

MINUTES
WEBER COUNTY COMMISSION

Tuesday, June 8, 2021 – 10:00 a.m.

Via Zoom meeting + at Weber Center, 2380 Washington Blvd., Ogden, UT

In accordance with the requirements of Utah Code Section 52-4-203, the County Clerk records in the minutes the names of all persons who 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, Gage Froerer, and Scott K. Jenkins.

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 Harvey

B. PLEDGE OF ALLEGIANCE - Stacy Skeen

C. INVOCATION - Ricky Hatch

D. THOUGHT OF THE DAY - Commissioner Jenkins

E. AGENDA RELATED PUBLIC COMMENTS: None.

F. CONSENT ITEMS:

1. Warrants #459286-459420 and #3950-3971 and 91 in the amount of \$503,476.43
 2. Purchase orders in the amount of \$354,639.41
 3. Surplus seven vehicles from the Weber County Fleet Department
 4. Declare parcel number 13-151-0006 as surplus property from County Community Development Department
 5. Retirement Agreements: MaryLou Adams; Garaleen Parks; Kasey Preece; Robyn Hurt; Christine Hallman; Nathan Hutchinson; Elana Bryan; Stacy Roquemore; Chris Stettler
- Commissioner Froerer moved to approve the consent items; Commissioner Jenkins seconded.
Commissioner Froerer – aye; Commissioner Jenkins – aye; Chair Harvey – aye

G. ACTION ITEMS:

1. NOMINATION TO THE GOVERNOR FOR UTA'S NORTHERN REGION TRUSTEE POSITION

Chair Harvey stated that last night the County Commission was joined by WACOG where Beth Holbrook was unanimously sustained for this position. Ms. Holbrook expressed gratitude for the opportunity to serve. Commissioner Froerer moved to approve the nomination of Beth Holbrook to the Governor for the Utah Transit Authority Board of Trustees Northern Region position; Commissioner Jenkins seconded.
Commissioner Froerer – aye; Commissioner Jenkins – aye; Chair Harvey – aye

2. RESOLUTION APPOINTING A MEMBER TO THE WEST WARREN PARK DISTRICT – RESOLUTION 22-2021

Stacy Skeen, of the Commission Office, stated that a member of this District had resigned, the position was noticed, and two applications were received. This was to correct the inadvertent removal of Mr. Clem, who had only served a portion of his term. Commissioner Jenkins moved to adopt Resolution 22-2021 reappointing Christopher Clem to the West Warren Park District through 12/31/2024; Commissioner Froerer seconded.
Commissioner Froerer – aye; Commissioner Jenkins – aye; Chair Harvey – aye

3. FIRST READING OF A FEE ORDINANCE AMENDMENT FOR THE PARKS AND RECREATION DEPARTMENT

Todd Ferrario, County Ice Sheet and Parks & Recreation Division Director, stated that the amendments were due to cost increases. Commissioner Jenkins moved to approve the first reading of a Fee Ordinance amendment for the Parks and Recreation Department; Commissioner Froerer seconded.
Commissioner Froerer – aye; Commissioner Jenkins – aye; Chair Harvey – aye

4. RATIFICATION OF THE 2021 TAX SALE PROPERTIES

April Hatfield, of the Clerk/Auditor's Office, reported on the county's May 27 tax sale stating that it was held only to recover taxes, penalties and interest and that any overages go to the original property owner. Today's sale was the result of a 6-month intensive process by county staff who work hard to assist the property owners. This year the list started with 95 (and ended with 3, which were sold); this number was a decrease from the past couple of years. During the 10-day contest period, there was one request to reconsider the purchase of parcel 13-007-0034 and Ms. Hatfield stated that those concerns had been thoroughly discussed with the County Recorder, Treasurer, Clerk/Auditor, Attorney, and Assessor's Offices and no errors, omissions, or reasons to rescind that sale were found on the part of the county. Multiple iterations of buyer beware statements were made prior to commencing the sale, including explanations on the bid packet (signed by the buyer). Commissioner Jenkins asked if it was possible to contact the second bidder about whether he still had any interest on the property and Lynn Taylor, of the Clerk/Auditor's Office, stated that this had been discussed, and he explained the concerns with the legal and procedural issues that this could create. Commissioner Froerer moved to ratify the 2021 tax sale properties and to deny the protest on Parcel 13-007-0034; Commissioner Jenkins seconded.
Commissioner Froerer – aye; Commissioner Jenkins – aye; Chair Harvey – aye

5. **CONDITIONAL USE PERMIT FOR THE LEGACY MOUNTAIN ESTATES PRUD**

Steve Burton, of the County Planning Division, showed a plat map of this PRUD located in Huntsville. The request was for 48 single family dwelling lots in the FV-3 Zone on 288+ acres with 54+ acres of open space, public trails, and lot sizes ranging from 2 to 30 acres and widths varying from 85+ to 874 feet. Mr. Burton stated that with 3-acre zoning the applicant would have the right to 73 units. The applicant would like to use the 25 additional units as detached accessory dwelling units (ADUs), which are allowed by the Zone. On April 6, 2021, the Ogden Valley Planning Commission recommended approval of the conditional use permit and the proposal layout, but to limit the detached accessory dwelling units to no more than eight.

Staff recommended approval based on the following conditions: 1) The roads within this proposed development shall be private; 2) The proposed trails shall allow public access through open spaces; 3) All signage must be compliant with Title 110, Chapter 12, and shall be located so that no obstruction of sight visibility shall occur; 4) All exterior lighting must comply with Title 108, Chapter 16. Mr. Burton addressed the commissioners' questions. Chair Harvey asked Eric Householder, the developer, if they planned to assign multiple ADUs to one lot and he stated, no, that it would be one per lot. Commissioner Jenkins said that the State had laws to not restrict ADUs and Mr. Burton said that if the motion was to allow the proposed ADUs that they would not be restricting them. Commissioner Jenkins said that he found himself at odds with the Planning Commission again, which he did not want to do. He wanted to support them but could see no reason not to approve this. Short-term rentals were allowed under PRUDs, and would be a great benefit to the developers, but they excluded that at the request of area property owners. Commissioner Froerer had visited this site and felt very comfortable with the proposal stating that the developer could have requested 73 units, could transfer 25 "TDRs" somewhere else but requested them onsite, and most of these were larger lots and if the developer attached the ADUs, under the current ordinance every one of the 48 could have an ADU.

Commissioner Froerer moved to approve the conditional use permit for the Legacy Mountain Estates PRUD; Commissioner Jenkins seconded.

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

6. **PIONEERING AGREEMENT FOR AN OVERSIZED SEWER LIFT STATION ASSOCIATED WITH THE TAYLOR LANDING CLUSTER SUBDIVISION**

Scott Perkes, of the County Planning Division, showed an area map stating that this was a 156 lot cluster subdivision in West Weber. This area had been identified as one that needed an oversized lift station. When this subdivision was submitted, it was identified that an oversized lift station would be needed not only to serve this subdivision but also the region around it. Mr. Perkes worked with the developer's engineer and County Engineering to design the lift station. The design is currently sized to accommodate 860 units. Staff also worked with the developer's and the county's legal counsels and the Commission to generate a pioneering agreement whereby the county would pay back the oversized capacity of the lift station as building permits come in the region that this lift station would serve.

Commissioner Froerer moved to approve the Heritage Land Development, LLC, Pioneering Agreement/Sewer Development Reimbursement Agreement for an oversized sewer lift station associated with the Taylor Landing Cluster Subdivision; Chair Harvey seconded.

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

H. **PUBLIC HEARING**

1. Commissioner Jenkins moved to adjourn the public meeting and convene the public hearing; Commissioner Froerer seconded.
Commissioner Froerer – aye; Commissioner Jenkins – aye; Chair Harvey – aye

2. **PUBLIC HEARING TO CONSIDER AND TAKE ACTION ON A REQUEST TO VACATE A 10-FOOT PUBLIC UTILITY EASEMENT LOCATED ALONG THE REAR (SOUTH) LOT LINE & A REQUEST TO REDUCE A 20-FOOT GROUND WATER AND UTILITY EASEMENT DOWN TO 10-FEET ON THE SIDE (WEST) LOT LINE ON LOT 1 OF HUNTER PLACE SUBDIVISION**

Scott Perkes, of the County Planning Division, showed the subdivision plat and presented the applicant's request. He stated that County Engineering had reviewed this item and recommended approval. Staff had issued public notice to potentially affected entities and did not receive any input back. Based on Engineering's recommendation, staff also recommended approval.

3. **PUBLIC COMMENTS:** Chair Harvey invited public comments and none were offered.

4. Commissioner Froerer moved to adjourn the public hearing and convene the public meeting; Commissioner Jenkins seconded.
Commissioner Froerer – aye; Commissioner Jenkins – aye; Chair Harvey – aye

5. ACTION ON THE PUBLIC HEARING:

H2-VACATE A 10-FOOT PUBLIC UTILITY EASEMENT AND REDUCE A 20-FOOT GROUND WATER AND UTILITY EASEMENT TO 10-FEET ON LOT 1 OF HUNTER PLACE SUBDIVISION – ORDINANCE 2021-20

Commissioner Jenkins moved to adopt Ordinance 2021-20 vacating a 10-foot public utility easement located along the rear (south) lot line and to reduce a 20-foot ground water and utility easement down to 10-feet on the side (west) lot line on Lot 1 of Hunter Place Subdivision; Commissioner Froerer seconded.

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

I. COMMISSIONER COMMENTS: Harvey expressed condolences to the Dee Smith family for his passing.

J. CLOSED SESSION TO DISCUSS PENDING OR IMMINENT LITIGATION

Commissioner Jenkins moved to convene a closed session to discuss pending or imminent litigation; Commissioner Froerer seconded.

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

Commissioner Froerer moved to reconvene the regular meeting; Commissioner Jenkins seconded.

Commissioner Froerer – aye; Commissioner Jenkins – aye

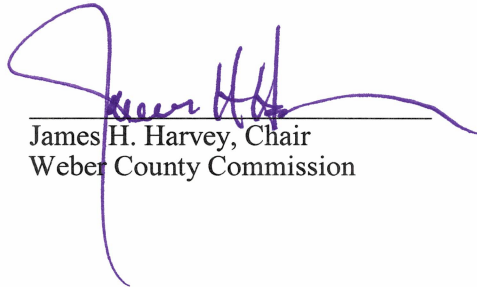
No action was taken on the closed session.

K. ADJOURN

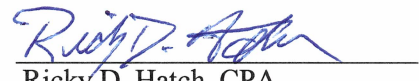
Commissioner Froerer moved to adjourn at 11:52 a.m.; Commissioner Jenkins seconded.

Commissioner Froerer – aye; Commissioner Jenkins – aye

Attest:



James H. Harvey, Chair
Weber County Commission



Ricky D. Hatch, CPA
Weber County Clerk/Auditor

