

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

Tuesday, April 10, 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: Craig L. Dearden, Chair, Kerry W. Gibson and Jan M. Zogmaister.

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

A. WELCOME - Chair Dearden

B. PLEDGE OF ALLEGIANCE - David Wilson

C. THOUGHT OF THE DAY - Commissioner Gibson

D. CONSENT ITEMS:

1. Purchase Orders for \$137,472.04
2. Warrants #284375-#284531 for \$823,751.88
3. Minutes for the meeting held on April 4 3, 2012
4. Surplus Office Equipment from the USU Extension Services
5. New business license
6. Surplus Paramedic supplies from the Human Resources Department

Commissioner Gibson moved to approve the consents items, approving the minutes for April 3, 2012; Commissioner Zogmaister seconded, all voting aye.

E. ACTION ITEMS:

1. **CONSIDERATION ON 3 APPEALS FROM THE OGDEN VALLEY PLANNING COMMISSION'S (OVPC) DECISION REGARDING CUP 2012-01 FOR A HELIPORT IN AN F-40 ZONE EAST OF GREEN HILL COUNTRY ESTATES AND APPROXIMATELY 2/3 OF A MILE FROM THE MAPLE STREET CUL-DE-SAC**

Sean Wilkinson, of the County Planning Division, stated that on 2/28/2012 the OVPC approved a conditional use permit for a heliport in the Ogden Valley subject to two conditions:

- 1) That the letter from the DWR be submitted to the Planning commission for their review, and
- 2) That the noise levels be tested within the 6-month approval period with the requirement that the applicant (Timothy Charlwood) return in six months for another Planning Commission review whether these two conditions were met. There were three appeals filed to that Planning Commission decision—one by the applicant and two by Green Hill Country Estates homeowners. The heliport complies with the regulations specified in the F-40 Zone including parcel area, elevation, setbacks, landing surface and FAA regulations.

The staff report included background of two pertinent Planning Commission meetings. On 1/3/2012, the County Commission adopted several amendments to the Zoning Ordinance regarding heliports in the Ogden Valley and on that same day the applicant submitted a conditional use application for a heliport in the F-40 Zone to be located east of Green Hill Country Estates (Green Hill), approximately 2/3 of a mile from the end of the Maple Street cul de sac/nearest residence. The applicant is proposing to operate the heliport on a seasonal (ski/snow) basis as a pickup/drop-off site for heli-skiing operations. The site will be used for a maximum of 3 days/week, during daylight hours only, with no more than 10 operations—take off and landing combined—per day due to FAA regulations. The proposed heliport has no permanent structures/facilities and no signage or lighting is proposed. The landing area is on an existing rock surface, which is free from trees and other obstructions. There will be no onsite refueling and there may be a portable latrine.

Access to the heliport is through Green Hill, which has private roads, and the applicant has provided staff with an agreement between the Green Hill Homeowners Association and the former owner of the property, which grants access from the Green Hill private roads to the applicant's property.

As part of the recent Zoning Ordinance amendment, the F-40 Zone now allows heliports as conditional uses subject to the following standards:

- 1) The heliport must be located on a single parcel of record not less than 40 acres in area. The proposal is on a 78-acre parcel,
- 2) The heliport must be in an elevation of at least 6,200 feet above sea level. The proposal has an elevation of approximately 6,300 feet above sea level,
- 3) The heliport must be at least 200 feet from any property line. The proposal is located slightly over 200 feet from the parcel's east boundary line and much more than 200 feet from the other boundaries,
- 4) The heliport landing surface must be dust proof and free from obstructions. This proposal is to be on an existing rock surface, which is free from dirt and there are no trees or other obstructions in the proposed landing's vicinity,
- 5) Prior to issuance of a conditional use permit for a heliport written FAA approval is required, however, after confirmation from the FAA Standards District Office in Salt Lake City, this heliport would not require inspections because it is seasonal, nothing is being constructed, and it meets the "intermittent use" definition.

Because it is a conditional use, two additional criteria must be met: 1) Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts include odor, vibrations, light, dust, smoke or noise. 2) The proposed use will comply with the regulations/conditions specified in the Zoning Ordinance and other applicable agency standards for such use. In considering this application, staff noted four potential detrimental impacts: safety, noise, dust, and wildlife impacts.

Staff determined that the above criteria have been met as follows:

Safety - the heliport will operate under visual flight rules and flights will occur only during daylight hours in good weather conditions. The FAA already restricts the number of flights/day and number of operating days/week. The anticipated approach and take off path are over the applicant's property, not over other residential areas.

Noise - impacts from the noise generated by helicopters using this site are minimized because the site is located 2/3 of a mile from the nearest dwelling. The heliport site is surrounded by the applicant's property and other vacant mountain properties. The setback requirement is 200 feet, this site is approximately 3,500 feet from the nearest dwelling

Dust - the heliport landing area is on an exposed rock surfaced, which will be covered with snow, and the applicant has stated it is free from dirt and other debris. The F-40 Zone requires that the landing area be maintained as a dust proof surface.

Wildlife Impacts - The Ogden Valley Sensitive Lands Ordinance was applied to the sanctuary subdivision, a proposed 6-six lot subdivision on this property. There is no construction, no new roads are being created, no fencing will be built or additional vegetation will be disturbed by the heliport use and it complies with the important wildlife habitat areas of the ordinance.

The flight path is regulated by the FAA once the helicopter leaves the heliport, and impacts to wildlife that may occur during the flight cannot be regulated by the Planning Division or Planning Commission. The county has received a review letter from the Division of Wildlife Resources (DWR).

The Planning Commission tabled the application on 1/24/12 and asked for the following six items: allow time for the DWR to review a conservation easement on adjacent property and provide comments on the heliport application. The Planning Commissioners wanted time to visit the site, to allow time for Zone II Drinking Water Source Protection issues to be thoroughly addressed, to allow time for test flights recorded by decibel meters to occur, to allow time for the Weber-Morgan Health and Weber Fire District's review comments, and to determine if the application constitutes a commercial business and would require a business license. Commissioner Gibson asked if the concerns had been addressed and Mr. Wilkinson said that some had. A field trip occurred but there was no helicopter to measure decibel readings. A business license will be required if the applicant operates commercially. Chair Dearden noted that at the 2/28/12 Planning Commission meeting there had been no DWR report available but it has since been received.

At the 2/28/12 meeting, after considering what they had requested at the 1/24/12 meeting, the Planning Commission voted to approve the heliport for 6 months to allow an opportunity for the flight operations anticipated by the applicant to be conducted with whatever variables may occur with the following conditions:

- 1) That flights, including landing and take offs, shall be measured by decibel readings and the findings to be presented to the Planning Commission,
- 2) That official review by the DWR shall be obtained during the six month approval period for review by the Planning Commission. Staff has not been onsite when decibel readings were taken. Mr. Charlwood included an email that speaks of his measuring the helicopter flying to/from this site.

Mr. Charlwood is appealing the Planning Commission's requirement for another review in August based on his application meeting the Zoning Ordinance requirements and appropriately mitigating potential negative impacts. Regarding the DWR letter, he has stated his intentions to work with the DWR on how/where helicopters approach/depart his land. He also stated that on 3/4/12 he was able to measure the sound produced by a helicopter at the heliport location and reported that the decibel average was 58 with a high of 70. Staff was not present for this flight but the reported decibel levels are in conformance with the decibel charts and calculations provided to the Planning Commission and also in the County Commissioners' packets.

The County Planning Division has determined that the application was complete and meets the applicable Zoning Ordinance requirements of Chapters 8 and 22C. Noise impacts were addressed in the drafting of the Zoning Ordinance for heliports, which the County Commission heard on 1/3/2012. A setback of 200 feet was deemed sufficient to address this concern due to the restrictive elevation, property area and zoning requirements.

The County Commission must determine if the heliport location provides adequate mitigation or if the Planning Commission was correct in requiring additional tests. Regarding the DWR letter, 4 of the 5 recommendations relate to flight paths and activities conducted while in the air, which cannot be regulated by the county. The other recommendation was to move the heliport further from the DWR conservation easement area, which would put it closer to dwellings in Green Hill. Mr. Wilkinson said that the County Commission should consider the validity of these recommendations in determining if they are applicable to the heliport application.

The second appeal is by Tom and Roxanne Taylor who are appealing the Planning Commission's decision based on it being rushed and not addressing issues of noise and wildlife impacts. The appeal states that three of the county's requirements were not met, including that the applicant 1) has not demonstrated that the heliport would be essential to the public convenience or welfare in the area, 2) has not demonstrated that the heliport would not impair the integrity and character of the surrounding properties and 3) has not been demonstrated that the use can be made compatible by imposing conditions. Mr. Wilkinson said that the Planning Commission did not rush their decision on the heliport application—the process included two regular Planning Commission meetings and a field trip to the site and months of work sessions in drafting the new heliport ordinance.

Staff comments regarding noise and wildlife impacts have been addressed. Regarding the comment that the three county requirements that have not been met, it appears that #1 and #2 come from Mr. Charlwood and due to the updated application not being available on the county's website, Mr. Charlwood had to submit a previous application that had criteria which had questions under the heading "Basis for Issuance of a Conditional Use Permit." However, in 2010 those five questions were summarized into two questions under "Criteria for Issuance of Conditional Use Permit" and Mr. Charlwood addressed those in his application, and also in the Planning Division staff report. Thus, the Taylors' first two questions in their appeal are no longer specific under the criteria that the Planning Commission considered—they were looking at the wrong ordinance. Regarding #3, the Planning Commission imposed the two conditions mentioned previously, which were intended to mitigate potentially detrimental effects from noise and wildlife disturbance.

The third appeal is by Donald and Dawn Kelly, who are appealing the Planning Commission's decision based on the following reasons: 1) the application was vague and failed to address concerns raised by the Planning Commission and residents, 2) the applicant provided misleading and inaccurate information regarding specifics of the use intended and failed to comply with requirements set forth by the Planning Commission to issue a permit, 3) the applicant has enjoyed extraordinary access to Weber County planning staff, which provided prejudicial information to the Planning Commission during the first hearing in 1/2012 and erred in various instructions to the OVPC, 4) the Planning Commission made it very clear during both meetings that when crafting the ordinance which they relied on to make their decision, the intention was to allow the heli-skiing operations to be based at the ski resorts or backcountry, not to permit operations which adversely affect residential areas of the Ogden Valley. In this respect, the Planning Commission failed to honor the spirit of the ordinance, 5) the proposal is lacking in every way that a previous proposal in Eden lacked, 6) this conditional use permit for a commercial heliport utterly fails to meet the requirements of the Weber County Zoning Ordinance Section 22C.

Staff comments regarding this appeal include: 1) The application included Mr. Charlwood's responses to the criteria listed in Chapter 22C-4, Criteria for Issuance of Conditional Use Permit. The initial application could not address concerns raised by residents or the Planning Commission because it was submitted well prior to the first Planning Commission meeting. 2) The minutes of the Planning Commission meetings are attached for the County Commission's review. The only conditions required by the Planning Commission are the two mentioned previously, which are under appeal. 3) The Planning Division's recommendation for approval of the heliport is based on a review of the applicable Zoning Ordinance criteria. The Planning Division provided information relating to the conditional use criteria for a heliport and the meeting minutes were provided for County Commission review. 4) The ordinance requirements are very clear and objective. Heliports are conditional uses, which allow the Planning Commission to attach conditions intended to mitigate potential detrimental impacts. 5) This application is specific to Mr. Charlwood's property and stands on its own. 6) Mr. Charlwood's responses to Chapter 22C-4 are in the Commission's packets.

In considering the appeals, the County Commission may uphold or reverse the decision of the Planning Commission and impose any additional conditions that it may deem necessary in granting the appeal. The decision of the County Commission is final.

Mr. Charlwood said that he visited with Scott Walker of the DWR, who stated he has no jurisdiction over anything Mr. Charlwood does within his property but desired to work with Mr. Charlwood regarding wildlife habitat. Mr. Charlwood said that the habitat is on the southern lower slopes and a long way from the heliport. The DWR uses helicopters, flying very low, to count and check on the animals, particularly after big snowstorms, and it does not oppose this operation. Mr. Walker had asked that Mr. Charlwood try to fly 500 feet above any habit areas. Mr. Charlwood said that his helicopters would be in excess of 500 feet within 10 seconds of take off and at 9,500 feet within a minute and it would all be over his own terrain and would not be flying over any residential or habitat areas. He said that the pilots who would be involved in heli-skiing also work with the DWR and would use the “friendly flying” approach, which is quieter and that trucks make more noise. The heliport is set back 300 feet. He had provided charts, which came from university studies of helicopters, and many are three times larger and noisier than the ones he uses, and at the distance from the nearest residences the sound level is 17 decibels. The expert that visited the site suggested that it might be the same as a Harley Davidson at 100 ft. In the area, there are snowplows, large trucks, motorcycles, ATVs, etc., which are in excess of 17 decibels. During a helicopter sound reading which he recorded, it peaked at 70 decibelos for a flash but most were at 58 decibels. He has done all the mitigation possible and reiterated that this is seasonal and FAA rules allow 3 days maximum/week. Chair Dearden asked if the same flight path would be used every time and Mr. Charlwood said that it will be to the north. Mr. Charlwood addressed Chair Dearden’s question stating that moving the helipad to a more central location on his property would move it closer to homes, that he has placed it the furthest possible distance from homes.

The Taylors were not present.

Don Kelly, Greenhill resident just south of Mr. Charlwood’s property, stated that Greenhill property surrounds Mr. Charlwood’s property on the south and on the east. Mr. Kelly is an active, private pilot, trained on helicopter flying operations who spent 10 years working for the Utah Department of Natural Resources as a Park Ranger working closely with wildlife conservation officers of DWR and has a Bachelors Degree in Park Resource Management. He is familiar with motor vehicle and aircraft impact on wildlife, and is an avid outdoorsman and environmentalist.

Mr. Kelly said that Mr. Charlwood applied for a permit to operate a commercial heliport on his property to the north of his neighborhood. The initial application included three sites all on his property, all close to common community property belonging to Greenhill HOA. The proposal is 200 feet from the property boundary on the east side, which is Greenhill property. The Planning Division determined that only one site met the zoning requirements and, determined prior to the first OVPC meeting, to give a favorable recommendation on the third site. He believes that the OVPC, acting largely on the recommendation of planning staff, provided a temporary 6-month approval of the application to obtain additional data. He said it appears no one is happy with the OVPC’s process, including Mr. Charlwood and the appellants and would like more work on this. His issues are with the artificially imposed deadline and limiting the issue to a couple meetings to make a decision. The applicant failed to meet the standard imposed by the OVPC for sound level testing—it has not occurred. There was a site visit scheduled at the first OVPC meeting, which Mr. Kelly attended, expecting a helicopter to land but there was only a medical helicopter apparently on route to Wolf Mountain and opposite of the Ogden Valley. He did not even see it and it does not constitute a sound level test. He takes issue with Mr. Charlwood simply submitting information on a test that he has done.

The Green Hill property is all in a wildlife conservation easement, however, DWR's letter speaks very clearly to its wishes and Mr. Kelly takes issue with Mr. Charlwood representing to some degree what DWR wants. He has no issue with Mr. Charlwood developing his property as a residential subdivision or personal use of the heliport, only has an issue with its use as commercial. He spent several hours last Sunday taking a survey in the neighborhood asking two questions: whether residents knew of the heliport's application and if they felt the county should grant the permit. Every person that signed the survey believed the county should not grant the permit, with one exception. It would be appropriate for Mr. Charlwood to work with the HOA's concerns. In regards to Mr. Kelly's comment concerning road access, he said it is not an issue the Commission can address. From all that he has read, there is indication of an agreement in place that they have access to the property on those roads.

Commissioner Zogmaister said she was pleased with the Planning Commission's work in resolving some of the questions. Some of the conditions set forth in the ordinance were measurable—setback and elevation. She is concerned with someone doing a survey of whether they want something in the neighborhood because of property rights and of being within the law. Some of the questions that are measurable have been addressed with DWR, water, etc. The applicant meets the current ordinance.

Commissioner Gibson asked if the applicant has been operating since the OVPC approved this with the 6-month review and Mr. Charlwood responded he asked a pilot to do a test run to make his recording from the top of Maple Drive. The pilot told him he would fly fully loaded, at full power and make all the noise he could. There has been little snow and little opportunity to operate. Chair Dearden noted that a test flight had been scheduled and asked why one did not take place. Mr. Charlwood said that the request from the Planning Commission chair that he bring a helicopter in for measurement was never agreed to and it would cost him \$2,000. He was asked on Tuesday if a helicopter could be available on Saturday and he had told them he could not make that guarantee and this was clear to the planning commissioners. The medical helicopter flew to the side of them and they confirmed it was at 9,500 feet. He had to ask the commissioners to turn their vehicles off to measure the sound because they could not hear the helicopter with vehicles running and people talking. Chair Dearden referred to Mr. Kelly's comment that what is noise to one person is not to another. Commissioner Gibson said that for independent verification Mr. Charlwood should have notified Mr. Wilkinson when he was going to take his readings. Chair Dearden said that the timeframe for approval is based upon how quickly a decision can be made.

Regarding sound testing, Mr. Kelly said that DWR's letter was received after the Planning Commission's decision and it would have been nice to have the two conditions satisfied before they made their decision. Commissioner Zogmaister referred to Mr. Kelly's comment that he is not opposed to personal use but is opposed to commercial use and he said that if Mr. Charlwood will be running a business with multiple helicopter flights and people invited to heli-ski are paying for it he does not see them as guests.

Referring to Mr. Kelly's comment about taking the 6-month arbitrary timeframe out and make a decision, Commissioner Gibson asked Mr. Wilkinson's opinion on what there may be to gain by allowing the 6-month review to remain in place. Mr. Wilkinson said that according to Mr. Charlwood the heli-skiing flight season is over but he can arrange to obtain readings and get more data. Chair Dearden noted that if conditional use requirements are not met a permit can be revoked.

Ricky Hatch, County Clerk/Auditor, referred to an email in the packet sent by Mr. Charlwood to Mr. Wilkinson on 1/25/12 that stated, "I am not operating a business of any kind. I am inviting people to my land...my use is seen as a taxi stop or pick-up point...no income, no agreements with any operator...simply by my invitation within the rules."

Mr. Wilkinson said that one of the reasons one of the six conditions was put in at the 1/24/12 meeting was because Mr. Charlwood had stated it was not his intent to run a business necessarily; it was to bring people to see his land for purchasing lots. If there will be a business operating from that property, than a business license is required, if he is just bringing people to his property and the helicopter flies them away, there is not much to regulate. Commissioner Gibson said that if personal or business fits under the ordinance, then the use is irrelevant.

Commissioner Zogmaister noted that decibel levels was not included in the ordinance because it is a difficult item to measure because there are many variables such as the time of day, barometric pressure, etc., that Mr. Charlwood had said sound measurement has been an issue and it is the reason he obtained the university studies. Mr. Charlwood is not opposed to setting a decibel reading because he is confident they will not exceed it. Mr. Kelly said that the State has a noise ordinance for motorboats applied as a stationary sound test and the other is a shoreline test and suggested using the shoreline test for motorboats.

Commissioner Zogmaister moved to not support the decision of the Planning Commission and that approval be granted based upon the fact that the applicant has met the current ordinance requirements. Discussion ensued. Chair Dearden asked if the motion would then be to approve the Planning Commission's conditional use approval with the two stipulated conditions but upholding Mr. Charlwood's appeal to the 6-month probation. Commissioner Zogmaister asked about directing the Planning Commission to go back to do any deemed necessary research regarding noise but Commissioner Gibson expressed concern that no conditions have been set on noise level testing for this conditional use permit and believed that was what the Planning Commission was trying to handle during the 6-month condition. Chair Dearden said that the motion could say that the noise levels need to be tested as a condition, however, it is very difficult to set the elevation and setback levels. Commissioner Gibson asked that if this item is approved without the 6-month period and specific requirements are not set, could the permit really be revoked if there is some perceived problem. The commissioners questioned what would the applicant be violating without a set noise level to measure. Mr. Wilson noted that some objective standards need to be set. Mr. Wilkinson said that the research conducted by the Planning Division is in the Commission's packets, that they looked at several different decibel charts, which include helicopter noise, they performed a calculation test that measured sound at 2/3 miles from the nearest dwelling which resulted at about 70db. They specifically did not put a decibel level in the ordinance because it is near impossible to set that would be acceptable in every location this may impact in the Ogden Valley. Commissioner Gibson did not necessarily wish to set a limit on this conditional use permit because there are so many variables but needs to know what the sound level actually is and asked what would need to be done. Mr. Wilkinson responded that a test would need to be performed where the county was present measuring and observing or a professional measuring/certifying it, however, he reiterated that it is difficult to measure because of the variables and that is the reason for the 6,200 feet elevation and 200 feet setback required by the ordinance vs. the actual setback of the heliport, which is 3,500 feet. Commissioner Zogmaister moved to overturn the Planning Commission's decision but granting the Mr. Charlwood's appeals, removing the 6-month condition, that the operation must be a seasonal use December-April, the hours of operation must be daylight hours, but noise levels are not addressed at this time to try it to see if the items in the ordinance intended to mitigate the noise—elevation and setbacks—actually accomplish that; Commissioner Gibson seconded, all voting aye.

2. **RESOLUTION APPOINTING MEMBERS TO THE OGDEN VALLEY PLANNING COMMISSION - RESOLUTION 8-2012**

Rob Scott, County Planning Division Director, stated that the County Commission determined that existing planning commissioners Kevin Parson and Pen Hollist should be retained to serve another term on this Planning Commission. This is the end of Commissioner Parson's first term and Commissioner Hollist had served one year.

Commissioner Gibson moved to adopt Resolution 8-2012 reappointing Kevin Parson and Pen Hollist to the Ogden Valley Township Planning Commission to serve four-year terms expiring 6/30/2016; Commissioner Zogmaister seconded.

Roll Call Vote:

Commissioner Zogmaister.....aye
Chair Gibson.....aye
Chair Dearden.....aye

3. **RESOLUTION APPOINTING MEMBERS TO THE WESTERN WEBER COUNTY PLANNING COMMISSION - RESOLUTION 9-2012**

Rob Scott, Planning Division Director, stated that the County Commission determined that the existing planning commissioners Jannette Borklund and John Parke should be retained to serve another term on this Planning Commission.

Commissioner Gibson moved to adopt Resolution 9-2012 reappointing Jannette Borklund and John Parke to the Western Weber County Planning Commission to serve four-year terms expiring 6/30/2016; Commissioner Zogmaister seconded.

Roll Call Vote:

Commissioner Zogmaister.....aye
Chair Gibson.....aye
Chair Dearden.....aye

4. **CONTRACT WITH OGDEN SCHOOL DISTRICT RELATING TO RECREATION, ARTS, MUSEUMS AND PARKS FUNDING - CONTRACT C2012-52**

David Wilson, Deputy County Attorney, stated that this contract is from last year's cycle and Reed Richards, Deputy County Attorney, had done the negotiating with the School District. The issue had been to ensure that the public can use the facility.

Commissioner Zogmaister moved to approve Contract C2012-52 with the Ogden School District relating to Recreation, Arts, Museums and Parks funding; Commissioner Gibson seconded, all voting aye.

5. **CONTRACT WITH SWANSON TACTICAL TRAINING CENTER, LLC FOR A FACILITIES USE AGREEMENT FOR FIREARMS TRAINING - CONTRACT C2012-53**

County Undersheriff Kevin McLeod, presented this contract renewal in the amount of \$20,100, a little less than last year (\$21,637) as stipulated by the contract. The Sheriff's Office is looking for a public range. He addressed the commissioners' questions stating he was unaware of a law enforcement agency outside of the county that uses a private facility for their training, and in order to receive the lower rate, the county pays the cost upfront and Swanson reimburses for unused hours.

Commissioner Gibson moved to approve Contract C2012-53 with Swanson Tactical Training Center, LLC for a facilities use agreement for firearms training; Commissioner Zogmaister seconded, all voting aye.

6. APPROVAL OF THE WEBER COUNTY 2012 ELECTIONS POLLING LOCATIONS

Jennifer Morrell, County Elections Director, presented the list of designated polling locations. The county is divided into 159 precincts with 63 maximum polling locations, 5 of which are vote centers and which she listed.

Commissioner Zogmaister moved to approve the Weber County 2012 Elections Polling locations; Commissioner Gibson seconded, all voting aye.

F. PUBLIC HEARING

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

2. **PUBLIC HEARING ON A REQUEST TO AMEND THE EDGEWATER BEACH RESORT P.R.U.D. (CUP 2003-12) SITE PLAN WITH CUP 2012-02**

Ben Hatfield, of the County Planning Division, showed area maps. He stated that the existing site plan was approved in 2003 and the applicant is making major changes to it. This P.R.U.D. is located in the CVR-1 Zone on the south side of Pineview Reservoir. The project will have a selected mix of uses with a variety of housing types and a couple of commercial buildings. The Ogden Valley Planning Commission recommended approval on 3/27/12 and staff recommends approval.

Chair Dearden invited public comments and Ray Bertoldi, project architect, showed a presentation stating that the project's density has been reduced from 165 to 111. At the entry of the project will be 5,300 square feet of commercial space designed as neighborhood shops in two buildings. There are storage barns tucked in the hillside to provide residents with out-of-site storage for boats, RVs, etc. The clubhouse and pool will be installed in phase 1. There are no buildings over 23 feet tall and they are trying to reduce the impact of density on air space. Commissioner Zogmaister asked to whom the gravel road belongs on the west side and Mr. Bertoldi responded that it is a county road.

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.**

5. **F.2.- PUBLIC HEARING TO AMEND EDGEWATER BEACH RESORT P.R.U.D SITE PLAN, CUP 2012-02**

Commissioner Gibson moved to amend the Edgewater Beach Resort P.R.U.D.; Commissioner Zogmaister seconded, all voting aye.

G. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, APRIL 17, 2012, 10 A.M.

H. PUBLIC COMMENTS: None

I. CLOSED MEETING TO DISCUSS STRATEGY RELATING TO PENDING OR IMMINENT LITIGATION AND THE CHARACTER, COMPETENCE OR MENTAL HEALTH OF AN INDIVIDUAL

Commissioner Gibson moved to convene a closed meeting to discuss strategy relating to pending or imminent litigation and the character, competence or mental health of an individual; Commissioner Zogmaister seconded.

Roll Call Vote:

Commissioner Zogmaister.....aye

Chair Gibson.....aye

Chair Dearden.....aye

No action was taken on the closed executive session

J. ADJOURN

Commissioner Gibson moved to adjourn at 1:12 p.m.; Commissioner Zogmaister seconded, all voting aye.

Attest:

Craig L. Dearden, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor