

MINUTES
WEBER COUNTY COMMISSION

Tuesday, December 9th, 2025 – 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: Sharon Bolos (via zoom), Gage Froerer, and James "Jim" H. Harvey
STAFF PRESENT: Ricky Hatch, County Clerk/Auditor, Chris Crockett, Deputy County Attorney, and Craig D. Brandt, of the County Clerk/Auditor's office, who took minutes.

A. WELCOME: Commissioner Froerer

B. PLEDGE OF ALLEGIANCE: All in attendance were invited to recite the Pledge.

C. INVOCATION/MOMENT OF SILENCE: Craig Brandt

D. COMMISSIONER COMMENTS:

1. Commissioner Harvey: I want to congratulate Olivia Favero, Miss Rodeo Ogden. She was just crowned Miss Rodeo America in Las Vegas last week. That is a big deal and a big honor.

E. PUBLIC COMMENT:

1. Jan Fullmer, Eden, UT: There is a technicality to the public hearing item. The agenda did not call out the affected parcel and it did not have the normal links included for more detailed information.
 - a. Chris Crockett (Deputy County Attorney): There is no legal requirement for links and as long as the agenda provides enough information to inform the public of the business being conducted, that is sufficient.
 - b. Shelly Halacy (Commission Office): The file size prevented the link from being added. IT was able to address the issue only yesterday.

F. CONSENT ITEMS:

1. Purchase orders in the amount of \$90,038.52.
2. Warrants #106595-106642 and #494253-494337 in the amount of \$790,124.88.
3. Summary of Warrants and Purchase Orders.
4. Minutes for the meeting held on June 24th, 2025 and December 2nd, 2025.
5. New business licenses.
6. Surplus a 2000 Ford F2S SRW for the Weber-Morgan Health Department.
7. Surplus laptops and office equipment for the Weber-Morgan Health Department.
8. Right-of-Way contract with Wayne Prevedel for corridor preservation along 3300 South, using WACOG funds.
9. Right-of-Way contract Sara Stubbs for corridor preservation along 2550 South, using WACOG funds.
10. Ratification of a Standard Form Master Agreement with Prescott Muir & Associates, Professional Corporation for library projects.
11. Memorandum of Understanding with the Utah Department of Public Safety State Crime Lab allowing CSI to conduct ballistic testing at the Utah State crime labs northern range.
12. Contract with Victory Athletics Spirit to hold the Ogden Snow Bowl Championship at the Golden Spike Event Center.
13. Second amendment to the existing lease agreement by and between Weber County and GT Title Services.
Commissioner Harvey moved to approve the consent items; Chair Bolos seconded.
Chair Bolos – aye; Commissioner Froerer – aye; Commissioner Harvey – aye

G. ACTION ITEMS:

1. **APPROVE RESOLUTION 57-2025 APPOINTING MEMBERS TO THE WEBER COUNTY WEED CONTROL BOARD.**

Shelly Halacy (Commission Office): It is proposed to reappoint Tom Favero and Bren Edwards.

Commissioner Harvey moved to approve Resolution 57-2025 reappointing Tom Favero and Bren Edwards to the Weber County Weed Control Board; Chair Bolos seconded.

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

2. **APPROVE RESOLUTION 58-2025 APPOINTING MEMBERS TO THE BOARD OF THE POWDER MOUNTAIN WATER AND SEWER DISTRICT.**

Shelly Halacy (Commission Office): Two applications received. Propose to reappoint Andrew Stark and Michael Myra.

Commissioner Harvey moved to approve Resolution 58-2025 reappointing Andrew Stark and Michael Myra Board of the Powder Mountain Water and Sewer District; Chair Bolos seconded.
Roll Call Vote: Chair Bolos – aye; Commissioner Froerer – aye; Commissioner Harvey - aye

3. **APPROVE RESOLUTION 59-2025 APPOINTING A TRUSTEE TO THE BOARD OF THE TAYLOR WEST WEBER PARK DISTRICT.**

Shelly Halacy (Commission Office): Three vacancies exist on this board. It is proposed to reappoint James Peterson and David B Hobbs. The remaining vacancy will be noticed next week.

Commissioner Harvey moved to approve Resolution 59-2025 appointing James Peterson and David B Hobbs to the Board of the Taylor West Weber Park District; Chair Bolos seconded.
Roll Call Vote: Chair Bolos – aye; Commissioner Froerer – aye; Commissioner Harvey - aye

4. **APPROVE RESOLUTION 60-2025 AMENDING THE WESTERN WEBER GENERAL PLAN TO INCLUDE WATER CONSERVATION GOALS AND ACTIONS REQUIRED BY STATE LAW 17-79-403.**

Felix Lleverino (Planning): This a General Plan amendment to bring it compliance with state code. Action items are being added to the section for water conservation.

Commissioner Harvey moved to approve Resolution 60-2025 amend the Western Weber General Plan to include water conservation goals and actions required by State Law 17-79-403; Chair Bolos seconded.
Roll Call Vote: Chair Bolos – aye; Commissioner Froerer – aye; Commissioner Harvey - aye

5. **APPROVE SETTING THE FIRST PUBLIC HEARING DATE FOR DECEMBER 16, 2026 TO CONSIDER POTENTIAL PROJECTS FOR WHICH FUNDING MAY BE APPLIED FOR UNDER CDBG PROGRAM 2016.**

Chad Meyerhoffer (Engineering): Propose to set the public hearing date for December 16, 2025.

Commissioner Harvey moved to approve setting the first public hearing date for December 16, 2026 to consider potential projects for which funding may be applied for under CDBG program 2016; Chair Bolos seconded.
Chair Bolos – aye; Commissioner Froerer – aye; Commissioner Harvey - aye

6. **APPROVE A CONTRACT WITH PROMONTORY COMMERCE CENTER PUBLIC INFRASTRUCTURE DISTRICT NO. 1, SUPPLEMENTING ANTICIPATED EXCAVATION PERMITS FOR A SEWER LIFT STATION AND RELATED IMPROVEMENTS.**

Chad Meyerhoffer (Engineering): Looking to run a new sewer line running from 4100 West to 4700 West then south to 12th Street and then all the way to 5900 West. This is a gravity fed line and a pressure line with lift station. Our excavation Ordinance requires restoration within 72 hours. The amount of work involved will not make that possible so we are proposing to amend that portion with restoring to a hard surface by June 30th, 2026. Last, there is a bond associated with this via ARPA funds.

Commissioner Froerer: Will they be able to complete this project before the end of 2026?

Mr. Meyerhoffer: I think they will complete a large portion of it and spend the ARPA dollars by then. This is a large project so they will probably have some work going on after that deadline. But they can easily spend those funds before the deadline.

Commissioner Harvey moved to approve a contract with Promontory Commerce Center Public Infrastructure District No. 1, supplementing anticipated excavation permits for a sewer lift station and related improvements; Chair Bolos seconded.
Chair Bolos – aye; Commissioner Froerer – aye; Commissioner Harvey - aye

H. PUBLIC HEARING:

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

Commissioner Harvey moved to adjourn the public meeting and convene public hearing, 10:32 a.m.; Chair Bolos seconded.
Chair Bolos – aye; Commissioner Froerer – aye; Commissioner Harvey – aye

2. Public Hearing for discussion and/or action on Ordinance 2025-28 and development agreement regarding a request from Ogden City to preserve and enable the transfer of development rights from approximately 24 acres of land located in the CVR-1 zone at approximately 800 North 5900 East, in the unincorporated Ogden Valley.

Charlie Ewert (Planning): There is a development agreement request down to the end of Stringtown Rd where there wellheads are located. Ogden picked up the property a few years back intending to transfer rights from this property to property in the Valley area. These 24 acres are zoned as CBR1 zones and could be maximized to 21 units per acre. They are asking not to do development but to transfer or sell those rights to other developers. Based on prior conversations, you would not want to tell Ogden City what to do but rather invite them to the conversation. But you are comfortable transferring rights to unincorporated DRR1 zones. The Development Agreement has been updated accordingly and they are now asking for your approval.

Commissioner Harvey: At 21 units per acre that's 504 TDRs. During work session we talked about another number of TDRs.

Mr Ewert: Yes, it was 521. The way the math works out in the Development Agreement is based off of square footage and leads to 521.

Commissioner Froerer: It was agreed in prior meetings that the TDRs need to remain in unincorporated Weber County as to not impact the new city.

Mr. Ewert: That is correct.

Commissioner Froerer: In the interest of full disclosure, this property was owned by our family in the 1960s and was sold in approximately late 1960s/early 1970s.

3. Public Comment:
 - a. Melanie Dahlin, 28979 N Abbeyon Drive, Eden, UT: Expressed opposition to the rezone request involving Mr. Maybe's properties, citing concerns about the lack of a detailed development plan, flood plain issues, and incompatibility with the rural character of the neighborhood
 - b. Jim Bird, Ogden Valley: We are less than a month from incorporating as our own city. The responsible approach is caution not acceleration. Senate Bill 322 in 2025, would have locked in pre-incorporation zoning for one year. The legislature rejected that bill. The state declined to adopt a policy constraining a newly formed municipality's authority. At the same time, Utah Code 17-27A-504 gives the County a lawful, well established tool, a temporary land use regulation when a compelling, countervailing public interest exists. Ensuring an orderly, legitimate transition of land use authority to a soon-to-be incorporated city is such an interest. I respectfully urge you to postpone approval of these items and allow Ogden Valley City to begin with the ability to govern its own land use future.
 - c. Jan Fullmer, Eden, UT: The Ogden Valley Planning Commission already rejected this proposal. There is a dichotomy here. In 2017, the city of Ogden realized they had to do something to protect their water. The wells are underneath this parcel in question. Ergo, nothing could be built there as there are no development rights. Property across the street zoned as agriculture was purchased and the owner was told he could not develop there due to being too close to the wells. Also, we really do not have a formal TDR Ordinance in place. If you are adamant about approving these 521 TDRs, will you please consider not allowing them to go to the Form-Based Zone within the boundaries of the new city. Rarely, if once, have I found this in western Weber County.
 - i. Commissioner Froerer: The Development Agreement precludes anything from going to Form-Based Zone.
4. Public Hearing for discussion and/or action on Ordinance 2025-29 to rezone approximately 28.65 acres of property located at approximately 3767 E 4100 N in the unincorporated Ogden Valley from the Agricultural AV-3 zone to the Agricultural A-1 zone.

Charlie Ewert (Planning): There is a property owner in the Liberty area that wants to change from A3 to A1 zone. A3 is 3 acres minimum lot size and A1 is 40k square feet minimum or about an acre. There are half acre lots in a cluster development across the street and one acre lots to the east. And there is a subdivision to the south with 1.5 to 2.5 acre lots. The developer's concept plan is almost a mirror image to a neighboring subdivision. The Ogden Valley Planning Commission recommended denial of this application.

Commissioner Barber was not against letting the new city make a decision on this in lieu of the County. My original recommendation was to deny based on the increase of rights. The Commission has three options:

1. Approve the rezone as requested
2. Approving this would result in an upzone and increased development rights. The Ogden Valley General Plan states we will do everything we can to not increase the net overall development potential that existing zoning has. In this case, the upzoning would be probably be supportable if the developer transfers rights to other developments. One opportunity for betterment is community pathways. The county has in its long term plans to build a ten foot wide paved pathway east along the power line corridor at the Wolf Creek development. It would be great if the developer took the bull by the horns and worked with Rocky Mountain Power to put in the first leg of that pathway and stubbed into their development. Then in the future the new city could look at using impact fees to finish building the project.
3. Deny the request and ask the applicant to work with the new city.

5. Public Comment:

- a. Jeanie Wendell, Liberty, UT: I live on a dead end street of 16 homes and we live at the bottom of this proposed area. We are monitoring our wells weekly to gather data before a new 2000 foot well is used to see if it impacts our water supply. The developer wants to use smaller lots before we know whether the underground aquifer will recharge itself. I would ask that you not consider this at all.
- b. Jan Fullmer, Eden, UT: We have issues in Ogden Valley with water and sewage. Having homes there under three acres was not allowed by Weber-Morgan Health Department. In the late 1990s they said no more homes with a well and septic system on one acre. The minimum is three acres with the possibility of increasing to five or six acres. While the County is looking into feasibility of pumping sewage out of the area, that still leaves the issue of water. Hopefully, someday down the road the water and sewage issues will be addressed. But please let that be planned by the new city.
- c. Earl Snider, 4100 North (south end): One of the most important staples of the Ogden Valley General Plan is the guidance that zoning density increases should not occur unless it substantially advances another provision of the plan. This principle appears repeatedly woven through the land use chapter rural chapter policies in the community's long view of growth and management. Further, it directs the existing densities towards village areas. This helps the community guide growth rather than allowing rural spiral into agricultural or undeveloped lands. The General Plan is explicit that increases in residential density outside of the village areas should occur only through TDRs. The rezoning from AV3 to A1 creates additional residency residential potential without increasing the rural character elsewhere in the valley. The proposal does not include clustering, open space preservation, or rural land protections recommended by the Plan. The Ogden Valley General Plan has a strong recommendation against increasing density unless doing so advances other plan goals in a substantial way. Applying this recommendation, the proposed rezone is found to be inconsistent with the General Plan. Based on the application of the decision criteria the section 102-5 and the General Plans directives for growth and density, the staff cannot make a positive finding that this rezone is consistent with land use policy for the Ogden Valley. That's the summary from the proposal prepared by your own Planning Commission. One of the things they haven't taken into effect yet is the new well for Nordic Valley. The exclusion zone will extend into the proposed changes. How many of the 21 lots will be excluded because they will be in the exclusion zone for the County? Water is always an issue, always will be until it's proven otherwise. So, my recommendation would be to deny it at this point because there are just too many unknown variables and it does not fit into the Ogden Valley master plan.

6. Public Hearing for discussion and/or action on Ordinance 2025-30 and development agreement rezoning approximately six acres from the FV-3 zone to the FB zone in the unincorporated Weber County area known as Nordic Valley, for the creation of a six-lot subdivision.

Charlie Ewert (Planning): The Ogden Valley Planning Commission recommended denial due to a number of findings in the proposal. The property sits in the Street Regulating Plan area for Nordic Valley. The Street Regulating Plan recommends small lot residential specifically for this area. Small lot residential allows for up to four dwelling units per lot. The applicant only wants single family dwellings. The applicant has reconfigured the proposal to six lots from ten with the smallest being 0.95 of an acre. The developer is proposing to add a private street with turnaround, which satisfies a Street Regulating Plan requirement to have a street there. That street would allow frontage and access to all six lots. This is a rezone and not a development agreement. Adjacent zoning is FV3 on three sides and Form-Based across the street.

7. Public Comment:

- a. Jan Fullmer, Eden, UT: The Form-Based Zone has been used extensively throughout the Valley and it defies logic for the Valley. I wish we had the opportunity to zone like western Weber with single family and multi-family without Form-based zoning that could allow for changes in the future.
- b. David Zorn, Nordic area, adjacent to proposed property: If you look at all the surrounding properties to the Nordic development, none of us have looked at rezoning. If a decision is made before the new city is in place, we would pretty much be denied the same consideration if we wanted to seek rezoning to the same designation. My hope would be you follow the Planning Commission and deny this allowing the new city to make that determination.
- c. Jane Owens, 2834 Nordic Valley Rd: I respect Commissioner Bolos' comment on not repeating what was already sent in email. I would hope this would be captured in the minutes whether you walked the area in question or not. Are we opening ourselves up in the area for further high density if we approve this?
 - i. Commissioners Froerer and Harvey confirmed they visited the area in question.
- d. Christopher Vosbough, 2834 Nordic Valley Rd: There are only two water hookups currently. Where are the additional hookups coming from?

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

Commissioner Harvey moved to adjourn the public hearings and reconvene public meeting, 11:18 am; Commissioner Froerer seconded.
Chair Bolos – aye; Commissioner Froerer – aye; Commissioner Harvey – aye

9. Action on public hearing:

H2: Approval of Ordinance 2025-28 and development agreement regarding a request from Ogden City to preserve and enable the transfer of development rights from approximately 24 acres of land located in the CVR-1 zone at approximately 800 North 5900 East, in the unincorporated Ogden Valley.

Commissioner Froerer: Just to clarify, under the Development Agreement the TDRs. If they are allowed, would have to be transferred to unincorporated Ogden Valley which basically would be the two ski resorts, Powder Mountain and Snow Basin.

Commissioner Harvey: Mr. Crockett, could you speak to the question regarding the legality of whether this body can or should make a decision here?

Mr. Crockett: The way I read the code and the way I view the current position we are in the incorporation process and the recent litigation we have been involved in, the County retains its full jurisdictional authority to render decisions on land use as the new City does not exist yet. The Commission has three options: agree and approve, deny, or enter a temporary moratorium on land use decisions. If you decide on the temporary moratorium, you would do a denial of this particular action.

Commissioner Harvey: Nine years ago, leaders of the GEM group came to my office and begged me to pass the Ordinance that would take density off the mountains and put density on the Valley floor. This item was part of that original approval.

Commissioner Froerer: I have struggled with this for the past several years. In my mind this comes down to one factor, did they have rights? Understanding very clearly, this is a very difficult parcel to develop. That

being said, I do not think it's my right to say that somebody couldn't come and develop this parcel or until that's been pursued water rights and TDRs be taken away based upon the parcel being difficult to develop. I think at this point in time with the motion with the development agreement in place that this does not in any way impact the new city, which is always the top of our mind. It comes down to a finance or business decision between Ogden City and the two resorts. What value the TDRs may have, I don't know. With what I understand with the development rights currently existing in both those areas, probably very little value. But it does give the opportunity to Ogden city to recoup possibly some of the money that they put into supplying a very important water source to Ogden city residents. So, I think we need to recognize that and that then becomes a business decision in terms of what those property development rights TDRs may be worth.

Commissioner Harvey moved to approve Ordinance 2025-28 and development agreement regarding a request from Ogden City to preserve and enable the transfer of development rights from approximately 24 acres of land located in the CVR-1 zone at approximately 800 North 5900 East, in the unincorporated Ogden Valley Zone, as long as it is only within the unincorporated areas of Weber County and not within the new city limits; Commissioner Bolos seconded.

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

H4: Approval of Ordinance to rezone approximately 28.65 acres of property located at approximately 3767 E 4100 N in the unincorporated Ogden Valley from the Agricultural AV-3 zone to the Agricultural A-1 zone.

Commissioner Bolos: I read the Planning Commission's 5-2 vote to deny. Can you tell me if this complies with the General Plan?

Mr. Ewert: Yes, in my opinion, if there are transferable development rights (TDRs), yes I would have recommended approval based on compliance with the General Plan.

Commissioner Harvey: Mr. Ewert offered three options to the Commission. The second option was transferring development rights from within the Valley floor and transfer to move them to that area. I like that idea. I also liked the idea of connectivity and pathways in all decisions we make. Mr Snider mentioned sewer and septic. I would like to see an interconnected sewer system joined with one of the many existing districts up there. I would probably want to hold this to discuss that option further.

Commissioner Froerer: I support holding this item. I have never been in favor of increasing development rights but I have been in favor of protecting development rights. Also, there have been comments about water and sewer in this item and H2. Weber County does not approve water or sewer decisions. That obligation belongs with the developer to show Weber County they have enough water. Water is owned by the State and retails through a retail water supplier in Ogden Valley. And developers go through Weber-Morgan Health for sewer decisions. Water and sewer are not County functions.

Commissioner Harvey moved to hold this item until time certain next week; Chair Bolos seconded. Chair Bolos – aye; Commissioner Froerer – aye; Commissioner Harvey – aye

H6: Approval of Ordinance and development agreement rezoning approximately six acres from the FV-3 zone to the FB zone in the unincorporated Weber County area known as Nordic Valley, for the creation of a six-lot subdivision.

Commissioner Froerer moved to hold this item until time certain next week; Chair Harvey seconded. Chair Bolos – aye; Commissioner Froerer – aye; Commissioner Harvey – aye

I. ADJOURN

Commissioner Harvey moved to adjourn at 11:36 am; Commissioner Froerer seconded
Chair Bolos – aye; Commissioner Froerer – aye; Commissioner Harvey – aye

Attest:

Gage Froerer, Vice Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor