

Ordinance No. 2026-16
Cache County, Utah
Amendment to Cache County Code Regarding Wastewater Systems in
Source Water Protection Zones.

An ordinance amending Title 17 – Zoning Regulations by amending County Codes
§17.07.040 and §17.10.050(3)(b).

Whereas, the “County Land Use Development and Management Act,” Utah Code Ann. §17-79-101 et seq., as amended (the “Act”), provides that each county may enact a land use ordinance establishing regulations for land use and development; and

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

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

Whereas, on March 5th, 2026 the Planning Commission held a public hearing, accepted all comments, and on March 5th, 2026, recommended the approval of the proposed amendment 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 March 24th, 2026, the County Council held a public hearing, to consider any comments regarding the proposed ordinance amendment. 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 approve this ordinance.

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

17.07.040: GENERAL DEFINITIONS

ALTERNATIVE ONSITE WASTEWATER SYSTEM: An onsite wastewater system that is not a conventional onsite wastewater system.

CONVENTIONAL ONSITE WASTEWATER SYSTEM: An onsite wastewater system typically consisting of a building sewer, a septic tank, and an absorption system utilizing absorption trenches, absorption beds, deep wall trenches, or seepage pits.

ONSITE WASTEWATER SYSTEMS: An underground wastewater dispersal system that is designed for a capacity of up to 5000 gallons per day or less, and is not designed to serve multiple dwelling units that are owned by separate owners except condominiums. It usually consists of a building sewer, a septic tank and an absorption system.

17.10.050: SUPPLEMENTAL STANDARDS(A)

3. Water and Sewage Requirements:

- a. All the proposed uses and/or buildings needing the use of water and sewage facilities shall comply with the requirements of the Bear River Health Department, the Utah Department of Environmental Quality, and the Office of the State Water Engineer. These agencies shall be considered the County experts in evaluating the proposed sewage and culinary water supply system.
- b. Wastewater Systems in Source Water Protection Areas:
 - (1) New Systems: No portion of the absorption area component for a new onsite wastewater system, alternative or conventional, shall be permitted within a Zone 1 or Zone 2 as defined by the current drinking water source protection plan for any public culinary water system. The Bear River Health Department shall be the expert in confirming that no part of the absorption area component of the system for a proposed onsite wastewater system is located within a Zone 1 or 2 protection area when issuing a permit for a new system.
 - (2) Existing Systems – Repair: The owner of an existing onsite wastewater system that is located within a public drinking water source protection Zone 2 shall work with the Bear River Health Department to make any needed repairs to the system to ensure it functions properly and does not create any new risk to the environment or public health.
 - (3) Existing Systems – Alteration or Replacement – Variance Required:
 - i. An existing onsite wastewater system that is located within a public drinking water source protection Zone 2 may request a variance through the Bear River Health Department for any proposed alteration or replacement of the system.
 - ii. The variance and approval process for replacement or alteration of an existing onsite wastewater system will be established by the Bear River Health Department consistent with Utah Administrative Rule 317-4.
 - iii. The replacement or alteration of an existing system shall result in a system with equal or greater

protection of the public health and the environment as required by meeting the minimum standards and intent of Utah Administrative rule 317-4.

- iv. Written approval of a variance from the Bear River Health Department must be included as part of a Zoning Clearance application impacting an existing onsite wastewater system located in Zones 1 and 2 of a public drinking water source protection area.

1. Effective date

This ordinance takes effect on _____, 2026. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk.

2. Council Vote and Final Action

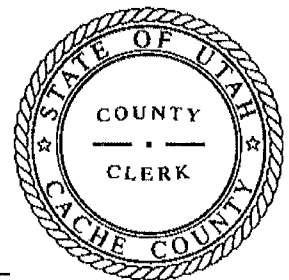
Date: <u>03 / 24 / 2026</u>	Council Votes			
Council members	In Favor	Against	Abstain	Absent
Kathryn Beus	X			
Dave Erickson	X			
Sandi Goodlander	X			
Nolan Gunnell				X
Mark Hurd	X			
Keegan Garrity	X			
JoAnn Bennett	X			
Total:	6	-	-	1
Final action:	<u> X </u> Adopt <u> </u> Reject			

Cache County Council:

Sandi Goodlander
Sandi Goodlander, Chair

Attest:

Bryson J Behm
Bryson Behm, County Clerk



Action of the County Executive

Regarding Ordinance 2026-16, Amendment to Cache County Code Regarding
Wastewater Systems in Source Water Protection Zones

☒ Approve

☐ Disapprove (A Statement of Objection is attached)


N. George Daines, Executive


Date

**REDLINED
COPY OF ORD.
AMENDMENT**

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