

**MINUTES
WEBER COUNTY COMMISSION**

Tuesday, February 5, 2019 - 10:00 a.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: Scott K. Jenkins, James "Jim" H. Harvey, and Gage Froerer.

OTHER STAFF PRESENT: Lynn Taylor, of the County Clerk/Auditor's Office; Christopher Crockett, Deputy County Attorney; and Fátima Ferneliuss, of the Clerk/Auditor's Office, who took minutes.

A. WELCOME – Chair Jenkins

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE – Stacy Skeen

D. THOUGHT OF THE DAY – Chair Jenkins

E. PUBLIC COMMENTS: None.

F. CONSENT ITEMS:

1. Warrants #1686-1690 and #436172-436373 in the amount of \$647,108.39.
 2. Purchase orders in the amount of \$401,497.65.
 3. ACH payment to US Bank for \$162,508.00 for purchasing card transactions through January 25, 2019.
 4. Minutes for the meeting held on January 29, 2019.
 5. Surplus office equipment & a Powermate Edger (previously surplused) from Weber-Morgan Health Department.
 6. Surplus office furniture and equipment from Weber County Property Management.
 7. Contract with Weber State University for a Federal Work-Study Program.
 8. Consideration and action on a request for final approval of the Ella O Fowles Subdivision.
- Commissioner Froerer moved to approve the consent items; Commissioner Harvey seconded.
Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

G. ACTION ITEMS:

1. RESOLUTION APPOINTING MEMBERS TO THE WEST WARREN PARK BOARD – RESOLUTION 5-2019.

Stacy Skeen, of the Commission Office, stated that the terms had expired on this 3-member board. Statutory noticing/posting was followed. Three applications were received, two are for 4-year terms and one is for a 2-year term. Commissioner Froerer drew the name of Christopher Clem for the 2-year term.

Commissioner Harvey moved to adopt Resolution 5-2019 making the following appointments to the West Warren Park Board: Christopher R. Clem to a 2-year term (through 12/31/2020) and Doug R. Taylor and Joseph F. Giordano to 4-year terms (through 12/31/2022); Commissioner Froerer seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

2. RESOLUTION APPOINTING A MEMBER TO THE BEN LOMOND CEMETERY DISTRICT – RESOLUTION 6-2019.

Stacy Skeen, of the Commission Office, stated that statutory noticing/posting was followed. One application was received.

Commissioner Harvey moved to adopt Resolution 6-2019 reappointing David L. Gordon to the Ben Lomond Cemetery District through 12/31/2022; Commissioner Froerer seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

3. RESOLUTION GRANTING POWERS TO AN ADMINISTRATIVE CONTROL BOARD TO GOVERN THE OPERATIONS OF THE OGDEN VALLEY TRANSMISSION/RECREATION SPECIAL SERVICE DISTRICT – RESOLUTION 7-2019.

Bryan Baron, Deputy County Attorney, noted that the county set up this District in 1986. The County Commission acts as the governing board but can delegate the authority to run the day to day operations to an administrative control board. Last month the Commission appointed seven members and this resolution grants the authority to the control board to govern its operations. This board is to report to the Commission quarterly. The Commission maintains the authority to pass their budget.

Commissioner Harvey moved to adopt Resolution 7-2019 granting powers to an administrative control board to govern operations of the Ogden Valley Transmission/Recreation Special Service District; Commissioner Froerer seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

4. **CONTRACT WITH THE BLUE STAKES OF UTAH TO ALLOW WEBER COUNTY SURVEYOR'S OFFICE TO BECOME AN ASSOCIATE MEMBER OF BLUE STAKES.**

This item allows the County Surveyor's Office to receive and monitor Blue Stake ticket notifications that come into conflict with the county's survey monuments. Devron Andersen, of the County Recorder/Surveyor's Office, noted that over the past 150 years the Surveyor's Office has taken care of monuments, totally relying on employees and relationships with surveyors at large to monitor those monuments. Staff has done all they can to find out when there are construction activities and those that would disturb monuments. But over the past 30 or so years it has been difficult to keep up with those activities. More than half of the monuments are missing in some county areas. Previously, Blue Stakes had not been able to specialize the county's map for the circumstances that it needed. They have now allowed the county to customize its map. Blue Stakes retroactively looked at the 2018 numbers and based on the map that the county provided, they said that if the county had been an active member in 2018 it would have received 4,010 tickets, which means that many times there was construction close enough that could have damaged/destroyed the county's monuments. Only 8 permits were submitted last year for 8 monument locations in the entire Weber County, that is not even ¼ of 1% of all construction activities and has been an extremely inadequate process. He asked for the commissioners' support of SB 104 that would allow county surveyors to require permits even for the instances within municipal boundaries.

Commissioner Froerer moved to approve the contract with Blue Stakes of Utah to allow the Weber County Surveyor's Office to become an Associate Member of Blue Stakes; Commissioner Harvey seconded.
Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

H. PUBLIC HEARING:

1.

Commissioner Harvey moved to adjourn the public meeting and convene the public hearing; Commissioner Froerer seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

2. **PUBLIC HEARING FOR CONSIDERATION AND/OR ACTION ON PROPOSED ORDINANCE TO ALLOW LARGE SOLAR ENERGY FARMS IN THE A-3 ZONE, TO CREATE A SOLAR ENERGY OVERLAY ZONE (SOZ), TO MODIFY SOLAR ENERGY REGULATIONS IN THE M-3 ZONE, & TO CREATE STANDARDS A PROCESSES GOVERNING THE SAME.**

Charles Ewert, of the County Planning Division, stated that an application was received to create a zoning tool to allow the creation of large scale solar farms on the western side of unincorporated Weber County in the A-3 Zone, where the applicant has its sights on a particular piece of property and which currently does not allow solar energy farms. They are allowed, however, in the M-3 Zone by conditional use permit. With the Solar Energy System Overlay Zone (SOZ), the County Commission will have full authority to approve/deny an overlay. This proposal changes the code to allow this new SOZ to be put in place only in the A-3 or M-3 Zones at the discretion of the County Commission after a recommendation from the Planning Commission. The Planning Commission felt that this is a better option rather than just allowing it as a conditional use permit in the A-3 Zone because there may be areas where it would not be appropriate and detrimental effects may not be mitigatable. He noted that one thing that is specifically prohibited in the SOZ is the use of reflective devices. The Planning Commission and the County Planning Division recommended approval of this item. He addressed the commissioners' questions including that the minimum contiguous site area shall be 100 acres, and that this ordinance sets up the ability for solar energy systems to be an allowed use with the overlay zone, then the overlay zone can be applied to a piece of property, which will enable the use as a permitted use on that property.

3. **Public Comments:**

--Ada Almanza, of Ogden, supports solar energy. She was referred to speak with the Chief Deputy of the County Clerk's Office after this meeting regarding translation of voter registration forms into Spanish.

--Doug Larsen, representing the applicant, Strata Solar Corporation of North Carolina said that Strata is one of the top five solar farm producers and leads the country in solar projects installed. He is excited that the county is embracing renewable energy projects and being a leader. The original agreement on the subject land would have consumed almost 300 acres to produce 36 megawatts of power but recent technology has narrowed it down to about 230 acres. Strata recommends defining a utility scale solar farm as a solar project that consumes at least 100 acres and produces at least 10 megawatts of power. They hope to start construction in 2020 and finish by the end of that year.

4.

Commissioner Froerer moved to adjourn the public hearing and reconvene the public meeting; Commissioner Harvey seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

5. **ACTION ON THE PUBLIC HEARING:**

H.2.-ORDINANCE TO ALLOW LARGE SOLAR ENERGY FARMS IN THE A-3 ZONE, TO CREATE A SOLAR ENERGY OVERLAY ZONE (SOZ), TO MODIFY SOLAR ENERGY REGULATIONS IN THE M-3 ZONE, AND TO CREATE STANDARDS AND PROCESSES GOVERNING THE SAME – ORDINANCE 2019-2.

Commissioner Harvey moved to adopt Ordinance 2019-2 to allow large solar energy farms in the A-3 Zone, to create a solar energy overlay zone, to modify solar energy regulations in the M-3 Zone, and to create standards and processes governing the same; Commissioner Froerer seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

- I. COMMISSIONER COMMENTS:** Chair Jenkins asked Charles Ewert, of the County Planning Division, to report on the item relating to a western Weber County property owner involved in a zone change in the A-2 Zone who had contacted the county because he did not want the zone change. Mr. Ewert stated that the decision could not be recalled but they could start over in the process. He stated that the county is working with the property owner towards making a couple minor adjustments to that zone area, and perhaps the General Plan as well, to better accommodate what that particular landowner is asking for. The item will go to the Planning Commission first.

J. MOTION FOR A CLOSED MEETING TO DISCUSS PENDING OR IMMINENT LITIGATION.

Commissioner Froerer moved to convene a closed meeting to discuss pending or imminent litigation; Commissioner Harvey seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

Commissioner Harvey moved to reconvene the public meeting; Commissioner Froerer seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

There was no action on the closed meeting.

K. ADJOURN

Commissioner Froerer moved to adjourn at 11:32 a.m.; Commissioner Harvey seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

Attest:

Scott K. Jenkins, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor