

**MINUTES**  
**WEBER COUNTY COMMISSION**  
Tuesday, December 4, 2018 - 10:00 a.m.  
Commission Chambers, 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:** James "Jim" H. Harvey, James Ebert, and Scott K. Jenkins.

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

**A. WELCOME** – Chair Harvey

**B. INVOCATION** – Bryan Baron

**C. PLEDGE OF ALLEGIANCE** – Eli Johnson

**D. THOUGHT OF THE DAY** – Commissioner Ebert

**E. PUBLIC COMMENTS:** None.

**F. CONSENT ITEMS:**

1. Warrants.
2. Purchase orders in the amount of \$15,335.87.
3. ACH payment to US Bank for \$132,311.33 for purchasing card transactions ending November 26, 2018.
4. Ratify Weber County Human Resources Policy 6-200 Performance Management.
5. Surplus office equipment from the Weber-Morgan Health Department.
6. Surplus a White Ford 2002 Windstar van from the Weber-Morgan Health Department.
7. Acceptance of temporary construction activity easement granted to Weber County by P.C. Thomas Investment Co. L.C. The intent is to grant county & its contractors the right to temporarily occupy & use southernmost 20-feet of the Thomas' property during Weber Center parking structure project. No cost associated with county acquiring easement.
8. Acceptance of a private utility easement granted to Weber County by P.C. Thomas Investment Co. L.C. The intent is to grant the county the right to access, permanently install & maintain communication lines on & under southernmost 20-feet of the Thomas' property. No cost associated with the county acquiring this easement.
9. Retirement Agreements with the following: Keri Jaques-Sekulich; Brandon Toll.
10. Appointing Ryan Arbon to Public Shooting Ranges/Facilities Study Committee - Item moved to the end of Action Items. Commissioner Jenkins moved to approve the consent items; Commissioner Ebert seconded. Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

**G. ACTION ITEMS:**

**1. LETTER OF INTENT WITH DAVIS COUNTY FOR JOINT ECONOMIC DEVELOPMENT.**

Chair Harvey spoke of the county's efforts to improve economic development, which included reaching out to the businesses in our cities about how to help them prosper and to stay in Weber County, and to let them know they are valued. The county has taken the borderless/regional approach and has partnered with Davis County to establish an economic development program. This Letter is an enhancement to the agreement approved last week. Commissioner Jenkins moved to approve the Letter of Intent with Davis County for Joint Economic Development; Commissioner Ebert seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

**2. PRESENTATION & REQUEST FOR APPROVAL OF VISIT OGDEN 2018 ANNUAL REPORT & 2019 MARKETING PLAN.**

Sara Toliver, Convention Visitors Bureau President, showed a video highlighting the economic impact in the county including that visitors spend \$273 million generating \$8.4 million and saving every household \$1,375 in the State. Their partnerships with many varied industries, resorts and attractions has created consistent and substantial increases in all of these metrics over the past five years. There was a 17% increase in transient room tax collection and 10% increase in restaurant tax collection since 2016. She outlined the 2019 marketing plan.

Commissioner Jenkins moved to approve the Visit Ogden 2018 annual report and the 2019 marketing plan; Commissioner Ebert seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

**3. APPROVAL OF WEBER COUNTY EMERGENCY MANAGEMENT'S CERT PROGRAM POLICY & PROCEDURES.**

Eli Johnson, with County Emergency Management, stated that for a number of years County Emergency Management has participated in the Community Emergency Response Team program partnering with the cities in the county, and he gave an overview of the program. Policies and Procedures were created that standardize how the county participates in this program.

Commissioner Jenkins moved to approve Weber County Emergency Management's CERT Program policy and procedures; Commissioner Ebert seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

**4. RESOLUTION APPROVING APPROPRIATION OF FUNDS TO WEBER PATHWAYS – RESOLUTION 56-2018.**

Sean Wilkinson, County Community Development Director, stated that Weber Pathways is requesting a donation of \$5,000 from the Community Development Department budget to print 5,000 copies of a county-wide trail map in Spanish. The county will receive a spot on the map for sponsorship recognition and statement.

Commissioner Ebert moved to adopt Resolution 56-2018 approving appropriation of funds to Weber Pathways; Commissioner Jenkins seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

**5. CONTRACT WITH ANDREW HEYWARD FOR INDIGENT DEFENSE.**

Bryan Baron, Deputy County Attorney, noted that this is a result of an increase to Mr. Heyward’s assignments.

Commissioner Jenkins moved to approve the contract with Andrew Heyward for indigent defense; Commissioner Ebert seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

**6. RATIFY AN INTERLOCAL AGREEMENT WITH WEBER AREA DISPATCH 911 AND EMERGENCY SERVICES DISTRICT.**

Chair Harvey noted that the county provides certain administrative services to the District. The county identified the true costs of those services and presented them to the District, which is willing to accept the increases for the services. Christopher Crocket, Deputy County Attorney, stated that the contract has the effective date of July 1 but the county has already been providing services because the process took 4-5 months to complete, and the effective date is to be December 1, 2018-December 31, 2023.

Commissioner Ebert moved to ratify the Interlocal Agreement with the Weber Area Dispatch 911 and Emergency Services District with that date change; Commissioner Jenkins seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

**F.10-RESOLUTION APPOINTING RYAN ARBON TO THE PUBLIC SHOOTING RANGES/FACILITIES STUDY COMMITTEE – RESOLUTION 57-2018.**

Stacy Skeen, of the Commission Office, stated that this Committee recommended Ryan Arbon’s appointment.

Commissioner Jenkins moved to adopt Resolution 57-2018 appointing Ryan Arbon to the Public Shooting Ranges/Facilities Study Committee effective January 2019 upon him taking office as the Weber County Sheriff; Commissioner Ebert seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

**H. PUBLIC HEARINGS:**

1.

Commissioner Ebert moved to adjourn the public meeting and convene the public hearing; Commissioner Jenkins seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

2. **PUBLIC HEARING FOR DISCUSSION AND/OR ACTION ON THE FOLLOWING:**

- a. Request to amend the West Central Weber County General Plan to offer definitive growth boundaries around a commercial village at 4700 West and 12th Street, and to expand the assigned commercial acreage.
- b. Request to amend the Weber County Zone Map to rezone approximately 10 acres from A-1 zone to C-1 at approximately 4733 W. 1150 S.

Charles Ewert, of the County Planning Division, showed area maps and noted the request is to change zoning of property on the southwest corner of 4700 W. and 12<sup>th</sup> Street from A-1 to C-1, bordered on the north by 12<sup>th</sup> Street and on the south by Union Pacific Railroad. To the east is a new C-1 Zone and to the north and east is C-2 Zone, the surrounding area is A-1. and a little more to the west is A-2. The primary rezone consideration is whether it complies with the General Plan (Plan). The current West Central Weber County General Plan Future Land Use Map would need to be amended if the zone is changed. He pointed out the asterisk at this intersection on the map indicating it for a community village center with 22 acres of supportable neighborhood services. One of staff’s challenges, expressed to the Planning Commission, is that the asterisk does not give an indication of how the growth of that commercial village should be. He showed a map of the proposed changes by staff for the quadrant. The applicant, Dennis Costesso, has asked for this change just to support his 10 acres. Commission options: 1) Approve the Plan amendment and rezone as proposed, 2) Rezone with changes or 3) Deny the rezone petition and reject the Plan amendment. Staff prefers alternative 1 (reflecting the future quadrant commercial area and providing a distinct commercial boundary). The Planning Commission preferred Alternative 3; they would like to look at the entire community as a whole through a Plan amendment rather than just this area.

Mr. Costesso, applicant, said that as stipulated in 2003 by the authors of the community’s Plan, the property located at the four corners of this intersection should be set aside to be zoned as commercial property. Two of the four quadrants have been approved for rezoning. He said that the Plan does not suggest that rezoning is to be granted to the first applicant but that it was intended for any or all of the four property owners. He would like his property to be used for a community business center in the future. He addressed Commissioner Jenkins’ questions stating that he preferred rezoning the 10 acres and that he had not spoken with any area property owners.

Gregg Bell, Planning Commissioner, responded to Commissioner Jenkins' questions stating that a public hearing was held on this item, that a lot of public comments were received, and that when the Plan was created there were workshops and committees formed, input was gathered from the community, and it had been decided that between 7-14 additional acres could be used for that area's commercial zone. Mr. Bell said that it was a huge jump from 7-14 to 45 acres, that it was the quantity of commercial that the Planning Commission was concerned with moving forward without the community's input, and that according to the Plan, the rights were given to Dan Baugh with the recent 22-acre rezone. The Planning Commission had discussed whether those rights existed for him and some commissioners felt that they had been given away when all 22 acres were rezoned by Mr. Baugh. For a very long time, the general idea was that the 7-14 acres would be distributed among the four corners. The Planning Commission had been willing to go up to 15 acres at that time but the County Commission rezoned all 22 acres. Mr. Bell read from the Plan that the area can support between 7-14 acres of retail commercial neighborhood services. The push-back is the total acreage and the interpretation of whether it should be evenly distributed on all four corners. He addressed Commissioner Ebert's question stating that the Plan was from 2003 and was predicted to go out to 2020, that it resulted from a study by the Coalition for Utah's Future/Envision Utah, from which he read: "The West Central Weber County area can support approximately 5-10 acres of commercial space and in addition 2-4 acres in 2020 for a total in 2020 between 7-14 acres depending on how much shopping actually occurs locally. The Planning Commission's discussion included that there is no hard data indicating that this has changed, and they want to open the Plan to studies and, he stressed, decide as a community, not the Planning Commission, how much commercial needs to be in that area. The community should provide that input, not the government. Commissioner Ebert said that the community selected this area for commercial growth but the Plan's language did not allow the growth, and the applicant's property would basically be ruined because there was no other usage for it. Christopher Crockett, Deputy County Attorney, responded that requirements in the Land Use statute state that decisions need to be made in accordance with the general plan, which is a set of guidelines. If this Commission decides to implement a zoning-type change, a modification is required to the General Plan.

### 3. Public Comments:

--Dan Baugh, of West Haven, is in favor of rezoning this area because it is the ideal spot.

--Brad Blanch, of West Weber, supports Mr. Baugh's comments and Mr. Costesso's rezoning request, and said that it is the ideal spot to support his 92-unit development around the corner and the other for 206-units.

--Valerie D. Hansen, of Ogden, said that she was also speaking on behalf of 8 other individuals directly impacted by this item's decision. The goal of the Plan is to state the community's desires/address concerns. The C-2 at that corner was the community's goal to address the need for future emergency services. The community has been asking that the Plan be adjusted for a few years, and they request halting the piecemeal actions, which is not taking away people's rights. They want this done prudently. There are multiple grocery stores, gas stations, etc., most within 6 miles of the intersection. Water availability, traffic, safety, and policing needs to be reviewed.

--Jill Hipwell, of West Weber, stated that there had been four meetings of the Western Weber Futures Public Involvement Process with about 200 residents participating and she handed the Commission a copy of a summary of the surveys, which included that many are discouraged because they are not being heard and that 83% did not want more commercial and economic growth and want more public engagement.

--Marion Call agreed with Mrs. Hansen and Mrs. Hipwell's comments. She opposes the rezoning at this time. Since the county will review the Plan in 2019, she asked to wait rather than make a quick decision now. Mr. Costesso had been present when Mr. Baugh's property was rezoned but never said a word about his intentions.

--Douglas Hansen, of West Weber, said that the Planning Commission has held well to the Plan. He referred to the earlier comments about personal property rights and government, however, in efforts to better organize our communities, plans are needed. If changes are necessary, the County Commission should go back to the residents. A plan may curtail some, but it is important to follow it or it can become disorganized development. They are interested in slow, steady growth. Commissioner Ebert referred to the aforementioned units that are coming in and the subsequent demand for services. The county commissioners are trying to be proactive.

--Tom Favero, representing AG Favero & Sons and Favero Farms, LLC, spoke of property rights. His family has farmed their land since 1903. A 47-lot subdivision is going in across the street from their operation, which is 47 more votes to say that his farm smells, that he sprays and bales hay at night. He said that it is wrong that the newbies can shut down his growth and operations. They have potential to have 400 houses at 1-acre and should have 400 votes, but the owners in the new subdivision have 10 votes and he and other farmers have one vote each. As development occurs, his operation will disappear as he cannot operate. He spoke of the impediments he is encountering—taking farm machinery down the street and not being able to go where he needs to due to development, safety issues, animals, losing his liability insurance and losing 47 water shares. The corner on 12<sup>th</sup> Street is the right place for commercial. The large property owners would like to see a lot different zoning than they are getting—they want it smaller, developable and sewer.

--Brent Hipwell concurred with Mrs. Call to postpone a decision at this time and asked that the Plan be revised with the community's input. He noted that when Mr. Baugh presented his development request, he had concepts and good information about his plans, however, no one knows Mr. Costesso's. It was said earlier that for development at that corner to occur it had to be contiguous, but the Plan does not state that. A lot of time/effort was put into the Plan and the Commission is letting down the area citizens by disregarding that.

--Les Meyerhoffer owns some property on the northwest corner of 4700 W. & 12<sup>th</sup> Street. He supports the rezone, amending the Plan, and designating that corner for commercial.

--Mr. Bell said that a major point for the Planning Commission was the fact that Mr. Costesso admitted in the meeting that he had no immediate plans to sell the property. The Planning Commission would like to see an update to the Plan and they agree that the corner is a good area for commercial but could not have consensus on how much commercial should be allowed there. He pled with the commissioners to take into consideration the general public as a whole in that area. He said that if 45 acres are granted as C-1 Zone they would have the right to develop commercial, which currently they do not. No rights are being taken away because they do not exist today. They want the community to decide where the commercial can be.

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

5. **ACTION ON PUBLIC HEARING:**

Commissioner Jenkins concurred with the other commissioners that this is a difficult decision. He said that from today's discussion there are 521 lots approved currently for western Weber County. Commissioner Ebert recognized the tremendous amount of work by the Planning Commission and others. Chair Harvey noted that the 2003 Plan calls for downzoning the C-2 zoning to C-1 because of what could be allowed there.

**H2A-RESOLUTION AMENDING WEST CENTRAL WEBER COUNTY GENERAL PLAN TO PROVIDE MORE ACREAGE FOR FUTURE NEIGHBORHOOD COMMERCIAL AT INTERSECTION OF 4700 WEST AND 12<sup>TH</sup> STREET – RESOLUTION 58-2018.**

Commissioner Jenkins moved to adopt Resolution 58-2018 amending the West Central Weber County General Plan to provide more acreage for future neighborhood commercial at the intersection of 4700 West and 12<sup>th</sup> Street for the purpose of approving the requested rezone; Commissioner Ebert seconded.  
Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

**H2B-ORDINANCE AMENDING THE WEBER COUNTY ZONING MAP TO REZONE PROPERTY AT 4733 WEST 1150 SOUTH FROM A-1 TO C-1 – ORDINANCE 2018-21.**

Commissioner Jenkins moved to adopt Ordinance 2018-21 amending the Weber County Zoning Map to rezone property at 4733 West 1150 South from A-1 to C-1; Commissioner Ebert seconded with a clarification that this is related only to the Costesso property.  
Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

**PUBLIC COMMENT:** Marion Call asked if more pathways were being built in western Weber County and Mr. Ewert said that a recent proposal was attached to the roadless rule changes to add a couple more pathways to the plan, one would reaffirm what is in the General Plan, but they are looking at canals, 3500 W. 2550 S., and 3300 S. for off-road pathways. This was pulled for the Commission to review separately from the roadless rule. She provided the Commission with a copy of responses to a 42-resident group text on their opinions on more area pathways. About 20 responded and the majority are against it.

**I. COMMISSIONER COMMENTS:** Commissioner Jenkins is looking forward to updating the West Central Weber County Plan and reiterated that the intersection of 4700 W. and 12<sup>th</sup> St. is the appropriate site for commercial. Chair Harvey had spoken with all property owners at that intersection and all recognize growth and that it needs to be commercial.

**J. ADJOURN**

Commissioner Jenkins moved to adjourn at 12:25 p.m.; Commissioner Ebert seconded.  
Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

Attest:

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J "Jim" H. James H. Harvey, Chair  
Weber County Commission

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Ricky D. Hatch, CPA  
Weber County Clerk/Auditor