

MINUTES
WEBER COUNTY COMMISSION

Tuesday, June 29, 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 Craig Brandt, of the Clerk/Auditor's Office, who took minutes.

- A. WELCOME** - Chair Harvey
- B. PLEDGE OF ALLEGIANCE** - Sarah Swan
- C. INVOCATION** - Commissioner Froerer
- D. THOUGHT OF THE DAY** - Commissioner Jenkins

E. AGENDA RELATED PUBLIC COMMENTS:

1. Email comments received (included with physical copy of minutes on file in Weber County Clerk's office)
2. James A Bird, 1052 Meadowlark Lane, Huntsville, UT. Representing HOA Board of Trustees in the Chalets with 72 property owners. Comments concerning change of CVR-1 to FR-3 on lot cornering Highway 39 and Old Snow Basin Rd (Item G6 below). Changing zoning will set precedent allowing developers to build recreational units, call them single family residents, non-commercial, and sell them as STRs (Short Term Rentals). Doing this allows developers to circumvent ordinances that apply to the hospitality industry, such as American Disability Act. If we allow one developer to do it, how do we prevent others (from doing the same). This zoning change establishes 13 eight bedroom homes that, per CW Land's own plans, are to house 20 occupants. That's 260 potential residents on a 3.22 lot, violating every zoning law. These are designed as STRs, which you already have had problems. 4/19/2021 meeting, Commission said they wanted to put it on hold. Water shortage concerns. Lakeview Water already had to file three Will Serve letters no commercial and only single family residents. Their HOA is already under water restrictions. Old Snow Basin Rd cannot handle increase traffic with five additional previously approved projects plus the proposed 13 units; road has no right hand turn lane; Fire Marshall has said the road is inadequate. Two choices: 1) Maintain as CVR-1, 2) Approve zoning change but do not allow STRs. These are nothing but hotels.
3. Iain Hueton, lives in Salt Lake but owns property in Lakeside in Huntsville. Recognize Ogden Valley is the jewel of Weber County. Tempting to allow extensive high density development but will kill the 'golden goose'. Adding more residents is fine, it's their property and their right to do that. Zoning change will become 'takings' from others who bought up there with expectations that existing zoning will stay that way. It's not just about developers' property rights but the rights of those who are already there. Changing zoning after the fact is disingenuous to anyone already invested in that neighborhood. Not a win for everyone, in fact a big negative.
4. Denna Johnson, Huntsville, very near this development. Echo prior comments. Old Basin Rd not designed for proposed and future developments. Current residents in danger if evacuation needed with only one access out. Multiple accidents already at the intersection; adding to the risk with proposed project.
5. Dan Hoover, 6543 Chaparal Rd. Hotel in Huntsville has to comply with all the rules of being a commercial property, the standards – ADA, the health, the fire. Property being proposed is really proposed to be like a hotel but can bypass all those regulations. They are presented as single family homes but are really STRs. How can they bypass the rules that we impose on commercial properties? Doesn't seem fair.
6. Tom Quinn, lives on Old Snow Basin Rd. Few short years ago the county put me through the ringer making sure I would sign/notarize a covenant not to rent out an apartment over my accessory building; kept telling me there was concern over population density. Now a few years later you are trying to put in 260 people on half the land I have. I just do not think that's fair.
7. Kevin Irwin, East Quail Lane, Huntsville. Proposed property directly touches mine. This development would cause noise, light pollution; wreck views just to accommodate transient visitors at 13 individual hotels. If I have any problems as a home owner, I potentially have 13 different owners not on site to deal with; they could be banks, investors, etc.

F. CONSENT ITEMS:

1. Request for approval of warrants #4026 to #4044, #459716 to #459953 and #100 to #102 in the amount of \$2,019,337.82.
2. Request for approval of purchase orders in the amount of \$119,275.72.
3. Request for approval of minutes for the meetings held on June 8, June 15 and June 22, 2021.
4. Request for approval of business licenses.
5. Request from the Weber-Morgan Health Department for approval to surplus a welder.

6. Request for approval of a retirement agreement by and between Weber County and Rosalinda Saucedo. Commissioner Jenkins moved to approve the consent; Commissioner Froerer seconded. Commissioner Froerer – aye; Commissioner Jenkins – aye; Chair Harvey – aye

G. ACTION ITEMS:

1. APPROVAL OF A CONTRACT WITH RINGCENTRAL TO UPGRADE THE WEBER COUNTY PHONE SYSTEM.

Quinn Fowers, Director of IT presented this contract.

Contract replaces existing phone system that requires over \$100k per year to maintain, system is inflexible, still paying long distance. New contract has no upfront costs and reduces monthly payment by \$4700. All existing collaboration tools (Zoom, etc) and associated costs can be eliminated under new unified communication platform. 63 month contract with 5 month roll out.

Commissioner Froerer: Quinn has done fantastic job negotiating savings. Savings are another example of county looking closely at tax payer dollars and how they can better be used for county operations.

Commissioner Froerer moved to approve the contract with RingCentral to upgrade the Weber County phone system; Commissioner Jenkins seconded.

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

2. APPROVAL OF RESOLUTION 24-2021 APPOINTING TWO MEMBERS TO THE WEBER COUNTY LIBRARY BOARD.

Lynnda Wangsgard, Library Director presented this Resolution.

Two vacancies to fill. Nominees selected with information forwarded to the Commission. John L Watson and Shannon Sebahar selected by the Commission to replace Cynthia Matson and Spencer Stokes.

Commissioner Froerer moved to approve Resolution 24 appointing John L Watson and Shannon Sebahar to the Weber County Library Board; Commissioner Jenkins seconded.

Roll Call Vote: Commissioner Froerer – aye; Commissioner Jenkins – aye; Chair Harvey – aye

3. APPROVAL OF RESOLUTION 25-2021 MAKING AN APPOINTMENT TO THE WEBER HOUSING AUTHORITY BOARD.

Andi Beadles, Weber Housing Authority, presented this Resolution.

Two board members with expiring terms; requesting reappointment for Mr Robert Bischoff, Zions Bank, and Mr Bob Hunter, Weber State University, to another four year term for each.

Commissioner Froerer: Appreciate hard work of Ms. Beadles; very effective board that she runs.

Commissioner Froerer moved to approve Resolution 25 reappointing Robert Bischoff and Bob Hunter to the Weber Housing Authority Board; Commissioner Jenkins seconded.

Roll Call Vote: Commissioner Froerer – aye; Commissioner Jenkins – aye; Chair Harvey – aye

4. APPROVAL OF RESOLUTION 26-2021 APPOINTING A MEMBER TO THE WEBER COUNTY CAREER SERVICE COUNCIL.

Sarah Swan, HR Director presented this Resolution.

Jan Zogmaster's term expired and she wishes not to renew. Request Kevin McCleod replace her on the board. Commissioner Jenkins moved to approve Resolution 26 appointing a Kevin McCleod to the Weber County Career Service Council; Commissioner Froerer seconded.

Roll Call Vote: Commissioner Froerer – aye; Commissioner Jenkins – aye; Chair Harvey – aye

5. APPROVAL OF FIRST READING OF AN ORDINANCE OF THE COUNTY COMMISSIONERS OF WEBER COUNTY AMENDING FEES FOR THE OGDEN ECCLES CONFERENCE CENTER.

Kassi Bybee, OECC Director presented this ordinance first reading.

This ordinance was brought before the Commission last December; items discussed today are in addition, including

- Half day rental fee
- Multiple day rentals are charged half day after fourth full day of rental
- Added new equipment available to rent

- \$1000 buy-out fee with renter providing own scanners/ushers/ticket takers.
- Formula in lieu of prior sliding scale on food purchases.
- \$1000 cleaning fee if renter opts to bring in outside food/beverage; fee addresses additional trash and clean up required.

Commissioner Jenkins moved to approve the first reading of an Ordinance to amend fees for the Ogden Eccles Conference Center and Peery's Egyptian Theater; Commissioner Froerer seconded.

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

6. APPROVAL TO CONSIDER AND TAKE ACTION ON A REQUEST TO AMEND THE WEBER COUNTY ZONE MAP TO REZONE APPROXIMATELY 5.0 ACRES FROM THE CVR-1 ZONE TO THE FR-3 ZONE AT APPROXIMATELY 947 EAST OLD SNOW BASIN ROAD.

Charlie Ewert, Weber County Planning: CVR-1 and CVR-2 zone affected; current discussion is for CVR-1, 3.22 acre property on southwest side of Hwy 39 and Old Snow Basin Rd. Public notice given per State and County law at the Planning Commission level. Prior Commission direction was to have applicant go back and work with neighbors to come to resolution on rezone. Planning Commission positive recommendation on condition of Commission signing agreement with applicant not allowing STRs. Applicant not inclined to accept. Both CVR-1 and FR-3 zones allow STRs as conditional use. Currently CVR-1 allows 21 units per acre potentially allowing over 60 units on the property. FR-3 allows nearly same number of units but without 10% commercial required under CVR-1, making CVR-1 more impactful. CVR-1 zone exists due to prior effort to build a hotel on the property; project was not completed as market did not materialize. Thirteen units due to having only thirteen water/sewer connections. Utility company rescinded Will Serve letter and have since reissued. Some of it was due to STRs behaving more commercial in nature versus residential. STRs will use less water than commercial developments (restaurants, hotels, etc). Meeting with utility entity resulted in line added to development agreement stating no STRs on property until utility is comfortable. Does not mean other water unavailable if they want to develop to full density; other sources can be utilized. Applicant volunteered to be governed by draft STR ordinance. Ordinance was copy/pasted (as currently proposed) into development agreement; includes being run by authorized agent as one point of contact to be onsite within one hour of complaint lodged. Applicant is also held to operational standards such as those with fire dept, buildings built in way STRs can occur, etc. ADA requirements are issue with STRs across the board. State of Utah has not legislatively determined if such STR properties are commercial or residential.

Three options of approval, in addition to full approval or denial:

1. Planning Commission recommendation – allow rezone with agreement prohibiting STRs. If selected, Charlie recommends tabling today due to current development agreement not covering such a caviat.
2. Approve rezone with proposed development agreement. Applicant is comfortable with current agreement; Staff is also comfortable given circumstances and could be beneficial to governing use of property. One page for Landscape Plan missing from packet that would need added if this plan accepted; documents berm and landscaping between neighbors; split rail fence proposed by applicant.
3. Original Staff recommendation to rezone with no extra rules to FR-1 zone. STR discussion would be kicked down the road and STR use would be allowed by Conditional Use permit/license. Concern is STR Conditional Use permits should not normally be denied; example across the valley from subject property in FR-3 zone, Planning Commission denied application and was overturned on appeal; will always be the case unless impacts cannot be reasonably mitigated.

Proposed site layout showing at least eight parking spaces per unit, two in each garage. Effort made in tandem between Staff and neighbors to ensure RVs, boats, etc not parked on streets or adjacent neighborhoods resulting in applicant arranging structures to allow parking behind units.

Commissioner Froerer: Current site is not prime commercial site and better suited as residential. Options and developer's willingness to abide by draft STR ordinance appreciated. Until STR ordinance finalized, either accept Planning Commission's recommendations to limit STRs on this particular site or tabling this issue until STR ordinance can be implemented. Valley resident consensus currently not there to support use of STRs. Show some respect for long time citizens and their property rights in the valley.

Chris Crockett, Attorney: concern on using draft ordinance before ordinance is passed.

Mr Ewert: Current ordinance meets industry best practices and if an ordinance were to be supported by the public it would be the current drafted version. Big question is "Where is STRs allowed"?

Chris Crockett: Provision in agreement to update based on what is ultimately passed?

Mr Ewert: Language from draft ordinance contained in development agreement and will remain regardless of ordinance outcome. What if those rules not enough? Vesting clause says if rules change, applicant has ability to move to new rules or remain with existing language.

Chairman Harvey: Conflicted over choices. Thirteen units over three acres less impactful to a view over a hotel. Deny the zone change and STRs will go forward, plus possible commercial use, which seems worse than proposed.

Commissioner Froerer moved table this approval to consider and take action on a request to amend the Weber county zone map to rezone approximately 5.0 acres from the CVR-1 zone to the FR-3 zone at approximately 947 East Old Snowbasin Road until STR ordinance language complete (leaving zoning as CVR-1); Commissioner Jenkins seconded.

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

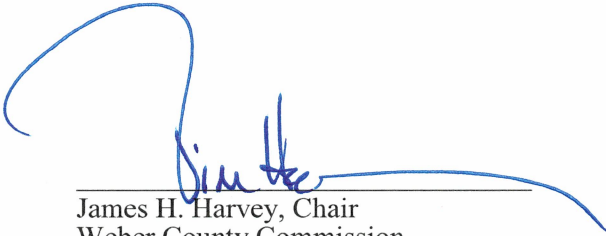
H. COMMISSIONER COMMENTS: None.

I. ADJOURN

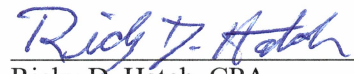
Chairman Harvey moved to adjourn at 11:06 a.m.; Commissioner Froerer seconded.

Commissioner Froerer – aye; Chair Harvey – aye; (Commissioner Jenkins had to leave for prior to Adjourn motion/vote)

Attest:



James H. Harvey, Chair
Weber County Commission



Ricky D. Hatch, CPA
Weber County Clerk/Auditor