

MINUTES
WEBER COUNTY COMMISSION

Tuesday, December 10th, 2024 – 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, Sharon Bolos, and Gage Froerer (via Zoom)
STAFF PRESENT: Scott Parke, of the County Clerk/Auditor's office; Chris Crockett, Deputy County Attorney; and Craig D. Brandt, of the County Clerk/Auditor's office, who took minutes.

A. WELCOME: Chair Harvey

B. PLEDGE OF ALLEGIANCE: Charlie Ewert

C. INVOCATION: Craig Brandt

D. THOUGHT OF THE DAY: Chair Harvey: I want to thank those involved in the Giving Machine (from the Church of Jesus Christ of Latter-day Saints) in our Ogden Christmas Village. We have more volunteer hours given here in Ogden City than any other city in the United States. For those who have not identified a place where to do a little more this holiday season, the Giving Machine is a great place for you to buy something for someone less fortunate. We appreciate the goodness this community has and encourage you to continue to not just give but to be kind. One thing that strikes me about kindness is I have never seen it hurt someone in the end.

E. PUBLIC COMMENT:

1. Peggy Dooling-Baker, Nordic Valley neighborhood: I want to ask questions about the Nordic Village CRA. Why are you committing 75% for 15 years when other districts commit 50% for 15 years? What is the plan to transition to the new city? Was anyone from the new city involved? Involvement and collaboration should be key for this transition year. Stephanie Russell made a comment in work session answering a question from Commissioner Froerer about payment back taxes; I did not hear her answer. I also have a question about the proposed street regulating map not being aligned with the proposed plan. Please

Chris Crockett, Lead Civil Attorney: I appreciate the public comment regarding transition to the new city. I met with three attorneys that work for the petition sponsors. I want to emphasize how cooperative and the good spirit there was in this meeting. I do not have all of the answers right now but we are diligently looking at that and taking it seriously.

Chair Harvey: Mrs. Doolingbaker, you can find the rest of the answers online or contact John Ulibarri (County Assessor) or Stephanie Russell (Economic Development Director).

F. PRESENTATION:

1. Presentation of Payment in Lieu of Taxes
Blair Stringham (Northern Region Supervisor, Wildlife Resources): This \$9,063.41 Payment in lieu of Taxes (PILT) payment comes from permits purchased by hunters and anglers.

G. CONSENT ITEMS:

1. Warrants #103829-103895 and #488127-488267 in the amount of \$2,551,596.53.
2. Purchase orders in the amount of \$136,896.29.
3. Summary of Warrants and Purchase Orders.
4. Minutes for the meeting held on December 3, 2024.
5. Retirement agreements with and the following:

John Bond Leann Kilts
Anna Covington Cortney Ryan

6. Agreement with Weber School District to rent the facilities to Weber School District for the MESA Day event.

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

H. ACTION ITEMS:

1. **APPROVAL OF ORDINANCE 2024-23 OF THE COUNTY COMMISSIONERS OF WEBER COUNTY AMENDING CERTAIN FEES TO THE PEERY'S EGYPTIAN THEATER AND OGDEN ECCLES CONFERENCE CENTER.**

Kassi Bybee (OECC & Peery's Egyptian Theater Director): No change from the First Reading (approved at the 12-03-2024 Commission Meeting).

Commissioner Bolos moved to approve Ordinance 2024-23 amending certain fees to the Peery's Egyptian Theater and Ogden Eccles Conference Center; Commissioner Froerer seconded.
Roll Call Vote: Chair Harvey – aye; Commissioner Bolos – aye; Commissioner Froerer – aye

2. **APPROVAL OF RESOLUTION 55-2024 FOR AN INTERLOCAL AGREEMENT WITH THE COMMUNITY REINVESTMENT AGENCY OF WEBER COUNTY REGARDING THE NORDIC VILLAGE COMMUNITY REINVESTMENT PROJECT.**

Stephanie Russell (Economic Development Director): We are asking for an agreement between the Community Reinvestment Agency of the County and the County. The agreement is for a tax increment for 75% of the tax increment generated by the project for a total of 15 years.

Commissioner Froerer: To the earlier question concerning going up to 75% commitment; this falls within the parameters of recently revised CRA policy and we have committed to higher percentages on other agreements.

Ms. Russell: The tax increment agreement for this private development is between the CRA and the County. When the City transitions, they will not have an agreement with the CRA. The four participating parties are the school district, the fire district, the Weber Basin Water Conservancy District, and Weber County. This only affects the specific project area. If the City wants to participate in the CRA, the agreement could be amended. This project has a very heavy infrastructure lift required by the County for water, sewer, and roads that will be serving the not just the project area but outside and adjacent to the project area. That is why we bumped up the increment to 75% which will be completely dedicated to infrastructure.

Chair Harvey: So the surrounding neighbors will not be adversely affected by this at all but in fact will benefit.

Ms. Russell: Correct. This is exclusively a finance mechanism and not a land use issue. This is just a means to assist the public infrastructure improvements and not related to the street regulating discussion.

Commissioner Bolos moved to approve Resolution 55-2024 for an Interlocal Agreement with the Community Reinvestment Agency of Weber County regarding the Nordic Village Community Reinvestment Project Area ; Commissioner Froerer seconded.

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

3. **APPROVAL OF AN AGREEMENT WITH ASHLEY DANIELS FOR CONSULTATIVE AND EXPERT WITNESS SERVICES.**

Bryan Baron (Attorney’s Office): This is a 5 year, \$10k capped contract with a domestic violence expert who testify during trial regarding typical victim behaviors.

Commissioner Froerer moved to approve an agreement with Ashley Daniels for Consultative and Expert Witness Services; Commissioner Bolos seconded.

Chair Harvey – aye; Commissioner Bolos – aye; Commissioner Froerer – aye

I. PUBLIC HEARING:

1. Request for a motion to adjourn public meeting and convene public hearings.

Commissioner Bolos moved to adjourn the public meeting and convene public hearings, 10:27 a.m.; Commissioner Froerer seconded.

Chair Harvey – aye; Commissioner Bolos – aye; Commissioner Froerer – aye

2. Public Hearing and possible action on a resolution amending the Western Weber General Plan to facilitate a possible mixed-use development in a location north of 12th Street, west of 4700 West, and east of the Weber River; to update surrounding future land use recommendations to provide consistent community planning for the area; and to revise text of the plan related to parks and open space and the Weber River corridor.
Applicant: Black Pine Group.

Charlie Ewert (Planning): The applicant’s original application did not ask for the text changes to the General Plan. The applicant has proposed a substantial amendment to the General Plan as it relates to the Future Land Use Map. The plan for this meeting is to not change any of the text, unless you want to, just changes to the map itself. There was a suggestion made that we look at a broader area and not just the applicant’s property which the applicant did with hesitation wanting to avoid perceptions the applicant is trying to force changes on other property owners. This would be a Future Land Use Map amendment and not a Zoning Map amendment so it technically does not apply to any property; it is a recommendation for future changes. Only after discussion and full input and application from the affected owners will any changes be made. In this case, we looked on both sides of 4700 West; we looked to the river using the river as a hard stop; we didn't

change anything on the western side of the Weber River; and we looked at both sides of 12th Street over to the intersection of 4700. We will make maps available on the Planning website. In the end, we created a General Plan that said these are the general uses for this area; then we went to a small area plan and said let's create a Street Regulating Plan for this area based on that General Plan; and now we're coming back to the General Plan for that area to plug back in the differences of the changes that were made during the Street Regulating Plan process. In the end, 900 has the possibility of curving a little to the north and connecting villages to villages; there is good trail connections to parks and open spaces into the villages. The developer is trying to bring a form-based idea from the east coast; one example of this is Norton Commons project. The Planning Commission recommended unanimous approval for just the map changes. The Resolution as written today will not go into effect until a future rezone is approved.

Commissioner Froerer: Just to clarify, if we pass the Resolution as suggested, it would go back to the Planning Commission for further study and review and it would be based on them approving or not approving a rezone before any particular changes would happen, correct?

Mr. Ewert: One thing I thought came out of yesterday's meeting was if we take Exhibit C, the text amendment, out of the Resolution then it could be possible for the Commissioners to approve the remaining Resolution which is just the map changes recommended by the Planning Commission. The applicant has requested the text amendment not be up for consideration today.

3. Public Comments:

- a. Dylan Manning, West Weber: We are concerned with the proposed setup of R2, R3, and Commercial zonings with condensed housing. The Planning Commissions all agreed with it and are saying this is what the people want. We know they did not ask us. We took it upon ourselves to collect over 150 signatures in one night asking to remain R1 zoning. (Petition given to Commission, copies made).
- b. Jessica Manning, West Weber: We are very opposed to the development. My husband grew up there; his great-grandparents help settle the area. Rural areas grow slowly naturally. We have very little rural area left. Let's keep West Weber country. The Planning Commission twists our words, "Oh, well, you built your home." Okay, my one home on a 2 acre lot has not infringed on anyone's ability to hunt and to farm. But this proposed city will infringe on those abilities. People will start complaining about the tractor lights, the smell of the animals. These are reasons we love living out there. Please don't destroy our existing community.
- c. Garilyn Hipwell Nelson, West Weber: I am fifth generation and my great-great-grandpa bought the land directly from the state. West Weber has been a community where farmers will check on their water then check on other farms to see if they have what they need. In open space, you will not be able to ride your motorcycles, scooters, and go-karts. I am finally able to build my barn and begin to farm and now it's threatened to be destroyed. We own a lot of the property there along with the Hipwells, the Hancocks, the McFarlands, the Hansens, and the Roses. Our heritage is being taken from us. We went two and half years fighting eminent domain for a new road and we lost.
- d. Jodie, West Weber: Not only does this affect us and what we have worked to earn but now we will have a walkway on our river.
- e. Levi Hancock, West Weber: My concern is I have not been contacted or notified. It appears the park parking lot and trail are on my property. The maps are hard to read. What is the game plan? Are they trying to buy my property? Take my property? If the trail is made high enough for floods, that is right on my shed and house. I request a detailed map. There is also a property in the center of the map that is not for sale or has not been purchased. I would like to know the plan for that.
- f. Cary Gibson, West Weber: I am struggling a little bit today because of the respect I have for this body as you as Commissioners and I care about these people and the hundreds that could not be here this morning. I was with a group of people last week one of which shared how they wanted to build an apartment building in Ogden City but was told it was not allowed in the General Plan. A 10am meeting to be heard on a topic this expansive does not allow enough opportunity for everyone effected to speak.

- g. Susan Hancock, West Weber: We have ground located west of 4700 where it appears there are plans to build but have not been contacted. This needs to be publicly addressed. We do not want to end up like Salt Lake City.
- h. Cara, West Weber: I am in support of this development. I am concerned about the high density portion. There is a big difference between what is on the map and what is being developed. Some of this is part of the General Plan approved years ago. I do not think it's ok that land is taken by imminent domain. This is hard for everyone and I hope you consider everybody's opinions.
- i. Teresa Ossler, West Weber: I know the development is coming. We should stick with the plan. I see this development and worry about my children driving.
- j. Catrina Gibson, West Weber: We have not been approached with information, we have had to find it ourselves. We depend on you as our elected officials and need to be heard on our positions. This is a substantial change. This is an expansion one property owner's rights to make this change. I have been opposed to how some of this was handled. In the last Planning Commission meeting, there was not one person in favor of this. We would love to have our opportunity to have our voices heard. This is not what the people want.
- k. Mrs. Manning: It took three years to get our approvals for everything with our home. Governor Cox has emailed people on the committee and said if they will not enforce condensed housing in rural areas, he will dismantle the committee and enforce Salt Lake County building codes. That is tyrannical, top-down government that is not being the voice of the people.
- l. Kendell Gibson, West Weber: I grew up on that farm. There are a lot of emotions involved. I understand the circumstances with everything that's happened. That farm is under water almost every spring. I was able to do my Eagle project on that river; it was a very big project. My biggest worry with putting all those houses down there is will they be able to handle that? We do not feel heard.
- m. Lance Peterson, Taylor, UT: I'll fall on my sword for these good people here today. We are emotional about this because we love this ground out here. What you are hearing today is a symptom of people not being heard. We swallowed a big pill three years ago when the General Plan was updated from A1 to R15. We were promised in the General Plan to have open space. As a citizen, I would ask you send this back to the Planning Commission. Commissioner Bolos, I attended a public meeting when you were mayor and about 100 people came to say "We don't want this." And you guys listened to them. I was impressed you listened to them. I want to commit to the Mannings that the Parks District will not take your land for the walkway along the river. I want to share our feelings of disrespect concerning open space. I ask you send this back to the Planning Commission along with the petition.

4. Request for a motion to adjourn public hearings and reconvene public meeting.

Commissioner Bolos moved to adjourn the public hearings and reconvene public meeting, 11:21 am;

Commissioner Froerer seconded.

Chair Harvey – aye; Commissioner Bolos – aye; Commissioner Froerer – aye

Chair Harvey: The use of a scare tactic is not something we approve. Imminent Domain is the absolute last thing we would ever want used.

5. Action on public hearing:

I2: Approval of Resolution 56-2024 amending the Western Weber General Plan to facilitate a possible mixed-use development in a location north of 12th Street, west of 4700 West, and east of the Weber River; to update surrounding future land use recommendations to provide consistent community planning for the area; and to revise text of the plan related to parks and open space and the Weber River corridor.

Commissioner Froerer: I appreciate the dialogue and public input shared this morning. The General Plan instituted two years ago was the best effort at that point in time. The General Plan is just that, it's general. I think it's pretty clear through Planning practices that the best way to preserve open spaces is to not have every property zoned that could be developed without some rezone application. We have some major dynamics coming out West with the Inland Port and the proposed north extension of the Legacy Highway. It's our job as a Commission to look not only what we have currently but we need for the future. It's important to understand that we are making decisions not just for today but for the next 5, 10, 30 years.

Commissioner Bolos: Legacy Highway is a big issue and we know it will extend through Weber County. We are not sure where that will be located and we are trying to plan within the County so that we can dictate where that falls. I do not think we have established that corridor preservation like I would want that to be. This is a substantial change I would prefer to be done with the entire map. As for safety, part of the proposal intends to keep traffic out of the greater area. It was mentioned we are making plans for property not being rezoned. That is true. The General Plan does not change property use for those who do not apply for that. I know people who own several acres and everyone has their own right to sell or develop. It is important to plan for trail connectivity even if today it's not possible. Part of the intent, concerning traffic, is to contain as much of the traffic within the new development as possible. When I was Mayor in West Haven, we had a large 100 acre development called Green Farm that was proposing half acre lots and no open space, just 200 homes on half acre lots. This would be the first development we would approve with clustering and density but we got 40 acres of open space with a fishing pond, trails, and natural vegetation. We had a lot of push back but it was approved by the City Council and is now a thriving community with current residents who once opposed it. I support the plan for these larger, self-contained communities but I have reservations about where we are at in the process on this project.

Chair Harvey: What is the purpose of today's discussion?

Mr. Ewert: This is one step forward toward going through a rezone and getting a development approval.

Commissioner Bolos: When I hear this General Plan amendment is tied to the applicant's future zone map amendment, which to me says spot zoning.

Mr. Ewert: The Planning Commission, generally speaking, likes what is being proposed. There concern is whether or not others have the same ability to execute as this developer has. If another developer came in with a similar kind of plan or similar kind of intention, the Planning Commission very much likes it, they just don't want to color the map in a way that says all this stuff should appen and not have it be a master plan Community cohesive based off a concept that they can see and feel. I can see 100% where you're coming from on that because it does look like this is really specific to one really specific property and one really specific developer. I think in other circumstances they would probably still recommend approval of this if they have a sense that it's going to turn out this way

Commissioner Bolos: I respect that reply. I would just say I if it's something that they want to see added to the general plan map after um a robust public conversation and make it contingent on a master plan um because then it will be what they want it to be in the future.

Jeff Beck, Black Pine, LLC: We are grateful for the public process on this. I am sympathetic to those opposed to this change. The General Plan articulates the desire for smart growth. What we are seeing along the Wasatch Front and in West Weber are generational land owners who sell 10, 20, 50 acre pieces that lead to isolated development, which is not good because it is not creating a sense of place nor is it building good neighborhoods. When you build on 10, 20 acre parcels, you do not get good open spaces. Members of the Planning Commission are also members of this same community. If you look at the General Plan, the area involved is shown as yellow, orange, and red except for one property – the Gibson Farm. I do not know happened. As for the petition discussed earlier, I would have signed it if someone was taking my land. And I want people to understand this will not be built overnight; it will take decades.

Chair Harvey: I think it's time to relook at the General Plan and update it. Much has changed in the five years since the last update. No one anticipated the two biggest dairies would go away.

Commissioner Froerer: I had the privilege of visiting Norton Commons. Unless we start encouraging master plans instead of building as we do today with little open space, I do not think we are headed in the right direction.

Chair Harvey: I am not for spot zoning, which this is.

Commissioner Froerer moved to approve Resolution 56-2024 amending the Western Weber General Plan to facilitate a possible mixed-use development in a location north of 12th Street, west of 4700 West, and east of the Weber River; to update surrounding future land use recommendations to provide consistent community planning for the area; and to revise text of the plan related to parks and open space and the Weber River corridor, with all future action subject to the rezone proposal; Commissioner Harvey seconded.

NOTE: The proposed text revisions were not presented to the Western Weber County Planning Commission and are therefore struck from this motion and not approved at this time.

Roll Call Vote: Chair Harvey – aye; Commissioner Bolos – nay; Commissioner Froerer – aye

J. COMMISSIONER COMMENTS: NONE.

K. ADJOURN

Commissioner Bolos moved to adjourn at 11:53 am; Commissioner Froerer seconded
Chair Harvey – aye; Commissioner Bolos – aye; Commissioner Froerer – aye

Attest:

James H. Harvey, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor