

**MINUTES
OF THE BOARD OF COMMISSIONERS OF WEBER COUNTY**

Tuesday, March 29, 2016 - 10:00 a.m.

Commission Chambers, 2380 Washington Blvd., Ogden, Utah

In accordance with the requirements of Utah Code Annotated Section 52-4-7(1)(d), the County Clerk records in the minutes the names of all citizens 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.

COMMISSIONERS: Kerry W. Gibson, Matthew G Bell and James Ebert.

OTHERS 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 Gibson
- B. INVOCATION** – Brad Dee
- C. PLEDGE OF ALLEGIANCE** – Kevin McLeod
- D. THOUGHT OF THE DAY** – Commissioner Ebert

E. CONSENT ITEMS:

1. Purchase orders for \$148,736.59
2. Warrants #403084 -#403444 for \$2,708,354.07
3. Minutes for the meeting held on March 22, 2016
4. Change Order #1 for Staker Parson on the 3500 West project
5. Change Order #1 for Wardell Brothers on the Skyline Drive project
6. Set public hearing for May 17 10, 2016, 6:00 p.m., to discuss and/or take action on the dissolution of the Ogden Valley Natural Gas District (see item F.1)

Commissioner Ebert moved to approve the consent items, holding the minutes; Commissioner Bell seconded.
Commissioner Ebert – aye; Commissioner Bell – aye; Chair Gibson – aye

F. ACTION ITEMS:

1. RESOLUTION INITIATING DISSOLUTION OF OGDEN VALLEY NATURAL GAS DISTRICT – RESOLUTION 8-2016

Roger Brunner, of the County Clerk/Auditor's Office, stated that this district, created in 1996 was never used and the public hearing to dissolve it is under item E.6.

Commissioner Bell moved to adopt Resolution 8-2016 initiating the dissolution of the Ogden Valley Natural Gas District; Commissioner Ebert seconded.

Commissioner Ebert – aye; Commissioner Bell – aye; Chair Gibson – aye

2. APPROVE THE 2016 POLLING PLACES AS REQUEST BY THE WEBER COUNTY ELECTIONS DEPARTMENT

Ricky Hatch, County Clerk/Auditor, gave kudos to Weber County Elections, which was recently featured in ELECTricity, a nationwide newsletter, for the creative use of Google Voice for communicating with poll workers on Election Day. This year the county is conducting all by-mail elections. Dan Jones & Associates conducted a poll last year and 79% of Utahans favor voting by mail. Weber County was the first large county in Utah to conduct an all by-mail election (in 2013) and Mr. Hatch spoke to the various benefits of vote-by-mail. He presented the list of pre-election drop boxes (some will be available 24 hours/day), voting assistance centers and Election Day drop boxes. Mr. Hatch addressed Commissioner Ebert's questions, including the security of the drop boxes.

Commissioner Ebert moved to approve the 2016 polling places; Commissioner Bell seconded.

Commissioner Ebert – aye; Commissioner Bell – aye; Chair Gibson – aye

3. **PRELIMINARY PLAN APPROVAL OF FALL WIDOW SUBDIVISION PHASE 2 (APPROX. AT 120-292 S 7900 W)**

Ronda Kippen, with Weber County Planning Division, showed a power point presentation.

Approximately 4,508 square feet of property is proposed to be dedicated to the county along the north side of the subdivision with the expansion of 7900 West upon recording of the final plat. This is to extend the street length so there is adequate frontage and for temporary turn-around areas. Preliminary requirements and approval procedures include that in areas of flat land where topography presents no development barriers, minor terminal streets or cul-de-sacs proposed in subdivisions shall have a maximum length of 650 feet to the beginning of the turnaround, and block lengths shall, at a maximum, be 1,300 feet with a minimum block length of 500 feet. Mr. Bell is appealing the requirement that the final improvement plans and final plat reflect the required stubbed roadways to the adjacent north and east properties (owned by TK Swan & Meibos, respectively). He asked the County Commission to vary the block length and terminal street standards required by the County Code.

The Planning Commission recommended preliminary approval of Phase 2, currently consisting of 5 lots, subject to the conditions of approval in the staff report, including that final improvement plans/final plat reflect the required stubbed roadways to the adjacent north properties in order to adhere to the county's current standards and to allow future development for adjacent property owners. County code states that where unusual or topographical or other exceptional conditions exist, variations and exceptions from this title may be made by the County Commission after recommendation from the Planning Commission. The Planning Commission and County Planning Division did not feel there were any topographical or exceptional circumstances to vary the required lot length standard.

Mr. Bell has developed 18 lots along 7900 W., including the 5 subject lots. The proposed street expansion would increase the terminal street length to approximately 3,912 feet. Currently, 7900 W. terminates at about 3,833 feet from the intersection with 900 S. During the preliminary 2006 approval, Mr. Bell removed a lot to the north of lot 4 in an attempt to reduce the maximum block length below 1,300 feet as measured from an uninstalled/undedicated future roadway identified in the Barbara Flats Subdivision. He initially submitted Phase 2 as a 7-lot subdivision but has removed two lots to stay under the 1,300 ft. block length. However, county code requires connectivity to adjacent property. The county has asked for connection to the north and east properties.

Ms. Kippen had previous discussions with County Engineering, County Road Department, County Planning and the Fire District and they all recommend that the applicant install the required stubbed roadways to the adjacent properties. This would leave a remnant parcel of less than five acres, which would need to be incorporated into the adjacent lot or made into an additional lot, which can occur with the stub street.

Chair Gibson asked about the double dotted line running at the back of the lots and Ms. Kippen said that it is the developable area, which can be developed but they need to bring in imported material to bring up the elevation. He asked about the requirement for the road to go to the next property and Ms. Kippen said that this is according to county code. Currently, there is a 60 ft. future right-of-way identified on the Barbara Flats Subdivision and a house is being constructed right on the 60 ft. line with no additional setback requirements, which is problematic. The intent of the code is to create roadway connectivity. By implementing block lengths, the stubbed roads to the east and west would allow for future development.

The applicant has been able to develop almost the entire block (for 18 lots) without having put in any road improvements thus far. Mr. Bell is the one utilizing the majority of the area. Typically, the developers are responsible to put in the improvements. If Mr. Bell does not put in the improvements, he puts that responsibility onto the next person who develops along there.

Chair Gibson expressed concern about making one developer responsible to put in this access. Commissioner Bell noted that he is not related to the applicant. He and Chair Gibson expressed concern with the huge cost for Mr. Bell for the long road. Ms. Kippen stated that it is the developers' responsibility to pay for the development; they are required to stub to the adjacent property. Commissioner Bell finds it difficult to see why the applicant should be responsible to put in the road when he does not want to develop the last lot there. He said that if the applicant developed that final lot, he could then put the street in or set up a protection strip. Ms. Kippen said that the applicant could request to dedicate a future right-of-way or have a protection strip at the end of each stubbed street, and if adjacent property owners come forth with development, they would work out the details with him. She stated that a major concern is that Mr. Bell could bring another request for a 1-lot subdivision to bring it past the 1,300 lot length, and again it may be said that economically it does not make sense to require him to build the road for one lot. At this time, there are 18 lots and the proverbial can has been kicked down the road to the point that he is now at the end of his development without having put in any east and west stub streets. There are already houses on his earlier development.

Commissioner Ebert asked if it is common practice throughout the county to follow this code when putting in similar subdivisions and Ms. Kippen responded that it is. He said that the five lots are at the end of a larger development, and at the end of that larger development the county is asking the developer to put in the requirements; Ms. Kippen concurred. If this developer does not develop the road, the taxpayers will bear that cost or the adjacent property owners. Commissioner Bell asked if there had been any such approved variances in the past and Ms. Kippen was not aware of any, except for some P.R.U.D. developments. Ms. Kippen stated that the Planning Commission's primary concern was safe ingress/egress for the intersection at 900 S. and 7900 W., which is very narrow and is not up to county standards.

Chair Gibson and Commissioner Bell reiterated their concerns with the cost to the applicant to put in the long road and Christopher Crockett, Deputy County Attorney, read a code section regarding varying from code which stated that the County Commission may vary the standards in cases where unusual topographical or other exceptional conditions exist, and the following are not considered exceptional conditions, such as financial, economic, or self imposed. Mr. Crockett stated that if there is going to be a variance, they need to find the reason to vary from the maximum 1,300 block length, where there is now a street that is nearly 4,000 feet without any road. Chair Gibson asked for the code requiring installing the road and Ms. Kippen read that section which states that the street arrangements must be such to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide convenient access to it, and that the maximum length of a terminal street shall be no more than 650 feet to the beginning of the turnaround and block lengths shall be a maximum of 1,300 feet. Commissioner Bell asked if a dirt road could be installed and Ms. Kippen said that is a question for Engineering but it does have to uphold emergency/Fire District standards. Commissioner Ebert said that according to the ordinance there is no finding allowing the variance and if the ordinance is not correct for western Weber County, then it needs to be amended. He spoke to the need to follow the current ordinance. Chair Gibson concurred and reiterated that he is concerned with putting the burden on one developer. Mr. Crockett cautioned about the importance to follow code. He noted that the ordinance does not define what exceptional conditions are.

Mr. Bell wished to clarify that the dotted lines on the rear of the lots was an easement which he created for a ditch to divert the irrigation water into the start of the drain ditch, which starts at the end of that street at 7900 W. He stated that the home that is under construction has maintained the 60 ft. right-of-way for the existing road that will go west. He said that Mr. Meibos told him a few weeks ago that he wants to put one more lot on the south side of the incoming subdivision, which would leave 60 feet, so as to not block his access. Mr. Bell has spoken with Mr. Swan who is concerned with his access being blocked with the road running east and west. Mr. Bell said that Mr. Swan had indicated to him that it will be some time before he develops. He also said that Mr. Swan would split his road to go to 7500 W. and 8300 W. going east and west and would construct houses on both sides and that would give the connectivity. Mr. Bell said that he had put in half of the road and that he has not blocked future development. He referenced three area roads that go a few miles without east-west stub roads. He said that no one in the community has spoken against the project.

Chair Gibson recommended tabling this item for the next meeting, which is in two weeks.

4. FINAL APPROVAL OF JACQUELYN ESTATES CLUSTER SUBDIVISION PHASE 1 (6 LOTS) INCLUDING A FINANCIAL GUARANTEE FOR SUBDIVISION IMPROVEMENTS FOR \$110,746.02. THIS APPROVAL ALSO INCLUDES A COUNTY SURVEY MONUMENTATION IMPROVEMENT AGREEMENT FOR \$3,500.00

Ben Hatfield, with County Planning, stated that the Planning Commission recommended approval of this cluster subdivision on the corner of 4900 W. and 2200 S. He noted that since that time, the county has modified the Cluster Subdivision standards. The subdivision was granted a total of 19 lots. Phase 2 will have 13 lots. The applicant has submitted an escrow for \$110,746.02 for subdivision improvements and a separate escrow for the surveying monuments for \$3,500. Staff also recommends approval.

Julie Standing, representing CJ Homes Development, Inc., stated that the improvements are in with the exception of the gas line, and they are ready to proceed with the subdivision.

Commissioner Bell moved to grant final approval of Jacquelyn Estates Cluster Subdivision Phase 1 (6 lots) including a financial guarantee for subdivision improvements for \$110,746.02 and a County Survey Monumentation Improvement Agreement for \$3,500.00; Commissioner Ebert seconded.
Commissioner Ebert – aye; Commissioner Bell – aye; Chair Gibson – aye

G. PUBLIC COMMENTS:

Julie Standing asked why voters cannot vote online for the caucus meetings. Commissioner Bell noted that voters had the option to vote online for the U.S. President for the Republican Party. She met with Ricky Hatch, County Clerk/Auditor, immediately after the meeting to address her questions.

H. THE NEXT MEETING WILL BE HELD ON TUESDAY, APRIL 12, 2016 AT 10:00 A.M. T

I. ADJOURN

Commissioner Ebert moved to adjourn at 11:09 a.m.; Commissioner Bell seconded.
Commissioner Ebert – aye; Commissioner Bell – aye; Chair Gibson – aye

Attest:

Kerry W. Gibson, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor