

**MINUTES**  
**WEBER COUNTY COMMISSION**  
Tuesday, November 19, 2019 - 10:00 a.m.  
2380 Washington Blvd., Ogden, Utah

*In accordance with the requirements of Utah Code Annotated Section 52-4-203, the County Clerk records in the minutes the names of all persons 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.*

**WEBER COUNTY COMMISSIONERS:** Scott K. Jenkins, James "Jim" H. Harvey and Gage Froerer.

**OTHER STAFF PRESENT:** Ricky D. Hatch, County Clerk/Auditor; Christopher Crockett, Deputy County Attorney; and Fátima Fernelius, of the Clerk/Auditor's Office, who took minutes.

**A. WELCOME** - Chair Jenkins

**B. INVOCATION** - Zachary Damm

**C. PLEDGE OF ALLEGIANCE** - Ryan Cowley

**D. THOUGHT OF THE DAY** - Commissioner Harvey

**E. PUBLIC COMMENTS:** None.

**F. CONSENT ITEMS:**

1. Warrants #2180-2204 and #444861-445077 in the amount of \$1,218,619.40.
2. Purchase orders in the amount of \$93,849.97.
3. Minutes for the meeting held on November 12, 2019.
4. A new business license.
5. Approval to sell surplus real property, Parcel #05-112-0026.

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

**G. ACTION ITEMS:**

**1. APPROVAL OF THE WEBER COUNTY BOARD OF CANVASS - 2019 ELECTION.**

Ryan Cowley, County Elections Director, stated that this year, in addition to the municipal elections, there was the ballot question as to whether to study the county's form of government, which also made it a special election. Mr. Cowley outlined the election process, the statistics and the final results. He noted the positive impact that vote by mail has had on voter participation—in 2011 (the last year without voter by mail and similar cycle to this one) there were 19,164 votes cast, in 2015 there were 32,235 and this year there were 42,304 or 40%. The vast majority of voters are voting by mail (97.6% of all cast ballots) and the county received 2/3 of all the cast ballots in ballot drop boxes. The final results for Proposition 3 were: against-26,756 and for-14,527. He thanked the countless volunteers, etc., that ensure the integrity of elections and noted that our county has one of the leanest elections office in the State.

Commissioner Froerer moved to approve the Weber County Board of Canvass for the 2019 Election; Commissioner Harvey seconded.  
Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

**2. AGREEMENT WITH WAKELESS HOLDINGS, LLC, TO ENSURE THE PROPER INSTALLATION OF SURVEY MONUMENTS IN THE HALCYON LAKE ESTATES SUBDIVISION.**

Steve Burton, of the County Planning Division, stated that this agreement is a step required for recorded subdivisions. Chair Jenkins asked Mr. Burton to setup a site visit to a similar subdivision in Syracuse.

Commissioner Harvey moved to approve the agreement with Wakeless Holdings, LLC, to ensure the proper installation of survey monuments in the Halcyon Lake Estates Subdivision; Commissioner Froerer seconded.  
Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

**3. AGREEMENT WITH GAGE CROWTHER FOR REPRESENTATION OF INDIGENT DEFENDANTS IN DISTRICT COURT.**

Bryan Baron, Deputy County Attorney, stated that Mike Bouwhuis, Indigent Defense Coordinator, asked to terminate the contract with one of the indigent defense attorney's due to non-response, not showing up to court hearings, etc. Warning and termination letters were mailed out. Mr. Bouwhuis recommended Mr. Crowther.

Commissioner Harvey moved to approve the agreement with Gage Crowther for the representation of indigent defendants in District Court; Commissioner Froerer seconded.  
Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

**4. CONTRACT WITH TRIPLE J CONCRETE TO REMOVE & REPLACE SIDEWALK THAT IS NOT ADA COMPLIANT.**

Tucker Weight, of County Engineering, presented this contract for the Uintah Highlands area. The maximum amount of the contract is up to \$20,000 for six to seven areas.

Commissioner Froerer moved to approve the contract with Triple J Concrete to remove and replace sidewalk that is not ADA compliant; Commissioner Harvey seconded.  
Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

## H. PUBLIC HEARING:

1.

Commissioner Harvey moved to adjourn the public meeting and convene the public hearing; Commissioner Froerer seconded.

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

2. **PUBLIC HEARING TO CONSIDER A RESOLUTION ON A STATE-MANDATED MODIFICATION TO OGDEN VALLEY GENERAL PLAN & WEST CENTRAL WEBER COUNTY GENERAL PLAN REGARDING THE COMMUNITIES' PLANS FOR MODERATE INCOME HOUSING.**

Charles Ewert, of the County Planning Commission, presented graphs, etc., relating to the Ogden Valley General Plan's Chapter 4 update. The legislature passed Senate Bill 34 in the last session to try to address the statewide affordable housing crisis—real estate values are increasing at such a rapid rate but household income values are not increasing at the same rate. The county's 2012-2014 Housing Plan was conducted in 2010. At that time the county was required to update the plan biannually. State Code now requires annual updates and adopting a five-year plan of action designed to accomplish housing objectives. Both Ogden Valley (Valley) and western Weber are rural areas with fewer residents compared to the county as a whole. The fertility rate is going down significantly across the nation but faster in the Valley compared to Weber County, and with this trend, looking to 2024, we are looking at even fewer residents per household than currently. There was a positive population increase from 2009-2017, but the rate of increase is not as fast as Weber County's which is growing at 1.31% per year and the Valley at .88%. There is a very big vacancy trend that affects affordable housing. In Weber County 25% of households rent and 74% own, in the Valley 7% rent and 92% own. The median market value for housing prices in the State for 2017 was \$238,000, Weber County \$183,000, and the Valley \$367,400. In 2017 the Valley had 51% vacancy and this is an increase of 5% from the 2014-2017 census data, which trend could reach about 65% by 2024. Housing units are being built but only about half are being occupied. Vacation rentals are the primary affordable housing issue in the Valley. Chair Jenkins agrees that many of these secondary homes are receiving the primary property tax exemption but should not be, that it is difficult to identify them, and some are businesses and receive TRT taxes. Mr. Ewert noted that there are expensive software programs that can help determine which homes are not occupied fulltime—the county would need to determine if the benefit outweighs the cost.

A little less than half of the housing units are occupied, of that 9% are being rented and 91% are owner-occupied. In 2017 56% of the rental units (209) were affordable to moderate income households, however, that trend is going downwards. There is an annual growth rate in the monthly rental cost of 1.14% but the renter household income is going down possibly because those who would otherwise be renters are being pushed out of the Valley because of cost and of all the vacation rentals. Median residential real estate values have been significantly higher in the Valley than the State for the last five years and real estate values are increasing much faster than the income. The median income comparison for the Valley is significantly pulled down because the State requires it to be taken on the county level. If isolated, the Valley would be at about \$25,000 more in median household income. The vacation rentals are affecting affordable rental opportunities and the county is challenged in finding and enforcing short-term rentals by the State. Commissioner Froerer agreed that rentals are starting to infiltrate into neighborhoods where they are not allowed and wants to take a proactive approach. Mr. Ewert said that the Planning Division is already trying to be proactive, including working on a website to show where nightly rentals are allowed. Besides being a recreation/resort community, the lot size requirement is a big challenge to affordable housing. He feels the county should be pushing a bit more for cluster subdivisions which would reduce the footprint of lot sizes. The implementation strategies adopted in the 2016 General Plan still stand and a new one was added to this document—to look for other enforceable measures for nightly rentals.

Scott Perkes, of the County Planning Division, addressed the moderate income housing element update to the West Central Weber County General Plan. He showed graphs indicating that this area is growing slightly faster than county-wide regarding annualized growth rates, and similar to the Ogden Valley (Valley), the analysis shows a slight shrinking of the average household size over the next couple of years, of which the aging population (60+ age group) is a component. The projections to 2024 showed owner-occupied housing growth by household size growing slightly and renter occupied rates growing at a much higher trajectory than owner-occupied. In 2017 the Weber County median home value was \$183,000 but the West Central area was 40% higher (\$302,000). In comparison, the Ogden Valley's median home value is 50% higher than the county-wide median value. The Area Median Income (AMI) county-wide was about \$62,000 in 2017 but in Western Weber it was about \$85,000. The renter-occupied income is growing at just under 30% through 2024 and the cost of rent growth rate is slightly lower than the income growth rate (24.7%). The underlying story is that those who are making lower than 80% AMI are going to find it more difficult to rent as rents continue to increase due to demand, and additionally, some of the higher earning households are taking up some of those rentals due to their inability to afford owner-occupied housing.

The median home value is growing at 23% through 2024, but county-wide it is about 17%. The trend of the median income growth rate is at about 6%. With property values growing at 23%, the delta continues to grow for affordability. In 2017 the Western Weber area had 1,123 moderate income households but the current supply of units that are affordable to those households is only 201, indicating a current shortage of 922 housing units for moderate income households. The growth trends to 2024 show that that deficit will continue to grow (without measures to allow development to keep pace). Based on projections through 2024, 490 new moderate income households will need affordable housing by 2024 in the unincorporated West Central area. In summary, the housing in unincorporated Weber County is less affordable compared to the rest of the county. The county is currently utilizing the 2012-2014 Housing Study and has kept it in place as an element of the General Plan. This updated West Central Moderate-Income Housing Plan, to be appended to the General Plan, utilizes the same goals, principles, and implementation strategies from the 2012-2014 Housing Study. However, it also implements some of the goals that were identified/vetted in the Ogden Valley General Plan for moderate income housing. One new goal discussed with the Western Weber Planning Commission, for which they gave a positive recommendation, was to look at allowing residential dwelling units in mixed use settings. Recently, the county approved about 40 acres of commercial zoning in the area and looking into the future, that could potentially become a village area with some mixed use with moderate income housing.

3. Public comments: None.

4.

Commissioner Froerer moved to adjourn the public hearing and reconvene the public meeting; Commissioner Harvey seconded.  
Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

5. **ACTION ON PUBLIC HEARING:**

**H.2.-RESOLUTION AMENDING THE OGDEN VALLEY GENERAL PLAN & WEST CENTRAL WEBER COUNTY GENERAL PLAN REGARDING THE COMMUNITIES’ PLANS FOR MODERATE-INCOME – RESOLUTION 58-2019.**

Commissioner Harvey moved to adopt Resolution 58-2019 to amend the Ogden Valley General Plan & the West Central Weber County General Plan regarding the communities’ plans for moderate income housing; Commissioner Froerer seconded.  
Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

**I. COMMISSIONER COMMENTS:** None.

**J. CLOSED MEETING TO DISCUSS STRATEGY RELATING TO PENDING OR IMMINENT LITIGATION.**

Commissioner Harvey moved to convene a closed meeting to discuss strategy relating to pending or imminent litigation; Commissioner Froerer seconded.  
Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

No action was taken on the closed meeting.

**K. ADJOURN**

Commissioner Froerer moved to adjourn at 11:17 a.m.; Commissioner Harvey seconded.  
Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – 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