

MINUTES
WEBER COUNTY COMMISSION
Tuesday, July 23, 2019 - 10:00 a.m.
Commission Chambers, 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: 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 Jenkins
- B. **INVOCATION** - Ricky Hatch
- C. **PLEDGE OF ALLEGIANCE** - Ashton Wilson
- D. **THOUGHT OF THE DAY** - Chair Jenkins

E. **PUBLIC COMMENTS:** Lynnda Wangsgard, County Library Director, showed the Ogden Valley Library's site plan and reported on project updates for this Branch including changes to the children's area, a new wastewater treatment system that includes a new field drain system, and an outdoor children's education and program facility. The Improvements came from a portion of the savings from the Library Capital Bond and brings the facility up to par with the other branches. Weber Fire District Captain Rick Cooper reported that effective 7/19/2019 the District went into full fire restrictions for Weber County, which includes all unincorporated lands east and west of Harrison Blvd. The State order restricts open camp fires/fireworks. Chair Jenkins and Commissioner Froerer refuted the current facebook post which indicated that the heating/air conditioning was malfunctioning at the Animal Shelter. The system was checked last week, and again this morning by different teams. It appears there is no malfunction, that this is a hoax.

Gary Haws, of Eden, asked that agenda items be moved around and allow the public hearing to be heard first as most people were there for that item.

Commissioner Harvey moved that the public hearing, item H., be moved immediately following item F., consent items; Commissioner Froerer seconded.

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

F. CONSENT ITEMS:

- 1. Warrants #1889-1901 and #441166-441387 in the amount of \$1,374,027.85.
- 2. Purchase orders in the amount of \$168,263.80.
- 3. Minutes for the meeting held on July 16, 2019.
- 4. New business licenses.
- 5. Surplus office chairs and a filing cabinet from the Weber County Attorney's Office.
- 6. Surplus a BendPak 10k 2 post lift, 2010 Ford Fusion & a 1995 White GMC Transport from County Fleet.
- 7. Action on a request to delete certain discontinued delinquent centrally assessed parcels and their associated tax, penalties and interest from 1991 through 2004.
- 8. Contracts with the following for RAMP Grants:

Ogden City-Union Station Museum Updates	Tribalovedancer-Dance Outreach
Ogden City-Arts Programming	Union Station Foundation-Sesquicentennial Gala Video
Ogden City-The Corner Hub	Washington Terrace City-Rohmer Park Parking Lot

Commissioner Froerer moved to approve the consent items; Commissioner Harvey seconded.

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

G. PUBLIC HEARING:

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

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

- 2. **PUBLIC HEARING TO CONSIDER AND TAKE ACTION ON ZMA 2019-04 A REQUEST TO AMEND THE ZONE MAP TO REZONE APPROXIMATELY 14 ACRES FROM AV-3 (AGRICULTURAL VALLEY 3-ACRE) ZONE TO THE G (GRAVEL) ZONE AT APPROXIMATELY 4720 EAST 2650 NORTH.**

Charles Ewert, of the County Planning Division, showed a few area maps and the proposal. He said that the G Zone allows for a gravel pit operation and if the property is rezoned, the applicant could petition the county for a conditional use permit for the gravel zone. The subject property is adjacent to existing commercial and manufacturing areas. Adjacent and kitty corner to the subject property is the County Road Sheds, to the east is Snowcrest Jr. High and south and eastward there are agricultural uses. Just to the south and east there are three currently inhabited residential parcels.

The triangular parcel to the south of the county sheds, zoned AV-3, is part of the Roads Shop and is being leased to a landscaping company. There are flood plains on the property, a 100-foot stream corridor setback that is mainly for development purposes, but the concrete batch plant would be outside of that setback. There is a partially active fault line through part of the subject property. During the conditional use permit process the

county would require all the science to back up the idea that harmful effects could be mitigated. The pit would be on the west side of the property and the batch plant on the east. He noted concerns presented by the Planning staff to the Planning Commission: transportation impacts—the road dead-ends and there is a Seminary facility and Jr. High students cross to get to it; the intersection does not meet a 90 degree angle which would cause challenges to large turning trucks; increasing the truck traffic coming to the area would necessitate possible improvements to the existing infrastructure; as heavy truck traffic accelerates/decelerates it tends to push asphalt, particularly if the asphalt or the subgrade were never constructed to the appropriate thickness. He showed a pamphlet excerpt from County Engineering of fiber in asphalt overlay that could help support heavier truck traffic stating that it would be a good idea to require it of the applicant if this was approved. There would be an onsite rock crusher, which is fairly noisy and constant noise impacts at the property line of about 75-80 dB. The required permits by the applicant would be many, particularly for this site that is right adjacent to a river corridor.

County Code encourages comparing the proposal to the existing General Plan (Plan), which outlines the community character vision, including stands of trees (there would be some removal but the applicant had said that he would keep as many as he could), peace and quiet (there would be a rock crusher), clean air/water (heavy truck traffic, dust, emissions), abundant wildlife (probably not much with the rock crusher), views (properties on the slope's upper west side and adjacent properties can see down into it) but not from the highway. The Plan calls for reducing traffic on historic Ogden Canyon and the applicant had said he may be able to reduce it. Eden Water Works has a shallow well (60 ft. deep) adjacent to this site and there could be negative impacts. The Plan suggests that there be some village areas in the future, as desired by the community, and the Eden 4-way is about the most prominent village area with probably the best prospect for future commercial operations. The idea is to have a recreation resort feel with street oriented shopping and in time have the ability to transfer development rights into this area, thus this small commercial node could potentially help satisfy that part of the Plan. The gravel operation would be right adjacent to this area. Uses should compliment or at least balance the desire to maintain the community's vision. He showed the type of streetscapes/architecture standards that the Plan suggests. A lot of mitigation would be necessary for the operation as well as a lot of oversight necessary to ensure it happens, especially because of the site location in proximity to the Jr. High, the town center, and to the river. The use would likely permanently affect the vitality of that village. There are unknowns regarding the drinking water impacts, but Eden Water Works serves 60% of its water. Staff's most prominent concerns include that this use will likely permanently affect the vitality of the Plan's anticipated Eden Village, there are unknowns regarding the water quality for the nearby Eden Water Works' well, and the governmental oversight necessary to monitor and enforce conditions of approval for a pit in this location is likely more than current county administration can handle and will likely require expanded resources. The Ogden Valley Planning Commission recommended denial of this item. Commissioner Harvey said that the Commission has received a lot of communication, been involved in meetings, etc., on this issue and this presentation seemed a very fair compilation of all that information.

Ron Lackey, President of Eden Water Works, said that their well is about 60 feet deep, about 158 yards from the site and the percolation rate is very high (6" water down an 8" pipe in 24 seconds), thus any type of chemical/oil/fuel spill would be detrimental. They also have a million gallon tank at that location that would likely be impacted. The Division of Drinking Water guidelines call for guarding/looking out for potential contamination sources—# 11 on their list is concrete companies, others include mining operations, sand piles, and sand and gravel mining operations. Their Board is charged to look out two miles from their well for any type of threats and now there would be one 158 yards away. He spoke of the importance of protecting this water source. He referred the Commission to Thom Summers who is not only the water operator for Eden Water Works but for other water companies in the Valley and a great source of information. Commissioner Harvey noted that Mr. Lackey serves without any compensation, that he appreciates his volunteer efforts, professionalism, and the great job he does for those he represents.

Kody Holker, applicant, Manager of Levanta, LLC, and owner/developer of the subject property, said that it is a batch plant, not a cement plant, and requires a rezone. The previous owner was engaged in a river restoration project on the property to protect the homesteads along there and the State Engineer had approved it, which he felt would not have been approved if there was a concern with water contamination. He said that the project allows impacts to the waterway and calls for extraction, excavation and removal of materials at increments of 300 feet continually. He addressed Chair Jenkins' question stating that no limits were placed on how much can be removed or how often. He felt that it was critical to supply concrete and remove the burden of having it trucked to the Valley. With the river, floodplain, etc., there would be about a 9-acre area rezoned for sand and gravel—his land is flat and a river bottom.

Chair Jenkins asked what he would do with the hole after excavation. Mr. Holker said that it would fill itself with water or could be reclaimed and crops planted. He felt this was the best location for the plant, that it would be out of sight and helped with the sound and dust, bring jobs to the community, and they would repair road wear/tear. He had submitted his engineer's letter to Mr. Ewert and said that their opinion was that DWR had reviewed the application and determined that the criteria had been satisfied. Regarding the State's river restoration permit, Commissioner Froerer asked Mr. Holker that if it was his opinion that the permit gave him the ability to haul gravel from the river and he responded that it clearly states 'removal' and it had been done. Chair Jenkins' understanding is that 50 loads were taken out last year permitted by the State.

3. Public comments:

--**Dakota Hyde**, of Ogden, manager of several small businesses in Ogden Valley, read from the Ogden Valley vision (as already noted by Mr. Ewert), including that its rural character is defined by its open fields, agricultural lands, dark skies, clean air and water, and small villages by Pineview Reservoir, historic Ogden Canyon and long views of surrounding villages and mountain background, that the community desires physical development to compliment, not overwhelm or compete with its rural character. He does not believe that a batch plant enhances the visible character of the Valley nor that the benefits mentioned by the developer outweigh the risks. The lot is zoned AV-3 and county code includes guidelines to continue agricultural pursuits including keeping of farm animals and to direct orderly low density residential development in a continuing rural environment. The resorts and Pineview are tourism drivers and a huge industry that supports the Valley, bringing in economic benefits and reducing the tax burden of every property owner.

--**Thom Summers**, Eden Water Works operator, is in charge of providing safe drinking water to Eden residents. He referred to the Gardner Engineering map stating that the circled area in Zone 1 is where their pump pumps from and Zone 2 is the recharge area for Zone 1. When the previous owner, Mr. McCafferty, told him he had a river restoration permit, it was to clean the river bed, take out the sandbar, replace the banks, and haul anything that needed to be hauled out. Mr. Summers hauled a lot of it out himself. Mr. Summers is a certified perk tester for Weber-Morgan Health Department and about 6 weeks ago he went upstream about two miles and conducted a perk test along with a Health Department staff. An 8" diameter pipe with perforations, buried 12" underground and filled 6" from the bottom drained out in 24 timed seconds. The well and aquifer is very shallow.

--**Scott Kelly**, of Huntsville, lives on the edge of the former Stoker Pit and his company deals directly with the structural masonry industry which is grossly involved with batch plants, concrete, gravel extraction, etc. There is an array of pits around that area that can service it. Thirty years after that pit's closure he still experiences 10-50 side dumpers/day going by his gravel road to try remediating and filling it because that owner exceeded the depth by over 35 feet and now the exercise to fill it is as bad if not worse than the process of extracting it. This proposal is adjacent to their school, to the Ogden Valley, which is a gem/asset, plus the impacts to roads, noise, water pollution, etc. He said that there are big risks, some are nature-related, including the potential for the operation to liquefy with that much water down there. They cannot maintain the current roads and have not come to grind the gravel off his level 4 road where the pit used to be and it has been 30 years, it also leaves a scar that cannot be repaired. He said that a scattered diagram that is centered in the heart of Eden with constant inbound/outbound trucks would create traffic and noise issues that would probably be intolerable.

(Chair Jenkins was excused at this time and Commissioner Froerer chaired the remainder of the meeting).

--**Wendy McKay**, of Huntsville, gave the Commission a letter from the Huntsville Town's government and Planning Commission expressing concern about the proposal. She spoke of their amazing pristine place that is recognized as a recreation mecca, and of the myriad of activities occurring there. She played a loud sound bite of a rock crushing plant, from 200 feet away. She is the President of the Ogden Valley Tennis & Pickleball Assn. and they sit directly behind the fence. She teaches P.E. for the school and spoke of the difficulty of trying to teach with that noise as well as other teachers—the Jr. High's windows are almost always open due to no air conditioning. She referred to the many resulting health issues from such an operation. Her family chose to live in the Valley, not around industry, because they love the rural atmosphere.

--**Margaret Kluthe**, of South Ogden, a pediatrician, spoke of the negative impacts on air quality and health risks associated with rock mining in gravel pits, which create fine particulate matter (fugitive dust), that penetrates deep into the lungs and our bodies cannot protect us from those because our normal defenses are geared to defend against larger particles. It is difficult for our lungs to get rid of these particles. These small particles are likely responsible for adverse health events and children are particularly at risk. Children participating in athletics, recess, etc., at the adjacent school would be breathing deeper, as those particles would be getting into their lungs. Fugitive dust causes immediate and long term risks. Increased asthma rates exacerbations, wheezing and difficulty breathing have doubled in areas where particulate matter is high. School absenteeism is 2.5 times higher in Salt Lake areas adjacent to gravel mines. Additionally, the noise of the trucks and gravel crusher will interfere with children's learning/education. There can be increased heart attacks and death, pregnancies can be affected by particulate matter with increased rate of miscarriage and autism. Having a gravel pit right next to a school should not happen. Ogden Valley is a small valley, trapping air and particles and approving this proposal would be an unconscionable risk.

--**Chloe Ludlum**, of Liberty, an 11-year old, spoke against building cement plants anywhere in the Valley because they are a major health hazard. They release particles (silica) into the air, which a major health concern

when chipped, cut, drilled or ground down and are breathed in. Silica can cause lung cancer, chronic obstructive pulmonary disease, kidney disease and many others. The Valley is a beautiful place of fresh, clean mountain air, and is a four-season tourist attraction. This proposal would be a detriment to tourism if the air and water are contaminated. It would affect much more than the Valley's economy; it would affect the lives and health of every person in the Valley.

--**Shauna Miller**, of Eden, said that her husband has been in excavation for many years. Many of those trucks will still start in Ogden, many are kept in Ogden, many of the Valley truckers and equipment are actually not in the Valley, thus there may be a small amount of work kept in the Valley, and traffic will not be decreased. OSHA states that even breathing the smallest amount of that particulate can create monumental health risks. Her family lives up the hill from the proposal and moved to the Valley because her daughter at 7 years old was on 8 medications every day for respiratory issues. Finally the doctor said that the only thing they could do was find clean air. Within the first year, she was off 6 of them and the second year she was off all of them. She missed 42 days of school before moving to the Valley. The doctor told them that the air was killing all of them but they weren't as affected as she was. Ms. Miller presented the Commission with over 600 signatures obtained in less than a week.

--**Don Smyrl** moved to Liberty in 2008 for the clean water and air. He said that this meeting was at 10 a.m. on a weekday but if it was after 5 p.m. the attendance would probably have tripled. He read the staff report regarding this rezone and agrees with the Planning Commission's recommendation to deny the request as well as with the five findings that support that recommendation. He requested the Commission to also deny it and that the applicant consider another location in a manner that minimizes adverse impacts.

--**Pat Brennan**, of Eden, developed the Eden Center, across the post office and school. They have outside seating and the dust, etc., can make a mess of everything. He opposes the proposal stating it is not a good location for it. He knows because he ran the Stoker Pit and closed it in 2005 because the Commission would not give them an extension. He stated that in that meeting the Commission had said there would never be another gravel pit in the Valley. He said it would not create more Valley jobs; they cannot find workers now.

--**John Montgomery**, of Liberty, asked that once the developer uses up his gravel what would stop him from hauling gravel in and keep his operation going on. He said that the quarry in Cache Valley Divide that Weber County and Cache Valley allowed can be seen from the North Ogden Divide, etc., and is a total embarrassment.

--**Gary Fullmer**, of Eden, said that they worked very hard on the Ogden Valley Plan, which calls for development in a sustainable profitable manner for developers. If this is approved it many inhibit development in the commercial zones listed in the Plan. He showed a list of websites by federal agencies (i.e., OSHA, CDC, NIH) on hazards to health from gravel pits and batch plants. There are many local articles on what the people around those gravel pits are experiencing. Knowing the health hazards, he asked about liability to the county if this was approved and Commissioner Froerer spoke of the Governmental Immunity Act. Mr. Fullmer said that according to a major cement supplier on this side of the valley it takes 400 gallons of water to clean out one cement truck.

--**Bryan Smith**, of Nordic Valley Drive, resides up the hill from the subject property and can see and hear it from his home. He showed a facebook post sponsored by Levanta, which he said angered him—it claimed to be from Weber County concerned citizens for air quality and road safety and created misleading advertising and was an attempt to divide his community to meet its objectives. He recommended denial of this item.

--**Bruce** lives across from Snowcrest Jr. High, and used to haul hot asphalt oil to gravel and cement pits and recommend the Commission to visit Staker to see rock crushers and cement plant activity and how it would affect the Valley residents. He mentioned health, dust, the huge amounts of water needed to clean trucks, etc. They have already been impacted by the county allowing Summit Group to swipe some of their water for which they have the water rights. He said that cement plants do not belong in Eden.

--**Sally Lindsay**, of Huntsville, said that they lived through the Stoker gravel pit, which is quite near them, for three years. The dust was in every plant, every blade of grass, every grape was covered in particulate. The noise was unbelievable and they could not open the windows because of the dust and noise. Many people in the Valley, including schools, do not have air conditioning, and it was impossible to open them at night due to the particulate. She said that this was a very terrible thing to live through and hoped the Commission would deny it. This is next to the schools and their children.

--**Angel Castillo**, Ogden City Planning Commissioner, speaking as an individual commissioner asked that the Commission consider the General Plan for this rural residential property, the serious impact to the quality of citizens' lives, the proximity to the school, etc. She said that air quality/particulates also affect Ogden and its residents and the Commission would be remiss in approving something that would so negatively impact the community and which the Planning Commission had recommended denial. She said that there were 623 signatures on the change.org petition from those opposing this.

--**Sarah Mumford**, of Eden, is not sure that traffic would decrease on the roads or that everyone would use this one company for product. She lives directly above the Jr. High School and they can see the property. They can hear individual children's voices and hear the P.E. teachers' whistles and find it hard to believe that the noise would not be very substantial. She encouraged the Commission to deny it.

--**Richard Menzies**, of Eden, had submitted an email to the Commission enumerating the reasons against the gravel operations for all the reasons already mentioned. He and his wife were peripherally involved in the gravel

pit on top of Powder Mountain and strongly believe in trying to reduce traffic on the road. He asked where the applicant would get the water and where the sand would come from.

--**Nick Guthrie**, of Eden, teaches at the American Airlines Schoolhouse in Charlotte, and has worked with people who have worked in the military and distraction from noises. A batch plant causes enough noise and dust to cause distractions for Jr. High and daycare children. His family opposes this. He refuted the applicant's claim that there would not be a lot of dust. Any type of particulate will not just stay in one area but will move with the winds 30 miles. The applicants claim that they were trying to cut down on truck traffic pollution but a truck would have to make two empty trips going to and out of the Valley. He strongly asked that this be denied.

--**Randy Lara**, of Eden, said that last year the developer was granted a temporary permit to install a rock crushing machine about 200 yards from his home. He asked for people to imagine the constant noise of a vacuum cleaner sucking up a dozen marbles while watching TV or trying to have a meal. They would have to clean the dirt and dust every day from their outdoor furniture.

--**Annie Dunway**, of South Ogden, said that Levanta mentioned that the decibels would be 80-90 and a quick search reveals that in a commercial area in Weber County an amplified noise operation over 75 dB requires a permit. No noise in residential areas should occur over 75 dB, thus the level of noise does not meet the county's standards. People made comments about some pits but ignored those in South Weber and North Ogden and there are economies and people who rely on them for work and this proposal would take away jobs up the Valley. She strongly requested denial.

--**John Werner**, Eden Water Works board member, said that Wolf Creek Irrigation Company serves approximately 800 acres by diverting water from Wolf Creek and associated springs and on the subject property there are three water shares. The water shares from Wolf Creek Irrigation can only be used for agricultural crop production and for lawns/gardens per their bylaws. There is no sufficient science to quantify the amount of needed water for this proposed operations and where the water will come from or how it will be treated after it is used. As an engineer and water specialist, he does not see how, without more science and study, the Commission could justly agree to this operation as the water source is undetermined, problematic and potentially highly impactful to the other immediate water sources. He strongly recommended denial.

--**Kevin Parson**, of Liberty, said that his family has been involved with the gravel industry for a long time. They created a lot of property but ruined a lot, and created a lot of dead zones, which is what happens when batch plants are created and when materials are pulled out of the earth, when they are crushed. Rock quartz breaks down to a component that seen under a microscope is a jagged, sharp structure that get into the lungs and rips them apart, forming scar tissue that the body cannot heal. He said that it takes 25 gallons of water/load to wash each time a truck comes back in and gave the figures for four trucks x 6 loads/day at 5 days/week for 7 months out of the year—1,200 gallons/day x 120 work days is 144,000 gallons of extremely dirty, acrid cement water dumped in a water source. He said that dumping 144,000 gallons of lime, cement, silt infested water in a run off area of the North Fork River that supplies 31% of the water that flows down into the dam that supplies the artesian wells is so stupid and unbelievable.

--**Terry Marasco**, member of Utah Moms for Clean Air board, a State-wide clean air group from Salt Lake City, held one of the largest health rallies at the Capital with 5,000 people. He said that diesel emissions according to DAQ state that only 19% of mobile emissions come from cars and 29% from heavy duty trucks. The most destructive for children and pregnant women are diesel emissions, particulates, etc. Concentration of diesel emissions very close to children, whose brains are developing, and to pregnant women in the area is an important issue because of all the tens of thousands of diesel emissions. Health studies say that the closer one is to any road or truck that produces such emissions is affected four times more than anyone ¼ mile away. He said that the statistics are from the Division of Air Quality.

--**Kay Hoogland**, of Eden, shared a few excerpts of the letter from the Ogden Valley Business Assn. (OVBA) in opposition to this proposal representing over 125 businesses in the Valley and Canyon. After noting the environmental, water and school issues, the OVBA stated that their opposition is based on an additional factor unique to the business nature of their organizations. The proposal is contrary to business and commercial interests of the Valley. Each member has made a significant capital and career to be there, staking their fortunes in the unique recreation and agricultural nature of the Valley. This is not the type of development desirable in the heart of Eden. The operation itself threatens a number of their members existing businesses. Additionally, it also threatens traffic congestion and activities contrary to the recreation and tourism businesses the OVBA seeks to promote. Granting this rezone would undermine trust in their body of business regulations and discourage future desirable businesses from locating there. They strongly oppose upending years of planning and wise zoning regulations sought by the application which injures its members and discourages businesses. They need a beautiful, clean, tourist friendly, and noise free Valley, more than they need gravel dug up in their backyard and next to their school.

--**Chandra Barrong**, owner of High Altitude Kids, a daycare/tumbling facility in Eden that serves 150-200 families in the Valley, is located fairly close to the proposal. She said that the immediate preceding comments were relevant to hers. There are zero locations where she could move her business to, same for other businesses (i.e., the distillery). This proposal would harm her business and others.

--**Ashley Cross**, is the owner of New World Distillery, located close to the subject property. The key ingredient in their processes is water. Subtle changes in pH and hardness dramatically affect their processes and ultimately

success/failure in the first two steps of their process, and affect their end product's taste/quality. They are concerned that their water source is at great risk of contamination and even variation by a company that plans to dig, desecrated and disrupt their water supply. Dust is another enemy of their process.

--**John Loomis**, of Eden, agreed with the all the comments. There needs to be smart growth, which this is not.

--**Bill Siegel**, of Eden, former Ogden Valley Planning commissioner, said that during his commission they denied a batch plant and another concrete batch plant/asphalt plant after much forethought as did the County Commission. He asked that this be denied.

--**Kirk Langford**, of Eden, echoed that he is also not a no-growther and believes in smart growth, as many previously said. He feels that their General Plan is their economic development plan and the Valley is a unique piece of the mosaic for northern Utah's economic development. This proposal is absolutely in the wrong place; it is right in the middle of what will become the village center and will have negative economic impact. Residents will not simply buy from that plant because it is there. Trucks will have to get up there; they do not all start up there. He feels that rezoning is bad economic development as businesses need a sense of surety/consistency, and it undermines all the investment that everyone else put has into the Valley. No one expected the river corridor to be turned into a batch plant. The applicant is putting his own entitlement ahead of the entire community.

--**Kim Wheatley**, of East Huntsville, said that the General Plan is working well. The recreation element became the first step in the economic plan. Planning staff has said that this is not consistent with the Plan. The Planning Commission has recommended denial because it could inhibit the investment needed to make a viable economic community in the future and the residents are asking the Commission to continue that process. The Plan specifically talks about not putting gravel pits where they do not belong.

--**Jessica Smith**, of Eden, spoke of the mental health impact related to the noise, especially to students, and others who moved into the area because of anxiety, PTSD, etc., as she and her children deal with this. The constant noise, especially for children, as they are developing, can cause them to become more anxious, and more anxiety leads to other factors in the mental health area.

--**Steven Erickson**, representing the Utah Physicians for a Healthy Environment, the largest civic organization of physicians in the State and perhaps in the western U.S.A., noted that the commissioners have been asking for scientific proof to this issue and he presented them with a copy of a 2-page document of footnotes signed by physicians that showed that there is scientific proof behind all the statements made by the pediatrician, Mr. Parsons, and others who addressed the air quality issue. As an individual he said that they moved to Eden from Hooper and then saw the benefit that came to their family. Their youngest son missed 2-5 weeks every year of his entire elementary school years during red burn days. Since moving to Eden he has not missed a single day. He would like that benefit for all children. Air quality is hugely important, along with all the health concerns.

--**Kimber McCaferly** (previous land owner of the subject property), lives directly across the County Shop. She said that many present do not realize the Shop exists there because they do not see it as they drive by and that there is a lot of concern with the Shop and the property that is leased because of dust that drifts to the distillery and rocks being unloaded 20 feet from the daycare. These businesses went in knowing those conditions existed. On the river restoration they decided to barter for the material. Years ago they allowed the gravel to be pushed up on the banks to hold the water in but this is no longer allowed. She stated that even without this proposal, there is still noise from trucks constantly beeping, tailgates banging, and dust. If the school, the distillery, daycare, and others have not complained, why would this be more of a problem?

--**Charles Dubenezic**, of Eden, encouraged the Commission to listen closely to their constituents and said that in a democracy the people should rule.

--**Jill**, of Eden, a certified teacher and coach, stated concerns which included that in the proposal under the hours of operation there is no mention of possible suspension of operation due to increases or extremes in temperature, wind speed or direction, no listing of chemical usage, nor the added expense that the school would have due to the HVAC filters, incurred costs by the school in having to relocate activities, or transport students to alternate locations due to the adverse environment, no mention of adverse effects of vibration (due to the close proximity to Nordic Valley, the safety factor in winter for avalanches and slides). She would like items added on a mutual agreement with the school district. Cognitive development occurs until 26 years old and the percentage of the population impacted while their brain is still developing is significant within their area.

--**Rob Edwards**, the authorized applicant's representative, said that the basis for the proposal was to eliminate air emissions, that the materials are coming into the Valley regardless if this project occurs, that the international standard for ready mix concrete is 60-90 minutes to discharge and there are locations in the Valley where the plants cannot reach those places in that amount of time and it causes safety concerns for the drivers (due to top heavy trucks). There are 11 schools and lower valley residents who support trucking of these materials 45 minutes when a viable source is there. He would like to have the conversation about how to solve the 45 minute haul, the 10,000 truck loads, 400,000 truck miles, 450,000 pounds of carbon dioxide, nitrogen, sulfur and ozone, etc., which could be eliminated if the materials are produced at the subject property. The only reason that ready mix is making it into the Valley is due to no other options.

--**Raymond Pace Jr.**, of Eden, referred to the Commission's mission statement on the wall, and hopes they will follow it.

--**Wayne Pyle**, adjacent residential property owner to the application stated his family's opposition. One of staff's recommendation stated difficulties for code enforcement. In this situation, with multiple agencies, code enforcement efforts become almost impossible and most likely would occur after the fact. He said that the applicant has continued throughout this process to characterize the opposition as emotion-based and ignoring science, which is absolutely untrue, as evidenced by the many who presented information and facts about water and air quality, traffic issues, etc.

--**Richard Webb**, of Liberty, said that he is involved in some real estate transactions that look directly down into the subject site, and that he asked some realtors' for comments about it and they had said it would deteriorate the value of land dramatically. He referred to the prior comments stating that people came prepared with solid research and not emotion-based. These constituents rely on the commission. He said that there is a zone in place, people support it and the General Plan. He asked that they look deep into the people's desires.

Commissioner Froerer had attended the Planning Commission meeting at Snowcrest Jr. High 2-3 weeks ago and was impressed with the residents' comments. He supports private property rights. He agreed with Mr. Webb that there was very factual information presented today. The Commission relies upon information from the public to make decisions.

4.

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

Commissioner Harvey – aye; Commissioner Froerer – aye

5. **ACTION ON PUBLIC HEARING:**

H2-DISCUSSION ON REQUEST TO AMEND THE ZONE MAP TO REZONE FROM AV-3 ZONE TO G ZONE.

Commissioner Harvey referred to the fairly recent detailed study from the Department of Water Quality which included the effects of affluent penetrating into the aquifers and Pineview Reservoir.

Because of transportation with regards to the proximity to the school, the quality of the road, the noise, the water quality (even without all the answers), and the location, Commissioner Harvey moved to deny the petitioners' request; Commissioner Froerer seconded stating that the Valley is constantly changing and that many said that this is not about no growth but about the time and place and he is not convinced that it is the proper location or the time for a gravel pit. He understands that there are at least two potential zones for one and it is incumbent upon the county to have a proper place as growth occurs, but in a proper manner, and to ensure to maintain the quality preservation that people love.

Commissioner Harvey – aye; Commissioner Froerer – aye

G. ACTION ITEMS:

1. **RESOLUTION MAKING AN APPOINTMENT TO THE WEBER COUNTY JUSTICE COURT NOMINATING COMMISSION – RESOLUTION 48-2019.**

Christopher Crockett, Deputy County Attorney, noted that there is one vacancy due to a retirement in the court system and there is a slot on the Nominating Commission to be appointed by the County Commission for a 4-year term. Matt Wilson is the recommended appointment.

Commissioner Harvey moved to adopt Resolution 48-2019 appointing Matthew M. Wilson, Deputy County Attorney, to the Weber County Justice Court Nominating Commission; Commissioner Froerer seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye

2. **FINAL SUBDIVISION APPROVAL OF OVERLOOK AT POWDER MOUNTAIN SUBDIVISION PHASES 1 AND 2 LOCATED WITHIN THE APPROVED POWDER MOUNTAIN RESORT.**

Steve Burton, of the County Planning Division, stated that Phase 1 (21 lots) and Phase 2 (17 lots) are part of the Summit Master Plan community. The Planning Commission and staff recommend final approval.

Commissioner Harvey moved to grant final subdivision approval of Overlook at Powder Mountain Subdivision Phases 1 and 2 located within the approved Powder Mountain Resort.; Commissioner Froerer seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye

3. **CONTRACT WITH OUTRAGEOUS TO PERFORM AT THE 2019 WEBER COUNTY FAIR.**

Ashton Wilson, County Fair Director, presented this contract.

Commissioner Harvey moved to approve the contract with Outrageous to perform at the 2019 Weber County Fair.; Commissioner Froerer seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye

4. **CONTRACT WITH LOGAN DESPAIN TO JUDGE THE JR. LIVESTOCK SHOWS AT 2019 WEBER COUNTY FAIR.**

Ashton Wilson, County Fair Director, presented this contract for \$800.

Commissioner Harvey moved to approve the contract with Logan Despain to judge the Jr. Livestock Shows at the 2019 Weber County Fair; Commissioner Froerer seconded.
Commissioner Harvey – aye; Commissioner Froerer – aye

5. CONTRACT WITH AMBER HANKINSON TO JUDGE THE RABBITS AT THE 2019 WEBER COUNTY FAIR.

Ashton Wilson, County Fair Director, presented this contract.

Commissioner Harvey moved to approve the contract with Amber Hankinson to judge the rabbits at the 2019 Weber County Fair; Commissioner Froerer seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye

6. CONTRACT WITH FREMONT HIGH SCHOOL MARCHING BAND TO ATTEND TO THE PARKING LOTS AT THE 2019 WEBER COUNTY FAIR.

Ashton Wilson, County Fair Director, presented this contract. Commissioner Harvey asked that Ms. Wilson verify if any monies going between the county and that organization would need to go through the foundation.

Commissioner Harvey moved to approve the contract with Fremont High School Marching Band to attend to the parking lots at the 2019 Weber County Fair; Commissioner Froerer seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye

7. CONTRACT WITH LEXIS NEXIS ELECTRONIC LAW LIBRARY TO PROVIDE AND ELECTRONIC LAW LIBRARY FOR THE INMATES INCARCERATED IN THE WEBER COUNTY JAIL.

Sgt. Brandon Flinders, of the County Sheriff's Office, presented this contract, which saves a lot of man power, printing costs, etc.

Commissioner Harvey moved to approve the contract with Lexis Nexis Electronic Law Library to provide and electronic law library for the inmates incarcerated in the Weber County Jail; Commissioner Froerer seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye

8. INTERLOCAL AGREEMENT WITH THE STATE OF UTAH, ATTORNEY GENERAL'S OFFICE, CHILDREN'S JUSTICE DIVISION, FOR ANNUAL ALLOCATION TO OPERATE THE WEBER/MORGAN CHILDREN'S JUSTICE CENTER (CJC).

Roberta Dustin, of the CJC, presented this amendment to the previous contract with an increase of about \$8,000.

Commissioner Harvey moved to approve the Interlocal Agreement with the State of Utah, Attorney General's Office, Children's Justice Division, for the annual allocation to operate the Weber/Morgan Children's Justice Center; Commissioner Froerer seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye

9. INTERLOCAL AGREEMENT WITH THE STATE OF UTAH, CHILDREN'S JUSTICE DIVISION, FOR FORENSIC INTERVIEWING SERVICES.

Roberta Dustin, of the CJC, stated that this person's workload was increased to full time this year.

Commissioner Harvey moved to approve the Interlocal Agreement with the State of Utah, Children's Justice Division, for forensic interviewing services; Commissioner Froerer seconded.

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

10. INTERLOCAL AGREEMENT WITH THE UTAH GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT (GOED) FOR THE CREATION OF RECREATION-ORIENTED PEDESTRIAN AND CYCLIST WAYFINDING SIGNAGE.

Charles Ewert, of the County Planning Division, noted that part of the wayfinding signage plan includes the creation of a pedestrian and cycling component. The county reached out to GOED and they had a recreation matching grant for \$50,000. These signs will go along the paved pathway portions in the Valley.

Commissioner Harvey moved to approve the Interlocal Agreement with the Utah Governor's Office of Economic Development for the creation of recreation-oriented pedestrian and cyclist wayfinding signage; Commissioner Froerer seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye

H. COMMISSIONER COMMENTS: the commissioners appreciated all the comments on the hearing.

A. ADJOURN

Commissioner Harvey moved to adjourn at 1:18 p.m.; Commissioner Froerer seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye

Attest:

Scott K. Jenkins, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor