

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

Tuesday, October 25, 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, and Kerry W. Gibson. Craig L. Dearden was excused.

**OTHERS PRESENT:** Ricky D. Hatch, County Clerk/Auditor; David C. Wilson, Deputy County Attorney; Fátima Ferneliús, of the Clerk/Auditor's Office, took minutes.

**A. WELCOME** - Chair Zogmaister

**B. PLEDGE OF ALLEGIANCE** - David Wilson

**C. THOUGHT OF THE DAY** - Commissioner Gibson

**D. CONSENT ITEMS:**

1. Purchase Orders for \$56,802.53
2. Warrants #279083-#279303 for \$1,980,588.05
3. Minutes for the meeting held on October 18, 2011
4. ACH payment to US Bank for \$98,474.13 for purchasing card transactions made through 10/17/2011
5. Surplus an IBM Typewriter from Property Management

Commissioner Gibson moved to approve the consent items; Chair Zogmaister seconded, both voting aye.

**E. ACTION ITEMS:**

1. **REQUEST FOR A RESOLUTION OF THE WEBER COUNTY COMMISSIONERS TO ADOPT THE LITTLE MOUNTAIN ECONOMIC DEVELOPMENT PROJECT AREA PLAN**

This item was held.

2. **CONTRACT WITH HARRISVILLE CITY TO PERFORM SUBDIVISION REVIEWING FOR THE CITY - CONTRACT C2011-207**

3. **CONTRACT WITH WASHINGTON TERRACE CITY TO PERFORM SUBDIVISION REVIEWING FOR THE CITY - CONTRACT C2011-208**

Ernest Rowley, County Recorder/Surveyor, presented these two identical contracts with the two cities.

Commissioner Gibson moved to approve Contracts C2011-207 and C2011-208 with Harrisville City and with Washington Terrace City, respectively, to perform subdivision reviews for the cities; Chair Zogmaister seconded, both voting aye.

4. **RETIRE LAND SERIAL NUMBER 07-101-0081**

Ernest Rowley, County Recorder/Surveyor, stated that this parcel was created due to a mapping error several decades ago.

Commissioner Gibson moved to retire land serial number 07-101-0081; Chair Zogmaister seconded, both voting aye.

**5. REQUEST FOR RESOLUTION OF THE WEBER COUNTY COMMISSION APPOINTING NEW MEMBERS TO THE RECREATION, ARTS, MUSEUMS AND PARKS BOARD**

Mike Caldwell, County Public Information Officer, stated that four members' terms expired and of those Morris Sterrett is eligible for reappointment, which he recommended, along with the following appointments: Heather Carlson and Judith Mitchell to the Cultural Committee, Greg Booth to the Recreation Committee, and George Hall moved to the Advisory Board. Meg Naisbitt will chair the Advisory Board, Morris Sterrett will vice chair the Advisory Board and chair the Recreation Committee, Jeanne Hall will chair the Cultural Committee. Chair Zogmaister noted that eight applications were received for the four seats and that there is a good cross-section of representation from the community with these appointments. No resolution had been prepared and one will be presented next week.

Commissioner Gibson moved to appoint the following: Heather Carlson and Judith Mitchell to the Cultural Committee, Greg Booth to the Recreation Committee, and Morris Sterrett reappointed to the Advisory Board (vice chair) and Recreation Committee (chair); Chair Zogmaister seconded, both voting aye.

**6. FINAL APPROVAL OF THE SANCTUARY AT HOMESTEAD ACRES (1 LOT), AND THE VACATION OF LOT 5 AND PARCEL "A" OF HOWARD SUBDIVISION - ORDINANCE 2011-15**

Justin Morris, of the County Planning Division, noted that the Planning Commission held a public hearing on 4/13/2011. Notices of the amended subdivision plat and proposed vacation of lot 5 and Parcel "A" were mailed to all lot owners in the Howard Subdivision and all property owners within 500 feet of the affected lots. The new combined lot contains 7 acres.

Commissioner Gibson moved to grant final approval of the Sanctuary at Homestead Acres and to adopt Ordinance 2011-15 vacating Lot 5 and Parcel "A" of the Howard Subdivision; Chair Zogmaister seconded.

Roll Call Vote:

Commissioner Gibson ..... aye  
Chair Zogmaister ..... aye

**7. FINAL APPROVAL OF THE FOXRUN BUSINESS CONDOMINIUMS BUILDING 2, UNIT 3, FIRST AMENDMENT AND THE VACATION OF FOXRUN BUSINESS CONDOMINIUMS BUILDING 2, UNIT 3 - ORDINANCE 2011-16**

Justin Morris, of the County Planning Division, stated that this amendment divides Unit 3 into three additional units.

Commissioner Gibson moved to grant final approval of Foxrun Business Condominiums Building 2, Unit 3, First Amendment and to adopt Ordinance 2011-16 vacating Foxrun Business Condominiums Building 2, Unit 3; Chair Zogmaister seconded.

Roll Call Vote:

Commissioner Gibson ..... aye  
Chair Zogmaister ..... aye

**8. ACTION ON A PUBLIC HEARING HELD 9/6/2011 ON AN AMENDMENT TO THE ZONING ORDINANCE, CHAPTER 34, HOME OCCUPATION-SHORT TERM VENDORS-YARD SALES, FROM CHAPTER 34 TO CHAPTER 23, SUPPLEMENTARY AND QUALIFYING REGULATIONS, AND AMENDING CHAPTER 31, ADMINISTRATION, TO ELIMINATE HOME OCCUPATIONS WITH NON-RESIDENT EMPLOYEES AND VISITING CLIENTELE AS ADMINISTRATIVE ACTIONS AND TO DELETE FROM CHAPTER 1, GENERAL PROVISIONS, THE DEFINITION OF VENDOR, SHORT TERM - ORDINANCE 2011-17**

Rob Scott, County Planning Division Director, said that there are about 299 home occupations in unincorporated Weber County. The ordinance is working well overall and the intent of this item is to make some clarifications. Mr. Scott noted that the two ordinance sections discussed on 10/11/2011 dealt with appropriate standards for the allowance of two non-resident employees and visiting clientele for home occupations. The visiting clientele section of the home occupation ordinance was amended within the last year to make it a permitted use. Mr. Scott gave an example of a request for a dance studio that would have required visiting clientele. There were a number of complaints from area residents due to the amount of traffic caused by the various attending students. He noted that it is a good opportunity to have the applicants come before the Planning Commission to allow neighbors to express their concerns in a public venue, and this is the main reason staff is recommending that the provisions for non-residents and visiting clientele be conditional uses. Previously discussed amendments have been incorporated into the ordinance.

Mr. Scott noted that staff offered Option A (conditional use option) and Option B (permitted use option) within this ordinance for the commissioners decision. Chair Zogmaister asked about signage and Mr. Scott responded that the home occupation allows a nameplate sign not exceeding 2 square feet attached to the house or mailbox. Under Required Conditions, item #4, Commissioner Gibson suggested amending the language “does not produce increased foot and vehicular traffic, parking, noises...” to state “does not substantially increase foot and vehicular traffic, parking...”

Commissioner Gibson said that this discussion is timely given the current economic times and that some home occupations, with proper checks, offer valuable opportunities and income in these financially difficult times. He favors Option B and expressed his desire to classify home occupations with non-resident employees and with visiting clientele as permitted rather than conditional uses. He believes that the additional language makes it clear and gives Planning staff the ability to determine the Commission’s intent in the ordinance and to make clear objective decisions whether a home occupation application meets the requirements. The commissioners expressed thanks to Mr. Scott for all of his hard work on this item.

Commissioner Gibson moved to adopt Ordinance 2011-17 amending the County Zoning Ordinance, Chapter 34, Home Occupation, Chapter 23, Supplementary and Qualifying Regulations, Chapter 31, Administration, and Chapter 1, General Provisions, approving Option B, and including the amendment in Section B, item #4 as listed above; Chair Zogmaister seconded.

Roll Call Vote:

Commissioner Gibson .....	aye
Chair Zogmaister .....	aye

**9. DISCUSSION ON A REQUEST FROM NAREP BISON CREEK, LLC FOR WEBER COUNTY TO BE THE BODY POLITIC FOR AN ONSITE WASTEWATER SYSTEM FOR THE DEVELOPMENT**

Chad Meyerhoffer, of County Engineering, stated that the State sent a letter to Christopher Hudon, developer of this subdivision, giving conceptual approval for a wastewater treatment system for his development. Mr. Meyerhoffer said that a body politic is required for the operation/oversight of the system.

Mr. Hudon represents the lender that obtained the property several years ago. The development was originally to have 150 homes but will now have 22, will have 270 acres of open space and a conservation easement. He gave an overview of some of the work done on the property, such as obtaining source protection zones, percolation tests and water table monitoring. He has conceptual approval from the County Health Department and the State's Department of Water Quality. He requested that the county act as body politic. The commissioners stated that they are not opposed to development but do not wish to be body politic for sewer systems—the county does not have much authority in this area and it is a very challenging situation.

Mr. Meyerhoffer said that an agreement is forthcoming which will state that this sewer system will join a district once one is created in that area. A letter will be mailed to the State indicating that the county has agreed to be the body politic.

Commissioner Gibson moved to approve the request from NAREP Bison Creek, LLC, for Weber County to be the body politic for an onsite wastewater system for the development, subject to approval of the agreement; Chair Zogmaister seconded, both voting aye.

**F. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, NOVEMBER 1, 2011, 10 A.M.**

**G. PUBLIC COMMENTS:**

Ron Gleason, of Huntsville, expressed thanks to County Planning staff for the technology they have implemented on the county's website, particularly the Miradi system for project tracking. He resides in Green Hills, a water and sewer improvement district, and he asked if the option of an improvement district was discussed and/or investigated by the NAREP Bison Creek developers--particularly because they own their wells and sewer system--and if so why was it not an option. He asked if before accepting the responsibility to become the body politic the Commission can find out whether or not that option has been investigated because if a development cannot be part of an improvement district there is another option in the Ogden Valley, a privately run sewer system.

Mr. Gleason noted that an extensive study was conducted, funded by State funds and in cooperation with County Engineering and Huntsville Town giving recommendations on how to possibly deal with both centralized and de-centralized sewer systems. He asked if the county has any say in the type of system that can be implemented when it accepts to be the body politic. The goal in asking these questions is so that when new systems are implemented there can be some commonality between them and there aren't disparate types of technologies for engineering and managing them. Chair Zogmaister thanked Mr. Gleason for the comments because they are good issues for consideration. She stated that there had been in-depth discussion with Mr. Meyerhoffer before this meeting and she had asked if there was any other way to handle this item.

**H. ADJOURN**

Commissioner Gibson moved to adjourn at 10:55 a.m.; Chair Zogmaister seconded, both voting aye.

Attest:

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Jan M. Zogmaister, Chair  
Weber County Commission

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Ricky D. Hatch, CPA  
Weber County Clerk/Auditor