

MINUTES
WEBER COUNTY COMMISSION

Tuesday, August 16th, 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: Ricky Hatch, County Clerk/Auditor; Christopher Crockett, Deputy County Attorney; and Craig D. Brandt, of the County Clerk/Auditor's office, who took minutes.

A. WELCOME: Chair Jenkins

B. PLEDGE OF ALLEGIANCE: Rick Grover

C. INVOCATION: Rick Grover

D. THOUGHT OF THE DAY: Commissioner Jenkins: The Fair just ended. That's a big week for the Commissioners as we are there every day. Two things I wanted to mention. I was sitting with Mike Marriott while the judging was going on with the cows; his grandchildren dominated the winning of three out of four categories and getting second on the other. I asked him if they have some little thing worked up for them to succeed? He said yes we do. First thing those kids do is get up at 6am and wash and brush the cows; then they walk and exercise them to build muscle and for them to get used to the kids. This teaches these kids good work ethics. The second thing I wanted to mention. I was trying to get out by 3:30-3:45pm Saturday night when I walked by the pavilion where a group was singing. As I walked by, the local family performing group Hill Family Singers was performing and I was so impressed. I was so taken in by the performance that when it ended at 5pm, I was still there!

E. PUBLIC COMMENT:

1. Peggy Doolinbaker, 2619 N Nordic Valley Drive: The old guard in the 80s said we do not want to be a Park City and that is still true today. The proposed village is larger than what we thought it would be. 290 residents who signed the petition agree it's just too big. In light of water emergency, wouldn't it make sense to make the proposed footprint smaller? Please help us to not be another Park City.
2. Larry Irvin, Nordic Valley: As most of you know most of folks in Nordic Valley oppose this proposed village.
3. Felice Quigly, Base of Nordic Valley Way and Viking Drive: When we first moved here a year and a half ago, Charlie Ewert said an overwhelming majority of residents approve of Form Based Village zoning. I learned since then that is not the case. Some items have been addressed. But the issues of total number of units and condo hotels not being factored into density rights calculations have not been answered. If the developer, who is driving this change, has no intentions of building anything over 35ft except in existing ski area, then why not reflect that in the code?
4. Bruce Keswick, Nordic Valley: Consider property tax protection as we consider this change.
5. Beth Austin, Nordic Valley: I wanted to push back on claims made yesterday that recent changes address residents' concerns. I am concerned about outdoor noises and odors.
6. Ronda Kippen, Nordic Valley: I was part of the work sessions during development of the Ogden Valley Plan. It was the Nordic Valley citizens that asked about addressing the area as a Form Based Village, not Planning staff.
7. Beth Austin, Nordic Valley: Permitted uses are a great detriment to neighbors. That is one of reasons why we have zones in the first place. A lot of the permitted uses have nothing to do with the resort layout as presented and should not be there to begin with.

Charlie Ewert (Planning): There will be no rezoning of existing properties if this proposed change is adopted. Streets south of the village were previously designated with different street types. Form Based street regulating is a little bit different than Euclidian zoning. These street types allowed additional density. Changes made to address that by capping at 1 acre lots. This means a property owner that applies to rezone to Form Based will be capped at 1acre lots, which is exactly what those subdivisions have been already developed at. Applicant has agreed to self-restrict to 35ft high buildings within the Development Agreement. Workforce Housing definition was expanded from state code to address cost of living in the Valley for public service employees. One thing commented on in our last meeting is that there are a lot of uses listed in Land Use table that potentially could be permitted. Use has to stay within a building unless expressly permitted to be outside. I want to make sure I make a clarification and maybe offer an apology. If I ever said these changes are generally accepted by an overwhelming majority of the Ogden Valley, maybe I misspoke. What I am showing and what is in the General Plan and the alignment with this and what has been adopted in the General Plan is overwhelmingly accepted by the public involved with the writing the General Plan. A lot of what you see in this proposal, including the inclusion of Nordic as a village, were directly proposed by the GEM committee, as well as the village proposed at Snow Basin Road.

F. CONSENT ITEMS:

1. Warrants #6009-6049, #470055-470220 and #199 in the amount of \$1,551,032.55.
2. Purchase orders in the amount of \$58,564.98.
3. Summary of Warrants and Purchase Orders.
4. Agreement with North Ogden City regarding library parking.
5. Revisions to county policy 9.1 Travel Policy.

Commissioner Harvey moved to approve the consent items; Commissioner Froerer seconded.

G. ACTION ITEMS:

1. APPROVAL OF RESOLUTION 38-2022 OF THE COUNTY COMMISSIONERS OF WEBER COUNTY APPOINTING MEMBERS TO THE WEBER COUNTY BOARD OF ADJUSTMENT.

Rick Grover (Planning Director): Three 5 year term positions open, two full time and one alternate. Three applications received with one additional applicant unqualified due to living out of the area covered by the board.

Commissioner Froerer moved to approve Resolution 38-2022 of the County Commissioners of Weber County appointing members to the Weber County Board of Adjustment; Commissioner Harvey seconded.
Roll Call Vote: Commissioner Froerer – aye; Commissioner Harvey – aye; Chair Jenkins – aye

2. APPROVAL OF ORDINANCE 2022-20 AMENDING TEXT TO WEBER COUNTY’S LAND USE CODE 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 AREA STREET REGULATING PLAN.

Charlie Ewert (Planning): You have seen what is proposed in your packet and we discussed earlier the changes being suggested. One dissenting opinion on the Planning Commission, due to road concerns; those concerns have since been addressed.

Commissioner Harvey: I appreciate the comments made by those in person today. Many emails were submitted, most with the same theme. Charlie Ewert assisted in responding to some of those emails. We just want everyone who reached out to know that you have been heard and to make that a matter of public record. I love the Ogden Valley and have enjoyed it since the 1960s. I love the conservation easements, some of which we have participated in financially. Comments were made today about prior comments saying “this is what the public wanted”. I may have understood differently, or been misinformed, or paid attention to the wrong voice years and years ago when the leader of the GEM committee (Growth with Excellence Mandate) said they represented a wide variety of people that cared about the Ogden Valley. It’s loud and clear to me that the residents want responsible growth. Water is a big topic but we are not the water authority in the valley. Developers need contracted water brought with them at the beginning of a project. The action today is text amendment and development agreements will have to come. Six to eight weeks ago I met with residents of Nordic Drive. They asked that we work with the developer to reduce the number of residences. The number was at the time 700-900 units; it is now reduced to around 500. Building heights were also a concern; those have been handled within the development agreements. Smell and noise considerations are important. This action formalizes the process that supports what has been done through years and years of planning. I am satisfied that most concerns have been met. The county has earmarked a sizable amount of ARPA funds to invest in the Valley for sewer.

Commissioner Froerer: The plan for Ogden Valley was redone in 2016. The GEM committee directed what you see in plan today. They had a number of public meetings at that time. That was the plan put in place at that time, whether current residents agree with it today or not. In an effort to maintain some sort of open space on the Valley floor and move that to areas that can support infrastructure. There is approximately 50 acres of existing open space that will become over 350 acres of open space. This follows the GEM committee’s intent of removing density off the Valley floor. This is just the starting point and no decisions are made until the rezone application comes forward. I am going to declare that I am going to recuse myself from the vote as I have a very small share in a Trust that has an adjoining piece of property.

Commissioner Harvey moved to approve Ordinance 2022-20 amending text to Weber County’s Land Use Code 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 Area Street Regulating Plan; Commissioner Jenkins seconded.
Roll Call Vote: Commissioner Froerer – recused; Commissioner Harvey – aye; Chair Jenkins – aye

3. APPROVAL OF ORDINANCE 2022-21 AMENDING TEXT TO WEBER COUNTY’S LAND USE CODE TO ALLOW DEVELOPMENT TO OCCUR ON A SUBSTANDARD STREET UNDER CERTAIN CIRCUMSTANCES, TO MODIFY THE THRESHOLD OF SMALL SUBDIVISION.

Charlie Ewert (Planning): In 2020 we began discussing development along substandard streets, particularly in terms of emergency egress. Current code reads that no development can happen at the end of a substandard street. This proposed Ordinance seeks to update and clarify the intent of this code by allowing developments to occur at the end of substandard streets. Financial contribution from the developer on a per lot basis towards

the improvement of the substandard street is proposed. Larger developments may cover all associated costs based on the number of lots. But smaller projects would use a calculation to determine how much money the developer would give to the county in escrow specifically for that street. This proposed change would expand the requirement beyond substandard dead end streets to now include all substandard streets. Standard will be defined as two twelve foot wide travel lanes; shoulders and other items will be looked at later and not at the expense of the developer. Confusing existing language would be clarified to say no more than 15 lots allowed on a dead end road. Allowances extended for substandard roads as long as that distance is along a street route that is part of a planning document such a General Plan, Master Street Plan, or negotiated development agreement. More than 30 homes requires emergency egress.

Commissioner Froerer: Would this apply to private roads?

Mr. Ewert: Yes, code requires that private roads meet the same standards as public roads.

Commissioner Froerer moved to approve Ordinance 2022-21 amending text to Weber County's Land Use Code to allow development to occur on a substandard street under certain circumstances, to modify the threshold of small subdivision; Commissioner Harvey seconded.

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

4. APPROVE RESOLUTION 39-2022 ADOPTING THE WESTERN WEBER PLANNING AREA GENERAL PLAN.

Charlie Ewert (Planning): I have nothing to add to what was presented last week. Only slight difference is a mistake I want to guide you to on the map where 700 N curves down to 8300; previous map showed a straight tee into 8300 future highway; the new map shows it angled down to make sure interchanges remain one mile apart. The Plan document has blank spaces for maps and tables that will be added. Final document will be released by the end of the month, at the latest.

Chair Jenkins: Andrew, you and the Planning Commission have done an outstanding job; Charlie, you and the Planning team have done wonderful.

Commissioner Froerer: We wouldn't be here if not for the countless hours put in by the Planning Commission. Just to be clear, this plan does not automatically change anyone's zoning but it creates the opportunity for that future growth.

Commissioner Harvey: Amazing to me during the public hearing how many supported the (new) plan versus those who opposed. One of the existing plans was 19 years old, the other was over 50 years old.

Commissioner Harvey moved to approve Resolution 39-2022 adopting the Western Weber Planning Area General Plan; Commissioner Froerer seconded.

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

5. APPROVE A MEMORANDUM OF UNDERSTANDING WITH OGDEN CITY FOR THE PURPOSE OF DISTRIBUTING JAG GRANT FUNDS.

Chief Aaron Perry (Sheriff's Office): We have been recipient of federal JAG grants. This MoU with Ogden City is required yearly to distribute these funds. Funds are used for training simulators and the rest is used for equipment and other training opportunities.

Commissioner Froerer moved to approve a Memorandum of Understanding with Ogden City for the purpose of distributing JAG Grant funds; Commissioner Harvey seconded.

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

H. COMMISSIONER COMMENTS:

1. Commissioner Harvey: Of all years I've been working, Tim Vanderneck is one of the best reporters; he is fair and good.
2. Chair Jenkins: Commissioner Froerer and I have dealt with 30-40 different reporters at the capital and that was always our complaint that they weren't fair. Agreed, Tim is always fair.
3. Commissioner Froerer: Today is a great day. We have accomplished two things that have been in works for years.

I. ADJOURN

Commissioner Froerer moved to adjourn at 11:26 a.m.; Commissioner Harvey seconded.

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

Attest:

Scott K. Jenkins, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor