

MINUTES
WEBER COUNTY COMMISSION

Tuesday, May 1, 2018 - 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: James "Jim" H. Harvey, Kerry W. Gibson, and James Ebert.

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

- A. WELCOME** – Chair Harvey
- B. INVOCATION** – Marty Smith
- C. PLEDGE OF ALLEGIANCE** – Scott Mendoza
- D. THOUGHT OF THE DAY** – Commissioner Ebert
- E. PRESENTATION - WEBER COUNTY LEGISLATIVE RECAP.**

Adam Trupp, Chief Executive Officer of the Utah Association of Counties (UAC), thanked the Commission for allowing them to report on legislative issues, noting that there is great value in county officials associating and developing ideas together. He introduced Lincoln Shurtz, Chief Lobbyist, who gave an extensive report, which included that UAC tracked about 200 pieces of legislation in 2018 (i.e., a county revolving loan fund for economic development purposes that will be brought back in 2019 and changing the centrally assessed appeals deadline). UAC will be tackling fundamental changes that will inherently affect counties such as taking more of the responsibility for many of the counties in administering centrally assessed appeals. A bill in the 2018 legislative session would have changed how businesses file personal property tax. Currently, the business aggregate personal property tax de minimis amount is \$10,500 and that bill would have changed it to \$100,000, a substantial shift away from businesses paying personal property tax to homeowners. UAC opposed that legislation and agreed to work with the sponsor in 2019 to streamline the current cumbersome process and reevaluate the increased de minimis amount. Weber County justifiably decried previous homeless legislation because it focused almost solely on Salt Lake County, and that resulted in \$6 million appropriation for operation/maintenance of homeless resource centers throughout the State. Mr. Shurtz entreated the Commission to start working with the Lantern House to ensure it taps into those resources starting this July. He applauded Ricky Hatch, County Clerk/Auditor, for his tremendous work this year in representing the Clerk's Association and getting the State to work with UAC on fundamental changes to Utah Election law. He said that additionally Mr. Hatch and his team of State clerks were successful in obtaining a \$4 million federal grant to update Elections equipment. Weber County's elected officials are very engaged and UAC often uses it as the model of how to interact and get the maximum benefit. The commissioners commended UAC for its good work. Commissioner Ebert noted Weber County bills that resulted in successful changes, and that due to discussion, they are working to provide a more defined process for UAC's efforts, Commissioner Gibson spoke to the value of associating with UAC and Chair Harvey expressed appreciation to UAC for continually evolving.

RECOGNITION OF ZACHARY THOMAS, WEBER COUNTY INTERN

Ricky Hatch, County Clerk/Auditor, stated that Zach, a graduating senior of Weber High School, has made a positive impact in the county in numerous projects that included verifying petition packets in Elections and organizing parcels of land in preparation for the tax sale. Shelly Jackson, of Elections, added that Zach led voter registration drives at Weber High and lobbied State lawmakers for passage of a legislation allowing eligible 17-year olds to vote in Utah Primaries. Zach said that he has loved working with the county. The commissioners expressed their thanks to Zach for providing such a positive impact and he was presented with a plaque.

F. CONSENT ITEMS:

1. Warrants #1422-1424 and #427678-427897 in the amount of \$1,068,985.27.
 2. Purchase orders in the amount of \$62,135.62.
 3. Minutes for the meeting held on April 24, 2018.
 4. New business licenses.
 5. New Human Resource policies.
 6. Severance Agreement with Karen Harbertson.
 7. Retirement Agreements with Mike Chavez and Patricia Rhodes.
- Commissioner Ebert moved to approve the consent items; Commissioner Gibson seconded.
Commissioner Ebert – aye; Commissioner Gibson – aye; Chair Harvey – aye

G. ACTION ITEMS:

1. **EQUIPMENT LEASE AGREEMENT WITH REVCO LEASING, LLC. FOR A COPIER LEASE.**

John Ulibarri, County Assessor, stated that the new copier lease will save \$350/year.

Commissioner Gibson moved to approve the Equipment Lease Agreement with Revco Leasing, LLC. for a copier lease for the Assessor's Office; Commissioner Ebert seconded.
Commissioner Ebert – aye; Commissioner Gibson – aye; Chair Harvey – aye

2. **CONTRACT WITH DANIEL T. SIMONS, MASTER CARPENTER, FOR ANNIE GET YOUR GUN PRODUCTION.**

Kassi Bybee, Ogden Eccles Conference Center General Manager, briefly presented this contract.

Commissioner Ebert moved to approve the contract with Daniel T. Simons, Master Carpenter, for the production of *Annie Get Your Gun*; Commissioner Gibson seconded.

Commissioner Ebert – aye; Commissioner Gibson – aye; Chair Harvey – aye

3. **CONTRACT WITH FFKR ARCHITECTS FOR THE SCOPING DOCUMENT STUDY FOR PREPARATION OF THE DESIGN OF PARKING GARAGE DEMO AND NEW SURFACE PARKING LOT.**

Scott Mendoza, County Project Coordinator, stated that the consultant team will include professional architects and engineers from Reaveley Engineers and CRS Engineers. The contract will not exceed \$6,500.

Commissioner Gibson moved to approve the contract with FFKR Architects for the scoping document study for preparation of the design of parking garage demo and new surface parking lot; Commissioner Ebert seconded.

Commissioner Ebert – aye; Commissioner Gibson – aye; Chair Harvey – aye

H. PUBLIC HEARINGS:

1.

Commissioner Ebert moved to adjourn the public meeting and convene the public hearings; Commissioner Gibson seconded.

Commissioner Ebert – aye; Commissioner Gibson – aye; Chair Harvey – aye

2. **PUBLIC HEARING FOR CONSIDERATION/DECISION ON A PROPOSAL TO AMEND CERTAIN SECTIONS OF LAND USE CODE TO PROVIDE NEW OPEN SPACE REQUIREMENTS FOR CLUSTER SUBDIVISIONS, WITH SPECIAL EMPHASIS ON AGRICULTURAL ENCOURAGEMENT, & TO OFFER NEW OR MODIFIED DEFINITIONS & OTHER CLERICAL EDITS TO OTHER SECTIONS OF CODE RELATED TO THE NEW OR MODIFIED DEFINITIONS.**

Charles Ewert, of the County Planning Division, noted that Ogden Valley has not had a cluster subdivision proposed under the new ordinance. The Western Weber Planning Commission has recently reviewed a number of cluster subdivisions that have caused concern and has been working with a number of developers on cluster subdivisions. A primary concern resulting from the current ordinance is that there is a lot of agriculture open space being broken up into small 1-acre lots attached to the back of individual lots, almost as an extension of the backyards. This is not the Planning Commission's desired result; they desired to see more contiguous open spaces that could result in larger scale farming. They asked the county to revisit the Cluster Subdivision ordinance as well as the bonus densities section, which had a lot of unclear language making the decision-making process difficult. The new amendments include making the standard minimum cluster subdivision lot size 9,000 sq. ft. The Western Weber Planning Commission had also requested clearer criteria on the open space plans and information on the cluster subdivisions process. Both planning commissions offered a positive recommendation.

This item was reviewed with county legal counsel and there was still one paragraph of concern and Mr. Ewert requested a first reading today and taking action next week. He responded to Commissioner Ebert stating that the county has been working with a number of groups from western Weber, that one particular group circulated a petition and those leaders are very much in favor of the proposal. The statutory deadline to pass this ordinance is May 21. Commissioner Gibson asked if the proposed amendments were discussed at the recent Western Weber open house and Mr. Ewert responded yes and that there was a lot of discussion about clustering with different individuals. He did not get a solid gauge on what the majority wanted, but those who have been engaged are very much in favor of this proposal, particularly dealing with agriculture open space; some would prefer smaller individually owned preservation parcels.

Chair Harvey invited public comments and following is a summary:

Greg Bell, of Taylor, stated that working with Mr. Ewert has been a big help in educating residents on the process and working on the vision for the area. Even though residents may not agree on all things, they came to a good place. He stressed that not only did they have a large group chat and communicated all of these changes, they had ensured that everyone was invited to the meetings. People were very well involved in providing input, and as Mr. Ewert presented drafts those were extended to residents. The open house provided a lot of opportunity to educate people on clusters. Overall, it appears that the community is very well involved. He urged the Commission to move forward before the deadline, referring to several submitted cluster subdivision proposals. He stated that the plans under the old code would chew up a lot of prime agriculture space in the western area. The new code contains verbiage to preserve primary agricultural area under these clusters, a great move forward.

Ed Green, of Layton, is working with the Farr and Favero properties in West Weber and stated that they have very triangular property. A sewer line that goes through it died and a canal also bisects the property. They were prepared to submit under the old cluster ordinance but got caught right when this proposal process began. The new ordinance makes it more difficult to develop. The property is not rectangular enough to make acre lots. He feels that the idea of preserving agriculture forever may be fine to consider in our lifetime but asked what farmer is going to farm these little 10± acre parcels in 10-30 years in the future, what would they put on that land, and would it be sustainable for life. Equipment is expensive. This does not work for them.

3. **PUBLIC HEARING FOR CONSIDERATION & DECISION ON A PROPOSAL TO AMEND CERTAIN SECTIONS OF LAND USE CODE TO PROVIDE A DIFFERENT METHOD OF MEASURING HEIGHT OF A BUILDING, OFFER CLARIFYING LANGUAGE FOR MORE EFFICIENT ADMINISTRATION OF THE NEW PROVISION, & TO ADD DESIGN & AESTHETIC STANDARDS FOR PUBLIC UTILITY TOWERS WHEN THEY ARE TALLER THAN STANDARD HEIGHT ALLOWANCE OF THE ZONE.**

Charles Ewert, of the County Planning Division, stated that they had been trying to figure out the best way to measure the height of a building. A number of them were built a bit over the height threshold and this was not caught until they were framed in, which is a problem. He noted the inspectors' difficulty of measuring from the natural grade according to current code, when the best time to determine building height compliance is usually after the natural grade has been disturbed. The amendment includes changes to the method of measuring grade and should be easier to catch issues at the front end without the applicant hiring a surveyor. The applicant will have to provide information and this will require the county to do more due diligence during plan review. During item review, Mr. Ewert discovered that the Land Use Code had many sections addressing height of structures and these were consolidated under one section. Added aesthetic requirements will help make the substation towers more attractive and a number of options were added to code to choose from.

4. Public comments: Chair Harvey invited public comments and none were offered.

5.

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

Commissioner Ebert – aye; Commissioner Gibson – aye; Chair Harvey – aye

6. **ACTION ON PUBLIC HEARINGS:**

H2.-AMENDING CERTAIN SECTIONS OF LAND USE CODE (CLUSTER SUBDIVISIONS/OPEN SPACE)

Commissioner Gibson moved to amend certain sections of the Land Use Code to provide new open space requirements for cluster subdivisions, with special emphasis on agricultural encouragement, and to offer new or modified definitions and other clerical edits to other sections of code related to the new or modified definitions; Commissioner Ebert seconded. Then Chair Harvey and Commissioner Ebert noted preference in holding this item for one week. Commissioner Gibson amended his motion to approve the first reading of this item with the condition that this item be on next week's agenda; Commissioner Ebert seconded.

Commissioner Ebert – aye; Commissioner Gibson – aye; Chair Harvey – aye

H3.-AMEND THE CERTAIN SECTIONS OF THE LAND USE CODE (BUILDING HEIGHT) – ORDINANCE 2018-5

Commissioner Gibson moved to adopt Ordinance 2018-5 amending certain sections of the Land Use Code to provide a different method of measuring the height of a building, offer clarifying language for more efficient administration of the new provision, and to add design and aesthetic standards for public utility towers when they are taller than the standard height allowance of the zone; Commissioner Ebert seconded.

Commissioner Ebert – aye; Commissioner Gibson – aye; Chair Harvey – aye

I. PUBLIC COMMENTS:

Greg Bell stated that the Western Weber General Plan needs to be updated. He feels that development of land use codes need to be a Weber County action. He understands that developers want to make as much money as possible but it also has to fit into the community and meet the needs of those who have to live with it every day.

Ed Green had concern as to who would own/maintain those open spaces perpetually. He said that when the old farmer is done his children are not returning to farm the land but want as much value as possible, and that the county is devastating the farmers' family inheritance. Rick Grover, County Planning Division Director, responded that typically there is an HOA or the agricultural land can be individually owned. The owners would submit an agriculture protection plan as part of that review, and explain how they would maintain it as viable agriculture. They will be picking up density to get more homes on the area if they have more agricultural land. Currently, trails are generally private/maintained by an HOA, but can have maintenance issues. With farmland they will likely be individually owned parcels and be operated as long as they are compliant with the agriculture protection plan. Currently TDRs are not part of the cluster subdivision ordinance.

Shae Bitton, of Taylor, has been working with Mr. Bell and others that signed the petition to amend the cluster subdivision ordinance and said that they all agree with the proposed amendment. They have seen some comparisons between how developers want to develop the land with 1-acre developments and preserving agriculture space for clusters, and being preserved for clusters. A little more money is made with the clusters because they can put more houses there. Agriculture space can be written so that it can be sold to a separate person, who is not an owner, and to develop it, which is helpful to someone afford a smaller area to farm.

J. ADJOURN

Commissioner Gibson moved to adjourn at 11:45 a.m.; Commissioner Ebert seconded.

Commissioner Ebert – aye; Commissioner Gibson – aye; Chair Harvey – aye

Attest:

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

Ricky D. Hatch, CPA
Weber County Clerk/Auditor