Special Interest [16:20](#)**

a. Election of Council Chair and Vice Chair for 2023 [16:24](#)

**Action:** Motion made by Councilmember Nolan Gunnell to nominate Councilmember David Erickson as Chair and Councilmember Barbara Tidwell as Vice Chair; seconded by Councilmember Karl Ward  
**Motion passes.**

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

b. Bear River Mental Health Audited Financial Statements – Rob Johnson, Bear River Mental Health [18:36](#) ATTACHMENT 2

**Action:** Motion made by Councilmember David Erickson to approve the audit review of Bear River Mental Health; seconded by Councilmember Karl Ward  
**Motion passes.**

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

**7. Department or Committee Reports**

a. Animal Shelter Update – Sheriff Chad Jensen [31:55](#)

## 8. Board of Equalization Matters

### 9. Public Hearings [29:58](#)

#### a. Set Public Hearing for January 24, 2023 – Ordinance 2023-01 – Denali South Rezone [30:05](#)

A request to rezone 12.13 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone located at 3388 South Hwy 23, near Wellsville

**Action:** Motion made by Councilmember Karl Ward to set the public hearing for Ordinance 2023-01 for January 24, 2023; seconded by Councilmember David Erickson [30:31](#)

**Motion passes.**

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

**Nay:** 0

#### b. Set Public Hearing for January 24, 2023 – Ordinance 2023-02 – Amending Title 17, Section 17.07.040 General Definitions ‘Density’ and ‘Developable Acreage’ [30:58](#)

**Action:** Motion made by Councilmember David Erickson to set the public hearing for Ordinance 2023-02 for January 24, 2023; seconded by Councilmember Nolan Gunnell [31:25](#)

**Motion passes.**

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

**Nay:** 0

## 10. Pending Action

### 11. Initial Proposals for Consideration of Action [37:45](#)

#### a. Resolution 2023-01 [37:50](#) ATTACHMENT 3

A Resolution updating the Cache County Personnel Policy and Procedure Manual regarding Merit Increases

**Discussion:** HR Director Amy Adams spoke [38:21](#). Councilmember discussion.

**Action:** Motion made by Councilmember Karl Ward to waive the rules and approve Resolution 2023-01; seconded by Councilmember Nolan Gunnell [43:51](#)

**Motion passes.**

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

**Nay:** 0

#### b. Resolution 2023-02 [45:11](#) ATTACHMENT 4

A Resolution updating the Cache County Personnel Policy and Procedure Manual regarding At-Will Employee Classification

**Discussion:** HR Director Amy Adams spoke [45:29](#). Councilmember discussion.

**Action:** Motion made by Councilmember David Erickson to waive the rules and approve Resolution 2023-02; seconded by Councilmember Sandi Goodlander [47:22](#)

**Motion passes.**

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

**Nay:** 0

### 12. Other Business [47:49](#)

- a. Review of 2022 Council Goals
- b. 2023 Councilmember Goals
- c. 2023 Councilmember Boards, Committees and Department Assignments

#### d. 2023 General Session of the 65<sup>th</sup> Legislature

*January 17, 2023 to March 3, 2023*

#### e. UAC County Day on the Hill

*Wednesday, January 18, 2023*

#### f. UAC Building Utah Conference

*April 4-5, 2023 – Dixie Convention Center, St. George*

#### g. UAC Management Conference

*April 27-28, 2023 – Salt Palace Convention Center, SLC*

### 13. Councilmember Reports [1:27:12](#)

**David Erickson** – Question about LATCF money. Thanked Chair Barbara Tidwell.

**Kathryn Beus** – No report.



**Karl Ward** – Welcomed new councilmembers.  
**Barbara Tidwell** – No report.  
**Sandi Goodlander** – Thanks sitting members for their service.  
**Nolan Gunnell** – No report.  
**Mark Hurd** – No report.

**14. Executive Session** [1:30:35](#) **ATTACHMENT 5**

**Utah Code 52-4-205(1)(a)**

**Action:** Motion made by Councilmember Kathryn Beus to move into Executive Session; seconded by Councilmember Nolan Gunnell

**Motion passes.**

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

**Nay:** 0

**Action:** Motion made by Councilmember Karl Ward to move out of Executive Session; seconded by Councilmember Sandi Goodlander

**Motion passes.**

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

**Nay:** 0

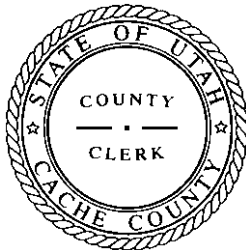
**Adjourn: Approximately 7:15 PM**

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

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**APPROVAL: Barbara Tidwell**  
**Chair**



**CACHE COUNTY COUNCIL MEETING**  
**JANUARY 10, 2023**

**ATTACHMENT 1**

# APPOINTMENTS

01/10/2023

## **LOGAN-CACHE AIRPORT AUTHORITY BOARD**

### **BOARD MEMBER**

*CACHE COUNTY COUNCIL  
REPRESENTATIVE*

### **KARL B. WARD**

1542 Hayden Court  
Logan, UT 84321  
435-770-8820  
[karl.ward@cachecounty.org](mailto:karl.ward@cachecounty.org)

**Reappointed to a Two-Year Term**

**Beginning: 01/01/2023**

**Expiring: 12/31/2024**

### **BOARD MEMBER**

*CACHE COUNTY APPOINTED  
REPRESENTATIVE  
REPLACING BILL FRANCIS*

### **RYAN SNOW**

164 North Gateway Drive  
Providence, UT 84332  
435-823-1120  
[ryansnow2@providence.utah.gov](mailto:ryansnow2@providence.utah.gov)

**Appointed to a Fill the Vacancy  
of a Two-Year Term**

**Expiring: 12/31/2023**

**CACHE COUNTY COUNCIL MEETING**  
**JANUARY 10, 2023**

**ATTACHMENT 2**



State of Utah

SPENCER J. COX  
Governor

DEIDRE M. HENDERSON  
Lieutenant Governor

## Department of Human Services

TRACY S. GRUBER  
Executive Director

NATE CHECKETTS  
Deputy Director

DAVID LITVACK  
Deputy Director

### Certification of Audit Review by County

*As required under the provisions of contracts with Local Substance Abuse and Mental Health Authorities*

The requirement for members of the Local Substance Abuse and Mental Health Authorities to annually certify receipt and review of the independent audit and interview with the provider's executive officers is to assure compliance with the following statutory mandates:

Each member of the Local Substance Abuse and Mental Health Authority shall annually certify that *they* have received and reviewed the independent audit and have participated in a formal interview with the provider's Executive Officers. (See Utah Codes 62A-15-110(1)(d) and 62A-15-713(4))

That an independent audit shall be conducted pursuant to title 51-02 and that the prescribed Guidelines and procedures are in accordance with the State Auditor. (See Utah Code 67-3-1)

That the Local Substance Abuse and Mental Health Authority are exercising sufficient oversight and control over public funds allocated for substance abuse and mental health programs and services.

The Local Mental Health Authority of Cache County provides this assurance.

Sandi Goodlander

County Commissioner/Councilmember

Alan Gunnell

County Commissioner/Councilmember

Barbara F. Tidwell

County Commissioner/Councilmember

Kathryn A. Bliss

County Commissioner/Councilmember

Mark R. H.

County Commissioner/Councilmember

[Signature]

County Commissioner/Councilmember

Karl B. Ward

County Commissioner/Councilmember

David J. Cook

County Manager/Executive/Mayor

Date: January 10, 2023

Please submit this certification electronically to:

The Utah Division of Substance Abuse and Mental Health  
Attention: Kelly Ovard  
kovard@utah.gov

**CACHE COUNTY COUNCIL MEETING**  
**JANUARY 10, 2023**

**ATTACHMENT 3**



**CACHE COUNTY  
RESOLUTION NO. 2023 - 01**

**RESOLUTION UPDATING THE CACHE COUNTY PERSONNEL POLICY &  
PROCEDURE MANUAL REGARDING MERIT INCREASES**

- A. WHEREAS, the State of Utah permits Cache County to establish a personnel system administered in a manner that will provide for the effective implementation of equitable and adequate compensation under Utah Code Section 17-33-3; and
- B. WHEREAS, the Office of the County Executive shall prepare rules and regulations for adoption by the County Council to effectively administer personnel under Cache County Code Section 2.60.020; and
- C. WHEREAS, Cache County has a strong interest to create adequate compensation to employees at the top of their pay range by implementing a merit increase; and
- D. WHEREAS, it is in the public interest of Cache County to update its Personnel Policy & Procedure Manual so that employees at the top of their pay range receive a merit increase;

NOW, THEREFORE, BE IT RESOLVED that the County Council adopts the following resolution:

**Section VII: Personnel Management**

E. Merit Increases

A merit increase is an increase in pay for an employee who has given sustained acceptable service over the past year. A merit increase is to be based on an employee's performance during the past year, along with their wage/salary position in relation to what the job market would pay for comparable duties, required education/training, and years of applicable experience. [This merit increase policy applies to all employees with exception of the Sheriff's Office.](#)

1. All merit increases are subject to the approval of funds for such increases by the County Council and budgetary limitations.





2. The performance appraisal form is submitted to Human Resources with a recommendation from the Department Head concerning a merit increase. Merit increases will be effective in January, with the performance appraisal process occurring prior to that time. Merit increases become effective at the beginning of the pay period after the approval process is completed. The Department Head, the Director of Human Resources, and the County Executive must approve the merit increase before it is forwarded to the Finance Department.

3. Should an employee be at the top of the pay range for their position, they may receive a one-time cash payment of 1% of their annual pay rate in place of a merit increase. This one-time payment will not change the base pay rate of the employee and is subject to the approval of funds for such increases by the County Council and budgetary limitations.

RESOLVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH THIS 10 DAY OF January 2023.

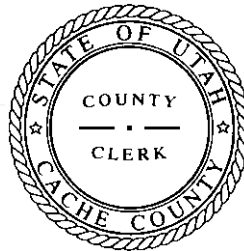
	In Favor	Against	Abstained	Absent
Sandi Goodlander	✓			
David Erickson	✓			
Nolan Gunnell	✓			
Barbara Tidwell	✓			
Karl Ward	✓			
Mark Hurd	✓			
Kathryn Beus	✓			
Total	7			

CACHE COUNTY:

By: Barbara Tidwell  
Barbara Tidwell, Chair

ATTEST:

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





Redline Version:

## Section VII: Personnel Management

### F. Merit Increases

A merit increase is an increase in pay for an employee who has given sustained acceptable service over the past year. A merit increase is to be based on an employee's performance during the past year, along with their wage/salary position in relation to what the job market would pay for comparable duties, required education/training, and years of applicable experience. [This merit increase policy applies to all employees with exception of the Sheriff's Office.](#)

1. All merit increases are subject to the approval of funds for such increases by the County Council and budgetary limitations.

[2.](#) The performance appraisal form is submitted to Human Resources with a recommendation from the Department Head concerning a merit increase. Merit increases will be effective in January, with the performance appraisal process occurring prior to that time. Merit increases become effective at the beginning of the pay period after the approval process is completed. The Department Head, the Director of Human Resources, and the County Executive must approve the merit increase before it is forwarded to the Finance Department.

[3. Should an employee be at the top of the pay range for their position, they may receive a one-time cash payment of 1% of their annual pay rate in place of a merit increase. This one-time payment will not change the base pay rate of the employee and is subject to the approval of funds for such increases by the County Council and budgetary limitations.](#)

**CACHE COUNTY COUNCIL MEETING**  
**JANUARY 10, 2023**

**ATTACHMENT 4**



**CACHE COUNTY  
RESOLUTION NO. 2023 - 02**

**RESOLUTION UPDATING THE CACHE COUNTY PERSONNEL POLICY &  
PROCEDURE MANUAL REGARDING AT-WILL EMPLOYEE CLASSIFICATIONS**

- A. WHEREAS, the Office of the County Executive shall prepare rules and regulations for adoption by the County Council to effectively administer personnel under Cache County Code Section 2.60.020; and
- B. WHEREAS, Cache County has restructured its internal personnel structure so that there is a need to redefine its at-will employee classification; and
- C. WHEREAS, it is in the public interest of Cache County to update its Personnel Policy & Procedure Manual so that its internal personnel structure is properly reflected;

NOW, THEREFORE, BE IT RESOLVED that the County Council adopts the following resolution:

**Section VI: Employee Classifications/Status and Volunteers**

**H. At-Will Employee**

Appointed employees, temporary employees, non-merit employees, and merit employees on orientation, are “at-will” employees and can be terminated at any time without cause.

1. Appointed employees are considered “at-will” and serve at the discretion of the Elected Official. The following is a list of positions deemed “at-will”:

**Executive Office:**

- Director of Logan-Cache Airport
- Director of Development Services
- Director of Human Resources
- Director of Finance
- Fire Chief
- Director of Information Technology
- Director of Senior Citizen Center
- Director of Cache Valley Visitor’s Bureau
- Director of Public Works



- Director of Library
- Chief Deputy County Executive

Assessor's Office:

- Chief Deputy Assessor

Attorney's Office:

- Chief Deputy Attorney(s)
- Director of Children's Justice Center

Clerk/Auditor's Office:

- Chief Deputy Clerk/Auditor

Recorder's Office:

- Chief Deputy Recorder

Sheriff's Office:

- Chief Deputy Sheriff

Treasurer's Office:

- Chief Deputy Treasurer

Council

- Policy Analyst



RESOLVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH THIS 10<sup>th</sup> DAY  
OF January 2023.

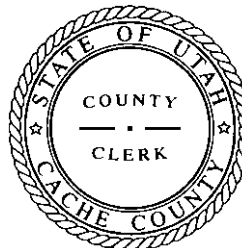
	In Favor	Against	Abstained	Absent
Sandi Goodlander	✓			
David Erickson	✓			
Nolan Gunnell	✓			
Barbara Tidwell	✓			
Karl Ward	✓			
Mark Hurd	✓			
Kathryn Beus	✓			
Total	7			

CACHE COUNTY:

By: Barbara Tidwell  
Barbara Tidwell, Chair

ATTEST:

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



## Redline Version:

Appointed employees, temporary employees, non-merit employees, and merit employees on orientation, are ~~“At-Will”~~ “at-will” employees and can be terminated at any time without cause.

2. Appointed ~~Department Heads~~ employees are considered ~~“At-Will”~~ “at-will” and serve at the discretion of the County Executive or Elected Official. The following is a list of positions deemed ~~“At-Will”~~ “at-will”:

<ul style="list-style-type: none"> <li>• <del>Director, Human Resources</del></li> <li>• <del>Director, Children’s Justice Center</del></li> <li>• <del>Director, Information Technology</del></li> <li>• <del>Director, Cache Valley Visitors’ Bureau</del></li> <li>• <del>Director, Finance</del></li> <li>• <del>Director, Sr. Citizen Center</del></li> <li>• <del>Road Superintendent</del></li> </ul>	<ul style="list-style-type: none"> <li>• <del>Chief Building Official</del></li> <li>• <del>Fire Chief</del></li> <li>• <del>Lead Surveyor</del></li> <li>• <del>Water Manager</del></li> <li>• <del>Director, Development Services</del></li> <li>• <del>Airport Manager</del></li> </ul>
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## Executive Office:

- Director of Logan-Cache Airport
- Director of Development Services
- Director of Human Resources
- Director of Finance
- Fire Chief
- Director of Information Technology
- Director of Senior Citizen Center
- Director of Cache Valley Visitor’s Bureau
- Director of Public Works
- Director of Library
- Chief Deputy County Executive

## Assessor’s Office:

- Chief Deputy Assessor

## Attorney’s Office:

- Chief Deputy Attorney(s)
- Director of Children’s Justice Center

## Clerk/Auditor’s Office:





- [Chief Deputy Clerk/Auditor](#)

[Recorder's Office:](#)

- [Chief Deputy Recorder](#)

[Sheriff's Office:](#)

- [Chief Deputy Sheriff](#)

[Treasurer's Office:](#)

- [Chief Deputy Treasurer](#)

[Council](#)

- [Policy Analyst](#)

**CACHE COUNTY COUNCIL MEETING**  
**JANUARY 10, 2023**

**ATTACHMENT 5**

**DAVID N. ZOOK**  
COUNTY EXECUTIVE

199 NORTH MAIN STREET  
LOGAN, UT 84321  
435-755-1850  
[WWW.CACHECOUNTY.ORG](http://WWW.CACHECOUNTY.ORG)



**COUNTY COUNCIL**

BARBARA Y. TIDWELL, *CHAIR*  
KATHRYN A. BEUS  
DAVID L. ERICKSON  
SANDI GOODLANDER  
NOLAN GUNNELL  
MARK R. HURD  
KARL WARD

I, Barbara Tidwell, Council Chair for the Cache County Council, do solemnly swear under penalty of law that the Cache County Council did close a portion of the January 10, 2023 meeting of the Cache County Council for the sole purpose of discussing the character, professional competence, or physical or mental health of an individual, in accordance with Utah Code § 52-4-205 (1)(a). Furthermore, this portion of the meeting of the Cache County Council was not recorded, consistent with Utah Code § 52-4-206 (6).

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

SIGNED ON THIS 10th DAY OF JANUARY, 2023, AT LOGAN, UTAH.

A handwritten signature in blue ink, reading "Barbara Tidwell". The signature is written over a horizontal line.

Barbara Tidwell  
Cache County Council Chair

**Ordinance No. 2023-01**  
**Cache County, Utah**  
**Denali South Rezone**

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An ordinance amending the County Zoning Map by rezoning 12.13 acres from the  
Agricultural (A10) Zone to the Rural 5 (RU5) 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 1, 2022, the Planning Commission held a public hearing, accepted all comments, and accepted all comments, and recommended the approval of the proposed amendments to the County Council for final action; and

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

**Whereas**, following proper notice, the County Council held a public hearing on January 24, 2023, to consider any comments regarding the proposed rezone. The County Council accepted all comments; and

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

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

**1. Statutory Authority**

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

**2. Adoption of amended Zoning Map**

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

### **3. Conclusions**

- A.** The location of the subject property is compatible with the purpose of the Rural 5 (RU5) Zone as identified under §17.08.030[A] of the Cache County Code as it:
  - i.** Allows for residential development in a low density pattern that can allow for rural subdivisions and smaller scale agricultural uses.
  - ii.** Does not unreasonably impede adjacent agricultural uses, nor unreasonably conflict with the development standards of adjacent communities.

### **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 \_\_\_\_\_, 2023. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

**7. Council Vote and Final Action**

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

Cache County Council:

Attest:

---

Dave Erickson, Chair

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Jess Bradfield, Clerk  
Cache County

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## Action of the County Executive

Regarding Ordinance 2023-01, the Denali South Rezone

\_\_\_\_\_ Approve

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

---

David Zook, Executive  
Cache County

Date



- 1
- 2
- 3
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Hold a public hearing on January 24, 2023.  
If approved, the rezone will take effect 15 days from the date of approval.

Approval (6-yea; 0-nay).  
Public hearing held on December 1, 2022.

- 1.** The location of the subject property is compatible with the purpose of the Rural 5 (RU5) Zone as identified under §17.08.030[A] of the Cache County Code as it:
  - a.** Allows for residential development in a low density pattern that can allow for rural subdivisions and smaller scale agricultural uses.
  - b.** Does not unreasonably impede adjacent agricultural uses, nor unreasonably conflict with the development standards of adjacent communities.

Tim Watkins

Angie Zetterquist

This ordinance amends the County Zoning Map by rezoning 12.13 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone.

## Staff Report to Planning Commission

**Staff Report: Denali South Rezone**

1 December 2022

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:** David Rupp

**Parcel ID#:** 11-131-0001, -8001

**Staff Recommendation:** None

**Planning Commission Recommendation:** Approval

**Type of Action:** Legislative

**Land Use Authority:** Cache County Council

**Location**

*Reviewed by Angie Zetterquist*

**Project Address:**

3388 South SR 23  
near Wellsville

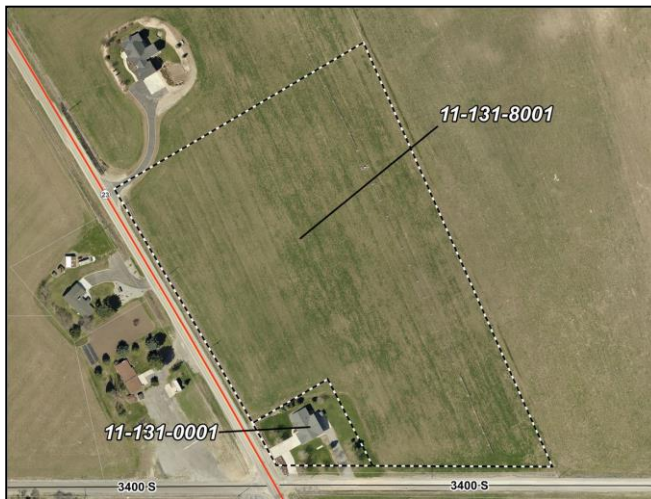
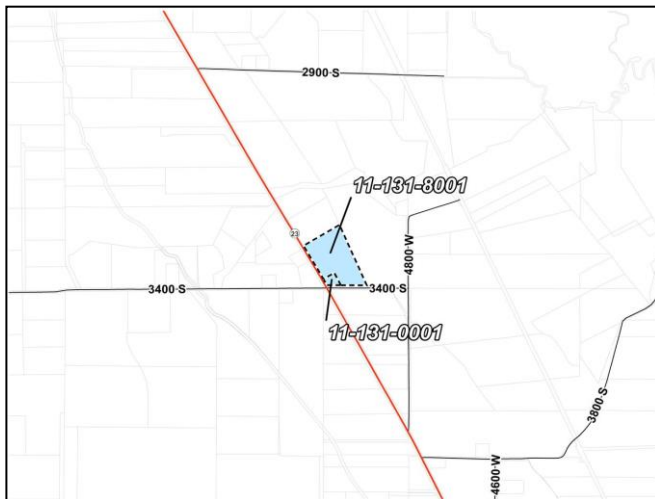
**Acres:** 34.06

**Current Zoning:**  
Agricultural (A10)

**Proposed Zoning:**  
Rural 5 (RU5)

**Surrounding Uses:**

North – Agricultural/Residential  
South – Agricultural  
East – Agricultural  
West – Agricultural/Residential

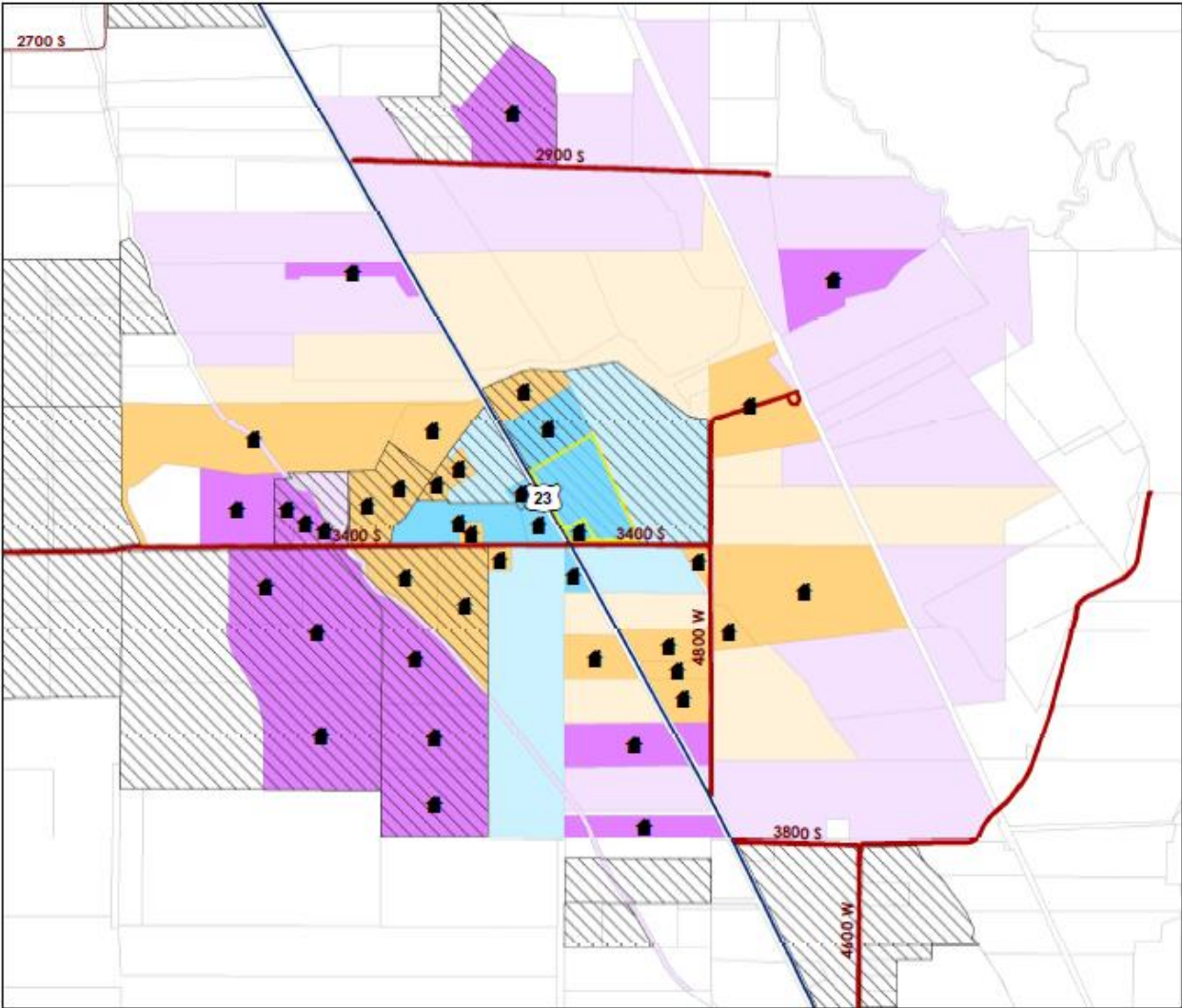


**Findings of Fact**

**A. Request description**

1. A request to rezone 12.13 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone.
2. This rezone may allow the parcel to be legally divided into a maximum potential of 2 separate lots as part of a subdivision process.
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map (Attachment A) and in the following text:
  - a. Land Use Context:

- i. Parcel status: The subject properties are legal as they are in the same size and configuration as the subdivision plat for the Denali South Horse Ranch Subdivision that was recorded in 2022. The properties were previously part of the Bailey Acres Subdivision.
- ii. Average Lot Size: (See Attachment A)



Average Parcel Size	
Adjacent	With a Home: 3.6 Acres (6 Parcels)
Parcels	Without a Home: 16 Acres (6 Parcels)
1/4 Mile	With a Home: 6.8 Acres (25 Parcels)
Buffer	Without a Home: 14.6 Acres (19 Parcels)
1/2 Mile	With a Home: 8.3 Acres (40 Parcels)
Buffer	Without a Home: 13.6 Acres (49 Parcels)

- iii. **Schedule of Zoning Uses:** Under the current County Land Use Ordinance, the RU5 Zone is more restrictive in the uses allowed when compared to the Agricultural (A10) Zone. There are no uses that are allowed as a permitted or conditional use within the RU5 Zone that are not allowed as a permitted or conditional use within the A10 Zone. The following uses are conditional uses in the A10 Zone but are not allowed in the RU5 Zone:
  - Agricultural Manufacturing
  - Recreational Facility
  - Cemetery
  - Private Airport
  - Concentrated Animal Feed Operation
  - Livestock Auction Facility
  - Topsoil Extraction
- iv. **Adjacent Uses:** The properties adjacent to the subject rezone are primarily used for agriculture, single family dwellings, and direct access to State Route 23. The Mendon City boundary is approximately 1.9 miles from the subject properties to the north and the closest Wellsville City is approximately 1.6 miles from the subject properties to the south.
- v. **Sensitive Areas:** According to the County's GIS mapping there does not appear to be any significant sensitive areas located on the subject properties. Any sensitive areas that may be located on the subject properties will require additional analysis and review as part of a subdivision process.
- vi. **Annexation Areas:** The subject properties are located along the southern edge of within Mendon City's future annexation area.
- vii. **Zone Placement:** As identified by the Planning Commission and the County Council at the time the RU5 Zone was adopted, the intended/anticipated placement of this zone was in areas of the unincorporated county adjacent to municipalities. Although the subject properties are located within the Mendon City Future Annexation area, the closest boundary of Mendon is located about 1.9 miles to the north of the subject properties. The nearest RU5 zone is located nearly 5.0 miles away, by the most direct street route, near the west of Mendon, but not immediately adjacent. This RU5 zone, the Martin Bench Rezone, included a total of 34.6 acres, which has a number of sensitive areas that limit development potential, was approved in 2022 as Ordinance 2022-24. There is a RU2 Zone on the west side of SR 23 across from the subject properties. This rezone, the Rose Hill Subdivision Rezone, was approved in 2014 as Ordinance 2014-08 on an existing 2-lot subdivision on 11.48 acres. A subdivision amendment done later in 2014 created one additional lot for a total of 3-lots with an agricultural remainder. No additional lots have been created to date. There are additional Rural 2 (RU2) Zoned properties to the south and west of the Mendon border.

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

- 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 Rural 5 (RU5) Zone but does contain possible guidelines for its implementation. County Land Use Ordinance §17.08.030 [B] [1] identifies the purpose of the RU5 Zone and includes the following:



- a. “To allow for residential development in a low density pattern that can allow for rural subdivisions and smaller scale agricultural uses. 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.
  - b. To implement the policies of the Cache Countywide Comprehensive Plan, including those regarding improved roadways, density based residential standards, clustering, moderate income housing and municipal 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.”
6. Consideration of impacts related to uses allowed within the RU5 Zone will be addressed as part of each respective approval process required prior to site development activities.

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

7. §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.
8. Table 17.10.040 Site Development Standards – Minimum lot frontage required in the RU5 Zone is 90 feet.
9. §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
10. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
11. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).



**3400 South looking west at SR-23**

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

- a.** Primary access to the subject property is from SR-23, a UDOT facility, and 3400 South, a County road.
- a.** SR-23:
  - i.** Is a UDOT facility;
  - ii.** Classified as a Minor Arterial;
  - iii.** Future access off of SR-23 must be reviewed and approved by UDOT;
  - iv.** Is maintained year around.
- b.** 3400 South:
  - i.** Is an existing county facility that provides access to agricultural uses and single-family dwellings.
  - ii.** Is classified as a Minor Local road and is maintained year round.
  - iii.** The intersection of 34400 South and SR-23 is very narrow (i.e., 14-foot wide) and does not allow for property turning movements when there is a car on 3400 South. Much of the road has been washed away by flooding and work by UDOT narrowed it even more.
  - iv.** Is considered substandard as to width of travel lanes, paved and gravel shoulder width, and clear zone. Based on the County Engineer's review, the structural condition of the road is Poor.

Roadway Element	Existing Width (ft)	Required Width (ft)	Comments or Findings
Travel Lanes	12-16	20	Substandard
Right-of-Way	66	66	OK
Paved Shoulder	0	0	Substandard
Gravel Shoulder	2	4	Substandard
Clear Zone (4:1)	7-10	14-18	Substandard
Material	Paved	Paved	OK
Structural			Poor

**D. Service Provisions:**

- 13.** §16.04.080 [C] Fire Control – The County Fire District had no comments on this request, but does require that all access roads and private driveways be 20-foot wide with an all-weather surface. Future access must be reevaluated and may require improvements based on the location of any proposed structure on lots created through a subdivision process.
- 14.** §16.04.080 [F] Solid Waste Disposal – Logan City Environmental provides refuse collection for the subject property. Refuse containers must be placed on SR 23 for collection. The applicant will need to provide sufficient shoulder space along the road for all refuse containers to be placed 3-to-4 feet apart and be located far enough off the road so as to not interfere with passing traffic. A County Encroachment Permit is required to make the required shoulder improvements for refuse collection in the County right-of-way.

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

- 15.** Public notice was posted online to the Utah Public Notice Website on 18 November 2022.
- 16.** Notices were posted in three public places on 18 November 2022.
- 17.** Notices were mailed to all property owners within 300 feet on 18 November 2022.
- 18.** At this time, no written public comment regarding this proposal has been received by the Development Services Office.

**Conclusion**

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The Denali South Rezone, a request to rezone 12.13 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) 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 on this request and can assist the Planning Commission in drafting a recommendation based on the findings of fact identified above and any others identified at the public hearing.

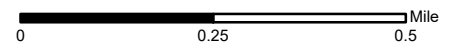
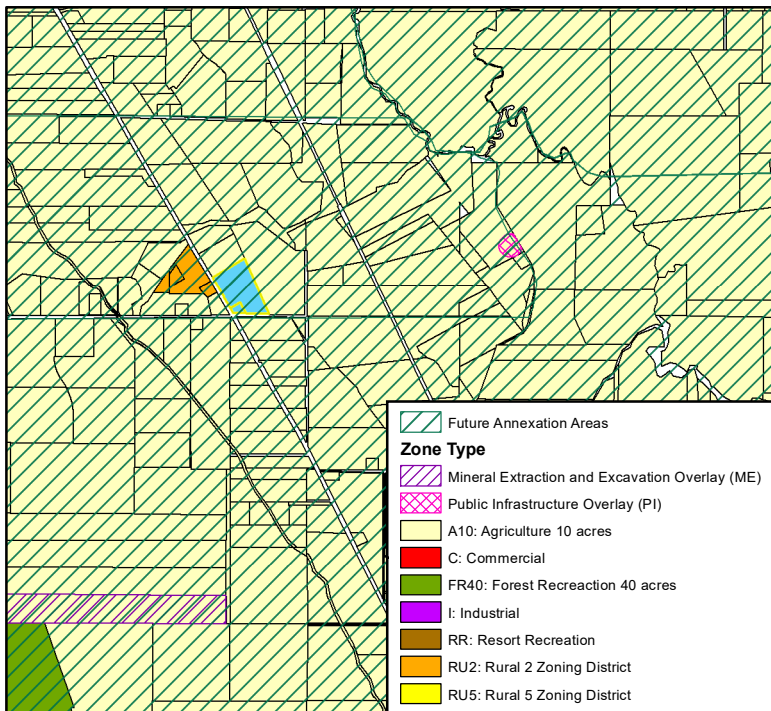
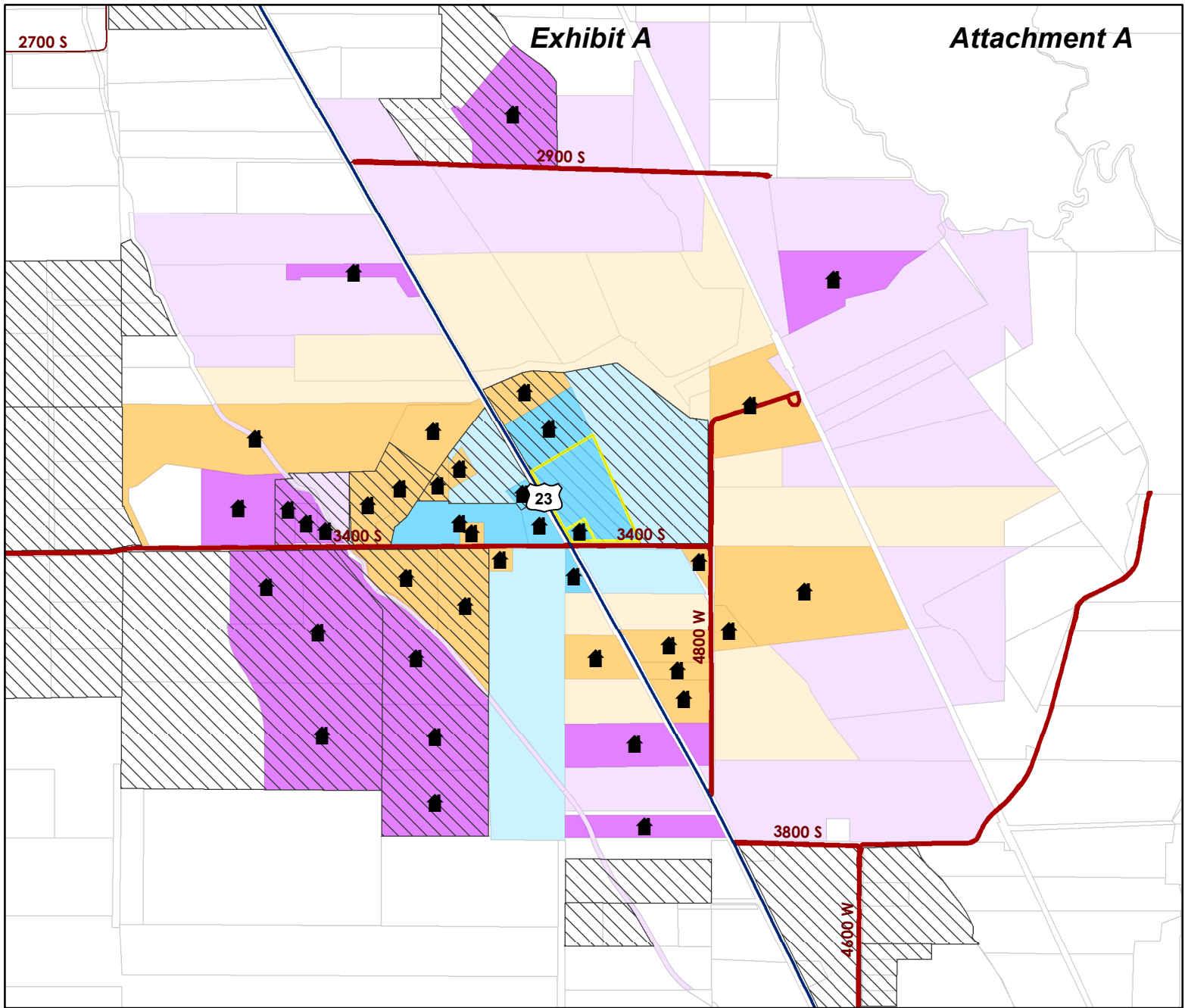
**Planning Commission Conclusion**

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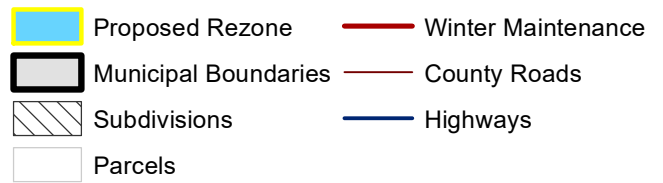
Based on the findings of fact noted herein, the Denali South Rezone is hereby recommended for approval to the County Council as follows:

1. The location of the subject property is compatible with the purpose of the Rural 5 (RU5) Zone as identified under §17.08.030[A] of the Cache County Code as it:
  - a. Allows for residential development in a low density pattern that can allow for rural subdivisions and smaller scale agricultural uses.
  - b. Does not unreasonably impede adjacent agricultural uses, nor unreasonably conflict with the development standards of adjacent communities.





## Legend



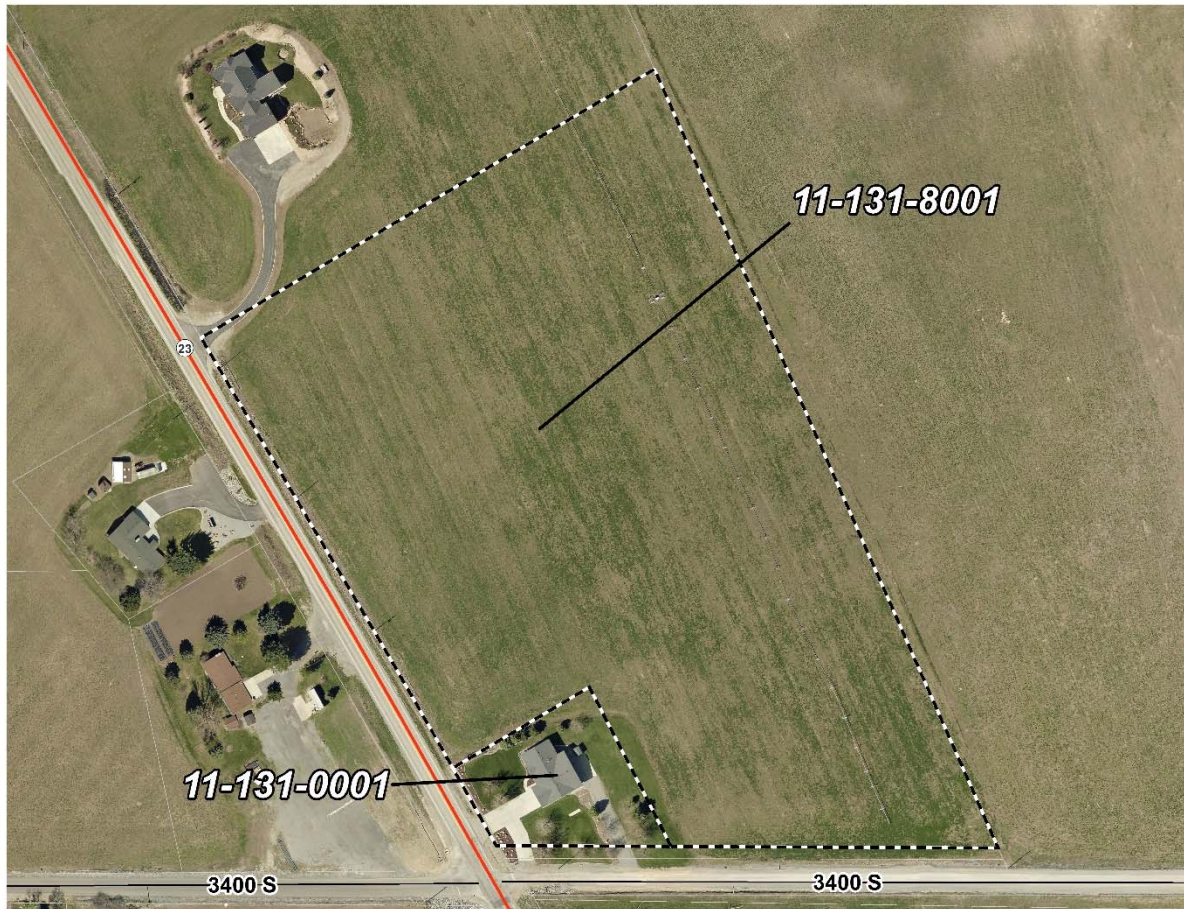
Average Parcel Size	
Adjacent Parcels	With a Home: 3.6 Acres (6 Parcels)
	Without a Home: 16 Acres (6 Parcels)
1/4 Mile Buffer	With a Home: 6.8 Acres (25 Parcels)
	Without a Home: 14.6 Acres (19 Parcels)
1/2 Mile Buffer	With a Home: 8.3 Acres (40 Parcels)
	Without a Home: 13.6 Acres (49 Parcels)



11/7/2022

## Exhibit B: Ordinance 2023-01

Zoning Map of Cache County – Affected Portion  
Denali South Rezone



The following legal description reflects the noted properties above to be rezoned from Agricultural (A10) to Rural 5 (RU5):

**11-131-0001**

ALL OF LOT 1 DENALI SOUTH HORSE RANCH SUBDIVISION CONT 0.73 AC

**11-131-8001**

ALL OF AGRICULTURAL REMAINDER DENALI SOUTH HORSE RANCH SUBDIVISION CONT 11.4 AC

# Ordinance No. 2023-02

## Cache County, Utah

### Amendments to Title 17, General Definitions 'Density' and 'Developable Acreage'

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An ordinance amending the County Land Use Code as required by the adoption of Ord. 2023-02 amending the definition and requirements applicable to General Definitions of 'Density' and 'Developable Acreage.'

**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 December 1, 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 January 24, 2023, 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 General Definitions of 'Density' and 'Developable Acreage' in Section 17.07.040: General Definitions, are to read as follows:

### 17.07.040: General Definitions

DENSITY: The number of net acres required per dwelling unit as specified in section 17.10.040, table 17.10.040 of this title. Net acreage shall be calculated by taking the total gross acreage and subtracting non-developable sensitive areas (wetlands, open water, steep slopes) ~~and the area in rights-of-way for roads.~~

DEVELOPABLE ACREAGE: The land area within a subdivision excluding: areas defined as undevelopable under chapter 17.18, "Sensitive Areas", of this title, ~~and areas dedicated to the public, such as parks and public rights-of-way.~~

### 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 \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

Cache County Council:

Attest:

\_\_\_\_\_  
David L. Erickson, Chair  
Cache County Council

\_\_\_\_\_  
Jess Bradfield  
Cache County Clerk

Publication Date: \_\_\_\_\_, 2023

ACTION OF THE COUNTY EXECUTIVE:

\_\_\_\_\_ Approved

\_\_\_\_\_ Disapproved (Written statement of objection attached)

\_\_\_\_\_  
David Zook, County Executive

\_\_\_\_\_  
Date





**CACHE COUNTY  
ORDINANCE NO. 2023 - 03**

**AN ORDINANCE ADDING CHAPTER 6.02, SECTION 6.02.010 REGARDING  
DEFINITIONS AND AMENDING SECTIONS 6.08.060 AND 6.08.180 OF THE CACHE  
COUNTY CODE REGARDING DOGS RUNNING AT LARGE AND THE PENALTY  
FOR VIOLATIONS UNDER CHAPTER 6.08 OF THE CODE**

- (A) WHEREAS, Utah Code Annotated § 17-53-223(1)(a) permits the Cache County Council to pass all ordinances and rules and make all regulations, not repugnant to law, necessary for carrying into effect or discharging its powers and duties conferred by State law; and
- (B) WHEREAS, Utah Code Annotated § 17-53-223(1)(b) permits the Cache County Council to enforce obedience to ordinances with fines or penalties as the County Council considers proper; and
- (C) WHEREAS, Utah Code Annotated § 17-53-223(2)(a) permits the Cache County Council to penalize violations not to exceed a Class B Misdemeanor; and
- (D) WHEREAS, Utah Code Annotated § 17-53-223(2)(b) prohibits the Cache County Council from imposing a criminal penalty greater than an infraction for a violation pertaining to an individual's dog or cat unless the violation is a nuisance as defined by Utah Code Annotated § 78B-6-1101(1) and threatens the health, safety, or welfare of the individual or an identifiable third party; and
- (E) WHEREAS, the Cache County Council seeks to bring the Cache County Code into compliance with State law by changing violations that pertain to an individual's dog from a class B misdemeanor to an infraction; and
- (F) WHEREAS, the Cache County Council seeks to bring the Cache County Code into compliance with State law by defining and penalizing certain violations within Chapter 6.08 of the County Code as Class B Misdemeanors as permitted by Utah Code Annotated § 17-53-223;

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

**SECTION 1:**

Chapter 6.02 regarding General Provisions and section 6.02.010 regarding Definitions are added to Title 6 of the Cache County Code as follows:



## **CHAPTER 6.02 GENERAL PROVISIONS**

### **6.02.010: DEFINITIONS**

As used in this chapter, the words and phrases defined in this section shall have the following meanings, unless the context clearly indicates a contrary meaning:

**AT LARGE:** means any animal that is off of the premises of the owner, keeper, or custodian and is not within the immediate presence or within reasonable control of such owner, keeper, or custodian.

**BODILY INJURY:** means physical pain or impairment of physical condition.

**CONTROL:** means an owner, keeper, or custodian has an animal on a leash, lead rope, harness, or other such means or that the owner, keeper, or custodian has an animal in such proximity as to be under the effective voice control of such owner, keeper, or custodian.

**NUISANCE:** means anything that is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, as defined by Utah Code Annotated § 78B-6-1101.

### **SECTION 2:**

Section 6.08.060 of the Cache County Code is amended to read in full as follows:

### **6.08.060: DOG RUNNING AT LARGE -- CAUSING BODILY INJURY WHILE AT LARGE:**

A. It is unlawful for any owner, keeper, or custodian of a dog to permit, directly or indirectly, such dog to run at large.

B. It is unlawful for any owner, keeper, or custodian of a dog to permit, directly or indirectly, such dog to run at large where, while at large, such dog is a nuisance and causes bodily injury to any individual who has not provoked the dog in a manner that caused the dog to injure the individual.

### **SECTION 3:**

Section 6.08.180 of the Cache County Code is amended to read in full as follows:

### **6.08.180: PENALTIES -- ENHANCEMENT FOR MULTIPLE VIOLATIONS:**

A. Any person violating a section or subsection of Chapter 6.08 that is not classified as a class B misdemeanor in Subsection B or Subsection C shall be deemed guilty of an infraction, and upon



conviction shall be fined an amount not to exceed the amount permitted by Utah Code Annotated § 76-3-301.

B. Any person violating 6.08.060 Subsection B or 6.08.100 of this chapter, is guilty of a class B misdemeanor, and upon conviction, shall either be fined an amount not to exceed the amount permitted by Utah Code Annotated § 76-3-301 or be imprisoned in the county jail for not more than six (6) months, or shall receive both such fine and imprisonment.

C. It is unlawful for any person to violate any section or subsection within Chapter 6.08, pertaining to an individual's dog, where the County has imposed a fine on the individual for violating the same provision on three prior occasions within the previous 12 months and each of the three prior violations involve the same dog as the current violation. A violation of this subsection is a class B misdemeanor and upon conviction, shall either be fined an amount not to exceed the amount permitted by Utah Code Annotated § 76-3-301 or be imprisoned in the county jail for not more than six (6) months, or shall receive both such fine and imprisonment.

**SECTION 4:**

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 \_\_\_\_ DAY OF \_\_\_\_\_ 2023.

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

**CACHE COUNTY:**

**ATTEST:**

By: \_\_\_\_\_  
David L. Erickson, Chair

By: \_\_\_\_\_  
Jess Bradfield, County Clerk / Auditor





**ACTION OF THE COUNTY EXECUTIVE:**

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

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



## Redline Versions of Proposed Amendments

### CHAPTER 6.02 GENERAL PROVISIONS

#### 6.02.010: DEFINITIONS

As used in this chapter, the words and phrases defined in this section shall have the following meanings, unless the context clearly indicates a contrary meaning:

AT LARGE: means any animal that is off of the premises of the owner, keeper, or custodian and is not within the immediate presence or within reasonable control of such owner, keeper, or custodian.

BODILY INJURY: means physical pain or impairment of physical condition.

CONTROL: means an owner, keeper, or custodian has an animal on a leash, lead rope, harness, or other such means or that the owner, keeper, or custodian has an animal in such proximity as to be under the effective voice control of such owner, keeper, or custodian.

NUISANCE: means anything that is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, as defined by Utah Code Annotated § 78B-6-1101.

#### **6.08.060: DOGS ~~RUNNING~~ AT LARGE -- CAUSING BODILY INJURY WHILE AT LARGE:**

A. It ~~shall be~~ is unlawful for any owner, keeper, or custodian of a dog to permit, directly or indirectly, such dog to run at large. "At large" shall be deemed to mean that the dog is off of the premises of the owner, keeper, or custodian of the dog and is not within the immediate presence or control of such owner, keeper or custodian, and "control" shall be deemed to mean on a leash, lead rope, harness, or other such means or in such proximity as to be under the effective voice control of such owner, keeper or custodian.

B. It is unlawful for any owner, keeper, or custodian of a dog to permit, directly or indirectly, such dog to run at large where, while at large, such dog is a nuisance and causes bodily injury to any individual who has not provoked the dog in a manner that caused the dog to injure the individual.

#### **6.08.180: PENALT~~Y~~~~IES~~ -- ENHANCEMENT FOR MULTIPLE VIOLATIONS :**

A. Any person violating ~~any of the provisions of this chapter~~ a section or subsection of Chapter 6.08 that is not classified as a class B misdemeanor in Subsection B or Subsection C shall be deemed guilty of ~~a class B misdemeanor~~ an infraction, and upon conviction ~~thereof~~ shall be fined ~~by a fine of not more than one thousand dollars (\$1,000.00)~~ an amount not to exceed the amount



permitted by Utah Code Annotated § 76-3-301 ~~or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.~~

B. Any person violating 6.08.060 Subsection B or 6.08.100 of this chapter, is guilty of a class B misdemeanor, and upon conviction, shall either be fined an amount not to exceed the amount permitted by Utah Code Annotated § 76-3-301 or be imprisoned in the county jail for not more than six (6) months, or shall receive both such fine and imprisonment.

C. It is unlawful for any person to violate any section or subsection within Chapter 6.08, pertaining to an individual's dog, where the County has imposed a fine on the individual for violating the same provision on three prior occasions within the previous 12 months and each of the three prior violations involve the same dog as the current violation. A violation of this subsection is a class B misdemeanor and upon conviction, shall either be fined an amount not to exceed the amount permitted by Utah Code Annotated § 76-3-301 or be imprisoned in the county jail for not more than six (6) months, or shall receive both such fine and imprisonment.



**CACHE COUNTY  
ORDINANCE NO. 2023 - 06**

**AN ORDINANCE OF THE COUNTY COUNCIL OF CACHE COUNTY, UTAH,  
ENACTING TITLE 2, CHAPTER 76 TO THE CACHE COUNTY CODE,  
CACHE COUNTY OPEN SPACE ADVISORY COMMITTEE**

- (A) WHEREAS, on November 8, 2022, the residents of Cache County supported and passed Proposition 1, a General Obligation Bond (the “Bond”) 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; and
- (B) WHEREAS, the County Council and County Executive desire the advice of the county residents as to the expenditure of these Bond funds for the purpose of acquisition of real property or real property interests; and
- (C) WHEREAS, the Cache Open Space Advisory Committee ("COSAC") is therefore created for the purpose of advising and providing recommendations to the County Council regarding the acquisition of land and conservation easements; and,
- (D) WHEREAS, the COSAC shall be composed of a 7 member committee, whose members shall reside within the geographical boundaries of Cache County; and,
- (E) WHEREAS, COSAC shall have the power and duty to advise the County Council as to the appropriate uses and expenditures of the Bond funds and shall prioritize and refer funding proposals to the County Council for decision;

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

**SECTION 1:**

**Enactment.** Cache County Code, Title 2 Chapter 76, Cache Open Space Advisory Committee, which is published as a code in book form, is enacted and adopted in accordance with Attachment “A” herein, copies of which have been filed for use and examination in the Office of the County Clerk (the “Cache Open Space Advisory Committee Ordinance”).

**SECTION 2:**

**Savings Clause.** In the event one or more of the provisions of this Open Space Advisory Committee Ordinance shall, for any reason, be held to be unenforceable or invalid in any respect under any applicable laws, such unenforceability or invalidity shall not affect any other provision; and in such event, this Open Space Advisory Committee Ordinance shall be construed as if such unenforceable or invalid provision had never been contained herein.



**SECTION 3:**

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 \_\_\_\_ DAY OF \_\_\_\_\_ 2023.

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

**CACHE COUNTY:**

**ATTEST:**

By: \_\_\_\_\_  
David Erickson, Chair

By: \_\_\_\_\_  
Jess Bradfield, County Clerk / Auditor

**ACTION OF COUNTY EXECUTIVE:**

\_\_\_\_\_ **APPROVE**

\_\_\_\_\_ **VETO** (Written statement of Objection Attached)

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

Date: \_\_\_\_\_



## **Attachment A**

### **Chapter 76 The Cache Open Space Advisory Committee**

#### **2-76-1: Definitions**

#### **2-76-2: Name and Purpose**

#### **2-76-3: Authority**

#### **2-76-4: Organization**

#### **2-76-5: Powers and Duties**

#### **2-76-1: Definitions:**

**Bond:** The 2022 Cache County voter-approved General Obligation Bond authorizing 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.

**County:** Cache County, Utah.

**County Council:** The Cache County Council, which exercises legislative authority in the County.

**County Executive:** The chief executive officer of the County.

**Evaluation Standards:** The respective evaluation standards adopted by the COSAC used to prioritize and recommend proposals to the County Council.

**Member:** Respectively members of COSAC.

**COSAC:** The Cache Open Space Advisory Committee, which is comprised of 7 Members.

**Property Interests:** Any real property interest acquired, or proposed to be acquired, using Bond proceeds or a combination of Bond proceeds and other funding sources.



Public Interest: The responsibility of each Member to represent the common good, the general welfare, and the security and well-being of the respective communities represented by COSAC as to matters concerning the evaluation and recommendations of the use of Bond proceeds for the purpose of acquiring or considering the acquisition of Property Interests.

## **2-76-2 Name and Purpose:**

The Cache Open Space Advisory Committee (“COSAC”) is created for the purpose of serving the Public Interest by creating, adopting, and implementing Evaluation Standards, advising and providing recommendations to the County Council regarding the identification, evaluation (including the evaluation of proposals), and possible acquisition of Property Interests based on the approved Evaluation Standards.

## **2-76-3: Authority:**

COSAC is created as an advisory committee to the County Council for the purposes set forth in Section 2-76-2. There shall be no actual or apparent authority vested in COSAC except the authority granted in this chapter. Neither COSAC, nor any Member thereof, is empowered to bind the County as to the purchase of any Property Interest.

## **2-76-4: Organization:**

### **A. COSAC Organization.**

1. COSAC shall be composed of 7 voting members and 2 non-voting ex-officio members, appointed by the County Council. 4 of the voting members will be appointed by the County Executive with advice and consent of the County Council, with a preference for those applicants with expertise in agriculture, trails, wildlife, waterways, or outdoor recreation. Three voting members will be selected from the general public. The two ex officio members will be a member of the County Council and an expert in agriculture appointed by the County Executive with advice and consent of the County Council. In its first meeting, and annually thereafter, COSAC shall select from among the Members a chair, vice chair, and secretary, and shall provide the County Council with written notice of such selections.

2. Appointed COSAC Members serve 1-year terms and may serve unlimited terms.



3. The County Council may remove any Member at any time with or without cause.

4. Upon removal or withdrawal of any Member of COSAC, the County Executive shall appoint a replacement Member with advice and consent of the County Council. The replacement Member shall complete the remainder of the term of the vacant seat.

5. COSAC may enlist non-voting consultants to participate as needed or advise the COSAC chair in their recommendations to the County Council and their preparations of proposed acquisitions, including County staff, members of the Planning Commission, or other such persons as selected by COSAC. Such consultants shall not be considered Members.

B. All Members shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid or reimbursed by the County at the discretion of the County Council.

C. The County Attorney or his/her designee shall be legal counsel to the COSAC.

## **2-76-5: Powers and Duties**

A. COSAC's powers and limited to:

1. Creating, prioritizing, adopting, and applying the Evaluation Standards;
2. Advising, providing recommendations to, and consulting with, the County Council regarding the identification, evaluation (including the evaluations of proposals), and possible acquisition of Property Interests based on the approved Evaluation Standards. Such advice may include recommendations concerning funding strategies, types of Property Interests to be acquired, and recommendations concerning consultation and collaboration with accredited land trusts.

3. Creation of bylaws to govern meetings.

B. COSAC Duties:

1. Upon the request of the County Council, and at least annually, COSAC shall make presentation to the County Council concerning the Evaluation Standards. At such presentations, COSAC will report on goals, progress, and actions, with the goal of refining and improving evaluation standards and practices.





#### **2-76-6: Meetings:**

- A. Meetings of the COSAC shall be scheduled on an as-needed basis, but no fewer than semi-annually.
- C. Meetings, special meetings, work sessions, and field trips, for any purpose, may be held at the call of the chair or the County Council. Work sessions and field trip meetings shall be for discussion and informational purposes only; no action shall be taken on any item.
- D. COSAC shall conduct its business according to its bylaws.

#### **2-76-7: County Council Authority**

COSAC serves in the capacity of advisory group and is created for the purpose of providing the County Council with valuable insight and analysis concerning the potential uses of Bond proceeds in the County. The COSAC does not have authority to take any action that is binding on the County Executive, County Council, or the County and shall not take any action that purports to do so. The County Council retains final authority regarding any real property transactions and may take direct action on any acquisition of Property Interests, with or without the involvement of COSAC subject to and consistent with Utah and Cache County Code.

## **Notice of Impending Boundary Action**

(Creation of the Cache Waste Consortium)

To: Lieutenant Governor, Utah

Notice is hereby given that the Cache County Council has entered into an agreement with the municipalities of Millville, Nibley, Hyrum, Paradise, River Heights, North Logan, Hyde Park, Amalga, Wellsville, Mendon, Newton, Clarkston, and Trenton to create the Cache Waste Consortium ("The Entity") to supervise and regulate the collection, transportation, and disposition of solid waste generated within its jurisdiction. The Agreement, a true and correct copy of which is attached as EXHIBIT "A" hereto and incorporated by this reference herein, was duly accepted and approved by the respective legislative authorities of the parties.

A copy of the Final Local Entity Plat satisfying the applicable legal requirements as set forth in Utah Code Ann. §17-23-20, approved as a final local entity plat by the County Surveyor and the County Attorney, is attached as EXHIBIT "B" hereto and incorporated by this reference. The Council hereby certifies that all requirements applicable to the creation of the Entity, as more particularly described in the Agreement, have been met. The Entity is not anticipated to result in the employment of Entity personnel.

WHEREFORE, the Executive and Council hereby respectfully requests the issuance of a Certificate of Incorporation pursuant to and in conformance with the provisions of Utah Code Ann. §17B-1-215.

PASSED AND APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH  
THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2023.

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

**CACHE COUNTY:**

**ATTEST:**

By: \_\_\_\_\_  
David L. Erickson, Chair

By: \_\_\_\_\_  
Jess Bradfield, County Clerk / Auditor

EXHIBIT "A" TO NOTICE OF BOUNDARY ACTION

EXHIBIT "B" TO NOTICE OF BOUNDARY ACTION

**MEMORANDUM OF UNDERSTANDING  
BETWEEN LOGAN CITY AND CACHE COUNTY SERVICE AREA NO. 1**

This **MEMORANDUM OF UNDERSTANDING** (“MOU”) is made this the \_\_\_\_ day of \_\_\_\_\_, 2022, by and between the City of Logan (“City”) and Cache County Service Area No. 1 (“CCSA”), hereinafter referred to individually as a “Party” or collectively as the “Parties”.

**RECITALS**

**WHEREAS**, the CCSA, through interlocal agreements, is comprised of the unincorporated area of Cache County, and 19 other cities and towns (“Members”) located within Cache County;

**WHEREAS**, the City entered into an agreement with CCSA in 1979 (“Service Agreement”) to provide solid waste collection and disposal services within Cache County;

**WHEREAS**, the residential and commercial populations of the cities and towns located in Cache County have experienced significant growth resulting in most of the City’s residential collection and disposal services taking place outside City limits;

**WHEREAS**, because of increased demand for collection services outside City limits, the City determined that it is no longer going to provide collection services for CCSA but will continue to accept CCSA waste at the transfer station in Logan and/or at the North Valley Landfill;

**WHEREAS**, consistent with the Service Agreement, the City gave notice that it would discontinue services beginning June 1, 2023;

**WHEREAS**, representatives of the Parties received an independent review of the current services and plans for future services from industry experts, Dr. Ryan Dupont and Dr. Chris Fawson;

**WHEREAS**, Dr. Dupont and Dr. Fawson recommended that Logan City give additional time to enable the CCSA to obtain a thorough master plan addressing its immediate and long-term waste management needs and to jointly pursue the repeal of Senate Bill 203;

**WHEREAS**, the City is willing to provide solid waste collection and disposal services to CCSA and its Members for up to 2 years beyond June 1, 2023, if Senate Bill 203 is repealed;

**WHEREAS**, the Parties desire to actively work together in a cooperative effort, to repeal Senate Bill 203, and assist CCSA and its Members as they transition to other solid waste collection providers; and

**WHEREAS**, the Parties understand the benefits of allowing the community to haul solid waste directly to the North Valley Landfill.

**SECTION 1. PURPOSE AND SCOPE OF MOU**

The Parties agree that the purpose of this MOU is to identify the Parties’ respective intentions and understandings relative to the Parties’ immediate and long-term future planning for solid waste collection, disposal and management. The Parties express their desire to assist each other in achieving the most effective and efficient means to provide these services to CCSA and its individual Members.

As detailed herein, the Parties intend for the scope of this MOU to include the following: (1) preparation of a master plan addressing CCSA’s immediate and long-term waste management needs; (2) the extension of the City’s solid waste collection and transfer services to CCSA from June 1, 2023, to June

1, 2025, if Senate Bill 203 is repealed; (3) the creation of a rate-setting committee to set North Valley Landfill disposal rates; and (4) the Parties' joint effort to repeal Senate Bill 203.

## **SECTION 2. CCSA MASTER PLAN**

2.1 Expert. The CCSA agrees to retain an expert in the field of environmental engineering, waste management, and/or environmental science who is qualified to prepare a comprehensive master plan ("Master Plan") addressing the CCSA's immediate and long-term solid waste management needs. The Parties intend for the expert to collaborate with, and seek input from, CCSA and the City in preparing the Master Plan.

2.2 Master Plan Contents. The CCSA agrees that the Master Plan will include analysis and recommendations regarding the following items:

2.2.1 Waste Management Facilities. The Master Plan will analyze current waste management facilities and identify potential locations and/or criteria for additional future waste management including potential landfill sites and transfer stations.

2.2.2 Waste Collection and Disposal Strategies. The Master Plan will analyze both short-term and long-term strategic planning including the incorporation of a timeline of events to be completed in the next 3 years that will facilitate the transition of solid waste collection services from the City to CCSA and its Members. The Master Plan will address the manner in which solid waste will be collected, transported, and disposed of and a recommendation of facility, equipment, and personnel requirements. The Master Plan will address the feasibility of private solid waste collection providers. The Master Plan will also consider the efficiencies of adjacent cities and towns entering into cooperative agreements or creating interlocal entities to provide waste management services in order to achieve a greater economy of scale.

2.2.3 Review and Recommendation Associated with Restrictive Covenants. The Master Plan will analyze the current covenants/restrictions placed on the North Valley Landfill, including those restrictions established by the conditional use permit issued by Cache County. The Master Plan will make recommendations concerning the potential removal or amendment of any restrictions that result in any unnecessary inefficiencies.

2.2.4 Ownership, Management and Use of Current Landfills and Transfer Station. The Parties acknowledge and agree that unless otherwise agreed to in writing, the City will continue to own, operate and manage the North Valley Landfill and the Logan City Landfill with its adjoining transfer station located within City limits. The Parties also agree that the services available at the North Valley Landfill and Logan City transfer station in Logan will be available for all Members' citizens of Cache County so long as there is sufficient capacity available.

2.3 City Financial Contribution. The City agrees to contribute up to Fifty Thousand Dollars (\$50,000) from its Environmental Enterprise Fund to CCSA to be utilized toward the direct costs associated with the preparation of the Master Plan. CCSA will submit an invoice to the City following the completion of the Master Plan. The City will pay CCSA the invoiced amount (up to \$50,000) within thirty (30) days of its receipt of the invoice. The Parties agree that the City will not contribute any funding towards a Master Plan if CCSA does not obtain a completed Master Plan within one (1) year of the execution of this MOU.

### **SECTION 3. CITY'S EXTENSION OF COLLECTION SERVICES**

3.1 City Continue to Provide Collection Services. The Parties acknowledge that the City gave legal notice to discontinue the solid waste services under the Service Agreement effective June 1, 2023. However, the Parties desire, and the City agrees, to continue to provide solid waste collection and disposal services to CCSA until June 1, 2025, under the same terms and conditions of the Service Agreement. (See 1979 Service Agreement attached hereto as Exhibit A). The Parties agree that the City is not obligated to give any further notice to CCSA of the discontinuance of solid waste collection and disposal services as of June 1, 2025, and CCSA's execution of this MOU is its acknowledgment that the solid waste collection and disposal services provided by the City will automatically discontinue at that time.

3.2 Cost of Service Analysis. The Parties agree that a cost-of-service analysis is necessary for the current collection and disposal services provided by the City. The Parties acknowledge that the cost-of-service analysis may recommend the adjustment of applicable rates and the City may adjust rates accordingly.

3.3 Direct Haul Waste to North Valley Landfill. Cache County issued a conditional use permit ("CUP") to the City which was recorded at the Cache County Recorder's Office on May 3, 2016. The Parties acknowledge that this CUP prohibited the City from accepting direct haul waste at the North Valley Landfill from any party other than the City. The Parties agree to work together to secure the amendment of the CUP to permit the City to accept solid waste from the community at the North Valley Landfill. The City will accept solid waste that is allowed under the permit issued to Logan City by the Utah Solid and Hazardous Waste Control Board on February 14, 2013.

3.4 Cooperation. The Parties shall in good faith undertake to perform their obligations in this MOU, to satisfy all conditions and to cause the transactions contemplated by this MOU to be carried out promptly and in accordance with its terms. The Parties shall cooperate fully with each other and their respective representatives in connection with any actions required to be taken as part of their respective obligations under this MOU.

### **SECTION 4. RATE SETTING COMMITTEE FOR NORTH VALLEY LANDFILL**

4.1 Creation of Rate Setting Committee for North Valley Landfill. The Parties agree that a rate-setting committee will be organized for the purpose of setting rates to be charged at the North Valley Landfill. The Parties agree that the Rate Setting Committee should be organized, as much as reasonably possible, in a manner that is similar to the rate-setting committee established for the Logan City wastewater treatment plant.

4.2 Composition of Rate Setting Committee. The rate-setting committee for the North Valley Landfill shall be composed of representatives from CCSA, its Members and qualified professionals who are experienced in the field of waste management, environmental engineering, environmental science or economics. Voting rights will be established by weighted voted based upon the Member's use (annual tonnage basis) of the North Valley Landfill. The Parties will enter into a separate agreement to establish and govern the composition, function, and authority of this Rate Setting Committee.

4.3 Equal Disposal Rates. The Parties agree that disposal rates paid at the North Valley Landfill by the City, CCSA and any of its Members will be equal. Nothing in this MOU should be interpreted to require equal fees for solid waste service fees outside of the North Valley Landfill disposal fees

## **SECTION 5. REPEAL OF SENATE BILL 203**

5.1 Parties' Joint Effort to Repeal Senate Bill 203. The Parties agree and acknowledge that it is in the best interests of CCSA, its Members, and the community as a whole for the Utah State Legislature to repeal sections of Senate Bill 203 passed in the 2022 General Legislative Session. Specifically, the Parties desire that the Utah State Legislature repeal all rules, regulations, and obligations in Senate Bill 203 associated with or related to municipal landfill deposits. The Parties agree to individually and collectively provide additional support as necessary to further the repeal of these sections of Senate Bill 203. The Parties' execution of this MOU is a clear expression of each Party's unqualified support that the sections of Senate Bill 203 related to municipal landfill deposits be repealed by the Utah Legislature at the next General Legislative Session. In the event that Senate Bill 203 is not repealed and the City pays the revenue it receives from the operation of the North Valley Landfill, CCSA agrees to return to the City all funds received by Cache County as a result of the City's compliance with Senate Bill 203.

5.2 Discontinuance of Collection and Disposal Services. The Parties agree that the City's obligation to provide solid waste collection and disposal services to CCSA is expressly conditioned upon the repeal of Senate Bill 203 in the manner contemplated by Section 5.1. If Senate Bill 203 is not repealed, the Parties agree that the City's obligation to provide these services to CCSA will terminate on June 1, 2023, and not June 1, 2025, as provided for in Section 3.

5.3 Solid Waste Services Must Be Financially Feasible. The Parties agree that the City's obligation to provide solid waste collection services to CCSA, or any of its Members, is conditioned upon the City's ability to recoup all costs associated with solid waste services provided by the City in addition to the City realizing a reasonable profit for providing these collection services.

## **SECTION 6. MISCELLANEOUS**

The following provisions are an integral part of this MOU:

6.1 No Limitation. Unless otherwise stated herein, nothing in this MOU shall be interpreted as limiting, superseding, or otherwise affecting the Parties' normal operations or to limit or restrict the Parties from participating in similar activities or arrangements with other entities.

6.2 No Agency or Partnership. Nothing contained in this MOU and no action by the Parties hereto will be construed by the Parties or by any third person to create the relationship of principal and agent, or a partnership, joint venture, or any other association between the Parties.

6.3 Assignment. The Parties anticipate the eventual dissolution of CCSA and the creation of a new interlocal entity consisting of many of the Members. The Parties also anticipate the assignment of this MOU to the new interlocal entity. Nevertheless, neither Party may assign either this MOU or any of its rights, interests, or obligations hereunder without the prior written approval of the other Party. Subject to the preceding sentence, this MOU shall inure to the benefit of the Parties hereto and their respective successors and permitted assigns. **IN WITNESS WHEREOF** the Parties have executed this MOU as of the day and year first written above.



DATED \_\_\_\_ day of \_\_\_\_\_, 2022

**LOGAN CITY, a Utah Municipal Corporation**

\_\_\_\_\_  
Mayor Holly H. Daines

**ATTEST :**

\_\_\_\_\_  
Teresa Harris

DATED \_\_\_\_ day of \_\_\_\_\_, 2022.

**CACHE COUNTY SERVICE AREA NO. 1**

\_\_\_\_\_  
By : David L. Erickson

Title/Position : Chair, Cache County Service Area No. 1 Board of Trustees

DATED \_\_\_\_ day of \_\_\_\_\_, 2022.