

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

Tuesday, January 3, 2012- 10:00 a.m.
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 PRESENT: Jan M. Zogmaister, Chair, Craig L. Dearden and Kerry W. Gibson.

OTHERS PRESENT: Ricky D. Hatch, County Clerk/Auditor; David C. Wilson, Deputy County Attorney; Fátima Ferneli, of the Clerk/Auditor's Office, took minutes.

A. WELCOME - Chair Zogmaister

B. PLEDGE OF ALLEGIANCE - David Wilson

C. THOUGHT OF THE DAY - Commissioner Gibson

D. CONSENT ITEMS:

1. Purchase Orders for \$199,554.31
2. Ratify Warrants #281115-#281408 for \$789,392.21 for December 27, 2011
3. Warrants #281409-#281657 for \$367,708.57
4. Minutes for the meeting held on December 20, 2011
5. ACH payment to US Bank for \$ 90,970.10 for purchasing card transactions through the billing cycle ending December 15, 2011
6. Surplus from the Golden Spike Event Center: small rolling table, desk top hutch, grey metal desk, and brown metal bookcase
7. Beer licenses
8. Business licenses

Commissioner Gibson moved to approve the consent items; Commissioner Dearden seconded, all voting aye.

E. ACTION ITEMS:

1. APPOINTING A NEW CHAIR AND VICE CHAIR TO THE WEBER COUNTY COMMISSION

Chair Zogmaister noted that the Commission annually rotates the chair.

Chair Zogmaister moved to appoint Commissioner Dearden as Commission Chair and Commissioner Gibson as Vice Chair for the year 2012; Commissioner Gibson seconded, all voting aye.

2. RESOLUTION APPOINTING MEMBERS TO THE WEBER-MORGAN HEALTH DEPARTMENT BOARD - RESOLUTION 1-2012

Commissioner Dearden indicated that there are two vacancies. Three applications were received. Commissioner Zogmaister noted that Mr. Johnson has served previously as the chair and has expressed a desire to continue serving. She said that he has done a great job and felt it would be helpful for him to continue to serve in that capacity. Commissioner Dearden noted that all three applicants would do an excellent job.

Commissioner Gibson moved to adopt Resolution 1-2012 appointing Ken Johnson and Dave Holmstrom to the Weber-Morgan Health Department Board for three-year terms; Commissioner Zogmaister seconded.

Roll Call Vote:

Commissioner Zogmaister.....aye
Commissioner Gibsonaye
Chair Dearden.....aye

3. **RESOLUTION REAPPOINTING DARL R. FIELD TO THE BOARD OF TRUSTEES OF THE ROY WATER CONSERVANCY DISTRICT - RESOLUTION 2-2012**

Chair Dearden noted that there are two vacancies on this board and that he had received some communication on this item. Mr. Field is the current chair. Commissioner Gibson is acquainted with Chad Zito and supports him.

Commissioner Zogmaister moved to adopt Resolution 2-2012 reappointing Darl R. Field and appointing Chad Zito to the Board of Trustees of the Roy Water Conservancy District; Commissioner Gibson seconded.

Roll Call Vote:

Commissioner Zogmaister.....aye

Commissioner Gibsonaye

Chair Dearden.....aye

F. PUBLIC HEARING:

1. Commissioner Gibson moved to adjourn the public meeting and convene the public hearing; Commissioner Zogmaister seconded, all voting aye.

2. **PUBLIC HEARING TO CONSIDER AMENDING CHAPTERS OF THE WEBER COUNTY ZONING ORDINANCE REGARDING OGDEN VALLEY HELIPORT REGULATIONS**

Sean Wilkinson, Senior Planner, of the County Planning Division, noted that last February the Ogden Valley Planning Commission denied a conditional use application for a heliport at the Red Moose Lodge in Eden. That denial was upheld by the County Commission based on concerns regarding safety, noise and impacts to the nearby businesses and residences. However, the County Commission had also stated that while this use may not be appropriate in that area, it may be appropriate elsewhere in the Valley. Shortly thereafter, two applicants submitted an application requesting to remove the term “heliport” from the CV-2 Zone as a conditional use. The Ogden Valley Planning Commission heard this request and held work sessions on 6/28, 7/26, 10/4, 10/25 and 11/1/2011.

Mr. Wilkinson presented the following information regarding the proposed amendments:

One amendment is to Chapter 1, General Provisions, and includes definitions. The Planning Commission discussed whether to call this use a heliport or helistop. Mr. Wilkinson read the Federal Aviation Administration’s (FAA) definition for a helistop. The Planning Commission recommended using the “heliport” definition--an area designed to be used for the landing or take-off of helicopters, which may include terminal facilities and facilities for maintenance, loading and unloading, refueling and storage. A heliport may operate as a private commercial business for use by those who have received permission from the owner/operator, but may not operate for use as a public heliport. This is a more broad use and can include a helistop. Staff agrees with using this definition. The intent was not to establish something like an airport, but a private use where permission is necessary to land there.

Another amendment is to the F-40 Zone, which comprises the majority of the mountainous areas of the county, has area requirements of 40 acres and large setback standards that provide buffers for adjacent properties.

The Planning Commission felt this was an appropriate zone for a heliport with the following recommendations:

- a) A heliport must be located on a single parcel of record not less than 40 acres in area,
- b) A heliport must be located at an elevation of at least 6,200 feet above sea level,
- c) A heliport must be located at least 200 feet from any property line. The Planning Commission may grant exceptions to the setback requirement if it can be demonstrated that locating it closer than 200 feet to the property line provides a more beneficial situation for purposes of safety, noise abatement, access, or other valid reasons.
- d) The heliport landing surface must be dust-proof (gravel or treated surface) and free from obstructions, and
- e) Prior to issuance of a conditional use permit for a heliport, written approval from the FAA is required if necessary. For this item, Planning staff created maps with both 200 and 300 feet setbacks. With 300 feet, a very small area was left in the middle of the lot where the heliport could be located but the 200 feet setback provided a much larger area.

The parcel widths and shapes vary widely in the F-40 Zone and that is why the setback of 200 feet and the potential exception have been included in the standards. There are heliport design and construction guidelines that have to be followed but depending on size and intensity of the heliport, a simple approval from the FAA may suffice.

Mr. Wilkinson addressed Commissioner Gibson's questions stating that by putting this use above the Valley floor concerns over safety, noise and distance from businesses and residences would be mitigated. The 6,200 feet elevation is established as the defining line between the Valley floor and the mountains in the Destination and Recreation Resort Zone Ordinance and is also used in this ordinance. Commissioner Zogmaister noted that moving the use off of the Valley floor is for sound mitigation due to reverberation, which was experienced before. This ordinance is not regulating private use of aircraft in the Valley at this time.

Staff proposes removing the term "Heliport" from Chapter 18-B, thus heliports will no longer be allowed as a conditional use in the CV-2 Zone, and that "Helistop; Medical and Interior Resort Operations" be removed from Chapter 44-8 and be replaced by "Heliport" with the regulations for the F-40 Zone, except that it not have the same area requirement. On 11/22/11 The Ogden Valley Planning Commission unanimously recommended that the County Commission adopt the amendments. Staff is also recommending approval of the amendments.

Chair Dearden invited public comments and the following is a summary:

Lee Schussman, of Eden, strongly urged the Commission to accept the amendments on behalf of the hundreds of Valley residents that he and Dave Holmstrom have spoken with regarding this item in the last 18 months. The Planning Commission reviewed a very difficult issue and came up with recommendations that can support business needs while maintaining safety, noise and other Ogden Valley citizen concerns. He thanked the Planning staff, which did a huge amount of work on this difficult issue.

Steve Clarke, of Eden, echoed Mr. Schussman's comments. He said that 6,200 feet is at the top of Wolf Mountain's top ski lift and is not very far above the Valley floor. The Growth with Excellence Mandate Committee fully supports the work of the Planning staff and of the Planning Commission as well as this solution. The committee appreciates the investment of the applicants and the citizens' input.

3. Commissioner Zogmaister moved to adjourn the public hearing and reconvene the public meeting; Commissioner Gibson seconded, all voting aye.

4. **ACTION ON PUBLIC HEARING:**

F.2.-PUBLIC HEARING AMENDING THE ZONING ORDINANCE REGARDING OGDEN VALLEY HELIPORT REGULATIONS - ORDINANCE 2012-2

The commissioners expressed thanks to the Planning staff, the Planning Commission and all the participants for their hard work and for coming up with a resolution on a difficult issue that works for both residential and business. Commissioner Gibson asked if there had been feedback from the business sector and Mr. Wilkinson responded that a representative from a helicopter company who had attended a couple of the work sessions had provided good input and seemed to be in agreement with what was being proposed. Snow Basin Resort had also sent a representative to several of the work sessions and what was proposed seems to work for them. Mr. Wilkinson anticipates receiving an application soon for a heliport based upon these new regulations.

Commissioner Zogmaister moved to adopt Ordinance 2012-1 amending the following chapters of the Weber County Zoning Ordinance regarding Ogden Valley heliport regulations: Chapter 1, General Provisions, Section 6, Definitions; Chapter 8, Forest Zones, F-5, F-10 and F-40; Chapter 18-B, Commercial Valley Zones CV-1 and CV-2; and Chapter 44, Ogden Valley Destination and Recreation Resort Zone (DRR-1); Commissioner Gibson seconded.

Roll Call Vote:

Commissioner Deardenaye

Commissioner Gibsonaye

Chair Zogmaisteraye

G. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, JANUARY 10, 2012, 10 A.M.

H. PUBLIC COMMENTS:

Chair Dearden stated that he will not be seeking reelection for the County Commission. The commissioners expressed thanks for Commissioner Dearden's service, wisdom, and stability to the Commission. The county will miss him very much.

I. ADJOURN

Commissioner Gibson moved to adjourn at 10:40 a.m.; Commissioner Zogmaister seconded, all voting aye.

Attest:

Jan M. Zogmaister, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor