

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

Monday, December 23, 2014 - 10:00 a.m.

Commission Chambers, 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: Kerry W. Gibson, Chair, Jan M. Zogmaister and Matthew G Bell.

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

A. WELCOME – Chair Gibson

B. PLEDGE OF ALLEGIANCE – John Bond

C. THOUGHT OF THE DAY – Commissioner Zogmaister

D. PRESENTATIONS:

1. SEAL OF SERVICE AWARD TO AARON D. MILES FROM THE ASSESSOR'S OFFICE

John Ulibari, Weber County Assessor, read the nomination letter, which stated that Mr. Miles, who has many responsibilities in the Assessor's Office, is a tremendous asset to the reappraisal department, that he deeply cares about the quality of his work and always keeps in mind how it affects the taxpayers, and he thinks of ways to make the office more efficient. Mr. Miles expressed appreciation to his co-workers. He was presented with a Seal of Service pin, a plaque and \$100 for his exemplary work.

2. PRESENTATION OF PAYMENT IN LIEU OF TAXES CHECK TO WEBER COUNTY FOR \$8,175.85

Justin Dolling, Utah Division of Wildlife Resources Northern Region Supervisor, noted that the Division manages about 16,800 acres in the county. Revenue is generated through the sale of hunting/fishing licenses. The Division uses that revenue to make the payment in lieu of taxes.

3. PRESENTATION OF YEARLY GOAL FOUNDATION REPORT

Jenny Scothern, Executive Director, reported on the Foundations 2014 programs, which include Young Runners Program and the Ogden Marathon. Commissioner Zogmaister said that what GOAL does for the community is amazing and expressed thanks for Ms. Scothern's leadership.

This was Commissioner Zogmaister's last Commission meeting. She was presented with a crystal bowl as a token of appreciation for her great service to the county. She had been involved with County Government Week and the crystal bowl is a gift given for that event that annually honors a group and an individual that significantly enhance/amplify the quality of life in our county. Commissioner Zogmaister explained the symbolism of the crystal bowl, which is made of quartz, an abundant material found around the Great Salt Lake, and which resonates/gives back. Chair Gibson expressed gratitude stating that Commissioner Zogmaister has done so much for the county. He has witnessed her work very hard and we all should be proud and grateful for her service. She received a standing ovation. Commissioner Bell expressed thanks stating that he has worked with Commissioner Zogmaister for many years, even before Commission, and that she is a very hard worker and does a great job for the citizens of our county.

E. CONSENT ITEMS:

1. Ratify purchase orders for \$191,964.36, dated December 16, 2014
2. Purchase orders for \$52,769.12
3. Ratify warrants #316315-#316541 for \$2,290,891.76, dated December 16, 2014
4. Warrants #316542 - #316763 for \$1,706,732.85
5. Minutes for the meeting held on December 9, 2014
6. New business licenses
7. New beer licenses
8. Retirement agreement with Michael R. Howard – Contract C2014-261
9. Weber County Tax Review Committee's recommendations for Parcels #15-004-0055 (refund \$21,817.86 for 2013 partial year taxes); #15-064-0031 (settlement on taxes for rollback for years 2011-2013); and #24-012-0004 (refund \$563.00 for tax year 2013)
10. Cancel the December 30, 2014 Weber County Commission meeting
Commissioner Bell moved to approve the consent items; Commissioner Zogmaister seconded.
Commissioner Bell – aye; Commissioner Zogmaister – aye; Chair Gibson – aye

F. ACTION ITEMS:

1. CONTRACT WITH THE US FOREST SERVICE FOR THE COOPERATIVE LAW ENFORCEMENT AGREEMENT – CONTRACT C2014-262

Weber County Sheriff Terry Thompson stated that this is a standard contract renewal. The Sheriff's Office provides law enforcement services to Forest Service property on Monte Cristo.

Commissioner Zogmaister moved to approve Contract C2014-262 with the US Forest Service for the Cooperative Law Enforcement Agreement; Commissioner Bell seconded.

Commissioner Bell – aye; Commissioner Zogmaister – aye; Chair Gibson – aye

2. CONTRACT WITH AMERICAN LAND & LEISURE (AL&L) FOR WATERCRAFT ENFORCEMENT ON AND AROUND PINEVIEW RESERVOIR AND PAYMENT OF BOAT LAUNCH FEES – CONTRACT C2014-263

Weber County Sheriff Terry Thompson stated that AL&L, through a contract with the Forest Service, coordinates campground, boat launching and recreational operation of the property with the Forest Service jurisdiction related to Pineview Reservoir. The Sheriff's Office took over the marine patrol about a decade ago at Pineview Reservoir. AL&L provides funds to the Sheriff's Office from the fees charged at Cemetery Point, Huntsville, to help defray costs to the Sheriff's Office.

Commissioner Bell moved to approve Contract C2014-263, Memorandum of Understanding with American Land & Leisure for watercraft enforcement on and around Pineview Reservoir and payment of boat launch fees; Commissioner Zogmaister seconded.

Commissioner Bell – aye; Commissioner Zogmaister – aye; Chair Gibson – aye

3. CONTRACT WITH TRADERS' ROW FOR THE OPERATION OF A FUR TRADE-ERA VENDING SPACE IN A CABIN AT FORT BUENAVENTURA – CONTRACT C2014-264

Jennifer Graham, with County Recreation Facilities, presented this standard annual contract renewal.

Commissioner Zogmaister moved to approve Contract C2014-264 with Traders' Row for the operation of a fur trade-era vending space in a cabin at Fort Buenaventura; Commissioner Bell seconded.

Commissioner Bell – aye; Commissioner Zogmaister – aye; Chair Gibson – aye

4. ADD COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT TO WEBER COUNTY'S CAPITAL IMPROVEMENTS FOR 2015 THROUGH 2019

Chad Meyerhoffer, with County Engineering, noted that non-profit agencies that request sponsorship through the county to apply for CDBG funds need to be added to the county's capital needs for 2015-2019, which is the Weber Housing Authority for their project for land acquisition and beginning phases of construction on a 4-plex in Roy to house low-income seniors over the age of 62.

Commissioner Bell moved to add the Community Development Block Grant project to Weber County's capital improvements for 2015 through 2019; Commissioner Zogmaister seconded.

Commissioner Bell – aye; Commissioner Zogmaister – aye; Chair Gibson – aye

5. AMENDMENT TO THE TOURISM AND CONVENTION/EVENTS SALES AND MARKETING MANAGEMENT AGREEMENT – CONTRACT C2014-265

Sara Toliver, Ogden/Weber Convention & Visitors Bureau (CVB) President, noted that the CVB has a multi-year contract with the county, which is contingent upon approval of the CVB's Marketing Plan. This is an amendment to that \$800,000 contract for a funding increase of \$25,000 for 2015.

Commissioner Zogmaister moved to approve Contract C2014-265, amendment to the Tourism and Convention/Events Sales and Marketing Management Agreement; Commissioner Bell seconded.

Commissioner Bell – aye; Commissioner Zogmaister – aye; Chair Gibson – aye

6. **CONTRACT WITH OGDEN CITY FOR PARAMEDIC SERVICES – CONTRACT C2014-266**
7. **CONTRACT WITH WEBER FIRE SERVICES #4 FOR PARAMEDIC SERVICES – CONTRACT C2014-267**

Brad Dee, County Human Resources Director, presented these two items together. In the county there are between 6,000-7,000 calls received annually for the five paramedic units, four in the lower valley and one in Ogden Valley. The Ogden City contract is for three of those paramedic vehicles to run in the lower valley for \$1,330,174. Over the next year Ogden City paramedics will be moving into Ogden City proper and providing the opportunity for the Fire District to run a paramedic ambulance unit in the Huntsville area. From 1/1/2015 to 3/31/2015 Ogden City will help in continuing that paramedic service until the appropriate licenses are obtained by the District. The county will pay the District \$240,000 for the nine months of paramedic ambulance. The county has contracted with the Weber Fire District to provide a half unit of a paramedic unit to improve the response time in the northwestern part of the county at \$166,875 for the first nine months. By working with the partners, Mr. Dee said that the paramedic costs have been reduced by \$100,000 from last year for the same services, which will be used to help supply the other half paramedic unit in the northwest. These are 1-year contracts, which will allow for evaluation over the next year.

Commissioner Bell moved to approve Contract C2014-266 with Ogden City for paramedic services and Contract C2014-267 with Weber Fire Services #4 for paramedic services; Commissioner Zogmaister seconded.

Commissioner Bell – aye; Commissioner Zogmaister – aye; Chair Gibson – aye

8. **CONTRACT WITH ANDREW HEYWARD FOR INDIGENT DEFENSE SERVICES IN JUVENILE COURT – CONTRACT C2014-268**

David Wilson, Deputy County Attorney, presented this contract renewal for two years. It is for \$66,000 plus \$300/year for expenses associated with discovery.

Commissioner Zogmaister moved to approve Contract C2014-268 with Andrew Heyward for indigent defense services in Juvenile Court; Commissioner Bell seconded. Commissioner Bell – aye; Commissioner Zogmaister – aye; Chair Gibson – aye

G. PUBLIC HEARINGS

1. Commissioner Bell moved to adjourn the public hearing and reconvene the public meeting; Commissioner Zogmaister seconded.
Commissioner - aye; Commissioner Zogmaister – aye; Chair Gibson – aye
2. Public hearing on a request to amend County Land Use Code, Title 108 (Standards), Chapter 3 (Cluster Subdivisions), and Title 106 (Subdivisions), Chapter 2 (Subdivision Standards)

Scott Mendoza, of the County Planning Division, stated that the Cluster Subdivision code has been a part of the county since the 1950's and this item has been in discussion for some time. In 2006 one of the biggest changes was the introduction of bonus density. He said that in 2006-2007 a project in western Weber County met the code, was approved and recorded. It allowed open space to be put on one side of the larger project area and all the residential lots went on the other side. Thus one side is very nice rural/farmland-looking and the other side is very urban. Many area residents were unhappy by this. In 2009 a resident out west who had a cluster go in next to her home submitted a petition suggesting that the county consider some changes such as buffers. Mr. Mendoza noted that in this case this neighbor with a relatively large parcel ended up with 7 or 8 neighbors instead of 5 because the existing code allowed residential parcels as small as 10,000 square feet to be placed next to hers. The County Planning Division continued to work with both Planning Commissions in revising that section of code.

Mr. Mendoza outlined some of the changes that included: the Purpose and Intent section was amended to better reflect the visions of both Planning Commissions; clarifies in which zones a cluster subdivision can be developed; a Sketch Plan Endorsement has been added to help provide a potential applicant with early Planning Commission input; lot size can be as small as 6,000 sq. ft. but a lot cannot be next to a subdivision's exterior boundary if it is less than 15,000 sq. ft.—allowing a smaller type of urban development within a project and to not be so obvious from the outside; a lot owner within a cluster can own the open space if it is under 10 acres, if the open space is greater than 10 acres anyone can own it. He said that bonus densities for cluster subdivisions remain at 50% but more open space dedication is required at the point that bonus densities are requested to exceed 30%. Bonus densities for cluster subdivisions for the Ogden Valley Township were eliminated. The Cluster Subdivision Special Provisions subsection was removed from the Subdivision Title and was placed into the new cluster code.

3. Public hearing on Zoning Petition ZMA #2014-01 by Summit Mountain Holding Group L.L.C. (Summit) to rezone approximately 6,160 acres at Powder Mountain Resort from Commercial Valley Resort Recreation (CVR-1), Forest Valley-3 (FV-3) and Forest-40 (F-40) to the Ogden Valley Destination and Recreation Resort Zone (DRR-1)

Scott Mendoza, of the County Planning Division, showed an area map and stated that the Summit was present. The request is to rezone approximately 2,140 acres of FV-3, 3,895 acres of F-40 and 125 acres of CVR-1 to about 6,160 acres of the DRR-1 Zone in Weber County. The Resort property totals about 10,000 acres, spanning Weber and Cache Counties. The Resort is proposing a total of six development areas to have single-family and multi-family dwellings (up to 2,800 dwelling units), retail, residential lots above retail, hotels, conference facilities, restaurants and other resort-type of uses. The Recreation Facilities Plan shows a significant increase in diversification of recreational opportunities including kite boarding, ice-skating, indoor recreation facilities, mountain biking, horseback riding, geocaching, and a zip line. Other information received from Summit, includes a Concept Development Plan, Traffic Impact Analysis (TIA), Cost Benefit Analysis, Seasonal Workforce Housing Plan, Emergency Services Plan, and thematic renderings.

County Planning staff (and many other review agencies, including some consultants hired by the Summit) had determined that all the submittals were complete and complied with the county's code, the Land Use Plan appears to be very reasonable, and the amount of open space not only meets but exceeds the minimum requirements. The project according to the Cost Benefit Analysis will stimulate significant business and economic activity within the community, the region and State. The utility and emergency services providers are willing to serve the project. The consultants hired by County Engineering do not exactly agree with the TIA (i.e., trip generation information) but agree that the analysis used standard traffic study methodology and adequately provides traffic projections and mitigation strategies that present acceptable levels of service (LOS) that do not fall below LOS C, and the additional trip-reducing strategies are a good idea. The TIA section of the Development Agreement contains some conditions and memorializes Summit's commitment to implement and continue to administer the mitigation strategies that they have proposed in the analysis. Mr. Mendoza said that it was determined that the proposed project conforms to the Ogden Valley General Plan. Planning staff and the Ogden Valley Planning Commission recommend approval with six conditions of approval that are included in the Development Agreement. He said that as of this morning there are still some questions dealing with public safety and vesting, and the Development Agreement is not ready to move forward. Direction is needed from the County Commission and it will be brought before the Commission later.

Eric Langvardt, of Langvardt Design Group, said that Mr. Mendoza and the Planning staff had been consistent and great to work with and that they were here to answer questions. A lot of work has been done on this for the past six months and a lot of improvements made through working with county staff, the Planning Commission, review agencies and public input.

4. Public comments: Chair Gibson invited public comments on the hearings. Following is a summary.

Jerry Fullmer, of Eden, stated that there were multiple zones on top of the mountain, which made it quite difficult to come forward with a plan for every zone. He said that this rezone will help development of the top of Powder Mountain and is a money saving opportunity for the county and the Ogden Valley Planning Commission and recommends approval.

Craig Hansen, of Eden, said that the most significant change with this rezoning is the removal of the F-40 Zone that required one dwelling per every 40 acres, the lowest density in the county. Currently the plan shows the 2,800 dwelling units being transferred in from a previous agreement and he asked if there was any further capping on development that has to come through the Commission or if Summit needs to procure transferable rights to increase development. It had been stated that the development conformed to the Ogden Valley General Plan, which requires preserving ridgelines. The subject plan proposes a development on a ridgeline and he asked how it conformed. The DRR-1 requires that the max dwelling calculations depend on the developer's plan being superior to that allowed by conventional zoning. It had been stated that multiple zones made it difficult to work with, and he said that there may be a phasing or rezoning only certain areas as DRR-1 and leaving other areas as F-40 and other zones. Mr. Mendoza responded that the DRR-1 Zone does require determining how density will be a part of a resort and current zoning is not even considered. The developer may need to acquire land or development rights and transfer them in or the resort may have already executed a development agreement that has addressed development rights. Powder Mountain already executed such a development with the county for 2,800 units. The county has adopted a ridgeline development code, which does not prohibit ridgeline development but prescribes ways to mitigate such development. One of the conditions of the subject Development Agreement is that when the application comes forward for a permit for a slated boutique hotel on a ridgeline (which complies with existing code) that lighting be reviewed.

Bob Favero, county landowner, said that the only concern he has with the Cluster Subdivision code relates to bonus densities. In creating a cluster subdivision and providing open space of 30% he said that there is no actual bonus density given. He believes that the only way to get bonus density is to do some other listed criteria in the code and gradually build up some bonus density. Mr. Favero said that it is very difficult to get any bonus for his proposed project because of the nature of those items under which he would have to qualify. He said that some of those items are not doable, particularly in the western county area (i.e, affordable housing, historical site, excess sewage treatment capacity, wildlife reserve areas). He said that the current code for the agricultural zones allows up to 15% bonus but it is being changed up to 5% and recommended that it be somewhere in the middle, increase to at least 10%, thus helping them get some bonus density for providing open space. He had met with Mr. Mendoza and Jim Gentry (County Planning) yesterday and said that both had indicated their support to increase it. Chair Gibson would like to strike a balance and encourage the cluster subdivision concept. He asked for the reason for the decrease and Mr. Mendoza felt that the Planning Commissions wanted developers to consider the other items and not rely on the full 15% bonus density for simply doing a **cluster**. Mr. Mendoza feels that up to 10% is very reasonable and the Planning Commissioners have a good handle on the code and how to work with developers.

Kirk Langford, of Eden, said that the issue of savings and marketability to offer open space to consumers by developers does not really require incentives and has been working well in Ogden Valley for such developments as Eden Hills, Green Hill and Wolf Creek, which have been very successful—they have clustering with a tremendous amount of open space and no bonus density was given. When the county started allowing building on 10,000 sq. ft. rather than one acre and then added the bonus density, these added more density to Ogden Valley where there were efforts to have smart growth that supports the cultural values of the people and good development. He supports this ordinance. He expressed thanks to outgoing Commissioner Zogmaister who has empathy for all the citizens and has understood what they are trying to accomplish up there in Ogden Valley.

Jan Fullmer, of Eden, expressed thanks to Commissioner Zogmaister. She said that there are two things she and her husband feel are extremely important in this ordinance: 1) that a sketch of the whole development has to be submitted to see exactly what is being proposed and 2) that developers of cluster

subdivisions which have open space establish home owners associations so that those buying into those developments know that it is their responsibility to maintain that open space and any common space that belongs to the full community. She gave kudos to the Planning Division, particularly Mr. Mendoza.

5. Commissioner Bell moved to adjourn the public hearing and reconvene the public meeting; Commissioner Zogmaister seconded.
Commissioner – aye; Commissioner Zogmaister – aye; Chair Gibson – aye

6. **ACTION ON PUBLIC HEARINGS:**

G2-AMEND TITLE 108 (STANDARDS), CHAPTER 3 (CLUSTER SUBDIVISIONS) AND TITLE 106 (SUBDIVISIONS), CHAPTER 2 (SUBDIVISION STANDARDS) OF THE WEBER COUNTY LAND USE CODE – ORDINANCE 2014-20

Commissioner Zogmaister expressed thanks for all the hard work on this exceptional ordinance. She stated that it was the citizens who came forward and brought to the county's attention one of the worst cluster subdivisions she has seen. It was allowed because of the way the ordinance had been written. There was discussion about increasing the bonus density for cluster subdivisions and Commissioner Bell asked why not leave the bonus at 15% and Mr. Mendoza feels that the Planning Commission was trying to redirect the developers' efforts toward the other criteria listed in the code, and which accomplishes more. He reiterated that he is comfortable with up to 10% bonus.

Commissioner Zogmaister moved to adopt Ordinance 2015-20 amending Title 108 (Standards), Chapter 3 (Cluster Subdivisions) and Title 106 (Subdivisions), Chapter 2 (Subdivision Standards) of the Weber County Land Use Code, and to increase the bonus density of up to 10% in the Agricultural Zones in the lower valley; Commissioner Bell seconded. Commissioner Bell – aye; Commissioner Zogmaister – aye; Chair Gibson – aye

G3-ZONING PETITION ZMA #2014-01 BY SUMMIT MOUNTAIN HOLDING GROUP L.L.C. TO REZONE APPROXIMATELY 6,160 ACRES, AT POWDER MOUNTAIN RESORT, FROM COMMERCIAL VALLEY RESORT RECREATION (CVR-1), FOREST VALLEY-3 (FV-3) AND FOREST-40 (F-40) TO THE OGDEN VALLEY DESTINATION AND RECREATION RESORT ZONE (DRR-1) – ORDINANCE 2014-21

Commissioner Bell moved to adopt Ordinance 2015-21, Zoning Petition ZMA #2014-01 by Summit Mountain Holding Group L.L.C. to rezone approximately 6,160 acres, at Powder Mountain Resort, from Commercial Valley Resort Recreation (CVR-1), Forest Valley-3 (FV-3) and Forest-40 (F-40) to the Ogden Valley Destination and Recreation Resort Zone (DRR-1); Commissioner Zogmaister seconded. Commissioner Bell – aye; Commissioner Zogmaister – aye; Chair Gibson – aye

H. PUBLIC COMMENTS:

Ogden City Mayor Mike Caldwell thanked Commissioner Zogmaister for her years of dedicated public service stating that she served with great professionalism, transparency and integrity and in particular gave voice to those who do not have one in the homeless community. He said that she had done a great job, that it was an honor to serve with her and he appreciated everything she did for the county, and he wished her all the best as she moves forward.

Kirk Langford, of Eden, said that in the past in Ogden Valley some subdivisions were approved and sheet water/drainage flow projects were put in place. County Engineering and the County Commissioners had said that they would maintain these infrastructures that they built, however, he said that this was not taking place. He noted that sheet water problems are enormous in the Valley. A subdivision (at about 5200 E 2300 N E was built in a swamp with 40 houses that water was channeled east through a covered pipe and then goes to an open ditch at this time it dumps it into someone else's land now because there has been no maintenance the drainage ditch is full of cattails, dyers woad, etc. and water cannot go through. A new subdivision was just approved on about 2300 N 5600 E and the drainage system consists of a berm to carry the water to the east toward his property and the Browning's. He said that this cannot

be the continued practice. He requested that County Engineering honor the commitments they made to maintain the infrastructures they built and keep them functional. Sean Wilkinson, County Planning Division Director, stated that the County Engineer will be at the January 6, 2015 Planning Commission meeting to specifically address that topic.

I. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, JANUARY 6, 2015, 10 A.M.

J. ADJOURN

Commissioner Zogmaister moved to approve adjourn; Commissioner Bell seconded.
Commissioner Bell – aye; Commissioner – aye; Chair Gibson – aye.

Attest:

Kerry W. Gibson, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor