

CACHE COUNTY COUNCIL

DAVID L. ERICKSON, *CHAIR*

BARBARA Y. TIDWELL, *VICE CHAIR*

KATHRYN A BEUS

KEEGAN GARRITY

SANDI GOODLANDER

NOLAN P. GUNNELL

MARK R. HURD



Cache
County
1857

199 NORTH MAIN STREET

LOGAN, UT 84321

435-755-1840

www.cachecounty.gov

Revised

PUBLIC NOTICE is hereby given that the County Council of Cache County, Utah will hold a **WORKSHOP** at 3:30 p.m. and a **REGULAR COUNCIL MEETING** at **5:00 p.m.** in the Cache County Historic Courthouse Council Chambers, 199 North Main Street, Logan, Utah 84321, on **January 14, 2025.**

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

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

AGENDA

WORKSHOP

- 3:30 p.m. 1. **CALL TO ORDER**
2. **JOINT DISCUSSION WITH CACHE COUNTY PLANNING COMMISSION**
a. Powder Mountain Proposed Master Plan
- 4:30 p.m. 3. **ADJOURN**

COUNCIL MEETING

- 5:00 p.m. 1. **CALL TO ORDER**
2. **OPENING** – Mark Hurd
3. **REVIEW AND APPROVAL OF AGENDA**
4. **REVIEW AND APPROVAL OF MINUTES:**
– (December 3, 2024; December 10, 2024; December 17, 2024; January 7, 2025)
5. **REPORT OF COUNTY EXECUTIVE**
a. **Appointments:**
b. **Other Items:**
6. **ITEMS OF SPECIAL INTEREST**
a. Election of Council Chair and Vice Chair (*per Cache County Code 2.12.050*)
– Discussion on updating all documents passed in this meeting and beyond to account for new leadership and newest Council Member
- b. Bear River Association of Governments (BRAG) Draft Interlocal Agreement
– Jeris Kendall, Chief Civil Deputy Attorney, Cache County Attorney's Office
- c. Music Theater West RAPZ Funding Request
– Julie Terrill, Department Head, Cache County Visitors Bureau

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

5:30 p.m. 7. PUBLIC HEARINGS

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

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

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

8. PENDING ACTION

a. **Ordinance 2024-23 – CVB Rezone**

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

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

Amending the Cache County Zoning Map by rezoning 14.0 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone located at approximately 3201 S. Highway 23., between Mendon and Wellsville.

9. INITIAL PROPOSALS FOR CONSIDERATION OF ACTION

a. **Ordinance 2025-04 – Amending the Cache County Fire Code to come into Compliance with Updates to International Fire Code**

b. **Ordinance 2025-05 – Amending the Disclosure of Conflicts of Interests Established under Cache County Code 2.62 to come into Compliance with Updates to State Code**

c. **Resolution 2025-01 – Amending the Cache County Personnel Policy and Procedure Manual Section VII.X.**

d. **Resolution 2025-02 – Add a Policy on Whistleblowing to Section 2 of the Countywide Policy**

10. OTHER BUSINESS

a. 2025 Council Member Goals

b. 2025 Council Member Boards, Committees, and Department Assignments

c. **Upcoming holiday: Martin Luther King Jr. Day**

Monday, January 20th, 2025

d. **2025 General Session of the 67th Legislature**

January 21, 2025 to March 7, 2025

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

Wednesday, February 5th, 2025

11. COUNCIL MEMBER REPORTS

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

13. ADJOURN



David L. Erickson, Chair

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

CACHE COUNTY COUNCIL

December 3, 2024 at 5:00 p.m. - Cache County Chamber at 199 North Main, Logan, Utah.

In accordance with the requirements of Utah Code Annotated Section 52-4-203, the County Clerk records in the minutes the names of all persons who appear and speak at a County Council meeting and the substance "in brief" of their comments. Such statements may include opinions or purported facts. The County does not verify the accuracy or truth of any statement but includes it as part of the record pursuant to State law.

MEMBERS PRESENT: Chair David Erickson, Vice-Chair Barbara Tidwell, Councilmember Karl Ward, Councilmember Sandi Goodlander, Councilmember Nolan Gunnell, Councilmember Mark Hurd, Councilmember Kathryn Beus.

MEMBERS EXCUSED:

STAFF PRESENT: Wes Bingham, Bryson Behm, Taylor Sorenson, Dirk Anderson, Fire Chief Rod Hammer, Brittany Kingston, HR Director Amy Adams, Public Works Director Matt Phillips, Sheriff Chad Jensen

OTHER ATTENDANCE: Corbin Allen, Spencer George, Micah Safsten, Keegan Garrity

Council Meeting

1. **Call to Order 5:00p.m.** – [0:57](#) Chair Erickson opened the meeting.
2. **Opening Remarks and Pledge of Allegiance** – [1:40](#) Councilmember Karl Ward gave opening remarks and prayer.
3. **Review and Approval of Agenda**– [5:38](#) Chair Erickson opened for motion
Action: Motion made by Councilmember Sandi Goodlander to approve the agenda; seconded by Councilmember Nolan Gunnell.
Motion passes.
Aye: 10 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd
Nay: 0
4. **Review and Approval of Minutes** (November 26, 2024) – [5:49](#) Chair Erickson opened for motion
Action: Motion made by Councilmember Sandi Goodlander to approve the minutes with edit made to non-material typo; seconded by Councilmember Karl Ward.
Motion passes.
Aye: 10 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd
Nay: 0
5. **Report of the County Executive**
[A.6:41](#) Deputy Executive Dirk Anderson proposed consideration to re-appoint Doctor Johanna S. Vernin for Bear River Board of Health with recommendation from Jordan.

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

A. Resolution 2024-23 – Adopting the 2025 Annual Budget–[8:21](#) Chair Erickson opened for discussion. [9:10](#) Brittany Kingston stated Resolution 2024-23 had been updated to show that council voted and struck out the surveyor position in amendment 119. [10:32](#) Chair Erickson reminded council of progress made in past meetings. [10:50](#) Wes Bingham answered Chair Erickson’s question about what else was decided. [12:24](#) Chair Erickson set a goal to refine budget with the amendments and have ready for approval from finance by December 10th. [13:26](#) Councilmember Kathryn Beus

asked for guidance on marks made on the budget. [13:29](#) Wes Bingham responded and asked for direction on decision from council. [15:10](#) Chair Erikson suggested council begin on the budget and if anything else had been amended.

Discussion on Budget Amendments Nov. 12, 2024: [15:16](#) Wes Bingham suggested starting on amendment dated November 12th. [17:27](#) Councilmember Kathryn Beus commented that the budget had been reviewed. [17:49](#) Councilmember Sandi Goodlander asked if the amendment 129 for a confirmation on whether council had decided to take out elected official payroll adjustments. [17:59](#) Wes Bingham explained the elected recorder and elected treasurer pay would be adjusted to match the appraiser and the clerk pay. [18:41](#) Chair Erikson commented on discrepancy. [19:07](#) Wes Bingham, Chair Erikson, and Councilmember Sandi Goodlander discussed the need for a public hearing and decided to have part of amendment 129 that would affect elected officials wages removed which had been noted on the tentative budget. [19:56](#) Chair Erikson delayed a motion to have pay adjustments for the recorder and treasurer to be discussed in the hearing on December 10th. [23:43](#) Councilmember Sandi Goodlander suggested for council to have all of amendment 129 struck. [24:59](#) Chair Erikson opened for questions and motion. [25:59](#) Chair Erikson expressed appreciation for everyone's hard work.

Action: Motion made by Councilmember Kathryn Beus to approve budget amendment dated November 12th and struck amendment 129; seconded by Councilmember Nolan Gunnell.

Motion passes.

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

Nay: 0

[2:29:07](#) Councilmember Kathryn Beus exited chambers. Recording equipment had issues, [2:31:20](#) sound cut out and [2:31:24](#) back in. (*Moved from 6A Budget Amendments Nov. 26, 2024*) [2:32:04](#) Chair Erikson asked for council to discuss the appropriations committee recommendation on the market and merit. [2:32:05](#) Video recording came back and Councilmember Kathryn Beus had re-entered chambers. [2:32:32](#) Wes Bingham began review of market and merit discussion with input from HR Director Amy Adams. [2:34:13](#) Council discussed and recalled market and merit was included in the November 12th budget amendment 127, page 21, which was previously passed. [2:35:05](#) Councilmember Kathryn Beus asked if Fire Department was included; Amy Adams said it was for Sheriff's Department and the Fire Department was included in the other employee category. [2:37:09](#) Dirk Anderson asked clarification on market and merit specifications and Councilmember Sandi Goodlander answered. (*Moved to 6A Budget Amendments Nov. 26, 2024*) (*Moved back from 6A Budget Amendments Nov. 26, 2024*) [2:51:53](#) Chair Erikson asked council if they needed to amend the November 12th budget amendment 127 to include Fire Department with the market amount for Public Safety. [2:52:46](#) Vice Chair Barbara Tidwell exited chambers. Council discussed. [2:53:52](#) Chair Erikson opened for motion. [2:54:34](#) Chair Erikson had council wait for Vice Chair Barbara Tidwell to return before proceeding with the motion. [2:55:08](#) Vice Chair Barbara Tidwell re-entered chambers; motion passed.

Action: [2:54:01](#) Motion made by Councilmember Sandi Goodlander to include the Fire Department along with the Sheriff's Department in market increase and all employees with the 2% in amendment 127 dated November 12th; seconded by Councilmember Nolan Gunnell.

Motion passes.

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

Nay: 0

(*Moved to 6A Budget Amendments Nov. 26, 2024*)

Discussion on Budget Amendments Nov. 26, 2024: [26:07](#) Chair Erikson opened for discussion. Wes Bingham commented on preparation needed for amendment 2 and 3 on Dec. 10 hearing. Councilmember Kathryn Beus asked if packet has been updated, Wes Bingham confirmed. [27:25](#) Wes Bingham began explanation of packet given to Council. [28:30](#) Vice Chair Barbara Tidwell asked what was conversed about 2025 Christmas bonuses; Wes Bingham deferred to Council. Councilmember Sandi Goodlander explained they thought to cut bonuses for now and revisit in fall of 2025 with knowledge of what would be afforded to be able to balance budget and wanted to discuss with Council. [31:30](#) Vice Chair Barbara Tidwell inquired about planned cuts in merit and passionately expressed concerns with those as well as amendment 2. [33:06](#) Chair Erikson asked Wes Bingham to continue explanation of packet. Councilmember Kathryn Beus

asked for a reminder of why Council decided on reduction of Councils budget; Councilmember Sandi Goodlander and Wes Bingham replied it was a place holder for an internal audit in which would need a budget hearing later. [34:59](#) Chair Erickson prompted Wes Bingham to continue explanation and review of document. Wes Bingham suggested to have amendment 10 struck due to it being a duplicate of amendment 12.

Action: [40:08](#) Motion made by Councilmember Kathryn Beus to have amendment 10 struck from budget dated November 26th; seconded by Councilmember Karl Ward.

Motion passes.

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

Nay: 0

[40:22](#) Dirk Anderson commented that department heads may not know what reductions have been proposed until after the fact and warned council members they might not know how their decisions affected said departments. Dirk used amendment 7 as example. Wes repeated that the green marked amendments had been taken to department heads. [43:06](#) Chair Erickson claimed budget as Councils budget now and prompts Wes Bingham to continue reviewing budget document amendment 12. [44:13](#) Vice Chair Barbara Tidwell asked for clarification of what the employee safety program entailed; HR Director Amy Adams answered and encouraged Council to not to get rid of it. Mark Hurd commented his hesitations and Council discussed with questions answered by Amy Adams and Wes Bingham. [54:59](#) Wes Bingham continued reviewing document at amendment 13 after which Chair Erickson repeated that the budget was now Councils in response to Deputy Executive Dirk Andersons input. Wes Bingham continued reviewing amendment 14. [57:04](#) Councilmember Kathryn Beus addressed concerns to Council about need for training for cyber security, Chair Erickson opened for and asked for amendment 14 to be struck.

Action: [57:42](#) Motion made by Councilmember Kathryn Beus to have amendment 14 struck from budget dated November 26th; seconded by Councilmember Mike Hurd.

Motion passes.

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

Nay: 1 Karl Ward

[57:52](#) Chair Erickson realized motion had not been seconded. [58:05](#) Wes Bingham prompted to continue reviewing document at amendments 15-17 by Chair Erickson. [59:01](#) Chair Erickson had requested Wes Bingham continue to amendment 18 and onto 19-21.

Action: [1:00:06](#) Motion made by Councilmember Sandi Goodlander to have amendment 21 struck from budget dated November 26th; seconded by Councilmember Kathryn Beus.

Motion passes.

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

Nay: 0

[1:00:20](#) Wes Bingham continued review of budget following amendments including amendments 26-32. [1:02:35](#) Brittany Kingston added to discussion on amendment 33 with council and Wes Bingham. (clarify) [1:02:40](#) Councilmember Karl Ward exited chambers. [1:04:05](#) Brittany Kingston reminded council there was a request in the November 12th budget amendment review that made the November 26th budget amendment 36 redundant; Chair Erickson opened for a motion.

Action: [1:04:28](#) Motion made by Councilmember Nolan Gunnell to have amendment 36 struck from budget dated November 26th; seconded by Councilmember Kathryn Beus.

Motion passes.

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

Nay: 0

[1:04:37](#) Wes Bingham continued review of amendments on reduction of office supplies and reductions of overtime and benefits for the Sheriff's Department. [1:06:03](#) Vice Chair Barbara Tidwell asked for a reason for reduction of employee benefits. Wes responded with a description and confirmed the reduction being the same in amendments 41-45. Councilmember Sandi Goodlander thanked audience member Sheriff Chad Jensen for amendments 41-45 being brought to Council. [1:06:52](#) Wes Bingham continued the review of amendment to change fund amount for the jail pharmacy cost. Chair Erikson prompted Wes to review amendments related to the Fire Department duplication of budget items and Brittany Kingston helped review for Council. Wes stated the Fire Department would take in ambulances to their Department. [1:09:32](#) Wes brought up items 56-67 which included reduction of travel and training for the General and Municipal Services Funds. Wes complemented Public Works Director Matt Phillips for knowledge of contents of his department budget and Council teased Wes a little. [1:12:24](#) Wes moved to review of amendment 68 which included elimination of the surveyor position and addition of professional services; Wes moved onto amendment 69 at Chair Erikson's direction which included reduction in engineering department in regard to travel and training. [1:13:45](#) Councilmember Mark Hurd asked if Public Works Director Matt Phillips was aware of those and Matt Phillips responded in the affirmative. Chair Erikson discussed with council and review with Matt Phillips in amount decreases. [1:14:59](#) Chair Erikson asked Wes Bingham to move onto amendment 70 which included changes to the fairgrounds budget. [1:15:57](#) Councilmember Sandi Goodlander reviewed changes from professional and technical funds increased in 2024 to 2025. Chair Erikson encouraged discussion. [1:16:12](#) Dirk Anderson asked Wes Bingham to clarify if Fairgrounds Manager Bart Esplin was aware of changes. Wes Bingham said he had a limited conversation with Bart Esplin. [1:17:20](#) Councilmember Karl Ward returned to chambers. Dirk Anderson warned that the yellow marked amendments have not been discussed with departments and that the Executives office is opposed to them until confirmed with department heads. Dirk Anderson also asked if ones marked yellow had been reviewed by the appropriations committee. Wes Bingham answered that a meeting was held on the day before. [1:17:50](#) Chair Erikson stated he proposed a lot of the changes and gave them to council the week before.

Action: [1:18:15](#) Motion made by Councilmember Kathryn Beus to have amendment 70 struck from budget dated November 26th.

Motion fails for lack of second. [1:25:14](#)

Aye: 0

Nay: 0

[1:18:23](#) Councilmember Nolan Gunnell continued discussion before council could second. Council discussed with Dirk Anderson. Chair Erikson stated workshops happened where departments presented needs in their budget. Councilmember Karl Ward echoed the need for budget cuts. [1:24:00](#) Councilmember Sandi Goodlander recalled reasoning for reduction in funding for fairground budget. [1:24:47](#) Chair Erikson asked if motion had been made on amendment 70. No councilmember seconded; [1:25:14](#) motion failed for lack of second. [1:25:27](#) Chair Erikson prompted Wes Bingham to continue on amendment 71-72 which consisted of Library funding. Vice Chair Barbara Tidwell questioned what the wording 'book collection' entailed on item 485. Brittany Kingston recalled description for item 485 was for print books and e-books. Council discussed. [1:28:00](#) Wes Bingham brought up amendment 73 and suggested that council have it struck instead of 71-72 due to 71-72 having been discussed with library department head. Chair Erikson reasoned to keep amendment 73 how it was due to a dramatic change in trends. [1:29:37](#) Chair Erikson opened for motion for amendment 73. Council continued in discussion.

Action: [1:30:30](#) Motion made by Councilmember Mark Hurd to have amendment 73 changed from a 2,500 reduction to a 1,500 reduction in the budget dated November 26th; 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

[1:30:57](#) Chair Erikson had requested Wes Bingham to move onto amendment 74 which included trail department funds. Council discussed with Dirk Andersons input. Wes Bingham stated reductions are related to the Cache bikeway striping. Dirk Anderson warned proposed cuts like 100337310 would provide no relief to the general fund and questioned how many others were similar. [1:39:59](#) Council continued to discuss.

Action: [1:40:04](#) Motion made by Councilmember Nolan Gunnell to have amendment 74 struck from the budget dated November 26th; seconded by Councilmember Kathryn Beus.

Motion passes.

Aye: 6 Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 1 David Erickson

[1:40:33](#) Chair Erikson prompted Wes Bingham to move onto amendment 75 which included the treasurers department funds and onto 76-78 including business bureau funds. [1:41:12](#) Wes Bingham stated he had not discussed proposed changes in funding to the business bureau and shared concerns. [1:43:49](#) Wes Bingham commented that entry 79 would need to be update. [1:44:08](#) Wes Bingham asked Brittany Kingston if she had an estimate of where the fund balance was in accordance with updated information; Brittany Kingston replied it was a use of fund balance of 861,906 with the changes made and an assumption of 2 and 3. [1:45:16](#) Chair Erikson requested council to look back at amendment 12 for council to discuss. Barbara Tidwell stated she was in favor of keeping the employee safety program. Chair Erikson opened for a motion to be made. Motion failed due to no second. [1:46:49](#) Councilmember Sandi Goodlander commented need for HR Director Amy Adams approval before a decision on travel and equipment supplies. [1:46:56](#) Vice Chair Barbara Tidwell asked council follow up question on the failed motion to have amendment 12 struck. Council discussed with Amy Adams input. [1:53:05](#) Vice Chair Barbara Tidwell passionately expressed concern for employees in relation to budget cuts. Council discussed and asked Sheriff Chad Jensen and Public Works Director Matt Philips their experience and input. (Matt and Chad's comments go here) Chair Erikson opened for motion.

Action: [1:58:40](#) Motion made by Councilmember Nolan Gunnell to have the safety program funding reduction to be struck out of amendment 12 from budget dated November 26th; seconded by Vice Chair Barbara Tidwell.

Motion passes.

Aye: 6 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 1 Kathryn Beus

[2:02:36](#) Chair Erikson had council look over amendment 7 and council discussed with Amy Adams input. [2:06:55](#) Motion made by Councilmember Kathryn Beus to have the line item for full time employees from amendment 7 and failed; Nolan asked Council to continue discussion and council discussed. [2:14:39](#) Chair Erikson opened for a motion to be made. Council continued in discussion with Dirk Andersons input.

Action: [2:23:38](#) Motion made by Vice Chair Barbara Tidwell to have the 1-10 fulltime employees 96,000 in executive office from amendment 7 struck out in the budget dated November 26th with a thought to continue discussion ; seconded by Councilmember Sandi Goodlander.

Motion passes.

Aye: 5 Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd

Nay: 2 David Erickson, Karl Ward

[2:23:38](#) Vice Chair Barbara Tidwell made motion and continued discussion with a question of why Executive Zook has not brought issue to council when invited. Council discussed with Chair Erikson and Karl Ward thanked council for being open and honest. [2:27:58](#) Chair Erikson prompts Council to look at amendment 4. Councilmember Sandi Goodlander commented that amendment 4 contained elected officials wage increase and recalled connection to employee Christmas bonus for 2025 discussion. [2:28:25](#) Chair Erikson opened for motion to be made.

Action: [2:28:40](#) Motion made by Councilmember Sandi Goodlander to have all elected official portions to be struck out of amendment 4 in the budget dated November 26th; seconded by Councilmember Karl Ward.

Motion passes.

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

Nay: 0

[2:29:07](#) Councilmember Kathryn Beus exited chambers and Chair Erikson opened for continuation of discussion on amendment 4. Recording equipment had issues, [2:31:20](#) sound cut out and [2:31:24](#) back in. Wes Bingham began review of amendment 4. [2:32:05](#) Video recording came back and Councilmember Kathryn Beus had re-entered chambers. (Moved to 6A Budget Amendments Nov. 12, 2024) [2:37:05](#) Chair Erikson asked council to move onto amendment 4. (Moved from 6A Budget Amendments Nov. 26, 2024) [2:38:48](#) Chair Erikson refocused council on amendment 4 and council discussed possible changes in the counties 2025 end of year gift specifications with Wes Bingham and Amy Adams input. [2:49:48](#) Chair Erikson opened for a motion.

Action: [2:50:04](#) Motion made by Councilmember Sandi Goodlander to approve a gross end of year gift for full time employees of \$150 and part time of \$75 in amendment 4 of the budget dated November 26th with a plan to review in the fall of 2025 for necessary changes; seconded by Councilmember Nolan Gunnell.

Motion passes.

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

Nay: 0

(Moved from 6A Budget Amendments Nov. 26, 2024)

[2:52:46](#) Vice Chair Barbara Tidwell exited chambers. [2:55:08](#) Vice Chair Barbara Tidwell re-entered chambers. [2:55:48](#) Chair asked council to review amendments 2 and 3; Chair Erikson mentioned the Mayor and Chair of COG will be attending the hearing on December 10th to discuss amendment 3 more. Wes Bingham began review. [2:57:29](#) Video recording cut to computer screen view of a Budget Scenarios for 2025 spreadsheet. Council continued discussion. [2:58:15](#) Sound cut out on recording. [3:01:06](#) Video recording cut to black and into a blurry screen. [3:05:21](#) Video recording came back to view of council. [3:06:48](#) Sound came back to Wes Bingham reviewing for council. [3:07:19](#) Chair Erikson asked council to discuss sales tax contained in amendment 3. [3:07:50](#) Chair Erikson had council to look at amendment 2 which entailed property tax. [3:08:09](#) Video recording cut to the Budget Scenarios for 2025 spreadsheet. [3:08:20](#) Sound cut out. [3:14:19](#) Video recording cut to black and transitioned into the blurry screen. [3:15:08](#) Video recording focused back into view of council. [3:16:56](#) Video recording cut to the Budget Scenarios for 2025 spreadsheet. [3:19:59](#) Video recording focused back into view of council. [3:25:47](#) Sound came back; Karl Ward stated he will miss councilmembers and thanked Chair Erikson. [3:26:32](#) Chair Erikson thanked everyone and adjourned council meeting.

Other Business

A. County Employee Christmas Party *December 11 at 6p.m.*

B. UAC Day On The Hill *February 5*

7. Councilmember Reports

David Erickson –

Sandi Goodlander –

Karl Ward –

Barbara Tidwell –

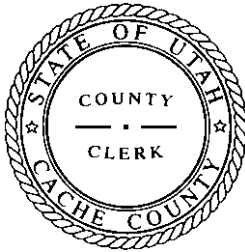
Kathryn Beus –

Nolan Gunnell –
Mark Hurd –

Adjourn: 7:30 PM

APPROVAL: David Erickson, Chair
Cache County Council

ATTEST: Bryson Behm, Clerk
Cache County Council



CACHE COUNTY COUNCIL

December 10, 2024 5:00 p.m. - Cache County Chamber at 199 North Main, Logan, Utah.

In accordance with the requirements of Utah Code Annotated Section 52-4-203, the County Clerk records in the minutes the names of all persons who appear and speak at a County Council meeting and the substance "in brief" of their comments. Such statements may include opinions or purported facts. The County does not verify the accuracy or truth of any statement but includes it as part of the record pursuant to State law.

MEMBERS PRESENT: Chair David Erickson, Vice-Chair Barbara Tidwell, Councilmember Karl Ward, Councilmember Nolan Gunnell, Councilmember Mark Hurd

MEMBERS EXCUSED: Kathryn Beus, Sandi Goodlander

STAFF PRESENT: Bryson Behm, Wes Bingham, Brittany Kingston

OTHER ATTENDANCE:

1. **Call to Order 5:00p.m. –**[59:57](#)
2. **Opening Remarks and Pledge of Allegiance –**[1:00:18](#) Vice-Chair Barbara Tidwell wished everyone happy holidays, said a prayer, and lead attendance in the Pledge of Allegiance. [1:01:43](#) Vice-Chair Barbara Tidwell asked Chair Erickson for permission to present Karl Ward with an award and thanked him for his service.
3. **Review and Approval of Agenda –** [1:02:42](#) Chair Erickson opened for motion to approve agenda.
Action:[1:02:51](#) Motion made by Vice-Chair Barbara Tidwell to amend the agenda: 10-B needed to include roads and items 10-E and 10-F needed to be transferred to 8-B and 8-C to be included in the Public Hearing section ; seconded by Councilmember Nolan Gunnell.
Motion passes.
Aye: 5 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd
Nay: 0

[1:04:10](#) Chair Erickson opened for motion to approve the agenda as amended.
Action:[1:04:15](#) Motion made by Vice-Chair Barbara Tidwell to approve the agenda as amended; seconded by Councilmember Nolan Gunnell.
Motion passes.
Aye: 5 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd
Nay: 0
4. **Review and Approval of Minutes (December 3, 2024) –** [1:04:25](#) Chair Erickson opened for minutes to be approved; Not yet available.
5. **Report of the County Executive–** [1:04:35](#) Chair Erickson asked for County Executive Report.
Appointment– [1:04:38](#) Executive David Zook presented members of the Open Space Advisory Committee for reappointment: Claire Ellis, Brent Thomas, Kendra Penry, Christopher Sans, Reagan Wheeler, Eric Elison; Also the non-voting ex-officio county councilmember Kathryn Beus and the non-voting agricultural expert ex-officio member Justin Clawson.
Action:[1:05:40](#) Motion made by Councilmember Karl Ward to confirm reappointment of said individuals to the Open Space Advisory Committee; seconded by Councilmember Mark Hurd.
Motion passes.
Aye: 5 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd
Nay: 0
6. **Tax Relief–** [1:06:05](#) Chair Erickson asked Tax Administration Supervisor Dianna Schaeffer to present.
A. Hardships –[1:06:22](#) Tax Administration Supervisor Dianna Schaeffer presented.
 - i. [1:10:29](#) Requesting in 20 was recommended as a denial due to applicant being non-compliant in providing complete financial information.

Action:[1:11:36](#) Motion made by Councilmember Karl Ward to deny hardship request ending in 20; seconded by Vice-Chair Barbara Tidwell.

Motion passes.

Aye: 5 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd

Nay: 0

- ii. [1:12:02](#) Request ending in 14 was recommended as a denial due to applicant did not provide documentation on finances, disability, child support received, and proof of expenditures.

Action: [1:13:43](#) Motion made by Councilmember Nolan Gunnell to deny hardship request ending in 14; seconded by Councilmember Mark Hurd.

Motion passes.

Aye: 5 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd

Nay: 0

- iii. [1:14:04](#) Request ending in 1 was recommended for approval at a 29% level due to past hardship history.

Action: [1:15:13](#) Motion made by Councilmember Nolan Gunnell to approve hardship request ending in 1 at 29%; seconded by Vice-Chair Barbara Tidwell.

Motion passes.

Aye: 5 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd

Nay: 0

- iv. [1:15:41](#) Request ending in 3 was recommended for denial due to applicant being non-compliant in providing complete financial information.

Action: [1:16:42](#) Motion made by Councilmember Karl Ward to deny hardship request ending in 3; seconded by Vice-Chair Barbara Tidwell.

Motion passes.

Aye: 5 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd

Nay: 0

- v. [1:17:06](#) Request ending in 127 was recommended for denial due to applicant being non-compliant in providing complete financial information.

Action: [1:17:55](#) Motion made by Councilmember Mark Hurd to deny hardship request ending in 127; seconded by Councilmember Nolan Gunnell.

Motion passes.

Aye: 5 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd

Nay: 0

- vi. [1:18:20](#) Request ending in 8 was recommended for denial due to applicant submitted incomplete circuit breaker application, did not provide hardship request application, and failed to provide financial information. [1:18:47](#) Council asked for correction on name.

Action: [1:19:05](#) Motion made by Councilmember Nolan Gunnell to deny hardship request ending in 8; seconded by Councilmember Karl Ward.

Motion passes.

Aye: 5 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd

Nay: 0

- vii. [1:19:29](#) Request ending in 33 was recommended for approval due to applicant compliance in providing financial information, loss of child support and social security for child whom is now of age but still in school, as well as past hardship history.

Action: [1:20:23](#) Motion made by Councilmember Karl Ward to approve hardship request ending in 33 at 14%; seconded by Vice-Chair Barbara Tidwell.

Motion passes.

Aye: 5 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd

Nay: 0

7. Items of Special Interest

- A. Utah Division of Wildlife Resources (DWR) Payment in Lieu of Taxes (PILT) – [1:20:57](#)** Chair Erikson invited Northern Region Supervisor Blair Stringham to present payment in lieu of taxes for property in Cache County, about 25,000 acres. Thanked Council for support and gave council payment.
- B. County Fire Committee Report – [1:23:16](#)** Chair Erikson invited Fire Chief Rod Hammer to update council on the Fire District; Fire Chief Rod Hammer stated the purpose of the fire district is to promote cooperation, provide training, support financially, and to provide service throughout Cache County. Fire Chief Rod Hammer presented that by-laws have not been completed and petitioned to have the assistance of 4 Mayors, 2 County Councilmembers, and the County Executive for the board. [1:25:13](#) Fire Chief Rod Hammer shared concerns as well as some possible solutions and presented a financial analysis study that was started. [1:29:39](#) Councilmember Nolan Gunnell asked follow up questions. [1:30:49](#) Chair Erickson and Fire Chief Rod Hammer shared goals and hopes for next steps. Council thanked Rod Hammer.
- C. Presentation by Clarkston Mayor Craig Hidalgo on CCCOG Funding – [1:33:31](#)** Chair Erikson invited Clarkston Mayor Craig Hidalgo to speak. Recording equipment started having technical issues. [1:33:53](#) Mayor Hidalgo recognized councils concerns and budget struggle on behalf of Mayors of Cache County in review of a letter sent in October to Council. [1:35:11](#) Mayor Hidalgo discussed Councils decision to increase sales tax by 0.3% for transportation and recognized County Council had full authority on implementation. Mayor Hidalgo addressed his and fellow Mayors concerns for those funds to be used for filling holes in budget and petitioned for those funds to be used for county transportation because of uniqueness of county roads. Mayor Hidalgo stressed urgency for this funding to be used for county transportation. [1:40:52](#) Mayor Hidalgo expressed interest for cooperation from the Mayors to find alternatives for gaps in budget so the road funding can be used for roads. [1:42:24](#) Chair Erikson expressed appreciation for a couple mayors reaching out to him. [1:43:11](#) Mayor Hidalgo repeated offer to work with the County and have a member to be a part of CCCOG to understand needs. [1:43:34](#) Nolan Gunnell and Chair Erikson thanked Mayor Hidalgo.

8. Public Hearing

- A. [1:31:41](#) Set Public Hearing for December 17, 2024 – *Resolution 2024-30 – Opening the 2024 Budget (December)***
Action: [1:32:10](#) Motion made by Councilmember Karl Ward to hold a special council meeting on December 17, 2024 at 5p.m.; seconded by Councilmember Mark Hurd.
Motion passes.
Aye: 4 David Erickson, Nolan Gunnell, Karl Ward, Mark Hurd
Nay: 1 Barbara Tidwell
- Action:** [1:32:58](#) Motion made by Councilmember Mark Hurd to set the public hearing for Resolution 2024-30 – Opening the 2024 Budget for December 17th; seconded by Councilmember Nolan Gunnell.
Motion passes.
Aye: 4 David Erickson, Nolan Gunnell, Karl Ward, Mark Hurd
Nay: 1 Barbara Tidwell

9. Pending Action

- A. *Resolution 2024-23 – Adopting the 2025 Annual Budget***

Discussion: [1:55:22](#) Chair Erikson invited Wes Bingham to present updated information to council. [1:56:00](#) Wes Bingham began review and gave an updated copy to council. Wes explained \$1,215,872 of the budget is used for 21 different funds including the increased salaries of County Treasurer and the County Recorder. With the addition of capital project funds for Municipal Services and Airport as well as the Open Space and ARPA 485 funds. [1:59:57](#) Wes Bingham discussed the projected revenue that the 12% property tax increase would provide for the general and health funds as well as the projected revenue from the sales tax increase of 0.03%. [2:01:13](#) Councilmember Karl Ward commented council had cut

more than 1.7 million and are still finding they need to have the tax increases to cover necessary services provided to the counties citizens. [2:04:16](#) Vice-Chair Barbara Tidwell thanked Wes Bingham and Brittany Kingston for their hard work. [2:04:30](#) Wes Bingham commented that transportation would be important and healthy to discuss with city governments. [2:04:54](#) Mark Hurd asked for clarification on where the revenue generated would go to. [2:05:41](#) Wes Bingham responded and continued explanation. [2:06:51](#) Karl Ward asked Chair Erickson if there was more he needed to comment on. [2:07:39](#) Wes Bingham reminded Council they would need to adopt the resolutions from last week and then adopt the elected officials pay adjustments. [2:07:53](#) Chair Erikson confirmed. (10A)

Action: [2:37:04](#) Motion made by Councilmember Karl Ward to approve Resolution as amended; seconded by Councilmember Nolan Gunnell.

Motion passes.

Aye: 5 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd

Nay: 0

B. Ordinance 2024-22 – An Ordinance Amending the Annual Salaries of Cache County Officers

Discussion: [1:49:20](#) Chair opened for a motion. [1:50:12](#) Vice-Chair Barbara Tidwell asked if Council could summarize for those who were not in attendance of the special council meeting held December 10, 2024 at 4:30 p.m.; Chair Erikson summarized.

Action: [1:52:06](#) Motion made by Councilmember Nolan Gunnell to suspend the rules and adjust the 2025 salary of the elected officials of the county treasurer from \$106,535.30 to match the assessor of \$123,027.84; seconded by Vice-Chair Barbara Tidwell.

Motion passes.

Aye: 5 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd

Nay: 0

Action: [1:52:54](#) Motion made by Vice-Chair Barbara Tidwell to suspend the rules and adjust the 2025 salary of the elected officials of the county recorder from \$106,513.04 to match the countys clerk and auditor of \$112,157.54; seconded by Mark Hurd.

Motion passes.

Aye: 5 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd

Nay: 0

Action: [1:53:45](#) Motion made by Councilmember Nolan Gunnell to forgo a end of year gift for all elected officails for 2025 with a plan to review and adjust in the fall of 2025; seconded by Vice-Chair Barbara Tidwell.

Motion passes.

Aye: 5 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd

Nay: 0

Action: [1:54:39](#) Motion made by Councilmember Karl Ward to suspend the rules and approve ordinance 2024-22, an ordinance amending the annual salaries of Cache County Officers as amended; seconded by Vice-Chair Barbara Tidwell.

Motion passes.

Aye: 5 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd

Nay: 0

10. Initial Proposals for Consideration of Action

A. Resolution 2024-27 – Adopting a Property Tax Increase for 2025

Discussion: [2:08:07](#) Chair Erickson mentioned there were some incorrect numbers shown in the packet. Wes answered what the calculations were. Chair Erickson asked for an amendment to change.

Action: Motion made by Councilmember Mark Hurd to amend Resolution 2024-27 section C for property tax increase of 12% for \$2,148,179; seconded by Councilmember Vice Chair Barbara Tidwell.

Motion passes.

Aye: 5 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd

Nay: 0

Discussion: [2:11:35](#) Chair Erickson opened for motion on 10A amended.

Action: Motion made by Councilmember Karl Ward to suspend rules and approve amended Resolution 2024-27 section C for property tax increase of 12% for \$2,148,179; seconded by Councilmember Vice Chair Barbara Tidwell.

Motion passes.

Aye: 5 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd

Nay: 0

B. Resolution 2024-28 – Imposing a County Option Sales Tax for Public Safety and Roads

Discussion: [2:12:23](#) Chair Erickson opened for discussion. [2:12:43](#) Councilmember Nolan Gunnell said the mayors gave good reason to consider and asked Executive Zook if what was reported in the newspaper true that he agreed. [2:12:57](#) Executive Zook said it was reported in error and he was not in attendance. He explained his view of the sales tax and recommended to phase it over the years. Councilmember Nolan Gunnell asked if there would be any pull back from the budget. Executive Zook responded the combination of inflation, rapid growth, and increased demand for services caused imbalance and spoke positively to work together for the public. [2:21:25](#) Councilmember Karl Ward agreed. [2:21:59](#) Councilmember Nolan Gunnell asked Wes an example figure what to expect in 2026. Wes answered a touch of growth. Nolan continued and asked Council if there is room to cut for transportation next year or not. Chair Erickson commented there is room but not willingness. He added the direction is going the right way. Councilmember Nolan Gunnell clarified if some funds went to public safety can some go towards transportation. Wes answered with a question and asked if the County is charging the appropriate cost to the cities. [2:26:43](#) Councilmember Nolan Gunnell told the mayors in attendance he would continue to help with transportation. [2:26:57](#) Councilmember Mark Hurd commented the County is not wasting money. He thanked the departments for their cuts. He added there is difficulty in balancing the priorities. [2:28:54](#) Chair Erickson said Cache County is the lowest of the whole state for tax per person. Wes commented both the cities and county are conservative for charges of services and that doesn't give enough property tax dollars to pay the costs for services. [2:30:42](#) Chair Erickson summarized communication plans to get needs met. [2:31:33](#) Vice Chair Barbara Tidwell amended tax to include roads. [2:32:11](#) Wes commented the portion of the amounts the county intends to put towards roads and sales tax needs to be reported to the tax commission. [2:32:37](#) Mayors in audience asked if they could be informed of the allocation, or if there will be notice. Chair Erickson answered yes unless they would like roads removed. [2:33:39](#) Chair Erickson opened to suspend rules and pass if Council agreed. Vice Chair Barbara Tidwell said she wanted to see how much first. Councilmember Mark Hurd asked if public notice requirements have been met. Attorney Taylor Sorenson informed Council public notice has been fulfilled. [2:34:40](#) Andrew gave statute requirements for next meeting. [2:36:02](#) Council discussed where on agenda to move next and that the meeting next week would be to open the 2024 budget. (9A)

Action: Motion made by Vice Chair Barbara Tidwell to amend Resolution to include roads; seconded by Councilmember Karl Ward.

Motion passes.

Aye: 5 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd

Nay: 0

Action: [2:35:29](#) Motion made by Councilmember Nolan Gunnell to suspend rules and approve Resolution 24-28 imposing sales tax for public safety and roads; seconded by Councilmember Karl Ward.

Motion passes.

Aye: 5 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd

Nay: 0

C. Resolution 2024-29 – Approving Payment of Premium Pay According to County Attorney's Policy

Discussion: [2:38:12](#) Attorney Taylor Sorenson explained the extra stipend given to prosecutors to deal with the worst crimes. [2:40:45](#) Councilmember Nolan Gunnell asked if it was already included in the budget and how the limit is set. Attorney Taylor Sorenson answered it is budgeted and is prorated \$5,000/year and \$7000 for unit Chief. [2:41:13](#) Chair Erickson echoed Attorney Taylor Sorenson's reason for rotating the cases and felt the additional pay is deserved. Councilmember Nolan Gunnell agreed. Attorney Taylor Sorenson said turnover has decreased and policy has had positive effect on office.

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

Motion passes.

Aye: 5 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd

Nay: 0

D. Notice of the Annual Cache County Council Meeting and County Offices Holiday Schedule [2:44:13](#)

E. Ordinance 2024-23 – CVB Rezone[1:43:53](#) Chair Erickson invited County Planner Conner Smith to speak.

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

[1:44:18](#) County Planner Conner Smith discussed rezoning 1.4 acres from the Agricultural (A10) Zone to the Industrial (I) Zone and stated that Planning Commissioner gave a public hearing on November 7th with a recommendation to approve. Reasons were that the rezone is compatible for desired purpose and would not affect surrounding properties and would promote economic well-beings by broadening tax base. County Planner Conner Smith noted that the zone would need access to public roads, water, utilities, and have public services available. County Planner Conner Smith continued to explain what the area would be able to be used for. [1:45:54](#) Chair Erickson opened the public hearing and invited members of the public to speak.

Discussion:

Action: [1:46:32](#) Motion made by Councilmember Nolan Gunnell to close the public hearing; seconded by Councilmember Karl Ward.

Motion passes.

Aye: 5 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd

Nay: 0

Action: [2:53:42](#) Motion made by Councilmember Karl Ward to suspend rules and approve Ordinance; seconded by Vice Chair Barbara Tidwell.

Motion passes.

Aye: 5 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd

Nay: 0

F. Ordinance 2024-24 – Marshall Maughan Trust A10 to RU5 Rezone [1:46:43](#) Chair Erickson invited County Planner Conner Smith to speak.

Amending the Cache County Zoning Map by rezoning 14.0 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone located at approximately 3201 S. Highway 23, between Mendon and Wellsville.

[1:46:59](#) County Planner Conner Smith discussed rezoning 14 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone and stated that Planning Commissioner gave a public hearing on November 7th with a recommendation to approve. Reasons were that the rezone is compatible for desired purpose of housing and should be used in such a way that would not impede adjacent agricultural uses. County Planner Conner Smith noted that the zone would need access to public roads, water, utilities, and have public services available. [1:48:40](#) Councilmember Karl Ward asked follow up question. [1:48:51](#) Chair Erickson opened the public hearing and invited members of the public to speak.

Discussion:

Action: [1:49:08](#) Motion made by Councilmember Karl Ward to close the public hearing; seconded by Councilmember Nolan Gunnell.

Motion passes.

Aye: 5 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd

Nay: 0

Action: [2:54:36](#) Motion made by Councilmember Nolan Gunnell to suspend rules and approve ordinance; seconded by Vice Chair Barbara Tidwell (11C)

Nolan Gunnell.

Motion passes.

Aye: 5 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd

Nay: 0

Discussion: [2:44:12](#)

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

Motion passes.

Aye: 5 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd

Nay: 0

11. Other Business [2:46:17](#)

- A. Bear River Association of Governments (BRAG) Inter-local Agreement** [2:46:34](#) Chair Erickson recapped prior discussion and asked if there were questions. [2:46:56](#) Attorney Taylor Sorenson brought two questions to Council: the limitation the County contributes to BRAG, and the provisions to add to the agreement if the County disagrees with the amount BRAG assesses. [2:48:42](#) Discussion between Taylor and Chair Erickson of process. Taylor asked Council who they would like to be the budget officer and added the structure can be set up however they would like. [2:49:40](#) Councilmember Karl Ward gave his opinions of both sides and said it could be useful but not really necessary. Taylor said it is recommended to have an appointed person and the decision is up to Council. [2:51:39](#) Clerk Bryson Behm redirected action needed to be made still for prior items. [2:51:49](#) Discussion between Council. (8B)

B. Public Works Proposed Road Closure

C. County Council Member Assignment to Committees and as Department Liaisons

[2:55:53](#)

D. County Employee Christmas Party

December 11 at 6:00 pm

[2:57:14](#)

E. 2025 Swearing In Ceremony

January 2 at 10 am (tentative)

[2:57:39](#) Discussion and decision for January 7th

F. UAC Day On The Hill

February 5

[3:00:30](#)

a. Councilmember Reports

David Erickson – [3:02:54](#) Fair Board meetings have mostly been about fast growth without enough money. He thanked Council and the Departments for the work all year.

Sandi Goodlander –

Karl Ward – [3:05:38](#) Reported pleased to have passed the budget and thanked his wife for her support while on Council.

Barbara Tidwell – None

Kathryn Beus –

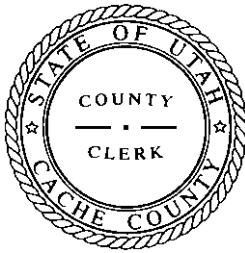
Nolan Gunnell – [3:01:57](#) Called for standing applause to Karl Ward

Mark Hurd – [3:01:36](#) No report since he missed Fair Board meeting due to car trouble.

b. Adjourn: 7:30 PM [3:06:43](#)

APPROVAL: David Erickson, Chair
Cache County Council

ATTEST: Bryson Behm, Clerk
Cache County Council



CACHE COUNTY COUNCIL SPECIAL MEETING

Date at 5:00 p.m. - Cache County Chamber at 199 North Main, Logan, Utah.

In accordance with the requirements of Utah Code Annotated Section 52-4-203, the County Clerk records in the minutes the names of all persons who appear and speak at a County Council meeting and the substance "in brief" of their comments. Such statements may include opinions or purported facts. The County does not verify the accuracy or truth of any statement but includes it as part of the record pursuant to State law.

MEMBERS PRESENT: Chair David Erickson, Vice-Chair Barbara Tidwell, Councilmember Karl Ward, Councilmember Nolan Gunnell, Councilmember Mark Hurd, Councilmember Kathryn Beus.

MEMBERS EXCUSED:

STAFF PRESENT:

OTHER ATTENDANCE:

Council Meeting

1. **Call to Order 4:30 p.m. – [30:41](#)**
2. **Public Hearings**

A. Public hearing –*Ordinance 2024-22* – An Ordinance Making Adjustments To The Salaries Of Cache County Officers

Discussion: [30:45](#) Chair Erickson opened discussion and invited Amy Adams to review with council. [31:19](#) HR Director Amy Adams gave reasons from code why the meeting was held and then explained the proposed salary adjustment overview. [34:01](#) Chair Erickson said they would move to the public hearing. [34:13](#) County Deputy Civil Attorney Jeris Kendall conferred with Council for the public hearing to be held the public would need to know the proposed changes. [34:55](#) Chair Erickson understood and clarified no vote could be held at that time. Jeris answered yes. [35:48](#) Chair Erickson opened for discussion. [36:15](#) HR Director Amy Adams pointed out neither the Treasurer nor Recorders salary is reflected in the Ordinance. [37:12](#) Council discussed cutting end of year gift for elected officials in 2024 and agreed to forego. [39:27](#) Council discussed pay adjustments for Treasurer to match the Assessor salary and the Recorder to match the Clerk and Auditor salary in 2025. Council agreed.

[41:28](#) Chair Erickson opened discussion for the public to discuss salary adjustments. [42:02](#) Public member Pat Morel petitioned council to not raise property tax 20% and instead consider lowering wage for highest paying county positions to provide funds for discussed pay adjustments. Chair thanked. [43:50](#) Public member Paul Guyman petitioned council to not raise property tax with the argument of those who run for office should know the salary of the office they decide to run for and only increase salary when the budget would have funds to do so. Council thanked.

Action: [44:57](#) Motion made by Councilmember Karl Ward to close public hearing; seconded by Councilmember Nolan Gunnell.

Motion passes.

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

Nay: 0

[45:07](#) Chair Erickson opened for motion to close meeting

Action: [45:31](#) Motion made by Councilmember Nolan Gunnell to close council meeting and be reconvened at 5 p.m; seconded by Vice-Chair Barbara Tidwell.

Motion passes.

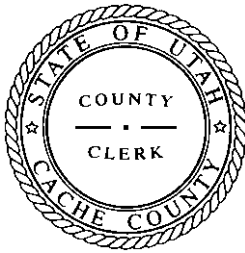
Aye: 4 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward

Nay: 0

Adjourn: 4:45 PM [45:45](#)

APPROVAL: David Erickson, Chair
Cache County Council

ATTEST: Bryson Behm, Clerk
Cache County Council



CACHE COUNTY COUNCIL

December 17, 2024 at 5:00 p.m. - Cache County Chamber at 199 North Main, Logan, Utah.

In accordance with the requirements of Utah Code Annotated Section 52-4-203, the County Clerk records in the minutes the names of all persons who appear and speak at a County Council meeting and the substance "in brief" of their comments. Such statements may include opinions or purported facts. The County does not verify the accuracy or truth of any statement but includes it as part of the record pursuant to State law.

MEMBERS PRESENT: Chair David Erickson, Vice-Chair Barbara Tidwell, Councilmember Karl Ward, Councilmember Sandi Goodlander, Councilmember Nolan Gunnell, Councilmember Mark Hurd, Councilmember Kathryn Beus.

MEMBERS EXCUSED:

STAFF PRESENT:

OTHER ATTENDANCE:

Council Meeting

1. Call to Order 5:00p.m. – [0:36](#)

- a. **Opening Remarks and Pledge of Allegiance – [0:54](#)** Councilmember Mark Hurd offered prayer and lead attendance in the Pledge of Allegiance. [2:51](#) Chair Erickson presented Councilmember Karl Ward with a gift and thanked for continued service. [4:27](#) Executive David Zook presented Councilmember Karl Ward a certificate of recognition from the Governor.
- b. **Review and Approval of amended Agenda**
Action: [5:14](#) Motion made by Councilmember Kathryn Beus to approve the 2024 Agenda; seconded by Councilmember Mark Hurd.
Motion passes.
Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd
Nay: 0

2. Public Hearing

- a. **Resolution 2024-30 – Opening the 2024 Budget [5:37](#)** Chair Erickson invited Finance Director Wes Bingham to review. [5:54](#) Wes Bingham explained changes to fund balance and what funds have been moved over to the 2025 Budget. [8:59](#) Wes Bingham noted a request made by Council in a 925-24 meeting that \$1,000 be put towards the UAC's Save Utah land lawsuit. Wes Bingham continued explanation. [15:02](#) Brittany Kingston differentiated between item 21 and item 22. Wes Bingham continued explanation with item 23 and 24. [17:35](#) Councilmember Kathryn Beus asked for clarification on general fund net balance shown; Brittany Kingston and Wes Bingham answered it was a preference of Wes. [19:10](#) Councilmember Sandi Goodlander asked for clarification on general fund bottom line; Brittany Kingston and Wes Bingham responded after tabulation 335 was the general fund bottom line from moving an unearned revenue. [20:34](#) Chair Erickson opened the public hearing and invited public members to speak; no comments made. [21:13](#) Chair Erickson asked Council if there were any other questions. [21:28](#) Councilmember Mark Hurd asked to wait for a total impact result from Brittany Kingston and Wes Bingham. [21:35](#) Councilmember Karl Ward voiced concerns about these changes fixing audit issues; Wes confirmed.
Action: [20:54](#) Motion made by Councilmember Karl Ward to close the public hearing; seconded by Councilmember Nolan Gunnell.
Motion passes.
Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd
Nay: 0

3. Pending Action

- a. **Resolution 2024-30 – Opening the 2024 Budget [45:41](#)** Chair opened for discussion. [45:55](#) Wes Bingham stated the use of fund balance is 1.246 million. [46:04](#) Councilmember Sandi Goodlander asked if that amount was more than

what they anticipated; Wes Bingham answered that amount excluded the capital and ARPA. Council discussed. [46:53](#) Wes Bingham stated the unrestricted fund balance amount used was the 1.246. Wes Bingham suggested a projection for end of 2024 fund balance. Council and Wes discussed.

Action: [49:44](#) Motion made by Councilmember Karl Ward to suspend the rules to approve resolution 2024-30 – Opening the 2024 Budget for December; 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

- b. **Resolution 2024-28 – Imposing a County Option Sales Tax for Public Safety and Roads** [22:12](#) Chair Erickson opened discourse. [22:42](#) County Attorney Dept. Head Taylor Sorenson provided more context on Utah code; he stated Cache County needed to specify sales tax revenue percentages of what had been received, what had been used, and what the funds were used for. [23:38](#) County Attorney Andrew Crane advised council a motion must be passed to discuss Resolution 2024-28 – Imposing a County Option Sales Tax for Public Safety and Roads.

Action: [24:00](#) Motion made by Councilmember Karl Ward for Council to revisit and discuss Resolution 2024-28 – Imposing a County Option Sales Tax for Public Safety and Roads; seconded by Vice-Chair Barbara Tidwell.

Motion passes.

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

Nay: 0

[24:23](#) Financial Director Wes Bingham thanked council and began reviewing schedule. Wes showed Council a Sales Tax Resolution spreadsheet. Wes Bingham explained plan to slowly put more funds into transportation over the next 5 years and urged discussion between cities on how much they can contribute. [28:03](#) Chair Erickson turned discussion to Council. [28:42](#) Councilmember Sandi Goodlander proposed to change transportation percentage to begin at 25% as a base in 2025 with the idea to review each year to increase as council would see fit. Council discussed a 25% base in 2025 would throw off the 2025 budget. [30:46](#) Wes Bingham spoke about possibilities to mitigate effects on the 2025 budget. [31:37](#) Councilmember Nolan Gunnell asked when filing time would be to have a full year covered; Wes Bingham answered Council would need to file by October 1st. [32:12](#) Wes Bingham suggested for council to review after 6-9months and make changes if need be and confirmed Councils ability to make changes once a quarter. [32:42](#) Councilmember Nolan Gunnell stated support for a 25% change in transportation fund. Council discussed how much it would throw off the budget and possibilities with Wes Bingham. [34:40](#) Kathryn Beus asked for clarification on guidance from the state tax commission. [35:15](#) County Attorney Taylor Sorenson explained state code requires the county to specify the percentage of revenues Cache County receive and what amounts will be allocated to what funds. [35:23](#) Chair Erickson asked when the deadline is; Wes Bingham answered submission needed to be done by January 1st. [35:33](#) Councilmember Kathryn Beus asked for clarification and Attorney Taylor Sorenson responded with help from council before Council continued discussion of possibilities. [37:25](#) Councilmember Kathryn Beus stated her support for a 25% change in transportation fund and a 75% for public safety in 2025. [37:41](#) Vice-Chair Barbara Tidwell and Councilmember Karl Ward asked for what dollar amounts would look like. Council discussed with Wes Bingham. [39:59](#) Vice-Chair Barbara Tidwell asked if changes would be put into effect starting April 1, 2025; Wes Bingham confirmed. [40:07](#) Chair Erickson shared thoughts and Wes Bingham reminded Council that Matt Phelps will be presenting a transportation plan soon. [41:47](#) Vice-Chair Barbara Tidwell asked how the proposed change would affect the public safety department; Wes Bingham answered he didn't think it would affect it too much. [42:33](#) Chair Erickson asked if the motion would need to be phrased as an amendment; Wes suggested to amend Resolution 2024-28 – Imposing a County Option Sales Tax for Public Safety and Roads. [43:25](#) Wes Bingham said he will plan on bringing up the possibility for a change in March 2025. Council thanked Wes Bingham and Brittany Kingston. [43:41](#) Chair Erickson noted Council would need to

discuss where to send funds in order to make the best use out of them. [44:04](#) Wes Bingham agreed and suggested council discuss their priorities with department heads to be able to factor needs into future budgets. [44:29](#) Chair Erickson invited a Mr. Gilbert to attend the strategic planning. [45:24](#) Council thanked Attorney Andrew Crane.

Action: [42:10](#) Motion made by Councilmember Sandi Goodlander to amend Resolution 2024-28 – Imposing a County Option Sales Tax for Public Safety and Roads and establish 75% for public safety and 25% for transportation roads; seconded by Councilmember Nolan Gunnell.

Motion passes.

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

Action: [44:46](#) Motion made by Councilmember Mark Hurd to amend the language in Resolution 2024-28 to replace the word roads with transportation; seconded by Councilmember Kathryn Beus.

Motion passes.

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

4. **Closing Remarks**[50:30](#) Chair Erickson thanked everyone involved and wished everyone a Merry Christmas and Happy New Year. Council discussed.

Action: [51:56](#) Motion made by Councilmember Karl Ward to adjourn; seconded by Councilmember Vice-Chair.

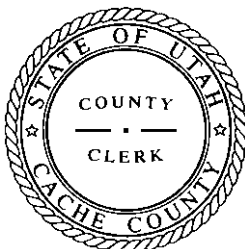
Motion passes.

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

5. **Adjourn** [52:03](#)

APPROVAL: David Erickson, Chair
Cache County Council

ATTEST: Bryson Behm, Clerk
Cache County Council



CACHE COUNTY COUNCIL WORKSHOP

Date at 5:00 p.m. - Cache County Chamber at 199 North Main, Logan, Utah.

In accordance with the requirements of Utah Code Annotated Section 52-4-203, the County Clerk records in the minutes the names of all persons who appear and speak at a County Council meeting and the substance "in brief" of their comments. Such statements may include opinions or purported facts. The County does not verify the accuracy or truth of any statement but includes it as part of the record pursuant to State law.

MEMBERS PRESENT: Chair David Erickson, Vice-Chair Barbara Tidwell, Councilmember Karl Ward, Councilmember Sandi Goodlander, Councilmember Nolan Gunnell, Councilmember Mark Hurd, Councilmember Kathryn Beus.

MEMBERS EXCUSED:

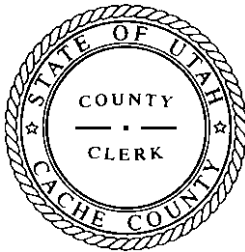
STAFF PRESENT:

OTHER ATTENDANCE:

1. **Call to Order 4:00 p.m. – 0:11** Chair Erickson opened meeting.
2. **Public Works Information**
 - a. **Road Closure Discussion – Jeris Kendall, Cache County Deputy Civil Attorney and Andrew Crane, Cache County Deputy Attorney 0:35** Jeris gave Council legal update regarding complaints for closure of roads that notice is required. [5:47](#) Chair Erickson asked if this was new legislature. Jeris answered no. Chair Erickson explained the committee's reasons behind the closures. [7:46](#) Councilmember Nolan Gunnell asked for the road closure definition. Jeris answered Utah code statute states doesn't have one but temporarily closed would fit for this situation. Councilmember Nolan Gunnell followed up if the statute directs this to the public or a landowner where the road closure is. [9:45](#) Andrew Crane answered most roads are zoned as FR-40. Councilmember Nolan Gunnell commented his desire to understand from both sides. Andrew responded the road will still be accessible. [11:15](#) Jeromy said the goal is to limit access. Councilmember Nolan Gunnell asked for an estimate of time and money for a repair. Jeromy said the problem is roads are being used at a faster rate than they can keep up with to maintain. Councilmember Nolan Gunnell asked Jeris if the issue with new road closure is the notice, or the roads. [13:29](#) Jeris answered some of both. He added the roads are closed but there isn't enough snow to access properties from a snowmobile. [15:32](#) Vice Chair Barbara Tidwell asked if those roads will not be closed this year now. Jeris answered notice to be given and a hearing needs to be done first. Vice Chair Barbara Tidwell asked when the roads typically reopen. Jeris and Jeromy responded different elevations take into account when. [16:44](#) Chari Erickson said some years due to flooding they have been postponed to reopen. He asked if there is an emergency clause. Jeris said there does not have to be a specific date for closure and safety is most important. [18:36](#) Jeromy brought up concerns of being flexible on closing dates. [19:22](#) Councilmember Karl Ward asked if there was public response of issues. [19:38](#) Jeromy said he's heard both positive and negative feedback. Jeris continued that notice requirements were missed. [20:51](#) Councilmember Nolan Gunnell asked the impact on number of land owners from the road closures. Jeris answered it is mostly government land. Jeromy described the challenges and where the roads are. [22:53](#) Chair Erickson summarized discussion and to be continued at the public hearing. [23:11](#) Attorney Taylor Sorenson said they are not auditors and the state code to provide notice was in question. [23:56](#) Chair Erickson thanked everyone in attendance. [24:09](#) Audience member asked if further discussion would be held at the next meeting. Chair Erickson explained the process would be to hold a public hearing later after the statute is studied and a public hearing is held. [24:35](#) Audience asked if gates will not be closed. Chair Erickson answered not until the process is complete. Audience asked if notice will be sent to all property owners. Chair Erickson answered if that is the statute yes.
3. **Adjourn 25:33**

APPROVAL: David Erickson, Chair
Cache County Council

ATTEST: Bryson Behm, Clerk
Cache County Council



INTERLOCAL AGREEMENT
BEAR RIVER
ASSOCIATION OF GOVERNMENTS

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

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

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

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

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

Terms & Conditions

I. Definitions

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

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

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

II. Purpose

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

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

III. Powers & Duties

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

a. The power to:

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

b. The duty to:

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

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

IV. Functions Delegated to the Association

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

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

V. Governing Structure

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

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

b. Staff and Staff Services

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

VI. Finances

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

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

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

VII. Duration, Withdrawal, & Termination

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

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

VIII. Amendments

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

IX. Review

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

X. Effective Date

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

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

BOX ELDER COUNTY

APPROVED AS TO FORM

BY: _____
County Commission Chair

BY: _____
Box Elder County Attorney

DATE: _____

DATE: _____

ATTEST:

BY: _____
County Clerk

DATE: _____

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CACHE COUNTY

APPROVED AS TO FORM

BY: _____
County Council Chair

BY: _____
Cache County Attorney

DATE: _____

DATE: _____

BY: _____
County Executive

DATE: _____

ATTEST:

BY: _____
County Clerk

DATE: _____

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RICH COUNTY

APPROVED AS TO FORM

BY: _____
County Commission Chair

BY: _____
Rich County Attorney

DATE: _____

DATE: _____

ATTEST:

BY: _____
County Clerk

DATE: _____

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Multicounty United Local Health Department Interlocal Agreement

2025

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

RECITALS

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

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

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

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

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

WHEREAS, the Counties desire to confirm, reaffirm, and ratify the creation of Bear River Health Department as the multicounty local health department and expand it to be a multicounty united local

health department under the Health Authorities Act and the Interlocal Cooperation Act and to hereby memorialize such creation;

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

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

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

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

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

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

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

1. DEFINITIONS AND INTERPRETATIONS.

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

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

- 2.1. **Formation.** This Interlocal Agreement reaffirms the creation of the Department, an interlocal entity formed by the Counties in May of 1971, and restructures the Department as a multicounty united local health department. Pursuant to [Utah Code 11-13-203\(l\)](#), the Department is separate from the Counties, a body politic and corporate, and a political subdivision of the state. It shall have the powers to perform all functions consistent with a multicounty united local health department as described in the Local Health Authorities Act.
- 2.2. **Powers.** The powers of the Department shall be as follows:
- 2.2.1. Have all powers and duties permitted and outlined in [Utah Code 26A](#) Local Health Department Act necessary to provide Public Health Programs;
 - 2.2.2. Have all applicable powers and duties permitted and outlined in [Utah Code 11-13](#) Interlocal Cooperation Act;
 - 2.2.3. Have all powers and duties permitted and outlined in [Utah Code 17-43](#) Local Human Services Act; and
 - 2.2.3.1. Develop, oversee, and administer all contracts for Behavioral Health Programs per subsection [4.13.1](#) of this agreement.
- 2.3. **Duties.**

-
- 2.3.1. The Department shall consolidate the local substance abuse plan and the local mental health plan of the three Counties with a focus on funding and service delivery as required under the Local Human Services Act. This consolidated plan shall be known as the Behavioral Health Programs Area Plan (“BHP Area Plan”).
- 2.3.1.1. The BHP Area Plan shall be developed as outlined in this Interlocal Agreement and in accordance with state law. The Department will present the BHP Area Plan annually to the Counties for adoption by the local Mental Health and Substance Abuse Authorities of the Counties.

3. DURATION AND TERMINATION.

- 3.1. This Interlocal Agreement shall be in full force and effect and be legally binding upon the Counties only after its execution and approval by resolution by the Legislative Bodies of the Counties. Thereafter, both this Interlocal Agreement and the existence of the Department shall continue for a period of fifty (50) years. At this time, it may be terminated or a new agreement executed. Any party to this agreement may terminate its participation in this entity, but only after complying with the following conditions: one hundred and eighty (180) days prior written notice of termination must be given to each of the Legislative Bodies of the Counties within the calendar year, and the end of participation shall only be effective after the end of the calendar year (December 31).

4. ORGANIZATION.

- 4.1. **Board of Health.** The Bear River Board of Health shall govern the Department, subject to the limitations outlined in Utah Code [26A](#), which include being subject to the authority of the mental health and substance abuse authorities of the Counties regarding behavioral health.
- 4.2. **Membership.** Membership of the Bear River Board of Health shall consist of nine (9) members, as follows:
- 4.2.1. One (1) elected official from each county, as determined by the Legislative Body; and
- 4.2.2. Six (6) members of the public at large shall be appointed on a non-partisan basis in numbers proportional to the population of the Counties by the respective Legislative Bodies of the Counties, with the advice and recommendation of the Board of Health.
- 4.2.3. An employee of the Department may not be a board member. All board members shall reside within the area served by Bear River Health; and
- 4.2.4. A majority of board members may not:
- be primarily engaged in providing health care or in the administration of facilities or institutions in which health care is provided;
 - hold a fiduciary position or have a fiduciary interest in any entity involved in the provision of health care;
 - receive either directly or through a spouse more than one-tenth (1/10) of the board member's gross income from any entity or activity relating to health care; and
 - be members of one particular type of business or profession.
- 4.3. **Appointment.** All members are to be appointed by the Legislative Bodies of the Counties.

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

federal) available to the Counties to deliver Behavioral Health Programs.

4.14.1.2. The Counties authorize the Department to develop, oversee, administer, and monitor contracts for Behavioral Health Programs on behalf of the Counties.

4.14.1.2.1. To avoid a lapse in critical government services and mitigate circumstances likely to negatively impact public health, safety, and welfare of vulnerable populations, the Department shall prioritize the Counties' established contract(s) for Behavioral Health Programs that exist at the creation of this Interlocal Agreement.

4.14.1.2.2. Changes may be made to the contract(s) as long as they are intended to enhance the integrity of the contract(s) or the delivery of Behavioral Health Programs. However, the duration established in the contracts referenced in subsection 4.13.1.2.1 must remain unchanged unless the contracted service provider and the Department agree otherwise.

4.14.1.2.3. Any established contract(s) for Behavioral Health Programs must be re-executed to spell out the expectation for delivering integrated mental health and substance abuse programs.

4.14.2. As allowed under [Utah Code 17-43-309](#), the Legislative Bodies of the Counties, under this agreement, officially establish a local behavioral health advisory council to advise on all Behavioral Health Programs. The council shall be called the Bear River Behavioral Health Advisory Council (BHAC). The BHAC shall meet at least once per quarter and be governed by bylaws. The bylaws must not conflict with any federal, state, or local law or this Interlocal Agreement.

4.14.3. The BHAC shall comprise nine members appointed by the Counties as directed in [Utah Code 17-43-309](#) with the following makeup based on county population.

4.14.3.1. Five members from Cache County;

4.14.3.2. Three members from Box Elder County; and

4.14.3.3. One member from Rich County.

4.14.4. BHAC members shall be selected from persons representative of interested groups in the community, but they cannot be individuals employed or otherwise associated with contracted service providers.

4.14.4.1. All BHAC members will be appointed by the Legislative Bodies of the Counties, with the BHAC's advice and recommendation.

4.14.4.1.1. Initially, one-fourth of the members shall be appointed for one year, one-fourth for two years, one-fourth for three years, and one-fourth for four years.

Cache County (5 members)

One member initially appointed for a four-year term;

One member initially appointed for a three-year term;

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

Two members initially appointed for a one-year term.

Box Elder County (3 members)

One member initially appointed for a four-year term;

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

One member initially appointed for a two-year term

Rich County (1 member)

One member initially appointed for a four-year term.

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

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

4.14.4.1.4. Council members may be removed for cause.

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

4.14.4.3. Under this Interlocal Agreement, the BHAC shall be an agent of the Counties and is subject to laws and requirements relating to the local mental health and substance abuse authorities. All BHAC meetings must comply with [Utah Code 52-4](#) Open and Public Meetings Act.

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

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

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

4.14.5.3. Shall not be the Local Health Officer.

4.14.5.4. Shall serve as the secretary to the BHAC.

4.14.5.5. Work with the BHAC in planning (including the required annual area plans), organizing, and operating community behavioral health programs.

-
- 4.14.5.6. Develop, oversee, and administer all contracts with qualified behavioral health providers and the Department, per subsection [4.13.1](#) of this Section.
 - 4.14.5.7. Contract providers must establish administrative, clinical, personnel, financial, procurement, and management policies regarding behavioral health programs and facilities following the rules of the state division and state and federal law.
 - 4.14.5.8. Have general oversight of Medicaid Capitation for Behavioral Health Programs.
 - 4.14.5.9. Establish mechanisms allowing for direct citizen input into Behavioral Health Programs.
 - 4.14.5.10. Annually contract with the state division to provide Behavioral Health Programs.
 - 4.14.5.11. Ensure compliance with all applicable state and federal statutes, policies, audit requirements, contract requirements, and any directives resulting from those audits and contract requirements.

5. BUDGET, FUNDING, CONTRACTS & PROCUREMENT.

5.1. Operating Budget.

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

5.2. County Funding.

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

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

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

5.2.2. County Match.

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

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

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

5.4. **Fees.**

5.4.1. The Board of Health shall, annually, establish and adopt a fee schedule for all the Department programs and services for which there is a charge based on recommendations provided by the Local Health Officer.

5.4.1.1. The provisions of Section [Utah Code 26A-1-114](#) shall generally apply to the establishment and collection of fees by Bear River Health.

5.4.1.2. For budgeting purposes, the establishment of all fees will be finalized by October 31 of each year and shall be effective at the beginning of the next calendar year.

5.4.1.3. The Board of Health does not establish fees for those programs and services where a fee has been directed and established by state statute or rule.

5.5. **Additional Revenue.** Money from surpluses, grants, and donations may also be used to establish and maintain Bear River Health.

5.6. **Security for Financing Physical Facilities.** Following [Utah Code 26A-1-115](#), the cost of providing, equipping, and maintaining suitable offices and facilities for a local health department is the responsibility of participating Legislative Bodies of the Counties. Under this agreement, this is best accomplished in consultation with the Board of Health to ensure that the facilities adequately address the community's needs. To facilitate the financing of physical facilities, each county may enter into separate arrangements with the Department with respect to the operation and utilization of all facilities used for Public Health Programs in their respective county.

5.7. **Treasurer.** The provisions of Utah Code [17-43-201\(2\)\(c\)\(i\)\(a\)](#), [17-43-301\(3\)\(c\)\(i\)\(a\)](#), and [26A-1-118](#) shall apply, and the Cache County Treasurer shall serve as treasurer for the Department over Public Health and Behavioral Health Programs. The treasurer or other disbursing officer authorized by the treasurer may make payments from monies for the joint programs and services of the Counties upon audit of the appropriate auditing officer or officers representing the Counties.

5.8. **Auditor.**

5.8.1. The Counties grant the Department the authority to appoint an independent auditor to audit the operation of the Department as outlined in Utah Code [17-43-201\(2\)\(c\)\(ii\)](#), [17-43-301\(3\)\(c\)\(ii\)](#), and [26A-1-115\(7\)\(a\)](#).

5.8.2. The Counties reserve the right to assign an auditor to audit any Department operations.

5.9. **Procurement Procedures.** The Department will develop written procurement policies to guide all procurement procedures, except as dictated otherwise in subsection [4.13.1](#) of this Interlocal Agreement. The procurement policies must not conflict with [Utah Code 11-13-226](#), be reviewed by legal counsel, and be approved by the Board of Health.

6. LEGAL REPRESENTATION

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

7. REPRESENTATION

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

8. TERMINATION AND DISSOLUTION

- 8.1. **Termination & Dissolution.**
 - 8.1.1. Following [Utah Code 26A-1-122](#), the effective date of any withdrawal shall be December 31. Ninety days prior written notice of the withdrawal shall be given to the Board of Health. The participating Counties shall establish local health departments under Section [26A-1-103](#), [26A-1-105](#), or [26A-1-106](#) at least 30 days before dissolution.
 - 8.1.2. Upon termination, the Board of Health is authorized to take such actions as necessary to effectuate the dissolution of the Department and dispose of the property of the Department as spelled out in subsection [8.2](#) of this Section.
 - 8.1.3. Unless explicitly stated otherwise in this Interlocal Agreement, no party shall have the right to unilaterally cancel, rescind, or terminate this Interlocal Agreement due

to a breach. However, this limitation does not affect any other rights or remedies that either party may have as a result of such a breach.

- 8.2. **Division of Assets.** Upon termination and dissolution of this Interlocal Agreement, title to the assets of the Department shall revert to the respective Counties for which those assets have been secured and utilized for the delivery of Public Health Programs.
- 8.3. **Division of Workforce.** Upon termination and dissolution of this Interlocal Agreement, the Counties agree to jointly negotiate in good faith regarding the division of the current workforce. The Counties agree that the primary focus of the negotiations will be to minimize the disruption of public health service delivery in each county.

9. MISCELLANEOUS

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

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

DRAFT

AGREED TO AND APPROVED BY:

_____ Name Box Elder County Board Chair	_____ Date
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_____ Name Cache County Board Chair	_____ Date
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_____ Name Rich County Board Chair	_____ Date
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APPROVED TO FORM

_____ Name Box Elder County Attorney	_____ Date
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_____ Name Cache County Attorney	_____ Date
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_____ Name Rich County Attorney	_____ Date
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Cache Theatre Company

PO BOX 6652

Logan, UT 84341

cachetheatrecompany@gmail.com

January 7th, 2025

Sebrina Woodland

Vice President, Cache Theatre Company

237 East 875 South

Providence, UT 84332

Dear RAPZ Tax Committee,

I am writing this letter representing Cache Theatre Company, We are the oldest running non-profit community theatre in Cache Valley and have been producing musicals here for our community since the 1980's. We have been able to grow and develop local talent and employ local crews and technicians over the years in large part thanks to the RAPZ Tax donations we have consistently received and now have also established the largest children's theatre program in the Valley, with a summer camp and academy during the school year with nearly 600 children participating, even attracting children from Idaho and Arizona who travel to Utah specifically to attend.

Cache Arts recently contacted us and informed us that their summer season of musicals at the Eccles Theatre has been canceled and expressed concerns of losing summer visitors and the business they bring to Logan, who come specifically to enjoy our offerings of theatre experiences. They requested that we help them fill that gap left behind. Eager to support our community, we would love to produce a musical in the Eccles Theatre this summer and keep our Cache Valley summer theatre season that attracts tourists and summer citizens from all over the state and even the country, alive and well. The production we have decided on is Prince of Egypt, a musical that will be well received by our community and visitors, and has already been a huge hit at other locations in the state. For us to be able to offer this unforeseen project and keep the high standard we like to maintain, as well as what our audiences and summer citizens are accustomed to, we will need to increase our current funds to allow for this new and unforeseen project.

We would like to make a request to the RAPZ committee for additional funding in the amount of \$40,000 in order to make this summer production possible. We are attaching our proposed budget so that you can see where this amount of money would help us as well as give you an

idea of the costs associated with producing a musical here at our beautiful, historic Eccles Theatre.

We are thrilled to help our incredible artistic community keep a consistent summertime draw to members of our own community as well as those outside it, and we are so thankful for that being possible thanks to you and the support you continue to offer. We could not do it without you. Thank you for your consideration.

Sincerely,

Sebrina Woodland

Prince of Egypt					
REVENUES					
Ticket Sales	\$75,000.00	Based on our most recent productions at the Eccles.			
RAPZ	\$40,000.00				
program ads	\$2,000.00				
TOTAL:	\$117,000.00				
EXPENSES					
Licensing	\$9,000.00				
Venue	\$30,000.00				
Set	\$40,000.00				
Lighting	\$2,000.00				
Costumes	\$5,000.00				
Wigs and Makeup	\$1,000.00				
Dry Cleaning	\$450.00				
Props	\$2,000.00				
Advertising	\$5,000.00				
Misc.	\$500.00				
sound	\$1,500.00				
TOTAL:	\$94,950.00				
Expenses/ARTISTS					
Director	\$2,500.00				
Music Director	\$2,000.00				
Stage Manager	\$2,500.00				
Producer	\$1,000.00				
Choreographer	\$2,000.00				
Technical Director	\$1,500.00				
Lighting Designer	\$2,000.00				

Light Board Operator	\$500.00				
Sound Designer	\$2,000.00				
Sound Assistant	\$500.00				
Costume Designer	\$1,100.00				
Costume assistant	\$500.00				
Wig & Makeup Specialist	\$2,000.00				
Props	\$1,500.00				
TOTAL:	\$21,600.00				
EXPENSES GRAND TOTAL	\$116,550.00				
Total Income/Loss	\$450.00				

Hold a Public Hearing**Ordinance 2025-01 – Staker Parson North Smithfield Plant Rezone**

Agenda request submitted by: Angie Zetterquist, Planning Manager – Forwarded from the County Planning Commission

Assisting Department: Development Services

Requested Council meeting date: January 28th, 2025

Agenda Item Language: Hold a public hearing for Ordinance 2025-01 Staker Parson North Smithfield Plant Rezone – A request to approve the Mineral Extraction (ME) Overlay Zone on 53.86 acres located at approximately 6600 N. 400 E., near Smithfield in the Agricultural (A10) Zone.

Action: Planning Commission – Recommendation of Approval (5-yea; 0-nay)

Background: A request to add the Mineral Extraction (ME) Overlay Zone on 53.86 acres located at approximately 6600 N. 400 E., near Smithfield, in the Agricultural (A10) Zone.

Fiscal Impact: N/A

Public Hearing Required: Rezone requests require a public hearing before the County Planning Commission (PC). This hearing was held on December 5th, 2024 and their recommendation to approve the rezone was made December 5th, 2024.

No additional hearing is required under the requirements of the State Code, however, the Council has previously directed it is beneficial to rehear the public comment and hold an additional hearing before the Council. See attached for additional information.

County Staff Presenter: Angie Zetterquist, Planning Manager

Presentation Time: 10 minutes.

County Staff Point of Contact: Conner Smith, Assistant Planner

Legal Review: N/A

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

County Council action

Set a public hearing on January 14th, 2025 to be held on January 28th, 2025.

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

Planning Commission action

Approval (5-yea; 0-nay).

Public hearing held on December 5th, 2024

Conclusion: Based on the findings of fact noted [in the staff report], the Staker Parson North Smithfield Plant rezone is hereby recommended for approval to the County Council as follows:

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

Staff Report review by Planning Manager

Angie Zetterquist

41 **Staff Report by County Planner**

42 Conner Smith

43

44 **General Description**

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

47

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

49 Staff Report to Planning Commission – revised

Staff Report: Staker Parson North Smithfield Plant Rezone

5 December 2024

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

Agent: Dak Maxfield

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

Staff Recommendation: None

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

Reviewed by Conner Smith

Project Address:

Acres: 53.86

6600 N. 400 E.,
Smithfield

Surrounding Uses:

North – Mineral Extraction

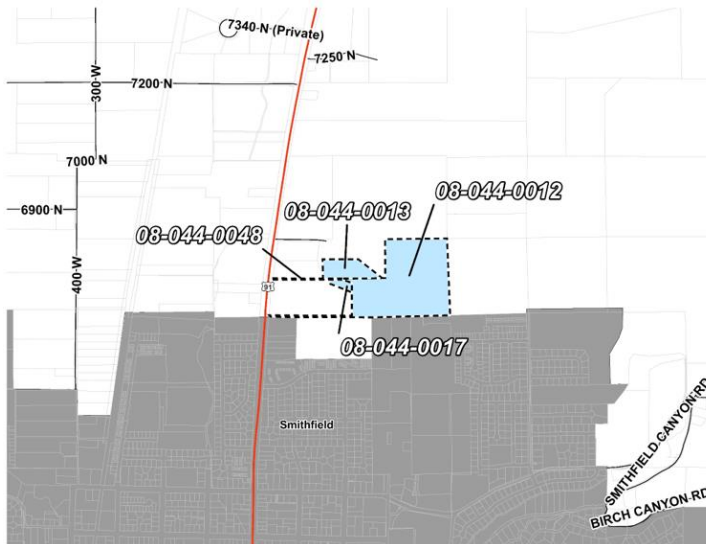
South – Residential/Agricultural

East – Mineral Extraction

West – Residential/Agricultural

Current Zoning:
Agricultural (A10)

Proposed Zoning:
Mineral Extraction
and Excavation (ME)
Overlay



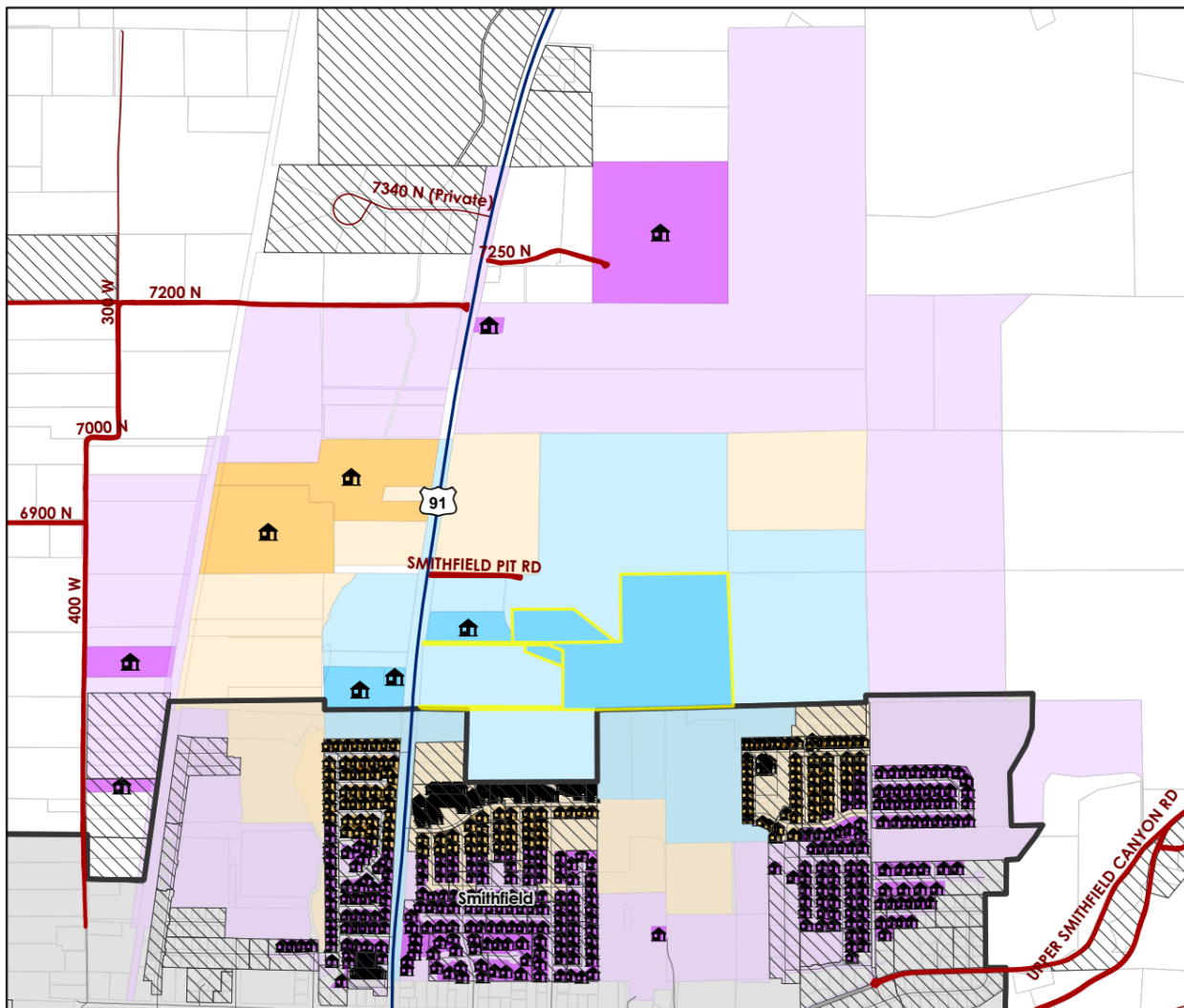
Findings of Fact

A. Request description

1. A request to approve the Mineral Extraction and Excavation (ME) Overlay zone to 53.86 acres in the Agricultural (A10) Zone.
2. This rezone may allow the parcel to establish uses permitted in the ME Overlay Zone. A rezone request is general in nature and is not tied to any proposed use. Any impacts related to permitted and conditional uses allowed within the ME Overlay Zone will be addressed as part of each respective approval process required prior to site development activities.

Revised Pg. 6 and 7 - Planning Commission Recommendation

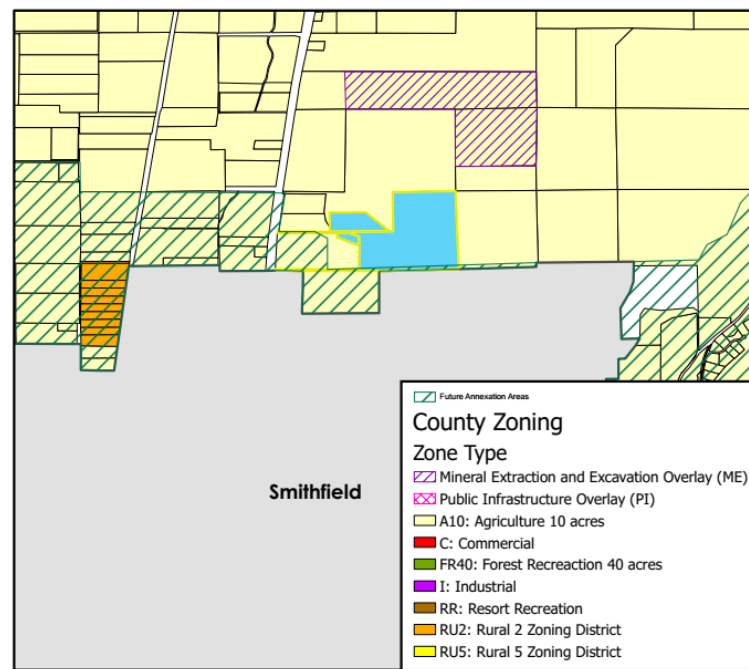
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map (Attachment A) and in the following text.
 - a. Land Use Context:
 - i. Parcel status: The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



Revised Pg. 6 and 7 - Planning Commission Recommendation

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

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

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

4. As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
5. The current County Land Use Ordinance does not specify appropriate locations for the Mineral Extraction and Excavation (ME) Overlay Zone but does contain general guidelines for its implementation. County Land Use Ordinance §17.08.030 [E] identifies the purpose of the Mineral Extraction and Excavation (ME) Overlay Zone and includes the following:
 - a. “The purpose of this zone is to establish locations and to protect the commercial mineral extraction and excavation industry while protecting the environment and county citizens. This zone is to assure that the operations of such sites do not impact adjoining uses and are not encroached upon by surrounding noncompatible land uses within Cache County.”
 - b. “This zone and provisions thereof are deemed necessary in the public interest to affect practices which will for the economical use of vital materials necessary for our economy, give due consideration to the present and future use of land in the interest of promoting the public health, safety, and welfare of the residents of Cache County.”
6. Chapter 4: Future Land Use Plan of the Cache County General Plan states:
 - a. The use of land is one of the most important and fundamental values for landowners, residents, civic leaders, and elected officials. This determines, in large measure, the future of Cache County. The Future Land Use Map represents the County’s collective vision of our desired future. It conveys the patterns and priorities of economic development and community character, the locations of neighborhoods and industries, and the preservation of natural, agricultural, and rural landscapes.
 - b. The Future Land Use Plan is advisory and does not change the existing zoning of any property or the ability of landowners to continue existing legal uses consistent with the existing zoning or nonconforming uses. It serves as a starting point for conversations about regional initiatives and development proposals by illustrating how sometimes separate and uncoordinated activities can help or harm our desired future. The timing of future development will depend on a number of factors including choices made by

individual landowners, aspirations of the community, and future availability of facilities and services.

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

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

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

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

9. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.
10. §16.02.010 Standards and Lot Size – All subdivisions must meet the minimum lot and development standards as outlined in each base zone of the Cache County Zoning Ordinance and within this title.
11. §17.07.040 General Definitions – Lot/Parcel Frontage: that portion of a development site that abuts a public or private roadway. For the purposes of determining setback requirements on corner lots, all sides of a lot adjacent to a roadway shall be considered frontage
12. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
13. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
14. The Road Manual specifies the following:
 - a. §12.1 Roadway Functional Classification – Private Roads: Private roads are not intended for use by the public. These roads are privately owned, provide access to two or more legal lots or parcels, and are not maintained by the County. Geometric and structural design standards for private roads are the same as those used for public roads. For purposes of design and construction standards, private roads are subdivided into Major Private (PM) roads and Minor Private (P) roads.
 - b. §12.1 Roadway Functional Classification – Local Roads: Local roads are roads whose primary function is to provide access to residences, farms, businesses, or other properties that abut the road, rather than to serve through traffic. Although some through traffic may occasionally use a local road, through traffic service is not the primary purpose of local

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

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

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

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

D. Service Provisions:

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

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

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

a. Noxious Weeds:

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

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

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

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

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

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

Conclusion

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

Planning Commission Conclusion

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

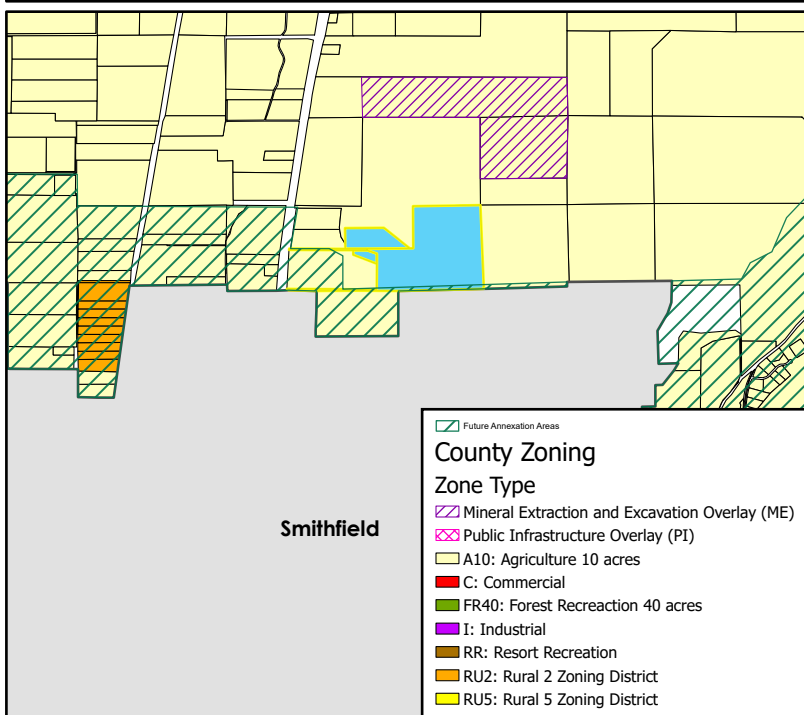
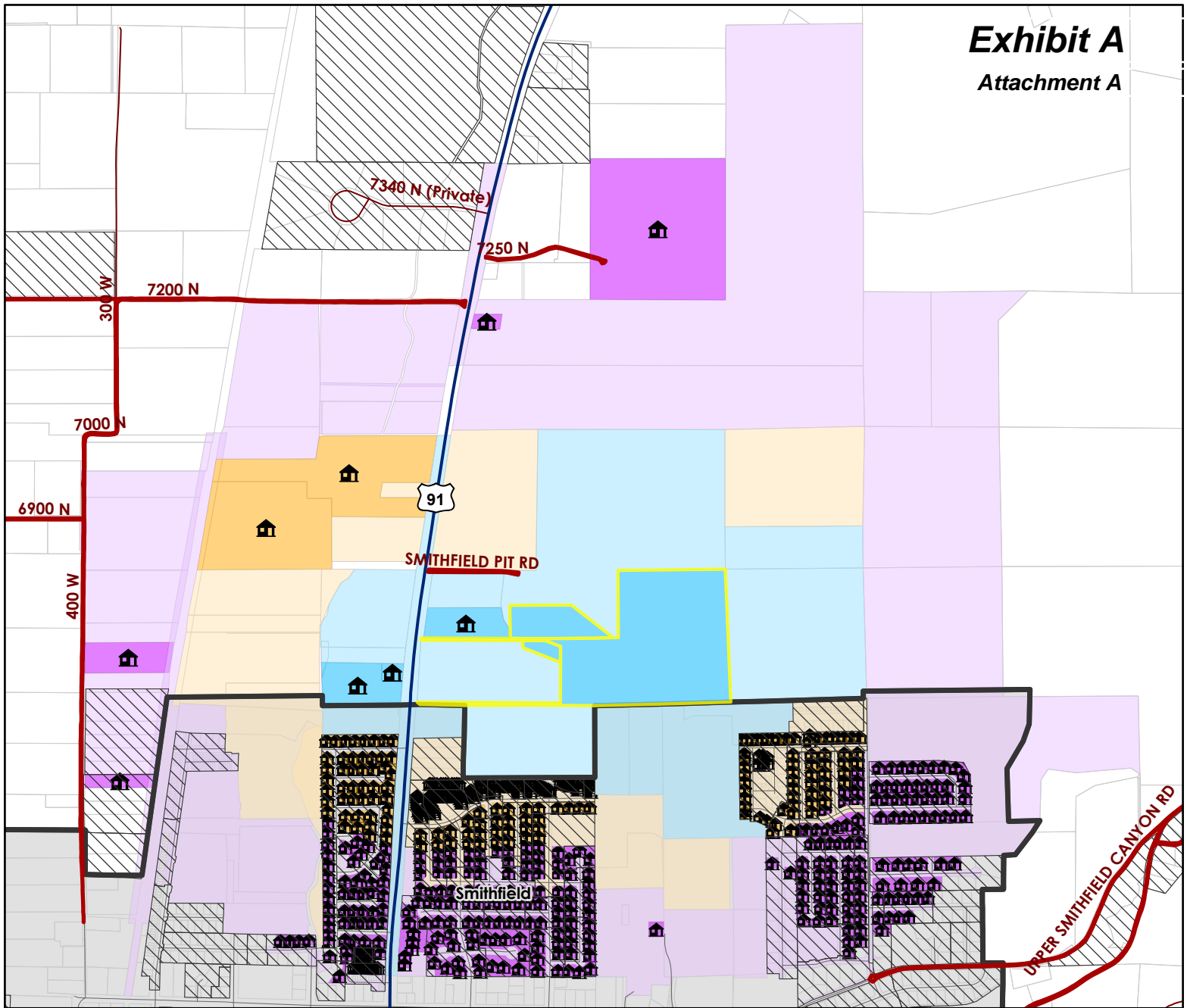
- 1. The location of the subject property to be rezoned is compatible with the purpose of the Mineral Extraction and Excavation (ME) Overlay Zone:**
 - a.** The purpose of this zone is to establish locations and to protect the commercial mineral extraction and excavation industry while protecting the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

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

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

Exhibit A

Attachment A



Legend

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

0 0.25 0.5 Mile

Average Parcel Size

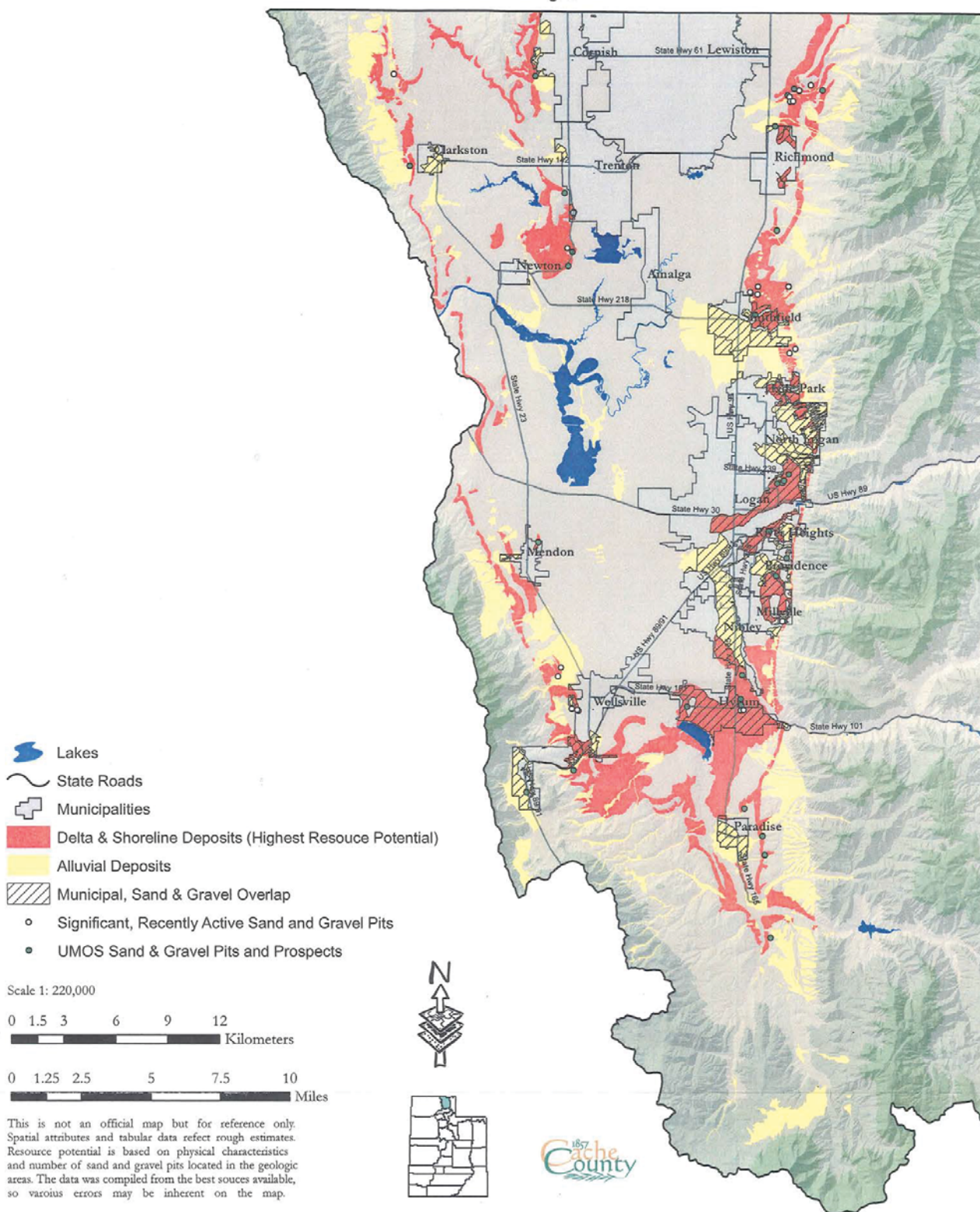
Adjacent Parcels	With a Home: 4.3 Acres (3 Parcels)
	Without a Home: 14.4 Acres (12 Parcels)
	Without a Home in Smithfield City: 6.3 Acres (8 Parcels)
1/4 Mile Buffer	With a Home: 12.2 Acres (5 Parcels)
	With a Home in Smithfield City: 0.1 Acres (240 Parcels)
	Without a Home: 13.4 Acres (22 Parcels)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



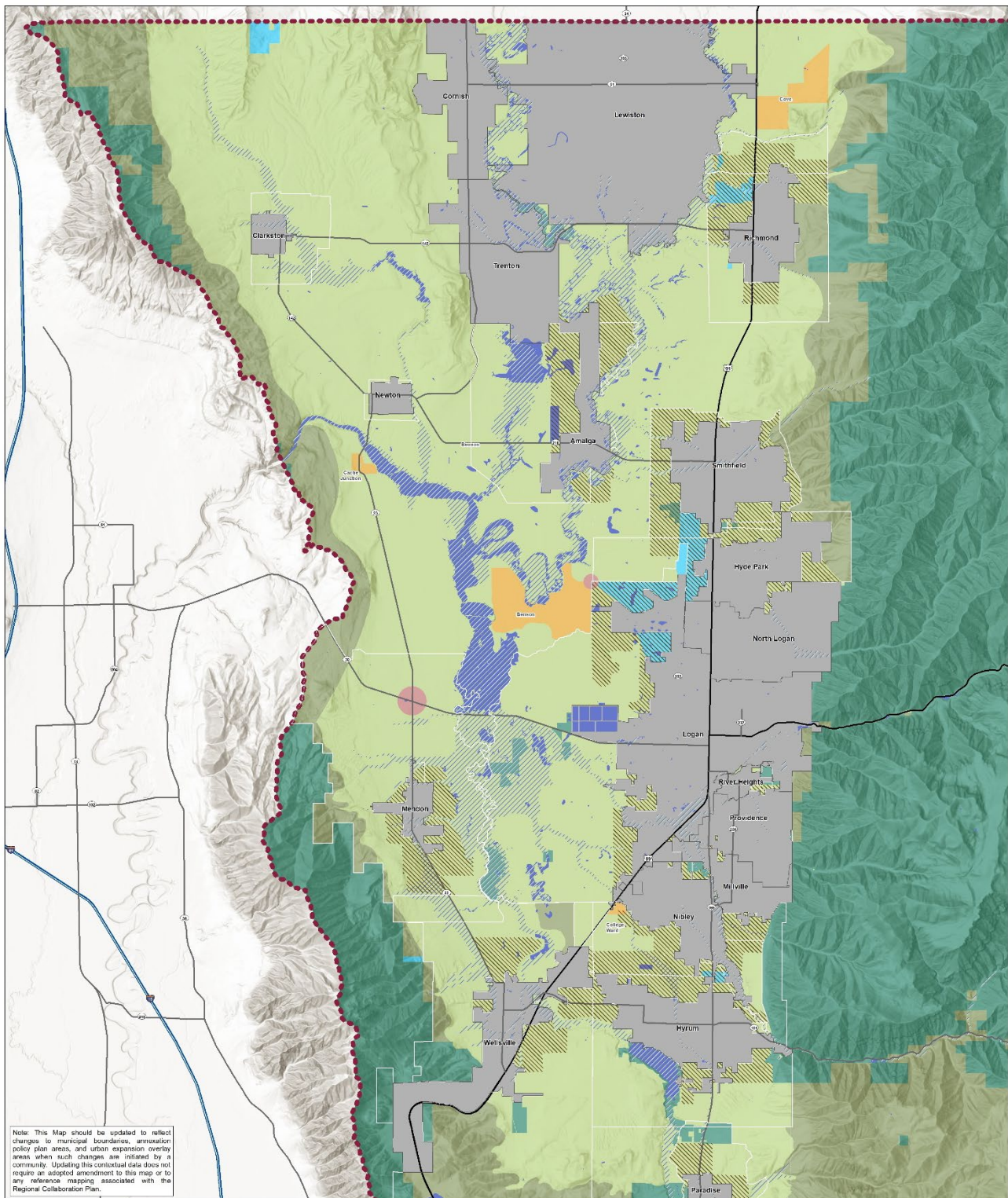
11/5/2024

Cache County, Utah

Attachment B



SYMBOL	UNIT	MUNICIPAL	COUNTY	MAX. THICK	SORTING	ROUNDING	NUM. PITS
		ACRES	ACRES	(FEET)			
Q1pd	Deltaic deposits, Provo level (regressive)	5791	4984.23	82.02	mod. to well	subrounded to round	23
Q1pg	Lacustrine gravel and sand, Provo shoreline (regressive)	889	3953.86	16.4	well	subrounded to round	9
Q1Bd	Deltaic deposits, Bonneville level (transgressive)	665	416.35	16.4	mod. to well	subrounded to round	1
Q1Bg	Lacustrine gravel and sand, Bonneville shoreline (transgressive)	9	10402.73	65.62	well	subrounded to round	12
Qalv	Younger stream alluvium	3066	5649.82	32.81		-----	0
Qalp	Stream alluvium, Provo phase	3	119.57	16.4	moderately	subangular to rounded	0
Qalb	Stream alluvium, Bonneville phase	0	498.17	16.4	moderately	subangular to rounded	0
Qaf1	Fan alluvium 1	2478	5730.01	16.4	poorly	angular to subround	0
Qaf2	Fan alluvium 2	1558	2862.06	16.4	poorly	angular to subround	0
Qafy	Younger fan alluvium	1783	5791.91	16.4	poorly	angular to subround	0
Qafp	Fan alluvium (Provo shoreline)	243	100.24	16.4	poorly to moderate	angular to well	0
Qaf0	Older fan alluvium	256	6973.7	32.81	poorly	angular to well	0



Conner:

Exhibit A

Attachment D

Good morning,

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

Thanks,



Justin B. Lewis
City Manager

Smithfield City Corporation
96 South Main
Smithfield, UT 84335

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



Hold a Public Hearing

Ordinance 2025-02 – Rick Champlin Rezone

Agenda request submitted by: Angie Zetterquist, Planning Manager – Forwarded from the County Planning Commission

Assisting Department: Development Services

Requested Council meeting date: January 28th, 2025

Agenda Item Language: Hold a public hearing for Ordinance 2025-02 Rick Champlin Rezone – A request to rezone 29.5 acres, located at approximately 1200 W. 6200 N., Smithfield, from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.

Action: Planning Commission – Recommendation of Denial (5-yea; 0-nay)

Background: A request to rezone 29.5 acres, located at approximately 1200 W. 6200 N., Smithfield, from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.

Fiscal Impact: N/A

Public Hearing Required: Rezone requests require a public hearing before the County Planning Commission (PC). This hearing was held on December 5th, 2024 and their recommendation to deny the rezone was made December 5th, 2024.

No additional hearing is required under the requirements of the State Code, however, the Council has previously directed it is beneficial to rehear the public comment and hold an additional hearing before the Council.

See attached for additional information.

County Staff Presenter: Angie Zetterquist, Planning Manager

Presentation Time: 10 minutes.

County Staff Point of Contact: Conner Smith, Assistant Planner

Legal Review: N/A

Ord 2025-02
Rick Champlin Rezone
Amending the Cache County Zoning Map by rezoning 29.5 acres
from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone

County Council action

Set a public hearing on January 14th, 2025 to be held on January 28th, 2025.

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

Planning Commission action

Denial (5-yea; 0-nay).

Public hearing held on December 5th, 2024

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

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

Staff Report review by Planning Manager

Angie Zetterquist

Staff Report by County Planner

Conner Smith

General Description

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

Additional review materials included as part of Exhibit A

Staff Report to Planning Commission – revised

Staff Report: Rick Champlin Rezone

5 December 2024

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

Agent: Rick Champlin
Staff Recommendation: None
Type of Action: Legislative
Land Use Authority: Cache County Council

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

Location

Reviewed by Conner Smith

Project Address: 1200 W. 6200 N.,
 Smithfield
Current Zoning: Agricultural (A10)
Proposed Zoning: Rural 2 (RU2)

Surrounding Uses:
 North – Agricultural
 South – Residential/Agricultural
 East – Residential/Agricultural
 West – Agricultural



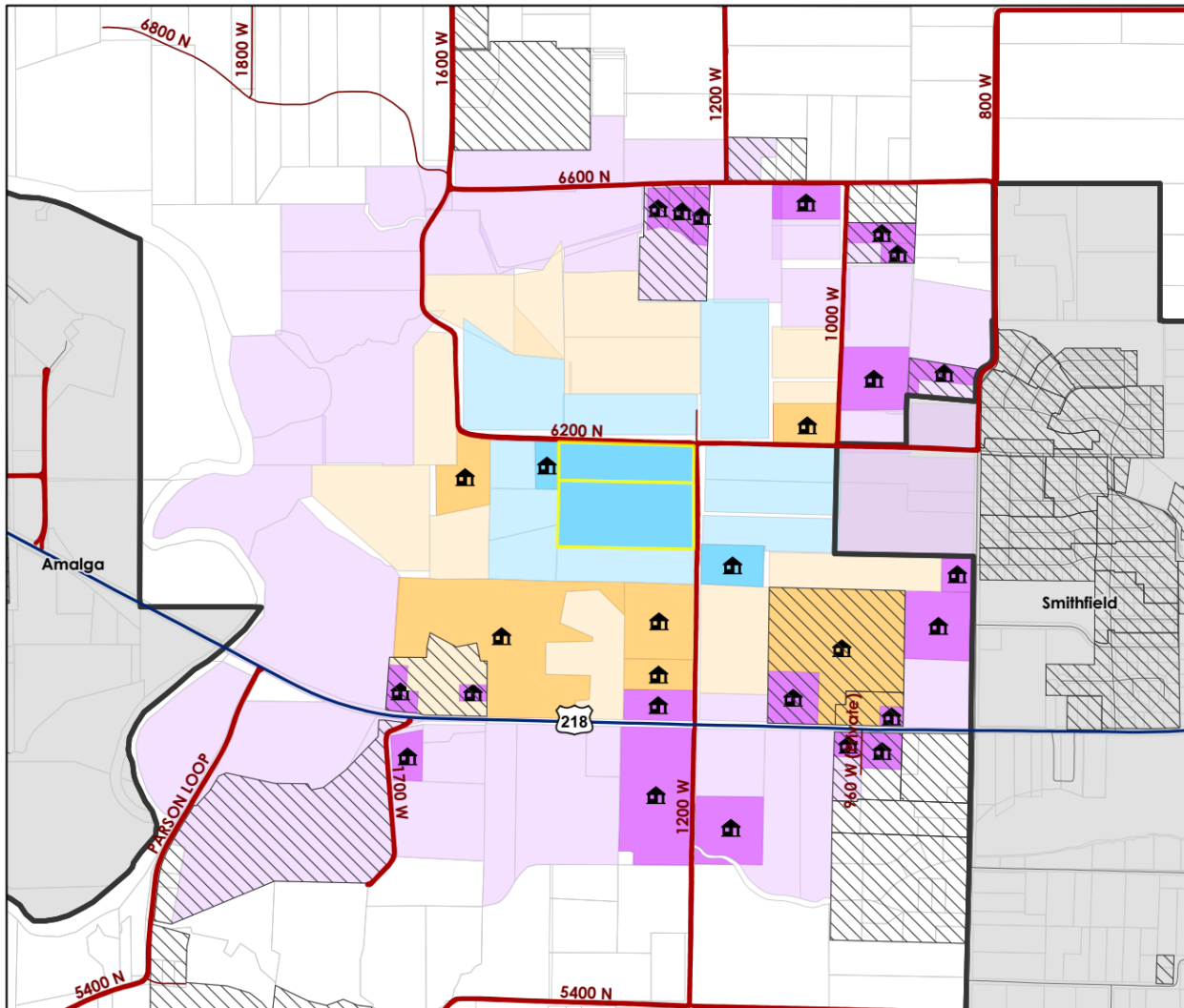
Findings of Fact

A. Request description

1. A request to rezone 29.5 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
2. Should the rezone request be approved, the maximum number of potential lots will be fourteen whereas the maximum number of lots currently allowed is three.
3. This rezone may allow the parcel to establish uses permitted in the Rural 2 (RU2) Zone. A rezone request is general in nature and is not tied to any proposed use. Any impacts related to permitted and conditional uses allowed within Rural 2 (RU2) Zone will be addressed as part of each respective approval process required prior to site development activities.

Revised Pg. 7 - Planning Commission Recommendation

4. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map (Attachment A) and in the following text.
 - a. Land Use Context:
 - i. Parcel status: The properties match the configuration they had on August 8, 2006 and are legal.
 - ii. Average Lot Size: (See Attachment A)



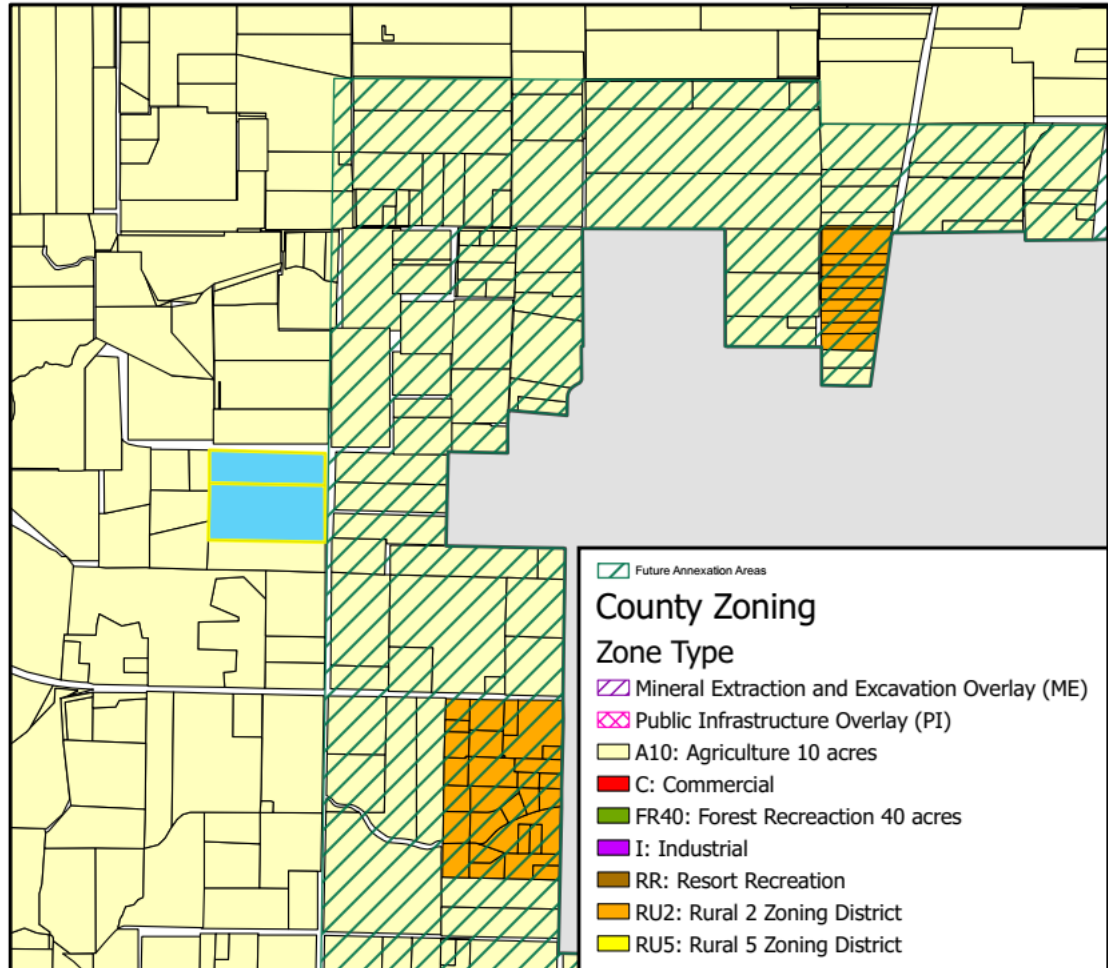
Average Parcel Size	
Adjacent Parcels	With a Home: 3.7 Acres (2 Parcels)
	Without a Home: 11.6 Acres (12 Parcels)
1/4 Mile Buffer	With a Home: 13.7 Acres (8 Parcels)
	Without a Home: 12.1 Acres (26 Parcels)
1/2 Mile Buffer	With a Home: 7.3 Acres (28 Parcels)
	Without a Home: 11 Acres (78 Parcels)
	Without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

Revised Pg. 7 - Planning Commission Recommendation

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

Revised Pg. 7 - Planning Commission Recommendation

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



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

5. As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
6. The current County Land Use Ordinance does not specify appropriate locations for the Rural 2 (RU2) Zone but does contain general guidelines for its implementation. County Land Use Ordinance §17.08.030 [E] identifies the purpose of the Rural 2 (RU2) Zone and includes the following:
 - a. “To allow for residential development in a moderately dense pattern that can allow for rural subdivisions, and to allow for clustering plans larger than a single parcel. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.”

- b. “To implement the policies of Cache countywide comprehensive plan, including those regarding improved roadways, density based residential standards, clustering, moderate income housing and municipality standards.”
- c. “This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.”

7. Chapter 4: Future Land Use Plan of the Cache County General Plan states:

- a. The use of land is one of the most important and fundamental values for landowners, residents, civic leaders, and elected officials. This determines, in large measure, the future of Cache County. The Future Land Use Map represents the County’s collective vision of our desired future. It conveys the patterns and priorities of economic development and community character, the locations of neighborhoods and industries, and the preservation of natural, agricultural, and rural landscapes.
 - b. The Future Land Use Plan is advisory and does not change the existing zoning of any property or the ability of landowners to continue existing legal uses consistent with the existing zoning or nonconforming uses. It serves as a starting point for conversations about regional initiatives and development proposals by illustrating how sometimes separate and uncoordinated activities can help or harm our desired future. The timing of future development will depend on a number of factors including choices made by individual landowners, aspirations of the community, and future availability of facilities and services.
- 8. The future land use map (Attachment B) adopted as part of the Cache County General Plan identifies the area where the subject property is located as “Agriculture and Ranching.” *Cache County General Plan, Chapter 4, Page 26*. This section states:**
- a. Location: Private agriculture landscapes in the Cache Valley outside of municipalities.
 - b. Example Areas: Most of the valley.
 - c. Purpose and Character: Agricultural and rangeland uses on private lands under conservation easements (no public access) are expected to continue in the Valley. Separation from dense residential developments is advantageous. The agricultural landscape provides separation between adjacent municipalities and protects suitable soils.
 - d. Preferred Land Uses: Agriculture, ranching, rural residential uses at densities of less than one unit per 10 acres, Conservation Easements (CEs) and conserved public lands, Agritourism.
 - e. Secondary Land Uses: Industrial and Commercial uses directly supportive of agriculture (Processing, Packaging, Distribution), clustered subdivision developments, outdoor recreation, farm worker housing.
 - f. Discouraged Uses: Residential developments at densities of greater than one unit per 10 acres if not in a clustered subdivision development, commercial office, commercial retail, flex office/industrial, heavy industrial.
- 9. Neither parcel is located in the Urban Expansion Overlay.**

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

- 10. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.**
- 11. §16.02.010 Standards and Lot Size – All subdivisions must meet the minimum lot and development standards as outlined in each base zone of the Cache County Zoning Ordinance and within this title.**
- 12. Table §17.10.040 Site Development Standards – Minimum lot frontage required in the Rural 2 (RU2) Zone is 90 feet.**

Revised Pg. 7 - Planning Commission Recommendation

- 13.** §17.07.040 General Definitions – Lot/Parcel Frontage: that portion of a development site that abuts a public or private roadway. For the purposes of determining setback requirements on corner lots, all sides of a lot adjacent to a roadway shall be considered frontage
- 14.** §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
- 15.** §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
- 16.** The Road Manual specifies the following:
- a.** §2.1 Roadway Functional Classification – Major Local (ML): Major local roads serve a dual function of providing access to properties that abut the road as well as providing through or connection service between higher road classification facilities. Major local roads may have significant local continuity and may operate at relatively high speeds. Because of the possibility of through traffic, a meaningful segment of traffic on major local roads may include drivers who are unfamiliar with the roads. Traffic on major local roads is largely composed of passenger vehicles or other smaller vehicle types. Where a significant proportion of traffic is trucks or other heavy vehicles, additional design considerations will be required.
- 17.** A basic review of the access to the subject properties identifies the following:
- a.** The subject parcels have access to 6200 N and 1200 W.
- 18.** 6200 N. and 1200 W.:
- a.** Classified as Major Local
 - b.** The road services agricultural and residential properties.
 - c.** Have a paved width of 20-feet, has a 66-foot right-of-way, a 1-foot shoulder, a 0 to 4-foot gravel shoulder, and a variable clear zone.
 - d.** Is maintained year round by the county.
 - e.** Is considered substandard as to paved shoulder, gravel shoulder, and clear zone.

Analysis of Existing Roadway – 6200 North and 1200 West

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

Access Management – 6200 North and 1200 West

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

Driveways for all uses except single family homes shall not be closer than eight (8) feet to an adjacent interior property line. Single family homes may be granted with two (2) feet of the property line

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

D. Service Provisions:

19. §16.04.080 [C] Fire Control – The County Fire District had no comments in regards to this application.
20. §16.04.080 [F] Solid Waste Disposal – Applicant must work with Waste Management for solid waste disposal.

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

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

Conclusion

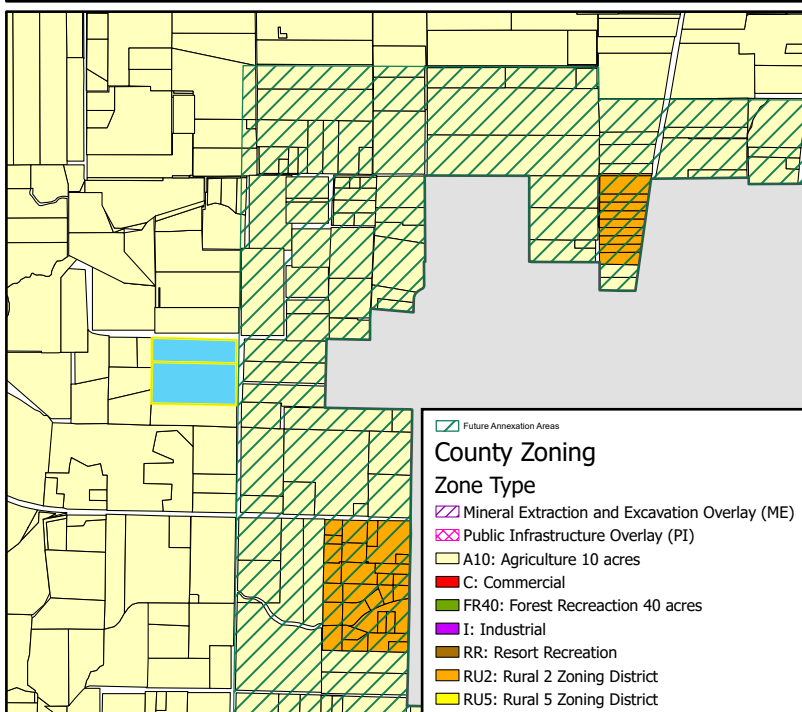
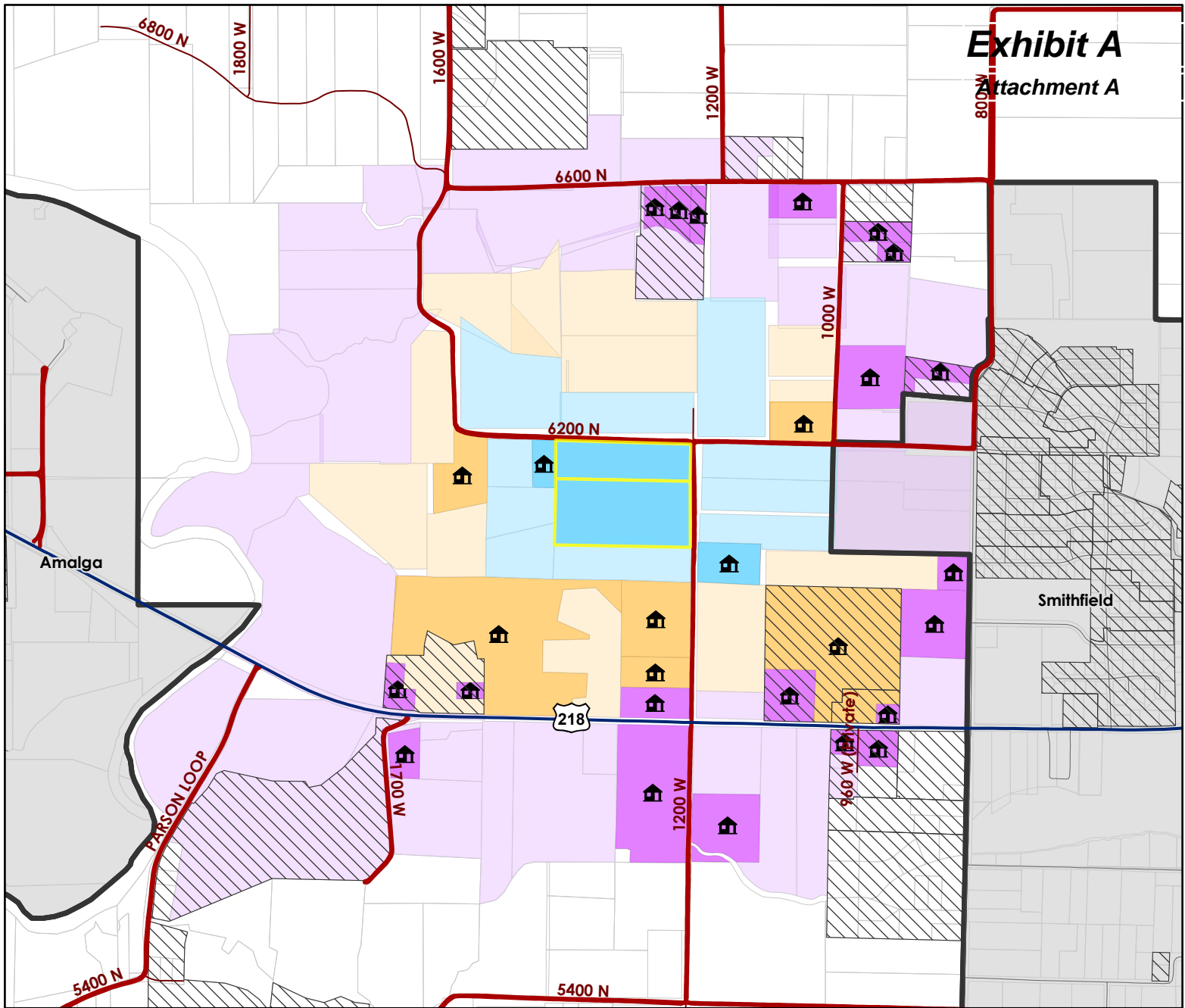
The Rick Champlin rezone, a request to rezone 29.5 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone has been reviewed in conformance with Title 17 of the Cache County Land Use Ordinance and the County Manual of Roadway Design and Construction Standards. Staff has not made a recommendation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

Planning Commission Conclusion

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

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

Exhibit A Attachment A



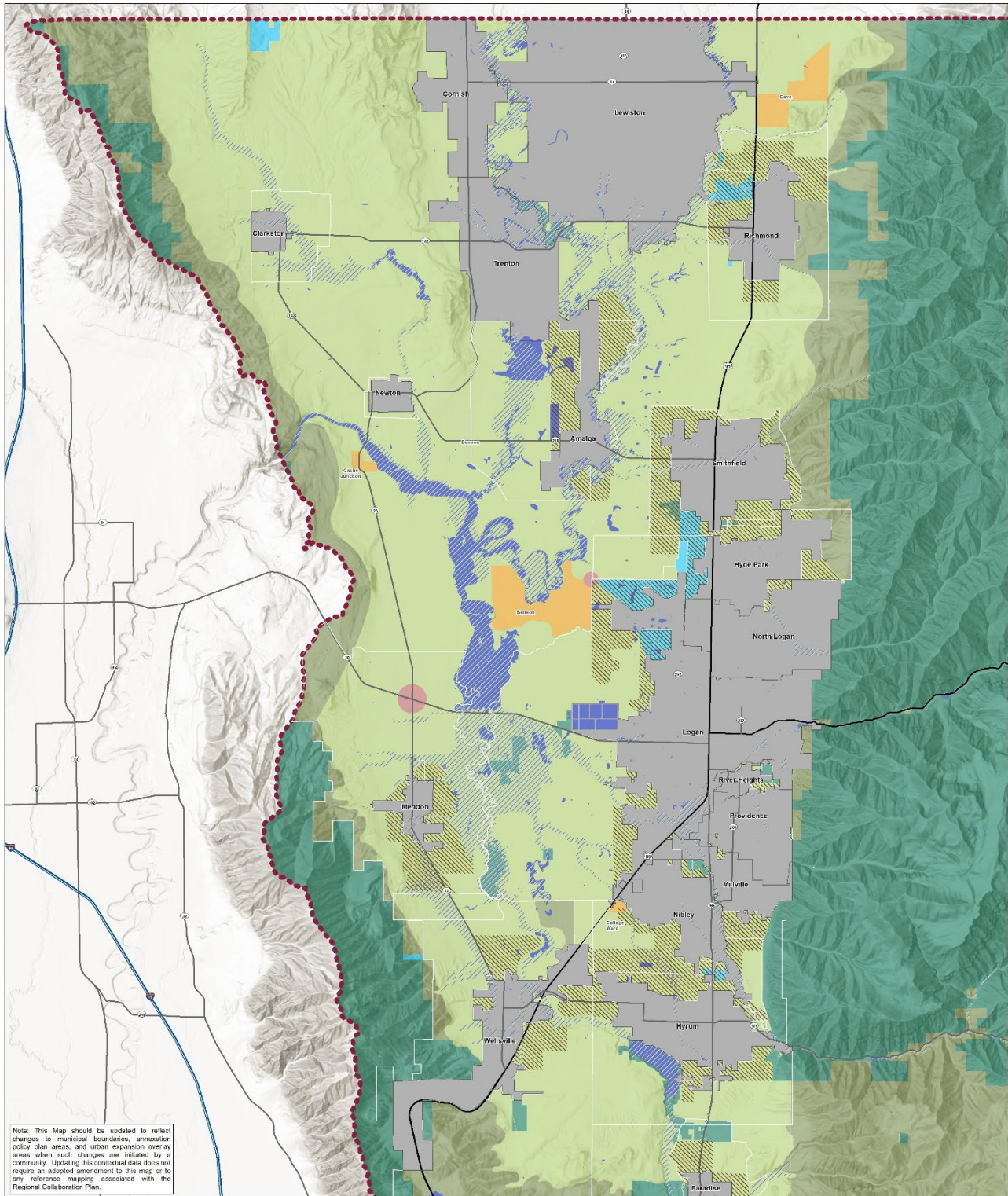
Legend

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

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



11/5/2024



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

Cache County Future Land Use Map

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

Date: February 28, 2023

0 0.5 1 2 3 4 Miles



Dec. 2, 2024

To: Cache County Planning and Zoning Commission
Cache County Council

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

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

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

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

Sincerely,


Kip E. Panter

Keith L Christensen
1404 W 6200 N
Smithfield, Utah 84335

04 December 2024

Cache County Planning Commissioners:

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

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

Project: Rick Champlin Rezone

Cache County Planning Commission,

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

There are a few items that need careful consideration.

A- Spring

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

B- Home Water Well

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

C- Surface Water

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

D- Recommendation:

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

Sincerely,



Keith L Christensen

Exhibit A

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

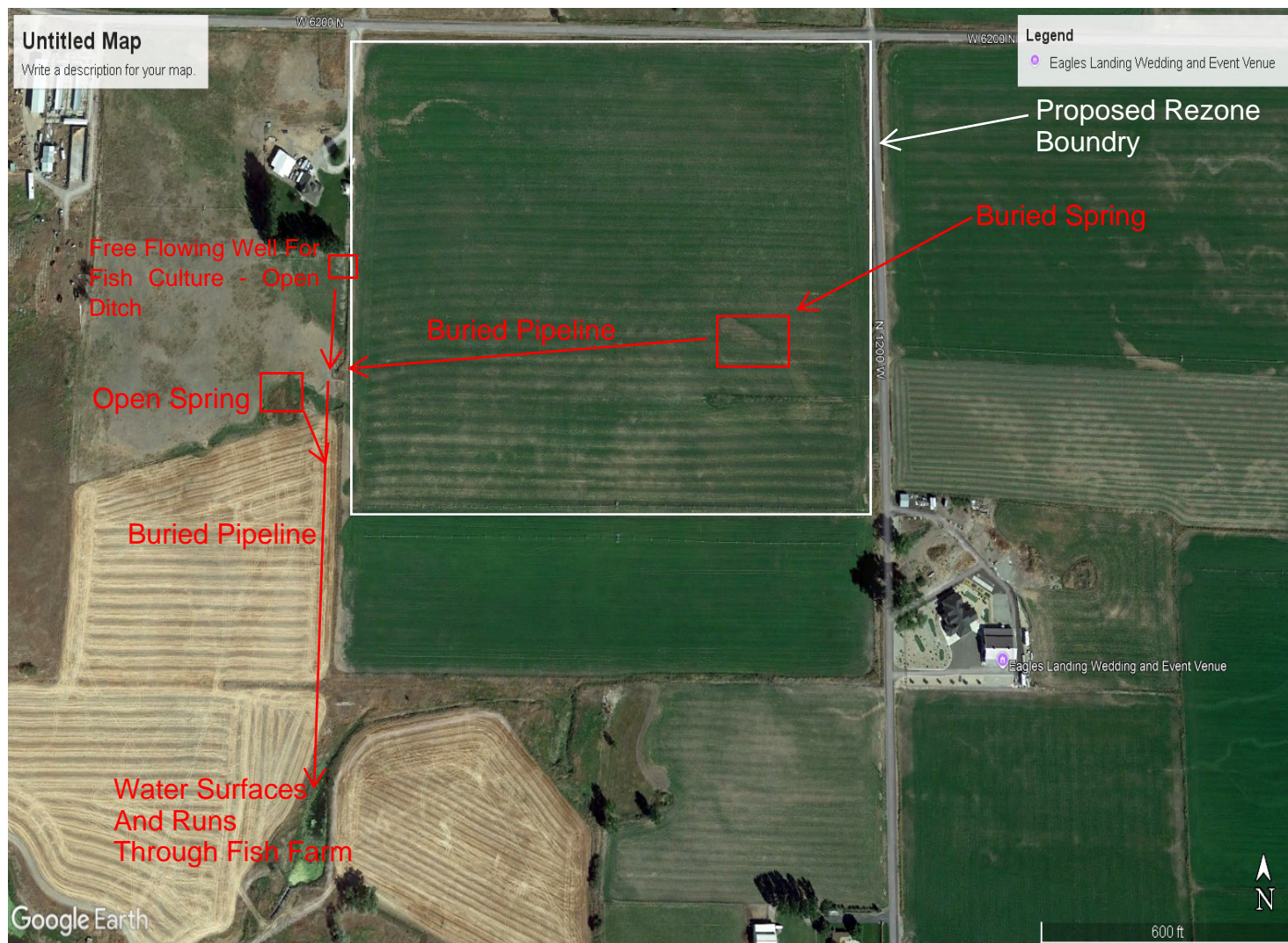


Exhibit B

Surface Runoff Water

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



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

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

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

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

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

From the Home Office of . . .

Alma & Cheryl Burgess

435-512-4936 (Alma)

1057 West Hwy 218

435-512-4931 (Cheryl)

Smithfield, Utah 84335

almaburgess@gmail.com or cherylburgess@gmail.com

December 4, 2024

Development Services Department

179 North Main, Suite 305

Logan, Utah 84321

Dear Development Services Department and Cache Planning Commission:

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

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

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

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

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

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

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

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

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

Sincerely,

Alma & Cheryl Burgess



Hold a Public Hearing

Ordinance 2025-03 – Powder Mountain Rezone 2024 Rezone

Agenda request submitted by: Angie Zetterquist, Planning Manager – Forwarded from the County Planning Commission

Assisting Department: Development Services

Requested Council meeting date: January 28th, 2025

Agenda Item Language: Hold a public hearing for Ordinance 2025-03 Powder Mountain Rezone 2024 Rezone – A request to rezone 1,621 acres, north of the Powder Mountain Resort, from the Forest Recreation (FR40) Zone to the Resort Recreation (RR) Zone.

Action: Planning Commission – Recommendation of Approval (4-yea; 0-nay)

Background: A request to rezone 1,621 acres, located north of Powder Mountain Resort, from the Forest Recreation (FR40) Zone to the Resort Recreation (RR) Zone.

Fiscal Impact: N/A

Public Hearing Required: Rezone requests require a public hearing before the County Planning Commission (PC). This hearing was held on December 5th, 2024 and their recommendation to approve the rezone was made December 5th, 2024.

No additional hearing is required under the requirements of the State Code, however, the Council has previously directed it is beneficial to rehear the public comment and hold an additional hearing before the Council.

See attached for additional information.

County Staff Presenter: Angie Zetterquist, Planning Manager

Presentation Time: 10 minutes.

County Staff Point of Contact: Conner Smith, Assistant Planner

Legal Review: N/A

Ord 2025-03

Powder Mountain Rezone 2024 Rezone

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

County Council action

Set a public hearing on January 14th, 2025 to be held on January 28th, 2025.

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

Planning Commission action

Approval (4-yea; 0-nay).

Public hearing held on December 5th, 2024

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

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

Staff Report review by Planning Manager

Angie Zetterquist

Staff Report by County Planner

Conner Smith

41 **General Description**

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

44

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

46 Staff Report to Planning Commission – revised



Staff Report: Powder Mountain Rezone 2024 Rezone

5 December 2024

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

Agent: Brooke Hontz

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

Staff Recommendation: None

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

Reviewed by Conner Smith

Project Address:

Acres: 1,621

North of Powder
Mountain Resort

Current Zoning:

Proposed Zoning:

Forest Recreation (FR40) Resort Recreation
(RR)

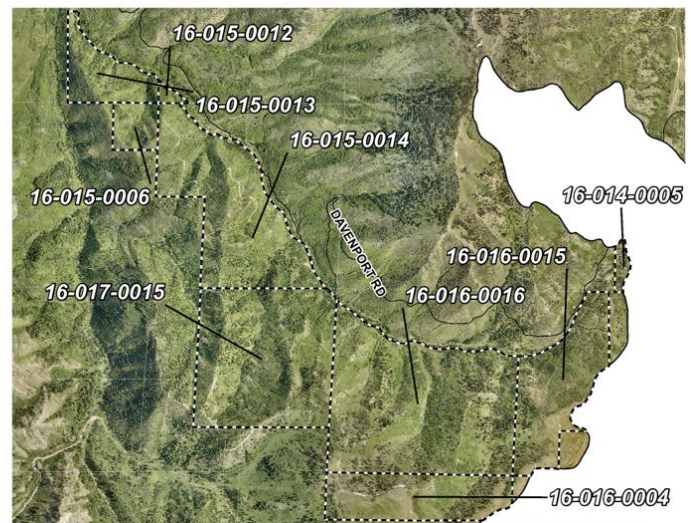
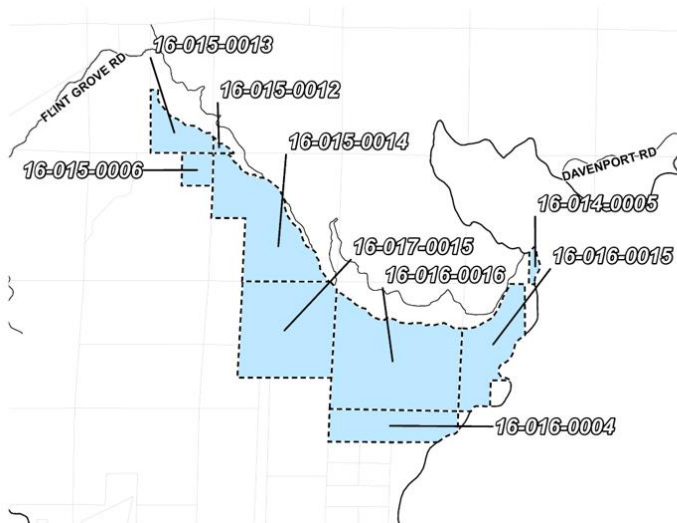
Surrounding Uses:

North – Recreation/Forest

South – Recreation/Forest

East – Recreation/Forest

West – Recreation/Forest

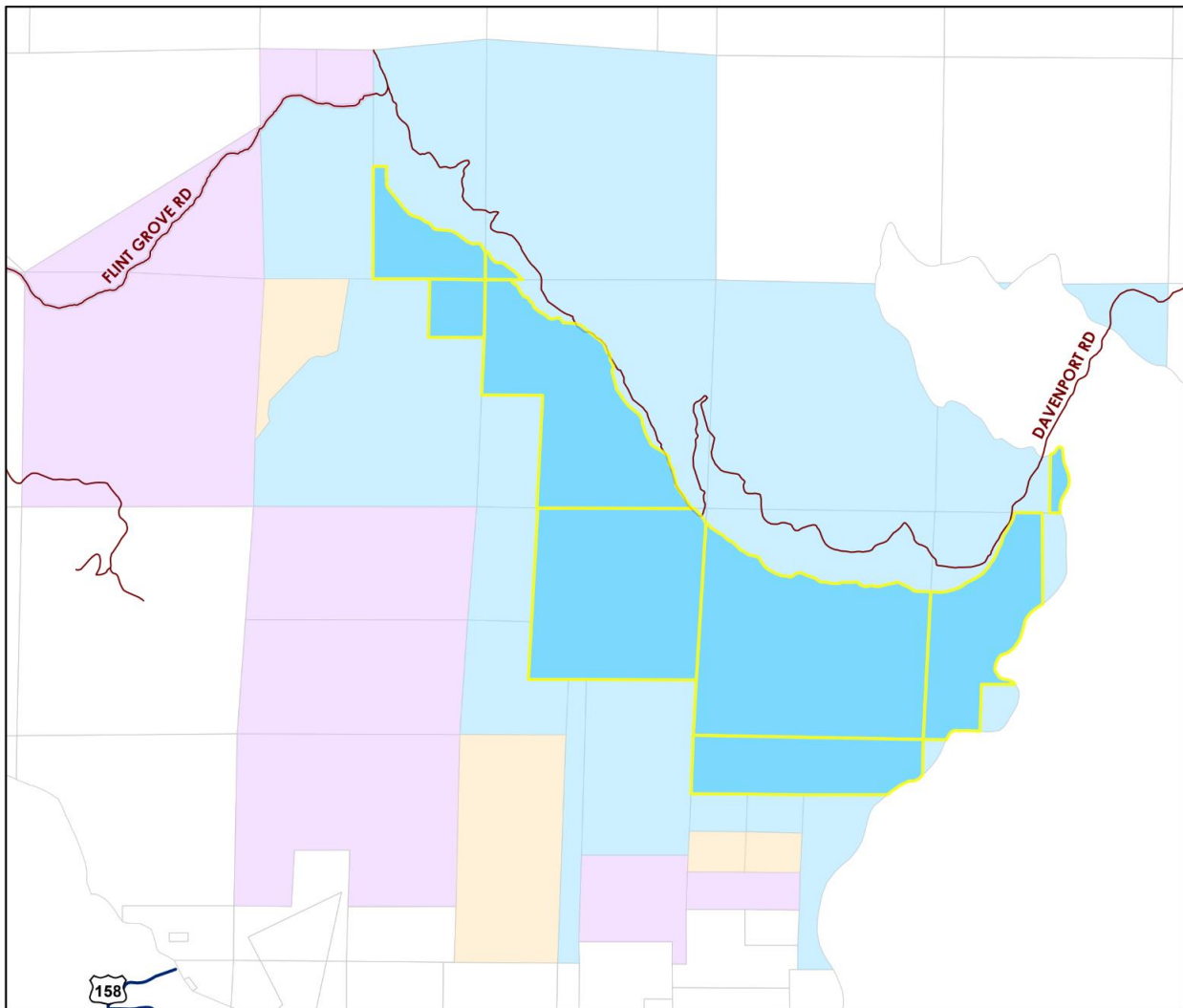


Findings of Fact

A. Request description

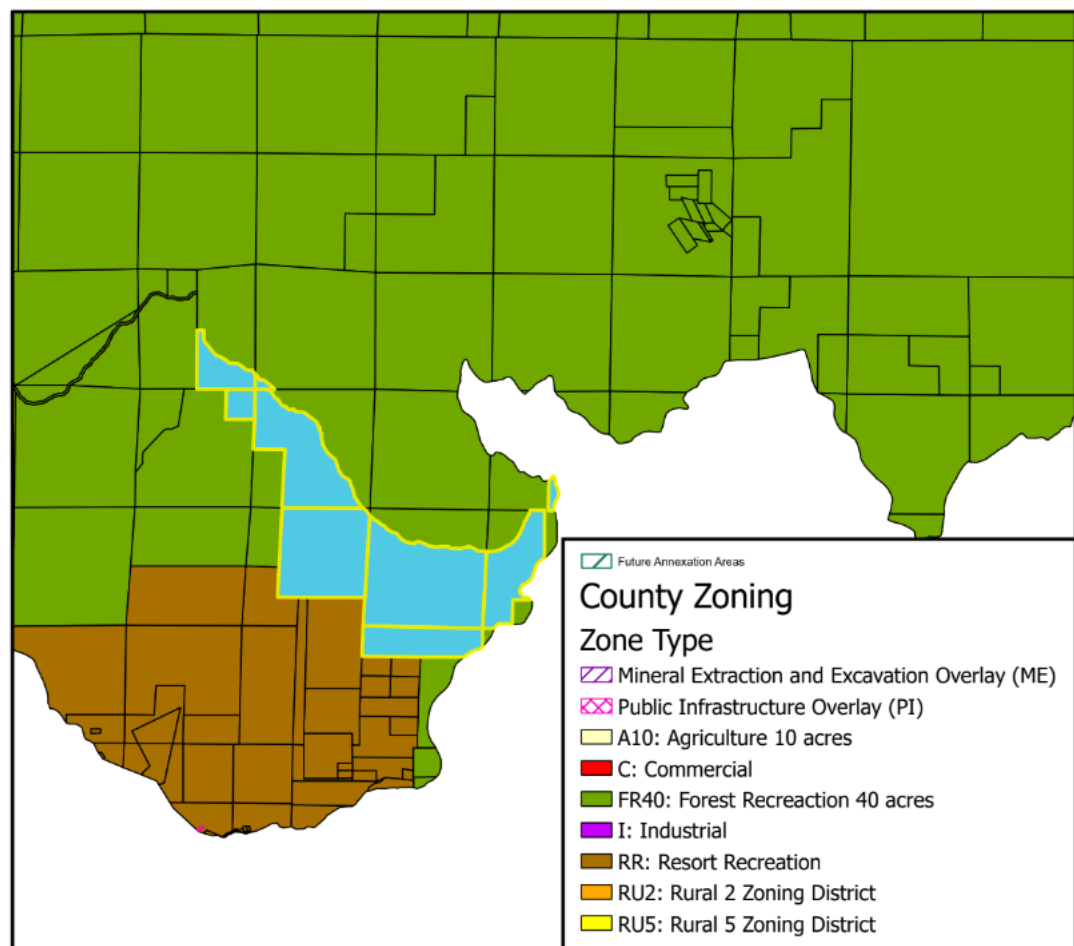
1. A request to rezone 1,621 acres from the Forest Recreation (FR40) Zone to the Resort Recreation (RR) Zone.
 - a. Included parcels:
 - i. 16-014-0005, 16-015-0006, -0012, -0013, -0014, 16-016-0004, -0015, -0016, 16-017-0015
2. This rezone may allow the parcels to establish uses permitted in the Resort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

3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map (Attachment A) and in the following text.
- a. Land Use Context:
 - i. Parcel status:
 - 1. Parcels 16-014-0005, 16-015-0012, -0013, -0014, 16-016-0015, -0016, 16-017-0015 were split using a special warranty deed that was recorded on September 30th, 2024. As they were split without the necessary Land Use Authority approval, they are restricted.
 - 2. Parcels 16-015-0006 and 16-016-0004 match the configuration they had on August 8th, 2006 and are legal.
 - ii. Average Lot Size: (See Attachment A)



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

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



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

4. As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
5. The current County Land Use Ordinance does not specify appropriate locations for the Resort Recreation (RR) Zone but does contain general guidelines for its implementation. County Land Use Ordinance §17.08.030 [E] identifies the purpose of the Resort Recreation (RR) Zone and includes the following:
 - a. “To allow mountain resort and recreation development within Cache County on privately held land. This zone allows for multiple mountain resort and recreation uses within a master planned area. The regulations of the zone are designed to:
 - i. Provide new recreation opportunities in northern Utah and create destination resort options for the county; and
 - ii. Promote interesting, creative, and indigenous mountain landscaping, design, and architecture that blends in with natural surroundings and follows project specified design guidelines; and
 - iii. Stimulate the local economy and increase the tax base of the county; and
 - iv. Protect the county’s environment; and
 - v. Regulate and control development”
6. Chapter 4: Future Land Use Plan of the Cache County General Plan states:
 - a. The use of land is one of the most important and fundamental values for landowners, residents, civic leaders, and elected officials. This determines, in large measure, the future

of Cache County. The Future Land Use Map represents the County's collective vision of our desired future. It conveys the patterns and priorities of economic development and community character, the locations of neighborhoods and industries, and the preservation of natural, agricultural, and rural landscapes.

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

- 7. The future land use map (Attachment B) adopted as part of the Cache County General Plan identifies the area where the subject property is located as "Mountain Rural and Conservation" *Cache County General Plan, Chapter 4, Page 25*. This section states:

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

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

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

- 9. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.
- 10. §16.02.010 Standards and Lot Size – All subdivisions must meet the minimum lot and development standards as outlined in each base zone of the Cache County Zoning Ordinance and within this title.
- 11. Table §17.10.040 Site Development Standards – Minimum lot frontage required in the Industrial (I) Zone is 150 feet.
- 12. §17.07.040 General Definitions – Lot/Parcel Frontage: that portion of a development site that abuts a public or private roadway. For the purposes of determining setback requirements on corner lots, all sides of a lot adjacent to a roadway shall be considered frontage
- 13. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
- 14. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
- 15. The Road Manual specifies the following:
 - a. §12.1 Roadway Function Classification – Seasonal/Recreation: Seasonal/Recreation roads are found primarily in rural areas and serve lands that are subject to specialized uses,

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

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

D. Service Provisions:

17. §16.04.080 [C] Fire Control – The County Fire District had no comments in regards to this application as services will be provided by Weber County.
18. §16.04.080 [F] Solid Waste Disposal – Applicant must work with Waste Management for solid waste disposal.

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

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

Conclusion

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

Planning Commission Conclusion

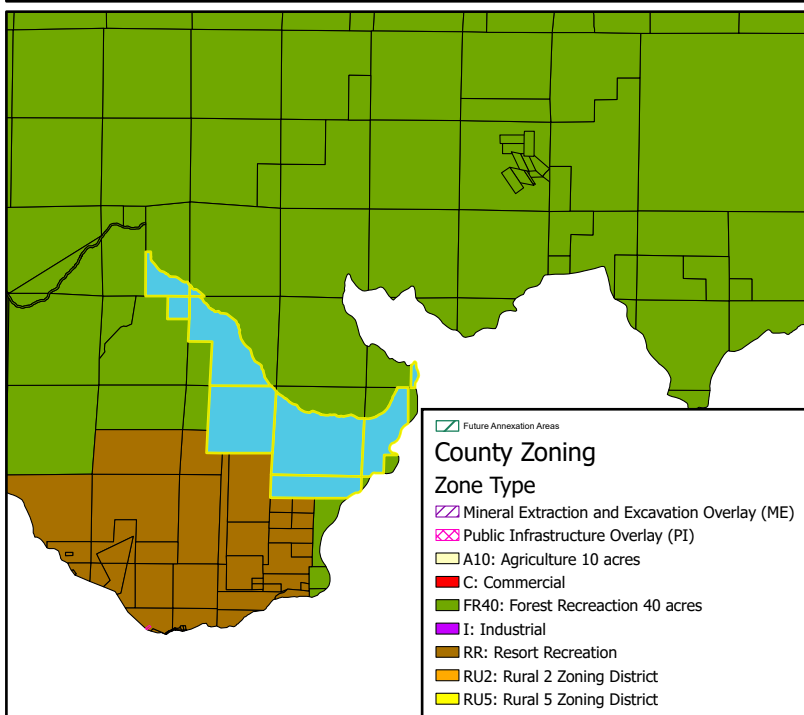
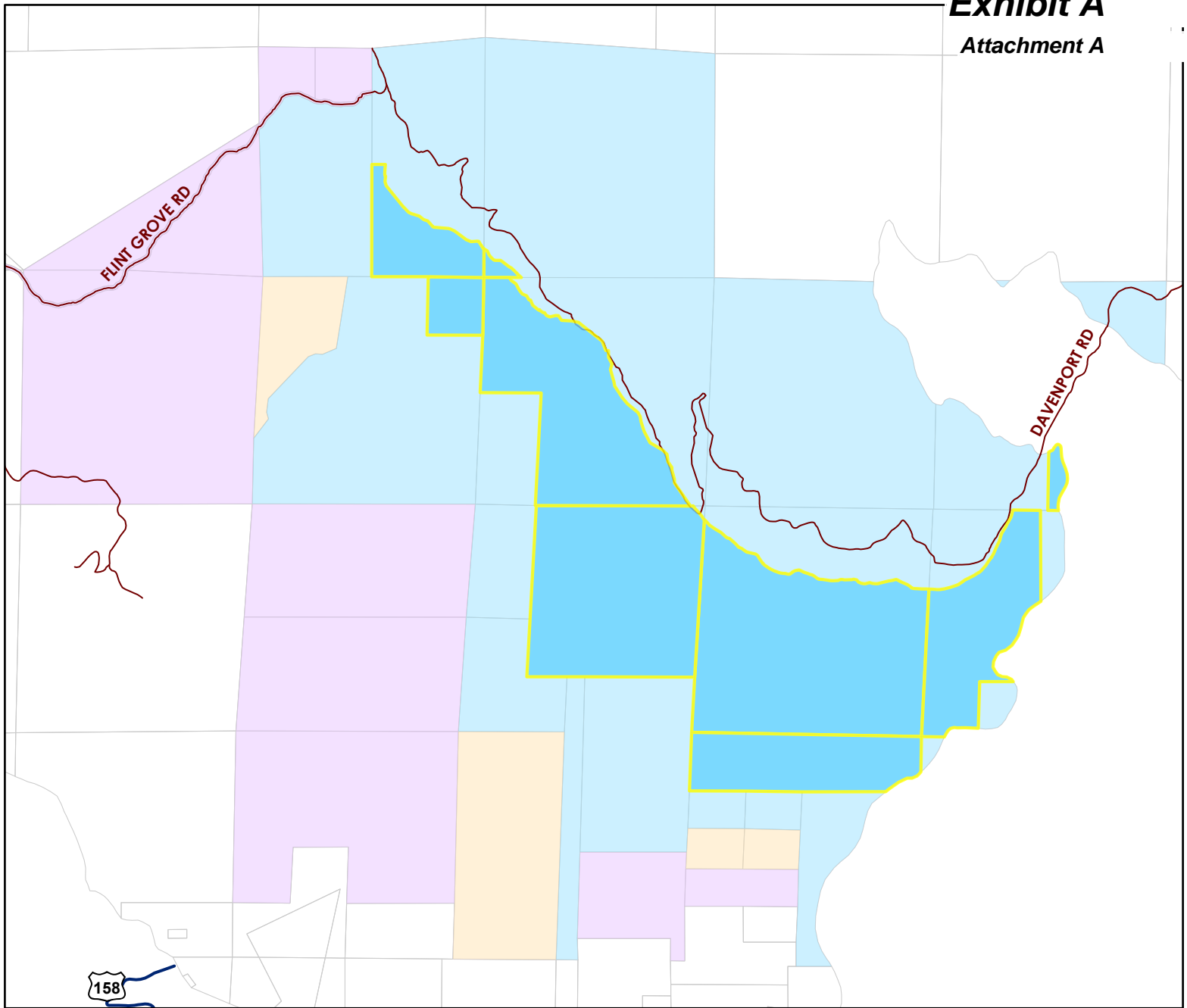
Based on the findings of fact noted herein, the Powder Mountain Rezone 2024 rezone is hereby recommended for approval to the County Council as follows:

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

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

Exhibit A

Attachment A



Legend

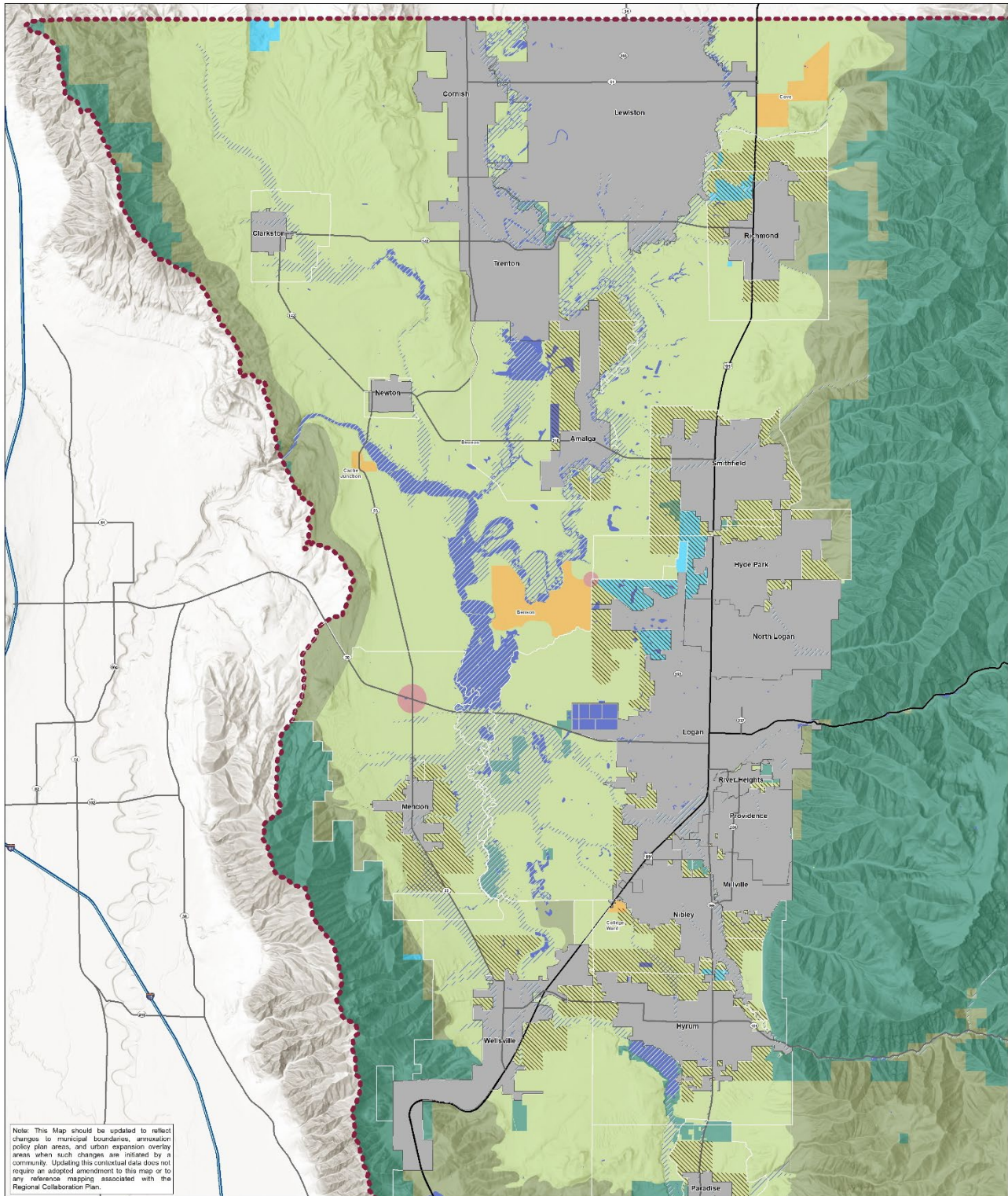
- Proposed Rezone
- Municipal Boundaries
- Subdivisions
- Parcels
- Winter Maintenance
- County Roads
- Highways

Average Parcel Size

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



11/25/2024



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

Cache County Future Land Use Map

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

Date: February 28, 2023



Ordinance No. 2024-24

Cache County, Utah

Marshall Maughan Trust A10 to RU5 Rezone

An ordinance amending the County Zoning Map by rezoning 14.00 acres of property from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone.

Whereas, the “County Land Use Development and Management Act,” Utah Code Ann. §17-27a-101 et seq., as amended (the “Act”), provides that each county may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

Whereas, pursuant to the Act, the County’s Planning Commission (the “Planning Commission”) shall prepare and recommend to the county’s legislative body, following a public hearing, a proposed land use ordinance and a zoning map, or amendments thereto, that represent the Planning Commission’s recommendations for zoning the area within the county; and

Whereas, the Planning Commission caused notice of a public hearing for the rezone to be posted at least ten (10) days before the date of the public hearing; and

Whereas, on November 7th, 2024, the Planning Commission held a public hearing, accepted all comments, and recommended the approval of the proposed amendments to the County council for final action; and

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

Whereas, on December 10th, 2024, the County Council held a public hearing, to consider any comments regarding the proposed rezone. The County Council accepted all comments; and

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

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

1. Statutory Authority

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

2. Adoption of amended Zoning Map

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

3. Conclusions

- A.** The location of the subject property to be rezoned is compatible with the purpose of the Rural 5 (RU5) Zone:
 - i.** To allow for residential development in a moderately dense pattern that can allow for rural subdivisions, and to allow for clustering plans larger than a single parcel. This type of development should be located and designed to not unreasonably conflict with the development standards of adjacent municipalities.
 - ii.** To implement the policies of Cache countywide comprehensive plan, including those regarding improved roadways, density based residential standards, clustering, moderate income housing and municipality standards.
 - iii.** This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.
- B.** The subject property is consistent with the Mendon City General Plan as it is potentially located in the A-1 or A-2 Zone.
 - i.** A-1 Agricultural 2.5 acres:
 - i.** “Agricultural – (A-1) lot sizes 2.5 acres up to 5 acres with more farm animals and production opportunities. Secondary water (irrigation) is available”.
 - ii.** A-2 Agricultural from 5 Acres up to 10 acres:
 - i.** “Agricultural – (A-2) lot sizes of 5 acres up to 10 acres with more farm animals and production opportunities. Secondary water (irrigation) is available.”
- C.** The nearest parcel, in the County, in the Rural 5 (RU5) Zone is located 1,000 feet to the south-east of the subject property.

4. Prior ordinances, resolutions, policies, and actions superseded

This ordinance amends and supersedes the Zoning Map of Cache County, and all prior ordinances, resolutions, policies, and actions of the Cache County Council to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

5. Exhibits

- A.** Exhibit A: Rezone summary and information
- B.** Exhibit B: Zoning Map of Cache County showing affected portion.

6. Effective date

This ordinance takes effect on _____, 2024. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

7. Council Vote and Final Action

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

Cache County Council:

Attest:

Dave Erickson, Chair

Bryson Behm, Clerk
Cache County

Action of the County Executive

Regarding Ordinance 2024-24, Marshall Maughan Trust A10 to RU5 Rezone

_____ Approve

_____ Disapprove (A Statement of Objection is attached)

David Zook, Executive
Cache County

Date

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Staff Report review by Planning Manager

Angie Zetterquist

Staff Report by County Planner

Conner Smith

General Description

This ordinance amends the County Zoning Map by rezoning 14.00 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone.

Additional review materials included as part of Exhibit A

Staff Report to Planning Commission - revised

**Development Services Department**

Building | GIS | Planning & Zoning

Staff Report: Marshall Maughan Trust A10 to RU5

7 November 2024

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

Agent: David Rupp**Parcel ID#:** 11-047-0003**Staff Recommendation:** None**Type of Action:** Legislative**Land Use Authority:** Cache County Council**Location***Reviewed by Conner Smith***Project Address:**3201 S. Highway 23
Wellsville**Acres:** 14.00**Current Zoning:**

Agricultural (A10)

Proposed Zoning:

Rural 5 (RU5)

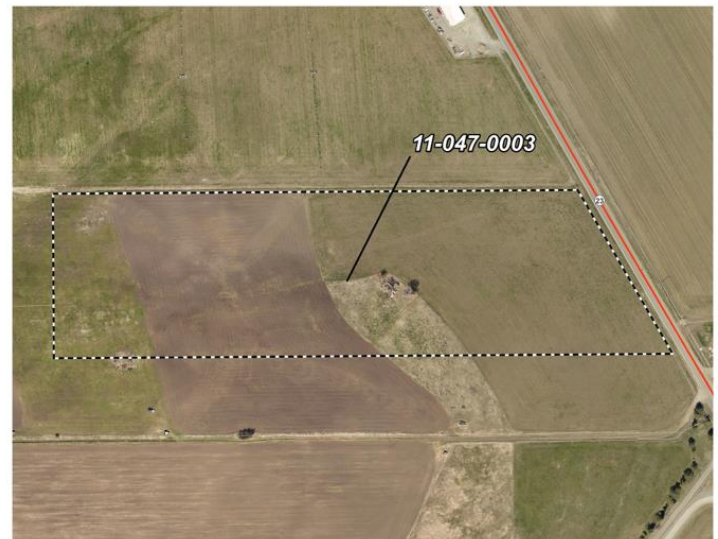
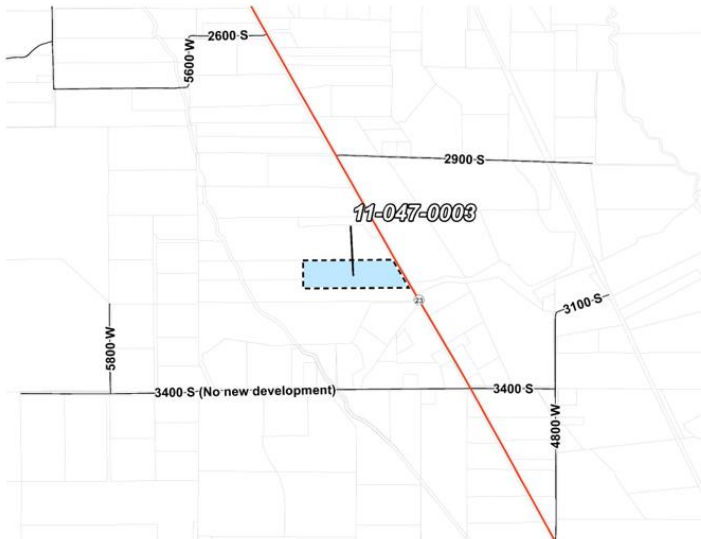
Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

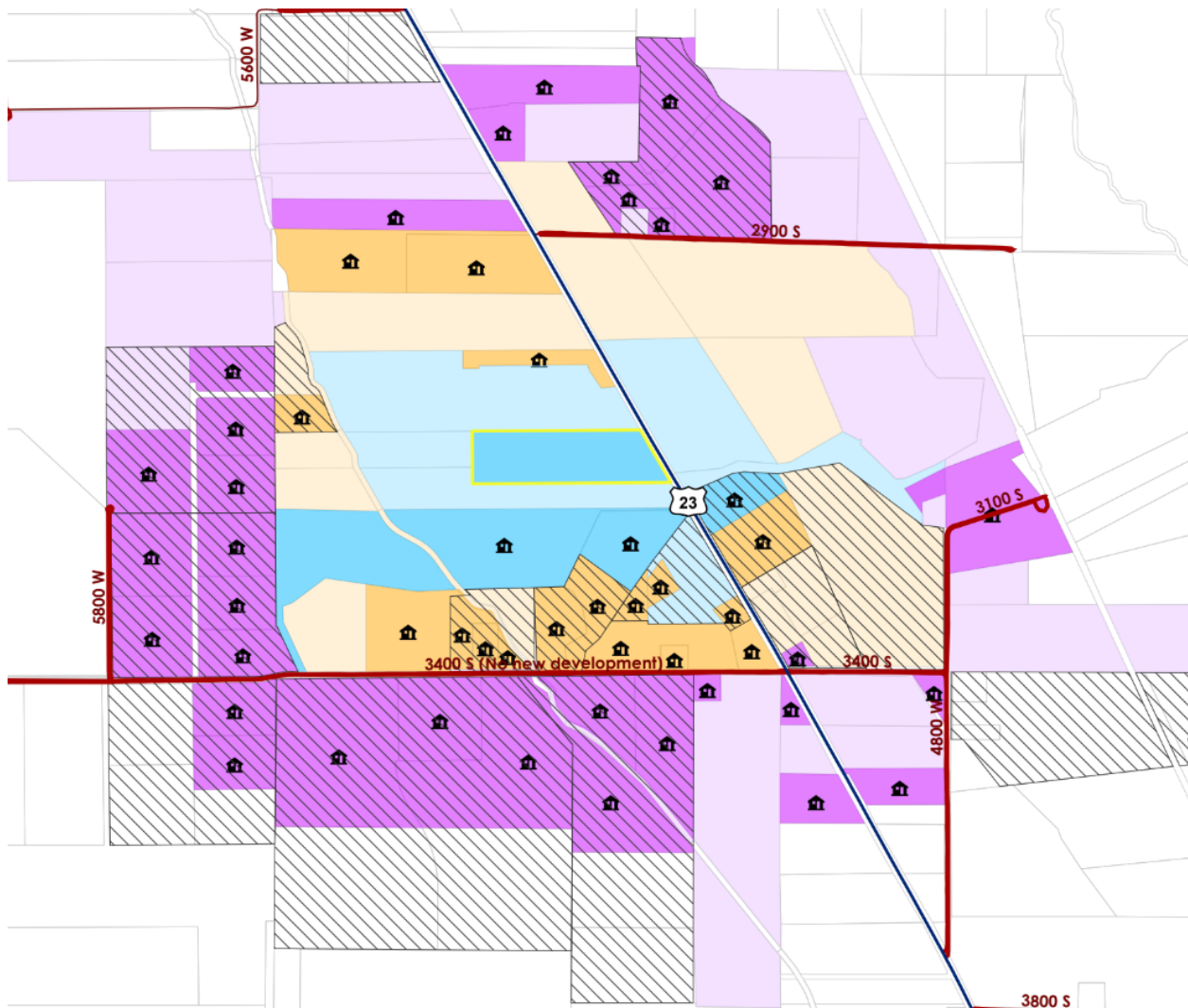
East – Agricultural/Residential

West – Agricultural/Residential

**Findings of Fact****A. Request description****1. History:**

- a. This parcel was the subject of an application for a rezone from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone in July of 2024. The application was unanimously recommended for denial at the August 1st, 2024 Planning Commission meeting and failed to pass at the August 27th, 2024 County Council meeting.
2. A request to rezone 14.00 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone.
3. Should the rezone request be approved, the maximum number of potential lots will be two.

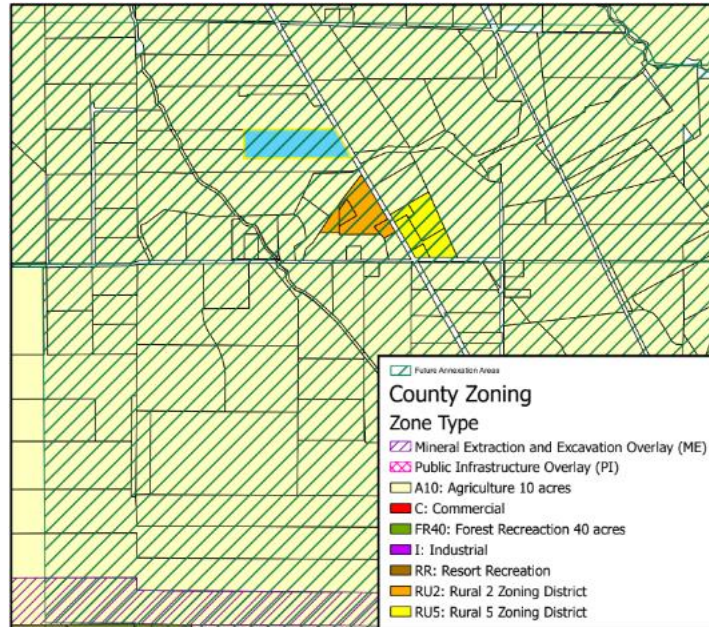
4. This rezone may allow the parcel to establish uses permitted in the Rural 5 (RU5) Zone. A rezone request is general in nature and is not tied to any proposed use. Any impacts related to permitted and conditional uses allowed within Rural 5 (RU5) Zone will be addressed as part of each respective approval process required prior to site development activities.
5. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map (Attachment A) and in the following text.
 - a. Land Use Context:
 - i. Parcel status: The property does not match the configuration it had on August 8, 2006 as boundary line adjustments were done. However, the property is still legal.
 - ii. Average Lot Size: (See Attachment A)



Average Parcel Size	
Adjacent Parcels	With a Home: 16.7 Acres (3 Parcels)
	Without a Home: 14.1 Acres (7 Parcels)
1/4 Mile Buffer	With a Home: 6.3 Acres (20 Parcels)
	Without a Home: 11.3 Acres (23 Parcels)
1/2 Mile Buffer	With a Home: 7.5 Acres (52 Parcels)
	Without a Home: 11.1 (49 Parcels)

- i. Schedule of Zoning Uses: The Rural 5 (RU5) Zone is more restrictive than the Agricultural (A10) Zone. The following uses are ones that are permitted, with the use of a zoning clearance or CUP, in the Agricultural (A10) Zone but not in the Rural 5 (RU5) Zone:
 - Agricultural Manufacturing
 - Rural Kennel
 - Recreation Facility
 - Cemetery
 - Crematorium
 - Private Airport
 - Concentrated Animal Feed Operation
 - Livestock Auction Facility
 - Agritourism
 - Small-Scale Slaughter Facility
 - Winery
 - Topsoil Extraction
- ii. Adjacent Uses: The properties adjacent to the subject parcel are primarily used for agricultural and residential purposes. The nearest parcel, in the county, in the Rural 5 (RU5) Zone is located 1,000 feet to the south-east of the subject parcel. Additionally, there is a Rural 2 (RU2) Zone that is located 300 feet to the south-east of the subject parcel.
 - The Denali South rezone, a request to rezone 12.13 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone, was approved by County Council on 24 January 2023 as Ordinance 2023-01. Denali South was already a pre-existing 1-lot subdivision with an agricultural remainder. However, a subdivision amendment was done in 2023 which resulted in the creation of a new lot for a total of 2-lots with two agricultural remainders.
 - The Rose Hill rezone, a request to rezone 11.48 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone, was approved by County Council on 22 April 2014 as Ordinance 2014-08. Rose Hill was already a pre-existing 2-lot subdivision. However, a subdivision amendment was done in 2014 which resulted in the creation of a new lot for a total of 3-lots with an agricultural remainder.

- iii. Annexation Areas: The subject property is located within the Mendon City future annexation area.



- The Mendon City General Plan Map marks this location as “Agricultural (A-1/A-2/A-3)”.

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

6. As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
7. The current County Land Use Ordinance does not specify appropriate locations for the Rural 5 (RU5) Zone but does contain general guidelines for its implementation. County Land Use Ordinance §17.08.030 [E] identifies the purpose of the Rural 5 (RU5) Zone and includes the following:
 - a. “To allow for residential estate development in a low density pattern that can allow for rural subdivisions and smaller scale agricultural uses. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.”
 - b. “To implement the policies of Cache countywide comprehensive plan, including those regarding agricultural promotion, prime farmlands, improved roadways, density based residential standards, clustering, moderate income housing and municipality standards.”
 - c. “This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.”
8. Chapter 4: Future Land Use Plan of the Cache County General Plan states:
 - a. “The use of land is one of the most important and fundamental values for landowners, residents, civic leaders, and elected officials. This determines, in large measure, the future of Cache County. The Future Land Use Map represents the County’s collective vision of our desired future. It conveys the patterns and priorities of economic development and community character, the locations of neighborhoods and industries, and the preservation of natural, agricultural, and rural landscapes.”
 - b. “The Future Land Use Plan is advisory and does not change the existing zoning of any property or the ability of landowners to continue existing legal uses consistent with the existing zoning or nonconforming uses. It serves as a starting point for conversations

about regional initiatives and development proposals by illustrating how sometimes separate and uncoordinated activities can help or harm our desired future. The timing of future development will depend on a number of factors including choices made by individual landowners, aspirations of the community, and future availability of facilities and services.”

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

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

10. This parcel is not located in the Urban Expansion Overlay.

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

11. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.
12. §16.02.010 Standards and Lot Size – All subdivisions must meet the minimum lot and development standards as outlined in each base zone of the Cache County Zoning Ordinance and within this title.
13. Table §17.10.040 Site Development Standards – Minimum lot frontage required in the Rural 5 (RU5) Zone is 90 feet.
14. §17.07.040 General Definitions – Lot/Parcel Frontage: that portion of a development site that abuts a public or private roadway. For the purposes of determining setback requirements on corner lots, all sides of a lot adjacent to a roadway shall be considered frontage
15. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
16. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
17. The Road Manual specifies the following:
 - a. §2.1 Roadway Functional Classification – Minor Arterial (A): Minor arterial roads link cities, larger towns, and other large traffic generators and are capable of facilitating travel over long distances. These routes have relatively high travel speeds and minimal interferences to the through movement of traffic.
18. A basic review of the access to the subject property identifies the following:
 - a. Primary access to the subject property is SR-23.
19. SR-23 – Utah Department of Transportation (UDOT) Road:

- a. East of the subject parcel, SR-23 is an UDOT road classified as a Minor Arterial.
- b. The road services multiple dwellings and agricultural uses but is primarily the connection between Mendon and Wellsville with access to SR-30 and Highway 89/91.
- c. Is maintained by UDOT.
- d. This section of SR-23 is classified per UDOT as an Access Category 4, which has a minimum driveway spacing of 500 feet and a minimum street spacing of 660 feet.
- e. Access to any proposed development must be approved by UDOT.

D. Service Provisions:

- 20. §16.04.080 [C] Fire Control – The County Fire District had no comments in regards to this application.
- 21. §16.04.080 [F] Solid Waste Disposal – Applicant must work with Waste Management for solid waste disposal.

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

- 22. Public notice was posted online to the Utah Public Notice Website on 25 October 2024.
- 23. Notices were posted in three public places on 25 October 2024.
- 24. Notices were mailed to all property owners within 300 feet on 28 October 2024.
- 25. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

Conclusion

The Marshal Maughan A10 to RU5 rezone, a request to rezone 14.00 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone has been reviewed in conformance with Title 17 of the Cache County Land Use Ordinance and the County Manual of Roadway Design and Construction Standards. Staff has not made a recommendation based on the findings of fact identified above and any others identified at the public hearing. Although Staff has not made a recommendation for approval or denial, they can help Planning Commission draft a recommendation to County Council.

Planning Commission Conclusion

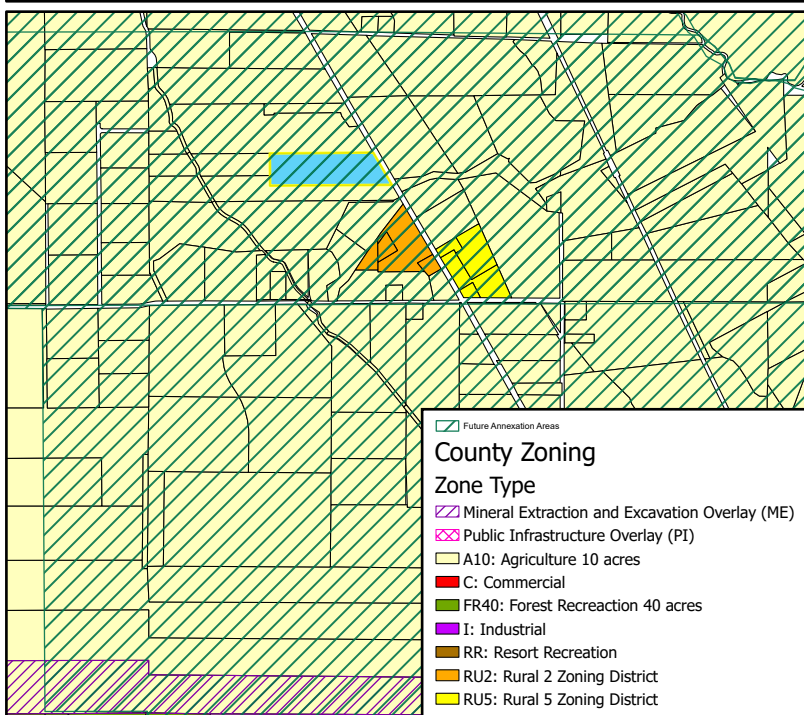
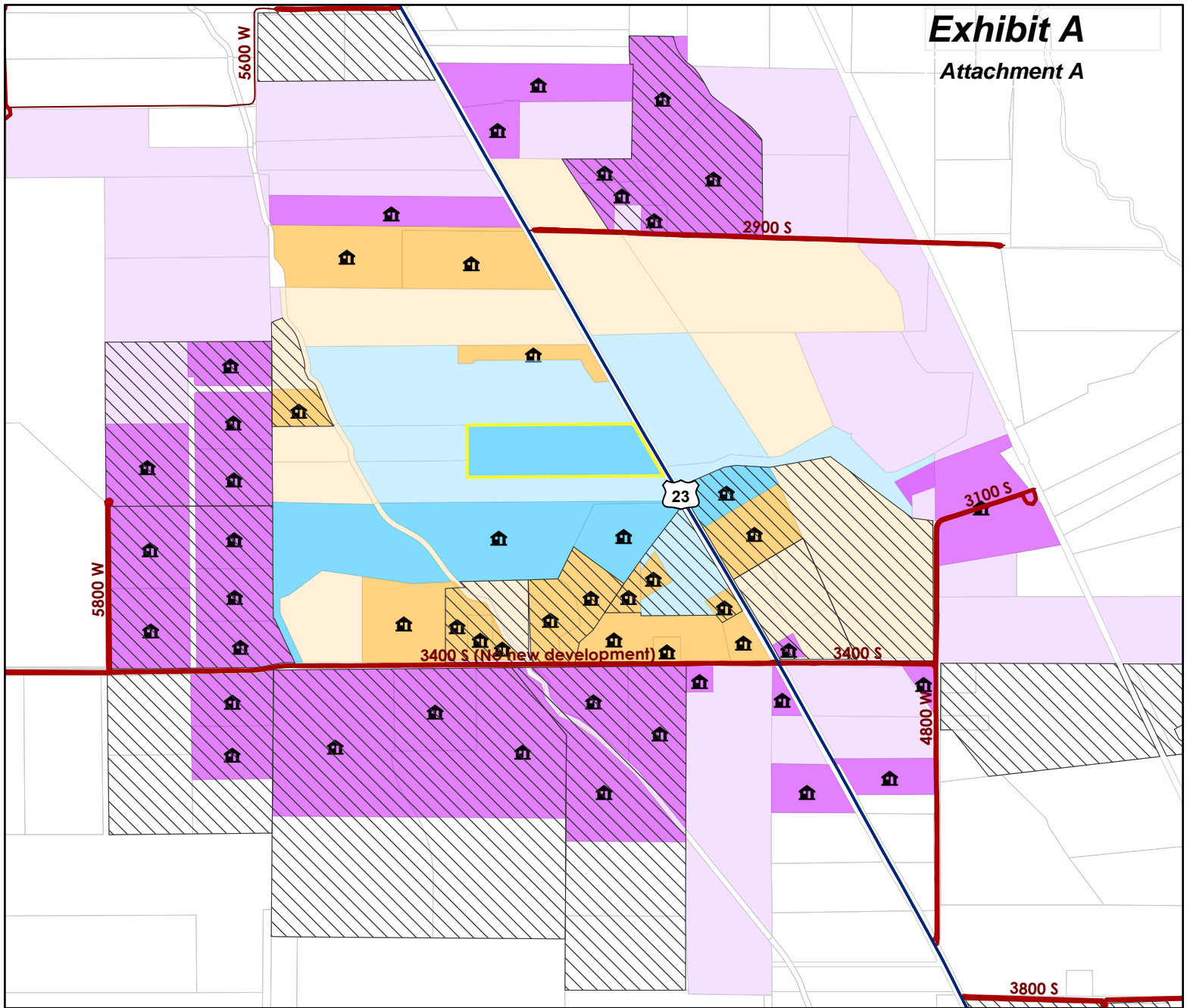
Based on the findings of fact noted herein, the Marshall Maughan Trust A10 to RU5 rezone is hereby recommended for approval to the County Council as follows:

- 1. The location of the subject property to be rezoned is compatible with the purpose of the Rural 5 (RU5) Zone:
 - a. To allow for residential development in a moderately dense pattern that can allow for rural subdivisions, and to allow for clustering plans larger than a single parcel. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.
 - b. To implement the policies of Cache countywide comprehensive plan, including those regarding improved roadways, density based residential standards, clustering, moderate income housing and municipality standards.
 - c. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.
- 2. The subject property is consistent with the Mendon City General Plan as it is potentially located in the A-1 or A-2 Zone.
 - a. A-1 Agricultural 2.5 acres:
 - i. “Agricultural – (A-1) lot sizes 2.5 acres up to 5 acres with more farm animals and production opportunities. Secondary water (irrigation) is available.”

- b.** A-2 Agricultural from 5 Acres up to 10 acres:
 - i. “Agricultural – (A-2) lot sizes of 5 acres up to 10 acres with more farm animals and production opportunities. Secondary water (irrigation) is available.”
- 3.** The nearest parcel, in the County, in the Rural 5 (RU5) Zone is located 1,000 feet to the south-east of the subject property.

Exhibit A

Attachment A



Legend

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

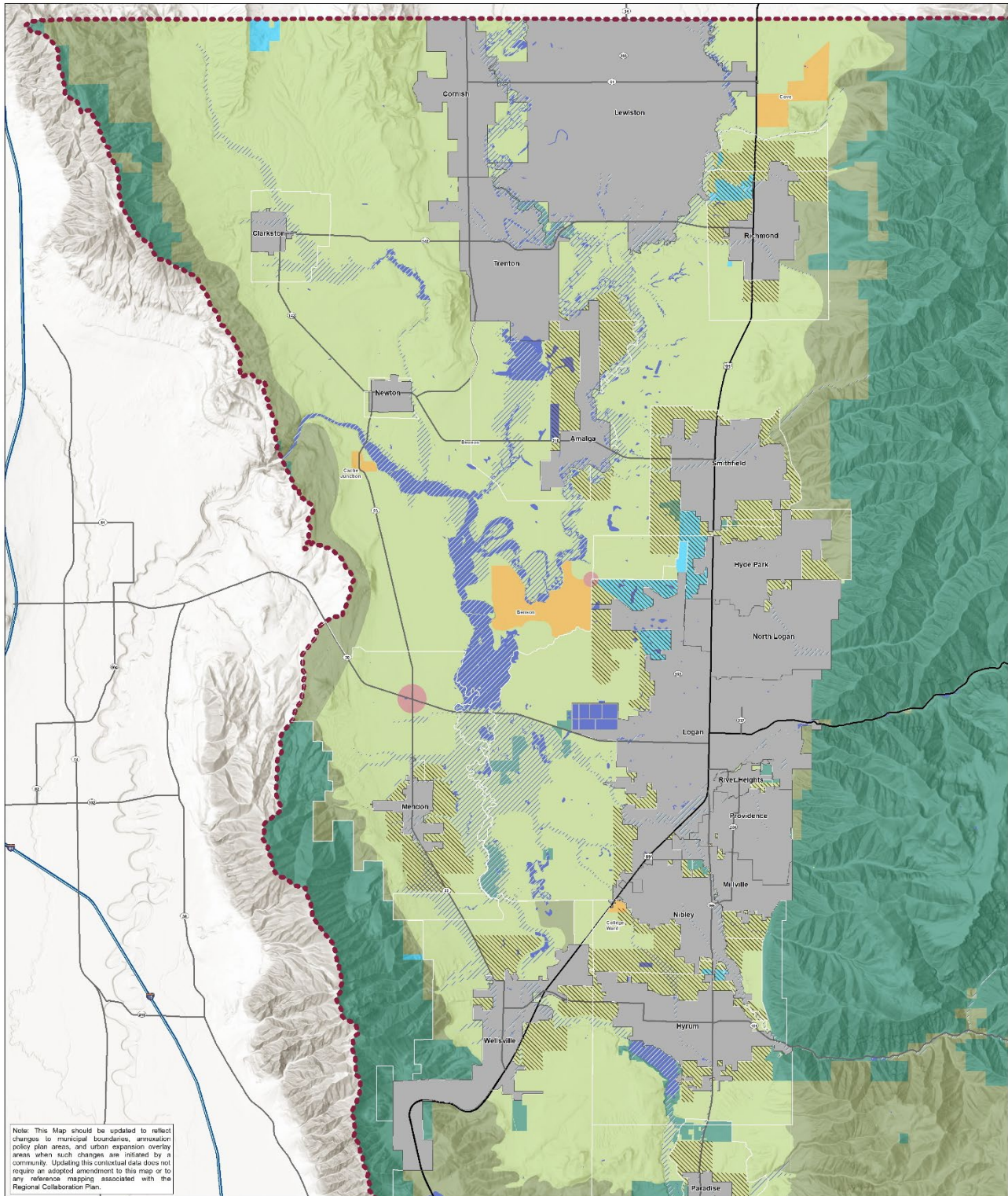
0 0.25 0.5 Mile

Average Parcel Size

Adjacent Parcels	With a Home: 16.7 Acres (3 Parcels)
	Without a Home: 14.1 Acres (7 Parcels)
1/4 Mile Buffer	With a Home: 6.3 Acres (20 Parcels)
	Without a Home: 11.3 Acres (23 Parcels)
1/2 Mile Buffer	With a Home: 7.5 Acres (52 Parcels)
	Without a Home: 11.1 (49 Parcels)



7/9/2024



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

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

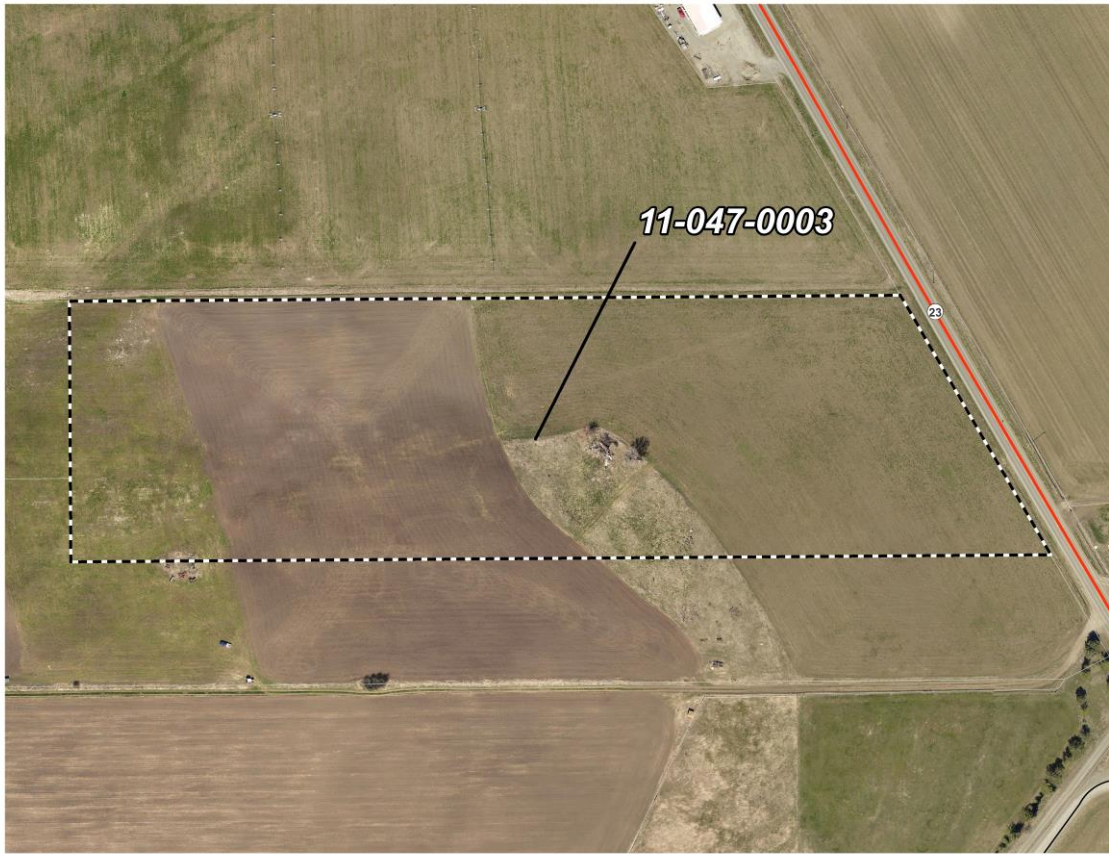
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Cache County Future Land Use Map

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

Date: February 28, 2023





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

BEG N00°18'39"W 1954.72 FT (S 3328.05 FT FROM NW COR OF SEC 21) & N89°35'14"E 1562.4 FT FROM SW COR SEC 21 T 11N R 1W & TH N89°35'14"E 1334.84 FT TO W LN OF ST ROAD 23 TH ALG SD HWY S30°02'40"E 482.37 FT TH S89°35'14"W 1574.08 FT TH N00°18'39"W 419.29 FT TO BEG CONT 14 AC M/B

Ordinance No. 2024-23

Cache County, Utah

CVB Rezone

An ordinance amending the County Zoning Map by rezoning 1.4 acres of property from the Agricultural (A10) Zone to the Industrial (I) Zone.

Whereas, the “County Land Use Development and Management Act,” Utah Code Ann. §17-27a-101 et seq., as amended (the “Act”), provides that each county may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

Whereas, pursuant to the Act, the County’s Planning Commission (the “Planning Commission”) shall prepare and recommend to the county’s legislative body, following a public hearing, a proposed land use ordinance and a zoning map, or amendments thereto, that represent the Planning Commission’s recommendations for zoning the area within the county; and

Whereas, the Planning Commission caused notice of a public hearing for the rezone to be posted at least ten (10) days before the date of the public hearing; and

Whereas, on November 7th, 2024, the Planning Commission held a public hearing, accepted all comments, and recommended the approval of the proposed amendments to the County council for final action; and

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

Whereas, on December 10th, 2024, the County Council held a public hearing, to consider any comments regarding the proposed rezone. The County Council accepted all comments; and

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

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

1. Statutory Authority

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

2. Adoption of amended Zoning Map

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

3. Conclusions

- A.** The location of the subject property to be rezoned is compatible with the purpose of the Industrial (I) Zone:
 - i.** To provide locations where manufacturing, processing, warehousing, and fabrication of goods and material can be carried on with minimum conflict or deleterious effect upon the surrounding properties. The purpose of this zone is also to promote the economic well-being of the citizens to broaden the tax base.
 - ii.** This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.
- B.** The subject property is consistent with the Cache County General Plan as it is located in the “Industrial and Mineral Extraction” area.
- C.** The subject property is consistent with the Hyde Park City General Plan as it is located in the “Industrial/Commercial” Zone.
 - i.** Commercial:
 - i.** “The purpose of the commercial areas is to provide appropriate locations where a combination of sales tax producing business, commercial, entertainment, services, and related activities may be established, maintained, and protected. Not intended for significant residential use or warehouses.”
 - ii.** Industrial:
 - i.** “This category includes areas that allow for a compatible mixture of light industrial and heavy commercial uses, including warehouses, which do not require intensive land coverage and do not generate large volumes of traffic with obnoxious sounds, glare, dust, or odors.”

4. Prior ordinances, resolutions, policies, and actions superseded

This ordinance amends and supersedes the Zoning Map of Cache County, and all prior ordinances, resolutions, policies, and actions of the Cache County Council to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

5. Exhibits

- A.** Exhibit A: Rezone summary and information
- B.** Exhibit B: Zoning Map of Cache County showing affected portion.

6. Effective date

This ordinance takes effect on _____, 2024. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

7. Council Vote and Final Action

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

Cache County Council:

Attest:

Dave Erickson, Chair

Bryson Behm, Clerk
Cache County

Action of the County Executive

Regarding Ordinance 2024-23, CVB Rezone

_____ Approve

_____ Disapprove (A Statement of Objection is attached)

David Zook, Executive
Cache County

Date

1 **Staff Report review by Planning Manager**

2 Angie Zetterquist

3

4 **Staff Report by County Planner**

5 Conner Smith

6

7 **General Description**

8 This ordinance amends the County Zoning Map by rezoning 1.4 acres from the Agricultural
9 (A10) Zone to the Industrial (I) Zone.

10

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

12 Staff Report to Planning Commission - revised

**Development Services Department**

Building | GIS | Planning & Zoning

Staff Report: CVB Rezone

7 November 2024

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

Agent: Scott Robinson**Parcel ID#:** 04-028-0039**Staff Recommendation:** None**Type of Action:** Legislative**Land Use Authority:** Cache County Council**Location***Reviewed by Conner Smith***Project Address:**

208 W. 3700 N.

Hyde Park

Current Zoning:

Agricultural (A10)

Acres: 1.41**Proposed Zoning:**

Industrial (I)

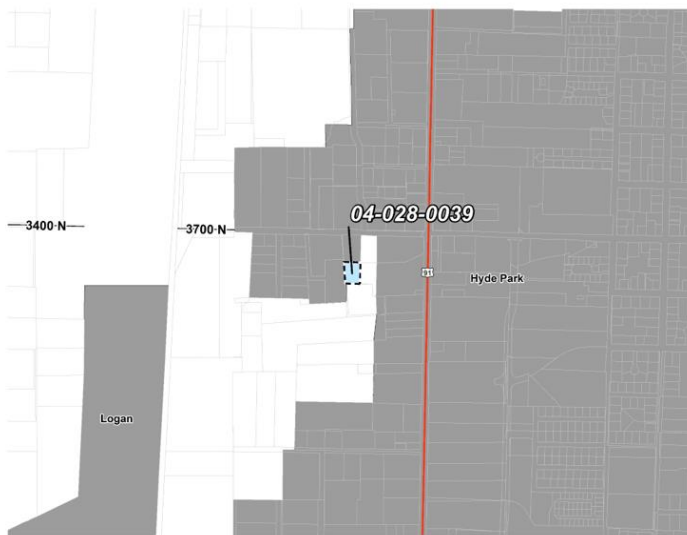
Surrounding Uses:

North – Commercial

South – Agricultural

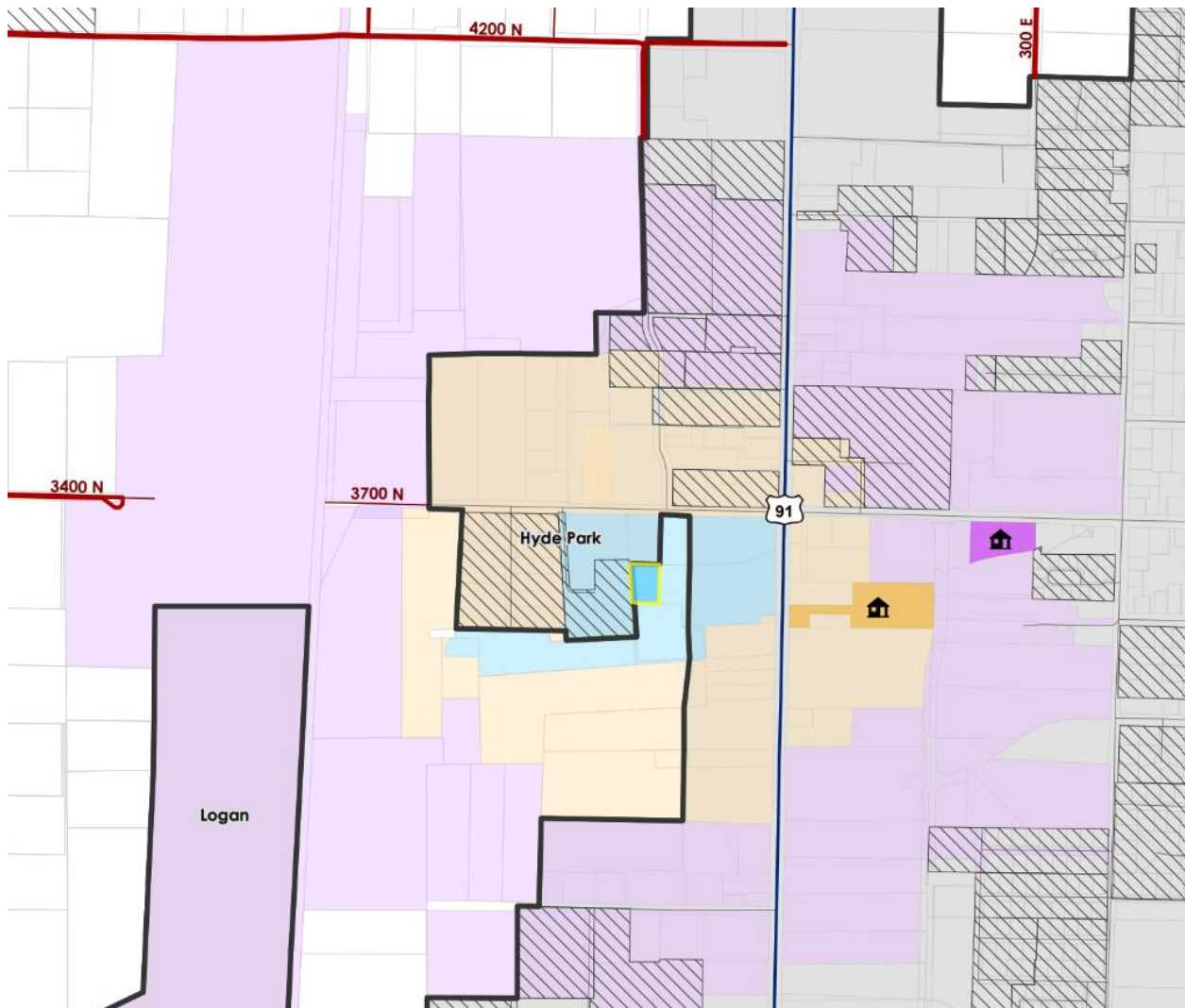
East – Agricultural/Commercial

West – Commercial

**Findings of Fact****A. Request description**

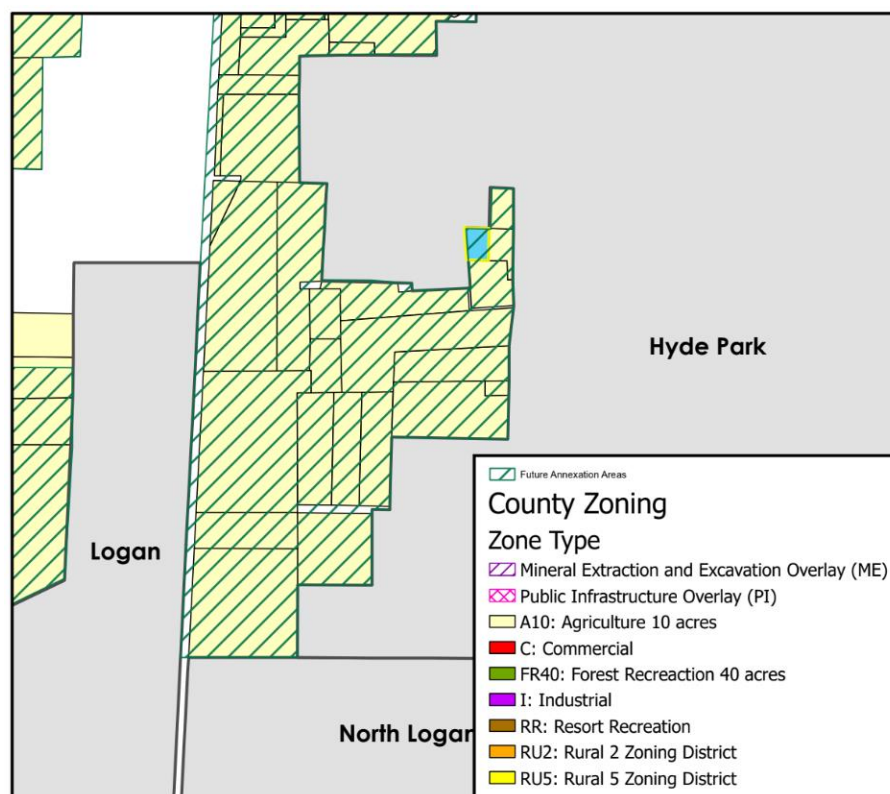
1. A request to rezone 1.41 acres from the Agricultural (A10) Zone to the Industrial (I) Zone.
2. Should the rezone request be approved, the maximum number of potential lots remain one.
3. This rezone may allow the parcel to establish uses permitted in the Industrial (I) Zone. A rezone request is general in nature and is not tied to any proposed use. Any impacts related to permitted and conditional uses allowed within Industrial (I) Zone will be addressed as part of each respective approval process required prior to site development activities.

4. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map (Attachment A) and in the following text.
- a. Land Use Context:
 - i. Parcel status: The property matches the configuration it had on August 8, 2006 and is legal.
 - 1. Currently, the parcel is not wholly in the County as part of the parcel is located inside of Hyde Park City.
 - ii. Average Lot Size: (See Attachment A)



Average Parcel Size	
Adjacent Parcels	Without a Home: 3.3 Acres (5 Parcels)
	Without a Home in Hyde Park City: 3.8 Acres (7 Parcels)
1/4 Mile Buffer	With a Home in Hyde Park City: 5.6 Acres (1 Parcel)
	Without a Home: 6.2 Acres (11 Parcels)
	Without a Home in Hyde Park City: 1.9 Acres (80 Parcels)
1/2 Mile Buffer	With a Home in Hyde Park City: 4.2 Acres (2 Parcels)
	Without a Home: 8.7 Acres (29 Parcels)
	Without a Home in Hyde Park City: 2.4 Acres (182 Parcels)

- i. Schedule of Zoning Uses: The Industrial (I) Zone allows for a variety of uses with the approval of a zoning clearance and/or conditional use permit, including the following uses, that are not permitted in the Agricultural (A10) Zone:
 - Caretaker's Residence
 - General Manufacturing
 - Storage and Warehousing
 - Self Service Storage Facility
 - Transport Services
 - General Vehicle Repair
 - Mobile Food Truck
 - Sexually Oriented Business
 - Telecommunications Facility, Major
 - Telecommunications Facility, Minor
- ii. Adjacent Uses: The properties adjacent to the subject parcel are primarily used for agricultural and commercial purposes. The nearest parcel, in the county, in the Industrial (I) Zone is located 1.3 miles to the north-west of the subject parcel.
- iii. Annexation Areas: The subject property is located within the Hyde Park City future annexation area.



- The Hyde Park City General Plan identifies this location as “Industrial/Commercial”.

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

5. As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
6. The current County Land Use Ordinance does not specify appropriate locations for the Industrial (I) Zone but does contain general guidelines for its implementation. County Land Use Ordinance §17.08.030 [E] identifies the purpose of the Industrial (I) Zone and includes the following:
 - a. “To provide locations where manufacturing, processing, warehousing, and fabrication of goods and material can be carried on with minimum conflict or deleterious effect upon the surrounding properties. The purpose of this zone is also to promote the economic well being of the citizens and to broaden the tax base.”
 - b. “This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.”
7. Chapter 4: Future Land Use Plan of the Cache County General Plan states:
 - a. The use of land is one of the most important and fundamental values for landowners, residents, civic leaders, and elected officials. This determines, in large measure, the future of Cache County. The Future Land Use Map represents the County’s collective vision of our desired future. It conveys the patterns and priorities of economic development and community character, the locations of neighborhoods and industries, and the preservation of natural, agricultural, and rural landscapes.
 - b. The Future Land Use Plan is advisory and does not change the existing zoning of any property or the ability of landowners to continue existing legal uses consistent with the existing zoning or nonconforming uses. It serves as a starting point for conversations about regional initiatives and development proposals by illustrating how sometimes separate and uncoordinated activities can help or harm our desired future. The timing of

future development will depend on a number of factors including choices made by individual landowners, aspirations of the community, and future availability of facilities and services.

8. The future land use map (Attachment B) adopted as part of the Cache County General Plan identifies the area where the subject property is located as “Industrial and Mineral Extraction”. *Cache County General Plan, Chapter 4, Page 28.* This section states:

- a. Location: Existing or strategic industrial opportunities for expansion of potential future development located along highways and/or arterials, or where a commercial mineral deposit is identified.
- b. Example Areas: Mount Pisgah, Clarkston Landfill, Logan Airport and surrounding area (this area may require updating to relate to future development of transportation corridors)
- c. Purpose and Character: Industrial uses, i.e. manufacturing, energy development, resource extraction (mining), and/or waste management. Separation from residential uses, community gateways, and high visibility corridors (US 89/91) is advantageous.
- d. Preferred Land Uses: Light Industrial, Heavy Industrial
- e. Secondary Land Uses: Agricultural support industries (processing, packaging, distribution), commercial mineral deposits. The following factors should be considered when locating:
 - i. Wetlands and critical riparian areas and wildlife habitat.
 - ii. Size of the potential area.
 - iii. Existing development that effectively precludes extraction.
 - iv. Other site-specific factors including the quality of life of the residents in and around areas that contain commercial mineral deposits and the ability to reclaim the area.
- f. Discouraged Uses: Commercial Retail, Commercial Office, Residential

9. This parcel is not located in the Urban Expansion Overlay.

10. Hyde Park City’s General Plan identifies this area as the “Industrial/Commercial” Zone.

- a. Commercial:
 - i. “The purpose of the commercial areas is to provide appropriate locations where a combination of sales tax producing business, commercial, entertainment, services, and related activities may be established, maintained, and protected. Not intended for significant residential use or warehouses.”
- b. Industrial:
 - i. “This category includes areas that allow for a compatible mixture of light industrial and heavy commercial uses, including warehouses, which do not require intensive land coverage and do not generate large volumes of traffic with obnoxious sounds, glare, dust or odors.”

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

11. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.
12. §16.02.010 Standards and Lot Size – All subdivisions must meet the minimum lot and development standards as outlined in each base zone of the Cache County Zoning Ordinance and within this title.
13. Table §17.10.040 Site Development Standards – Minimum lot frontage required in the Industrial (I) Zone is 150 feet.

14. §17.07.040 General Definitions – Lot/Parcel Frontage: that portion of a development site that abuts a public or private roadway. For the purposes of determining setback requirements on corner lots, all sides of a lot adjacent to a roadway shall be considered frontage
15. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
16. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
17. The parcel does not have frontage or direct access to a County road.
 - a. The nearest access is to Hyde Park Center Street.

D. Service Provisions:

18. §16.04.080 [C] Fire Control – The County Fire District had no comments in regards to this application.
19. §16.04.080 [F] Solid Waste Disposal – Applicant must work with Waste Management for solid waste disposal.

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

20. Public notice was posted online to the Utah Public Notice Website on 25 October 2024.
21. Notices were posted in three public places on 25 October 2024.
22. Notices were mailed to all property owners within 300 feet on 28 October 2024.
23. At this time, one written public comment regarding this proposal has been received by the Development Services Office.

Conclusion

The CVB rezone, a request to rezone 1.41 acres from the Agricultural (A10) Zone to the Industrial (I) Zone has been reviewed in conformance with Title 17 of the Cache County Land Use Ordinance and the County Manual of Roadway Design and Construction Standards. Staff has not made a recommendation based on the findings of fact identified above and any others identified at the public hearing. Although Staff has not made a recommendation for approval or denial, they can help Planning Commission draft a recommendation to County Council.

Planning Commission Conclusion

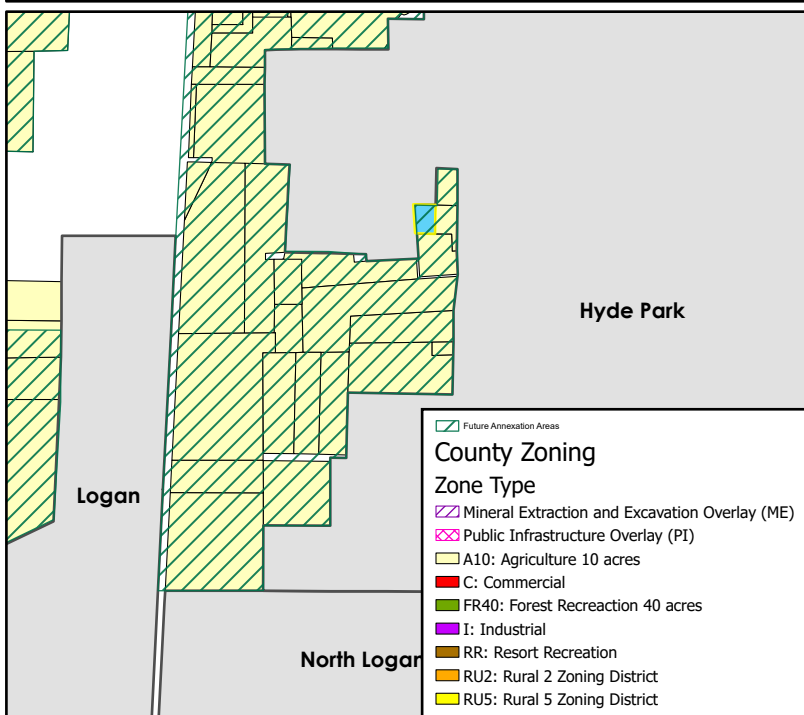
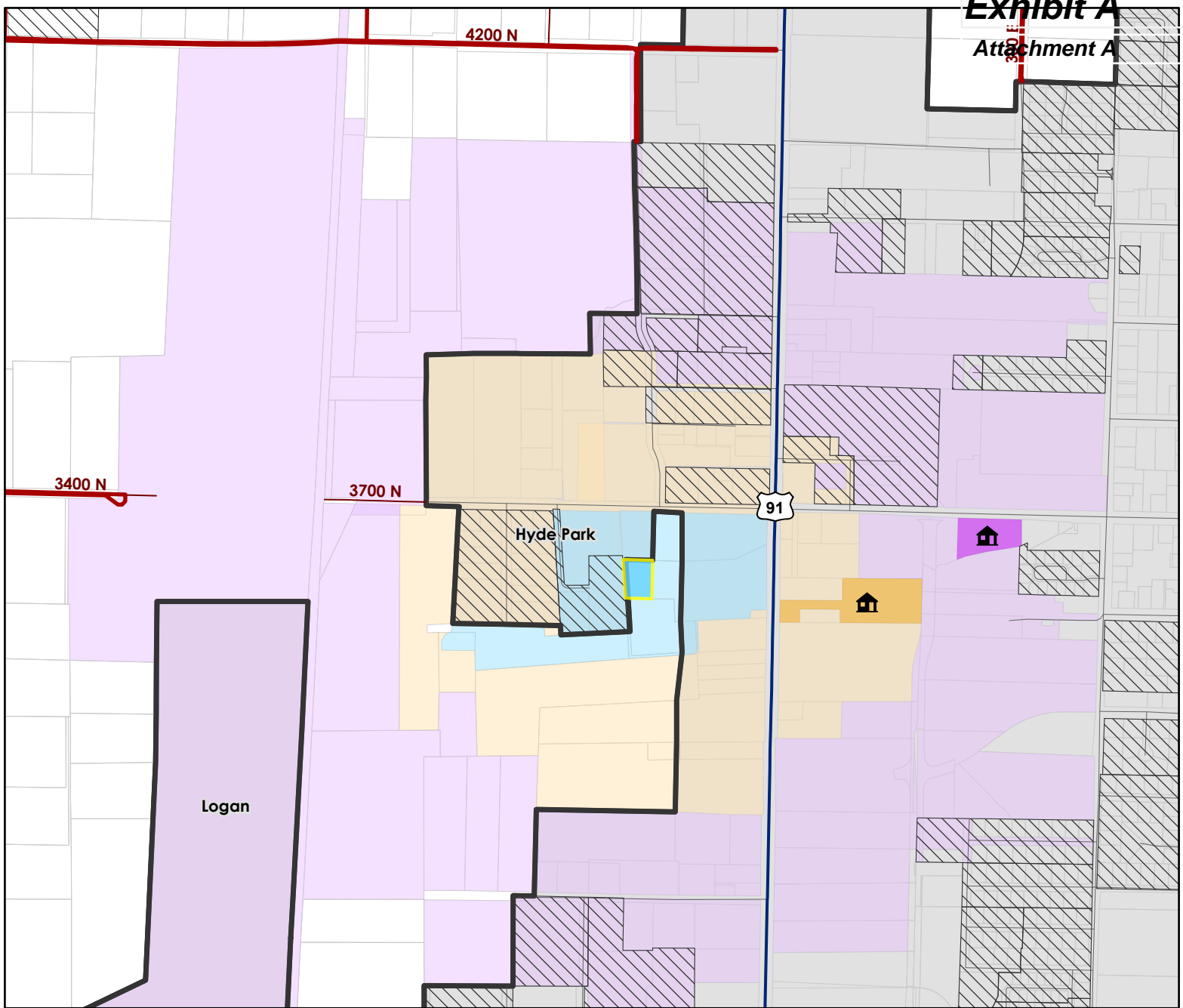
Based on the findings of fact noted herein, the CVB rezone is hereby recommended for approval to the County Council as follows:

1. The location of the subject property to be rezoned is compatible with the purpose of the Industrial (I) Zone:
 - a. To provide locations where manufacturing, processing, warehousing, and fabrication of goods and material can be carried on with minimum conflict or deleterious effect upon the surrounding properties. The purpose of this zone is also to promote the economic well-being of the citizens and to broaden the tax base.
 - b. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.
2. The subject property is consistent with the Cache County General Plan as it is located in the “Industrial and Mineral Extraction” area.
3. The subject property is consistent with the Hyde Park City General Plan as it is located in the “Industrial/Commercial” Zone.
 - a. Commercial:
 - i. “The purpose of the commercial areas is to provide appropriate locations where a combination of sales tax producing business, commercial,

entertainment, services, and related activities may be established, maintained, and protected. Not intended for significant residential use or warehouses.”

b. Industrial:

- i. “This category includes areas that allow for a compatible mixture of light industrial and heavy commercial uses, including warehouses, which do not require intensive land coverage and do not generate large volumes of traffic with obnoxious sounds, glare, dust or odors.”

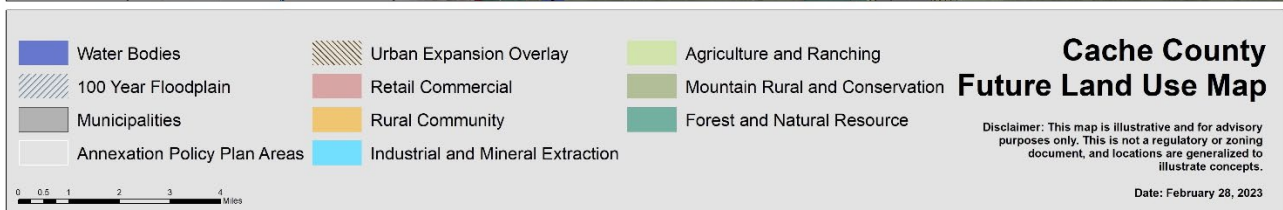
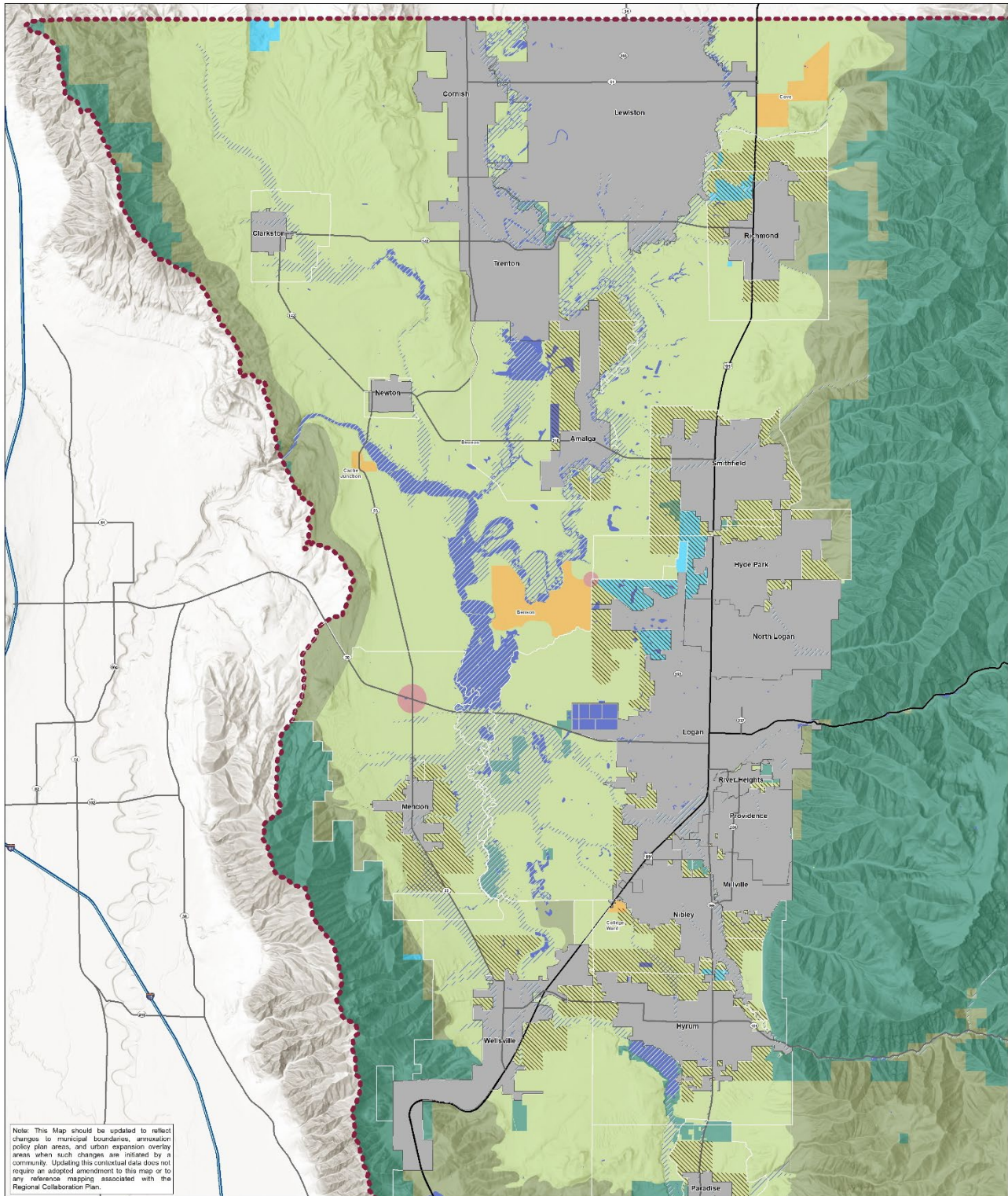


Legend

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

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113 East Center / P.O. Box 489
Hyde Park, Utah 84318

Phone: 435-563-6507
Fax: 435-563-9029

Cache County
Development Services
179 N Main
Logan, UT 84321

October 1, 2024

Regarding: Rezone of parcel 04-028-0039

Hyde Park City has been approached by Scott Robinson, representing CVB Properties LLC, with a request that a parcel be rezoned within the county from agricultural to commercial. The owners approached the city in October 2023 about annexation and development of a new building but chose to pursue development in the county instead. Hyde Park City would prefer that the applicants resume that process instead of developing in the county, but we understand that may or may not happen in the future and technically does not influence the decision to allow or deny a rezone.

The city is aware that the applicant has the ability to petition for rezone of their property as it is in the county, and we will not stand in the way of that process. However, if CVB Properties LLC applies for a building permit or to redevelop the site, Hyde Park City requests that the county shares any development plans with the city for review to ensure compliance with local, international, fire, and health codes as the parcel is within our agreed annexation boundary.

Thank You,

A handwritten signature in black ink, appearing to read "Marcus Allton", is written over a horizontal line.

Marcus Allton
Hyde Park City Administrator

H.F.L.P., L.C.

Dear Planning Commission,

October 31, 2024

Regarding location: 3700 N. 208 W., Hyde Park, UT 84341

Please be advised that we own the property to the east of this property. We feel that a determination must be made as to the location and responsibilities of adjacent land owners as to the future of 200 W Street.

Our view is that 200 W going south should be located in between the property lines so that each property shares equally the burden or that the county purchases the right of way allowing each property owner a chance to develop their respective properties. This is the right time to get this matter settled.

Thank you,



H.F.L.P., LC

Steve Harmsen - Manager

H.F.L.P., LLC

26 North State Street, Salt Lake City, Utah 84103

Phone: (801) 531-1900 Email: smh@att.net



The following legal description reflects the noted property above to be rezoned from Agricultural (A10) to Industrial (I):

BEG AT NE COR OF SEC 9 T 12N R 1E & TH S 462 FT BR TH N 88°49'37" W 660 FT (W 544.5 FT BR) TH S 1°06'28" W 661.15 FT TO S LN OF 3700 N ST TH N 88°46'31" W ALG S LN OF ST 450.53 FT TO POB (BEING N 91 RDS BR OF S LN OF NE/4 SD SEC & 68 RDS W OF E LN OF SD SEC) & TH S 3°41'10" E 359.79 FT TH S 11°06'06" E 6.48 FT TH E 20 FT TO TRUE POB TH S 1°13'29" W 14.1 FT TH S 11°46'34" E 97.06 FT TH S 4°06'18" E 109.05 FT TH S 0°26'47" E 21.66 FT TH S 88°19'51" E 169.41 FT TH N 1°13'29" E 238.65 FT TH N 88°19'51" W 202.01 FT TO TRUE POB CONT 1.00 AC M/B

ALSO: BEG AT NE COR OF SEC 9 T 12N R 1E & TH S 462 FT BR TH N 88°49'37" W 660 FT (W 544.5 FT BR) TH S 1°06'28" W 661.15 FT TO S LN OF 3700 N ST TH N 88°46'31" W ALG S LN OF ST 450.53 FT TO TRUE POB (BEING N 91 RDS BR OF S LN OF NE/4 SD SEC & 68 RDS W OF E LN OF SD SEC) & TH S 3°41'10" E 359.79 FT TH S 11°06'06" E 6.48 FT TH E 20 FT TH S'LY ALG E LN OF 16.5 FT WIDE R/W IN 4 COURSES: S 1°13'29" W 14.1 FT S 11°46'34" E 97.06 FT S 4°06'18" E 109.05 FT S 0°26'47" E 21.66 FT TO TRUE POB TH S 0°26'47" E 49.38 FT TH S 88°19'51" E 167.97 FT TH N 1°13'29" E 49.35 FT TH N 88°19'51" W 169.41 FT TO TRUE POB CONT 0.19 AC

ALSO: THAT PROPERTY LYING WEST OF ABOVE PARCELS & EAST OF 20 FT DEEDED R/W (SEE 1139/235 FOR DESC) CONT 0.09 AC M/L CONT 1.28 AC IN ALL

ALSO: BEG AT NE COR OF SEC 9 T 12N R 1E & TH S 462 FT BR TH N 88°49'37" W 660 FT (W 544.5 FT BR) TH S 1°06'28" W 661.15 FT TO S LN OF 3700 N ST TH N 88°46'31" W ALG S LN OF ST 450.53 FT TO TRUE POB (BEING N 91 RDS BR OF S LN OF NE/4 SD SEC & 68 RDS W OF E LN OF SD SEC) & TH S 3°41'10" E 359.79 FT TH S 11°06'06" E 6.48 FT TO TRUE POB TH S 88°19'51" E 20.08 FT TH S 3°29'23" E 287.56 FT TH N 88°06'14" W 20.09 FT TO POST & WIRE FENCE TH N 3°29'23" W 287.48 FT TO TRUE POB CONT 0.13 AC (815842) CONT 1.41 AC IN ALL



**CACHE COUNTY
ORDINANCE NO. 2025 - 04**

**AN ORDINANCE AMENDING THE CACHE COUNTY FIRE CODE UNDER CACHE
COUNTY CODE 15.08.020 TO COME INTO COMPLIANCE WITH UPDATES TO
INTERNATIONAL FIRE CODE**

- (A) WHEREAS, updates are regularly made to the International Fire Code by the International Code Council. ;
- (B) WHEREAS, County Code currently references the 2018 edition of the International Fire Code.
- (C) WHEREAS, County Code should be updated in a manner to come into and maintain compliance with the International Fire Code;
- (D) WHEREAS, the County Council may adopt resolutions necessary and appropriate to establish official policy and to facilitate the discharge of any powers and responsibilities of Cache County pursuant to Cache County Code 2.12.120; and
- (E) WHEREAS, the County Council may pass all ordinances and rules and make all regulations, not repugnant to law, necessary for carrying into effect or discharging its powers and duties pursuant to Utah Code § 17-53-223(1);

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

SECTION 1

Cache County Code, Chapter 15.08.020 is amended to read as follows, with a redline copy attached as “EXHIBIT 1”:

CHAPTER 15.08.020 CACHE COUNTY FIRE CODE

Each of the regulations, provisions, penalties, conditions, and terms of the following codes and standards, with the additions, insertions, deletions, and changes thereto, if any, prescribed in Chapter 8 of Title 15 of the Cache County Code, are adopted as the Cache County Fire Code:

- A. The International Fire Code published by the International Code Council, Inc., as adopted by the State of Utah in Section 15A-5-103(l) of the Utah Code and as amended by the State of Utah in Part 2 of Title 15 A of the Utah Code.
- B. Sections D103, D106, and D107 of Appendix D to the International Fire Code published by the International Code Council, Inc., current edition, except that Subsection D103.1 is not adopted.
- C. The International Urban-Wildland Interface Code published by the International Code Council, Inc., as adopted by the State of Utah, with exceptions, in Utah Administrative Code R652-122-1300.
- D. The National Fire Protection Association, NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting, 2017 edition (“NFPA 1142”), except delete Section



CACHE COUNTY
ORDINANCE NO. 2025 - 04

4.6 thereof, titled Water Delivery Rate to the Fire Scene, and exempt all structures in the Forest Recreational Zone (FR40) with an occupancy classification of Storage Group S under the International Building Code from the requirements of NFPA 1142.

- E. B103.1 and Table B105.1(2) of Appendix B to the International Fire Code published by the International Code Council, Inc., current edition.

Section 2

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

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

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

CACHE COUNTY:

ATTEST:

By: _____
_____, Chair

By: _____
Bryson Behm, County Clerk



CACHE COUNTY
ORDINANCE NO. 2025 - 04

ACTION OF THE COUNTY EXECUTIVE:

____ Approved
____ Disapproved (written statement of objection attached)

By: _____
David Zook, County Executive Date

EXHIBIT 1

REDLINE VERSION OF CHANGES TO CHAPTER 15.08.020

CHAPTER 15.08.020 CACHE COUNTY FIRE CODE

Each of the regulations, provisions, penalties, conditions, and terms of the following codes and standards, with the additions, insertions, deletions, and changes thereto, if any, prescribed in Chapter 8 of Title 15 of the Cache County Code, are adopted as the Cache County Fire Code:

- A. The International Fire Code published by the International Code Council, Inc., as adopted by the State of Utah in Section 15A-5-103(l) of the Utah Code and as amended by the State of Utah in Part 2 of Title 15 A of the Utah Code.
 - B. Sections D103, D106, and D107 of Appendix D to the International Fire Code published by the International Code Council, Inc., ~~2018~~ current edition, except that Subsection D103.1 is not adopted.
 - C. The International Urban-Wildland Interface Code published by the International Code Council, Inc., as adopted by the State of Utah, with exceptions, in Utah Administrative Code R652-122-1300.
 - D. The National Fire Protection Association, NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting, 2017 edition ("NFPA 1142"), except delete Section 4.6 thereof, titled Water Delivery Rate to the Fire Scene, and exempt all structures in the Forest Recreational Zone (FR40) with an occupancy classification of Storage Group S under the International Building Code from the requirements of NFPA 1142.
- B103.1 and Table B105.1(2) of Appendix B to the International Fire Code published by the International Code Council, Inc., ~~2018~~ current edition.



**CACHE COUNTY
ORDINANCE NO. 2025 - 05**

**AN ORDINANCE AMENDING THE DISCLOSURE OF CONFLICTS OF INTERESTS
ESTABLISHED UNDER CACHE COUNTY CODE 2.62 TO COME INTO
COMPLIANCE WITH UPDATES TO STATE CODE**

- (A) WHEREAS, updates were made to Utah Code Title 17 Chapter 16a the County Officers and Employees Disclosure Act through House Bill 80;
- (B) WHEREAS, County Code currently has the pervious iteration of the Employees Disclosure Act adopted code in Chapter 2.62.
- (C) WHEREAS, County Code should be updated in a manner to come into and maintain compliance with the Employees Disclosure Act;
- (D) WHEREAS, the County Council may adopt resolutions necessary and appropriate to establish official policy and to facilitate the discharge of any powers and responsibilities of Cache County pursuant to Cache County Code 2.12.120; and
- (E) WHEREAS, the County Council may pass all ordinances and rules and make all regulations, not repugnant to law, necessary for carrying into effect or discharging its powers and duties pursuant to Utah Code § 17-53-223(1);

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

SECTION 1

Cache County Code, Chapter 2.62 is amended to read as follows, with a redline copy attached as “EXHIBIT 1”:

CHAPTER 2.62 DISCLOSURE OF CONFLICTS OF INTEREST

2.62.010: AUTHORITY AND PURPOSE

2.62.010: AUTHORITY AND PURPOSE

Under authority of Utah Code Annotated section 17-16a-1, Cache County adopts the State of Utah's established procedures for disclosure of Conflicts of interest as well as the standards of conduct for county officers and employees and requires these persons to disclose conflicts of interest between their public duties and their personal interests as outlined in Title 17 chapter 16a.

Section 2

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



CACHE COUNTY
ORDINANCE NO. 2025 - 05

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

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

CACHE COUNTY:

ATTEST:

By: _____
_____, Chair

By: _____
Bryson Behm, County Clerk

ACTION OF THE COUNTY EXECUTIVE:

____ Approved
____ Disapproved (written statement of objection attached)

By: _____
David Zook, County Executive

Date

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CACHE COUNTY
ORDINANCE NO. 2025 - 05

EXHIBIT 1

REDLINE VERSION OF CHANGES TO CHAPTER 2.62

CHAPTER 2.62 DISCLOSURE OF CONFLICTS OF INTEREST

2.62.010: AUTHORITY AND PURPOSE

~~2.62.020: DEFINITIONS~~

~~2.62.030: PROHIBITED USE OF OFFICIAL POSITION—EXCEPTION~~

~~2.62.040: COMPENSATION FOR ASSISTANCE IN TRANSACTION INVOLVING
COUNTY—PUBLIC DISCLOSURE AND FILING REQUIRED~~

~~2.62.050: INTEREST IN BUSINESS ENTITY REGULATED BY COUNTY—DISCLOSURE~~

~~2.62.060: INTEREST IN BUSINESS ENTITY DOING BUSINESS WITH COUNTY—
DISCLOSURE~~

~~2.62.070: INVESTMENT CREATING CONFLICT OF INTEREST WITH DUTIES—
DISCLOSURE~~

~~2.62.080: INDUCING OFFICER OR EMPLOYEE TO VIOLATE PROVISIONS
PROHIBITED~~

~~2.62.090: REMOVAL FROM OFFICE~~

~~2.62.100: COMPLAINTS CHARGING VIOLATIONS—PROCEDURE~~

~~2.62.110: RESCISSION OF PROHIBITED TRANSACTION~~

2.62.010: AUTHORITY AND PURPOSE

Under authority of Utah Code Annotated section 17-16a-1, Cache County adopts the State of Utah's established [procedures for disclosure of Conflicts of interest as well as the](#) standards of conduct for county officers and employees and requires these persons to disclose conflicts of interest between their public duties and their personal interests [as outlined in Title 17 chapter 16a](#).

2.62.020: DEFINITIONS

~~Terms used in this chapter are defined in Utah Code Annotated section 17-16a-3, as amended.~~

2.62.030: PROHIBITED USE OF OFFICIAL POSITION—EXCEPTION

- ~~1. Except as provided in subsections C or E, it is an offense for an elected or appointed officer or employee to:~~
 - ~~1. Disclose confidential information acquired by reason of the officer or employee's official position or use that information to secure special privileges or exemptions for the officer, employee, or others;~~
 - ~~2. Use or attempt to use the officer or employee's official position to secure special privileges for the officer, employee, or for others; or~~



CACHE COUNTY
ORDINANCE NO. 2025 - 05

- ~~3. Knowingly receive, accept, take, seek, or solicit, directly or indirectly, any gift or loan for the officer, employee, or for another, if the gift or loan tends to influence the officer or employee in the discharge of the officer or employee's official duties.~~
- ~~2. This section is inapplicable to:~~
 - ~~1. An occasional nonpecuniary gift having a value of less than fifty dollars (\$50.00);~~
 - ~~2. An award publicly presented;~~
 - ~~3. Any bona fide loan made in the ordinary course of business; or~~
 - ~~4. Political campaign contributions subject to Utah Code Annotated section 17-16-6.5.~~
- ~~3. A member of the Cache County Council who is also a member of the governing board of a provider of mental health or substance abuse services under contract with Cache County does not commit an offense under subsection A1 or A2 by discharging, in good faith, the duties and responsibilities of each position, if the County Council member does not participate in the process of selecting the mental health or substance abuse service provider.~~
- ~~4. Notwithstanding the provisions of this section, Cache County or a Cache County official may encourage support from a public or private individual or institution, whether in financial contributions or by other means, on behalf of an organization or activity that benefits the community.~~
- ~~5. This section does not apply to an elected or appointed officer or employee who engages in conduct that constitutes a violation of this section to the extent that the elected or appointed officer or employee is chargeable, for the same conduct, under Utah Code Annotated section 76-8-105.~~

2.62.040: COMPENSATION FOR ASSISTANCE IN TRANSACTION INVOLVING COUNTY - PUBLIC DISCLOSURE AND FILING REQUIRED

- ~~1. No elected or appointed officer or employee may receive or agree to receive compensation for assisting any person or business entity in any transaction involving Cache County in which they are an officer or employee unless they file with the County Council or the body on which they are a member a sworn statement giving the information required by this section, and discloses in open meeting to the members of the County Council or body of which they are a member, immediately prior to the discussion, the information required by Subsection C.~~
- ~~2. The statement required to be filed by this section shall be filed ten (10) days prior to the date of any agreement between the elected or appointed officer or employee and the person or business entity being assisted or ten (10) days prior to the receipt of compensation by the business entity. The statement is public information and is available for the examination of the public.~~
- ~~3. The statement and disclosure shall contain the following information:~~
 - ~~1. The name and address of the officer or employee;~~
 - ~~2. The name and address of the person or business entity being or to be assisted, or in which the appointed or elected official has substantial interest; and~~



CACHE COUNTY
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3. ~~A brief description of the transaction as to which service is rendered or is to be rendered and of the nature of the service performed or to be performed.~~

2.62.050: INTEREST IN BUSINESS ENTITY REGULATED BY COUNTY DISCLOSURE

~~Every appointed or elected officer or employee of Cache County who is an officer, director, agent, or employee or the owner of a substantial interest in any business entity which is subject to the regulation of Cache County shall disclose the position held and the precise nature and value of the officer or employee's interest upon first becoming appointed, elected, or hired, and again during January of each year thereafter during which the officer or employee continues to be an appointed or elected officer or employee. The disclosure shall be made in a sworn statement filed with the County Council or the body of which they are a member. Bodies other than the County Council shall report the substance of all such disclosure statements to the members of the County Council or may provide to the members of the County Council, copies of the disclosure statement within thirty (30) days after the statement is received. This section does not apply to instances where the value of the interest does not exceed two thousand dollars (\$2,000.00), and life insurance policies and annuities may not be considered in determining the value of the interest.~~

2.62.060: INTEREST IN BUSINESS ENTITY DOING BUSINESS WITH COUNTY DISCLOSURE

~~Every appointed or elected officer or employee who is an officer, director, agent, or employee or the owner of a substantial interest in any business entity which does or anticipates doing business with Cache County, shall publicly disclose to the members of the County Council or body on which they are a member immediately prior to any discussion by such body matters relating to such business entity, the nature of their interest in that business entity. The disclosure statement shall be entered in the minutes of the meeting.~~

2.62.070: INVESTMENT CREATING CONFLICT OF INTEREST WITH DUTIES DISCLOSURE

~~Any personal interest of or investment by any elected or appointed official of Cache County which creates a potential or actual conflict between the official's personal interests and the official's public duties shall be disclosed in open meeting to the members of the County Council or the body on which they are a member in the manner required by section 2.62.050.~~

2.62.080: INDUCING OFFICER OR EMPLOYEE TO VIOLATE PROVISIONS PROHIBITED

~~No person shall induce or seek to induce any appointed or elected officer or employee to violate any of the provision of this chapter.~~

2.62.090: REMOVAL FROM OFFICE

~~In accordance with Utah Code Annotated section 17-16a-10, in addition to any penalty contained in any other provision of law, any person who knowingly and intentionally violates this chapter shall be dismissed from employment or removed from office.~~

2.62.100: COMPLAINTS CHARGING VIOLATIONS - PROCEDURE



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- ~~1. Except as provided in subsection B, a person filing a complaint for a violation of this chapter shall file the complaint with the Political Subdivisions Ethics Review Commission established in accordance with Utah Code, Title 63A, Chapter 15.~~
- ~~2. Any complaint against a person who is under the merit system, charging that person with a violation of this chapter, shall be filed and processed in accordance with the provisions of the merit system.~~

~~2.62.110: RESCISSION OF PROHIBITED TRANSACTION~~

~~If any transaction is entered into in connection with a violation of section 2.62.050, Cache County may rescind or void any contract or subcontract entered into pursuant to that transaction without returning any part of the consideration received by the County.~~

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**CACHE COUNTY
ORDINANCE NO. 2024 - ____**

**A RESOLUTION TO AMEND THE CACHE COUNTY PERSONNEL POLICY AND
PROCEDURE MANUAL SECTION VIII.X.**

- (A) WHEREAS, the County Council may pass all ordinances and rules and make all regulations, not repugnant to law, necessary for carrying into effect or discharging its powers and duties pursuant to Utah Code 17-53-223(1); and
- (B) WHEREAS, this policy is needed to further come into compliance with Utah Code 67-21; and
- (C) WHEREAS, in 2023 the County received reports from the Utah Office for Victims of Crime indicating that a more robust whistleblower policy is necessary; and
- (D) WHEREAS, it is in the best interest of the County as an entity and for its employees to provide them with a way to raise concerns about government misconduct and providing the County with a way to resolve those concerns; and
- (E) WHEREAS, the Cache County Council Ordinance and Policy Review Committee approved this resolution by a vote of X to X at its September 9, 2024 meeting.

NOW THEREFORE, be it resolved by the County Council of Cache County, Utah, that the Cache County Personnel Policy & Procedure Manual be changed as follows:

SECTION 1

Cache County Policy and Procedure Manual Section VII.X, is amended to read as follows with a redline copy attached as “EXHIBIT 1”:

X. Whistleblowing – Reporting Government Waste and Violations of Law

Cache County employees have the right to report government waste and violations of local, state, and federal law (also known as whistleblowing) without fear of the County taking adverse action against them. This policy gives a general outline of the reporting guidelines, the procedures, and the protections provided to county employees who report government misconduct. The Cache County Countywide Policy contains a detailed outline of the procedures and policies related to whistleblowing.

1. Definitions.

- a. Employee - For purposes of this section of the Cache County Personnel Policy, an employee of the County is a person who performs services for wages or other payment under a contract to include department heads, supervisors, employees, and independent contractors.



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- b. Official - For purposes of this section of the Cache County Personnel Policy, an official of the County is a person who is elected to a county office, board, committee, commission or any other subunit of the County, or who is appointed to fill a vacancy in an elected position.
- c. Government Misconduct - Government misconduct is government waste or violations of the law, to include:
 - i. the waste or misuse of public funds, property, and manpower;
 - ii. a violation of the laws, rules, and regulations of this County, the State of Utah, and of the federal government;
 - iii. gross mismanagement;
 - iv. abuse of authority; and
 - v. unethical conduct.
- d. Government Misconduct Process - Any part of the process for reporting and responding to reports of government misconduct by Cache County through its employees and officials which may include but is not limited to reporting, reviewing reports, investigating, and initiating corrective actions.
- e. Retaliation - Retaliation occurs when a county employee or official takes adverse action against another employee for reporting or otherwise reasonably participating in the government misconduct process or criminal proceeding involving the alleged government misconduct. Adverse action may include but is not limited to terminating, demoting, denying overtime or promotion, or reducing the pay, hours, or responsibilities of the employee or official who reported or reasonably participated in the government misconduct process.

2. Reporting Guidelines.

- a. What types of acts are reportable - County employees are permitted to report the following types of government waste or violations of the law (hereinafter referred to as “government misconduct”):
 - i. The waste or misuse of public funds, property, and manpower;
 - ii. A violation of the laws, rules, and regulations of this County, the State of Utah, and of the federal government;
 - iii. Gross mismanagement;
 - iv. Abuse of authority; and
 - v. Unethical conduct.
- b. Where to report
 - i. Reporting Website - County employees can make reports, including anonymous reports, by following a link that is provided on the Cache County Auditor’s website.
 - ii. Reporting to County Officials - Under Utah Code § County employees also have the option to report government misconduct to the following county officials:
 - 1. The Cache County Council or a member of the County Council;
 - 2. The County Executive; or
 - 3. The County Auditor.



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When one of these officials receives a report, they must forward the report to the Government Conduct Committee no later than 3 calendar days following knowledge of the report by the official(s).

- c. Anonymous reports - County employees may report government misconduct anonymously. Cache County reserves the right to decline to investigate anonymous reports.
 - d. Malicious, False, or Frivolous Accusations - Employees must not make malicious, false, or frivolous accusations against the County or its employees and officers related to claims of government waste and violations of law. Employees are subject to consequences up to and including termination if they make malicious, false, or frivolous accusations, and they may not claim the protections afforded to whistleblowers pertaining to a report that is malicious, false, or frivolous.
 - e. Criminal Allegations - Whenever the County receives a report of criminal conduct, the County may refer the allegations to the proper law enforcement agency. The County may investigate reports that contain violations of local, state, or federal law independently from law enforcement if the County determines the report merits an investigation.
3. Government Misconduct Process. The following is a general overview of the County's process for handling reports of government misconduct.
- a. Reviewing Reports - Once the Government Conduct Committee receives a report in person, through the hotline, or through an email, they will review the allegations to determine if there is enough information to move forward with an investigation. The Government Conduct Committee will issue a written determination to the reporting employee explaining whether the County will conduct an investigation.
 - b. Investigation - If the Government Conduct Committee determines an investigation is appropriate, they will assign an investigator from the County to gather evidence and conduct interviews as necessary. After completing the investigation, the investigator will draft a written report to the Government Conduct Committee explaining whether the evidence proves the employee or official committed government misconduct.
 - c. Review & Determination - The Government Conduct Committee will review the investigator's report. The Committee may request additional information or clarification from the investigator if needed. The Committee may also request a hearing if necessary to make a determination. The Committee will then make a final determination. The Committee must make their final determination in writing. The Government Conduct Committee will provide its written determination to the respective county official, department head or manager, the County Council, and the County Executive with the appropriate corrective actions. The final determination will also be given to the reporting employee and the accused.
 - d. Corrective Actions - The respective official, department head, or supervisor will enforce and administer corrective actions directed by the Government Conduct Committee. If a department head or supervisor is implicated in a report of government misconduct the elected official over the department will implement corrective actions permitted under the



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law. If an official is implicated in a report of government misconduct, the County Executive will implement corrective actions permitted under the law. In cases implicating the Executive, the County Council will implement legally permitted corrective actions. Corrective actions for non-elected employees may include a number of consequences up to and including termination. The final determination will also be given to the reporting employee and the accused.

4. Whistleblower Protections.

a. Prohibitions on the County that Protect Whistleblowers - The County and its employees and elected officials are prohibited from:

- i. Retaliating against a county employee for reporting government misconduct;
- ii. Retaliating against an employee who participates in an investigation, hearing, or court proceeding involving government misconduct; and
- iii. Retaliating against an employee because an employee objected to or refused to carry out a directive that the employee reasonably believes violates the law.

b. Reporting Retaliation –

- i. Reports of retaliation will follow the same process as reports of government misconduct. Any employee who retaliates may receive corrective actions, including a number of consequences up to and including termination. Corrective actions for elected officials are limited to those actions permitted under the law.

c. Punitive Actions Against the County - County employees, who violate any of the prohibitions that protect whistleblowers, such as retaliating against whistleblowers, may receive punitive actions up to and including termination. If any act by an employee or official is found to be criminal, the county employee or official may also be subject to criminal penalties.

The Option of a Civil Lawsuit is Available to Employees - Employees may file a civil lawsuit for a violation of the Utah Protection of Public Employees Act under Utah Code §67-21-4.



CACHE COUNTY
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PASSED AND APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH
THIS ____ DAY OF _____ 2024.

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

CACHE COUNTY:

ATTEST:

By: _____
David L. Erickson, Chair

By: _____
Bryson Behm, County Clerk / Auditor



**CACHE COUNTY
ORDINANCE NO. 2024 - ____**

**EXHIBIT 1
REDLINE VERSION OF CHANGES TO SECTION VII.X.**

~~X. Reporting Fraud or Abuse and Whistle Blowing~~

~~1. Definition: "Improper governmental action" means any action by a Cache County employee:~~

~~a. That is undertaken in the performance of the employee's official duties, whether or not the action is within the scope of the employee's employment; and 67 March 2022~~

~~b. That is in violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety or is a gross waste of public funds.~~

~~2. Reporting Fraud or Abuse~~

~~a. Employees who become aware of improper governmental actions should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor, or to some person designated by the supervisor, stating in detail the basis for the employee's belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee may raise the issue directly with the Cache County Executive or such other person as may be designated by the Cache County Executive to receive reports of improper governmental action.~~

~~b. In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate department with responsibility for investigating the improper action.~~

~~c. The supervisor, Cache County Executive or Cache County Executive's designee shall take prompt action to assist Cache County in properly investigating the report of improper governmental action. Cache County officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.~~

~~d. Cache County employees may report information about improper governmental action directly to the Cache County Auditor if the employee reasonably believes that an adequate investigation was not undertaken to determine whether an improper governmental action~~



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~~occurred, or that insufficient action has been taken to address the improper governmental action or that for other reasons the improper governmental action is likely to recur.~~

~~e. Cache County employees who fail to make a good faith attempt to follow procedures in reporting improper governmental action shall not receive the protections provided by Cache County in these procedures.~~

3. Complaints, Investigations, Review and Enforcement

~~a. Any person may file a complaint alleging a violation of this policy.~~

~~b. The complaint shall be in writing and shall, except as described in section C below, be signed by the complainant. The written complaint should state the nature of the alleged violation(s), the date(s), time and place of each occurrence, and name of the person(s) charged with the violation(s). The complainant shall provide the Cache County Executive with all available documentation or other evidence to demonstrate a reason for believing that a violation has occurred. The complaint shall be filed with the Cache County Executive who shall provide a copy of the complaint and all documentation to the Auditor who shall forward the complaint with a recommendation it to the Audit Committee within ten (10) days of receipt if possible. After review by the Audit Committee a copy of the complaint may be provided to the person charged with a violation.~~

~~c. This policy is intended to protect employees who choose to come forward in good faith with complaints about governmental actions and conduct of Cache County employees. Anonymous complaints have the potential to subject the person who is the subject of the complaint to an investigation that may, at the least, cause stress and embarrassment, and may, at most, result in discipline or termination of employment. Cache County is reluctant to begin an investigation based on an anonymous complaint due to the fact that evidence will be difficult to obtain and verify, and it will be impossible to assess the complainant's credibility. Complainants and whistleblowers have protection from retaliation under Cache County policy. A thorough investigation of complaints is Cache County's goal. It may not be possible to conduct a thorough investigation when a complainant remains anonymous. Therefore, Cache County reserves the right to decline to investigate any complaint that is provided anonymously.~~

~~d. If a complaint is received anonymously it shall be directed to Cache County Auditor for a recommendation on the processing of the complaint. Upon review of the complaint, the Cache County Auditor will recommend to the Audit Committee either that the complaint has no merit or that it should be investigated. Such a recommendation will be made within ten (10) days of receipt of the complaint, if possible. Upon receipt of the Cache County Auditor's recommendation the Audit Committee shall make the final determination on whether or not to continue the investigation, end the investigation, or refer the matter to an outside entity.~~

~~e. Within thirty (30) days after receipt of a complaint, the Cache County Auditor or another person appointed by the Audit Committee shall conduct a preliminary investigation. If the Cache~~



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~~County Auditor or a member of the Audit Committee or the governing board are implicated in the complaint, the Audit Committee will determine an independent person who will conduct the investigation. Criminal allegations will be referred to the proper law enforcement agency.~~

~~f. If the Cache County Auditor determines, after preliminary investigation, that there are no reasonable grounds to believe that a violation has occurred, the Cache County Auditor shall advise the Audit Committee to dismiss the complaint. If the Audit Committee does dismiss the complaint, it shall do so in writing, setting forth the facts and provisions of law upon which the dismissal is based, and shall provide a copy of the written dismissal to the complainant, to the person charged with the violation and to the governing board.~~

4. Whistleblower Protection

~~Utah Code § 67-21-3 prohibits public employers from taking adverse action against their employees for reporting in good faith government waste or violations of law to the appropriate authorities. A public entity employee, public body employee, legislative employee, or judicial employee, is presumed to have communicated in good faith if they have given written notice or otherwise formally communicated the conduct to the person in authority over the person alleged to have engaged in the illegal conduct.~~

X. Whistleblowing – Reporting Government Waste and Violations of Law

Cache County employees have the right to report government waste and violations of local, state, and federal law (also known as whistleblowing) without fear of the County taking adverse action against them. This policy gives a general outline of the reporting guidelines, the procedures, and the protections provided to county employees who report government misconduct. The Cache County Countywide Policy contains a detailed outline of the procedures and policies related to whistleblowing.

2. Definitions.

- a. Employee - For purposes of this section of the Cache County Personnel Policy, an employee of the County is a person who performs services for wages or other payment under a contract to include department heads, supervisors, employees, and independent contractors.
- b. Official - For purposes of this section of the Cache County Personnel Policy, an official of the County is a person who is elected to a county office, board, committee, commission or any other subunit of the County, or who is appointed to fill a vacancy in an elected position.
- c. Government Misconduct - Government misconduct is government waste or violations of the law, to include:
 - i. the waste or misuse of public funds, property, and manpower;
 - ii. a violation of the laws, rules, and regulations of this County, the State of Utah, and of the federal government;
 - iii. gross mismanagement;



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- iv. abuse of authority; and
 - v. unethical conduct.
 - d. Government Misconduct Process - Any part of the process for reporting and responding to reports of government misconduct by Cache County through its employees and officials which may include but is not limited to reporting, reviewing reports, investigating, and initiating corrective actions.
 - e. Retaliation - Retaliation occurs when a county employee or official takes adverse action against another employee for reporting or otherwise reasonably participating in the government misconduct process or criminal proceeding involving the alleged government misconduct. Adverse action may include but is not limited to terminating, demoting, denying overtime or promotion, or reducing the pay, hours, or responsibilities of the employee or official who reported or reasonably participated in the government misconduct process.
- 3. Reporting Guidelines.
 - a. What types of acts are reportable - County employees are permitted to report the following types of government waste or violations of the law (hereinafter referred to as “government misconduct”):
 - vi. The waste or misuse of public funds, property, and manpower;
 - vii. A violation of the laws, rules, and regulations of this County, the State of Utah, and of the federal government;
 - viii. Gross mismanagement;
 - ix. Abuse of authority; and
 - x. Unethical conduct.
 - c. Where to report
 - i. Reporting Website - County employees can make reports, including anonymous reports, by following a link that is provided on the Cache County Auditor’s website.
 - ii. Reporting to County Officials - Under Utah Code § County employees also have the option to report government misconduct to the following county officials:
 - 1. The Cache County Council or a member of the County Council;
 - 2. The County Executive; or
 - 3. The County Auditor.When one of these officials receives a report, they must forward the report to the Government Conduct Committee no later than 3 calendar days following knowledge of the report by the official(s).
 - f. Anonymous reports - County employees may report government misconduct anonymously. Cache County reserves the right to decline to investigate anonymous reports.
 - g. Malicious, False, or Frivolous Accusations - Employees must not make malicious, false, or frivolous accusations against the County or its employees and officers related to claims of government waste and violations of law. Employees are subject to



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- consequences up to and including termination if they make malicious, false, or frivolous accusations, and they may not claim the protections afforded to whistleblowers pertaining to a report that is malicious, false, or frivolous.
- h. Criminal Allegations - Whenever the County receives a report of criminal conduct, the County may refer the allegations to the proper law enforcement agency. The County may investigate reports that contain violations of local, state, or federal law independently from law enforcement if the County determines the report merits an investigation.
5. **Government Misconduct Process.** The following is a general overview of the County's process for handling reports of government misconduct.
- a. Reviewing Reports - Once the Government Conduct Committee receives a report in person, through the hotline, or through an email, they will review the allegations to determine if there is enough information to move forward with an investigation. The Government Conduct Committee will issue a written determination to the reporting employee explaining whether the County will conduct an investigation.
- b. Investigation - If the Government Conduct Committee determines an investigation is appropriate, they will assign an investigator from the County to gather evidence and conduct interviews as necessary. After completing the investigation, the investigator will draft a written report to the Government Conduct Committee explaining whether the evidence proves the employee or official committed government misconduct.
- c. Review & Determination - The Government Conduct Committee will review the investigator's report. The Committee may request additional information or clarification from the investigator if needed. The Committee may also request a hearing if necessary to make a determination. The Committee will then make a final determination. The Committee must make their final determination in writing. The Government Conduct Committee will provide its written determination to the respective county official, department head or manager, the County Council, and the County Executive with the appropriate corrective actions. The final determination will also be given to the reporting employee and the accused.
- d. Corrective Actions - The respective official, department head, or supervisor will enforce and administer corrective actions directed by the Government Conduct Committee. If a department head or supervisor is implicated in a report of government misconduct the elected official over the department will implement corrective actions permitted under the law. If an is implicated in a report of government misconduct, the County Executive will implement corrective actions permitted under the law. In cases implicating the Executive, the County Council will implement legally permitted corrective actions. Corrective actions for non-elected employees may include a number of consequences up to and including termination. The final determination will also be given to the reporting employee and the accused.
6. **Whistleblower Protections.**
- d. Prohibitions on the County that Protect Whistleblowers - The County and its employees and elected officials are prohibited from:
- i. Retaliating against a county employee for reporting government misconduct;



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- ii. Retaliating against an employee who participates in an investigation, hearing, or court proceeding involving government misconduct; and
 - iii. Retaliating against an employee because an employee objected to or refused to carry out a directive that the employee reasonably believes violates the law.
- e. Reporting Retaliation –
- i. Reports of retaliation will follow the same process as reports of government misconduct. Any employee who retaliates may receive corrective actions, including a number of consequences up to and including termination. Corrective actions for elected officials are limited to those actions permitted under the law.
- f. Punitive Actions Against the County - County employees, who violate any of the prohibitions that protect whistleblowers, such as retaliating against whistleblowers, may receive punitive actions up to and including termination. If any act by an employee or official is found to be criminal, the county employee or official may also be subject to criminal penalties.
- g. The Option of a Civil Lawsuit is Available to Employees - Employees may file a civil lawsuit for a violation of the Utah Protection of Public Employees Act under Utah Code §67-21-4.



**CACHE COUNTY
ORDINANCE NO. 2024 - ____**

**A RESOLUTION TO ADD A POLICY ON WHISTLEBLOWING TO SECTION 2 OF
THE COUNTYWIDE POLICY.**

- (A) WHEREAS, the County Council may pass all ordinances and rules and make all regulations, not repugnant to law, necessary for carrying into effect or discharging its powers and duties pursuant to Utah Code 17-53-223(1); and
- (B) WHEREAS, this policy is needed to further come into compliance with Utah Code 67-21; and
- (C) WHEREAS, in 2023 the County received reports from the Utah Office for Victims of Crime indicating that a more robust whistleblower policy is necessary; and
- (D) WHEREAS, it is in the best interest of the County as an entity and for its employees to provide them with a way to raise concerns about government misconduct and providing the County with a way to resolve those concerns; and
- (E) WHEREAS, the Cache County Council Ordinance and Policy Review Committee approved this resolution by a vote of X to X at its September 9, 2024 meeting.

NOW THEREFORE, be it resolved by the County Council of Cache County, Utah, that the Cache County Personnel Policy & Procedure Manual be changed as follows:

SECTION 1

Cache County Section 2 Subsection 100 is to read as follows:

Section 2 Administration & Personnel

Subsection 100 Whistleblowing - Reporting Government Misconduct

(A) Definitions

- (1) Employee - For purposes of this section of the Cache County Countywide Policy, an employee of the County is a person who performs services for wages or other payment under a contract to include department heads, supervisors, employees, and independent contractors.
- (2) Official - For purposes of this section of the Cache County Personnel Policy, an official of the County is a person who is elected to a county office, board, committee, commission or any other subunit of the County, or who is appointed to fill a vacancy in an elected position.
- (3) Government Misconduct - Government misconduct is government waste or violations of the law, to include:
 - (a) the waste or misuse of public funds, property, and manpower;



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- (b) a violation of the laws, rules, and regulations of this County, the State of Utah, and of the federal government;
- (c) gross mismanagement;
- (d) abuse of authority; and
- (e) unethical conduct.

(4) Government Misconduct Process - Any part of the process for reporting and responding to reports of government misconduct by Cache County through its employees and officials which may include but is not limited to reporting, reviewing reports, investigating, and initiating corrective actions.

(5) Retaliation - Retaliation occurs when a county employee or official takes adverse action against another employee or official for reporting or otherwise reasonably participating in the government misconduct process or criminal proceeding involving the alleged government misconduct. Adverse action may include but is not limited to terminating, demoting, denying overtime or promotion, or reducing the pay, hours, or responsibilities of the employee or official who reported or reasonably participated in the government misconduct process.

(B) Organization

(1) Government Conduct Committee - The Government Conduct Committee is responsible for ensuring Cache County effectively manages all reports of government misconduct and all reports of retaliation involving reports of government misconduct. The Government Conduct Committee must collaborate with those county officials and employees identified in this policy insomuch that those officials and employees are not implicated in government misconduct or retaliation. (Throughout this policy, the Government Conduct Committee is also referred to as “the Committee” or “Committee.”)

- (a) Composition of the Committee - The Committee shall consist of five (5) acting committee members and three (3) alternate committee members who accept an appointment by the County Executive with consent from the County Council. Acting committee members shall consist of:
- (i) One county elected official;
 - (ii) One appointed department head from any department within the County;
 - (iii) One merit employee;
 - (iv) One member of the Cache County Council; and
 - (v) One member of the Cache County Sheriff’s Office trained to conduct criminal investigations.

The Committee shall have one alternate committee member who is an elected official, one who is a council member, and one who is from any of the above three remaining categories.



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(b) Different Departments & Offices - No member of the Government Conduct Committee can be from the same county department or office as another committee member. For purposes of this policy, if a member of the committee is from a department under the County Executive, they are not considered to be part of the Office of the County Executive.

(c) Term Length - The elected official and county council member appointed to the committee shall serve a term of 3 years or till the end of their current term of office, whichever comes first. All other members of the committee shall serve two year terms. Alternate committee members shall have the same term length as acting committee members in their same position.

(d) Committee Chair - A committee chair shall be selected by majority vote of the committee for one-year terms.

(e) Committee Secretary - A committee secretary shall be selected by majority vote of the committee. The secretary shall make an audio recording of meetings and track the terms of each member. The secretary shall also make and keep records of the decisions of the Committee.

(f) Frequency of Meetings - The committee shall meet quarterly when there are no active cases and more frequently when there are active cases as recommended by the chair and determined by majority vote of the committee, but no less than once a month.

(g) Meeting Places & Resources - The Government Conduct Committee may utilize the Cache County Council Chambers for its meetings, or any other available meeting space within the County. Where the Committee does not have a budget, the Committee will utilize the resources of the Cache County Auditor's Office such as copiers, paper, and so forth.

(h) Decisions of the Committee - Decisions of the Committee must be unanimous and taken by vote. The Chair shall direct votes and ensure that votes are unanimous. The Committee secretary shall make and keep record of the decisions of the Committee. Committee members that have a conflict of interest or are implicated as having violated this policy are not able to vote and will not be counted in decisions of the Committee. Thus, decisions can be made unanimously with all remaining members of the Committee until the conflicted member is replaced.

(2) Investigators - The Director of Personnel Management, the County Sheriff, and the County Attorney will assign at least one employee from their respective offices to be an investigator to investigate reports of government misconduct. Each of these offices will update the Government Conduct Committee Secretary with a current list of investigators upon request of the secretary for the Committee. Each office may assign more than one employee from their office to be an investigator.



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ORDINANCE NO. 2024 - ____

(a) Training Investigators - The Director of Personnel Management, the County Sheriff, and the County Attorney must ensure that investigators are up to date on training requirements established and authorized by the Committee in coordination with the County Executive.

(C) Whistleblower Protections & Retaliation

(1) Protections - Employees and officials of the County are the only ones afforded the protections under this policy.

(2) Prohibitions on the County that Protect Whistleblowers - The County and its employees and elected officials are prohibited from:

- (i) Retaliating against a county employee for reporting government misconduct;
- (ii) Retaliating against an employee who participates in an investigation, hearing, or court proceeding involving government misconduct; and
- (iii) Retaliating against an employee because an employee objected to or refused to carry out a directive that the employee reasonably believed violated the law.

(3) Retaliation - The County shall not retaliate against employees and officials who report or reasonably participate in the government misconduct process. Retaliation is further defined in Section (A), “Definitions” of this policy on whistleblowing.

(4) Reporting Retaliation - Reports of retaliation will follow the same process as reports of government misconduct and must be investigated separately from the initial report of government misconduct. Any employee who retaliates may receive corrective actions, up to and including termination. Corrective actions for elected officials are limited to those actions permitted under the law and established in this policy.

(5) Punitive Actions Against the County - County employees, who violate any of the prohibitions that protect whistleblowers, such as retaliating against whistleblowers, may receive punitive actions up to and including termination. If any act by an employee or official is found to be criminal, the county employee or official may also be subject to criminal penalties.

(6) Civil Lawsuit Available to Employees - Employees may file a civil lawsuit for retaliation or any other applicable violation under the Utah Protection of Public Employees Act under Utah Code §67-21-4.

(D) Reporting

(1) Individual Reports - Employees and elected officials may report incidents of government misconduct to Cache County through the County Council or a member of the County Council, the County Executive, the County Auditor, or the county reporting website found through a link on the County Auditor’s Website.

(a) Reportable Acts - Anyone may report the following acts of government misconduct committed by county employees or officials acting in their official capacity for the County:

- (i) Waste or misuse of public funds, property, and manpower;



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- (ii) A violation of the laws, rules, and regulations of this County, the State of Utah, and of the federal government;
- (iii) Gross mismanagement;
- (iv) Abuse of authority; and
- (v) Unethical conduct.

(b) Authorized Elected Officials Must Forward Reports - The County Council or a member of the County Council, the County Executive, and the County Auditor (“Authorized Elected Officials”) shall forward reports of government misconduct to the Government Conduct Committee as soon as reasonably possible after a report is made to them, but no later than 3 calendar days following knowledge of the report by the official. Authorized Elected Officials shall take note of the date when they have knowledge of a report and include that date when forwarding the report to the committee. The Government Conduct Committee shall establish and maintain an email specifically for this purpose.

(c) Confidentiality with Elected Officials - The authorized elected officials shall keep reports of government misconduct confidential and may only disclose information about the report on a need-to-know basis.

(d) Third-Party Reporting Entity - The Auditor is responsible for selecting a third-party entity for receiving reports of government misconduct. The Auditor’s initial selection is not final until the Auditor receives approval from the Government Conduct Committee. Whenever the third-party entity who is responsible to receive reports of government misconduct needs to be changed, the Auditor will select another third-party entity that the Committee must approve before that selection is final. The Government Conduct Committee can only deny the Auditor’s selection if the Committee can reasonably express a major issue or issues of concern that would negatively affect the County by going with the Auditor’s selection.

(i) Reporting Website - The Auditor shall ensure that the third-party entity provides reporting through a web link that employees can easily access on the Cache County Auditor’s website through a work computer or a non-work computer.

(ii) Reports to Third-Party Entity go to Government Conduct Committee - The third-party entity selected to receive reports will forward all reports to the Government Conduct Committee within 3 business days of receiving the report. The Government Conduct Committee shall review reports of government misconduct promptly and provide a report.

(2) Anonymous reports—County employees may report government misconduct anonymously. However, additional evidence resulting from anonymous reports is generally difficult to obtain and can be difficult to verify. It is also impossible to assess



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the credibility of those who report anonymously. Cache County reserves the right to decline to investigate anonymous reports.

(3) Malicious, False, or Frivolous Accusations - Employees must not make malicious, false, or frivolous accusations against the County or its employees and officers related to claims of government waste and violations of law. Employees are subject to consequences up to and including termination if they make malicious, false, or frivolous accusations, and they may not claim the protections afforded to whistleblowers pertaining to a report that is malicious, false, or frivolous.

(4) Criminal Allegations – Whenever the County receives a report of criminal conduct, the County may refer the allegations to the proper law enforcement agency. The County may investigate reports that contain violations of local, state, or federal law independently from law enforcement if the County determines the report merits an investigation.

(E) Initial Review

(1) Review Authority – The Government Conduct Committee shall conduct an initial review of all reports of government misconduct and produce a written determination that establishes whether an investigator will investigate the allegation of misconduct. The Committee may use the County Attorney’s Office or an outside attorney, when the County Attorney’s Office has a conflict of interest, to review the determination to ensure that its form and content are legally sufficient.

(2) Conflicts of Interest and Implicated Members of the Committee – Before an initial review is initiated, the Government Conduct Committee shall determine whether any members of the Committee have a conflict or are implicated in the report. If a conflict of interest exists with an acting committee member or an acting member is implicated, the remaining committee members must select an alternate member to replace the conflicted member as soon as reasonably possible.

(3) Initial Review & the Initiation of an Investigation – The initial review by the Government Conduct Committee must determine whether the allegations, as alleged in the report, establish a violation. If the allegation or allegations amount to at least one violation, the Committee must initiate an investigation. If the allegation or allegations do not amount to a violation, the Government Conduct Committee may decide to withhold an investigation. The Committee may initiate an investigation when there is insufficient evidence to support a violation if it is reasonably certain there is additional evidence that will either confirm or deny a violation occurred. The Government Conduct Committee will issue a written determination to the reporting employee explaining whether the County will conduct an investigation.

(4) Safety Measures – Due to the serious nature of government misconduct allegations, when the Government Conduct Committee determines to initiate an investigation, they must also determine if there are any employees or officials affected by the alleged



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misconduct. If there are those who are negatively affected, the Committee must also determine whether the County can reasonably establish safety measures to protect them from the continuing effects of misconduct and possible retaliation. If the County needs to establish safety measures, the Government Conduct Committee will make recommendations and send them to the respective official and department head who supervises employee. These individuals shall then institute measures to protect those identified by the Committee. If any of these individuals are implicated, they must not participate in implementing safety measures.

(F) Investigation

(1) Investigation Process - The following is the general process for investigating an allegation of government misconduct.

(a) Initiation of the Investigation - The Government Conduct Committee will initiate an investigation by assigning either the Personnel Management Office, the County Attorney's Office, or the Sheriff's Office to provide an investigator. Once the Committee makes the assignment, the assigned office will promptly provide an investigator.

(i) Providing Evidence to the Investigator - The Committee will provide the assigned investigator with the report from the affected employee, the written determination by the Committee to initiate the investigation, and all other relevant evidence available to the Committee.

(ii) Withholding Evidence - The Committee must not withhold evidence from the investigator.

(b) Conducting the Investigation - The assigned investigator will request interviews with victims, witnesses and the accused as necessary, interview those individuals, and collect additional available evidence. The investigator will make diligent efforts to obtain any evidence not immediately available. The investigator should make note of evidence made known to the investigator that the investigator is not able to obtain and why the investigator cannot obtain that evidence.

(c) Investigation Report - The assigned investigator will write a report detailing all the relevant evidence related to the allegations of government misconduct. The report must indicate whether the investigator believes the evidence is sufficient to make a determination whether the employee or official committed government misconduct. If the evidence is insufficient, then the report must indicate the results are inconclusive. If the evidence is sufficient, the report must indicate whether the evidence proves the employee or official committed government misconduct as defined in this policy.

(d) Ending the Investigation - The investigation ends when the investigator submits their report to the Government Conduct Committee.



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(i) Reopening the Investigation - The investigator will reopen the investigation if the Committee requests additional information from the investigator upon receiving and reviewing the report. The investigator will add additional information to the report by writing it into an addendum and attaching it to the original report, after which the investigation will be reclosed.

(G) Final Review & Determination

(1) Final Review - When the Government Conduct Committee receives the completed investigation report from the investigator, the Committee will review the report and make a final determination as to whether it will adopt the findings and conclusion of the investigation.

(a) Thorough Review - All members of the Committee must complete a thorough review of the investigation report. In a meeting of the Committee, the members must determine if any requests for additional information are needed. If the report needs to be rejected, the committee must discuss the reasons why and a decision must be made whether to reject the report.

(b) Requests for Additional Information - The Committee, collectively, may make reasonable requests for additional information from the investigator after receiving the investigation report. Additional requests for information from the Committee must not unreasonably delay the process.

(c) Hearing - The Committee may hold a hearing with the involved parties to gather more information before making a final determination. The Committee cannot compel individuals to attend or participate in the hearing.

(d) Rejecting an Investigation - The Committee must state in writing a reasonable basis for rejecting an investigation. That writing must be provided to the County Council and the County Executive. The presence of a procedural error, bias, any erroneous conclusion, insufficient facts, or the intentional tainting of evidence during the investigation are all examples of a reasonable basis for rejecting an investigation. Even if one or more of these, or similar bases, exist for rejecting an investigation, the investigation cannot be rejected if the basis would not change the determination of wrongdoing or innocence. If the Committee rejects an entire investigation, the basis for rejecting the entire investigation must be egregious. Every reasonable effort should be made to protect reporting employees when making a determination whether to reject an investigation.

(e) Rejected Investigations - An investigation that is rejected may be reinvestigated. Untainted evidence from the rejected investigation should be used to prevent duplicative efforts whenever possible and to prevent victims and witnesses from reproducing evidence and restating information already provided.



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(2) Final Determination - The Government Conduct Committee is responsible for making the final determination of whether government misconduct occurred as outlined in this policy.

(a) Deference to the Investigation Report - The Committee must give strong deference to the investigation report when making their final determination and cannot reject the results of that report without a reasonable basis for doing so.

(b) Final Written Determination - The Committee's final determination of whether government misconduct occurred must be made in writing and should include the additional following information:

- (i) Relevant facts that contributed to the determination;
- (ii) How those facts relate to the type of misconduct committed; and
- (iii) Any other considerations that the Committee relied upon to make their determination.

The report may also contain any other information the Committee determines is relevant and important to the County.

(c) Issuing the Final Written Determination - The Committee shall issue the Final Written Determination by providing its written determination to the elected official over the employee, the department head or supervisor if applicable, the County Council, and the County Executive. The final determination will also be given to the reporting employee and the accused.

(H) Corrective Actions

(1) Duty to Correct - The County has a responsibility to correct those actions that violate this policy.

(2) Types of Corrective Actions - Corrective actions can range from a letter of reprimand that is maintained in the employees personnel files up to termination from employment. The Committee shall make recommendations for corrective actions in the Final Written Determination.

(3) Responsibility of the Committee - The Government Conduct Committee is responsible for recommending corrective actions when a violation has occurred by an employee. The Committee should, at a minimum, communicate with the employee's direct supervisor and/or elected official to determine the best course of action for correcting the employee's conduct.

(4) Elected Officials' Responsibility - The respective official, department head, or supervisor will enforce and administer corrective actions directed by the Government Conduct Committee unless the Committee, in a hearing with the elected official, determines the corrective action should be different. If a department head or supervisor is implicated in a report of government misconduct the elected official over the department will implement corrective actions permitted under the law. If an official is implicated in a report of government misconduct, the County Executive will implement corrective



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actions permitted under the law. In cases implicating the County Executive, the County Council will implement legally permitted corrective actions. If an elected official violates this policy, the Committee’s written determination must be given to the County Auditor who will publish the report on the County’s website.

PASSED AND APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH
THIS ____ DAY OF _____ 2024.

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

CACHE COUNTY:

By: _____
David L. Erickson, Chair

ATTEST:

By: _____
Bryson Behm, County Clerk / Auditor

County Council Department Liaison Assignments (2023-2024)

EXECUTIVE / COUNCIL	POSITION	DEPARTMENT
David Erickson	Council Chair	Attorney / Solid Waste
Barbara Tidwell	Council Vice Chair	Sheriff / Human Resources
Kathryn Beus	Council Member	Children's Justice Center / Victim Services / Recorder
Sandi Goodlander	Council Member	Treasurer / Visitors Bureau
Nolan Gunnell	Council Member	Development Services / Public Works / Planning & Zoning
Mark Hurd	Council Member	Clerk/Auditor / Information Technology / Public Defender
Karl Ward	Council Member	Assessor / Finance
UNASSIGNED		
N/A	N/A	Development Services
N/A	N/A	Sheriff
N/A	N/A	Attorney
N/A	N/A	Clerk / Auditor
N/A	N/A	Finance / Human Resources
N/A	N/A	Treasurer / Visitors Bureau
N/A	N/A	Assessor
N/A	N/A	Recorder

Committee Assignments

	David Zook	Dirk Anderson	Mark Hurd	David Erickson	Sandi Goodlander	Barbara Tidwell	Karl Ward	Nolan Gunnell	Kathryn Beus
Area Aging Authority		X							
Bear River Board of Health	X								
Bear River Association of Governments (BRAG) Governing Board	X				X		X		
Bear River Association of Governments (BRAG) Human Services Board						X			
Bear River Mental Health Board	X								
Cache County Audit Committee	X	X			X	X	X		
Cache County Boundary Commission				X					
Cache County Budget Committee	X	X	X			X		X	
Cache County Community Foundation Board	X	X					X		

Committee Assignments

	David Zook	Dirk Anderson	Mark Hurd	David Erickson	Sandi Goodlander	Barbara Tidwell	Karl Ward	Nolan Gunnell	Kathryn Beus
Cache County Council of Governments	X	Attend							
Cache County Economic Development	X		X		X				
Cache County Employee Compensation	X	Attend				X			X
Cache County Fair & Rodeo Executive Board	X			X					
Cache County Fairgrounds Advisory Board	X	Attend	X	X	X				
Cache County Fire District Board	X	X		X					X
Cache County Library Board of Directors		X	X						
Cache County Planning & Zoning Commission		Attend						X	
Cache County Vegetation Management	X			X					
Cache Metropolitan Planning	X	Attend							
Cache Valley Chamber of Commerce	X								

Committee Assignments

	David Zook	Dirk Anderson	Mark Hurd	David Erickson	Sandi Goodlander	Barbara Tidwell	Karl Ward	Nolan Gunnell	Kathryn Beus
Cache Valley Economic Development Alliance (CVEDA)	X								
Cache Valley Visitors Bureau Advisory Board					X				
Hardware Ranch Advisory Board								X	X
Bear River Local Homelessness Council	X				X		X		
Information Technology (IT) Advisory Board		X	X						
Logan-Cache Airport Authority Board	X	Attend					X		
Cache County Roads Advisory Board	X	X							X
Cache County Roads Special Service North Park	X								
Interlocal Cooperative (NPIC) Governing Board		X	X						
Ordinance and Policy Review Committee	X	X	X	X		X			

Committee Assignments

	David Zook	Dirk Anderson	Mark Hurd	David Erickson	Sandi Goodlander	Barbara Tidwell	Karl Ward	Nolan Gunnell	Kathryn Beus
Public Relations Committee	X	Attend	X		X		X		
RAPZ / Restaurant Tax Committee	X			X		X			
Cache Waste Consortium	X			X				X	
Cache Waste Consortium Executive	X							X	
Tourism Tax Advisory Board	X								
Trails Committee									X
UAC Governing Board						X			
Criminal Justice Coordinating Council (CJCC)				X					
Utah Joint Highway Committee	X								