

**WEBER FIRE DISTRICT
BOARD OF TRUSTEES
RESOLUTION NO. 43-2026**

**A RESOLUTION APPROVING THE POWDER MOUNTAIN COMMON BOUNDARY
ADJUSTMENT WITH CACHE COUNTY FIRE PROTECTION DISTRICT UNDER UTAH
CODE SECTION 17B-1-417; PROVIDING FOR THE CONSENT EXCEPTION TO
NOTICE AND PUBLIC HEARING; AUTHORIZING REQUIRED FILINGS AND
RECORDING; AND PROVIDING FOR RELATED MATTERS.**

SECTION 1. RECITALS

- WHEREAS**, Weber Fire District (the “District”) is a special district organized under Utah law and authorized to provide fire protection, emergency medical, and related services within its lawful boundaries; and
- WHEREAS**, the District and Cache County Fire Protection District share a common boundary and provide the same fire protection and emergency services on the same retail basis, as required by Utah Code Section 17B-1-417(2); and
- WHEREAS**, the District adopted Resolution 31-2026 on August 11, 2026, declaring its intent to adjust that common boundary regarding property associated with Powder Mountain, and Resolution 38-2026 on September 8, 2026, reaffirming that intent and addressing the corrected description of the affected area; and
- WHEREAS**, the property associated with Powder Mountain that has been proposed to be removed from Cache County Fire Protection District and included within Weber Fire District is described in **Exhibit A** both by legal description and an area map, and incorporated herein as the “Affected Area”; and
- WHEREAS**, the Cache County Fire Protection District adopted Resolution 2026-01, which was a boundary adjustment intent resolution addressing the Affected Area; and
- WHEREAS**, Utah Code Section 17B-1-417(3)(d) provides an exception and eliminates the required specified boundary-adjustment public hearing and notice requirements of both districts when the required signed, written property-owner and registered-voter consents have been filed with each district board; and
- WHEREAS**, the District has received parcel and ownership records of the Affected Area with the property owners’ signed consents of the boundary adjustment, see **Exhibit B**; and an August 3, 2026 memorandum from Cache County Clerk Bryson Behm addressing that there are no registered voters who have residency in the Affected Area based on records available as of July 30, 2026, see **Exhibit C**; and
- WHEREAS**, based upon both the property owners’ signed consent and no registered voters in the Affected Area, the District is not required to hold a public hearing on this boundary adjustment; and
- WHEREAS**, the District Board of Directors finds that the boundary adjustment will clarify service responsibility and support coordinated fire protection and emergency medical services for the Affected Area, and desires that the annexation become legally effective.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF WEBER FIRE DISTRICT AS FOLLOWS:

SECTION 2. The foregoing recitals are fully incorporated herein.

SECTION 3. CONSENT AND PROCEDURAL FINDINGS

The Board of Trustees of the District finds that it has obtained signed, written consents to the boundary adjustment from the owners of 100% of the private real property within the Affected Area, attached as **Exhibit B**. The District Clerk shall ensure that those consents are retained with the official boundary-adjustment records.

The Board finds that it has received the August 3, 2026, memorandum from Cache County Clerk Bryson Behm addressing voter residency within the Powder Mountain area, attached as **Exhibit C**. Before reliance on the consent exception, District legal counsel is directed to verify that the county-clerk documentation covers the exact Affected Area and establishes the registered-voter consent requirement under Utah Code Section 17B-1-417(3)(d)(ii), including the number of votes cast there for governor at the last regular general election.

The Affected Area is identified by the overall boundary description and local entity boundary plat attached as **Exhibit A**. Staff and legal counsel are directed to confirm that **Exhibit A** contains the corrected description referenced in Resolution 38-2026 and matches the area approved by both districts. The final plat approvals shall be completed before submission to the Lieutenant Governor.

Upon filing of all required signed consents and verification of the voter-consent requirement, the Board finds that Utah Code Section 17B-1-417(3)(d) applies. The boundary-adjustment public hearing otherwise required at least 60 days after the declaration of intent to adjust a common boundary, and the notice requirements specified in that subsection, are therefore not required. The Board's adoption of this Resolution remains subject to applicable public-meeting requirements. If legal counsel determines that the consent exception has not been established, final approval shall return to the Board after the required notice and hearing.

SECTION 4. FINAL APPROVAL OF BOUNDARY ADJUSTMENT

Pursuant to Utah Code Section 17B-1-417(4), the Board approves adjustment of the common boundary so that the Affected Area described in Exhibit A is withdrawn from Cache County Fire Protection District and annexed into Weber Fire District. This approval applies only to the Affected Area. It does not alter any county boundary or the boundaries of any other special district.

Under Utah Code Section 17B-1-417(5), this approval does not take effect until the board of each affected district has adopted its final approving resolution. The legal annexation and withdrawal occur upon issuance of the Lieutenant Governor's certificate as proposed in Section 5 of this Resolution.

SECTION 5. FILING AND RECORDING

The District Fire Chief or the Fire Chief's authorized designee, the District Clerk, and District legal counsel are authorized and directed to coordinate with Cache County Fire Protection District, the affected county offices, a licensed surveyor, and the Office of the Lieutenant Governor to complete the common boundary adjustment.

Within 30 days after the final approving resolutions take effect under Utah Code Section 17B-1-417(5), the District shall file with the Lieutenant Governor the required notice of impending boundary action meeting Section 67-1a-6.5(3) and a copy of the approved final local entity plat, as required by Section 17B-1-417(6)(a).

Upon issuance of the certificate, the District shall submit the original notice, certificate, and approved final local entity plat, together with certified copies of both districts' final resolutions, to the Cache County Recorder since the entire Affected Area is in Cache County.

The District Clerk shall retain the ownership verification, consents, voter and election-count verification, and supporting records with the official proceedings. Staff is directed and authorized to

correct clerical errors; any material changes in the Affected Area or approved terms require further Board action.

SECTION 6. EFFECTIVE DATE OF ANNEXATION

The Board designates December 31, 2026, as the requested effective date of the annexation into Weber Fire District and withdrawal from the Cache County Fire Protection District. Staff and legal counsel are directed to coordinate with the Cache County Fire Protection District and the Office of the Lieutenant Governor to request issuance of the certificate of boundary adjustment on December 31, 2026, while meeting the filing deadline in Section 4 of this Resolution.

Under Utah Code Section 17B-1-417(7)(a), issuance of the certificate establishes the legal annexation and withdrawal date. If issuance on December 31, 2026 cannot be arranged, staff shall promptly report the issue to the Board. The actual certificate issuance date governs.

The effective date for assessing property is governed separately by Utah Code Section 59-2-305.5. Taxes, assessments, and service fees remain subject to the recording requirements and applicable exceptions in Section 17B-1-417(7)(b).

SECTION 7. REPEALER OF CONFLICTING ENACTMENTS

Prior orders and resolutions addressing the matters enacted herein are repealed only to the extent they conflict with this Resolution.

SECTION 8. PRIOR RESOLUTIONS

Resolutions 31-2026 and 38-2026, and other prior resolutions, are reaffirmed to the extent consistent with this final approval.

SECTION 9. SAVINGS CLAUSE

If any provision of this Resolution shall be held or deemed to be, or shall in fact be, invalid, inoperative, or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative, or unenforceable to any extent whatever, this Resolution and the provisions of this Resolution being deemed to be the separate, independent, and severable act of the Board of Trustees of Weber Fire District.

SECTION 10. EFFECTIVE DATE OF RESOLUTION

This Resolution is adopted on October 13, 2026, subject to any publication or posting required by law. Under Utah Code Section 17B-1-417(5), the final boundary-adjustment approval does not take effect until both affected district boards have adopted their approving resolutions. The requested December 31, 2026, annexation date and the statutory certificate requirement are addressed in Section 5 of this Resolution.

PASSED AND ADOPTED by the Board of Trustees of Weber Fire District this 13th day of October, 2026.

WEBER FIRE DISTRICT

Kevin Ward, Chair

ATTEST:

Jolene Whipple, Interim Board Clerk



POWDER MOUNTAIN
LOCAL ENTITY BOUNDARY PLAT
WEBER & CACHE COUNTY

LOCATED IN SECTION 1, TOWNSHIP 7 NORTH, RANGE 1 EAST; SECTIONS 35 &
36, TOWNSHIP 8 NORTH, RANGE 1 EAST; SECTIONS 4, 5 & 6, TOWNSHIP 7
NORTH, RANGE 2 EAST; SECTIONS 17, 18, 19, 20, 22, 27, 28, 29, 30, 31, 32 &
33, TOWNSHIP 8 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN,
CACHE COUNTY, UTAH
AUGUST 2006

SURVEYOR'S CERTIFICATE

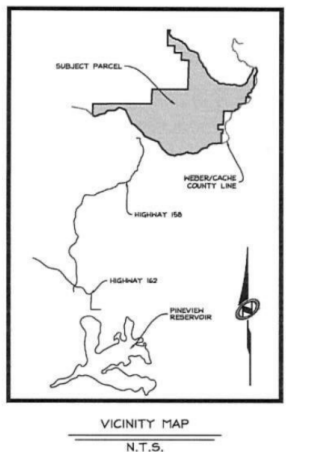
I, NATHAN CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR AND HOLD A LICENSE IN THE STATE OF UTAH IN ACCORDANCE WITH TITLE 55, CHAPTER 2, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS ACT, AND THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 71-73-504 AND HAVE VERIFIED ALL MEASUREMENTS AND HAVE PLACED THE REQUIRED CORNER MARKS THEREON. I REFERENCED THE FOLLOWING RECORDS IN THE COURSE OF MY SURVEY: ORDINANCE HCO 106-1-B(5)(2), AND THAT THIS PLAT, **POUNDER MOUNTAIN LOCAL ENTITY BOUNDARY PLAT - NUMBER 8** CACHIE COUNTY, IN CACHIE COUNTY, UTAH, HAS BEEN DRAWN CORRECTLY TO THE DESIGNATED SCALE AND IS A TRUE AND CORRECT REPRESENTATION OF THE HEREIN DESCRIBED LANDS, BASED UPON DATA COMPILED FROM RECORDS IN THE CACHIE COUNTY RECORDER'S OFFICE AND FROM SAID SURVEY MADE ON THE GROUND.

NATHAN CHRISTENSEN
PROFESSIONAL LAND SURVEYOR
UTAH CERTIFICATE NO. 10175999



SURVEYOR'S NARRATIVE

1. THIS LOCAL ENTITY PLAT HAS BEEN PREPARED AT THE REQUEST OF POWDER MOUNTAIN. THE PURPOSE OF THIS SURVEY IS TO DEFINE AND IDENTIFY POWDER MOUNTAIN PROPERTIES LOCATED WITHIN CACHE COUNTY AND TO PREPARE A LOCAL ENTITY PLAT DOCUMENTING FINDINGS OF SURVEY.
2. BASIS OF BEARING FOR THIS DESCRIPTION IS NORTH 045°30' WEST ALONG THE LINE BETWEEN THE NORTH EAST CORNER OF SECTION 1, TOWNSHIP 1 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN AND THE MONUMENT AT THE INTERSECTION OF THE HEBBER/CACHE COUNTY LINE.



OVERALL BOUNDARY DESCRIPTION

LOCATED IN SECTION 1, TOWNSHIP 7 NORTH, RANGE 1 EAST; SECTIONS 35 & 36, TOWNSHIP 8 NORTH, RANGE 1 EAST; SECTIONS 4, 5 & 6, TOWNSHIP 7 NORTH, RANGE 2 EAST; SECTIONS 17, 18, 19, 20, 22, 27, 28, 29, 30, 31, 32 & 33, TOWNSHIP 8 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

[illegible]

DESCRIPTION CONTAINS 5,216.346 ACRES, MORE OR LESS.

REPRESENTATIVE

SMHG LANDCO LLC
3923 N WOLF CREEK DR.,
EDEN, UT 84310

CAGIE COUNTY FIRE DISTRICT APPROVAL

THIS PLAT HAS BEEN REVIEWED AND APPROVED BY THE
CACHE COUNTY FIRE DISTRICT.
SIGNED THIS _____ DAY OF _____, 20____.

FIRE FIGHTING

HENDER COUNTY FIRE DISTRICT APPROVAL

THIS PLAT HAS BEEN REVIEWED AND APPROVED BY THE
HEBER COUNTY FIRE DISTRICT,
SIGNED THIS _____ DAY OF _____, 20____.

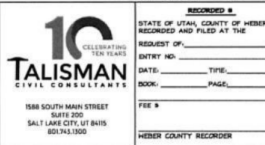
FIRE 15024

CACHE COUNTY SURVEYOR

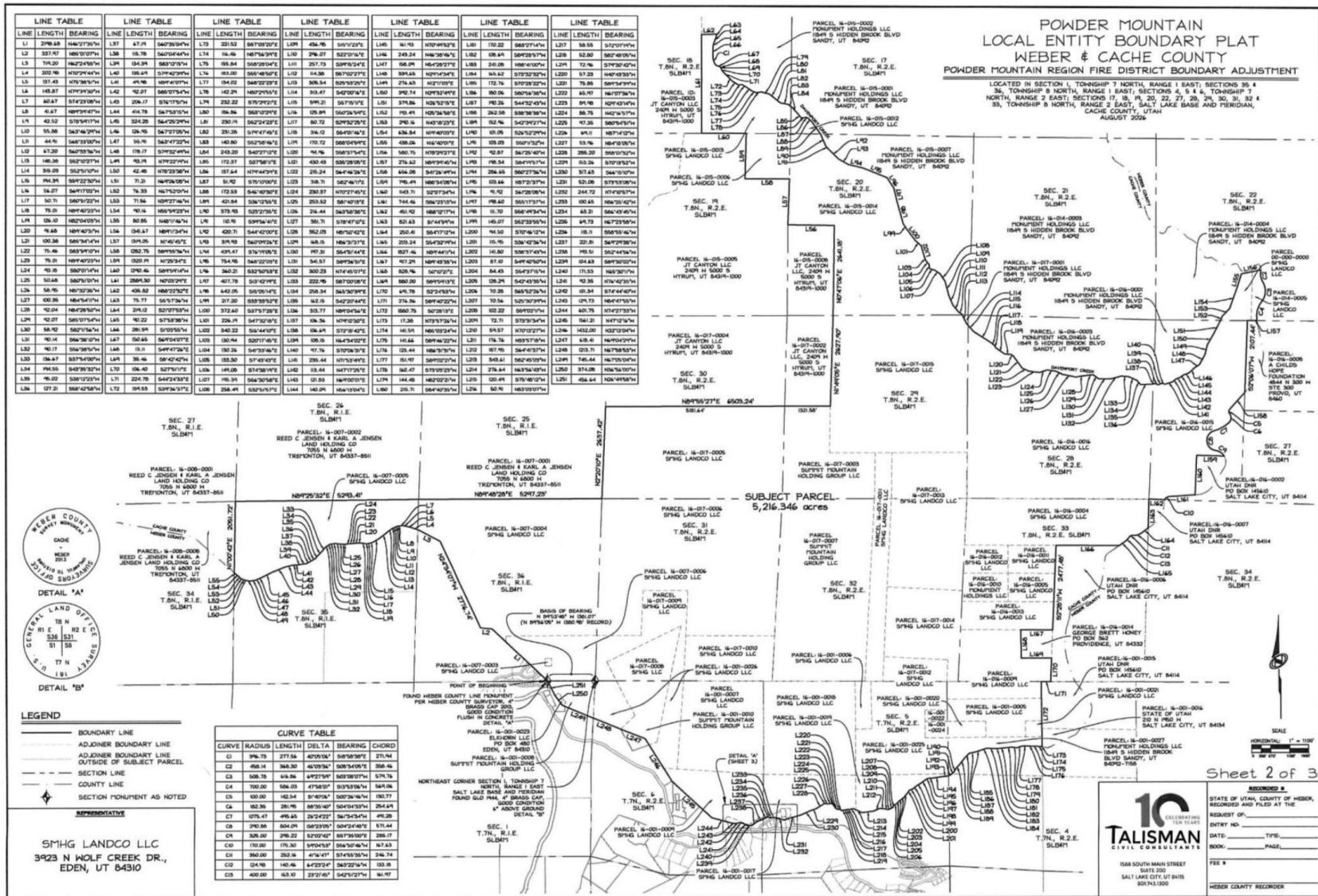
I HEREBY CERTIFY THAT THE CACHE COUNTY SURVEYOR'S OFFICE HAS REVIEWED THIS PLAT AND ALL CONDITIONS FOR APPROVAL BY THIS OFFICE HAVE BEEN SATISFIED. THE APPROVAL OF THIS PLAT BY THE CACHE COUNTY SURVEYOR DOES NOT RELIEVE THE LICENSED LAND SURVEYOR EXECUTED THIS PLAT FROM THE RESPONSIBILITIES AND/OR LIABILITIES ASSOCIATED THEREWITH.

SIGNED THIS _____ DAY OF _____, 20____

COUNTY SURVEY

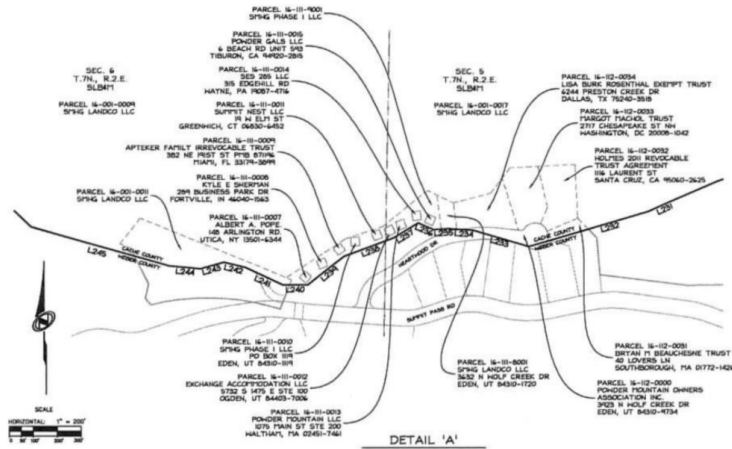


Sheet 1 of 3



**POWDER MOUNTAIN
LOCAL ENTITY BOUNDARY PLAT
WEBER & CACHE COUNTY
POWDER MOUNTAIN REGION FIRE DISTRICT BOUNDARY ADJUSTMENT**

LOCATED IN SECTION 1, TOWNSHIP 7 NORTH, RANGE 1 EAST, SECTIONS 35 &
36, TOWNSHIP 8 NORTH, RANGE 1 EAST, SECTIONS 4, 5 & 6, TOWNSHIP 7
NORTH, RANGE 2 EAST, SECTIONS 17, 18, 19, 20, 22, 27, 28, 29, 30, 31, 32 &
33, TOWNSHIP 8 NORTH, RANGE 2 EAST, SALT LAKE BASIN AND PIEDMONT,
CACHE COUNTY, UTAH
AUGUST 2024



REPRESENTATIVE

SMHG LANDCO LLC
3923 N WOLF CREEK DR.,
EDEN, UT 84310

Sheet 3 of 3

10 CELEBRATING TALISMAN CIVIL CONSULTANTS 1888 SOUTH MAIN STREET SUITE 200 SALT LAKE CITY, UT 84119 801.743.1000	RECORDED # STATE OF UTAH, COUNTY OF WEBER, RECORDED AND FILED AT THE REQUEST OF _____ ENTRY NO. _____ DATE: _____ TIME: _____ BOOK: _____ PAGE: _____ FEE \$ _____ WEBER COUNTY RECORDER
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