

MINUTES
WEBER COUNTY COMMISSION

Tuesday, July 20, 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: Lynn D. Taylor, of the County Clerk/Auditor's Office; 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: Stacy Skeen

C. INVOCATION: Bryan Baron

D. THOUGHT OF THE DAY: Commissioner Froerer – offered Pioneer Day Rodeo history. Former Mayor of Ogden, Harm Peery, established Pioneer Days Rodeo in 1934 with hopes of it garnering national interest. A lot of us are proud of our Ogden heritage.

E. AGENDA RELATED PUBLIC COMMENTS:

1. Jan Fullmer, Eden, Utah: With respect to Action Item #5, please do not allow this development regardless of any development agreement.
 - a. Would increase number of Short Term Rentals without any effective Ordinance for enforcement.
 - b. No data available giving total number of dwelling units zoned for STRs in Ogden Valley
 - c. Real estate values would continue to escalate making housing unaffordable for valley families and accelerating the loss of community
 - d. Approving rezone is in direct conflict with Ogden Valley Planning Commission and setting precedence for future developments.
 - e. Currently 1091 dwellings zoned for STRs.
2. John Bingham, Eden, UT:
 - a. Why is proposed zoning changing from CVR-1 to FR-3 when STRs are commercial in nature?
 - b. Why is there no public hearing for this rezone?
 - c. Is proposed FR-3 zone in violation of zoning practice with 13 units on 5 acres?
3. James Bird, 1052 Meadowlark Lane, Huntsville, UT:
 - a. Agenda indicates change from CVR-1 when one of two parcels is actually CVR-2.
 - b. Rezone would allow 13 STRs with 20 occupants per dwelling, 260 total for the development.
 - c. Circumvents ordinances pertaining to lodges and hotels.
 - d. Traffic and water/sewer impact studies should be required.
 - e. Water is not from a reservoir but a well that requires being recharged.
 - f. Fire Marshall says Old Snow Basin Rd is inadequate.
4. Kevin Irwin, Huntsville, UT:
 - a. FR-3 is supposed to be in conjunction with a recreational resort, which does not seem to be the case here.
 - b. CVR-1 across the street with same setup (as proposed) with medium/high density, single family homes
 - i. So why is the proposed different?
 - c. Should be FV-3.
5. Gwendolyn Smith, 926 Meadowlark Lane, Huntsville, UT:
 - a. What is being proposed for residential is worse than commercial option.
 - b. Ogden Valley General Plan may have it correct and perhaps commercial would be better
6. Donna Canjelosi, Ogden Valley:
 - a. Complete Environmental Impact Study, including water/sewer, traffic studies are required.
 - b. Utah is considered one of highest forest fire risk in the country.
 - c. Issue should be part of public comment opportunity.
7. Ray Bowden:
 - a. Well Serve letter to Pineview Water covered 13 water and sewer connections but was done for normal residential hookups
 - b. Some of the proposed homes have eight bedrooms, seven bathrooms leading to additional engineering and study required.
 - c. Commissioner Jenkins: Would you serve if this was a commercial project?
 - i. Mr Bowden: Yes, depending on size of the project.

F. CONSENT ITEMS:

1. Warrants #460092-460221 and #4074-4101 in the amount of \$644,404.80.
2. Warrants #4102-4129, #460222-460426 and #105 in the amount of \$1,197,764.42
3. Purchase orders in the amount of \$321,224.15.
4. Surplus O2 cylinder carry bags from the Weber County Sheriff's Office, to be donated to other entities.
5. Business license for Peddlers Café and Catering, dated July 13, 2021.
6. New business licenses
7. RAMP Agreements by and between Weber County and the following entities, (projects approved March 3, 2021):

Utah Humanities-Book Programming
Ogden City- Events Programming
Ogden City- Union Station Events Programming
Ogden City- Union Station Browning Theater Updates

8. Contract with Epic Engineering, P.C. for an extension for the SWPP Inspection Services Contract.
9. Amendment #4 to Contract #180252 with the State of Utah Attorney General's Office- Children's Justice Center Program for a CJC Forensic Interviewer
10. Amendment #8 to contract #160230 with the State of Utah Attorney General's Office- Children's Justice Center Program for a general operations grant allocation
11. Amendment to an Agreement by and between Weber County and Rebecca Voymas for juvenile delinquency hearings
12. Amendment to an Agreement by and between Weber County and Gage Crowther for civil commitment hearings.
13. Use of \$27,480 donation of "Prop 1 Funds" to Trails Foundation of Northern Utah for sign adaptors, asphalt repair, and a concept report for a future trail from Liberty Park to North Fork Park
14. Change Order #5 for Contract 2020-8 with E.K. Bailey Construction for the Sheriff's Office Warehouse.
15. Addendum to the Mental Health Services Agreement for inmates at the Weber County Correctional Facility.
16. Contracts by and between Weber County and the following individuals for services in the Ogden Musical Theatre's production of "Into the Woods":

Maddie Tarbox	Director
Cydney Hall	Stage Manager
Marilyn Montgomery	Choreographer
Alicia Kondrick	Costume Designer
Korey Lamb	Sound Designer
David Rees	Lighting Designer
Victoria Wood	Props Designer
Cynthia Johnson	Wig Designer

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

G. ACTION ITEMS:

1. **APPROVAL OF RESOLUTION 27-2021 OF THE COUNTY COMMISSIONERS OF WEBER COUNTY APPOINTING TRUSTEES TO THE GOVERNING BOARD OF THE LITTLE MOUNTAIN SERVICE AREA.**

Stacy Skeen (Commissioners Office) two vacancies. One eligible applicant, Jeff McGilton, applied. Per state code 17b-1-302.3c, if no there are no other qualified applicants, the Commissioners may appoint another one of their own members to serve; currently Commissioner Jenkins serves on the board.

Commissioner Jenkins moved approve to Resolution 27-2021 of the County Commissioners of Weber County appointing Jeff McGilton and Commissioner Gage Froerer as trustees to the Governing Board of the Little Mountain Service Area; Commissioner Froerer seconded.

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

2. **APPROVAL OF A GRANT AWARD AGREEMENT BY AND BETWEEN WEBER COUNTY AND INDIGENT DEFENSE COMMISSION- FOR VARIOUS INDIGENT DEFENSE PURPOSES INCLUDING AN ADMINISTRATIVE ASSISTANT, TWO SPECIALTY ATTORNEYS, AND A DISTRICT COURT CONTRACT, AND ADDING FUNDING FOR CIVIL COMMITMENTS AND JUVENILE DELINQUENCIES.**

Bryan Baron (Attorney) this funding covers contracts approved in the past and additional funding for Juvenile Delinquency calendars and Civil Commitment calendars.

Commissioner Froerer moved to approve the Grant Award Agreement with Indigent Defense Commission- for various indigent defense purposes including an administrative assistant, two specialty attorneys, and a district court contract, and adding funding for civil commitments and juvenile delinquencies; Commissioner Jenkins seconded.

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

3. **APPROVAL OF CONTRACT WITH BROKEN HEART RODEO FOR A RODEO TO BE HELD AT THE 2021 WEBER COUNTY FAIR.**

Duncan Olsen (GSEC) similar contract to previous years.

Commissioner Froerer moved for approval of contract with Broken Heart Rodeo for a rodeo to be held at the 2021 Weber County Fair; Chairman Harvey seconded.

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

4. APPROVAL OF A CONTRACT BY AND BETWEEN WEBER COUNTY AND KENNETH PLAIN FOR SERVICES AS THE DIRECTOR OF THE OGDEN MUSICAL THEATRE'S 2021 PRODUCTION OF "INTO THE WOODS".

Kassi Bybee (OECC) explained this contract is just beyond the threshold for Consent Items.

Commissioner Jenkins moved for approval of a contract by and between Weber County and Kenneth Plain for services as the director of the Ogden Musical Theatre's 2021 production of "Into the Woods"; Commissioner Froerer seconded.

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

5. 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.

Commissioner Harvey: Charlie, before your presentation could you please include answers to inquiries brought up during public comment?

Charlie Ewert (Planning): Yes. Presentation is the same as three weeks prior when item was previously discussed. Item being brought back to the Commission for a final decision per the applicant's request.

1. Reason for the rezone: applicant requested.
2. FV-3 zone is one dwelling per 3 acres, FR-3 is most intensive of residential zones. Subject property is currently CVR-1 since 2007 for possible hotel that was never built.
3. Water and other infrastructure questions:
 - a. Past zoning was not necessarily done with anticipation of specific development
 - b. Environmental Impact Statement (EIS) is not normally done on the county level as it is a federal process.
 - i. However, developers are required to look at traffic impacts that could lead to additional improvements
 - ii. Highway 39 controlled by UDoT, not county and currently no required improvements being made
 - c. CVR-1 zone recreation resort requirement can be met with one amenity such as a pool, tennis courts, etc included on the property. CVR-1 also requires 10% commercial space that is not contingent on rezoning but utility availability; if required utilities not available, the land is left empty and will not be developed.
 - d. Planning is not advocating for the applicant, contrary to concerns shared by email.
 - e. Commercial and FR-3 zone allow nearly same residential density of 20-21 units to the acre. Meaning almost 70 units could theoretically be built, if water/sewer allow.
 - f. Today's discussion was not listed as Public Hearing because several have already been offered and only one is required by law.

Commissioner Jenkins: What is Planning Commission's recommendation?

Mr. Ewert: Grant rezone to FR-3. But they didn't want to see allowance of Short Term Rentals (STRs) allowed by FR-3 zone. Planning Commission said approval only if developer agrees to no STRs due to too many STRs with little governing oversight over them.

Commissioner Jenkins: Would Planning Commission change their minds if proposed STR legislation was implemented?

Mr. Ewert: Can't speak on Commission's behalf but likely not due not wanting to spread STR more than they are now.

1. Recommends changing motion effective once County Commission executes development agreement, meaning rezone will not go into effect until development agreement is in place.

Commissioner Jenkins moved to approve of 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 with restriction that no STRs allowed; Commissioner Froerer seconded with comment: fine with keeping CVR-1; water issues are not reason to approve/not approve rezoning; hesitant to approve a development without STR Ordinance in place. Chairman Harvey shared concerns of wanting to listen to the public and the applicant's rights to do with the land as zoning allows.

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

H. COMMISSIONER COMMENTS:

Commissioner Froerer: Enjoy the holiday!


I. ADJOURN

Commissioner Froerer moved to adjourn at 11:09a.m.; Commissioner Harvey seconded.
Commissioner Froerer – aye; Commissioner Jenkins – aye; Chair Harvey – aye



James H. Harvey, Chair
Weber County Commission

Attest:



Ricky D. Hatch, CPA
Weber County Clerk/Auditor