

MINUTES
WEBER COUNTY COMMISSION
Tuesday, November 27, 2018 - 6:00 p.m.
Commission Chambers, 2380 Washington Blvd., Ogden, 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 Commission meeting and the substance "in brief" of their comments. Such statements may include opinion 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.

WEBER COUNTY COMMISSIONERS: James "Jim" H. Harvey, James Ebert, and Scott K. Jenkins.

OTHER STAFF PRESENT: Ricky D. Hatch, County Clerk/Auditor; Christopher Crockett, Deputy County Attorney; and Fátima Fernelius, of the Clerk/Auditor's Office, who took minutes.

A. WELCOME – Chair Harvey

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE – Todd Ferrario

D. THOUGHT OF THE DAY – Chair Harvey

E. PUBLIC COMMENTS: None.

F. CONSENT ITEMS:

1. Warrants #1615-1620 and #434172-434481 in the amount of \$582,543.51.
2. Purchase orders in the amount of \$12,980.24.
3. Minutes for the meeting held on November 20, 2018.
4. Weber County Tax Review Committee request to refund \$195.39 on Parcel #02-208-0031--incorrect sq. footage calculation.
5. Weber County Library request for approval of snow removal equipment purchase order.
6. Extension of contract #2014-126 to install UL certified lightning protection system at County Headquarters Library (R&O Construction).
7. Weber County Policy 4.3, Interdepartmental Billings.
8. Final approval of Sun Crest Meadows Subdivision Phase 1, including Improvements Guarantee Agreement & Letter of Credit.
9. Road dedication in Hidden Spring Ridge Subdivision, 1-lot subdivision consisting of approximately 5.57 acres. Commissioner Jenkins moved to approve the consent items, less the Stones Big Boys Toys warrant for \$19,544.00; Commissioner Ebert seconded.
Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

G. ACTION ITEMS:

1. INTERLOCAL AGREEMENT WITH DAVIS COUNTY FOR REGIONAL ECONOMIC DEVELOPMENT.

Chair Harvey stated that in May 2017 Weber County worked with the 15 cities in the Weber Area Council of Governments to improve our economic development, asking for information on their businesses. The county then sent out over 6,800 letters to those businesses and received 27% responses on specific targeted questions. The commissioners visited business owners to let them know they are valued and moved forward with the idea of becoming regional to do what is best for northern Utah. The county works with other entities such as Weber State University and Ogden Weber Applied Technology. The Davis County Commission supports the regional borderless approach to create more jobs and wealth in our counties.

Commissioner Ebert moved to formalize the Interlocal Agreement with Davis County for regional economic development; Commissioner Jenkins seconded.
Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

2. CONTRACT WITH AMERICA CHARIOT RACING INC. FOR 2018-2019 CHARIOT RACING SEASON AT GSEC.

Todd Ferrario, County Ice Sheet and Parks & Recreation Division Director, presented this contract. Commissioner Jenkins moved to approve the contract with America Chariot Racing Inc. for the 2018-2019 Chariot racing season at the Golden Spike Event Center (GSEC); Commissioner Ebert seconded.
Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

H. PUBLIC HEARINGS:

1.

Commissioner Jenkins moved to adjourn the public meeting and convene the public hearings; Commissioner Ebert seconded.
Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

2. PUBLIC HEARING TO TAKE INPUT ON THE WEBER COUNTY 2019 TENTATIVE BUDGET.

Scott Parke, County Comptroller, noted that the 2019 tentative budget had been available on the county's website for about a month for input. Highlights included that property taxes constitute about 27% of monies received and charges for services about 29%, county employees will pay half of the 6% health insurance premiums increase, General Fund expenditures include 54% for public safety and 33% for general government, \$7 M will be spent for the Sheriff's Office (for equipment & food for inmates), \$2 M will be for public defender services, the Weber Human Services appropriation is \$2.2 M, \$3.38 M for repairs/upgrades to county facilities

and \$1.85 M savings for future years. He presented the 5-year forecasts for the various Funds. The county made the decision to pay off early a 2016 sales tax bond and an interfund loan, thus saving interest costs and putting the county in a good position going forward. Commissioner Ebert stated that the county has taken the model to first save, then spend, and has the appropriate fund balance amount. Mr. Parke stated that the General Fund is in good shape and a tax increase is not anticipated for at least five years. Chair Harvey noted that expenditures outpaced revenues in the Municipal Services Fund since its creation; the Commission decided this year to resolve it. The county received a AAA GO bond rating (only 3% of the nation's counties have achieved this rating) by Standard & Poor's, citing strong management and good financial practices. Commissioner-elect Gage Froerer, attended the budget hearings and said that the county did a great job of protecting the public's money and proposed working with the State to equalize sales tax/decrease property tax.

3. **PUBLIC COMMENTS ON WEBER COUNTY 2019 TENTATIVE BUDGET:**

--Randall Winn, of North Ogden, asked about the request to increase the Paramedic Fund and Commissioner Ebert explained that it is for the 911 District, which operates outside of the property tax General Fund.

--Meg Sanders, of North Ogden, asked which fund paid for the gun range in Pleasant View and Commissioner Ebert stated that some was from the General Fund but a majority of the purchase dollars came from the State.

4. **WORK SESSION AND PUBLIC HEARING REGARDING ROADLESS RULES FOR USFS LAND.**

A: Presentation regarding possible amendments to the Western Weber County Resource Management Plan and the Ogden Valley General Plan regarding roadless rules for USFS land.

B: Work session regarding potential amendments to the Western Weber County Resource Management Plan and the Ogden Valley General Plan regarding roadless rules for USFS land, and other general wildfire-fuel management principles. The Commission invited Weber County Staff, Staff from the Governor's Public Land Policy Coordinating Office, Staff from the local Forest Ranger's office, and Staff from the Weber Fire District.

C: Public hearing to take comments regarding a resolution to amend Western Weber County Resource Management Plan & Ogden Valley General Plan related to forest firefighting management of roadless areas on Forest Service land.

Chair Harvey stated that this work session was on the request by the State to consider how access is managed from U.S. Forest Service areas in the county in hopes to provide better forest management and that there would be no action taken tonight. The State had asked each county to draft a roadless rule proposal and give each Forest Service area in their jurisdiction an area designation. Present were County Planning staff, representatives from the U.S. Forest Service (including Dan Child, Temporary Roadless Coordinator), Weber Fire District Captain Rick Cooper, and others from the Governor's Office.

In 2001 the U.S. Forest Service (USFS) adopted the Inventoried Roadless Rule restricting the creation of roads and maintenance access to roadless areas which makes it difficult to manage forest health. Charles Ewert, of the County Planning Division, presented the State's request for the county to address its proposal to change the USDA's roadless rule as it applies to Utah by weighing in on how it should fit in Weber County. The unnatural increase of fire fuels is leading to catastrophic forest fires that are harder to manage and destroy more forest area than more localized natural fires. They create burn scars that destroy wildlife habitat, destabilize soils, and create downstream water quality concerns, and the State is trying to address the forest health management problem. Maps from the USFS showed the significant amount of beetle damage in inventoried roadless areas of Northern Utah, which leads to deadfall/more fire fuels in the affected areas in our county (i.e., upper South Fork area, the backside of Ben Lomond area, Birch Creek, Public Grove/Avon Divide, Lewis Peak area). The State is petitioning the USDA to create new rules and the petition was available for the public at this meeting. The State is proposing four management area categories (primitive, forest restoration, forest stewardship, and boundary adjustment/re-inventory areas) and asked each county to review their inventoried roadless areas and indicate their designation proposals. Staff had three policy alternatives for the Commission to consider: Alternative 1: Category 2-forest restoration; Alternative 2: Category 1-primitive areas, and; Alternative 3: No recommendation to the State pending further scientific evidence of effects. Both Planning Commissions' recommended category 2 based on the information that staff had at the time but since then many people have expressed concern, preferring category 1. This item would require amending both general plans.

As the process moves forward, a National Environmental Policy Act (NEPA) impact statement will need to be done which will flush out a lot more of the needed science to ensure not impacting the areas negatively.

--Redge Johnson, of Utah's Governor's Office/Public Lands Policy Coordinating Office (PLPCO), referred to the summer's 2017 Brian Head fire that burned about 70,000 acres, nearly decimating the town. The State is trying to get ahead of the forest health issues and this petition gives the USFS a tool to do forest management. Internal discussions have been ongoing for about a year. This petition will go to the USFS to do the Environmental Impact Statement (EIS). Mr. Johnson addressed Commissioner Ebert's question indicating that the State's intent is to meet with all of the counties' and get their recommendations first then go back to the State agencies and confirm that they match their expectations. If there are conflicts, they will go back to the counties to try meeting their preferences. There is still a lot of work left to do on this petition. He emphasized

that this is not about the State taking over forest management or about USFS projects. Chair Harvey noted that each entity knows its local areas much better than the State and Mr. Johnson agreed.

Jake Garfield, with the Governor's PLPCO, noted that the USFS environmental impact statement will take a couple of years and each county will be afforded the opportunity to participate. This petition is preliminary and is to launch the USFS process, which will make the decisions.

--Sean Harwood, Uinta-Wasatch-Cache National Forest District Ranger, manages 160,000 acres locally. The USFS takes a neutral stand on this petition and will do the analysis when the petition is submitted to the USDA. This is an extra tool that is helpful to the USFS. They will put the petition through the NEPA process and come up with an EIS, but then each individual project will have to go through NEPA as well. Commissioner Ebert asked that if the USFS receives a recommendation to move outside a roadless category that the State had made would they automatically adopted it and Mr. Harwood noted that in the NEPA process they come up with alternatives, then evaluate each, and adopt the best one for the resource. Ultimately it is the USFS's decision.

5. **PUBLIC COMMENTS REGARDING ROADLESS RULES FOR USFS LAND:**

--Meg Sanders, of North Ogden, noted that Salt Lake County recommended no change to the rule until further study. She said that changing designated roadless rules will impact our mountains, trails and water and there is no guarantee that temporary roads would remain temporary.

--Gary Fullmer, of Eden, referred to the Avon, Pole Creek, and Brian Head fires and asked what was meant by forest mitigation, the difference between these fires and if forest mitigation would have affected their outcomes. Mr. Harwood said that mitigation includes thinning trees, logging and fuel treatments. Beetle kill is difficult to mitigate and devastates forests. Cpt. Cooper said that the predominant fuel type of the Avon fire was grass, it returns annually and is difficult to manage, thus he was not certain if that exact component/time frame of fuel mitigation program would have worked. There are several fire mitigation programs to reduce wildland fire effects but are restricted on private property. Mr. Johnson said that if there had been some die-off mitigation in Brian Head it would have been less catastrophic, and that the Panguitch road and water were shut off for a number of days. The State is trying to be proactive with drinking water, etc., that there are more trees/acre in 100-year suppression areas and the petition does not get into exact prescription in any area but is offering the USFS the ability to do prescriptions where they need to.

--Alan Wheelright, of Eden, believes that 90% of burned Utah acreage in the past five years was outside of roadless areas and that there is already a provision in roadless rules that allows for mitigation of wildfires. He stated that no road is temporary—he sees roads in Eden from 70 years ago and once a road is put in it will be there indefinitely due to the astronomical amount of work to decommission it and rehabilitate the area. He said the USFS, as the experts, should be making the rules, that this should be studied further.

--Lewis Barker, of North Ogden, owns property adjacent to USFS land and his grandfather and family settled the area, cut timber and drug it down the mountain and cattle and sheep grazed it. When he was growing up there was no grass, brush or trees on the mountain but now the areas are choked with brush and fires have been suppressed. There is huge fire danger, one day it will wipe out everything and mudslides will come down into the springs that provide water for North Ogden.

--Miranda Menzies, of Eden, a former earth scientist, said that Utah is warming faster than the USA average, driving the drying out of the fuel, that Utah is in the extreme drought index and until climate change is addressed, the State will be skirting around the edges of the issue. Concerns already mentioned included annual grasses and oak. Bigtooth maple is also a huge problem because when cut, it grows extremely quickly and thus thinning will not be effective in Weber County forests. When a road is cut, invasive species come up and the range above Wolf Creek has been affected by road building and led to extremely flammable cheat grass. Vehicles tend to create sparks and building roads will increase fire danger, not decrease it. Gambel oak and bigtooth maple have extensive root systems and may stabilize the slope above Nordic Valley and Pineview/Radford Hills area. The latter had two major landslides in the last two years. Building a road there will also change the water flow system and potentially increase flooding. Cutting trees may destabilize that hillside, and any disturbance causes the hillside to move. These forests give us a unique economic advantage and draw people from across the globe to recreate and move here. She asked the Commission to strongly consider particularly making Burch Creek, Lewis Peak and Willard as category 1 to preserve them. She suggested immediately thinning forests' margins and that PLPCO consider that the petition include a provision for a 500-1,000-foot buffer into the roadless area where there are residences and where thinning is permitted to reduce flame temperatures. She suggested changes to local building codes that there be at least an advisory code that those who build in the wildland interface not be allowed to use cedar shingle roofs.

--Bruce Keswick, of Nordic Valley, said that area residents have concerns that more roads will enable expanded unauthorized motorized uses (i.e., ATVs, snowmobiles, dirt bikes), and irresponsible operators can increase fire risk from heat sources and careless smoking habits. Further, their noise disturbs wildlife and they cause erosion. Even now with limited roads there, frequent unauthorized vehicles enter into areas near homes and where families hike, disturbing the quiet nature of the area and creating safety issues—dirt bikes have come close to hitting people. He agrees with a buffer and to consider obtaining more information.

--Jeff Stokes, of Nordic Valley, said that initially when his area was put into a roadless area category 1 it was for watershed protection; there is severe slope sheet runoff. He has experienced water and runoff problems there—his well dried up twice this year. Any disruption to the mountain watershed has a direct effect on him and his neighbors. Every spring Viking Drive washes out onto the road with tons of dirt and gravel, same for Bible Camp. His home and others flooded in the winter of 2016. Putting in roads up the mountain to mitigate fire danger in this area, which is nonexistent, interrupts the watershed and increases the slope sheet runoff. There was a 300-foot slide on Highway 162 in Nordic at the same time his home flooded 15-18 years ago and the mountainside slid into a home. It is an unstable area and he suggested that the Lewis Peak area remain category 1. Any overuse of that land will have direct effect on him and all his neighbors.

--Alex Schmidt, of Save Our Canyons, said that the roadless forest across our State are strongholds for threatened and endangered species, irreplaceable sources for our communities' water, they are public lands that allow us to recreate and enjoy high quality of life in those areas. His organization works with the State, the USFS and other agencies. This process has lacked a robust public involvement and lack of scientific data and review. The State cited a preference for a proposed category but leave no guarantee that only temporary roads will be constructed or that the USFS will actually be able to remove them once they've been created. Save our Canyons' recommends no change for the areas in question under the roadless rule, and they are very interest of being part of the process. He read a statement by Dave Whittekiend, USFS supervisor, stating that Utah has 1.3 million acres of forest management projects ready to go but no funding; the cost is estimated at \$340 million. Mr. Harwood concurred that they do not have the funding to accomplish the mitigation plans.

--Alan Elliott, of Eden, said that climate change is the major issue, and more information is needed on today's item. He manages WorldMark Wolf Creek on Powder Mountain Road had 5,575 families stay there because of what the Ogden Valley has to offer, a big piece are the views and they want them to continue. Temporary roads are a slippery slope; in 70 years he has seen temporary roads lasting many, many decades.

--Keith Ashdown, of North Ogden, has seen the problems with "temporary" roads in Uintahs, they remain. Forest management is needed but he stressed that temporary roads must be temporary.

--Cinder Becker, of Nordic Valley, said that as landowners they really need to push for a defensible space. The USFS did a hazard assessment on her property. She learned that if a road goes in, cheat grass takes over and the ability to control it is nearly impossible for the USFS. Cheat grass was one of the Avon fire's biggest problems. She asked how they plan on clearing the Nordic Valley from the crosshatch when there is an overabundance of trees. She and her neighbors are on wells and she asked how they plan to preserve the integrity of their watershed, they have no other way to get water. Mr. Harwood stated that staff will get prescription for the area and decide the best mitigation process. Commissioner Jenkins, who comes across some 40 year-old roads, asked if their handling has changed because it appears they did not even try to decommission temporary roads in the past. Mr. Harwood said that engineers put them in and will take them out via different methods. With the scars cheat grass comes in, but through recent planning, they are going back and decommissioning roads no longer used. However, in a timber sale, it is the person or company's responsibility that purchased it to decommission those roads, it is part of the requirement. Commissioner Ebert noted that there are roads from the 1920s on because no one has decommissioned them and people use them.

--Margaret, of Nordic Valley, asked about mineral extraction under the petition's forest restoration areas #2 and forest stewardship #3. Mr. Garfield stated that mineral extraction is currently allowed under the existing rule and no changes are being proposed if there are preexisting mining claims or mineral rights.

--Randy Winn, of North Ogden, said that he had the same question as Commission Ebert as to why this item was presented to the Commission at this time and Mr. Johnson had said that they took the county's input very seriously. Mr. Winn is concerned and wants the south of the Avon Divide to be preserved as category 1. Reasons were presented earlier tonight as to why that piece of ground on those mountains should be preserved.

--Melanie Barker, of North Ogden, said that the plans already exist for mitigation/forest health and asked why we are even entertaining the proposal. Mr. Harwood clarified that it is not the USFS' proposal. He added that they do oak brush mitigation on the Lewis Peak area every 3-5 years.

--Ms. Sanders asked for clarification from the Logan meeting where Mr. Johnson had spoken about roads being put in relating to 2001. He said that prior to roads being built, the USFS will have to analyze, and when any prescription is done there are a number of reasons to do mitigation work. Road proposals go through a number of environmental assessments, EIS, reviews, etc., prior to determination. For roadless rule areas mitigation specifically, skitters can go about ¼ mile in, pass that it becomes an uneconomical project for the timber company. The USFS can build a ½ mile road to access certain areas if it deems it necessary. He said that this issue is to be done responsibly, protecting the resources (air quality, water, habitat) under the original roadless rule from 2001. Mr. Harwood addressed Commissioner Ebert's question stating that if there are areas that the State petitions for no change it would not be run through the NEPA process because it would be a waste of time. If the county has specific areas of concern, it would have to petition the State to look at them again.



--Ms. Menzies asked for a show of hands for support of category 1 for all roadless areas in the county. Most hands were raised. She noted the overwhelming support to leave things at the status quo and with the USFS.

--Kimball Wheatley, of Huntsville, stated that this topic surfaced about three weeks ago in the Planning Commission meeting and also they had the greatest turnout ever at the GEM committee meeting. Our Forest Service representatives have impressive knowledge about our forests and we should take opportunity to get educated about something that will have a huge impact—our county has some of the only roadless area left adjacent to an urban area on the Wasatch Front and it is our tourism gem. If roads are put in, it will no longer be roadless. He suggested slowing down this process to ensure correct handling.

--Barbara Middleton, of Logan, asked for the timeline for all counties to weigh in on their recommendations and the status of the process. She said that a temporary road was put in the forest in Logan for equipment but in no way is it temporary. It has not been gated and now cars are going up and people are camping all over from that road that previously had not access. She echoed concerns of introduction of invasive species, fire danger and engines having no access, and watershed concerns and asked how to ensure county planners would work with planning groups relating to those who want to live in these forest landscapes in a safe way and how developers would be interfaced within the cities in the county to create winning situations. She feels that creating more roads does not always create better options. Chair Harvey said that Weber Fire District signs off on some of those things. Mr. Johnson said that initial discussion started about a year ago in the Governor's Office, letters were sent to counties in July asking for their participation, and a lot depends upon the USFS's capacity but they anticipate 1-3 years for the EIS, EAs for on the ground projects possibly another couple of years, and then rule making decisions. About six counties still need to send information.

--Steve Waldrip, Ogden Valley Planning Commissioner and representative-elect for the State Legislature, has spoken with people on the issue and a voiced concern, which he shares, is how much input there can be, and if some areas change to categories 2 or 3 how that would impact the USFS's ability to do the things that they need to do but have not yet been able to. Mr. Harwood said that the NEPA process allows for a lot of public input and then there are comment periods, and an objection period to come up with the best alternatives and do what mitigation they can. Once the EIS process is complete for the roadless rule, the USFS has to do site-specific NEPA on each project.

6.

Commissioner Jenkins moved to adjourn the public hearings and reconvene the public meeting; Commissioner Ebert seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

7. **ACTION ON PUBLIC HEARINGS:** H2-No action required; H4-No action was taken.

I. COMMISSIONER COMMENTS:

Mr. Harwood addressed Commissioner Ebert's questions including that it is valuable to monitor roadless areas every few years and that in the current roadless rule there are exceptions, including for health and public safety, timber harvest, road construction/reconstruction. Commissioner Jenkins said that this item was simply to better manage the forest and that the county did this with as positive a feeling towards the USFS as was possible and Mr. Johnson concurred. Mr. Johnson said that the current rule states that if there is an eminent threat then a road can be put in, and eminent threat had meant a fire moving at a community. They would like a broader interpretation to include for a healthy forest and things that contribute to a possible catastrophic fire, and to change language that takes local silviculture into account. The rules were done on a national level. Commissioner Ebert asked if another category could be added that is more fire mitigation specific and Mr. Johnson said that he would take that suggestion back for research.

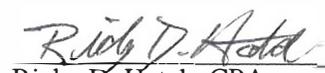
J. ADJOURN:

Commissioner Jenkins moved to adjourn at 9:01 p.m.; Commissioner seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

Attest:


James "Jim" H. Harvey, Chair
Weber County Commission


Ricky D. Hatch, CPA
Weber County Clerk/Auditor