

Minutes of the Regular Meeting of the Ogden Valley Planning Commission for March 26, 2024, 5:00 p.m. To join the meeting, please navigate to the following weblink at <https://webercountyutah.zoom.us/j/84970613744>, the time of the meeting, commencing at 5:00 p.m.

**Ogden Valley Planning Commissioners Present:** Dayson Johnson (Chair), Jeff Burton (Vice Chair), Jeff Barber, Dayson Johnson, Joe Paustenbaugh, Mark Schweppe, Trevor Shuman and Janet Wampler (via Zoom).

**Absent/Excused:**

**Staff Present:** Rick Grover, Planning Director; Charlie Ewert, Planner; Felix Lleverino, Planner; Tammy Aydelotte, Planner; Bill Cobabe, Planner; Courtlan Erickson, Legal Counsel; Marta Borchert, Office Specialist.

- **Pledge of Allegiance**
- **Roll Call**

Chair Johnson conducted roll call and indicated all Commissioners were present, with Commissioner Wampler participating via electronic means.

**1. Discussion: Vice Chair, Commissioner Jeff Burton was voted in as Vice Chair August 2, 2022.**

Legal Counsel Erickson reported that during the February 27, 2024 meeting, the Commission voted to allow Commissioner Burton to continue as Vice Chair so long as he is eligible according to the Commissions Rules of Order and Procedure, which indicate a member of the Commission can only serve in a leadership position for two years. He noted staff found that Vice Chair Burton was voted in as the Vice Chair in August of 2022, so the two-year term limit technically permits him to serve until August of 2024. He noted Planning Director Grover has indicated it would be his recommendation that Vice Chair Burton continue to act as Vice Chair until that time. He concluded that it is an option to clarify the Rules of Order and Procedure to address mid-term leadership appointments.

**2. Minutes: February 27, 2024.**

Chair Johnson asked if there are any corrections to be made to the minutes as presented. Commissioner Wampler offered a few typographical and content corrections to the minutes. Chair Johnson declared the minutes approved as amended.

Chair Johnson then called for any conflicts of interest to be declared. No declarations were made.

**Petitions, Applications, and Public Hearings:**

**3. Legislative Items:**

**3.1 ZMA 2023-02: Public hearing for a request for approval of a development agreement between Craig Oberg and Weber County, for property located at approximately 5931 North Fork Road, Liberty, UT, allowing for the creation of a conservation easement and the reconfiguration of existing lots. Planner: Bill Cobabe**

Planner Cobabe explained the properties in question are oddly-configured and required certain adjustments to make them usable. However, the current zoning regulations would not allow for the restructuring of these lots to create new lots without the abandonment of certain rights that are currently associated with the property. In recognition of those rights, County staff offered the idea of entering into a development agreement that would allow the lots to be restructured in a way that makes more sense for current and future use and development of these properties. Further, the property owner wishes to ensure that a certain portion of the property is retained in a conservation easement, ensuring that the land will not be developed further. Mr. Cobabe presented a map to orient the Commission to the property to which the development agreement applies; he also identified several changes that have been made to the original plat map over the years and indicated there is some desire to amend the development agreement to clear up the different parcels and ensure that the associated property/development rights are preserved. He summarized the changes to proposed changes to the development agreement and concluded staff recommends that the Planning Commission approve ZDA 2023-02, based on the following findings:

1. The development agreement amendment meets the requirements outlined in the land use code.

2. The development agreement amendment outlines the mutually agreeable terms as desired by the County and the applicant.

Chair Johnson invited input from the applicant.

Craig Oberg expressed his gratitude to Planning staff for their assistance with this matter; the land subject to the development agreement has been in his wife's family for generations and her mother's wishes were to include the two acres near the river bottom in a family trust as a legacy to her husband who has passed. The family would like to place the other parcels of property into a conservation easement to preserve that area as well as the river bottom to prevent development of the area.

Vice Chair Burton inquired as to ownership of the properties in question. Mr. Oberg indicated that there are two family trusts that will own the three parcels of land; the largest parcel will be in the name of the Shaw Family Trust and the other two will be in another family trust. Vice Chair Burton asked if the proposal is to grant an easement to the Ogden Valley Land Trust for all three parcels, to which Mr. Oberg answered yes. He noted he has been talking with other family members who own parcels in the area, and he believes they are feeling encouraged to contribute additional acreage to the land trust. Vice Chair Burton asked if that means they will retain ownership of their land, but their land will also be subject to the easement held by the Ogden Valley Land Trust, to which Mr. Oberg answered yes.

Commissioner Shuman moved to open the public hearing. Commissioner Wampler seconded the motion, all voted aye.

Scott Murray stated his currently the Chair of the Ogden Valley Land Trust and he is very interested in this item and preserving open space in the Valley; his concern was that decisions were going to be made by the Ogden Valley Planning Commission and the County Commission without a full understanding of what a conservation easement does and what role the Ogden Valley Land Trust will play. He stated that the Land Trust has certain obligations to maintain conservation easements according to national standards and this is more than just an administrative matter. The Land Trust is excited about this opportunity but wants to be sure that all parties have a clear understanding of the limitations and parameters of an easement.

Commissioner Barber inquired as to the makeup of the Ogden Valley Land Trust and their purpose. Mr. Murray provided a high-level overview of the incorporation of the Land Trust and the rules they must abide by; if the Trust becomes unable to maintain easements that are granted to them, they must be transferred to another Land Trust organization that will enforce standards and regulations. The Ogden Valley Land Trust has an obligation to annually inspect easement properties to verify that the terms of the easement have not been violated. Commissioner Barber asked if the Ogden Valley Land Trust owns any land or if they just maintain easements on various parcels of land. Mr. Murray stated the Trust has owned land in the past, but prefers not to own land due to liabilities associated with land ownership. Ownership is typically retained by the previous owner, and they reap the benefits of a conservation easement located on their property given that a conservation easement typically increases a land's value. Commissioner Barber asked if a property owner can 'unwind' an action to create a conservation easement on their property, to which Mr. Murray answered no. Easements are placed on a property in perpetuity and it is important that the landowner carefully consider the implications of such an easement before proceeding with this type of action.

Commissioner Paustenbaugh asked if there are any problems associated with the subject properties being held in family trusts. Mr. Murray stated that he is concerned about the size of the property being subject to the easement; it is very small, but it will take the same amount of time to annually inspect the easement area. The Ogden Valley Land Trust typically requires landowners to provide a financial contribution to the Trust to help to cover administrative costs of maintaining the easement.

Chair Johnson invited a response from Mr. Oberg. Mr. Oberg stated that his family initiated the investigation of a conservation easement a few years ago and he understands that the land must be subdivided before the specified area can be subject to a conservation easement. He stated that after the subdivision was approved by the County, his family had planned to meet with the Ogden Valley Land Trust to request the easement. He is aware of the conditions of a conservation easement and meeting with the Ogden Valley Land Trust is one of the steps he will follow as the matter progresses. He acknowledged that the parcel is small, but it is a vital wildlife transfer area and contains a portion of the North Fork River, which would be protected by the easement.

There were no other persons appearing to be heard.

Commissioner Shuman moved to close the public hearing. Commissioner Wampler seconded the motion, all voted aye.

Vice Chair Burton asked what will happen if the Ogden Valley Land Trust does not want to accept an easement on the parcel; he wondered if it would be appropriate to condition the County’s action on the Ogden Valley Land Trust’s acceptance of the easement. Legal Counsel Erickson stated that paragraph 3.1 of the proposed development agreement states that the “County agrees to allow reduced lot development standards as long as the Property Owner dedicates a conservation easement to an appropriate third party and no additional development lots are created. All lots dedicated for conservation shall be noted as such on the plat.” He noted the Commission can ask staff to shore up that section of the agreement to identify the third party and to identify exactly what must be preserved. Vice Chair Burton asked if conservation easements are ever dedicated to the general public. Mr. Erickson stated he is not an expert on conservation easements, but he expects an easement to the general public would be challenging because there would be no clear enforcement body to monitor the easement. Vice Chair Burton asked if the property could be dedicated to the County for management of a conservation easement. Mr. Erickson indicated he is not sure that is allowed under the conservation easement law. He noted that the County needs to have an understanding of the third party that will manage the easement.

Commissioner Shuman moved to forward a positive recommendation to the County Commission regarding application ZMA 2023-02, development agreement between Craig Oberg and Weber County, for property located at approximately 5931 North Fork Road, Liberty, UT, allowing for the creation of a conservation easement and the reconfiguration of existing lots, based on the findings and subject to the conditions listed in the staff report. Commissioner Burton seconded the motion.

Mr. Erickson asked if the Commission is comfortable with any wording adjustments to the development agreement as long as those changes preserve the basic intent that has been described tonight. He noted that ultimately the agreement will be presented to the County Commission for approval, but he asked for the Planning Commission’s support of language adjustments. The Commission indicated comfort with Mr. Erickson’s suggestion.

Chair Johnson called for a vote on the motion. Commissioners Barber, Burton, Johnson, Paustenbaugh, Schweppe, Shuman, and Wampler voted aye. (Motion carried on a vote of 7-0).

**4. Public comments for items not on the agenda.**

There were no public comments.

**5. Remarks from Planning Commissioners.**

Commissioner Wampler stated that she visited the Ogden Valley Planning Commission webpage on the County’s website and found that the roster for this body is not correct; she asked that staff update the roster with newly appointed members of the Commission as well as recently elected leadership of the Commission.

**6. Planning Director Report:**

Planning Director Grover did not make a report.

**7. Remarks from Legal Counsel:**

There were no remarks from Legal Counsel.

**Meeting Adjourned: The meeting adjourned at 5:37 p.m.**

Respectfully Submitted,

*Cassie Brown*

Weber County Planning Commission