

CACHE COUNTY COUNCIL

August 22, 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 David Erickson, Councilmember Barbara Tidwell, Councilmember Karl Ward, Councilmember Sandi Goodlander, Councilmember Nolan Gunnell, Councilmember Mark Hurd (on phone), Councilmember Kathryn Beus (on phone).

MEMEBERS EXCUSED:

STAFF PRESENT: Executive David Zook, Clerk David Benson, Micah Safsten, Shawn Milne, Bartt Nelson, Ginafer Low, Nathan Argyle, Scott B., Terry Warner, Kandace McCreary, Courtlynne Tarbet, Sara Owen, Jenny Nielson, Cherice Moser, Chief Deputy Executive Dirk Anderson, Chad Jenson, Alma Burgess, Brittany Kingston, Betty Weeks, Cameron Jenson, Julie Hollist Terrill.

OTHER ATTENDENCE: Francene Jenson, Doug Leathan, Wendy Winder, Weston Bellon, Jow Hawkes, Gabriel Murray, Matt Coombs, Talon Bigelow, Steven Ward, Lindsay Hawks, Marylynn Pearce, Todd Pearce.

Council Meeting

1. **Call to Order 5:00p.m.** – Council Chair David Erickson.

2. **Opening Remarks and Pledge of Allegiance** – Councilmember Nolan Gunnell. [0:17](#)

3. **Review and Approval of Agenda APPROVED** [1:52](#)

Action: Motion made by Councilmember Barbara Tidwell to amend the agenda; seconded by Council member Karl Ward.

Motion passes.

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

Nay: 0

4. **Review and Approval of Minutes APPROVED** [2:42](#)

Action: Motion made by Councilmember Barbara Tidwell to amend the minutes; seconded by Council member Nolan Gunnell.

Motion passes.

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

Nay: 0

5. **Report of the County Executive** [3:00](#)

A report from David Zook [5:04](#)

Action: Motion made by County Executive David Zook to approve the appointment of Blake Rose Bear River Board of Health; Approved by Councilmember Karl Ward; seconded by Councilmember Sandi Goodlander.

Motion passes.

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

Nay: 0

A report from Phil Noble [7:19](#)

Discussion: Brief overview of some of the roles the financing office does and some of the proposed changes that are being discussed. Big change to help with control, payroll is now being reviewed by a third party. [14:30](#)

6. **Items of Special Interest**

a. Renew the Appointment of a Merit Commission Member – Sheriff Chad Jensen. [1:31:34](#)

Discussion:

Action: Motion made by Councilmember Karl Ward to approve the appointment for Paul Davis; seconded by Councilmember Barbara Tidwell.

Motion passes.

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

Nay: 0

b. County Letter of Support for Conservation Easement – Bear River Land Conservancy. [1:33:23](#)

Discussion: Gabriel Murry spoke to the council about a letter of support.

c. Building resilient infrastructure and communities (BIRC) [1:38:52](#)

FEMA program introduced a new program in FY2020 fiscal year 2023 available funding - \$500 Million

Discussion: Matt Philips spoke to the council about a grant. Approve the project at Birch Canyon. [1:40:00](#)

Motion passes.

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

Nay: 0

7. TAX RELIEF

A. Extension of filing deadline for tax relief applications. [1:45:01](#) **ATTACHMENT 1**

Discussion: Micah Safsten spoke to the council about approval of tax extension for low-income, abatement circuit breaker, indigent abatement, and blind exemption. Extension to pay their property tax. Move to November 30, 2023, at 5 PM. [1:46:40](#)

Action: Motion made by Councilmember Karl Ward to approve the extensions tax relief applications; seconded by Councilmember Barbara Tidwell. [1:46:46](#)

Motion passes.

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

Nay: 0

8. Public Hearings [39:00](#) ([1:31:05](#))

A. Set Public Hearing for September 12, 2023 – Appointments to Cache County Drainage Districts #3, #4, #5, and #6 [39:10](#)

Discussion:

Action: Motion made by Councilmember Karl Ward to set a public hearing; seconded by Council member Nolan Gunnell. [39:33](#)

Motion passes.

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

Nay: 0

B. Set Public Hearing for September 12, 2023 – Ordinance 2023-31 – Mountain Home Rezone [39:10](#)

A request to rezone 32.67 acres located at 13165 North Mountain Home Road, Cove, from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone.

Discussion:

Action: Motion made by Councilmember Karl Ward to set a public hearing; seconded by Councilmember Nolan Gunnell. [39:33](#)

Motion passes.

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

Nay: 0

C. Public Hearing – 2023 COG Project – 10600 N near Richmond [40:18](#)

A public hearing for COG application for 2023 COG funds for the reconstruction of 10600 N near Richmond

Discussion: Matt Philips spoke to the ordinance [40:32](#). Explained reasons for a public hearing. Explaining where the proposed project will take place and the recourses being used.

Action: Motion made by Councilmember Karl Ward to close the public hearing; seconded by Councilmember Barbara Tidwell. [45:52](#)

Motion passes.

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

Nay: 0

D. Public Hearing – 2023 COG Project – 1000 S near Mendon

A public hearing for COG application for 2023 COG funds for the reconstruction of 1000 S near Mendon

Discussion: Matt Philips spoke to the ordinance [47:48](#). Project name is 300 North Street. The project will be improving roads in Menon city.

Action: Motion made by Councilmember Nolan Gunnell to close the public hearing; seconded by Councilmember Barbara Tidwell. [51:57](#)

E. Public Hearing – Ordinance 2023-30 – Amending Title 16 and Title 17 Regarding Developable Acreage and Sensitive Areas Definitions, Standards and Applicable Subdivision Requirements [53:00](#)

Discussion: Stephan Nelson spoke to the ordinance [53:39](#). Large sections of code have been updated for Sensitive areas [54:21](#). Talked on how to define steep slopes [54:55](#). Marilyn Pierce talked to the council about ordinance [1:05:21](#). Joe Hawks spoke to the council about the ordinance [1:07:32](#). Doug Leatham spoke to the council about the ordinance [1:09:33](#). Steven Wood spoke to the council about the ordinance [1:10:28](#). Rand Curtis spoke to the council about the ordinance [1:12:00](#).

Action: Motion made by Councilmember Mark Hurd to close the public hearing; seconded by Councilmember Sandi Goodlander. [1:13:20](#)

Motion passes.

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

F. Public Hearing – Resolution 2023-11 – Opening the 2023 Budget [1:19:43](#)

A request to rezone ~125 acres located at 11432 North 2300 East, near Richmond, from the Forest Recreation (FR40) Zone to the Agricultural (A10) Zone. Planning Commission recommended denial.

Discussion: Micah Safsten spoke to the resolution [1:20:19](#). Phil Noble speaks to the council about the resolution [1:22:03](#). Doug Leathan spoke to the council [1:29:58](#).

Action: Motion made by Councilmember Nolan Gunnell to close the public hearing; seconded by Councilmember David Erickson. [1:30:51](#)

Motion passes.

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

9. Pending Action

A. Ordinance 2023-28 Graham Addition Rezone [1:47:25](#)

A request to rezone ~125 acres located at 11432 North 2300 East, near Richmond, from the Forest Recreation (FR40) Zone to the Agricultural (A10) Zone. Planning Commission recommended denial.

Discussion: Stephan Nelson to the ordinance [1:47:34](#).

Action: Motion made by Councilmember Karl Ward to postpone the ordinance by 30 days; seconded by Councilmember Nolan Gunnell. [1:49:59](#)

Motion passes.

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

B. Resolution 2023-09 A Resolution Amending the Organic Act for the Government of Cache County [1:50:29](#)

Discussion: Micah Safsten spoke to the resolution [1:51:04](#)

ATTACHMENT 2

Action: Motion made by Councilmember Karl Ward to approve the resolution; seconded by Councilmember Barbara Tidwell. [1:57:22](#)

Motion passes.

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

C. Ordinance 2023-29 Financial Administration Amendments [1:57:59](#) ATTACHMENT 3

Discussion: Micah Safsten spoke to the ordinance [15:8:20](#)

Action: Motion made by Councilmember Karl Ward to approve the ordinance; seconded by Councilmember Barbara Tidwell. [2:16:41](#)

Motion passes.

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

D. Resolution 2023-10 A Resolution Authorizing a Reduction in Force for Cache County [2:17:15](#) ATTACHMENT 4

Discussion: Micah Safsten spoke to the resolution [2:17:26](#)

Action: Motion made by Councilmember Nolan Gunnell to approve the Resolution; seconded by Councilmember Barbara Tidwell. [2:20:58](#)

Motion passes.

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

Nay: 0

10. Initial Proposals for Consideration of Action

A. Ordinance 2023-30 Amending Title 16 and Title 17 Regarding Developable Acreage and Sensitive Areas Definitions, Standards and Applicable Subdivision Requirements [2:21:22](#) ATTACHMENT 5

Discussion: Stephen Nelson spoke to the ordinance [2:22:28](#).

Action: Motion made by Councilmember Nolan Gunnell to approve the ordinance; seconded by Councilmember Barbara Tidwell. [2:26:18](#)

Motion passes.

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

Nay: 0

B. Resolution 2023-11 Opening the 2023 Budget [2:26:54](#) ATTACHMENT 6

A request to rezone ~125 acres located at 11432 North 2300 East, near Richmond, from the Forest Recreation (FR40) Zone to the Agricultural (A10) Zone. Planning Commission recommended denial.

Discussion: Phil Noble speaks to the council about the resolution [2:27:30](#). Micah Safsten spoke to the resolution [2:32:33](#)

Action: Motion made by Councilmember Sandi Goodlander to approve amending the resolution; seconded by Councilmember Nolan Gunnell. [2:37:05](#)

Motion passes.

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

Nay: 0

Action: Motion made by Councilmember Karl Ward to approve the amended resolution; seconded by Councilmember Barbara Tidwell. [2:37:43](#)

Motion passes.

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

Nay: 0

C. Ordinance 2023-32 An Ordinance Creating Chapter 3.38 on Real Property [2:38:38](#) ATTACHMENT 7

Discussion: Jeris Kendall spoke to the ordinance. [2:41:37](#)

Action: Motion made by Councilmember Barbara Tidwell to approve the ordinance; seconded by Councilmember Nolan Gunnell. [2:46:02](#)

Motion passes.

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

Nay: 0

11. Other Business [2:46:53](#)

- a. Wellsville Founders Day Parade Sept. 4, 2023
- b. USACCC Fall Conference Sept. 7-8, 2023 at Ruby's Inn
All Council Members
- c. July Treasurer Reconciliation Report

12. Councilmember Reports [2:47:03](#)

David Erickson –

Sandi Goodlander –

Karl Ward –

Barbara Tidwell –

Kathryn Beus –

Nolan Gunnell –

Mark Hurd –

Adjourn: 7:30 PM



APPROVAL: David Erickson, Chair
Cache County Council



ATTEST: David Benson, Clerk
Cache County Council

Saige came, Deputy Clerk on behalf of Clerk



CACHE COUNTY COUNCIL MEETING
AUGUST 22, 2023

ATTACHMENT 1

MEMORANDUM

TO: Cache County Council

FROM: Dianna Schaeffer, Tax Administration Supervisor

DATE: August 22, 2023

SUBJECT: Request for Tax Relief Filing Extension

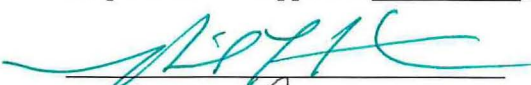
Every year Cache County processes hundreds of applications for the following types of tax relief:

- **Low Income Abatement (Circuit Breaker)** - State law §59-2-1201 through §59-2-1220 governs general property tax relief to older low income persons subject to proper application, documentation, and deadlines. *Allowable extension §59-2-1220.*
- **Indigent Abatement (Hardship)** - State law §59-2-1803 permits counties to abate taxes for indigent persons subject to proper application, documentation, and deadlines. *Allowable extension §59-2-1804(1)(b).*
- **Blind Exemption** - State law §59-2-1106 provides counties authority to abate taxes for the blind subject to proper application, documentation, and deadlines. *Allowable extension §59-2-1106(2)(b).*
- **Military Exemption** - State law §59-2-1901 through §59-2-1905 allows counties to abate taxes for veterans and active duty armed forces subject to proper application, documentation, and deadlines. Military applications are allowed an "automatic one year extension per UCA 59-2-1902(6) and 1904(5).
- **Exclusive Use Exemption** - State law §59-2-1102 provides counties authority to abate taxes for religious charitable, and educational organizations. Applications were due by March 1st and have been processed.
- **Settlement/Deferral** - No deadlines are mandated for tax sale deferrals in §59-2-1347.
- **Senior Deferral** - State law §59-2-1802.5 Cache County will not implement this program until mandated by statute which will be 2024 per Resolution 2022-22.

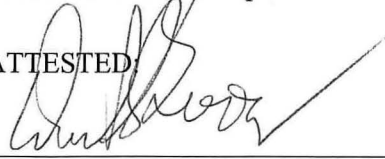
The application deadline is September 1st in most cases, but may be extended until December 31st if the county finds good cause. After this initial tax relief deadline has passed, tax notices are mailed and we will be besieged by citizens in dire need of tax relief without being able to offer assistance. We feel strongly the intent of the law is to help those in need while remaining legally compliant; thus, we ask the council to proactively extend the filing deadline for tax relief so we can continue processing eligible citizens while remaining legally compliant.

Therefore, it is in the best interest of the community that the Cache County Council *extends the filing deadline for low income, indigent and blind tax relief to November 30, 2023 at 5:00 p.m.*

Request is: Approved ✓ Tabled _____ Denied _____


David Erickson, Chairperson

ATTESTED:


David Benson, Cache County Clerk/Auditor

Date:

CACHE COUNTY COUNCIL MEETING
AUGUST 22, 2023

ATTACHMENT 2



**CACHE COUNTY
RESOLUTION NO. 2023 - 09**

**A RESOLUTION AMENDING THE ORGANIC ACT FOR THE GOVERNMENT OF
CACHE COUNTY**

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that the Organic Act for the Government of Cache County should be amended.

Now, therefore, be it ordained by the Cache County Council hereby ordains, as follows:



A
NEW FORM OF
GOVERNMENT
FOR
CACHE COUNTY



TABLE OF CONTENTS

	Page
ARTICLE 1 ESTABLISHMENT	1
ARTICLE 2 GENERAL POWERS	2
ARTICLE 3 COUNTY COUNCIL	2
ARTICLE 4 COUNTY EXECUTIVE	76
ARTICLE. 5 ADMINISTRATIVE OFFICES, DEPARTMENTS AND AGENCIES	8
ARTICLE 6 PERSONNEL	124
ARTICLE 7 PARTICULAR POWERS	12
ARTICLE 8 GENERAL PROVISIONS	134



ARTICLE I

ESTABLISHMENT

Section 1.01 Establishment

Cache County shall have a structural form of county government of the "general county (modified)" form with a management arrangement of the "county executive-council" form as set forth in the Optional Forms of County Government Act and as further described herein.

Section 1.02 Effective Date

The establishment of this new form of government shall become effective at 12:00 noon on the first Monday of January; 1985. However, if the adopting election is held after July 1, 1984, then the Effective Date shall be the first Monday of January, 1987.

Section 1.03 Succession

Cache County shall remain vested with all power and duties vested by general law in counties, and there shall be no interruption in the continuity, powers, debts, obligations or jurisdiction of the government of Cache County by the establishment of this new form of government.

Section 1.04 Elected Officials

Upon the Effective Date of this new form of government, the terms of office of the Cache County Commissioners shall expire. The terms of office of all other officials holding or elected to elective office shall not be affected by this new form of government.

Officials holding appointive offices such as department heads or deputy or assistant department heads shall continue in office until otherwise directed by the County Executive. Personnel continued in office shall retain the same status, privileges and protections as they possessed previous to the adoption of this new form of government. However, they shall be subject to such changes in assignment or other adjustments as are directed by the County Executive and the County Council.

Members of all appointive boards and commissions shall continue in office for six (6) months following the Effective Date unless otherwise provided by the County Council. Prior to the expiration of said six (6) months, the functions and operations of all boards and commissions shall be thoroughly studied by the County Executive or his designees and a report containing recommendations shall be made to the County Council. The Council shall then determine the status of all boards and commissions. The Council may continue them unchanged, modify their organization, operation and functions, or abolish them and assign their functions and powers.



ARTICLE 2

GENERAL POWERS

Section 2.01 Powers

Cache County is a body corporate and politic, having perpetual succession, and may sue and be sued. It has all powers which the Constitution and laws of the State of Utah either now or hereafter expressly or impliedly grant or allow to any county.

Section 2.02 Differing Levels of Service Within the County

Cache County is hereby authorized to provide additional, extended or higher level services within its powers to any portion of Cache County. When such additional, extended or higher level services are provided on a non-contract basis to any portion of the county, and not on a county-wide basis, the additional services shall be financed and administered through the establishment of county service areas, special assessment procedures, contractual arrangements, or other fiscal means whereby the beneficiaries of such additional services pay for the additional costs thereof.

ARTICLE 3

COUNTY COUNCIL

Section 3.01 Governing Body

The governing body of Cache County shall be a County Council composed of seven (7) Councilmen, one of whom shall be elected as Chairman.

Section 3.02 Election and Qualification

(a) For the purpose of electing Councilmen, the County shall be divided into seven (7) geographical districts, known as Council Districts. The voters of each Council District shall elect one Councilman to the County Council.

(b) Councilmen shall be qualified voter residents of the Districts from which they are elected at the time of their election, and they shall reside in the District of their election throughout their terms of office.



Section 3.03 Term of Councilmen

The regular term of office of each Councilman shall be four (4) years. Said term shall commence at 12:00 noon on the first Monday of January following their election. The initial term of office of four (4) of the Councilmen shall be two (2) years. Thereafter these terms of office shall be four (4) years. By this procedure every two years, three or four of the council seats will be up for election. The Council Districts which shall initially elect councilmen for two years will be the North Council District, Logan Council District #1, South Council District, and Logan Council District #2.

Section 3.04 Election, Term and Duties of Council Chairman and Vice-Chairman

(a) The Chairman and Vice-Chairman of the County Council shall be elected by a majority of the full membership of the County Council from among members of the Council. Their term shall be one (1) year.

(b) The Chairman shall preside at all Council meetings when he is present. During his absence, the Vice-Chairman shall preside as acting Chairman.

(c) The Chairman shall have the full right to debate and vote in the Council. He shall sign all legislative acts of the County Council.

Section 3.05 Council Districts

(a) The Council Districts shall have substantially the same population, based on the latest federal population census. To the extent practical, Council Districts shall be compact and contiguous, allowing ease of contact between residents and Councilmen and the fair representation of all geographical areas of Cache County.

(b) The Council Districts may be changed, modified or amended from time to time by two thirds (2/3) majority vote of the full membership of the County Council, pursuant to the aforesaid standards.

(c) The Council Districts shall be based upon the voting districts as such districts existed as of January 5, 1987, and shall be as follows:

(1) Northeast Council District: This district shall include the following Voting Districts: Smithfield 1-4, Hyde Park, and North Logan 1-2.

(2) North Council District: This district shall include the following Voting Districts: Lewiston 1-2, Cove, Richmond 1-2, Cornish, Clarkston, Trenton, Amalga, Newton, and Benson.



(3) South Council District: This district shall include the following Voting Districts: Hyrum 1-3, Paradise, Wellsville 1-2, and Mendon.

(4) Southeast Council District: This district shall include the following Voting Districts: Providence 1-2, River Heights, Millville, Nibley, and College.-Young Ward.

(5) Logan Council District #1: This district shall include the following Voting Districts within Logan City: 1, 7, 8, 9, 10, 14, 15, 22, and 24.

(6) Logan Council District #2: This district shall include the following Voting Districts within Logan City: 2, 3, 4, 5, 6, 16, 17, and 25.

(7) Logan Council District #3: This district shall include the following Voting Districts within Logan City: 11, 12, 13, 18, 19, 20, 21, 23, and 26.

Section 3.06 First Election

The first election of County Councilmen following approval of this new form of government by the voters shall be held at the regular November election immediately prior to the Effective Date.

Section 3.07 Vacancies in the County Council

If any Councilman shall die, resign or remove his residence from the County District he represents during his term of office, be incapacitated to the extent that he is unable to perform his duties for a period in excess of six (6) months, fail to perform his duties as Councilman and fail to meet with the Council for an unexcused period of two (2) months, or be removed from office pursuant to general law, the office which he occupies as Councilman shall be deemed vacant. Thereupon, the remaining members of the County Council shall proceed, by majority vote, to choose another qualified voter resident of that County District to serve the balance of his unexpired term.

Section 3.08 Nominations

Until otherwise provided by law, nominations for members of the County Council shall be made in the same manner as is prescribed by law for County Commissioners as modified for the regional Council Districts.

Section 3.09 Compensation of the County Council

The Chairman of the Council shall receive a salary of \$1500.00 per annum and each Councilman shall receive a salary of \$1200.00 per annum. Members of the County Council shall be reimbursed for actual expenses connected with their official duties. These salaries may be changed only by County ordinance.



Section 3.10 Voting on the County Council

Voting, except on procedural motions, shall be by roll call, and the ayes and nays shall be recorded in the Council journal as a matter of public record. Except for matters on which a greater or lesser vote is expressly provided by law, no action of the Council shall be valid and binding unless it is approved by the affirmative vote of four (4) Councilmen.

Every ordinance or tax levy passed by the Council shall be presented to the County Executive for his approval or disapproval. If the County Executive approves the ordinance or tax levy, he shall sign it and it shall be recorded and thereafter shall be in force. If the ordinance is an appropriation ordinance, the County Executive may approve or disapprove all or any part of the appropriation. If the County Executive disapproves an ordinance, tax levy, or appropriation, he shall return it with a statement of his objections, to the Council within fifteen days and the Council shall, at its next meeting, reconsider the ordinance, tax levy or appropriation item. If after reconsideration it passes by the affirmative vote of five (5) Councilmen, it shall be recorded and thereafter be in force. If any ordinance, tax levy or appropriation item is not returned within fifteen days after presentation to the County Executive, it shall be recorded and thereafter shall be in force.

Section 3.11 Meetings of the County Council

All meetings except those types expressly excluded by law shall be advertised, open and public. The County Council shall meet in regular session not less than twice (2) per month at stated times to be provided by ordinance, and may in addition hold special meetings or executive sessions called in the manner provided by law.

Proceedings and meetings of the Council shall be as prescribed by applicable statutes and valid ordinances, and debate therein shall generally be subject to Roberts Rules of Order. All ordinances and resolutions shall be enacted in the manner provided by general law.

Section 3.12 Powers and Duties of the County Council

The County Council is the legislative body of Cache County, and is vested with all legislative and policy-determining powers of the County. Within the scope and subject to the limits of its lawful powers and duties, the County Council shall exercise all legislative powers authorized by law. Pursuant to this legislative power the County Council shall:

(a) Enact ordinances and adopt resolutions necessary and appropriate to establish official policy and to facilitate the discharge of any powers and responsibilities of Cache County.

(b) Consider, alter, modify and adopt the annual budget and such other periodic or long-range budgets and plans or programs as will, in the judgment of the Council, facilitate efficiency, economy, and orderly administration of the duties and responsibilities of Cache County. Budgeting procedure shall conform to the Uniform Fiscal Procedures for Counties Act.



(c) Establish by ordinance a compensation plan for all officers, assistants, deputies, clerks, and other employees.

(d) Establish and adopt, by ordinance, a comprehensive administrative code, which shall comprise the rules and regulations governing the procedures, duties and systems of office, departmental and agency management, control, accounts, records and reports for all offices, departments and agencies of the county.

(e) Adopt by ordinance rules of procedure, which may be included as part of the administrative code, governing the time, place, conduct and order of business of its meetings and hearings, and the matter of introduction, publication, consideration, and adoption of ordinances and resolutions.

(f) Request information from the County Executive, and conduct public hearings on matters of public concern to assist in the performance of its legislative responsibilities and for the purpose of investigating any matter pertaining to the County, its business or affairs, or an officer thereof. In connection with such public hearings, the Council may require the attendance of witnesses; documents and other evidence, administer oaths, and take testimony.

(g) Provide for an annual independent audit, and if it deems it necessary at any time for a special audit of accounts to be made by a certified public accountant or firm of such accountants.

(h) Establish and define the duties and functions of appointed boards and commissions deemed appropriate to expedite and facilitate the duties of the Council or any office, department or agency of the County.

(i) Employ on a temporary or permanent basis, professionally qualified experts and consultants to study, assist, advise or prepare reports concerning any aspect of County functions, responsibilities or administration.

Section 3.13 Prohibitions

(a) No Councilman shall occupy any other elective public office during his membership on the County Council.

(b) The members of the County Council are subject to all limitations applicable to the members of a board of county commissioners, together with any sanctions or penalties associated therewith, relating to prohibited interests and relationships.

(c) Members of the County Council shall not interfere in the administration of County affairs by the County Executive or other executive personnel.



ARTICLE 4

COUNTY EXECUTIVE

Section 4.01 Election and Term of the County Executive

The chief executive officer of Cache County shall be the County Executive. He shall be elected by the qualified voters for a term of four (4) years. The term of the County Executive shall commence at 12:00 noon on the first Monday of January, following his election and he shall be eligible to succeed himself.

The County Executive shall be a qualified voter of Cache County and shall continue to reside therein during the period of service as County Executive.

Section 4.02 Vacancy in the Office of County Executive

If the County Executive shall die, resign or remove his residence from Cache County during his term of office, be incapacitated to the extent that he is unable to perform his duties for a period in excess of three (3) months, or be removed from office, the office of County Executive shall be deemed vacant.

If a vacancy in the office of County Executive occurs, the office of County Executive shall be filled by appointment for the remainder of that term by a majority vote of the County Council.

Section 4.03 Compensation of the County Executive

The County Executive shall be reimbursed for all actual expenses incurred in the discharge of his duties, and shall receive as compensation a sum as fixed, from time to time, by the County Council. Until otherwise provided by ordinance, his salary shall be \$25,000.00 per year.

Section 4.04 Powers and Duties of the County Executive

The County Executive, as chief executive of the County, shall have the power and it shall be his duty to:

- (a) Carry out programs and policies established by the County Council;
- (b) Direct and organize the management of the County in a manner consistent with the optional plan;
- (c) Faithfully enforce all applicable laws and county ordinances;



(d) Supervise the official conduct of all county officers and officers of all precincts, districts and other subdivisions of the county (except municipal corporations); see that they faithfully perform their duties, direct prosecution for delinquencies and when necessary, require them to renew their official bonds, make reports and present their books and accounts for inspection;

(e) Appoint persons to all offices which are to be filled by appointment with and upon the advice and consent of the County Council;

(f) ~~Serve as and perform the duties of the Budget Officer of the County, as provided in the Uniform Fiscal Procedures Act for Counties, which shall be applicable except as otherwise provided herein; Prepare an annual, tentative budget, as provided in the Uniform Fiscal Procedures Act for Counties;~~

(g) Supervise and direct ~~centralized budgeting, accounting, personnel management, purchasing and other service~~ functions of the County delegated to the Executive by State statute or County ordinance;

(h) Conduct planning studies and make recommendations to the Council relating to financial, administrative, procedural and operational plans, programs and improvements in county government; and

(i) Exercise a power of veto over ordinances enacted by the County Council, including an item veto upon budget appropriations.

ARTICLE 5

ADMINISTRATIVE OFFICES, DEPARTMENTS AND AGENCIES

Section 5.01 General Provisions

(a) All activities of the Executive Department of Cache County under the direction and supervision of the County Executive shall be distributed among such statutory or appointive officers, departments and agencies as are established by this form of government or as may be established hereunder by ordinance of the County Council.

(b) Each office, department or agency shall be administered by an officer elected or appointed as provided by statute or ordinance or as provided herein. By ordinance of the County Council, the heads of statutory or appointive offices, departments and agencies may be appointed to serve as head of one or more such offices, departments and agencies, and the County Executive may serve also as a unit head.



Section 5.02 Office of County Executive

There shall be an Office of County Executive to properly exercise and perform the powers and duties prescribed for the County Executive by this form of government and such other powers and duties as may be assigned to him from time to time by the County Council. . The Office of County Executive may include such personnel and offices as are determined necessary to carry out its functions.

This Office shall perform the customary functions of a personnel office, subject to such civil service or merit system rules as may apply, including but not limited to preparation and recommendation of personnel rules, regulations and procedures; position classification and compensation studies; employee orientation and training; and management-employee relations. This Office shall also make continuing analysis and recommendations for improvements in county organization, procedures, operations, methods, performance, productivity and effectiveness; prepare the annual and long-range operating and capital budgets and oversee county expenditures. The County Executive may not suspend, discharge or remove any other elected official.

Section 5.03 Office of County Attorney

(a) There shall be an Office of County Attorney, which shall be headed and directed by the County Attorney.

(b) The County Attorney shall be elected by the qualified voters as provided by law. His duties shall be prescribed by the Legislature of the State of Utah and shall include all duties assigned to the County Attorneys. The Office of County Attorney shall have all the functions, responsibilities and powers provided by law and such other duties as shall be assigned by the County Council and Executive.

Section 5.04 Planning Department

There shall be a Planning Department. The powers, duties and responsibilities of the Planning Department shall include the following:

(a) To collect, organize and analyze data and other information needed for current and long-range research related to county economic, social, physical and environmental problems.

(b) To provide technical planning information and advice to the County Council, the County Executive and the various planning boards, councils and commissions.

(c) To fulfill other related tasks assigned by the County Council and Executive.



Section 5.05 Office of County Assessor

There shall be an Office of County Assessor, headed by an elected County Assessor. The office of County Assessor shall have all the functions, responsibilities and powers provided by law.

Section 5.06 Office of County Auditor

There shall be an Office of County Auditor, headed by an elected County Auditor. The County Auditor shall be the Finance Officer of the County, as defined in Utah Code 17-36-3(13)(a), except that the County Executive shall be the Finance Officer solely for the purpose of preparing the tentative budget of the County, in accordance with Utah Code 17-36-3(13)(b).

The Office of County Auditor shall have authority to audit all county departments, offices and entities, though the Office of County Auditor may not audit the Auditor's own office or accounts. The Office of County Auditor shall provide accounting services for the County and have all otherthe functions, responsibilities and powers provided by law, except that the County Executive shall be Budget Officer of the County. The office of County Auditor shall assist and support the County Executive in his role as Budget Officer in preparing the annual tentative budget.

Section 5.07 Office of County Treasurer

There shall be an Office of County Treasurer, headed by an elected County Treasurer. The Office of County Treasurer shall receive all money belonging to the County and disburse County money by warrant, check or other payment mechanism, as well as keep a record of the receipts and expenditures of all such money; and have all otherthe functions, responsibilities and powers provided by law.

Section 5.08 Office of County Clerk

There shall be an Office of County Clerk headed by an elected County Clerk. The Office of County Clerk shall have all the functions, responsibilities and powers provided by law. The County Clerk or one of his deputies or assistants shall serve as Clerk.to the County Council.

Section. 5.09 Office of County Recorder

There shall be an Office of County Recorder, headed by an elected County Recorder. The Office of County Recorder shall have all the functions, responsibilities and powers provided by law.



Section 5.10 Office of County Sheriff

There shall be an Office of the County Sheriff, headed by an elected County Sheriff. The Office of County Sheriff shall have all the functions, responsibilities and powers provided by law.

Section 5.11 Fire Department

There shall be a County Fire Department. The County Fire Department shall perform those duties assigned to it by law and also such further duties as are assigned by the County Council and Executive.

Section 5.12 Public Works Department

There shall be a Public Works Department. The Public Works Department shall have the powers and responsibilities necessary to perform the following functions:

- (a) Plan, construct and maintain county streets and highways.
- (b) Develop and administer flood control facilities and programs.
- (c) Collect and dispose of refuse, garbage and trash.
- (d) Develop and maintain parks and cemeteries.
- (e) Provide engineering services.
- (f) Construct and maintain public facilities and equipment.
- (g) Perform such other duties as shall be assigned by the County Council and Executive.

Section 5.13 Office of County Surveyor

There shall be an Office of the County Surveyor. The Office of the County Surveyor shall have all of the functions, responsibilities and powers provided by law.

Section 5.14 Organization of Offices, Departments and Agencies

All governmental functions and activities of the organizational units shall be directed and determined by the County Executive. However, the County Council may provide by ordinance for the creation, modification or abolition of specific departments and other organizational units and assign functions thereto, transfer functions therefrom, discontinue functions and activities as provided by law.



Section 5.15 General Administration

Except where otherwise provided in this Article or by the County Council, the County Executive shall appoint all officers and heads of departments upon the advice and consent of the County Council, the same being approved by the affirmative vote of four Council members.

ARTICLE 6

PERSONNEL

Section 6.01 Exempt and Classified Positions

All positions in the County government shall be either exempt or classified. Exempt positions shall be those positions which are to be filled by election or appointment as provided herein, and such other positions which are responsible for the formulation or execution of policy where the nature of the policy formulated or the latitude for execution of policy clearly require a unity of purpose and philosophy with the County Executive and the heads of offices, departments, agencies, boards and commissions. All other positions shall be classified.

Section 6.02 Personnel Rules and Regulations

The Office of County Executive shall prepare for adoption by the County Council rules and regulations to effectively administer personnel. The rules shall classify all positions for pay setting purposes. The rules shall set forth policies regarding qualifications, selection, disciplinary action, removal, grievance procedures, vacation, sick leave, personnel records, etc.

Section 6.03 Political Activities

No classified County employee may hold any elective political office of the County during his or her employment.

ARTICLE 7

PARTICULAR POWERS

Section 7.01 Generally

The Utah Code grants specific powers, functions, duties and responsibilities to a Board of County Commissioners. Except as specifically modified herein, all of said powers, functions, duties and responsibilities are to be exercised by the County Council unless said Council shall provide otherwise by ordinance.



Section 7.02 Personnel

Cache County may adopt the County Personnel Management Act as described in Chapter 33, Title 17 of the Utah Code as and for its county merit system for all county employees. The County Executive shall exercise all of the powers and functions therein reserved to the "Governing Body" by definition.

Section 7.03 Zoning and Planning

The County Council shall exercise all powers granted to the County Commission pursuant to Chapter 27, Title 17 of the Utah Code except that the County Executive shall make all appointments thereunder with the advice and consent of the County Council, the same being approved by the affirmative vote of four (4) Council members.

ARTICLE 8

GENERAL PROVISIONS

Section 8.01 Adoption

This new form of government shall be adopted, subject to the provisions of Article 1, when approved by the affirmative vote of a majority of those voting on the question of its approval at an election to be held on a date determined by the Board of County Commissioners. Upon adoption of the Optional Plan, if necessary, the Board of County Commissioners is empowered, pursuant to Section 17-35a-6(2), (3), to enact temporary ordinances to provide special times and election procedures for filing, nomination and election of the initial candidates 12 to the County Council and County Executive positions.

Section 8.02 Amendments

Amendments of this Plan within this specified form of government may be made when approved by a two thirds (5 votes) vote of the full membership of the County Council, except that no amendment which is contrary to a specific requirement of the law authorizing this type of optional plan known as the "general county (modified)" form and "county executive-council" form shall be effective unless submitted and approved by a majority of the voters casting a vote on the question at a general or special election.

Section 8.03 Separability

If any provision of this Optional Plan is held invalid, or the application of any of its provisions to any person or circumstance is held invalid, the remaining provisions and the application of the Optional Plan and its provisions to other persons or circumstances shall not be affected thereby.



This resolution shall take effect immediately upon approval and publication, in the manner provided by law.


RESOLVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH THIS 22 DAY OF August 2023.

	In Favor	Against	Abstained	Absent
Sandi Goodlander	X			
David Erickson	X			
Nolan Gunnell	X			
Barbara Tidwell	X			
Karl Ward	X			
Mark Hurd	X			
Kathryn Beus	X			
Total	7	0	0	0

CACHE COUNTY:

By: 
David L. Erickson, Chair

ATTEST:

By: 
David Benson, County Clerk / Auditor

CACHE COUNTY COUNCIL MEETING
AUGUST 22, 2023

ATTACHMENT 3



CACHE COUNTY ORDINANCE No. 2023-29

FINANCIAL ADMINISTRATION AMENDMENTS

- A) WHEREAS, State Code 17-16-3 prohibits consolidation of the offices of County Auditor with the office of County Treasurer; and
- B) WHEREAS, the purpose of such prohibition is the prevention of the County from concentrating accounting services and expenditures in one office, as such concentration increases the risk of fraud, waste, and abuse; and
- C) WHEREAS, the County Council may take any action required by law and necessary to the full discharge of its duties, even though the action is not expressly authorized by statute; and
- D) WHEREAS, State code 17-19a-205 provides the default arrangement that the county auditor shall provide accounting services for the county; and
- E) WHEREAS, a county operating under the county executive-council form of government may, by ordinance, delegate accounting services provided for or executed on behalf of the entire county to the County Executive or to an office's or department's officer or director; and 17-19-205 2 b
- F) WHEREAS, If a county council delegates the provision of accounting services, the County Council must make the delegation in accordance with good management practice to foster effectiveness, efficiency, and the adequate protection of county assets and assure appropriate checks and balances within county government; and
- G) WHEREAS, the County Council has heretofore delegated such accounting services to the Executive, and the Finance department; and



- H) WHEREAS, The County Council has not been satisfied that such delegated tasks of accounting and financial management have been performed with good management practice to foster effectiveness, efficiency, and the adequate protection of county assets; and
- I) WHEREAS, the County Council may by ordinance withdraw such delegation of accounting services to the Executive and Finance department, and return to the default arrangement of the County Auditor providing accounting services for the County; and
- J) WHEREAS, State Code 17-36-3(13) identifies that the "Financial Officer" of the County shall be the County Auditor, and the County Executive is the Financial officer for purposes of proposing a tentative budget; and
- K) WHEREAS, State Code 17-24-1 identifies that the County Treasurer's duties are to receive all money belonging to the County and disburse County money by warrant, check or other payment mechanism, as well as keep a record of the receipts and expenditures of all such money; and
- L) WHEREAS, this duty of the Treasurer is not delegable under State Code; and
- M) WHEREAS, the County Council must ensure that County processes conform with State Code;
- N) WHEREAS, State Code 17-24-11 requires the County Treasurer to reconcile accounts and records with the County Auditor; and
- O) WHEREAS, the books, accounts, and vouchers of the treasurer are at all times subject to the inspection and examination of the county executive and county



legislative body, the county attorney, the district attorney, the county auditor, and the grand jury; and

- P) WHEREAS, the County officers and Staff will be provisioned with the necessary resources to conform with State Code 17-36, the Uniform Fiscal Procedures Act for Counties; and

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

SECTION 1: Section 15.08 of the Cache County Code is amended to read in full as follows, with a redline copy attached as Exhibit 1

2.08.030: POWERS AND DUTIES OF COUNTY EXECUTIVE

The county executive, as chief executive of the county, shall have the power and it shall be his duty to:

- A. Carry out programs and policies established by the county council;
- B. Direct and organize the management of the county in a manner consistent with the optional plan;
- C. Faithfully enforce all applicable laws and county ordinances;
- D. Supervise the official conduct of all county officers and officers of all precincts, districts and other subdivisions of the county (except municipal corporations); see that they faithfully perform their duties, confer with and make recommendations to the county council concerning whether county officers should be compensated on a full time or part time basis, direct prosecution for delinquencies and when necessary, require them to renew their official bonds, make reports and present their books and accounts for inspection;
- E. Appoint persons to all offices which are to be filled by appointment with and upon the advice and consent of the county council;
- F. Prepare an annual, tentative budget for the county that shall be presented to the County Council for approval;
- G. Supervise and direct personnel management, and other functions of the county delegated to the Executive by State statute;
- H. Conduct planning studies and make recommendations to the county council relating to financial, administrative, procedural and operational plans, programs and improvements in county government; and
- I. Exercise a power of veto over ordinances enacted by the county council, including an item veto upon budget appropriations.

2.20.020: COUNTY AUDITOR



There shall be an office of county auditor, headed by an elected county auditor. The office of county auditor shall have all the functions, responsibilities and powers provided by law including provision of accounting services for the county, except that the county executive shall be a finance officer of the county, for the purposes of preparing a tentative budget, per Section 17-36-3(13)(b) of the Utah Code as Amended. The office of county auditor shall assist and support the county executive in his role as finance officer, in the preparation of a tentative budget.

3.04.050: FINANCE OFFICER

1. The county auditor shall serve as the finance officer as defined in Utah Code 17-36-3(13)(a), in accordance with Section 17-19a-205, providing accounting services to the county. The County auditor shall assist the County Executive in the preparation of the tentative budget by providing accounting services.
2. The county executive shall only direct the preparation of a tentative budget, as provided in 17-36-3(13)(b) of Utah Code, as amended. No accounting services are delegated to the County Executive.

3.04.085: ELECTED OFFICIAL/DEPARTMENT HEAD RESPONSIBILITY

Each elected official and/or department head is designated to have accountability, authority, and responsibility for the fiscal management of their office or department. The elected official or department head shall work with the executive and auditor in making any tentative adjustment to the budget(s) assigned to them, subject to final approval by the County Council.

3.04.090: TRANSFERS

A. With the consent of the county council, the County Auditor may authorize and record an intradepartmental transfer over one thousand dollars (\$1,000.00) in any department, as to any unencumbered or unexpended appropriation balance or any part from one expenditure account to another within the department during the budget year, or may transfer an excess expenditure of one or more line items; provided, that the total of all excess expenditures or encumbrances does not exceed the total unused appropriation within the department at the close of the budget year. Transfers of one thousand dollars (\$1,000.00) or less may be authorized directly by the County Auditor.

B.

1. At the request of the County Executive, the County Auditor, 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.



Notwithstanding 1. or 2. no appropriation for debt retirement and interest, reduction of deficit, or other appropriations required by law may be reduced below the required minimum.

3.08.030: PURCHASING PROCEDURES

The following procedures shall be used with respect to all purchases unless otherwise exempt as set forth in section 3.08.040 of this chapter:

- A. Basic Purchase: For individual purchases in an amount equal to or less than two thousand dollars (\$2,000.00) for single items or five thousand dollars (\$5,000.00) of collective value for all items, departments may purchase the item(s) and submit the invoice for payment. Such purchases must be approved by the department head and not exceed their respective budget allotment unless approved by the county Treasurer.
- B. Purchase Orders: All services, contracts, supplies, materials, and equipment in excess of the basic purchase limits shall be purchased with the authority of a written purchase order. Written documentation of compliance with open market procedures must accompany all purchase orders unless specifically exempt in this title.
 - 1. The department head shall file with the County Treasurer a request for a purchase order including required agreements/contracts, quotes, bids, sole source justification, or other documentation to ensure compliance with this title. Any proposed agreements or contracts that accompany the purchase order request shall be executed in compliance with this title.
 - 2. The County Treasurer shall review the documents as submitted by the department head for compliance with this title.
 - a) If additional information is required, such information shall be provided by the department head requesting the purchase order.
 - b) If the request complies with the requirements of this title and the established budget allocation for the department, the purchase order shall be issued.
- C. Exemptions: The following are exempt from the requirements of open market procedures (a purchase order is still required):
 - 1. Sole Source Purchases: A purchase may be made without following open market procedures when the department head determines in writing that there is only one source for the required service or item. In that event, although quotes will not be necessary, all other procedures as set forth in this title are required.
 - 2. Approved Vendor: Approved vendors may be established for standard goods and services ordered periodically by one or more departments throughout a fiscal year. Regular and consistent purchases of such items as vehicle parts, pipe, fencing material, gravel, asphalt, etc., are applicable.
 - a) Approved vendors are established by:



1. The County Treasurer and an individual department head and are valid for purchases made during that fiscal year.
2. Purchases from state of Utah approved vendors may also qualify as approved vendors without the need for further review.
3. The Audit Committee shall create process for regularly reviewing and approving approved vendors.
 - b) Items available for purchase from approved vendors shall allow for some discretion in individual smaller units, generalization of items, and minor variations in cost (market changes up to 5 percent per year).
 - c) Annual purchase orders for approved vendors may be obtained by departments for a fiscal year time period. Annual purchase orders are not for specific items or orders, but are rather eligible to be opened for set amounts of budget for recurring purchases.
3. Federal Or State Agencies: Purchases from Utah state central stores, federal or state agencies, or Utah state surplus.
4. Specified Vendors: Purchases from vendors specified in the Utah state approved contract or vendor list.
5. GSA Vendors: Purchases from GSA vendors (U.S. general services administration approved vendors).

3.08.060: TRAVEL EXPENSES

All requests for travel to conventions, seminars and/or conferences to locations that are both out of state and farther than two hundred fifty (250) miles from Cache County must be approved by the employee's department head and the county executive in advance. Payment for such approved travel expenses will be authorized by the County Auditor and disbursed by the County Treasurer.

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 22 DAY OF AUGUST 2023.

	In Favor	Against	Abstained	Absent
Sandi Goodlander	X			




David Erickson	X			
Nolan Gunnell	X			
Barbara Tidwell	X			
Karl Ward	X			
Mark Hurd	X			
Kathryn Beus	X			
Total	7	0	0	0

CACHE COUNTY:

By: 
David Erickson, Chair

ATTEST:

By: 
David Benson, County Clerk / Auditor

ACTION OF THE COUNTY EXECUTIVE:

_____ Approve

_____ Disapprove (written statement of objection attached)

By: _____
David Zook, County Executive



EXHIBIT 1

2.08.030: POWERS AND DUTIES OF COUNTY EXECUTIVE

The county executive, as chief executive of the county, shall have the power and it shall be his duty to:

- A. Carry out programs and policies established by the county council;
- B. Direct and organize the management of the county in a manner consistent with the optional plan;
- C. Faithfully enforce all applicable laws and county ordinances;
- D. Supervise the official conduct of all county officers and officers of all precincts, districts and other subdivisions of the county (except municipal corporations); see that they faithfully perform their duties, confer with and make recommendations to the county council concerning whether county officers should be compensated on a full time or part time basis, direct prosecution for delinquencies and when necessary, require them to renew their official bonds, make reports and present their books and accounts for inspection;
- E. Appoint persons to all offices which are to be filled by appointment with and upon the advice and consent of the county council;
- F. ~~Serve as and perform the duties of the budget officer of the county, as provided in the uniform fiscal procedures act for counties, which shall be applicable except as otherwise provided herein~~ Prepare an annual, tentative budget for the county that shall be presented to the County Council for approval;
- G. Supervise and direct ~~centralized budgeting, accounting, purchasing and other service~~ functions of the county delegated to the Executive by State statute;
- H. Conduct planning studies and make recommendations to the county council relating to financial, administrative, procedural and operational plans, programs and improvements in county government; and
- I. Exercise a power of veto over ordinances enacted by the county council, including an item veto upon budget appropriations.

2.20.020: COUNTY AUDITOR

There shall be an office of county auditor, headed by an elected county auditor. The office of county auditor shall have all the functions, responsibilities and powers provided by law including provision of accounting services for the county, except that the county executive shall be budget-a finance officer of the county, for the purposes of preparing a tentative budget, per Section 17-36-3(13)(b) of the Utah Code as Amended. The office of county



auditor shall assist and support the county executive in his role as budget-finance officer, in the preparation of a tentative budget.

(Organic Act 1984; amd. Ord. 2000-05)

3.04.050: BUDGET OFFICERFINANCE OFFICER

A. The county auditor shall serve as the finance officer as defined in Utah Code 17-36-3(13)(a), in accordance with Section 17-19a-205, providing accounting services to the county. The County auditor shall assist the County Executive in the preparation of the tentative budget by providing accounting services.

~~A-B. The county executive, as chief executive officer of the county, shall only direct the preparation of a tentative budget, as provided in 17-36-3(13)(b) of Utah Code, as amended. No accounting services are delegated to the County Executive. process as the formal budget officer and supervise and direct the centralized budgeting and administrative participation of the various county departments, boards and agencies in the county budget process, subject to the provisions of chapters 3.04 through 3.56 of this title.~~

~~B. The county auditor shall serve as the assistant county budget officer, subject to the provisions of chapters 3.04 through 3.56 of this title, and perform the duties of that position as those duties are specified in the Utah fiscal procedures act for counties, being set forth in Utah Code Annotated title 17, chapter 36, as amended.~~

3.04.085: ELECTED OFFICIAL/DEPARTMENT HEAD RESPONSIBILITY

Each elected official and/or department head is designated to have accountability, authority, and responsibility for the fiscal management of their office or department. The elected official or department head shall work with the executive (~~budget officer~~) and auditor in making any tentative adjustment to the budget(s) assigned to them, subject to final approval by the County Council.

3.04.090: TRANSFERS

A. With the consent of the county council, the County Auditor may and upon written notice to the county auditor, the county executive may authorize and record an intradepartmental transfer over one thousand dollars (\$1,000.00) in any department, as to any unencumbered or unexpended appropriation balance or any part from one expenditure account to another within the department during the budget year, or may transfer an excess expenditure of one or more line items; provided, that the total of all excess expenditures or encumbrances does not exceed the total unused appropriation within the department at the close of the budget year. Transfers of one thousand dollars (\$1,000.00) or less may be authorized directly by the ~~county executive~~County Auditor.

B.



1. At the request of the County Executive, [the County Auditor](#), 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.

Notwithstanding 1. or 2. no appropriation for debt retirement and interest, reduction of deficit, or other appropriations required by law may be reduced below the required minimum.

3.08.030: PURCHASING PROCEDURES

The following procedures shall be used with respect to all purchases unless otherwise exempt as set forth in section 3.08.040 of this chapter:

- A. Basic Purchase: For individual purchases in an amount equal to or less than two thousand dollars (\$2,000.00) for single items or five thousand dollars (\$5,000.00) of collective value for all items, departments may purchase the item(s) and submit the invoice for payment. Such purchases must be approved by the department head and not exceed their respective budget allotment unless approved by the county ~~executive~~[Auditor, and reviewed and disbursed by the County Treasurer](#).
- B. Purchase Orders: All services, contracts, supplies, materials, and equipment in excess of the basic purchase limits shall be purchased with the authority of a written purchase order. Written documentation of compliance with open market procedures must accompany all purchase orders unless specifically exempt in this title.
 1. The department head shall file with the ~~finance department~~[County Auditor](#) a request for a purchase order including required agreements/contracts, quotes, bids, sole source justification, or other documentation to ensure compliance with this title. Any proposed agreements or contracts that accompany the purchase order request shall be executed in compliance with this title.
 2. The ~~finance department~~[County Auditor and County Treasurer](#) shall review the documents as submitted by the department head for compliance with this title.
 - a) If additional information is required, such information shall be provided by the department head requesting the purchase order.
 - b) If the request complies with the requirements of this title and the established budget allocation for the department, the purchase order shall be issued.
- C. Exemptions: The following are exempt from the requirements of open market procedures (a purchase order is still required):
 1. Sole Source Purchases: A purchase may be made without following open market procedures when the department head determines in writing that



there is only one source for the required service or item. In that event, although quotes will not be necessary, all other procedures as set forth in this title are required.

2. Approved Vendor: Approved vendors may be established for standard goods and services ordered periodically by one or more departments throughout a fiscal year. Regular and consistent purchases of such items as vehicle parts, pipe, fencing material, gravel, asphalt, etc., are applicable.

- a) Approved vendors are established by:

1. The ~~finance director~~ County Auditor, and an individual department head, ~~and county executive~~ and are valid for purchases made during that fiscal year.

2. Purchases from state of Utah approved vendors may also qualify as approved vendors without the need for further review.

- 2.3. The Audit Committee shall create process for regularly reviewing and approving approved vendors.

- b) Items available for purchase from approved vendors shall allow for some discretion in individual smaller units, generalization of items, and minor variations in cost (market changes up to 5 percent per year).

- c) Annual purchase orders for approved vendors may be obtained by departments for a fiscal year time period. Annual purchase orders are not for specific items or orders, but are rather eligible to be opened for set amounts of budget for recurring purchases.

3. Federal Or State Agencies: Purchases from Utah state central stores, federal or state agencies, or Utah state surplus.

4. Specified Vendors: Purchases from vendors specified in the Utah state approved contract or vendor list.

5. GSA Vendors: Purchases from GSA vendors (U.S. general services administration approved vendors).

3.08.060: TRAVEL EXPENSES

Consistent with the procedures set out in 3.08.030, aAll requests for travel to conventions, seminars and/or conferences ~~to locations that are both out of state and farther than two hundred fifty (250) miles from Cache County~~ must be approved by the employee's department head and the County Officer to whom that employee reports, the county executive in advance. Payment for such approved travel expenses will be authorized by the County Auditor and disbursed by the County Treasurer.

CACHE COUNTY COUNCIL MEETING
AUGUST 22, 2023

ATTACHMENT 4



CACHE COUNTY
RESOLUTION NO. 2023 - 10

A RESOLUTION AUTHORIZING A REDUCTION IN FORCE FOR CACHE COUNTY

- A. WHEREAS, Utah Code Ann. § 17-53-2, gives the Cache County Council the authority to “pass all ordinances and rules and make all regulations, not repugnant to law;” and
- B. WHEREAS, Cache County Code § 2.12.120, vests “all legislative and policy determining powers” in the County Council and gives the Council the power to “adopt resolutions necessary and appropriate to establish official policy[;]” and
- C. WHEREAS, Resolution 2023-09 of the Cache County Council amends the Cache County Organic Act so as to move most duties of the Finance Director into the offices of the County Auditor and County Treasurer; and
- D. WHEREAS, Ordinance 2023-29 likewise moves most duties of the Finance Director into the offices of the County Auditor and County Treasurer; and
- E. WHEREAS, circumstances have arisen to bring concern over the expansive authority and access the position of Finance Director has had, thus prompting Resolution 2023-09 and Ordinance 2023-29; and
- F. WHEREAS, the County Council believes it is sound policy to eliminate redundant positions in the County;

Now, therefore, the Cache County Council hereby ordains, as follows:

Effective immediately, a Reduction in Force is hereby issued for the position of Cache County Finance Director, in the Finance Department. The position of Finance Director in Cache County shall, upon the passage and signing of this resolution, cease to exist. No individual shall be appointed to this position hereafter, and all funds appropriated for the salary and benefits of the Finance Director shall remain unspent in the Finance Budget until the Council makes a determination for how they are to be used in the future.

Upon passage and signing of this resolution, a copy shall be sent to the Cache County Finance Officer, as well as the Director of Human Resources.

RESOLVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH THIS 22 DAY
OF AUGUST 2023.



	In Favor	Against	Abstained	Absent
Sandi Goodlander	X			
David Erickson	X			
Nolan Gunnell	X			
Barbara Tidwell	X			
Karl Ward	X			
Mark Hurd	X			
Kathryn Beus	X			
Total	7	0	0	0

CACHE COUNTY:

By: 
David L. Erickson, Chair

ATTEST:

By: 
David Benson, County Clerk / Auditor

CACHE COUNTY COUNCIL MEETING
AUGUST 22, 2023

ATTACHMENT 5

CACHE COUNTY ORDINANCE No. 2023-30

**AN ORDINANCE UPDATING DEVELOPABLE ACREAGE & SENSITIVE
AREAS DEFINITIONS, STANDARDS AND APPLICABLE SUBDIVISION
REQUIREMENTS**

- A) 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
- B) 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
- C) WHEREAS, the Planning Commission caused notice of a public hearing the ordinance update 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
- D) WHEREAS, on July 6, 2023, the Planning Commission held a public hearing, accepted all comments, and on August 3, 2023 recommended the approval of the proposed amendments to the County Council for final action; and
- E) WHEREAS, the Act also provides certain procedures for the county legislative body to adopt or reject amendments to the land use ordinance; and
- F) WHEREAS, following proper notice, the County Council held a public hearing on Aug 22, 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:

SECTION 1: Section 17.07.040 of the Cache County Code is amended to read as follows for the referenced definitions, with a redline copy attached as Exhibit 1:

§17.07.040 General Definitions

SENSITIVE AREA: A. Non-Developable: The following sensitive areas shall not be considered developable other than the exceptions provided in Item 4., below. Any acreage encumbered by said areas shall not be considered when calculating development density in the FR40, RU5, and RU2 Zones (see §17-07.040 “DENSITY”).

1. Wetlands: As defined by the U.S. Army Corps of Engineers (see 17.07.040 - Wetlands and 17.18.050.A.2.- STANDARDS AND DEVELOPMENT PLAN).

2. Steep slopes: Land having an average slope of thirty percent (30%) or greater over a horizontal distance greater than fifty feet (50'). Small washes, hills, or rock outcrops which have slopes distinctly different from surrounding property may be excluded from slope determination by the Development Services Director, if the exclusion of such small areas from slope determination will not be contrary to the overall purpose of this title.

3. Natural waterways: As defined by this title (see 17.07.040 - Waterways, Natural and 17.18.050.A.3.- STANDARDS AND DEVELOPMENT PLAN):

4. No development shall occur therein except for the following:

- A. Required public roads, utilities, and/or facilities, in accordance with County road and fire access requirements;
- B. Private roads, drives, and utilities (on steep slopes no greater than 50%), in accordance with County road and fire access requirements.
- C. Structures may be built on limited steep slope areas within a defined development area based on the following studies to be included in a land use application:
 - i. A site plan showing a defined development area within the boundaries of the parcel or lot where structures are proposed; and
 - ii. The development area shall not include any portion of steep slope areas that measure perpendicular to the contour line over a horizontal distance of 100 feet or greater; and
 - iii. The average grade of the proposed grading plan shall not exceed thirty percent (30%) measured by cross section(s) drawings across any portion of the defined development area, and
 - iv. A slope elevation study and geotechnical report must be provided.
 - v. Agricultural structures, and accessory structures less than 200 sq. ft., are exempt from these standards, as provided for 17.18.050.A.5.

DENSITY: The number of acres required per buildable dwelling unit parcel or lot as specified in section 17.10.040, table 17.10.040 of this title. Net acreage shall be calculated in the FR-40, RU5 and RU2 zones 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. In A10 zones non-buildable sensitive areas and area in

rights-of-way for roads may be counted towards developable acres for density calculation.

- A. A legal parcel or lot that is less in size than the minimum zoning density acreage is developable provided that all development standards required in this title and all other applicable County and State Code requirements are met (see Lot/Parcel definition in Section 17.07.040).
- B. Each dwelling unit must be built on a separate parcel or lot.
- C. Lots in an A10 subdivision may be clustered as allowed in Section 16.02.060. For example, a 32 acre parcel in the A10 zone could potentially be subdivided into 3 buildable lots. These lots could be as small as 1/2 acres, subject to meeting all required setbacks and well and septic spacing requirements with the undeveloped portion of the subdivision reserved as an additional agricultural remainder lot that is limited to agricultural or natural open space use.
- D. The density or total number of dwelling units is limited by all development standards required in this title and other applicable County and State Code, and must be reduced as necessary to meet these requirements.

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. In A10 zones, areas dedicated to the public, such as parks and public rights of way, shall not be excluded.

DEVELOPMENT: The act, process, or result of erecting, placing, constructing, remodeling, converting, altering, relocating, or demolishing any structure or improvement to property, including grading, clearing, grubbing, mining, excavating, or filling of such property. Also includes the improvement or subdivision of land for the purpose of building.

SECTION 2: Section 16.02.060 of the Cache County Code is amended to read as follows, with a redline copy attached as Exhibit 1:

16.02.060: CLUSTER SUBDIVISION OPTION:

The cluster subdivision option is provided by Cache County to encourage creativity in subdivision design, to encourage the achievement of the goals and policies of the Cache Countywide Comprehensive Plan, and to allow for the protection of natural features and the provision of features and amenities for the subdivision site and Cache County. Full compliance with all the provisions of this title and all other applicable state and federal requirements is required.

A. An application for a cluster subdivision shall be submitted to the Director of Development Services and shall be considered concurrently with an application for subdivision approval. All use requirements of the zoning district in which the cluster subdivision is located shall apply; and the application requirements for either a preliminary subdivision plat application, final subdivision plat application, or lot split subdivision application, as applicable, shall apply.

B. The total number of dwelling units allowed in a cluster subdivision shall be the same as the number allowed by the minimum lot area requirements of the zoning district in which the proposed cluster subdivision is located. Any land(s) used for other uses shall not be included in the area for determining the total number of allowed dwelling units. The total number of allowed dwelling units must also recognize any sensitive areas overlay requirements that may be applicable to the development site as identified in chapter 17.18 of this code.

C. The land(s) proposed for a cluster subdivision shall be in a single ownership or the application for a cluster subdivision shall be filed jointly by all owners.

D. A "cluster" is a designed grouping of residential lots of two (2) or more lots which may be used as a repetitive motif to form a series of clusters. Each cluster grouping shall be separated by either an agricultural area or natural open space to form the larger cluster subdivision.

E. Total open space areas for a cluster subdivision must be fifty percent (50%) or greater of the total area of the subdivision.

F. All roads developed within the cluster subdivision shall be designed and constructed in accordance with the county's road standards, and shall also be designed in a manner as to limit the amount of impact on the open space areas of the subdivisions.

G. All areas to be preserved for farm use and/or open space areas as a result of a cluster subdivision approval shall be preserved. These areas shall only be used, and shall be maintained in accordance with the conditions of the cluster subdivision approval as approved by the Planning Commission. Such area(s) shall be noted on the subdivision plat as an agricultural or open space area with future residential and commercial development prohibited.

H. The maximum density, or number of lots allowed, is based on the density standards of title 17, chapter 17.10, and as defined in chapter 17.07.040: General Definitions - "Developable Land" in this code or as determined by the Land Use Authority to be in accordance with applicable County or State Code.

SECTION 3: Section 17.18 of the Cache County Code is amended to read as follows, with a redline copy attached as Exhibit 1:

17.18.10 : PURPOSE:

The purpose of this chapter is to provide a mechanism for the protection of those areas of Cache County which are determined to be environmentally sensitive or that may pose a potential threat or danger to development. This chapter is intended to:

- A. Protect the general health, welfare, and safety of the citizens of Cache County.
- B. Minimize public and private property damage and emergency tax assistance.
- C. Provide an awareness of, and mitigation strategies for, development within sensitive areas.
- D. Provide a mechanism to determine developable acreage for development within Cache County.

17.18.020: DEFINITIONS:

All terms in this chapter are defined within chapter 17.07, "Definitions", of this title. Any other terms not defined in this title shall be interpreted as defined by state and/or federal code or rule.

17.18.30 : REVIEW PROCESS:

The sensitive area review process consists of three (3) primary steps and consideration of reasonable use:

- A. Sensitive Area Determination: The development services department may provide mapping and an initial determination of the approximate location of known sensitive areas. These maps will provide the most current and accurate data accessible to the county, and may be updated as new or more accurate data becomes available. The initial determination may require the applicant to pursue further site specific analysis or study to confirm the location of sensitive areas as defined within this chapter. In some cases, hazards may not be mapped but may be present on a site and such cases shall be required to meet the requirements of this title. The Development Service Department may conduct site visits to determine if a property is subject to this chapter based on the standards within this Title.
- B. Sensitive Area Analysis: A sensitive area analysis shall be submitted with any application for development on property containing sensitive areas and shall include an analysis, determination, and a development plan including proposed mitigation.
- C. Suitability Determination: The county shall review the sensitive area analysis and shall report their findings to the applicant and land use authority. In addition:
 - 1. The applicant must identify significant, adverse impacts on sensitive areas and include appropriate mitigation measures for noted impacts.
 - 2. The land use authority, prior to hearing any application for a development proposed to be located wholly or partially, within any sensitive area as identified by this chapter, shall provide notice and opportunity for comments and recommendations from state and federal agencies with additional oversight including, but not limited to, the Utah division of wildlife resources (DWR), Utah department of environmental quality (DEQ), United States forest service

(USFS), bureau of land management (BLM), U.S. army corps of engineers, etc., and as applicable.

D. Hardship Relief: If the applicant demonstrates that the regulations imposed by this chapter would deny all reasonable use of the subject property, the county council, following the receipt of a recommendation from the planning commission, may modify the exercise of these requirements to provide the applicant reasonable use of the property and may provide a modified determination of development potential. The county council shall not modify regulations imposed by state and/or federal law and/or rule. (Ord. 2014-06, 6-10-2014, eff. 6-25-2014)

17.18.40: SENSITIVE AREAS ANALYSIS:

A sensitive areas analysis shall be submitted with any application for development on property containing known sensitive areas and/or sensitive areas discovered in the process of development, and shall include an analysis, determination, and a development plan including proposed mitigation as identified below. Mapping that reflects the known sensitive areas is available in the development services department.

A. Analysis And Determination: The sensitive areas analysis shall provide an analysis and professional determination for each sensitive area.

1. Nondevelopable:

- a. Wetlands: As determined necessary by the county, an approved jurisdictional wetland delineation report and concurrence report from the United States army corps of engineers shall be required as part of the wetland analysis.
- b. Steep Slopes: A topographic map depicting the contours of all steep and moderate slopes at an interval of five feet (5') or as determined by the director.
- c. Natural Waterways And Open Water: A map depicting all stream corridors as defined by their high water marks.

2. Potentially Developable Areas:

a. Moderate Slopes: Development may be permitted upon county review and approval of a geotechnical report. The analysis should also include:

- (1) The location and description of existing natural and manmade features on and surrounding the site, including general topography and soil characteristics and a copy of the soil conservation service soil survey for the site.
- (2) The location and description of proposed changes to the site, including any grading and excavation, vegetation removal, the location and profiles of proposed roadways, the location of proposed utility lines, the location of existing and proposed buildings and structures, and the location of all other proposed site features.
- (3) The identification of measures proposed for soil and sediment control, including a schedule of the sequence for the installation of planned erosion and sediment control measures, including anticipated starting and completion dates.
- (4) Plans for the proposed vegetation of all disturbed site areas.

b. Ridgelines: A map depicting the crest and one hundred foot (100') vertical buffer of any significant ridgelines or hilltops within the parcel boundary. Development within this area may be permitted upon county review and approval in keeping with the purpose and standards of this chapter.

c. Floodplain, Floodway, And/Or Areas Impacted By Manmade Water Conveyance Systems: A hydrological report including information on groundwater levels, natural and manmade drainage channels and systems (canals), and/or base floodplain elevations.

d. Important Habitat Areas: A habitat management plan prepared by a professional qualified in the areas of ecology, wildlife biology, or other relevant disciplines, that identifies the areas inhabited and/or frequently used by any federally listed flora and/or wildlife species (threatened and/or endangered) and includes the following:

(1) The ecological and wildlife use characterization of the property explaining the species of wildlife using the areas, the times or seasons the area is used by those species, and the value (e.g., feeding, watering, cover, nesting, roosting, or perching) that the area provides for such wildlife species.

(2) Wildlife movement corridors.

(3) The general ecological functions provided by the site and its features.

(4) An analysis of how proposed development activities impact the important habitat areas and associated species.

e. Geologic Hazards: A geotechnical report in compliance with section 17.18.060 of this chapter.

f. Wildfire Hazards: A fire protection report that identifies potential fire hazards, mitigation measures, access for fire protection equipment, existing and proposed fire flow capability and compliance with the Utah wildland interface code (see title 15, chapter 15.08 of this code).

g. Historic, Prehistoric, And Cultural Resources: Identify any sites and/or structures determined to have historical or archaeological significance to the community, the region, or the state of Utah. This includes properties eligible for the national register of historic places.

h. Additional Information: Additional information including input from any of the state of Utah agencies shall be required as determined by the county land use authority. (Ord. 2014-06, 6-10-2014, eff. 6-25-2014)

17.18.050: STANDARDS AND DEVELOPMENT PLAN:

These standards are provided to ensure that any development proposed wholly, or in part, within a sensitive area recognizes the physical and environmental constraints of the development site. These standards shall supplement, and are in addition to, other development standards provided by this code, state, and/or federal code or rule. At the time of application, provide a development plan for the property that addresses and includes the following:

A. Nondevelopable: As applicable, provide a description of all impacts and mitigation regarding development activities that will or are likely to impact any nondevelopable areas on the property.

1. Wetlands: No building, structure, construction, excavation, or landfilling shall occur on any area determined to be a jurisdictional wetland without the approval and necessary wetlands permit(s), as required by the U.S. army corps of engineers. Where potential wetlands exist, wetland delineation may be required.

2. Steep Slopes: . Development is limited to the standards provided in the definition of Steep Slopes in 17.07.040 SENSITIVE AREA: A. Non-Developable:

3. Natural Waterways And Open Water: All proposed development adjacent to year round or ephemeral natural waterways or open water, shall be subject to the following, but excluding bridges, boat ramps, culverts, dams, trestles, and similar structures:

a. A minimum setback of fifty feet (50') for all structures and one hundred feet (100') for all on site septic systems shall be required. Said setbacks may be increased or reduced, if necessary, as determined by the planning commission to reasonably address the possibility of any stream or water pollution.

b. Any work within thirty feet (30') of the top of bank shall obtain a state or federal approval and/or permit.

c. The ordinary high water mark as determined by Cache County shall be the point of reference as to the edge of the waterway.

d. The introduction of concentrated sources of pollution into the waterways is prohibited including, but not limited to, septic tanks, untreated sewage, commercial and residential garbage, manure, dead animals, waste, and other hazardous materials.

B. Potentially Developable:

1. Moderate Slopes: Any development proposed for areas identified as a moderate slope shall require a geotechnical report as defined by this chapter.

2. Ridgelines: No structure, accessory structure, satellite dish, deck, patio or removal of significant vegetation shall occur in the ridgeline setback, except as provided below:

a. If any portion of a legal existing parcel of record falls within the ridgeline setback, any development on that parcel shall make every effort to place all development on the most suitable portion of the lot taking into consideration the standards of this title.

b. All disturbance and development shall stay out of the ridgeline setback to the maximum extent possible. If, due to the location, size and configuration of the parcel, that is not possible, the land use authority may approve an exception in keeping with the purpose and standards of this chapter.

3. Floodplain, Floodway, And/Or Manmade Water Conveyance Systems: See title 15, chapter 15.28 of this code. Areas that are shown to have the potential for flooding originating from a manmade water conveyance system (canal) shall follow the standards identified in section 15.28.540 of this code for AO/AH zones.

4. Important Habitat Areas: Strategies that preserve important habitat and prevent fragmentation are encouraged. When new development is proposed within important habitat

areas, mitigation methods shall be designed and implemented, including, but not limited to, those listed below:

- a. Construction shall be organized and timed to minimize disturbance of federally listed species occupying or using on site and adjacent habitat areas.
- b. If the development site contains or is within five hundred feet (500') of a habitat area, and the sensitive areas analysis shows the existence of a federally listed species, the development plan shall include provisions to ensure that any habitat contained in any such area shall not be disturbed or diminished, and to the maximum extent feasible, such habitat shall be enhanced.
- c. If the development site contains existing habitat areas that connect to other off site habitat areas, to the maximum extent feasible the development plan shall preserve such habitat area connections. If habitat areas lie adjacent to the development site, but such habitat areas are not presently connected across the development site, then the development plan shall, to the extent reasonably feasible, provide such connection. Such connections shall be designed and constructed to allow for the continuance of existing wildlife movement between habitat areas and to enhance the opportunity for the establishment of new connections for movement of wildlife.
- d. If federally listed wildlife or flora that may create conflicts for future occupants of the development is known to exist in areas adjacent to or on the development site, then the development plan must include provisions to minimize these conflicts to the extent reasonably feasible.
- e. Facilitate wildlife movement across areas dominated by human activities by:
 - (1) Maintaining connectivity between open space parcels on adjacent and nearby parcels and subdivisions such that the result will be a larger contiguous area of open space;
 - (2) Locating roads and development away from natural travel corridors used by wildlife, such as riparian areas;
 - (3) Minimizing fencing types that inhibit wildlife movement where appropriate;
 - (4) Minimizing the visual contrast between human dominated areas, including individual lots, and less disturbed terrain in surrounding areas, for example, by retaining or planting native vegetation and trees around a house or accessory building and maintaining consistent grading between developed and habitat areas.
- f. Mimic features of the local natural landscape in developed areas by:
 - (1) Retaining predevelopment, high quality habitat, including large patches of natural, vegetated areas that have not yet been fragmented by roads or residential development;
 - (2) Minimizing levels of disturbance to trees, the understory vegetation, and other structural landscape features during construction;
 - (3) Designing house lots in a fashion consistent with local natural habitats, for example, by preserving and landscaping with natural, native vegetation;
 - (4) Reclaiming disturbed areas, such as degraded landscapes, roadsides, and other infrastructure disturbances by using seed and other selective plantings.

5. Geologic Hazards: For those areas determined by review to contain geologically unstable conditions, development may be permitted by the county upon the review and approval of a geotechnical report identifying the following:

- a. The accurate location of all geologic hazards including, but not limited to, faults, landslides, steep slopes, unstable soils, etc.
- b. The location and description of proposed changes to the site, including any grading and excavation, vegetation removal, the location and profiles of proposed roadways, the location of proposed utility lines, the location of existing and proposed buildings and structures, and the location of all other proposed site features.
- c. The identification of measures and actions proposed to mitigate the risks from earthquakes, landslides, and soil disturbance including a schedule of the sequence for the installation of planned mitigation actions, including anticipated starting and completion dates.
- d. No critical facility (excluding transportation lines or utilities which by their nature may cross active faults or structures) designed for human occupancy shall be built astride a geologic hazard. The planning commission may increase building setback requirements where information from a geotechnical report indicates conditions warrant a greater setback distance.
- e. These requirements: do not apply to the following;
 - (1). Structures under 200 sq. ft.
 - (2). Agricultural buildings not for human occupancy as defined by State Code 15A-1-202 as amended.

A geotech report may be required at the referral of the Development Service Director, and the discretion and approval of the Planning Commission if necessary to protect an individual from a condition likely to cause imminent injury or death.

6. Wildfire Hazards: As applicable, provide a description of all impacts and mitigation regarding development activities that will or are likely to impact and/or be impacted by wildfire hazards on the property. Measures to mitigate wildfire hazards and risks may be required based on the recommendation and review of the Cache County Fire District.

7. Historic, Prehistoric, And Cultural Resources: Any sites and/or structures determined to have historical or archaeological significance to the community, the region, or the state of Utah shall require the review of, and comment from, the state historic preservation office (SHPO). This includes properties eligible for the national register of historic places. (Ord. 2014-06, 6-10-2014, eff. 6-25-2014)

17.18.60 : GEOTECHNICAL REPORT MINIMUM STANDARDS:

When a geotechnical report is required, the county shall review each report against the minimum standards as noted below. The county and this chapter may also identify and include additional requirements depending upon site specific conditions and hazards.

- A. A geotechnical report shall be prepared by a qualified professional. The report shall be signed and dated by the preparer and shall also include the qualifications of the preparer.
- B. The report shall be site specific and identify all known or suspected potential geotechnical or natural hazards, originating on site or off site, affecting the particular property.
- C. The report shall include a detailed site map showing the location of the hazard(s) with delineation of the recommended setback distances from such hazard(s) and the recommended location for proposed structures.

D. The report shall address the potential effects of the hazard(s) on the proposed development and occupants thereof, in terms of risk and potential damage.

E. The report shall contain recommendations for avoidance or mitigation of the effects of the hazard(s). The evidence on which the recommendations and conclusions are based shall be clearly stated in the report. Trench logs, aerial photographs, references with citations, and other supporting information as applicable, shall also be included in the report.

F. Whenever a potential natural hazard is identified by a geotechnical report under this chapter, the owner of such parcel shall record a restrictive covenant running with the land in a form satisfactory to the county prior to the approval of any development or subdivision of such parcel which shall include the following:

1. Notice of the existence and availability of the geotechnical report that identifies the natural hazards for public inspection in the development services department; and

2. An agreement by the owner of the parcel and any successor in interest to comply with any conditions set by the planning commission to minimize potential adverse effects of the natural hazard(s). (Ord. 2014-06, 6-10-2014, eff. 6-25-2014)

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 22 DAY OF AUGUST 2023.

	In Favor	Against	Abstained	Absent
Sandi Goodlander	X			
David Erickson	X			
Nolan Gunnell	X			
Barbara Tidwell	X			
Karl Ward	X			
Mark Hurd	X			
Kathryn Beus	X			
Total	7	0	0	0

CACHE COUNTY:

ATTEST:

By: [Signature]
David Erickson, Chair

By: [Signature]
David Benson, County Clerk

ACTION OF COUNTY EXECUTIVE:

2 Approve
 Disapprove (written statement of objection attached)

By: [Signature]
David Zook, County Executive

8/23/23
Date

EXHIBIT 1

Redlines

§17.07.040 General Definitions

SENSITIVE AREA: A. Non-Developable: The following sensitive areas shall not be considered developable other than the exceptions provided in Item 4., below. Any acreage encumbered by said areas shall not be considered when calculating development density in the FR40, RU5, and RU2 Zones (see §17-07.040 "DENSITY"). ~~and no development shall occur therein except for required public utilities and/or facilities.~~

1. Wetlands: As defined by the U.S. Army Corps of Engineers (see 17.07.040 - Wetlands and 17.18.050.A.2.- STANDARDS AND DEVELOPMENT PLAN).
2. Steep slopes: Land having an average slope of thirty percent (30%) or greater over a horizontal distance greater than fifty feet (50'). ~~or areas within one hundred feet (100') of the edge of a bluff or ridgeline. The "edge of a bluff" means an area where there is a substantial abrupt change in slope. Small washes, hills, or rock outcrops which have slopes distinctly different from surrounding property may be excluded from slope determination by the Development Services Director, if the exclusion of such small areas from slope determination will not be contrary to the overall purpose of this title.~~ ~~over a horizontal distance of feet (20') or greater.~~

3. Natural waterways: As defined by this title (see 17.07.040 - Waterways, Natural and 17.18.050.A.3.- STANDARDS AND DEVELOPMENT PLAN):

4. No development shall occur therein except for the following:

- A. Required public roads, utilities, and/or facilities, in accordance with County road and fire access requirements;
- B. Private roads, drives, and utilities (on steep slopes no greater than 50%), in accordance with County road and fire access requirements.
- C. Structures may be built on limited steep slope areas within a defined development area based on the following studies to be included in a land use application:
 - i. A site plan showing a defined development area within the boundaries of the parcel or lot where structures are proposed; and
 - ii. The development area shall not include any portion of steep slope areas that measure perpendicular to the contour line over a horizontal distance of 100 feet or greater; and
 - iii. The average grade of the proposed grading plan shall not exceed thirty percent (30%) measured by cross section(s) drawings across any portion of the defined development area, and
 - iv. A slope elevation study and geotechnical report must be provided.
 - v. Agricultural structures, and accessory structures less than 200 sq. ft., are exempt from these standards, as provided for 17.18.050.A.5.

DENSITY: The number of ~~net~~ acres required per buildable dwelling unit parcel or lot as specified in section 17.10.040, table 17.10.040 of this title. Net acreage shall be calculated in the FR-40, RU5 and RU2 zones 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. In A10 zones non-buildable sensitive areas and area in rights-of-way for roads may be counted towards developable acres for density calculation.

- A. A legal parcel or lot that is less in size than the minimum zoning density acreage is developable provided that all development standards required in this title and all other applicable County and State Code requirements are met (see Lot/Parcel definition in Section 17.07.040).
- B. Each dwelling unit must be built on a separate parcel or lot.

- C. Lots in an A10 subdivision may be clustered as allowed in Section 16.02.060. For example, a 32 acre parcel in the A10 zone could potentially be subdivided into 3 buildable lots. These lots could be as small as 1/2 acres, subject to meeting all required setbacks and well and septic spacing requirements with the undeveloped portion of the subdivision reserved as an additional agricultural remainder lot that is limited to agricultural or natural open space use.
- D. The density or total number of dwelling units is limited by all development standards required in this title and other applicable County and State Code, and must be reduced as necessary to meet these requirements.
- E. ~~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. In A10 zones, areas dedicated to the public, such as parks and public rights of way, shall not be excluded.

DEVELOPMENT: The act, process, or result of erecting, placing, constructing, remodeling, converting, altering, relocating, or demolishing any structure or improvement to property, including grading, clearing, grubbing, mining, excavating, or filling of such property. Also includes the improvement or subdivision of land for the purpose of building.

16.02.060: CLUSTER SUBDIVISION OPTION:

The cluster subdivision option is provided by Cache County to encourage creativity in subdivision design, to encourage the achievement of the goals and policies of the Cache Countywide Comprehensive Plan, and to allow for the protection of natural features and the provision of features and amenities for the subdivision site and Cache County. Full compliance with all the provisions of this title and all other applicable state and federal requirements is required.

A. An application for a cluster subdivision shall be submitted to the Director of Development Services and shall be considered concurrently with an application for subdivision approval. All use requirements of the zoning district in which the cluster subdivision is located shall apply; and the application requirements for either a preliminary subdivision plat application, final subdivision plat application, or lot split subdivision application, as applicable, shall apply.

B. The total number of dwelling units allowed in a cluster subdivision shall be the same as the number allowed by the minimum lot area requirements of the zoning district in which the proposed cluster subdivision is located. Any land(s) used for other uses shall not be included in the area for determining the total number of allowed dwelling units. The total number of allowed dwelling units must also recognize any sensitive areas overlay requirements that may be applicable to the development site as identified in chapter 17.18 of this code.

C. The land(s) proposed for a cluster subdivision shall be in a single ownership or the application for a cluster subdivision shall be filed jointly by all owners.

D. A "cluster" is a designed grouping of residential lots of two (2) or more lots which may be used as a repetitive motif to form a series of clusters. Each cluster grouping shall be separated by either an agricultural area or natural open space to form the larger cluster subdivision.

E. Total open space areas for a cluster subdivision must be fifty percent (50%) or greater of the total area of the subdivision.

F. All roads developed within the cluster subdivision shall be designed and constructed in accordance with the county's road standards, and shall also be designed in a manner as to limit the amount of impact on the open space areas of the subdivisions.

G. All areas to be preserved for farm use and/or open space areas as a result of a cluster subdivision approval shall be preserved. These areas shall only be used, and shall be maintained in accordance with the conditions of the cluster subdivision approval as approved by the Planning Commission. Such area(s) shall be noted on the subdivision plat as an agricultural or open space area with future residential and commercial development prohibited.

H. The maximum density, or number of lots allowed, is based on the ~~total amount of developable land as defined~~ density standards of title 17, chapter 17.10, and as defined in chapter 17.07.040: General Definitions - "Developable Land in this "Developable land" is defined as land that is not restricted by hill slopes (grades greater than twenty percent (20%)), wetlands, floodplains, natural water features, or other lands that may be deemed undevelopable in conformance with chapter 17.18 and as defined in chapter 17.07 of this code or as determined by the Land Use Authority to be in accordance with applicable County or State Code.

SECTION:
17.18.010: Purpose

17.18.020: Definitions

17.18.030: Review Process 17.18.040: Sensitive Areas Analysis

17.18.050: Standards And Development Plan 17.18.060: Geotechnical Report Minimum Standards

17.18.10 : PURPOSE:

The purpose of this chapter is to provide a mechanism for the protection of those areas of Cache County which are determined to be environmentally sensitive or that may pose a potential threat or danger to development. This chapter is intended to:

- A. Protect the general health, welfare, and safety of the citizens of Cache County.
- B. Minimize public and private property damage and emergency tax assistance.
- C. Provide an awareness of, and mitigation strategies for, development within sensitive areas.
- D. Provide a mechanism to determine developable acreage for development within Cache County. (Ord. 2014-06, 6-10- 2014, eff. 6-25-2014)

17.18.020: DEFINITIONS:

All terms in this chapter are defined within chapter 17.07, "Definitions", of this title. Any other terms not defined in this title shall be interpreted as defined by state and/or federal code or rule. (Ord. 2014-06, 6-10-2014, eff. 6-25-2014)

17.18.30 : REVIEW PROCESS:

The sensitive area review process consists of three (3) primary steps and consideration of reasonable use:

A. Sensitive Area Determination: The development services department ~~may~~shall provide mapping and an initial determination of the approximate location of known sensitive areas. These maps will provide the most current and accurate data accessible to the county, and may be updated as new or more accurate data becomes available. The initial determination may require the applicant to pursue further site specific analysis or study to confirm the location of sensitive areas as defined within this chapter. In some cases, hazards may not be mapped but may be present on a site and such cases shall be required to meet the requirements of this title. The Development Service Department may conduct site visits to determine if a property is subject to this chapter based on the standards within this Title.

B. Sensitive Area Analysis: A sensitive area analysis shall be submitted with any application for development on property containing sensitive areas and shall include an analysis, determination, and a development plan including proposed mitigation.

C. Suitability Determination: The county shall review the sensitive area analysis and shall report their findings to the applicant and land use authority. In addition:

- 1. The applicant must identify significant, adverse impacts on sensitive areas and include appropriate mitigation measures for noted impacts.

2. The land use authority, prior to hearing any application for a development proposed to be located wholly or partially, within any sensitive area as identified by this chapter, shall provide notice and opportunity for comments and recommendations from state and federal agencies with additional oversight including, but not limited to, the Utah division of wildlife resources (DWR), Utah department of environmental quality (DEQ), United States forest service (USFS), bureau of land management (BLM), U.S. army corps of engineers, etc., and as applicable.

D. Hardship Relief: If the applicant demonstrates that the regulations imposed by this chapter would deny all reasonable use of the subject property, the county council, following the receipt of a recommendation from the planning commission, may modify the exercise of these requirements to provide the applicant reasonable use of the property and may provide a modified determination of development potential. The county council shall not modify regulations imposed by state and/or federal law and/or rule. (Ord. 2014-06, 6-10-2014, eff. 6-25-2014)

17.18.40: SENSITIVE AREAS ANALYSIS:

A sensitive areas analysis shall be submitted with any application for development on property containing known sensitive areas and/or sensitive areas discovered in the process of development, and shall include an analysis, determination, and a development plan including proposed mitigation as identified below. Mapping that reflects the known sensitive areas is available in the development services department.

A. Analysis And Determination: The sensitive areas analysis shall provide an analysis and professional determination for each sensitive area.

1. Nondevelopable:

a. Wetlands: As determined necessary by the county, an approved jurisdictional wetland delineation report and concurrence report from the United States army corps of engineers shall be required as part of the wetland analysis.

b. Steep Slopes: A topographic map depicting the contours of all steep and moderate slopes at an interval of five feet (5') or as determined by the director.

c. Natural Waterways And Open Water: A map depicting all stream corridors as defined by their high water marks.

2. Potentially Developable Areas:

a. Moderate Slopes: Development may be permitted upon county review and approval of a geotechnical report. The analysis should also include:

(1) The location and description of existing natural and manmade features on and surrounding the site, including general topography and soil characteristics and a copy of the soil conservation service soil survey for the site.

(2) The location and description of proposed changes to the site, including any grading and excavation, vegetation removal, the location and profiles of proposed roadways, the location of proposed utility lines, the location of existing and proposed buildings and structures, and the location of all other proposed site features.

(3) The identification of measures proposed for soil and sediment control, including a schedule of the sequence for the installation of planned erosion and sediment control measures, including anticipated starting and completion dates.

(4) Plans for the proposed vegetation of all disturbed site areas.

b. Ridgelines: A map depicting the crest and one hundred foot (100') vertical buffer of any significant ridgelines or hilltops within the parcel boundary. Development within this area may be permitted upon county review and approval in keeping with the purpose and standards of this chapter.

c. Floodplain, Floodway, And/Or Areas Impacted By Manmade Water Conveyance Systems: A hydrological report including information on groundwater levels, natural and manmade drainage channels and systems (canals), and/or base floodplain elevations.

d. Important Habitat Areas: A habitat management plan prepared by a professional qualified in the areas of ecology, wildlife biology, or other relevant disciplines, that identifies the areas inhabited and/or frequently used by any federally listed flora and/or wildlife species (threatened and/or endangered) and includes the following:

(1) The ecological and wildlife use characterization of the property explaining the species of wildlife using the areas, the times or seasons the area is used by those species, and the value (e.g., feeding, watering, cover, nesting, roosting, or perching) that the area provides for such wildlife species.

(2) Wildlife movement corridors.

(3) The general ecological functions provided by the site and its features.

(4) An analysis of how proposed development activities impact the important habitat areas and associated species.

e. Geologic Hazards: A geotechnical report in compliance with section 17.18.060 of this chapter.

f. Wildfire Hazards: A fire protection report that identifies potential fire hazards, mitigation measures, access for fire protection equipment, existing and proposed fire flow capability and compliance with the Utah wildland interface code (see title 15, chapter 15.08 of this code).

g. Historic, Prehistoric, And Cultural Resources: Identify any sites and/or structures determined to have historical or archaeological significance to the community, the region, or the state of Utah. This includes properties eligible for the national register of historic places.

h. Additional Information: Additional information including input from any of the state of Utah agencies shall be required as determined by the county land use authority. (Ord. 2014-06, 6-10-2014, eff. 6-25-2014)

17.18.050: STANDARDS AND DEVELOPMENT PLAN:

These standards are provided to ensure that any development proposed wholly, or in part, within a sensitive area recognizes the physical and environmental constraints of the development site. These standards shall supplement, and are in addition to, other development standards provided by this code, state, and/or federal code or rule. At the time of application, provide a development plan for the property that addresses and includes the following:

A. Nondevelopable: As applicable, provide a description of all impacts and mitigation regarding development activities that will or are likely to impact any nondevelopable areas on the property.

1. Wetlands: No building, structure, construction, excavation, or landfilling shall occur on any area determined to be a jurisdictional wetland without the approval and necessary wetlands permit(s), as required by the U.S. army corps of engineers. Where potential wetlands exist, wetland delineation may be required.

2. Steep Slopes: ~~No building, structure, construction, excavation, or landfilling shall occur on any area determined to be a steep slope.~~ Development is limited to the standards provided in the definition of Steep Slopes in 17.07.040 SENSITIVE AREA: A. Non-Developable:

3. Natural Waterways And Open Water: All proposed development adjacent to year round or ephemeral natural waterways or open water, shall be subject to the following, but excluding bridges, boat ramps, culverts, dams, trestles, and similar structures:

a. A minimum setback of fifty feet (50') for all structures and one hundred feet (100') for all on site septic systems shall be required. Said setbacks may be increased or reduced, if necessary, as determined by the planning commission to reasonably address the possibility of any stream or water pollution.

b. Any work within thirty feet (30') of the top of bank shall obtain a state or federal approval and/or permit.

c. The ordinary high water mark as determined by Cache County shall be the point of reference as to the edge of the waterway.

d. The introduction of concentrated sources of pollution into the waterways is prohibited including, but not limited to, septic tanks, untreated sewage, commercial and residential garbage, manure, dead animals, waste, and other hazardous materials.

B. Potentially Developable:

1. Moderate Slopes: Any development proposed for areas identified as a moderate slope shall require a geotechnical report as defined by this chapter.

2. Ridgelines: No structure, accessory structure, satellite dish, deck, patio or removal of significant vegetation shall occur in the ridgeline setback, except as provided below:

a. If any portion of a legal existing parcel of record falls within the ridgeline setback, any development on that parcel shall make every effort to place all development on the most suitable portion of the lot taking into consideration the standards of this title.

b. All disturbance and development shall stay out of the ridgeline setback to the maximum extent possible. If, due to the location, size and configuration of the parcel, that is not possible, the land use authority may approve an exception in keeping with the purpose and standards of this chapter.

3. Floodplain, Floodway, And/Or Manmade Water Conveyance Systems: See title 15, chapter 15.28 of this code. Areas that are shown to have the potential for flooding originating from a manmade water conveyance system (canal) shall follow the standards identified in section 15.28.540 of this code for AO/AH zones.

4. Important Habitat Areas: Strategies that preserve important habitat and prevent fragmentation are encouraged. When new development is proposed within important habitat areas, mitigation methods shall be designed and implemented, including, but not limited to, those listed below:

a. Construction shall be organized and timed to minimize disturbance of federally listed species occupying or using on site and adjacent habitat areas.

b. If the development site contains or is within five hundred feet (500') of a habitat area, and the sensitive areas analysis shows the existence of a federally listed species, the development plan shall include provisions to ensure that any habitat contained in any such area shall not be disturbed or diminished, and to the maximum extent feasible, such habitat shall be enhanced.

c. If the development site contains existing habitat areas that connect to other off site habitat areas, to the maximum extent feasible the development plan shall preserve such habitat area connections. If habitat areas lie adjacent to the development site, but such habitat areas are not presently connected across the development site, then the development plan shall, to the extent reasonably feasible, provide such connection. Such connections shall be designed and constructed to allow for the continuance of existing wildlife movement between habitat areas and to enhance the opportunity for the establishment of new connections for movement of wildlife.

d. If federally listed wildlife or flora that may create conflicts for future occupants of the development is known to exist in areas adjacent to or on the development site, then the development plan must include provisions to minimize these conflicts to the extent reasonably feasible.

e. Facilitate wildlife movement across areas dominated by human activities by:

(1) Maintaining connectivity between open space parcels on adjacent and nearby parcels and subdivisions such that the result will be a larger contiguous area of open space;

(2) Locating roads and development away from natural travel corridors used by wildlife, such as riparian areas;

(3) Minimizing fencing types that inhibit wildlife movement where appropriate;

(4) Minimizing the visual contrast between human dominated areas, including individual lots, and less disturbed terrain in surrounding areas, for example, by retaining or planting native vegetation and trees around a house or accessory building and maintaining consistent grading between developed and habitat areas.

f. Mimic features of the local natural landscape in developed areas by:

(1) Retaining predevelopment, high quality habitat, including large patches of natural, vegetated areas that have not yet been fragmented by roads or residential development;

(2) Minimizing levels of disturbance to trees, the understory vegetation, and other structural landscape features during construction;

(3) Designing house lots in a fashion consistent with local natural habitats, for example, by preserving and landscaping with natural, native vegetation;

(4) Reclaiming disturbed areas, such as degraded landscapes, roadsides, and other infrastructure disturbances by using seed and other selective plantings.

5. Geologic Hazards: For those areas determined by review to contain geologically unstable conditions, development may be permitted by the county upon the review and approval of a geotechnical report identifying the following:

- a. The accurate location of all geologic hazards including, but not limited to, faults, landslides, steep slopes, unstable soils, etc.
- b. The location and description of proposed changes to the site, including any grading and excavation, vegetation removal, the location and profiles of proposed roadways, the location of proposed utility lines, the location of existing and proposed buildings and structures, and the location of all other proposed site features.
- c. The identification of measures and actions proposed to mitigate the risks from earthquakes, landslides, and soil disturbance including a schedule of the sequence for the installation of planned mitigation actions, including anticipated starting and completion dates.
- d. No critical facility (excluding transportation lines or utilities which by their nature may cross active faults or structures) designed for human occupancy shall be built astride a geologic hazard. The planning commission may increase building setback requirements where information from a geotechnical report indicates conditions warrant a greater setback distance.

e. These requirements do not apply to the following:

(1). Structures under 200 sq. ft.

(2). Agricultural buildings not for human occupancy as defined by State Code 15A-1-202 as amended.

A geotech report may be required at the referral of the Development Service Director, and the discretion and approval of the Planning Commission if necessary to protect an individual from a condition likely to cause imminent injury or death.

6. Wildfire Hazards: As applicable, provide a description of all impacts and mitigation regarding development activities that will or are likely to impact and/or be impacted by wildfire hazards on the property. Measures to mitigate wildfire hazards and risks may be required based on the recommendation and review of the Cache County Fire District.

7. Historic, Prehistoric, And Cultural Resources: Any sites and/or structures determined to have historical or archaeological significance to the community, the region, or the state of Utah shall require the review of, and comment from, the state historic preservation office (SHPO). This includes properties eligible for the national register of historic places. (Ord. 2014-06, 6-10-2014, eff. 6-25-2014)

17.18.60 : GEOTECHNICAL REPORT MINIMUM STANDARDS:

When a geotechnical report is required, the county shall review each report against the minimum standards as noted below. The county and this chapter may also identify and include additional requirements depending upon site specific conditions and hazards.

A. A geotechnical report shall be prepared by a qualified professional. The report shall be signed and dated by the preparer and shall also include the qualifications of the preparer.

- B. The report shall be site specific and identify all known or suspected potential geotechnical or natural hazards, originating on site or off site, affecting the particular property.
- C. The report shall include a detailed site map showing the location of the hazard(s) with delineation of the recommended setback distances from such hazard(s) and the recommended location for proposed structures.
- D. The report shall address the potential effects of the hazard(s) on the proposed development and occupants thereof, in terms of risk and potential damage.
- E. The report shall contain recommendations for avoidance or mitigation of the effects of the hazard(s). The evidence on which the recommendations and conclusions are based shall be clearly stated in the report. Trench logs, aerial photographs, references with citations, and other supporting information as applicable, shall also be included in the report.
- F. Whenever a potential natural hazard is identified by a geotechnical report under this chapter, the owner of such parcel shall record a restrictive covenant running with the land in a form satisfactory to the county prior to the approval of any development or subdivision of such parcel which shall include the following:
1. Notice of the existence and availability of the geotechnical report that identifies the natural hazards for public inspection in the development services department; and
 2. An agreement by the owner of the parcel and any successor in interest to comply with any conditions set by the planning commission to minimize potential adverse effects of the natural hazard(s). (Ord. 2014-06, 6-10-2014, eff. 6-25- 2014)

CACHE COUNTY COUNCIL MEETING
AUGUST 22, 2023

ATTACHMENT 6



**CACHE COUNTY
RESOLUTION NO. 2023 - 11**

**A RESOLUTION INCREASING THE BUDGET APPROPRIATIONS FOR CERTAIN
COUNTY DEPARTMENTS**

The Cache County Council, in a duly convened meeting, pursuant to Sections 17-36-12 through 17-36-26, Utah Code Annotated, 1953 as amended, finds that certain adjustments to the Cache County budget for 2023 are reasonable and necessary; that said budget has been reviewed by the County Executive with all affected department heads; that a duly called hearing has been held and all interested parties have been given an opportunity to be heard; that the County Council has given due consideration to matters discussed at the public hearing and to any revised estimates of revenues; and that it is in the best interest of the County that these adjustments be made

Now, therefore, it is hereby resolved that:

SECTION 1.

The following adjustments are made to the 2023 budget for Cache County:

See attached

SECTION 2.

Other than as specifically set forth above, all other matters set forth in the 2023 budget shall remain in full force and effect.

SECTION 3.

This resolution shall take effect immediately upon adoption and the County Executive and other county officials are authorized and directed to act accordingly.

RESOLVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH THIS 22 DAY
OF AUGUST 2023.

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



Kathryn Beus	X			
Total	7	0	0	0

CACHE COUNTY:

By: 

David L. Erickson, Chair

ATTEST:

By: 

David Benson, County Clerk / Auditor



Budget Amendment Account Detail

Hearing Date: 08/22/2023; Vote Date 08/22/2023

Account	Title	Amount	Source or Department	Fund
---------	-------	--------	----------------------	------

FINANCE

1. ARPA: Funds previously appropriated for the conversion to new Accounting/Budgeting/Asset Management software and 3.5-year contract for software licensing, now being suspended and moved back to pool of unused ARPA funds

100-4132-311	SOFTWARE PACKAGES	-607,500	Finance	General
100-33-15700	FED GRANT – CORONAVIRUS RELIEF	607,500	Intergovernmental	General

CACHE COUNTY COUNCIL MEETING
AUGUST 22, 2023

ATTACHMENT 7



**CACHE COUNTY
ORDINANCE NO. 2023 - 32**

AN ORDINANCE CREATING CHAPTER 3.38 ON REAL PROPERTY

- (A) WHEREAS, Utah Code § 17-50-312(5)(b) requires counties to define what constitutes: (1) a significant parcel of real property for purposes of Utah Code § 17-50-312(5)(a) and (2) reasonable notice for purposes of Utah Code § 17-50-312(5)(a)(1);
- (B) WHEREAS, Cache County needs to define these terms to become compliant with Utah Code;
- (C) WHEREAS, Cache County seeks to also adopt Utah Code § 17-50-312(5)(a) into Cache County Code;
- (D) WHEREAS, pursuant to Utah Code § 17-53-223(1), the County Council may pass all ordinances and rules and make all regulations, not repugnant to law, necessary for carrying into effect or discharging its powers and duties; and
- (E) 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:

SECTION 1:

Title 3 of the County Code of Cache County, Utah is amended to add Chapter 3.38, with Subsections 3.38.010 and 3.38.020, which will read as follows:

CHAPTER 3.38 REAL PROPERTY

3.38.010: DEFINITIONS

DISPOSE means to sell or lease, as also defined in Utah Code Chapter 50, Part 3.

REASONABLE NOTICE means that the County Council shall publish notice of the opportunity for public comment on any disposition of a significant parcel or parcels of real property: (1) in a newspaper of general circulation in Cache County; (2) on the Utah Public Notice Website; and (3) on the county website. The County must publish the notice at least fourteen (14) days prior to the public hearing.

SIGNIFICANT PARCEL OF REAL PROPERTY: Any real property owned by the County constitutes significant parcels of real property.



3.38.020: DISPOSITION OF SIGNIFICANT PARCELS OF REAL PROPERTY

Before the County may dispose of significant parcels of real property, the County must give reasonable notice of the proposed disposition.

SECTION 2:

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

PASSED AND APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH
THIS 22 DAY OF AUGUST 2023.

	In Favor	Against	Abstained	Absent
Sandi Goodlander	X			
David Erickson	X			
Nolan Gunnell	X			
Barbara Tidwell	X			
Karl Ward	X			
Kathryn Bues	X			
Mark Hurd	X			
Total	7	0	0	0

CACHE COUNTY:

By: [Signature]
David Erickson, Chair

ATTEST:

By: [Signature]
David Benson, County Clerk / Auditor

ACTION OF COUNTY EXECUTIVE:

8 Approved
____ Disapproved (Written statement of objection attached)
By: [Signature]
David Zook, County Executive