

**MINUTES
OF THE BOARD OF COMMISSIONERS OF WEBER COUNTY**

Tuesday, October 11, 2011 - 10:00 a.m.
2380 Washington Blvd., Ogden, Utah

In accordance with the requirements of Utah Code Annotated Section 52-4-7(1)(d), the County Clerk records in the minutes the names of all citizens who appear and 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.

COMMISSIONERS PRESENT: Jan M. Zogmaister, Chair, Craig L. Dearden and Kerry W. Gibson.

OTHERS PRESENT: Ricky D. Hatch, County Clerk/Auditor; Monette Hurtado, Deputy County Attorney; Fátima Ferneliuss, of the Clerk/Auditor's Office, took minutes.

A. WELCOME - Chair Zogmaister

B. PLEDGE OF ALLEGIANCE - Rob Scott

C. THOUGHT OF THE DAY - Commissioner Dearden

D. PRESENTATION: UT CHAPTER AMERICAN PLANNING ASSOCIATION AWARDS--AWARD OF MERIT FOR THE DESTINATION AND RECREATION RESORT ZONE (DRR-1) FOR PLAN IMPLEMENTATION/ORDINANCE DEVELOPMENT AND AWARD OF MERIT FOR THE WEBER COUNTY COOPERATIVE PATHWAYS MASTER PLAN FOR PLAN DEVELOPMENT

Rob Scott, County Planning Division Director, stated that the Utah Chapter of American Planning Association annually reviews projects and individuals for potential awards. The County Planning Division submitted these two projects and both received awards. Mr. Scott outlined the criteria for each project, noting their huge significance. He pointed out that Weber Pathways also received the award of merit for the Pathways Master Plan, and he named the individuals involved with the project. That project includes an overall map of every pathway that is completed, planned or projected. Chair Zogmaister expressed appreciation, noting that these are two notable projects from the Planning Division. She echoed the major significance of these projects and congratulated the Planning Division and others who contributed.

E. CONSENT ITEMS:

1. Purchase Orders for \$113,539.05
2. Warrants #278747-#278929 for \$697,304.77
3. Minutes for the meeting held on October 4, 2011
4. Surplus china from the Ogden Eccles Conference Center
5. Surplus a Document Communication System from the Clerk/Auditor's Office
6. Ratify amendment #4 to Cooperative Agreement 68-8D43-11-20 with United States Department of Agriculture, Natural Resources Conservation Service, for technical and financial assistance for Weber County 2011 Emergency Watershed Protection Project - Contract C2011-200

Commissioner Gibson moved to approve the consent items; Commissioner Dearden seconded, all voting aye.

F. ACTION ITEMS:

1. **CONSIDERATION ON A PUBLIC HEARING HELD SEPTEMBER 6, 2011 FOR AN AMENDMENT TO THE WEBER COUNTY ZONING ORDINANCE CHAPTER 34**

Rob Scott, County Planning Division Director, noted that the Commission had asked for revisions to the Home Occupation Ordinance at the public hearing. Mr. Scott outlined statistics from the last three years regarding the number of home occupations and the amount of work it takes to administer them.

There are 299 home occupations in the unincorporated county or about 5% of the total parcels with homes. Of the 42 applications in 2009, 22 required compliance action prior to approval and 2 were not able to satisfy the requirements and were denied. Of the 56 applications in 2010, 42 required compliance action and 6 were denied. In 2011, there have been 48 applications, 21 required compliance action and 3 were denied.

Mr. Scott recapped the discussion from the public hearing:

- Tanning salons, tattoo parlors, nail salons and massage therapy salons (whether to allow these). The Commission's direction was to allow nail salons and massage therapy salons.
- Non-resident employees as part of home occupation (whether to allow 2). The Commission's direction was to put standards in place to handle the issue of compatibility. Following was the proposed language:
 - a) Home occupation with non-resident employees shall be a conditional use;
 - b) The minimum lot size shall be 1-acre;
 - c) The hours of operation/hours worked by non-resident employees shall be approved by the Planning Commission;
 - d) Parking standards will comply with Chapter 24 of the parking ordinance for residential dwellings and in addition shall require 1 parking space for each non-resident employee and 1 for each visiting client and the Planning Commission shall approve the location, improvements and driveway/parking lot screenings and;
 - e) ADA and building occupancy requirements shall be adhered to.

Craig Browne, of County Building Inspection, addressed Chair Zogmaister's question stating that any operating business has to meet ADA standards except for a commercial building up to 3,000 square feet on a second story or basement. Chair Zogmaister feels that the ADA requirement may be a heavy burden for some of the small home businesses. She stated that to meet ADA standards there is no restriction on the number of employees and Mr. Browne concurred. Commissioner Dearden then referred to ordinance language that states "the home occupation shall not occupy more than 400 square feet or 25%, whichever is less, of the ground floor area of the home" and stated that it does not meet the 3,000 sq. ft. minimum, therefore, does not apply. Mr. Browne requested leaving the language in the ordinance regarding the building occupancy requirements. He will review the ADA regulations.

- Merchandise produced on premises. Currently, the ordinance states that home occupations can only sell products produced on the premises and does not apply to phone or mail order sales with factory delivery direct to off-premise buyers. The Planning Commissions differ regarding whether to leave this language in the ordinance. Staff does not feel this item is critical to the ordinance.
- Short-term vendors and temporary outdoor sales (whether they should be required to be on an approved site plan). The Commission's direction was that they be allowed with appropriate zoning.
- The only two circumstances proposed by this ordinance as conditional uses are those with non-resident employees or visiting clientele and to ensure that compatibility issues are addressed with the neighborhoods. Mr. Scott said that the idea behind the home occupation is that the home is ostensibly a residence and that there be no outward changes generated by one of these allowances, and if there will be additional people then accommodations--such as parking, traffic in the neighborhood--should be in place.

Commissioner Gibson asked if it is important that any portion of this ordinance move from permitted to conditional use. Mr. Scott said that it is an issue of compatibility. The county is proposing to expand what is a basic allowance for a residence to something other than a residence. A home occupation is traditionally only staffed by those who live there. This ordinance moves away from that and allows people to commute to a home on a daily basis and work from that home, and it is important to be as compatible with the neighborhood as possible. It is preferred to have a Planning Commission in an open meeting identifying the circumstances and allowing for notice to adjoining residences.

Commissioner Gibson feels strongly that the ordinance should not make it more difficult for people to obtain a home occupation license and that the conditional use makes it more of a challenge. He asked for Mr. Scott's opinion regarding a home occupation as a conditional use for those with visiting clientele and non-resident employees. Mr. Scott feels it is very helpful to leave in the ordinance the minimum 1-acre lot size and parking standards. There is an existing standard for hours of operation. The commissioners discussed eliminating home occupation as a conditional use, leaving the parking standards language in, striking the language that ADA and building occupancy requirements shall be adhered to, and striking the language that home occupations shall only include merchandise/items that are produced on the premises. The commissioners requested that the discussed changes be incorporated into a final document and brought before the Commission with options "A" and "B" regarding whether to require home occupations to be a permitted or conditional use. Mr. Scott said that for home occupations, it might be helpful to reduce fees where there is minimal review.

2. INTERLOCAL AGREEMENT BY/AMONG WEBER COUNTY, SOUTH OGDEN AND THE WEBER COUNTY SCHOOL DISTRICT FOR SNOW REMOVAL - CONTRACT C2011-201

Monette Hurtado, Deputy County Attorney, stated that originally when the Pleasant Valley Library Branch was constructed, the county approached South Ogden City (which owns property to the east of the library) about deeding a pathway to the library because H. Guy Child Elementary School is to the east of the South Ogden shops. The pathway would be convenient for the students and patrons that live in that area (rather than having to walk a mile to reach the library). The City was not willing to deed a pathway but would grant an easement, locking it during the winter, so they would not have to maintain it. The county accepted the pathway.

Ms. Hurtado referred to an incident where the gate on the east side was not locked during the winter and some students entered the pathway, got to the west gate but it was locked, so they climbed the fence and were met with a belligerent resident who started yelling at the children. The patrons on the parking lot went into the library and requested that the library employees go out and protect the children, which they did. A key had been given to H. Guy Child's principal and he came and tried to unlock the gate but had been given the wrong key. The School District and Weber County again requested that the City open those gates and allow the children to walk through during the winter. The City agreed if the county would remove snow on the pathway during the winter and the county agreed.

The School District agrees in this contract to maintain from the school, through the park to the pathway. The pathway will remain open year round. The City has removed the gates and the county will build up the area for the snow-removing equipment. Chair Zogmaister asked who would be removing the snow, and Ms. Hurtado stated that it would be Pleasant Valley Library employees.

Commissioner Dearden moved to approve Contract C2011-201, Interlocal Agreement by/among Weber County, South Ogden and the Weber County School District for snow removal; Commissioner Gibson seconded, all voting aye.

3. **INTERLOCAL AGREEMENT WITH UTAH CITY FOR ANIMAL SHELTER SERVICES - CONTRACT C2011-202**
4. **INTERLOCAL AGREEMENT WITH UTAH CITY FOR ANIMAL CONTROL SERVICES - CONTRACT C2011-203**

Reed Richards, Deputy County Attorney, stated that Uintah has not been part of the animal control or shelter services. They have asked to become a part of the animal control services which necessitates that they become part of the animal shelter agreement, which requires them to be part of it through the period of the bonds (20 years).

Commissioner Gibson moved to approve Contract C2011-202 for animal shelter services and Contract C2011-203 for animal control services with Uintah City; Commissioner Dearden seconded, all voting aye.

5. **CONTRACT WITH OGDEN/WEBER CHAMBER OF COMMERCE TO HOLD A BUSINESS EXPO SHOWCASING LOCAL CHAMBER BUSINESS AND RESTAURANTS AT THE GOLDEN SPIKE EVENT CENTER ON 10/12/2011 - CONTRACT C2011-204**

Jim Harvey, of GSEC, presented this contract.

Commissioner Dearden moved to approve Contract C2011-204 with Ogden/Weber Chamber of Commerce to hold a business expo showcasing local chamber business and restaurants at the Golden Spike Event Center on 10/12/2011; Commissioner Gibson seconded, all voting aye.

G. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, OCTOBER 18, 2011, 10 A.M.

H. PUBLIC COMMENTS:

Jake Anderegg, of Senator Mike Lee's Office, asked about the status of reconstruction funds from FEMA and installation of the public infrastructure regarding the recent flooding in the county. The commissioners met with him after the meeting.

I. ADJOURN

Commissioner Dearden moved to adjourn; Commissioner Gibson seconded, all voting aye.

Attest:

Jan M. Zogmaister, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor