

**MINUTES**  
**WEBER COUNTY COMMISSION**

Tuesday, July 19<sup>th</sup>, 2022 – 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:** Scott K. Jenkins, James "Jim" H. Harvey, and Gage Froerer.

**STAFF PRESENT:** Lynn D. Taylor, of the County Clerk/Auditor's office; Christopher Crockett, Deputy County Attorney; and Craig D. Brandt, of the Clerk/Auditor's Office, who took minutes.

**A. WELCOME:** Chair Jenkins

**B. PLEDGE OF ALLEGIANCE:** Stacy Skeen

**C. INVOCATION:** Stephanie Russell

**D. THOUGHT OF THE DAY:** Commissioner Froerer: It's a great time of year here in Weber County with Pioneer Day upon us. It's time to pay respect to our heritage. 175 years ago the pioneers made their way into the Salt Lake valley. Ogden Pioneer Days started in 1934. It's a great history and a great time of year.

**E. PUBLIC COMMENT:** NONE.

**F. CONSENT ITEMS:**

1. Warrants #5841-5890, #469328-469512 and #189-190 in the amount of \$1,622,845.57.
2. Purchase orders in the amount of \$213,182.42.
3. Summary of Warrants and Purchase Orders.
4. New business licenses.
5. Meeting minutes for the meetings held on July 5 and 12, 2022
6. Inter-local Agreement with Hooper City for 24 hour surveillance on a ballot box.
7. Contract with Broadbean Technology for an oracle vendor who will submit Weber County job postings to job boards.
8. Rescission of professional services agreement and license, maintenance and support agreement between the Weber County Attorney's Office and Journal Technologies, Inc.
9. JustWare License Purchase agreement by and between Weber County and Journal Technologies, Inc., for the purchase of 40 JustWare Perpetual Licenses.
10. Professional Service Agreement with Pine Technologies, LLC, to manage and provide technical assistance with case management software for the Criminal Division of the Weber County Attorney's Office.
11. Amendment of a contract with Victory Supply, LLC for inmate supplies.
12. Retirement Agreement with Trudy Flora.
13. Deputy Sheriff Basic Training Reimbursement Agreements by and between Weber County and the following individuals:

Kyle Bodkin  
Brayden Bitton  
James Muller  
Landon Silverwood  
Justin Bateman  
Brad Pitkin

Commissioner Harvey moved to approve the consent items; Commissioner Froerer seconded.  
Commissioner Froerer – aye; Commissioner Harvey – aye; Chair Jenkins – aye

**G. ACTION ITEMS:**

1. **APPROVAL OF A VENUE USE AGREEMENT WITH SALT LAKE CITY – UTAH COMMITTEE FOR THE GAMES, OUTLINING GAMES HOST VENUE REQUIREMENTS, EXPECTATIONS AND REIMBURSEMENTS BY THE VENUE AND COMMITTEE.**

Mariko Rollins (Ice Sheet): This agreement identifies the Weber County Sports Complex and Ice Sheet as the Curling venue during 2030 or 2034 Winter Games.

Commissioner Froerer moved to approve a Venue Use Agreement with Salt Lake City – Utah Committee for the Games, outlining games host venue requirements, expectations and reimbursements by the venue and committee; Commissioner Froerer seconded.  
Commissioner Froerer – aye; Commissioner Harvey – aye; Chair Jenkins – aye

**2. APPROVAL OF LOCAL TRANSPORTATION FUNDING AGREEMENTS BY AND BETWEEN WEBER COUNTY AND WEST HAVEN CITY, FOR THE LISTED PROJECTS:**

Brooke Stewart (Community Development):

2700 West Project: City intends to widen and improve .57 miles of roadway along 2700 West from 2000 South to 2550 South. The city has already improved the first section from 1800 South to 2000 South and this project will continue those improvements in preparation for the new Jr High that is being constructed in that area. The project was recommended for funding by WACOG and approved by the County Commission as part of the 2021 Transportation Priority list back in November. The City is committing \$800,000 in local funds towards this project, and this agreement outlines the terms related to Sales Tax Funds that are programmed for calendar year 2024

1800 South/2100 South Connector Project: City intends to construct .88 miles of new roadway from 1900 West making a connection to 1800 South at approximately 2550 West. This connection will alleviate traffic from the misaligned 1800 South and 1900 West intersection utilizing the existing traffic signal at 2100 South and 1900 West intersection and create a direct connection to 1-15. This project was also recommended for funding by WACOG and approved by the County Commission as part of the 2021 Priority list back in November. West Haven City is committing \$1,000,000 in local funds towards this project, and this agreement outlines the terms related to Sales Tax Funds that are programmed for calendar year 2024.

3300 South/3600 South Connector Project: City intends to preserve the corridor in preparation for a future roadway from 3600 South and 2700 West to 3300 South and 3500 West. This future connection will provide a direct connection to 1-15 and alleviate traffic from the unsafe intersection at 3300 South and Midland Drive. The project was recommended for funding by WACOG and approved by the County Commission as part of the 2021 Transportation Priority list back in November. West Haven City is committing \$500,000 in local funds towards the project and the agreement outlines the terms related to Corridor Preservation Funds that are programmed for calendar year 2023.

Commissioner Froerer moved to approve a Local Transportation Funding Agreements with West Haven City, for the projects listed above; Commissioner Harvey seconded.  
Commissioner Froerer – aye; Commissioner Harvey – aye; Chair Jenkins – aye

**3. APPROVAL OF LAW ENFORCEMENT SERVICES AGREEMENTS WITH THE FOLLOWING CITIES:**

- Farr West City
- Uintah City
- Marriott-Slaterville City
- Hooper City
- West Haven City
- Huntsville Town
- Plain City
- Washington Terrace City

Chief Aaron Perry (Sheriff): These five year agreements renew the existing agreements with each city and the Sheriff’s Office to provide law enforcement services for them. It’s a five year agreement that allows for yearly adjustments as needed. The expiring agreements had a five year extension available but minor adjustments led to a new five year agreement. Cities now have an option to structure sheriff support based on needs. Other changes cover services already being provided but not covered by any language in current agreement. Language added to clarify how costs are calculated; no changes to cost calculations themselves.

Commissioner Froerer moved to approve Law Enforcement Services Agreements with the cities listed above; Commissioner Harvey seconded.  
Commissioner Froerer – aye; Commissioner Harvey – aye; Chair Jenkins – aye

**H. PUBLIC HEARINGS:**

1. Request for a motion to adjourn public meeting and convene public hearings.  
Commissioner Harvey moved to adjourn the public meeting and convene public hearings, 10:29 a.m.;  
Commissioner Froerer seconded.  
Commissioner Froerer – aye; Commissioner Harvey – aye; Chair Jenkins – aye

2. Public hearing to consider and take action on a request to vacate by ordinance the side public utility within lots 119, 120, 121, and 122 of the Evergreen Park Subdivision No.1, VAC 2022-02.  
Felix Lleverino (Planning): Properties are on the eastern edge of unincorporated Weber County.  
Engineering approval and utility consent letters received.

3. Public hearing to discuss and take action on two ordinances intended to amend the Form-Based Village zoning ordinance along with other sections of the Weber County Land Use Code to add provisions and exhibits intended to create a Nordic Valley Village Area, ZTA 2021-07.  
Scott Perkes (Planning): We are looking at a couple of adjustments from the applicant before taking action; so we will just be for sharing where this project is at today. A text amendment to the Form-Based Village zoning ordinance is proposed. This was initiated by an applicant that wants to form the Nordic Village area. The 2016 General Plan calls for creation of small villages on the valley floor requiring a decision between two alternatives addressing previously-allocated density on the valley floor. The preferred alternative was to cluster units into a village area. Creation of a new zone DRR-2 (Destination Resort and Recreation zone) was proposed by the land owner to build a village at the base of the Nordic ski area. In an effort to control the number of zones used, staff recommended making amendments to existing Form Based zoning. Proposed changes to Form Based text:

- Added and amended various definitions
- Expansion and recategorization of Land Use tables
- Addition of a special regulation section
- Addition of a medium-lot residential street type
  - This new lot size of 8000ft<sup>2</sup> fits between the existing small-lots of 3000ft<sup>2</sup> and large-lots of 20000ft<sup>2</sup>
- Tweaks to development standards and street cross sections
- Height allowances
  - Standardized to 50ft maximum on G&I, VOC, MUC, and MFR streets.
- Nordic specific design standards
- Nordic specific street regulating plan
  - Small area plan intended to guide future rezone and land use decisions.
  - Does not serve to rezone any property
- Moderate-income housing
  - 5-10% incentive and requirement
  - Additional miscellaneous modifications to enhance the ordinance as a whole.

4. Public Comments:

1. Robert Kunz, 2557 N 3750 E, Nordic: I have a 1 acre lot. If I were to ask for a rezone on my 1 acre lot, it would require water and sewer because septic systems would not fit on a quarter acre lot. Currently Nordic Mountain Water does not have anymore water, they have stated this as fact. How is the county going to address this rezoning with no water and sewer available? Because of this, I think this whole Form Based Village should be scrapped.
2. Felice Quigley, Viking Drive and Nordic Valley Way: What ordinance refers to determining transferable density rights? Close to 300 homes already exist on 1 acre lots with proposed nearly 50 foot buildings right across the street. This has not been a well thought proposal. I believe this is not the map that should be approved by this Commission. Prior meeting, legal said if this is passed it is essentially a rezone of the entire community. As such, every resident needs public notice.
3. Mike James, bottom of Viking Drive: In the past, I was told by a local fire official that only certain homes were fire defensible. Higher density homes could set up a huge fire potential. Nordic (Mountain Water), as already has been stated, has said there will be no new water

- hookups. It would be irresponsible to vote for a situation that would put our property rights and safety at risk.
4. Bruce McGill, Viking Drive: I don't think you will find anyone here opposed to expansion of the ski resort. None of us had input to changes announced in April to change zoning for streets and Form Based Village. The Form Based Village does not require the proposed changes. Nothing changes the lack of water. Why not establish that now and develop a plan that addresses that?
  5. Peggy Dillingbaker, 2619 Nordic Valley Drive: I strongly oppose this FBV as presented. The conceptual model was made without input from us. Our vision of small village is much different in Ogden Valley. Within eleven hours 179 people signed a petition to postpone the vote and reduce the size of the village. Many made comments related to the proposed FBV size being too big. This large FBV plan is too heavily slanted to development and therefore will be detrimental to the surrounding community's wellbeing. I am happy you delayed the vote.
  6. David Bolen, 3462 Viking Drive: Let's make sure the development will fit with the homes already in the area. It's ridiculous to have only five foot setback off of the street.
  7. Dan Maybe, I live in Farmington but own of six acres across from this property at 3662 Nordic Valley Drive: Odd man out as I agree with this plan. I think this is a good way to do a master plan. I don't think the five foot setbacks from the street are any more desirable to the developer than to us. This resort could add a four season element to the area. This developer has contributed a lot to our community. It's intriguing to think we may be able to start a central sewer system. There are cooperative opportunities to address fire hazards. It would definitely be an economic growth opportunity. Too large is a concern but so can being too small; I am not sure what the right size would be.
  8. Doug Wewer, 3701 Viking Drive: We met three months ago and shared our concerns. (Read Gage's email). I do not feel there has been adequate notice to gather public input on this issue. I feel like you are trying to slide this in while others are away on vacation. I have property rights like the other 300 other property owners. I am not opposed to a village at the bottom of the ski area. I am fearful the new rezone could allow a developer to buy empty property next to me and build four or five houses. We do not think the proposed village requires a change to zoning on our properties. Changing it could be irreversible. That map should have some time and thought put into it. I don't it's been communicated to the public about these rezones.
  9. Larry Irvin, Nordic Valley Drive: Despite the strong opposition from local residents, the momentum from this Nordic FBV change train continues unabated as it plows toward our community. Both Scott Perkes and Charlie Ewert have said this is what the people want up there. This is a significant misrepresentation of the public input prior to the latest general plan and this assertion needs to be challenged. New Town and Old Town Eden were used to represent a village and helped form a public perception of a village concept. Small number of participants at these workshops; forming a direction from this small sample size is subjective at best. Page 14 of the 2016 Ogden Valley Plan Study referenced adding Nordic Valley only as a way to get to a theoretical build out projection. I have a breakdown of the faulty projection map that I will submit as powerpoint document. Treasured and significant open space would be sucked in to the development. We need to ask the public again. We ask the County Commissioners to stop this train and not take any action on Nordic Valley zoning amendments. We are assuming Commissioner Froerer will be abstaining from discussing and voting on elements directly or indirectly impact the proposed development since he has a financial interest in it. The character of our community is at stake.
  10. Beth Austin, Nordic Valley Drive: If there is one thing we all know is that change is inevitable. I have been researching Form Based code the past six months. I have learned that while the Nordic Village follows a few of the elements in the Ogden Valley Plan, the overwhelming and highest agreed upon elements of the plan conflict with the village. Unicorporated Weber County is not covered and protected by a lot of the nuisance codes because we do not have municipal nuisance codes. Most of the important nuisance issues (found in municipal codes) are not covered.
  11. Shanna Francis: One of my concerns with this being mixed use and high density. We are defeating the purpose of making affordable housing for families to come in and settle.

5. Request for a motion to adjourn public hearings and reconvene public meeting.  
Commissioner Froerer moved to adjourn the public hearings and reconvene public meeting, 11:39 am;  
Commissioner Harvey seconded.  
Commissioner Froerer – aye; Commissioner Harvey – aye; Chair Jenkins – aye

6. Action on public hearing:  
H2: Approve Ordinance 2022-18 to vacate the side public utility easement within  
lots 119, 120, 121, and 122 of the Evergreen Park Subdivision No.1, VAC 2022-02.  
Commissioner Harvey moved to approve Ordinance 2022-18 to vacate the side public utility easement within  
lots 119, 120, 121, and 122 of the Evergreen Park Subdivision No.1, VAC 2022-02; Commissioner Froerer  
seconded.  
Roll Call Vote: Commissioner Froerer – aye; Commissioner Harvey – aye; Chair Jenkins – aye

H3: Action on this item is postponed. The Commission will review public comments and address  
them before taking action on this item.  
Commissioner Froerer moved to hold until time uncertain Ordinances 2022-19 and 2022-20 to take action on  
two ordinances intended to amend the Form-Based Village zoning ordinance along with other sections of the  
Weber County Land Use Code intended to create a Nordic Valley Village Area; Commissioner Harvey  
seconded.  
Commissioner Froerer – aye; Commissioner Harvey – aye; Chair Jenkins – aye

**I. COMMISSIONER COMMENTS:**

1. Commissioner Froerer: 2016 Ogden Valley Plan intended to limit sprawl on valley floor. Transition between village area and existing homes needs addressed with public comment. It makes sense to have logical transition. The opportunity existed for public comment the past 6 months. Make your comments available.
2. Chair Jenkins: Perhaps our communication using the word village needs addressed. There is a general misunderstanding about what the village area is.  
Charlie Ewert (Planning): I brought this up with the Planning Commission as well. We are using the term Form Based Village zone; we probably should have used the term Form Based Community. That may be something we want to tweak with this change.
3. Commissioner Harvey: There were two options – one to scatter the density all across the mountain, the other to take all that density and put it into a central location, a village. Of the two options, this is the one that was preferred. I appreciate the comments.

**J. CLOSED MEETING:**

1. Closed meeting to discuss pending litigation.  
Commissioner Harvey moved to close this meeting and move to a closed session at 11:49 a.m.; Commissioner Froerer seconded.  
Commissioner Froerer – aye; Commissioner Jenkins – aye; Chair Harvey – aye

**K. ADJOURN**

Commissioner Harvey moved to adjourn at 12:02 pm.; Commissioner Froerer seconded.  
Commissioner Froerer – aye; Commissioner Jenkins – aye; Chair Harvey – aye

Attest:

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Scott K. Jenkins, Chair  
Weber County Commission

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Ricky D. Hatch, CPA  
Weber County Clerk/Auditor