



CONSERVATION AGREEMENT

Meeting Body: Planning Commission

Meeting Date: August 13, 2026

File Number & Project Type:

Conservation Development Agreement

Staff: Claire Gillmor, Land Use Attorney

Key Findings:

- Conservation practices for 40 acres of forested land includes natural and effective fire mitigation measures.

Staff Recommendation:

Recommendation of approval to the Council

Agreement Exhibits:

- A. Forestry Plan
- B. Concept Plan
- C. Technical Manual for Silviculture Management
- D. Form of Affidavit

CONSERVATION PROJECT DESCRIPTION

The Applicant, Ryan Leick, purchased a 40-acre parcel of land located at 1475 N Pinecrest Canyon Road in Emigration Canyon (the "Property") for the development of forestry, water, and soil conservation. The Property is zoned FR-20 and subject to FCOZ and the Water Source Protection Zone. Applicant and the Utah Division of Forestry, Fire, and State Lands' ("DFFSL") prepared the Freeze Creek Property Natural Resource Assessment and Forest Activity Plan ("Forest Activity Plan") for the Property. The Forest Activity Plan establishes a ten (10) year management practices plan for forest stewardship and conservation, consistent with the Utah Forest Action Plan 2020, the United States Department of Agriculture ("USDA"), the Natural Resources Conservation Service ("NRCS") Conservation Stewardship Program, and Environmental Quality Incentive Program grants for the Property. The Forest Activity Plan includes, but is not limited to, practices for erosion control and soil stabilization, silviculture management, riparian buffers, and natural resource renewal. Applicant proposes to implement the conservation and management practices on the Property as the Property's "use" pursuant to the Forest Activity Plan. In addition, Applicant proposes non-habitable structures to be used in connection with the logistics of implementing the Forest Activity Plan, bee keeping, and the cultivation and harvest of renewable natural resources. The non-habitable structures as proposed would be classified as "agricultural" for the purposes of building permit requirements under Utah State Code and accordingly, exempt from building permit requirements. Notwithstanding, Applicant volunteered to comply with certain WUI requirements as well as institute other fire mitigation measures beyond the requirements of Title 19 of the Emigration Canyon Code.

Applicant requests a Conservation Development Agreement due to the absence of motor vehicle access to the Property. He is currently in an active dispute with adjoining property owners regarding the nature, extent, and validity of his access rights.

PUBLIC INPUT

Any comments that are received will be forwarded to the Planning Commission for review at the public hearing on August 13, 2026.

ANALYSIS AND RECOMMENDATION

Analysis of Agreement:

Conservation Development Agreement and Review Generally:

The Conservation Development Agreement is a type of development agreement authorized under Utah Code Ann. § 10-20-508 as well as recently approved in Ordinance 2026-O-07 by the Emigration Canyon City Council at the July 21, 2026, meeting. A Development Agreement is appropriate when the municipality determines it necessary or appropriate to accomplish the purpose of balancing land use regulations with a landowner's private property interests and associated statutory and constitutional protections. Development Agreements allow a use of land that applicable land use regulations governing the area subject to the Development Agreement would otherwise prohibit, provided that the City Council approves the Development Agreement in accordance with the same procedures for enacting a land use regulation under Utah Code Ann. §10-20-502, including a review and recommendation from the Planning Commission and a public hearing.

The Conservation Development Agreement sets forth the substantive material terms proposed by Developer in consultation with the City for the land use regulation of the Property. PLEASE NOTE where the Agreement indicates in red “**VERIFICATION PENDING**” at the end of a Section, the provisions of that Section are subject to one or more of the following: a) Review and approval by legal counsel; b) additional detail may be necessary or terms removed for clarification, consistency, or compliance; or c) the language may be rephrased and/or moved to another Section of the Agreement. In addition, all Sections of the Agreement are subject to modification by the City Council. Accordingly, for the purposes of review by the Planning Commission, the substantive land use terms and conditions under Sections 4 and 5 should be considered in substantially the form attached for the purposes those Sections are intended to serve and not for the purposes of the final, executable version of the Agreement.

Agreement Provisions.

The Conservation Development Agreement addresses **land use approvals only** and shall not be applied or interpreted as approval for any other requirement by an outside agency. Applicant shall be required to obtain all applicable approvals for activities under the Agreement from Unified Fire Authority, the Salt Lake County Health Department, Utah Division of Water Rights, Army Corps of Engineers, and Emigration Improvement District, as necessary, prior to conducting the activities on the Property.

The Property is currently not accessible by motor vehicle, which prevents vehicular emergency responders such as police and fire from serving the Property. Applicant does not reside on the Property and is not proposing a habitable dwelling on the Property. Therefore, the Applicant’s proposed uses for the Property do not impact the Property with the same intensity as a residential use and as result, does not require the same level of service from emergency responders that full-time residential uses demand. The provisions of the Agreement attempt to balance the impact of the proposed uses with the restricted access for emergency responders. Key criteria in the Agreement proposed to strike that balance include:

- Applicant’s waiver of vested rights for mining, logging, retail, and multi-family uses, all of which would otherwise be permitted in the FR-20 zone.
- Fire mitigation measures for structures that include WUI requirements, defensible space, water storage and associated apparatus, silviculture management, storage, and security requirements.

The Applicant's proposed Concept Plan includes structures, bridges, trails, a deck, parking, and a road to access the interior of the Property only. The Agreement limits or otherwise imposes restrictions on Applicant's grading, biochar, and solar array activities as well as requires Applicant to locate bee keeping structures at least 100' from all property lines.

Staff shall present the Concept Plan, Section 4, and Section 5 with a detailed presentation at the public hearing.

Recommendation:

Staff recommends that the Planning Commission forward a recommendation for approval of the Conservation Development Agreement to the City Council.

PLANNING COMMISSION OPTIONS:

As the recommending body to the Council, the Planning Commission has the following options:

1. **Approval:** The Planning Commission recommends approval of the Conservation Development Agreement in substantially the form presented.
2. **Approval with changes:** The Planning Commission recommends approval of the Conservation Development Agreement with the following changes:
 - a. ...
3. **Denial:** The Planning Commission does not recommend approval of the Conservation Development Agreement in substantially the form presented.