

**MINUTES**  
**WEBER COUNTY COMMISSION**  
Tuesday, August 21, 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 and James Ebert. Scott K. Jenkins was excused.

**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** – John Watson

**C. PLEDGE OF ALLEGIANCE** – Charlie Ewert

**D. THOUGHT OF THE DAY** – Chair Harvey

**E. PUBLIC COMMENTS:** None.

**F. CONSENT ITEMS:**

1. Warrants #1518-1529 and #431071-431317 in the amount of \$2,718,797.20.
2. Purchase orders in the amount of \$55,565.20.
3. Minutes for meetings held on August 14, 2018.
4. Final plat approval of Summit Eden Phase 1C Amendment 7, an eight lot subdivision.

Commissioner Ebert moved to approve the consent items; Chair Harvey seconded.

Commissioner Ebert – aye; Chair Harvey – aye

**G. ACTION ITEMS:**

1. **COMMUNITY PARTNER COOPERATIVE AGREEMENT WITH THE SECOND DISTRICT JUVENILE COURT TO PROVIDE JUVENILES TO THE TRANSFER STATION TO PICK UP TRASH ONE DAY PER WEEK.**

John Watson, County Solid Waste Director, presented this contract for about \$160/month.

Commissioner Ebert moved to approve the Community Partner Cooperative Agreement with the Second District Juvenile Court to provide juveniles to the Transfer Station to pick up trash one day/week; Chair Harvey seconded.

Commissioner Ebert – aye; Chair Harvey – aye

2. **REQUEST FROM KIMBERLY CLARK WORLDWIDE INC TO REDUCE IMPACT FEES.**

This item was held.

3. **REQUEST FOR SECOND READING OF A PROPOSAL TO AMEND THE FOLLOWING PARTS OF THE WEBER COUNTY CODE: §102-1, §104-[ALL], §106-2, & §108-[ALL], TO MAKE DECISIONS FOR PLANNED RESIDENTIAL UNIT DEVELOPMENTS LEGISLATIVE AND NOT ADMINISTRATIVE BY CREATING A PLANNED RESIDENTIAL UNIT OVERLAY ZONE AND REPEALING THE PLANNED RESIDENTIAL UNIT ENTITLEMENT AND ADMINISTRATIVE CRITERIA FROM EACH ZONE AND THE STANDARDS CHAPTER.**

Charles Ewert, of the County Planning Division, worked with the County Attorney's Office on this item and there had been minor clarification changes since the first reading (on 8/7/2018), including that flexible lot standards were separated from this item (see item G.4). There had been discussion between the differences in legislative and administrative decision processes. Currently, PRUDs are entitled as administrative decisions but the language needs clarification. Mr. Ewert feels that the PRUD as an overlay zone does not change the design or development side of the process and that it provides more protection and flexibility for the County Commission to choose the direction for these types of flexible developments in allowed zones. He addressed Chair Harvey's questions stating that this gives more discretion to the County Commission, aides the planners in offering quality guidance, and makes the flexibility the rule through overlay zoning as opposed to a conditional use permit. The commissioners strongly support streamlining the process and efficiency for the applicants. Mr. Ewert recommended adopting this item today stating that current PRUD code gives the perception of an administrative decision but built into it is a lot of flexible discretion, and it is challenging for the county to use. He stated that this proposal was a much better code to use, and if the commissioners desired to amend to a more streamlined administrative decision, it would be best to amend from this version.

Commissioner Ebert stated that there have been issues with several developments as they have come before the Commission and numbers of the community have expressed concerns with those developments at the first or administrative meeting, but the Commission could not request changes then, according to the ordinance. The intent of this proposal is to change that to make it more of a legislative decision in that initial meeting where the commissioners could have more ability to direct the developer in the direction that will move the process forward. He sees a certain amount of value in changing what happens in the first meeting. He referred to a meeting that he attended last night. There is a very large section of unincorporated area virtually surrounded by Plain City.

That unincorporated area will function within the county's ordinance which may not meet the City's planning as the area may eventually be annexed into the City. He would like the ability within this ordinance to have some type of criteria for surrounding municipalities that are likely to annex and which would work towards their community development, sewer, etc. Mr. Ewert said that under this proposal that first meeting would be a public hearing for legislative action and the Commission would be able to review surrounding cities' general plans, capacity needs, etc., and could create new law specific to that development and allow it to thrive under the best type of laws that can be created based on that development's unique circumstances. He stated that if an ordinance is created that is administrative in nature the county would be creating every finite detail that they can think of without having a very specific proposal, and there is a high probability of inadvertently missing things. When the public comes to those meetings with their concerns, the Commission will not have the flexibility it needs to work around the issues. He noted that the legislative decision allows flexibility with the developer and the unique circumstances of that development. The cons are that it takes a little more time to get through the process, less predictability from the developer who does not have a list of items to provide, and is, therefore, more abstract. The commissioners would like more time for review. The county has until early September to address the initiated pending legislation. Chair Harvey asked that Mr. Ewert set the goal of November 2018 to amend the language to streamline the process even more for developers.

4. **SECOND READING OF A PROPOSAL TO AMEND THE FOLLOWING PARTS OF WEBER COUNTY CODE: §104-5-7, §104-7-6 & §106-2-4 TO ADD FLEXIBLE LOT WIDTH & LOT AREA STANDARDS INTO SUBDIVISION CODE FOR A-1 & A-2 ZONES IN A MANNER THAT ALLOWS FLEXIBILITY & DIVERSITY OF LOT TYPES IN A SUBDIVISION WHILE NOT INCREASING OVERALL DWELLING UNIT DENSITY OF AN AREA – ORDINANCE 2018-11.**

Charles Ewert, of the County Planning Division, stated that this proposal for flexibility in traditional subdivisions went before both Planning Commissions. The Ogden Valley Planning Commission felt it did not apply to their area. The Western Weber Planning Commission felt it would undermine the new Cluster Subdivision Ordinance and that people would prefer to use this code rather than the cluster code, which they wanted to see how it would work first. This code allows smaller lot sizes down to 20,000 square feet with an 80-foot width. The commissioners like this concept.

Commissioner Ebert moved to adopt Ordinance 2018-11 amending the following parts of the Weber County Code: §104-5-7, §104-7-6, and §106-2-4 to add flexible lot width and lot area standards into the subdivision code for the A-1 and A-2 zones in a manner that allows flexibility and diversity of lot types in a subdivision while not increasing overall dwelling unit density of an area; Chair Harvey seconded.

Commissioner Ebert – aye; Chair Harvey – aye

5. **CONTRACT WITH BH, INC. TO PIPE EXISTING DRAINAGE DITCHES ALONG 12<sup>TH</sup> STREET FROM WEBER RIVER TO 7900 W. IT INCLUDES REPLACING THE WEST WARREN WATER LINE WITH SAME PROJECT LIMITS.**

Jared Andersen, County Engineer, stated the county engineers' estimate was \$4.1 million for the project. BH was chosen from the procurement process with a cost of \$2.48 million. Warren West-Warren Water Improvement District will reimburse \$1.287 million to the county. The county's portion will be paid from WACOG transportation funds. He addressed Chair Harvey's question stating that the District has a loan with the State to help pay for their project but needed it done as soon as possible.

Commissioner Ebert moved to approve the contract with BH, Inc. to pipe the existing drainage ditches along 12<sup>th</sup> Street from the Weber River to 7900 West, including replacing West Warren's water line; Chair Harvey seconded.

Commissioner Ebert – aye; Chair Harvey – aye

6. **RESOLUTION APPOINTING A MEMBER TO UTAH ASSOCIATION OF COUNTIES BOARD – RESOLUTION 40-2018.**

Commissioner Ebert noted the vacancy on this Board left by former Commissioner Gibson.

Commissioner Ebert moved to adopt Resolution 40-2018 appointing Commissioner James Harvey to the Utah Association of Counties board; Chair Harvey seconded.

Commissioner Ebert – aye; Chair Harvey – aye

**H. COMMISSIONER COMMENTS:** Commissioner Ebert thanked Mr. Ewert and Mr. Andersen for their quality work in very complex areas. Chair Harvey recognized the Standard Examiner's presence.

**I. ADJOURN**

Commissioner Ebert moved to adjourn at 10:37 a.m.; Chair Harvey seconded.

Commissioner Ebert – aye; Chair Harvey – aye

Attest:

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

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Ricky D. Hatch, CPA  
Weber County Clerk/Auditor