Diana Baun

From: Jaymison Petersen <jaymisonp@mac.com>
Sent: Tuesday, August 18, 2026 7:28 AM
To: dbrems@emigration.utah.gov; jhawkes@emigration.utah.gov; rpinon@emigration.utah.gov; ngriffith; charris@emigration.utah.gov; Diana Baun
Subject: NO to Leick CDA

> You don't often get email from jaymisonp@mac.com. Learn why this is important

Good morning,

I would like my email to be included as public record, please.

Let me begin by stating that I am appalled by the fact that the property up Freeze Creek is being considered for development at present.

Mr Leick wants access to the upper freeze creek well to water his non-native crops, water is such a struggle up here already & it's only getting worse. We are already fighting many types of non-native & invasive plants every spring and he now wants to introduce more?

His intended construction of roads, bridges, parking lots, agricultural buildings, biochar production, lumber mill, apiaries, solar arrays, septic tanks, and helicopter pad(s) to allow for the delivery of supplies, equipment, etc. is ridiculous! He's trying to push a road through a watershed, that has already been denied once before during the construction of Emigration Oaks. This plan does not sound like he wants to preserve, protect and be a steward of the land as implied in his agreement. It seems as if he wants to develop this into a commercial endeavor.

Adding visitors into the mix to trample all over the trails up there and leave their waste of every kind in our watershed area is extremely dangerous. The sign he has already posted regarding his Agritourism business leads me to believe that he intends to make this land very public. This all seems like such a nightmare, the more I research, the more I fear this man and his economic dreams.

He purchased a landlocked property and is now trying to bully his way into a pristine canyon to pollute and develop such a beautiful area that would've remained untouched if it weren't for him. I truly cannot believe that one man could be allowed to disrupt the basic water necessities, lives, safety, and enjoyment of so many of us living up here in Emigration Canyon. Hiking freeze creek every day brings me so much joy, I cannot imagine losing that, ever.

Please help us to prevent this from happening. Mr Leick needs to develop his family farm elsewhere and leave us in peace. Or at least leave Emigration Oaks a private, peaceful neighborhood, like it's been for decades past.

In addition, there are many parts of the agreement that seem to be very one sided, which requires the rest of us to put a lot of trust into a man we don't know. I have seen him trespassing on our private trails which leads me to believe that he has little concern for laws/regulations that don't align with his plan.

The short highlights of the plan that I disagree with

The City is being asked to give up ten years of regulatory authority over this parcel in exchange for promises the applicant can cancel at any time.

Four sections of the agreement worth knowing

7.1 The property owner can terminate the agreement at any time, for any reason, by written notice.

7.2 Improvements already built when he terminates are preserved — he keeps them.

2.3 City ordinances adopted after the agreement takes effect do not apply to the project.

2.2 Where the agreement conflicts with City law, the agreement controls.

Read together: he is bound only as long as he chooses to be. The City is bound for ten years. Every other question is downstream of Section 7.1.

The Concept Plan includes a 3,200 sq ft barn, an 800 sq ft lumber mill shed, a greenhouse, solar array, biochar kiln, bridges, roads, and roughly 40 parking spaces.

The Title 19 problem

Title 19 is the City's land use code. The City is currently revising it, and the revisions would reportedly prohibit outright several of the uses the applicant is "giving up" — commercial logging and lumber processing, mineral extraction, multi-family development.

If that's right, the City is about to obtain by ordinance — permanently, at no cost — most of what this agreement purchases at the price of a ten-year regulatory freeze.

Finish Title 19 first. Then ask whether any agreement is still needed.

The court case — get this right

Leick v. Emigration Canyon, Salt Lake City Corporation, and Emigration Oaks Property Owners Association

Case No. **250906345**, Third District Court, Judge Adam Mow. Order dated March 19, 2026.

All three defendants moved to dismiss or for judgment on the pleadings. The court granted all three motions and dismissed the complaint in its entirety.

Two things to keep straight:

- It was dismissed **without prejudice**, on procedural grounds — failure to join indispensable parties, and because the relief sought would have been an advisory opinion. **The court did not rule that he lacks access, and he can refile.** Don't overstate this; you will be corrected.
- But **no court has ever found that he does have access** — and **the City itself moved against him and won.**

The question that follows: why is the City now negotiating a development premised on access it successfully resisted having adjudicated five months ago?

Two terms you'll hear

"Runs with the land" — a promise that binds whoever owns the property next, not just the person who signed it. Recording the agreement gives notice, but notice alone may not be enough to bind a future buyer. This is contested, and it is one reason to want review by outside counsel.

"Takings" — the constitutional claim that regulation has destroyed a property's economic value. It requires that the owner actually be able to use the land economically. With no established vehicle access, that premise is considerably weaker than it has been presented. The "we'll get sued" argument is thinner than it sounds.

The process concern

At the August 13 hearing, the applicant stated in open session that this agreement is connected to a settlement he has discussed with the City, and indicated that the City wants it.

If it is in substance a **litigation settlement**, it is a Council decision to be made on the advice of counsel — not something to route through the Planning Commission as ordinary planning review. The Commission was asked to recommend on a document with **missing exhibits** (the Forest Activity Plan and Technical Manual were not in the packet) and provisions marked **"verification pending,"**while being instructed at length on what it could not consider.

The Council should state plainly whether approval of this CDA is a term of a proposed settlement.

Fire and water

Section 4.3 provides **two 275-gallon tanks — 550 gallons total** — on a parcel with no motor vehicle access, roughly half a mile above the Emigration Improvement District's Upper Freeze Creek well. That is a few minutes of a single attack line, in a wildland-urban interface.

Section 5.4 permits biochar operations three days a year under stated snowpack and wind conditions. The Marshall Fire burned **on December 30** under low snowpack.

Section 4.5's slope protections **exempt improvements shown on the Concept Plan** — precisely where the disturbance occurs.

What to ask for

1. Staff corrects the record on the access litigation and the March 19, 2026 dismissal order.
2. All exhibits are complete and publicly available.
3. Title 19 revisions are adopted first, so the Council can see what consideration actually remains.
4. Independent counsel — not involved in negotiating the agreement — reviews the vesting, termination, and successor-liability provisions.

A note on framing

The documented points above are strong on their own. Two observations for anyone writing to the Council:

- **The record does the work.** Claims that can't be sourced to the agreement, the staff report, or the court file are the easiest ones for the Council to set aside — and setting one aside makes it easier to set aside the rest.
- **Stating the dismissal precisely is stronger than overstating it.** It was procedural and without prejudice. Saying so plainly removes the obvious rebuttal and leaves the real point standing: no court has ever found he has access, and the City itself moved against him and won.

If you only get one sentence

> **Section 7.1 lets him walk away whenever he wants. What exactly is the City getting?**

I understand that you are quite busy and I appreciate and thank you for your time regarding this issue that is very important to our community.

Jaymison Petersen
6228 Brigham Fork Circle

Diana Baun

From:	Geoffrey Crockett <gcrockett@mac.com>
Sent:	Monday, August 17, 2026 6:07 PM
To:	dbrems@emigration.utah.gov; jhawkes@emigration.utah.gov; rpinon@emigration.utah.gov; ngriffith; charris@emigration.utah.gov; Diana Baun
Cc:	Jeanne Crockett
Subject:	Supplemental written comment for the public record — File OAM2026-001673 (Leick CDA) and Item 10.D, Ordinance 2026-O-09

**Note: I am not asking you to act on the CDA on 8/18/26, only to adopt the fire code before it. I also ask that this letter be entered in the public record and included in the packet for any later hearing.

Geoffrey Crockett
652 N. Pioneer Fork Road
Emigration Canyon, UT 84108
gcrockett@mac.com | 801-674-5660

August 18, 2026

Emigration Canyon City Council — Mayor David Brems, Deputy Mayor Jennifer Hawkes, Robert Pinon, Nick Griffith, Catherine Harris
cc: Diana Baun, Clerk

Re: Supplemental written comment for the public record — File OAM2026-001673, proposed Conservation Development Agreement (Leick, Parcel 10-20-400-002)

Dear Mayor Brems and Members of the Council:

This supplements my letter of August 16 and does not repeat it. The Conservation Development Agreement is not on tonight's agenda, and I am not asking the Council to act on it tonight. I write now because Item 10.D — Ordinance 2026-O-09, updating the wildland-urban-interface code — bears directly on this file, and the order in which the Council takes the two decisions matters. I again ask that this letter be entered in the public record and included in the packet for any later hearing.

Everything below comes from the Agreement, the staff report, and the Concept Plan attached as Exhibit B. Where I rely on another commenter's figure I say so and ask staff to confirm it rather than asking the Council to take it from me. I begin with a correction to my own letter.

1. A correction to my August 16 letter — and it cuts the other way.

I wrote that the Agreement would freeze the City's ordinances for ten years. That is not what the document says.

Section 3 provides that the Agreement "begins on the Effective Date and shall run with the land until terminated in accordance with Section 7." Section 7.1 allows termination on only two triggers: the Property Owner elects to terminate by written notice, or ten years pass "if the Project has not been substantially implemented or has been otherwise abandoned."

The ten-year figure is not the term of the City's obligation. It is a sunset that applies only if the applicant never builds. If he builds, the Agreement — with Section 2.2's supremacy over conflicting ordinances and Section 2.3's exemption from later ones — continues with no outside date, and Section 7.1 gives the City no right to terminate at all. "Substantially implemented" is nowhere defined. **I was wrong in the direction of understating the problem: the concession has no expiration date, and only the applicant can end it.**

2. What the City receives ends with the Agreement. What the applicant builds does not.

Section 2.1 prohibits the waived uses "for the Term of this Agreement." Section 7.2 provides that on termination, vested rights in uses established and structures built survive — including their continued use, replacement and reconstruction — and that termination "shall not require their removal."

To be fair, Section 7.2 does more than I credited: where surviving rights include structures under Sections 4.7, 5.2, 5.3 and 5.4, the fire mitigation obligations in those Sections survive too. I want the record to reflect that. But the consideration does not survive. The waivers end with the Term; the barn, mill shed, roads, parking areas and septic drain field remain; and the surviving duties would run against an owner the City must give seven days' notice to visit. Section 7.2 is itself marked "verification pending."

3. Which fire code applies, and which compliance path is the applicant taking?

I am an emergency physician, used to reading numbers that describe whether a response capacity matches a foreseeable load. Two questions here come before any number.

First, which code. Section 4.2 requires compliance with wildland-urban-interface requirements "as adopted by the City in ECC Section 9.90.025 and as determined by Unified Fire Authority." I understand from tonight's agenda that the wildland-urban-interface code has **not yet been updated** — Item 10.D is Ordinance 2026-O-09, updating it. That sequence matters more than any single number, and it is the reason I am writing before tonight's meeting rather than after.

Section 2.1 vests the Property with the regulations **"in place as of the Effective Date,"** and Section 2.3 provides that ordinances adopted after that date "shall not apply to the Project." So if the Council adopts Ordinance 2026-O-09 before any Conservation Development Agreement takes effect, the updated code is part of the vested baseline and Section 4.2 incorporates it. If the Agreement is signed first, the update becomes one of the City's "Future Laws," and whether Section 2.3.2 or 2.3.3 rescues it becomes a question for litigation rather than a matter of course. Section 2.3.3 does not name the IWUIC among the applicable codes.

I therefore ask the Council to adopt the updated wildland-urban-interface code before considering this Agreement further, and, once it is adopted, **to require staff to state on the record the water-supply and fire-apparatus-access standards it imposes on these structures, and whether the Agreement as drafted meets them.** Another commenter states that the 2024 International Wildland Urban Interface Code contemplates on the order of 180,000 gallons of available water for fire response. I do not ask the Council to take that figure from me. I ask that the applicable standard be stated by staff against the adopted ordinance.

Section 4.3 provides two 275-gallon tanks — 550 gallons — "for use during any permitted burns." Read precisely, that is not structural fire protection but the water on hand for burn days, and it should be judged as such. A 2.5-inch attack line flows 250 to 300 gallons per minute; 550 gallons is two to four minutes of one line, on a parcel with no motor vehicle access, half a mile above the Emigration Improvement District's Upper Freeze Creek well.

The context is not hypothetical. This is Utah's worst year on record for woodland wildfire; the human-caused Rocky Canyon Fire, ten miles from this parcel and photographed from Big Mountain Pass, has burned some 15,950 acres and was 77 percent contained on the evening of August 16 — ten days in, and not yet out. The 1988 Affleck Park fire burned an estimated 90 percent of the Freeze Creek drainage, and in 2007 construction of the fire station in which this Council meets ignited a wildfire on the adjoining hillsides. Section 5.4 permits biochar on days with four inches of snowpack; the Marshall Fire, the most destructive in Colorado history, burned on December 30, 2021, under low snowpack.

4. Every fire provision in the Agreement is marked "verification pending."

The draft carries that notation at ten sections — 4.2, 4.3, 4.7, 5.2, 5.4, 5.5, 5.6, 6.3, 7.2 and 7.3 — which is every operational fire-safety provision in the document, plus termination and vesting. The staff report explains such provisions remain subject to legal review, added detail, removal or relocation. Section 9 reads, in its entirety, "Reserved." **I do not believe the Council can accept fire mitigation as the consideration for this Agreement while every fire mitigation provision in it is marked unverified.**

5. The safeguards cannot be verified as written.

The structures would be exempt from building permits. Section 10.1 permits inspection only after seven days' notice and requires the Property Owner to accompany City representatives; his own dated photographs and affidavit, required no more than twice a year, are otherwise the compliance record. Section 5.3 already contemplates that the building official may approve alternatives "when on-site inspection are unnecessary or impractical." And there is no road. Section 10.1 does

permit drone inspection, which I want to credit — but the Council is being asked to accept a construction standard and an operating regime with no means of unannounced verification that either was met.

6. Exhibit A describes a different project — and is still not in the record.

Recital C states the Forest Activity Plan was prepared in 2023 by the Utah Division of Forestry, Fire, and State Lands. **This is the State's own forestry assessment**, which is why the contradiction matters. It states that commercial timbering is not feasible for lack of road access and heavy equipment; that most processing will be done by hand with small portable tools; that the owners use the land as a recreational destination; and that the amenities contemplated are equipment caches and non-permanent tents or yurts. Exhibit A was not in the Planning Commission packet and is still not in the record, though it is public through the earlier Agricultural Protection Area application.

The Concept Plan legend specifies a barn 40 by 80 feet — 3,200 square feet — and 29 feet tall; an 800-square-foot mill shed 25 feet tall; a utility shed, greenhouse, solar array, observation deck, bee houses, bridges, a septic drain field; a road 12 feet wide; and three parking areas totaling 12,400 square feet, on the order of forty vehicles at standard stall dimensions. Section 5.5 permits helicopter access once per quarter. No combination of four helicopter trips a year and hand tools delivers the materials for these structures. Either the improvements are not buildable as described, or road access is assumed; the Agreement should not be approved on both premises at once. I would add that a ten-year plan prepared in 2023 expires well before an agreement that may run indefinitely.

Two further points from the drawing. The proposed road is twelve feet wide; if the applicable WUI standard for fire-apparatus access is twenty feet with vegetation clearance, as another commenter states, the Concept Plan does not meet the code the Agreement invokes. And the "proposed access centerline" runs the length of the parcel and terminates at the southern boundary, with the 4,000-square-foot South Boundary Parking Area at that terminus. **I do not read the plan as depicting any road beyond the property line, and I do not suggest otherwise.** But a road alignment that ends at the boundary, with a parking area at its end, is drawn to meet something on the other side. No court has found the applicant has access; the City itself moved against him and prevailed; and the Court declined to issue what would have been an advisory opinion on access. The Council should not supply by contract what the Court declined to supply by declaration.

7. Water rights are a second, independent barrier.

Section 4.1 requires all approvals from the Utah Division of Water Rights and makes failure a material breach. The Forest Activity Plan states that **water rights are not yet assigned** to the Freeze Creek property, and that of three springs, two are not currently producing and one flows only seasonally. In Utah water is a property right separate from land, usable only as appropriated. Another commenter reports State Engineer records showing roughly two acre-feet in the applicant's name — old stock-watering rights potentially subject to forfeiture for nonuse — and that the Great Salt Lake drainage is fully appropriated. **I ask the Council to require staff to confirm what water rights are appurtenant to this parcel and lawfully usable for a greenhouse, silviculture, fire-suppression storage and sanitary facilities.** If there is no lawful water, the premise fails on its own terms — independent of access.

8. Authority, exposure, and precedent.

Section 11.18 has each party warrant that it is duly authorized to enter the Agreement. **Which body or officer of this City is being represented as having that authority, and when did it act?** Relatedly, Section 7.3 lets the Planning Director administratively approve "Minor Changes," including added Accessory Conservation Activities that involve no new structures — ongoing scope decisions on a parcel the City cannot readily inspect.

The Council's October 2025 minutes reflect that the City is represented in the access litigation by outside counsel through the Utah Governmental Trust. If the defense comes through the risk pool, the Council should say plainly what its actual out-of-pocket exposure is before treating cost as a reason to settle. A regulatory takings claim requires deprivation of economically viable use, and where no court has established lawful vehicular access that premise is weak. Finally, this canyon contains other landlocked parcels; if infrastructure of this scale can be authorized on one because the activities are labeled forestry, the Council should expect the request again.

Requests

I ask the Council, before taking any action on this file:

1. State on the record whether approval of this Agreement is a term of a proposed settlement.

2. Adopt Ordinance 2026-O-09 updating the wildland-urban-interface code before this Agreement is considered further, so that Sections 2.1 and 2.3 bring the updated code within the vested baseline rather than exclude it — and name the IWUIC expressly in Section 2.3.3.
3. Require staff to state which Section 4.7 alternative the applicant elects for the barn and mill shed, and who verifies compliance given the building permit exemption.
4. Require that all "verification pending" provisions be resolved, and Section 9 completed, before any vote.
5. Require staff to confirm what water rights are appurtenant to the parcel and lawfully usable.
6. Require independent engineering review of road feasibility and of the septic design, including setback from Freeze Creek and the Upper Freeze Creek well.
7. Require that Exhibits A, C and D be complete and public, and the Concept Plan reconciled with the Forest Activity Plan.
8. Identify on the record the City body or officer asserted to have authority under Section 11.18, and have the vesting, termination and Section 4.7 provisions reviewed by counsel not involved in negotiating the Agreement.
9. Once the updated code is adopted, require staff to state the water-supply and fire-apparatus-access standards applicable to these structures and whether the Agreement meets them.

I recognize the Council is in a difficult position, and that several of these questions belong to counsel rather than to residents. That is precisely why I ask for answers on the record rather than assurances. I am glad to respond in writing or by telephone at the number above.

Thank you again for your service.

Respectfully,

Geoffrey Crockett
Emigration OaksGeoffrey Crockett, MD, FACEP
8016745660

Dear Emigration Canyon Council,

Please enter this correspondence into the public record.

We are writing to express our strong disapproval of the Conservation Development Agreement with Ryan Leick that is being considered by the council at the August 18th meeting. We attended the August 13th Planning Commission Meeting and are still mystified as to why this agreement is even being proposed by the city's legal counsel. ~~counsel.~~

You are surely aware that virtually everyone in Emigration Oaks is opposed to Mr. Leick's development plans on his Freeze Creek property. Hundreds of letters in opposition have been written with regards to his application for an Agricultural Protection Area, and now for this CDA. You will certainly receive many letters criticizing the CDA in great detail. We do not wish to waste your time or ours by restating those critiques. We are frankly tired of wasting our time on Mr. Leick, a nuisance developer that has no regard for the values of the canyon or the people that reside here.

In our opinion, there is one key issue that overrides everything else, and that is the issue of road access. Everything he wishes to do on his property requires motor vehicle access, as specified by Emigration Code 19.72.080. For your information, we have attached a letter written by MSD Senior Planner, Curtis Woodward, addressed to Mr. Leick on July 29, 2025. From that letter:

> "1. No Buildings or Development without Site Access. Emigration Code 19.72.080 requires "Motor vehicle access to a building or development site shall be by road (including private access road), street, alley, or driveway." Development is defined as "any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations." (ECC 19.04.165). Also, ECC 19.72.020(B) which applies to FCOZ "includes all land disturbance activities such as grading, clearing, and excavation." Your submittal proposes disturbance related to "agricultural conservation projects, accessory structures for a permitted Agricultural use, and grading for an on-site private access road." Development is defined broadly as all disturbance activities. Your July 25, 2025, response does not adequately address legal access to the property. The Hearing Officer only found that, "the parcel is a 'lot of record'. This decision is made based on the finding that a "right-of-way" did exist at the time creation of the parcel by patent in 1888. This decision does not grant any other approval for the use or development of this "'lot of record,' including access rights." (emphasis added). Beyond finding that the parcel is a lot of record which can be used to receive a waiver by the Planning Commission for development on slopes over 30 percent, no other finding was made. Neighboring landowners have indicated that there is no right to access their property. Please provide

> evidence of motor vehicle access to the site where any development will occur. That evidence must include either a Court Order or a recorded easement. In addition, requirements related to Fire Code adherence and grading must be met. No development is permitted on the property without proof of motor vehicle access."

Why would the city waste it's time developing a CDA with Mr. Leick when he has no road access to his property? Was anyone on the city council or planning commission involved in the development of this agreement?

Everything that Mr. Leick proposes to do hinges on road access, and we believe that everything that he attempts to do, the APA, the CDA, are just ploys to achieve that end. There will most certainly be another lawsuit brought by Mr. Leick to make the roads in Emigration Oaks public and to gain an easement across ours and SLC's property. If Emigration City enters a CDA with Mr. Leick, then we are very concerned that this could be another factor that weighs in his favor.

As our attorney for the Oaks, Edwin Barnes of Clyde-Snow, has recently stated in an email:

> "We understand that the uncertainties of litigation if the CDA application is denied may be a factor that Emigration City may be weighing in deciding whether to approve it but, where Mr. Leick cannot demonstrate the right to access his land, the threats of litigation against City are demonstrably really weak. Further, the City should realize that approval of the application would not eliminate the threat of litigation, rather it would increase the likelihood of litigation, but now focused against different targets. Leick will argue that approval of his CDA application acts as governmentally recognized proof of vested rights as he shifts his focus to the fight for access across land owned by EOPOA and Salt Lake City. As a matter of policy, Emigration City should not take actions it might perceive to be an easy way to avoid a potential conflict when it knows that action will certainly be used as increased leverage in litigation against its own constituents."

There has been speculation that the reason the MSD attorney has recommended the city enter this agreement with Mr. Leick is to avoid a future appeal against the city. One must question who the attorney is really representing: the MSD, or Emigration Canyon?

We expect the city is going to encounter more land use development issues in the future, and we strongly urge that you engage highly qualified legal counsel, even if it means raising taxes. The 2002 Emigration Canyon General Plan identifies many admirable values. The first recommendation from the plan:

"Preserve and enhance the ecological features, viewsheds, wildlife corridors, and open space of Emigration Canyon for future generations."

Mr. Leick's plans to build a road in Freeze Creek and develop his property, in a prime wildlife corridor, is not in alignment with this vision.

We believe that the residents of this special canyon support the values identified in the Plan and are willing to pay to defend them.

Thank you for your consideration, and we greatly appreciate the effort you make to manage our city.

Herman Post and Carlie Christensen

6098 E Pioneer Fork Rd

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July 29, 2025

Ryan Leick
9716 S. Sitzmark Drive
Sandy, Utah 84092

Application Number: PER2021-000287
Property Address: 1475 Pinecrest Canyon Road
Parcel I.D.: 10-20-400-002-0000

Dear Mr. Leick,

This letter is regarding application number PER2021-000287 submitted on March 16, 2021, for development within the Foothills and Canyons Overlay Zone in Emigration Canyon. We received your July 25, 2025, responses to the April 16, 2025, review comments.

Having consulted with the planner working on your application as well as legal counsel for Emigration Canyon , this letter is to respond to your July 25, 2025, email and provide you with an analysis of the latest plans and information provided with the application in terms of both land use and land development regulations and to provide you with next steps.

A number of activities and structures have been illustrated on the plans and narrative documents submitted with the application since the original application. However, the activities are stated in a very generalized manner with a USDA Conservation Practice Standard (CPS) Code Number but without the specifics needed to understand the scope, location, or details of how they will be implemented on the property. I will summarize each one best I can with the information provided, along with pertinent/outstanding issues, below.

1. **No Buildings or Development without Site Access.** Emigration Code 19.72.080 requires "Motor vehicle access to a building or development site shall be by road (including private access road), street, alley, or driveway." Development is defined as "any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations." (ECC 19.04.165). Also, ECC 19.72.020(B) which applies to FCOZ "includes all land disturbance activities such as grading, clearing, and excavation." Your submittal proposes **disturbance** related to "agricultural conservation projects, accessory structures for a permitted Agricultural use, and grading for an on-site private access road." Development is defined broadly as all disturbance activities. Your July 25, 2025, response does not adequately

address legal access to the property. The Hearing Officer only found that, "the parcel is a 'lot of record'. This decision is made based on the finding that a "right-of-way" did exist at the time creation of the parcel by patent in 1888. **This decision does not grant any other approval for the use or development of this "'lot of record,' including access rights."** (emphasis added). Beyond finding that the parcel is a lot of record which can be used to receive a waiver by the Planning Commission for development on slopes over 30 percent, no other finding was made. Neighboring landowners have indicated that there is no right to access their property. **Please provide evidence of motor vehicle access to the site where any development will occur. That evidence must include either a Court Order or a recorded easement. In addition, requirements related to Fire Code adherence and grading must be met. No development is permitted on the property without proof of motor vehicle access.**

2. **Agriculture Use definition**. Under Emigration Code 19.04.020, the definition of agriculture is "the tilling of the soil, the raising of crops, horticulture and gardening but not including the keeping or raising of domestic animals or fowl, except household pets, and not including any agricultural industry or business such as fruit-packing plants, fur farms, animal hospitals or similar uses." Therefore, all activity and materials outside of personal/non-commercial tilling of the soil, raising of crops, horticulture and gardening is prohibited. The definition of Agriculture applies to the permitted use or where a use permit is not required. You responded to this definition with N/A. **Please provide information on how the proposed activities specifically meet the definition of Agriculture pursuant to 19.04.020.**

3. **Activities regulated under Chapter 9.25 – Water Source Protection.** The entire property is within Zone Two of the Drinking Water Source Protection Zones pursuant to Emigration Canyon Code (ECC) Chapter 9.25. You are required to follow the regulations for Zone Two for regulated and prohibited uses and activities. These activities include but are not limited to: Agricultural pesticide, herbicide, and fertilizer storage, use, filling, and mixing areas, Agriculture experimental station, Apiary, Forest industry; production of forest products, Greenhouse or nursery, Logging and lumber processing, Motor Vehicles: any use which involves motor vehicles: storage, maintenance, sales, car wash etc. Including boats, trailers etc. (any motorized vehicles), Petroleum refining or storage, Recreational vehicles campers, snowmobiles, etc.) use, storage, Residential pesticide, herbicide, and fertilizer storage, use, filling, and mixing areas, Septic system (gray water) and black water holding tank, Wood preservative use, storage, or disposal. (See Appendix A – Regulated Uses).

   Pursuant to ECC 9.25.100, "no building permit or other form of approval required to develop or use real property in Salt Lake County shall be issued by the planning and development services division until the SLVHD determines that the proposed development or use of real property complies with the requirements of this section." Best management practices and engineered and/or construction controls, or land management strategy to be implemented must be submitted. (See ECC 9.25.110) **Please provide approval from Salt Lake County Health Department that there is compliance with Chapter 9.25 – Water Source Protection for all activities listed above.**

4. **Development under FCOZ.** The property is subject to Chapter 19.72 Foothills and Canyons Overlay zone (FCOZ) and specifically including but not limited to 19.72.060 Slope Protection, 19.72.070 Grading Standards, 19.72.110 Tree and Vegetation Protection and 19.72.130 Stream Corridor And Wetlands Protection. All activities must meet the requirements of the Chapter. **Please submit the**

necessary plans, calculations, and other documentation necessary to establish compliance with FCOZ standards for each proposed development activity. Alternatively, you may elect to apply for FCOZ approval for each specific activity individually, or if an exception to a prohibition under FCOZ applies, provide the approval documentation required. FCOZ requirements apply to development, including grading even if the underlying use meets the definition of agriculture.

In addition to the requirements above, the following is additional feedback on the activities proposed:

5. **Channel Bed Stabilization**: Section 19.72.130.C of the Emigration Canyon code states: "No development activity may be conducted that disturbs, removes, fills, dredges, clears, destroys, or alters, stream corridors or wetlands, including vegetation, except for restoration and maintenance activities allowed in this Chapter as approved by Salt Lake County Flood Control, the Utah State Engineer's Office (Division of Water Rights), and other applicable authorities." (See also requirements in ECC 19.72.070) **Please provide written confirmation from the Division of Water Rights (State Engineer), including a copy of the Plans and Specifications required under USDA document 584-CPS-3, and, if required, permit from the U.S. Army Corps of Engineers, and approval by Salt Lake County Flood Control.**

6. **Restoration of Rare or Declining Natural Communities**: It is unclear what activity you intend to do under this Conservation Practice Standard (ECC 19.72.110). If you seek an exception under 19.72.110(B)Tree and Vegetation Protection, **please show either how the development of the agricultural activity meets the definition of Agriculture or is pursuant to approved forest management programs.**

7. **Riparian Forest Buffer**: It is unclear what activity you intend to do under this Conservation Practice Standard. If you seek an exception under ECC 19.72.130.C regarding stream corridor maintenance, **please provide written confirmation from the Salt Lake County Flood Control and Utah Division of Water Rights, including a copy of the Plans and Specifications required under USDA document 391-CPS-4.**

8. **Biochar production from woody residue**: Because this activity includes the use of a biochar kiln to treat the plant residues created during forestry activities in a wildfire risk area that is also within a water source protection zone 2, **review and approval of the Unified Fire Authority and Salt Lake County Health Department (for compliance with Chapter 9.25 – Water Source Protection) is required. Also show compliance with Emigration Canyon Code 9.72 Air Pollution Control and 9.90 Fire Restrictions**

9. **Planting fruit producing trees and shrubs**: The planting of fruit producing trees and shrubs is within the definition of "agriculture" under ECC 19.04.020, and is allowed, provided that it is not part of any agricultural industry or business. Be aware that site grading activities to level off sections of property prior to planting trees or shrubs is "development" as defined in 19.04.165 of the code. **If site grading is proposed, please submit grading plans of the specific areas to be graded, including existing and proposed contours. FCOZ requirements apply.**

10. **Bridges**: The construction of a bridge over a stream, gulley or drainage area is "development" as defined in 19.04.165 of the code. Chapter 14.40 Bridges, Ditches and Waterways also applies.

Please submit detailed plans showing the location and design of the proposed bridges as part of the land development plan and show how the bridge is planned and constructed in such a manner as to minimize impacts on the stream corridor. These plans will be reviewed by the grading and drainage engineering team and the Director as part of the review process.

11. **Slovenian Bee House:** The definition of "agriculture" under 19.04.020 of the Emigration Canyon Code does not include the keeping or raising of domestic animals nor any agricultural industry. **Since neither "beekeeping" nor "apiary" is listed as an allowed use in the FR-20 zone, this building and use cannot be approved and is therefore denied. The construction of a "Slovenian bee house" or similar structure (shed, storage building, etc.) is within the definition of development (ECC 19.04.165) and requires site access as described, above, and compliance with FCOZ and other ECC development requirements. Moreover, the regulations related to structures apply even if bees are located within the walls.**

12. **Greenhouse:** Greenhouse is not listed as a Permitted or Conditional Use in the FR-20 zone **therefore it is denied.**

13. **Grade Stabilization Structures:** It is unclear what activity you intend to do under this Conservation Practice Standard. Note that Section 19.72.130.C of the Emigration Canyon code states: "No development activity may be conducted that disturbs, removes, fills, dredges, clears, destroys, or alters, stream corridors or wetlands, including vegetation, except for restoration and maintenance activities allowed in this Chapter as approved by Salt Lake County Flood Control, the Utah State Engineer's Office (Division of Water Rights), and other applicable authorities." (See also requirements in 19.72.070) **Please provide written confirmation from the Division of Water Rights (State Engineer), including a copy of the Plans and Specifications required under USDA document 584-CPS-3 and, if required, permit from the U.S. Army Corps of Engineers, and approval by Salt Lake County Flood Control. Please submit the plans and specifications required on page 410-CPS-4 for review by the MSD Hydrology Engineering reviewer.**

14. **Tree/Shrub Site Preparation and establishment:** Site grading activities to level off sections of property prior to planting trees or shrubs is "development" as defined in 19.04.165 of the code. **If site grading is proposed, please submit grading plans of the specific areas to be graded, including existing and proposed contours. FCOZ requirements apply.**

15. **Lumber Mill Building:** Section 19.12.030 of the Emigration Canyon code lists "Logging and lumber processing, provided evidence is presented of approval by any federal or state agencies with jurisdiction over such use," as a conditional use in the FR-20 zone. **Therefore, this building cannot be approved under application PER2021-000287. A separate application for conditional use permit must be submitted along with evidence of approval of any federal or state agencies with jurisdiction over such use and reviewed for compliance with the criteria set forth in the code for conditional uses, including chapter 9.25 (Water Source Protection) of the Emigration Canyon code.**

16. **Trails and walkways:** The establishment of trails, paths, or walkways is considered "development" as defined in 19.04.165 of the Emigration Canyon code. While the plans submitted do include an "access plan," the plan does not indicate the width of proposed improvements nor total amount

of cut and fill (in cubic yards). **Please provide the plans and specifications required on page 575-CPS-5 of USDA publication 575-CPS and address the comments of the MSD grading reviewer.**

17. **Firebreak:** It is unclear what activity you intend to do under this Conservation Practice Standard. A firebreak may be considered "development" as defined in 19.04.165 of the Emigration Canyon code depending on the level of activity proposed. In accordance with the requirements of USDA publication 394-CPS, "State-approved implementation requirements" are to be followed during this activity. **Please provide written confirmation from the Utah Division of Forestry, Fire, and State Lands that the proposed activity is approved in accordance with their requirements. The implementation plan must also be approved by the Unified Fire Authority for Emigration Canyon.**

18. **Observation Deck:** An observation deck is not within the definition of "agriculture" under 19.04.020 of the Emigration Canyon code. It is considered "development" as defined in 19.04.165 of the Emigration Canyon code **and requires site access as described above, and compliance with FCOZ and other ECC development requirements.**

19. **West homestead barn:** Barn is not listed as a Permitted or Conditional Use in the FR-20 zone. Accessory Building is defined under section 19.04.090 ECC and "means a detached, subordinate building clearly incidental to and located upon the same lot occupied by the main building. Also, a building clearly incidental to an agriculture or animal care land use located on a lot in an agriculture zone, which lot meets the minimum lot size for such zone and is not under one acre in area." There is no main building on your property. Your property is zoned in the Forestry and Recreation Zone (FR-20) and is not located in an agricultural zone. **Therefore, this building is denied.**

You submitted a response to the comments which fail to cure the deficiencies in the application. This letter serves as notice that the original application must be supplemented with additional plans and information as listed above in order to complete substantive review and final decision as set forth in 10-9a-509.5(1)(c)(i) of the Utah Code as well as 19.72.030.C(2)(a)(3) of the Emigration Canyon code. Please submit the additional materials **within 15 days of receipt of this notice**, using the MSD application portal. The materials will then be forwarded to the appropriate reviewing agencies as listed above. This letter constitutes a request for additional information as set forth under 19.72.030.C.2.a(3) of the Emigration Canyon code. Failure to provide the documentation required to establish compliance with all applicable codes and ordinances may result in denial of the site development plan as allowed under 19.72.030.D of the Emigration Canyon Code.

Sincerely,

Curtis Woodward
Senior Planner

17AUG26

To Whom It May Concern:

We are writing to oppose the designation of a Conservation Development Area in Emigration Canyon which is under discussion. We have been continuous, full-time residents of Emigration Canyon since 2007.

We are, frankly, mystified why the City would consider this proposal at all, especially with all of the opposition it has generated—and did generate with the Agriculture Protection Area approach that was initially attempted. What is the possible upside to this for the City and its residents?

If we step back and ask if the development of all of these buildings, parking, biochar (especially if the pyrolysis from it is not monitored and managed appropriately!!), etc are good for the canyon, the answer is an emphatic NO.

It is not good for the residents.

It is not good for the watershed.

It is not good for our fire risk.

It is not good for the wildlife who are already at an urban interface.

We do not know the man proposing these horrible ideas but certainly his access issues and lack of appropriate permissions were known to him at the time of land purchase.

Please deny any requests that would facilitate this travesty.

Alan and Paige Stotts

746 N Freeze Creek Circle

Salt Lake City, Utah 84108

Diana Baun

From: Barbara Dixon <barbara.dixon@hsc.utah.edu>
Sent: Monday, August 17, 2026 5:06 PM
To: Diana Baun
Cc: Dan Dixon; ngriffith
Subject: Follow up on Leick Freeze Creek agreement

Hello Clerk Baun, In follow up to my email August 16, 2026, I have some other relevant points I'd like to share and ask that they be part of the public record on this matter.

Thank you, Barbara Dixon

Key Points of Opposition to the Leick CDA

- **One-Sided Termination (Section 7.1 & 7.2):** The property owner can terminate the agreement at any time for any reason. If he does, he keeps all built improvements, meaning only the City is locked into the 10-year regulatory freeze.
- **Regulatory Exemption (Section 2.2 & 2.3):** The agreement overrides City law where conflicts exist. It freezes existing ordinances, shielding the project from upcoming Title 19 updates.
- **The Title 19 Bypass:** The City's pending Title 19 revisions would permanently prohibit commercial logging, lumber processing, and mineral extraction at no cost. Passing this agreement unnecessarily trades away a 10-year regulatory freeze for restrictions the City is already about to enact.
- **Unresolved Access & Litigation Issues:** The applicant's previous lawsuit was dismissed without prejudice on March 19, 2026. No court has ruled that he has vehicle access. The "takings" claim is weak without established access, so the threat of a lawsuit is overstated.
- **Process Obscurity:** The applicant indicated this agreement is tied to a private litigation settlement. Additionally, the Planning Commission reviewed it with missing vital documents, like the Forest Activity Plan.
- **Severe Safety Risks:** The proposed fire safety measure relies on just two 275-gallon water tanks (550 gallons total) on a plot with no vehicle access, located in a high-risk wildland-urban interface. It also permits dangerous biochar operations 3 days a year.

Specific Requests for the Council

1. **Delay consideration of the agreement** until the Title 19 revisions are officially adopted.
2. **Require independent counsel** to review the vesting and termination rules.
3. **Make all missing exhibits** fully available for public record review.
4. **Clarify openly** if this agreement is a term of a legal settlement.

Professor Barbara Leatherman Dixon
5390 Pioneer Fork Rd. SLC, Utah 84108
Bdixonrdh@hotmail.com
801.808.6679

August 16, 2026

Emigration Canyon City Council & Planning Commission
Mayor David Brems - dbrems@emigration.utah.gov
Deputy Mayor Jennifer Hawkes - jhawkes@emigration.utah.gov
Robert Pinon - rpinon@emigration.utah.gov
Nick Griffith - ngriffith@emigration.utah.gov
Catherine Harris - charris@emigration.utah.gov
Clerk Diana Baun - dbaun@msd.utah.gov

Re: Public Comment for the Official Record —Opposition to File OAM2026-001673

Dear Members of the City Council,

I am writing to urge you to deny File OAM2026-001673.

The City Council's primary, non-negotiable duty is the protection of human life. Emigration Canyon is a severe Wildland-Urban Interface (WUI) zone where fire is an active, existential threat. Approving a Conservation Development Agreement (CDA) that introduces active ignition sources, increases structural load, and complicates emergency response places residents and first responders at direct risk. Human life is not a risk worth taking.
File OAM2026-001673 is unacceptable in that the City is being asked to tie its own hands for ten years (Section 2.3) and absorb life-safety risks in exchange for fire mitigations that are dangerously illusory:

- **Grossly Inadequate Fire Protection (Section 4.3):** The proposal provides just 550 gallons of water (two 275-gallon tanks) on a parcel with no established motor vehicle access. In a wildland fire, 550 gallons buys only a few minutes for a single attack line. Presenting this as meaningful fire protection in an upper-canyon corridor is a significant threat to public safety.
- **Active Ignition Hazards (Section 5.4 & Concept Plan):** The plan introduces a biochar kiln, biochar operations, and a lumber mill shed directly above sensitive watershed land. Allowing high-risk thermal operations in a WUI zone—even conditionally—creates an unnecessary ignition hazard.
- **Zero Binding Consideration for the Public (Section 7.1 & 7.2):** Under Section 7.1, the property owner can terminate this agreement at any time, for any reason, while retaining whatever improvements were built (Section 7.2). The City is giving up ten years of regulatory authority and taking on real risks to human life in exchange for promises the applicant can walk away from tomorrow.

Furthermore, no court has ever established that this landlocked parcel has legal motor vehicle access—and the City itself successfully moved to dismiss the applicant's access lawsuit in March 2026 (Case No. 250906345). The City should not negotiate a development agreement premised on vehicular access that has never been legally established.

Section 7.1 lets the applicant walk away whenever he wants. What exactly is the City getting in exchange for endangering human lives? I strongly urge the Council to reject File OAM2026-001673.

Sincerely,

Jason Stock
5730 E Twin Creek Road
Salt Lake City, UT 84108

A letter to the Emigration City Council regarding the Leick Conservation Development Agreement to be part of the public record

August 17, 2026

My name is Douglas Brockmeyer, and I have lived at 493 N Marathon Circle in Emigration Oaks with my wife Debra for nine years. We love the natural beauty of Emigration Canyon, particularly the portion of upper Freeze Creek that is being proposed for development by Mr. Ryan Leick. Anyone who hikes upper Freeze Creek cannot help but be overwhelmed by the area's natural beauty, silence, and fragility.

Which makes the Leick Conservation Development Agreement such a heartbreaking tragedy. What Mr. Leick proposes will permanently scar the land with roads and buildings (a lumber mill, barn, greenhouse, etc...), put the watershed at risk, create wildfire hazards, introduce invasive plant and animals, disturb the peace and quiet, bring unwanted tourism, and obliterate Freeze Creek's natural beauty. All for the sake of one man pursuing his "dream of economic prosperity" on yes, his private land.

I am not a lawyer, and do not pretend to understand the official documents and their legalese. But from what I understand from the record, Mr. Leick's dream has some serious inherent problems. The most notable problem is lack of road access to his property. It is shocking that his proposal is even being considered by the City if he has no access. What is even more shocking is that the City is considering giving up ten years of regulatory authority over this parcel in exchange for promises the applicant can cancel at any time. What is the City getting in return? What will the residents of Emigration Oaks get in return? What happens if Mr. Leick sells the property or passes it on to his heirs? Will the next owners share Mr. Leick's dream? Or will they abandon it and let the property go to waste?

If this development is approved, the scars from will remain for centuries. All the while, the stewards of Freeze Creek, the dedicated residents of Emigration Oaks, will be forced to stand by, confused and frustrated, as they witness the reckless destruction of yet another precious corner of the Wasatch.

Respectfully submitted,

Douglas Brockmeyer MD

Diana Baun

From: tomgree@gmail.com
Sent: Monday, August 17, 2026 11:16 AM
To: dbrems@emigration.utah.gov; jhawkes@emigration.utah.gov; rpinon@emigration.utah.gov; ngriffith; charris@emigration.utah.gov; Diana Baun
Subject: LEICK CDA request

You don't often get email from tomgree@gmail.com. Learn why this is important

To Emigration Canyon Council Mayor and Council members,

Please enter the following comments in the public record regarding the Leick CDA petition.

The current request from Mr. Leick asks for agribusiness concessions that would not be permitted anywhere else in the canyon. In particular, he jeopardizes a safe wildland interface with his biochar operation and will change the ecology of the canyon by introducing an agribusiness operation. We request the following:

1. Staff corrects the record on the access litigation and the March 19, 2026 dismissal order.

2. All exhibits are complete and publicly available.

3. Title 19 revisions are adopted first, so the Council can see what consideration actually remains.

4. Independent counsel — not involved in negotiating the agreement — reviews the vesting, termination, and successor-liability provisions.

Please be aware that Section 7.1 of the request lets him walk away whenever he wants with no regard for how the city or the residents of Emigration Canyon will benefit. Your responsibilities are for all of the residents of the canyon and The City is being asked to give up ten years of regulatory authority over this parcel in exchange for promises the applicant can cancel at any time.

We request that the Leick CDA be denied.

Yours,

Molly McFadden and Tom Greene
5522 Pioneer Fork Rd.
Salt Lake City, UT 84108

Diana Baun

From: markgibson45 <markgibson45@protonmail.com>
Sent: Monday, August 17, 2026 11:16 AM
To: Diana Baun
Subject: Proposed development at "1475 N Pinecrest Canyon Road in Emigration Canyon" by Ryan Leick.

You don't often get email from markgibson45@protonmail.com. Learn why this is important

Dear Ms. Baun:
I am writing you because you are the Clerk for the ECC requesting that these comments be part of the public record, and that these comments be therefore read and considered as required.

I strongly object to this proposal for the following reasons:

The proposed development plan is pure fantasy with respect for its stated goal of "habitat restoration". The conversion of a parcel of wild riparian woods and open areas of native grasses and forbs into parking areas, buildings, a road and septic field etc. is not habitat restoration, it is habitat destruction. The parcel lies across a unique ecotome in the Freeze Creek canyon where I have seen Great-horned owls, Snowshoe hares, fox, deer, coyote and numerous species of passerine birds. This is a special habitat that needs no "restoration" and that would be degraded by the proposed development. This goal in the proposal is stated to make the proposal more palatable to the Planning Commission and has no basis in plainly observable fact. ***The Commission should disregard this justification for the proposed site development.***

The proposed development plan is nonsense with respect to its stated goal of fire mitigation. This is a small holding in a vast area of treed riparian habitat surrounded on its upper slopes by sage and oak brush country that extends from Wire Mountain on the West to the Highlands of Lookout Mountain to the East – and beyond. Any impact of fire mitigation (whatever that means - parking lots? Or the inadequate holding tank?) would be so miniscule as to be completely irrelevant to the region. This goal in the proposal is stated to make the proposal more palatable to the Planning Commission and has no basis in plainly observable fact. ***The Commission should disregard this justification for the proposed site development.***

Road development for Parcel Access would be environmentally disastrous. Freeze Creek is a pristine wild waterway. It would be forever degraded by a road that would have to be either narrowly proximate or if away from it perched high above it on very steep unstable slopes. The Freeze Creek below the parcel lies in an extremely steep defile, and any road building on the slopes adjacent would be ruinous for Freeze Creek in terms of sediment entry. In many areas the steep (45 degrees or more) shaley slopes are in constant movement downslope and unstable. Road access deserves review by a road engineer familiar with road systems near water on wild public lands (https://www.fs.usda.gov/t-d/pubs/html/02251202/02251202.htm) with respect to risks and feasibility. ***Professional assessment of roadbuilding environmental impact on Freeze Creek should be mandated by the Commission before further consideration of the proposal by Mr. Leick.***

Septic provisions in this application are not defined in terms of adequacy to protect the pristine water of Freeze Creek. Ultimate use of the proposed development requires clarification by the applicant. Extensive parking areas suggest possible commercial ambitions. The extent of development suggests future dwellings. Either of these would be objectionable, but more importantly necessitate further definition and specifications for septic provisions. The septic field shown by the developer requires review, both for dimensions relative to anticipated loading and proximity to Freeze Creek. Subsoil in this area is likely gravelly and porous. It is not clear that sufficient septic setback is possible on the applicant's plot. ***The Commission should mandate clarification of planned septic loading and review of septic plans for this proposal by a qualified septic system engineer before further consideration of this proposal.***

Thank you for considering my opinion on this matter.

Sincerely,

Mark Gibson MD

5534 E Pioneer Fork Road

Salt Lake City, UT 84108

Sent with Proton Mail secure email.

Diana Baun

From: Ann Marie Kreft <amkreft@icloud.com>
Sent: Monday, August 17, 2026 8:17 AM
To: dbrems@emigration.utah.gov; jhawkes@emigration.utah.gov; rpinon@emigration.utah.gov; ngriffith; charris@emigration.utah.gov; Diana Baun
Cc: herm.post@gmail.com; Tim Ramsey
Subject: Concerns for Public Record: Urgent Requests Regarding Leick Conservation Development Agreement

You don't often get email from amkreft@icloud.com. Learn why this is important

Dear Members of Emigration City Council,

As property owners, we are writing to request that the Council ensures the public record regarding the access litigation and the March 19, 2026 dismissal order is corrected, all exhibits are made fully complete and available to the public, Title 19 revisions are adopted first, and an independent attorney reviews the contract terms.

Key Requests

- **Correct the Record:** Staff must update the official notes to accurately reflect the access litigation and the March 19, 2026 dismissal order.
- **Public Exhibits:** Ensure that all supporting exhibits are fully complete and accessible to community members.
- **Title 19 Revisions:** Adopt Title 19 updates first so the Council and residents can clearly see what rules and considerations actually remain.
- **Independent Counsel Review:** Engage an independent lawyer—someone not involved in negotiating the deal—to review the vesting, termination, and successor-liability rules.

Property Owner Question on Section 7.1

- Section 7.1 lets the property owner walk away from the deal whenever they want. As a local taxpayers, we would like to know what exactly the City is getting out of this agreement.

Thank you for your time, leadership, and attention to these transparency issues.

Sincerely,

Ann Marie Kreft and Tim Ramsey

610 N Pioneer Oak Rd, Emigration Canyon 84108

Diana Baun

From: Sandra Nielsen <sandrajnielsen@gmail.com>
Sent: Monday, August 17, 2026 8:00 AM
To: dbrems@emigration.utah.gov; jhawkes@emigration.utah.gov; rpinon@emigration.utah.gov; ngriffith; charris@emigration.utah.gov
Cc: Diana Baun
Subject: Public Comment – Freeze Creek Forest Conservation Development Agreement, OAM2026-001673

You don't often get email from sandrajnielsen@gmail.com. Learn why this is important

Dear Emigration Canyon Mayor, Deputy Mayor, and City Council Members:

I am a homeowner in the Emigration Oaks development, and I am writing to submit my opposition to the proposed Conservation Development Agreement for the Freeze Creek Forest property, File OAM2026-001673, located at 1475 N. Pinecrest Canyon Road and legally described as the SE ¼ of the SE ¼ of Section 20, Township 1 North, Range 2 East, Salt Lake Base and Meridian (Tax ID 10-20-400-002).

I respect the property owner's right to make reasonable use of his property, and I support responsible forest stewardship, wildfire mitigation, and conservation in Emigration Canyon. My opposition is not to those objectives. My concern is whether the proposed CDA grants significant, long-term development rights without adequately resolving the practical and legal consequences those rights may create for neighboring property owners.

Unresolved motor vehicle access

Most importantly, the property does not have established motor vehicle access. The CDA itself acknowledges that the property "currently does not have motor vehicle access and must be accessed on an unimproved trail." It also acknowledges the need for motor vehicle access for certain activities contemplated by the agreement.

This is not an abstract concern for Emigration Oaks homeowners. There is no public roadway serving this parcel, and any future effort to establish vehicular access could directly affect the private roads and infrastructure within Emigration Oaks that our homeowners maintain at our own expense.

The CDA contemplates considerably more than passive conservation: It provides for structures, private roads, bridges, a solar array, greenhouse, beekeeping, biochar and silviculture activities, among other uses. These activities raise an obvious practical question: how will construction, maintenance, emergency response and ongoing operations occur without established vehicular access?

I am particularly concerned about granting and vesting these development rights first and addressing access later. Approval of the CDA should not create an entitlement, presumption of necessity, or other basis that could subsequently be used to support a claim for vehicular access across Emigration Oaks or other neighboring private property.

Long-term vested rights

The significance of that concern is increased by the nature of the rights the CDA would establish. The agreement states that the rights and entitlements granted are contractual and vested and provides that, where the agreement conflicts with City ordinances, the agreement controls. It also limits the application of many future City ordinances to the project.

These provisions are not limited simply to the current owner's intentions. The CDA provides that its requirements, obligations and conditions bind successors and assigns and that its rights benefit future successors and assigns.

The Council therefore is not simply deciding whether the current owner should be permitted to undertake the activities he currently proposes. It is establishing a long-term framework of vested rights associated with this property. I believe that warrants particular caution when something as fundamental as legal motor vehicle access remains unresolved.

Termination and surviving rights

I am also concerned by the relationship between Sections 7.1 and 7.2. Section 7.1 permits the property owner to terminate the CDA by written notice to the City. Section 7.2 provides that certain vested rights arising from uses established and improvements constructed pursuant to the agreement may survive its termination.

I respectfully ask the Council to consider whether this provides an appropriate long-term balance between the substantial rights granted to the property owner and the protections the City and neighboring property owners receive in return.

Future changes and neighboring property owners

Finally, Section 7.3 permits certain changes to the project to be approved administratively rather than through a formal amendment to the CDA. Those "Minor Changes" can include relocation or resizing of structures within specified limits and the addition of Accessory Conservation Activities that do not involve new structures.

Given the property's sensitive location and unresolved access, I believe the Council should also consider what notice and opportunity for public participation neighboring property owners would have if activities authorized under the CDA are subsequently modified through this administrative process.

I recognize that private property rights are important, including the rights of the owner of this parcel. But the rights of surrounding property owners matter as well. Emigration Oaks homeowners purchased and maintain our private roads and infrastructure, and approval of development rights on an adjoining landlocked parcel should not create future obligations or burdens on that private property.

For these reasons, I respectfully ask the City Council not to approve the Conservation Development Agreement in its present form, and particularly not before the relationship between the proposed development rights and the absence of established motor vehicle access has been fully addressed.

At a minimum, any future agreement should state unequivocally that its approval does not create, imply, strengthen, or provide evidence in support of any present or future right to vehicular access across Emigration Oaks or other neighboring private property.

Thank you for your consideration and for your work on behalf of Emigration Canyon.

Please include this correspondence in the public record for File OAM2026-001673 and the proposed Freeze Creek Forest Conservation Development Agreement.

Sincerely,

Sandra Nielsen
758 N. Donner Hill Circle, Lot 113
Emigration Oaks
801-979-1077

Diana Baun

From: David Nix <david.austin.nix@gmail.com>
Sent: Monday, August 17, 2026 7:47 AM
To: dbrems@emigration.utah.gov; jhawkes@emigration.utah.gov; rpinon@emigration.utah.gov; ngriffith; charris@emigration.utah.gov; Diana Baun
Cc: herm.post@gmail.com
Subject: Leick Agri "business" in Freeze Creek - public comment

You don't often get email from david.austin.nix@gmail.com. Learn why this is important

Hello Emigration City Council!

I can't believe this is still an issue. Leick is nuts.

There's no road up Freeze Creek, just a beautiful trial. There's no water, just a seasonal trickle. There's no place for a large commercial business here, just a deep biodiverse forest that this wing nut wants to bulldoze.

Fire risk, water contamination risk, invasive weed risk, critical habitat loss, not to mention there is no road access. Emigration Oaks roads are private, any change to that will mandate that the Township take on the substantial cost of road and retaining wall maintenance and snow plowing/ salting.

Who uses a helicopter to fly in a side by side ORV to a l 1/10th acre parcel of locked private land? This guy. I saw it the other night. He's already started making slash piles to burn without a permit at HUGE risk to the homes in our neighborhood, Pine Crest, and Killyon Canyon.

Go hike the trail to his Agri Business and check it out.

To quote the Ted Lasso show: "Is this a fucking joke?!!!" Apparently not.

I and our entire community in Emigration Oaks are apposed.

I ask you to deny Leick's latest proposal.

Best regards,

David

—
David Nix
5586 E. Pioneer Fork Rd
Salt Lake City, UT 84108

david.austin.nix@gmail.com
801-901-0649

Diana Baun

From: Frederick Albright <albryht@icloud.com>
Sent: Sunday, August 16, 2026 9:36 PM
To: dbrems@emigration.utah.gov; jhawkes@emigration.utah.gov; rpinon@emigration.utah.gov; ngriffith; charris@emigration.utah.gov; Diana Baun
Cc: Lisa; Frederick Albright Ph.D.
Subject: And I forgot to add these items to my earlier post: Using a AI to estimate the cost of a road to the Leick property

You don't often get email from albryht@icloud.com. Learn why this is important

Emigration Canyon City Council,

First, my message, my comments herein should be part of the public record. Thank you.

Here is what I forgot to add:

- Pioneer Fork Road if it becomes a county road, what will be the right of way stipulations?
- If the Pioneer Fork RD becomes a county road, what is projected to happen to our property values in Emigration Oaks? And if there is a right of way stipulations, what happens?

I am a long time resident of Emigration Oaks. My name is Frederick Albright.

First, I entirely support without reservations, Dr. Lisa Albright's email the City Council has received on the matter of Mr. Ryan Leick's development plans. There are so many others folks in the Canyon who also do not support his "vision". Many of us see his "projects" as looming dangers, the Unknown where others decide to our detriment, the loss of intangibles and the likely significant increase in taxes that will be tangible to all the Canyon's citizens, but not Mr. Leick. Why does he really have this vision and why so unrelenting in his efforts to divide and conquer? His vision is pertinent to the future of the City, the Canyon. Are we not the Canyon's Stewards? Is he now the Canyon leading steward if the road is built? I bet someone or some folks have gone to a "Delphic modern oracle" to ask it questions pertaining to aspects of the "projects", haven't they? An AI can estimate in the unknown dark? Is there utility in such an interlocution? This is what I wish to contribute to the dialogue and discourse about the Leick efforts to "develop" his "40 acres".

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(1) 10% grade:

- cost range: $8M - $10M, depending upon a range of terrain conditions.
- road length: 2 miles max
- right of way: 60 feet (30 feet/side)
- acreage for the road: minimum 8 (That's about 20% of the Leick property acreage.)

(2) 8% grade

- $23M - $40M, depending upon terrain conditions, turnouts, stabilization, . . .
- road length 3 miles max
- right of way: 60 feet (30 feet/side)
- acreage for road, right of way (county road): 23 (That's about 57% of the Leick property acerage.)

I have no idea what the optimal estimate is. For all I know, the AI could be hallucinating. It could only cost a $1M, or nothing to us if the state or county, or city pays. I have no idea if a MSD staff has "run the numbers" for this road project or if anyone has use a leading AI system to estimate the costs, naive or hallucinatory the AI estimates might be.

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I would like to mention issues of bother.

- Not only do I feel totally ignorant of the facts pertaining to this issue of giving any type of approval to his designs for the property, I see it as a dark "unknown", beyond me, the folks in the Canyon whether they are on an advisory board, the City Council, or MSD. Maybe they are working to acquire the information, but where is the environmental impact study or opinion on this? Who knows and can step forward to clarify all this for us? Someone tried last week at about 8:30AMat the fire station, but . . .
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The Ancient Greeks had oracles, most "writings" about the oracles was likely the Oracle(s) at Delphi, with gases to breathe, medications to induce "oraclelizations", "divinings". We have "machines" we can ask for "divinings", now as our oracles. Which "oracle" would you rather have to get a quick cheap/economical estimate before the cost of employing human experts? Most "Experts" can't know everything or read everything much less utilize or remember what they have read. And bias? I am lucky, I am no expert.

Respectfully to the Council and City of Emigration Canyon

Frederick Albright, Ph.D., retired

Diana Baun

From: Brent Bowman <brent2489@gmail.com>
Sent: Sunday, August 16, 2026 6:44 PM
To: Diana Baun; charris@emigration.utah.gov; ngriffith; rpinon@emigration.utah.gov; jhawkes@emigration.utah.gov; dbrems@emigration.utah.gov
Cc: Wendy Bowman
Subject: For the public record on the topic of Ryan Leick and Emigration Canyon City

You don't often get email from brent2489@gmail.com. Learn why this is important

Following the discussions held on August 13, 2026, at the Emigration Canyon Fire Station, it has become apparent that a thorough review of Mr. Leick's proposed land development plan is necessary. Mr. Leick is currently seeking various concessions from the city of Emigration Canyon, while simultaneously agreeing to several actions that may be prohibited under the proposed Title 19 land use restrictions.

It is my opinion that the approval of such an agreement could subsequently enable Mr. Leick to petition Salt Lake City/County and Emigration Oaks at a later date, asserting non-compliance with the agreement due to a lack of road access.

Therefore, it is imperative that this agreement be rejected, and the Title 19 amendments be fully implemented prior to any further consideration of an agreement with Mr. Leick.

It is important to note that Mr. Leick acquired this property with full knowledge of its landlocked status and lack of vehicular access. The rationale behind the acquisition of a landlocked parcel without viable access warrants careful consideration.

Brent and Wendy Bowman
5947 E Pioneer Ridge Cir
Emigration City, UT 84108

Dear Emigration City Council Members,

We request that these comments be part of the public record.

We are writing to express our **strong opposition** to Mr. Leick's "Conservation Development Agreement" for his Freeze Creek property. We agree with the comments made by others opposing this agreement. We also wish to emphasize our objections.

1) Mr. Leick purchased the property for a price that reflected its lack of road access and the restrictions on its use. He is now seeking to have those restrictions lifted to benefit himself at the expense of the Freeze Creek ecosystem and the public.

2) Mr. Leick's 40-acre landlocked parcel is located in a sensitive natural area. He is proposing the construction of roads, bridges, and parking lots; a number of "agricultural" buildings; production of biochar with a biochar kiln; a lumber mill; apiaries; solar arrays; helicopter access; and a septic drain field. He labelled his proposed agreement a "Conservation Development Agreement" when it is quite clearly an "Intensive-Use Development Agreement," and the uses it contemplates would endanger not only the sensitive Freeze Creek ecosystem but also the nearby residential community and the general public.

3) There is no road access to Mr. Leick's property. Accordingly, there is no reason for the City to approve activities on the property that cannot be conducted without road access.

4) Mr. Leick clearly wishes to use an approval by the City of his Intensive-Use Development Agreement to later argue for road access. The City should not permit itself to be used in this way.

5) The proposed uses in the Intensive-Use Development Agreement would:

- introduce nonnative plant and animal species into an ecosystem already highly stressed by the ongoing severe drought;
- negatively impact both the air quality and the water quality and supply in the canyon in a time of severe drought and water scarcity; and
- most alarmingly, significantly increase the risk of wildfire in the canyon when the fire danger is already "extreme."

6) The Emigration Canyon Planning Commission and the Emigration City Council have an obligation to consider the public interest and public safety when considering a proposal such as this. They should not make their decision based on a desire to be relieved from the trouble of having to deal with an aggressive, nonresident landowner. Moreover, by acquiescing to Mr. Leick to avoid trouble to themselves and their legal counsel, they ironically would create more trouble for themselves and their legal counsel as they would establish a precedent for future property owners to pressure them to approve prohibited activities.

7) It also should be noted if the City approves activities (such as a "biochar kiln") that cause a catastrophic wildfire in the canyon resulting in the destruction of property and loss of lives, City officials would live with the knowledge that they recklessly approved otherwise prohibited uses in an extremely sensitive and wildfire-prone area.

8) Given the foregoing, it is astonishing that the City's land use attorney, Claire Gillmor, recommended approval of Mr. Leick's Intensive-Use Development Agreement, which she too erroneously referred to as a "Conservation Agreement."

We respectfully and strongly request that you **deny** this Intensive-Use Development Agreement.

James A. McLaughlin and Nancy A. McLaughlin
August 17, 2026

Diana Baun

From:	Frederick Albright <albryht@icloud.com>
Sent:	Sunday, August 16, 2026 4:47 PM
To:	dbrems@emigration.utah.gov; charris@emigration.utah.gov; jhawkes@emigration.utah.gov; rpinon@emigration.utah.gov; ngriffith; Diana Baun
Cc:	Lisa; Frederick Albright Ph.D.
Subject:	Using a AI to estimate the cost of a road to the Leick property

You don't often get email from albryht@icloud.com. Learn why this is important

Emigration Canyon City Council,

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Respectfully to the Council and City of Emigration Canyon

Frederick Albright, Ph.D., retired

Diana Baun

From: Edwin McGough <edwinmcgough@icloud.com>
Sent: Sunday, August 16, 2026 4:27 PM
To: drems@emigration.utah.gov
Cc: jhawkes@emigration.utah.gov; rpinon@emigration.utah.gov; ngriffith; charris@emigration.utah.gov; Diana Baun
Subject: Opposition letter to Rayan Leick application for a CDA

[You don't often get email from edwinmcgough@icloud.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

To whom it may concern,

I want this to be part of the public record/

I am writing this letter to express my opposition to granting Ryan Leick a Conservation Development Agreement for his 40 acres of land.
I am deeply concerned that Ryan Leick"s plans will have a dramatic impact on the way of life of the Emigration Oaks Residents. The possibility of the changes that can occur with the CDA are severe. His proposal of a parking lot, lumber mill, solar arrays, helicopter pad, drainage field for septic tanks, multiple employees and a road through Emigration Oaks Property would change the whole complexion of our community as well as our way of life. Our trail system would be severely altered and these trails are one of the major reasons many of the Emigration Oaks residents decided to live in this community. Mr Leick has already demonstrated he has little regard for the residents of Emigration Oaks by repeatedly trespassing on our property and when confronted would answer with threats of making all our roads and trails public.

I am concerned about the impact on our water especially since this development would be squarely above our well and also his use of water from the Freeze Creek stream. He is already using internal combustion engines without any means of fire suppression. He has no permission to do this but goes ahead. There is no way this development can be construed as conservation as he basically wants to change Freeze Creek wilderness to a commercial property. In addition his acreage remain landlocked as he was well aware of when he purchased the land.

Based on the points in this letter and 6 years years experience with Mr Leick I strongly recommend that NO CDA be granted for Mr Leick's 40 acres.

Sincerely,
Edwin McGough
705 N Pioneer Fork Rd
Salt Lake City, UT 84108
801-554-9481

Diana Baun

From: Sharon McGough <sharonevemcgough@icloud.com>
Sent: Sunday, August 16, 2026 3:55 PM
To: Diana Baun
Subject: Leick

You don't often get email from sharonevemcgough@icloud.com. Learn why this is important

Dear Diana Baun,
My comments are meant for the Public Hearing.
Ryan Leick's CDA application is very worrisome to the residents of Emigration Oaks. The document still proposes that the city agree to the same activities as before, including: construction of roads, bridges, and parking lots; a number of "agricultural" buildings; production of biochar; a lumber mill; apiaries, solar arrays; helicopter access; a septic drain field".

Mr. Leick has already demonstrated lack of regard for how he impacts the residents negatively by trespassing, building structures without permits and threatening community w law suits if we don't agree to his demands.
This development would definitely impact the wildlife in the Freeze Creek area as well as pose a significant fire hazard and impact to our watershed. We are very concerned that Mr. Leick does not have regard for the residents that have lived here for many years, cohabiting w the wildlife and trying to keep the trails wild, and water supply clean.

We are hoping that Mr. Leick's requests will not be granted.
Thank you,
Sharon McGough

Diana Baun

From:	Geoffrey Crockett <gcrockett@mac.com>
Sent:	Sunday, August 16, 2026 1:37 PM
To:	dbrems@emigration.utah.gov; jhawkes@emigration.utah.gov; rpinon@emigration.utah.gov; ngriffith; charris@emigration.utah.gov; Diana Baun
Cc:	Jeanne Crockett
Subject:	Written comment for the public record — File OAM2026-001673, Leick Conservation Development Agreement (Aug. 18 Council discussion)
Attachments:	Crockett_Letter_to_Emigration_Canyon_Council 8-16-2026.pdf; Untitled attachment 00079.htm; [44] Order Granting Motions and Dismissing Case Without Prejudice.PDF; Untitled attachment 00082.htm

Mayor Brems, Council Members, and Ms. Baun,

Please include the attached letter as written public comment on File OAM2026-001673 for the August 18 Council meeting and in the Council's pre-meeting packet. The full text is also below.

I have also attached the March 19, 2026 order dismissing Leick v. Emigration Canyon et al., Case No. 250906345 — a public court filing that bears directly on the premise of the proposed agreement.

Geoffrey Crockett
652 N. Pioneer Fork Road
Emigration Canyon, UT 84108
gcrockett@mac.com | 801-674-5660

August 16, 2026

Emigration Canyon City Council — Mayor David Brems, Deputy Mayor Jennifer Hawkes, Robert Pinon, Nick Griffith, Catherine Harris
cc: Diana Baun, Clerk

Re: Written comment for the public record — File OAM2026-001673, proposed Conservation Development Agreement (Leick, Parcel 10-20-400-002)

Dear Mayor Brems and Members of the Council:

I am a property owner on Pioneer Fork Road in Emigration Oaks, in the area of the access route at issue, and I attended the Planning Commission's August 13 hearing on the proposed Conservation Development Agreement ("CDA"). **I request that this letter be entered in the public record and included in the Council's pre-meeting packet.** I understand the Council will discuss this item on August 18 without a public hearing or action. I have set out my position in full below so that it stands on its own, and I ask that it remain in the record for any later hearing or vote on this file.

I am not asking the Council to prejudge what Mr. Leick may lawfully do with his property. I am asking the Council not to sign an agreement that surrenders the City's regulatory authority in exchange for consideration that is, on the face of the document, illusory.

1. What the City receives is illusory.

The stated benefit is that the owner waives the uses in Section 2.1 — commercial logging and lumber processing, mineral extraction, multi-family development. But **Section 7.1 lets him terminate at will, at any time, by written notice**, and Section 7.2 preserves vested rights in improvements already built. If he constructs the barn, lumber mill shed, greenhouse, and parking areas on the Concept Plan and then terminates, he keeps them and the City has nothing it bargained for. I would ask each member to read Sections 7.1 and 7.2 personally.

2. The waived uses have little independent value.

I understand the pending Title 19 revisions would prohibit several Section 2.1 uses outright. If so, the City is about to obtain by ordinance — permanently, at no cost — much of what this agreement purchases at the price of a ten-year regulatory freeze. Why pay for what you are about to receive for free? Complete Title 19 first, then evaluate whether any agreement is needed.

3. The City would freeze its own ordinances for ten years.

Section 2.2 makes the agreement control over conflicting City ordinances. Section 2.3 exempts the project from ordinances adopted later. Section 3 runs it with the land. Section 11.14 records it senior to existing covenants. These provisions bind future Councils and displace the City's ordinary land use authority over this parcel — a substantial concession that should rest on substantial and durable consideration.

4. No court has found the applicant has access — and the City itself successfully opposed him.

The staff report describes an "active dispute" over access rights. The record is more specific. In Leick v. Emigration Canyon, Salt Lake City Corporation, and Emigration Oaks Property Owners Association, Inc., Case No. 250906345 (Third Dist. Ct., Salt Lake Cnty., Judge Adam Mow), the applicant sued to establish access to this parcel. All three defendants moved to dismiss or for judgment on the pleadings. By order dated March 19, 2026, the Court granted all three motions and dismissed the complaint in its entirety, without prejudice, for failure to join indispensable parties under Utah R. Civ. P. 12(b)(7) and 19, and because the relief sought would require an impermissible advisory opinion. A copy is attached.

To be fair: that dismissal was procedural and without prejudice. The Court did not hold that the applicant lacks access, and he may refile. But two things follow. **First, access has never been adjudicated** — no court has quieted title, declared a public road, or found any right of access across the Emigration Oaks or Salt Lake City properties. **Second, the City was an adverse party and it prevailed.** Emigration Canyon moved for judgment on the pleadings against this applicant and won five months ago. Why is the City now negotiating a development premised on access it successfully resisted having adjudicated?

The Court's second ground deserves attention: it declined to issue what would have been an advisory opinion on access. The Council should not supply by contract what the Court declined to supply by declaration. A recorded agreement contemplating roads, parking, and vehicle-dependent improvements is a document the applicant may later characterize as the City recognizing his access. Recital F's reference to the period "until he has motor vehicle access" does not cure that risk; it invites it. This also weakens the takings concern I have heard raised: a regulatory takings claim requires deprivation of economically viable use, and where no court has established lawful vehicular access, that premise is far shakier than presented.

5. The Council should be candid about what this is, and get independent advice.

At the August 13 hearing the applicant stated in open session that this agreement is connected to a settlement he has discussed with the City, and indicated the City wants it. If this is in substance a litigation settlement, it is a Council decision and should be evaluated as one — not routed through the land use process in a way that lends it the appearance of independent planning review it did not receive. The Planning Commission was asked to recommend on a document with missing exhibits and provisions marked "verification pending," while being instructed at length on what it could not consider. I ask the Council to state plainly whether approval of this CDA is a term of a proposed settlement.

I would also ask that the agreement be reviewed by counsel not involved in negotiating it. Representations were made at the hearing that attendees, including attorneys, believe were inaccurate — specifically whether recordation alone binds successors in title, and whether the Section 2.1 waivers are permanent given Section 7.1. Those go to whether the agreement does what the Council will be told it does.

6. Fire and water.

I want this in the record as well. Section 4.3 provides for two 275-gallon tanks — 550 gallons total — on a parcel with no motor vehicle access, roughly half a mile above the Emigration Improvement District's Upper Freeze Creek well. That is a few minutes of a single attack line, in a wildland-urban interface, in a severe fire year. Section 5.4 permits biochar operations three days a year under stated snowpack and wind conditions; the Marshall Fire burned on December 30 under low snowpack. And Section 4.5's slope protections exempt improvements depicted on the Concept Plan — which is precisely where the disturbance occurs. If motor vehicle access is genuinely necessary for adequate fire mitigation, as the recitals suggest, the agreement should not be approved while that access does not exist.

Request

I ask the Council to decline to approve the proposed CDA, or at minimum to defer it until:

1. Staff corrects the record on the access litigation and the March 19, 2026 dismissal order;

2. All exhibits, including the Forest Activity Plan and Technical Manual, are complete and public;

3. The Title 19 revisions are adopted, so the Council can see what consideration remains; and

4. Independent counsel has reviewed the vesting, termination, and successor-liability provisions.

If and when the applicant establishes lawful access, he can return with a proposal and the City can evaluate it on a complete record. Until then, I do not believe the City should be negotiating the terms of a development it has no obligation to enable.

If any member has questions about anything above, I am glad to respond in writing or by telephone at the number above. Thank you for your service and your consideration.

Respectfully,

Geoffrey Crockett, MD, FACEP
Emigration Oaks
8016745660

Attachment: Order Granting Motions and Dismissing Case Without Prejudice, Leick v. Emigration Canyon et al., No. 250906345 (Mar. 19, 2026) — public court filing.

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652 N. Pioneer Fork Road
Emigration Canyon, UT 84108
gcrockett@mac.com | 801-674-5660

August 16, 2026

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4. No court has found the applicant has access — and the City itself successfully opposed him.

The staff report describes an "active dispute" over access rights. The record is more specific. In *Leick v. Emigration Canyon, Salt Lake City Corporation, and Emigration Oaks Property Owners Association, Inc.*, Case No. 250906345 (Third Dist. Ct., Salt Lake Cnty., Judge Adam Mow), the applicant sued to establish access to this parcel. All three defendants moved to dismiss or for judgment on the pleadings. By order dated March 19, 2026, the Court granted all three motions and dismissed the complaint in its entirety, without prejudice, for failure to join indispensable parties under Utah R. Civ. P. 12(b)(7) and 19, and because the relief sought would require an impermissible advisory opinion. A copy is attached.

To be fair: that dismissal was procedural and without prejudice. The Court did not hold that the applicant lacks access, and he may refile. But two things follow. **First, access has never been adjudicated** — no court has quieted title, declared a public road, or found any right of access across the Emigration Oaks or Salt Lake City properties. **Second, the City was an adverse party and it prevailed.** Emigration Canyon moved for judgment on the pleadings against this applicant and won five months ago. Why is the City now negotiating a development premised on access it successfully resisted having adjudicated?

The Court's second ground deserves attention: it declined to issue what would have been an advisory opinion on access. The Council should not supply by contract what the Court declined to supply by declaration. A recorded agreement contemplating roads, parking, and vehicle-dependent improvements is a document the applicant may later characterize as the City recognizing his access. Recital F's reference to the period "until he has motor vehicle access" does not cure that risk; it invites it. This also weakens the takings concern I have heard raised: a regulatory takings claim requires deprivation of economically viable use, and where no court has established lawful vehicular access, that premise is far shakier than presented.

5. The Council should be candid about what this is, and get independent advice.

At the August 13 hearing the applicant stated in open session that this agreement is connected to a settlement he has discussed with the City, and indicated the City wants it. If this is in substance a litigation settlement, it is a Council decision and should be evaluated as one — not routed through the land use process in a way that lends it the appearance of independent planning review it did not receive. The Planning Commission was asked to recommend on a document with missing exhibits and provisions marked "verification pending," while being instructed at length on what it could not consider. I ask the Council to state plainly whether approval of this CDA is a term of a proposed settlement.

I would also ask that the agreement be reviewed by counsel not involved in negotiating it. Representations were made at the hearing that attendees, including attorneys, believe were inaccurate — specifically whether recordation alone binds successors in title, and whether the Section 2.1 waivers are permanent given Section 7.1. Those go to whether the agreement does what the Council will be told it does.

6. Fire and water.

I want this in the record as well. Section 4.3 provides for two 275-gallon tanks — 550 gallons total — on a parcel with no motor vehicle access, roughly half a mile above the Emigration Improvement District's Upper Freeze Creek well. That is a few minutes of a single attack line, in a wildland-urban interface, in a severe fire year. Section 5.4 permits biochar operations three days a year under stated snowpack and wind conditions; the Marshall Fire burned on December 30 under low snowpack. And Section 4.5's slope protections exempt improvements depicted on the Concept Plan — which is precisely where the disturbance occurs. If motor vehicle access is genuinely necessary for adequate fire mitigation, as the recitals suggest, the agreement should not be approved while that access does not exist.

Request

I ask the Council to decline to approve the proposed CDA, or at minimum to defer it until:

1. Staff corrects the record on the access litigation and the March 19, 2026 dismissal order;
2. All exhibits, including the Forest Activity Plan and Technical Manual, are complete and public;
3. The Title 19 revisions are adopted, so the Council can see what consideration remains; and
4. Independent counsel has reviewed the vesting, termination, and successor-liability provisions.

If and when the applicant establishes lawful access, he can return with a proposal and the City can evaluate it on a complete record. Until then, I do not believe the City should be negotiating the terms of a development it has no obligation to enable.

If any member has questions about anything above, I am glad to respond in writing or by telephone at the number above. Thank you for your service and your consideration.

Respectfully,

Geoffrey Crockett
Emigration Oaks

Attachment: Order Granting Motions and Dismissing Case Without Prejudice, Leick v. Emigration Canyon et al., No. 250906345 (Mar. 19, 2026) — public court filing.

The Order of the Court is stated below:
Dated: March 19, 2026 04:30:24 PM /s/ ADAM T. MOW District Court Judge

Timothy R. Pack (UT 12193)
Nathaniel E. Broadhurst (UT 17704)
CLYDE SNOW & SESSIONS, PC
201 South Main Street, Suite 2200
Salt Lake City, Utah 84111
Telephone (801) 322-2516
trp@clydesnow.com
neb@clydesnow.com
Counsel for Emigration Oaks Property Owners Association, Inc.

IN THE THIRD JUDICIAL DISTRICT COURT
SALT LAKE COUNTY, STATE OF UTAH

RYAN LEICK Plaintiff, v. EMIGRATION CANYON, a political subdivision of the State of Utah; SALT LAKE CITY CORPORATION, a Utah Municipal Corporation; and EMIGRATION OAKS PROPERTY OWNERS ASSOCIATION, INC., a Utah Corporation, Defendants.	**ORDER GRANTING MOTIONS AND DISMISSING CASE WITHOUT PREJUDICE** Case No. 250906345 Judge Adam Mow

On February 10, 2026, the Court heard oral argument on the following motions: (1) Salt Lake City Corporation's Motion to Dismiss (Dkt. 11), (2) Emigration Oaks Property Owners Association, Inc.'s Motion to Dismiss (Dkt. 16), and (3) Emigration Canyon's Motion for Judgment on the Pleadings (Dkt. 20) (collectively the "Motions").

Having considered the papers and arguments of counsel, and for the reasons stated on the record during oral argument, the Court GRANTS the Motions and ORDERS that Plaintiff's Complaint is dismissed in its entirety without prejudice because (i) Plaintiff failed to join one or

more indispensable parties under Utah R. Civ. P. 12(b)(7) and 19, and (ii) Plaintiff's requested relief as clarified on the record asks the Court to issue an impermissible advisory opinion.

END OF ORDER

Pursuant to Rule 10(e) of the Utah Rules of Civil Procedure, this Order will be entered by the Court's signature at the top of the first page.

Approved as to Form:

DENTONS DURHAM JONES PINEGAR P.C.

/s/ Brent N. Bateman (electronically signed with permission)
Brent N. Bateman
Counsel for Ryan Leick

MANNING CURTIS BRADSHAW & BEDNAR PLLC

/s/ Matthew D. Church (electronically signed with permission)
Matthew D. Church
Counsel for Emigration Canyon

SALT LAKE CITY CORPORATION

/s/ Brett A. Baumann (electronically signed with permission)
Brett A. Baumann
Counsel for Salt Lake City Corporation

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of March, 2026 I caused a true and correct copy of the foregoing document to be served on the parties via the Court's electronic filing system.

/s/ Sabrina Afridi
Sabrina Afridi
Legal Assistant

Diana Baun

From: Family Backman <slc84108@gmail.com>
Sent: Sunday, August 16, 2026 1:04 PM
To: dbrems@emigration.utah.gov; jhawkes@emigration.utah.gov; rpinon@emigration.utah.gov; ngriffith; charris@emigration.utah.gov; Diana Baun
Subject: Leick CDA

> You don't often get email from slc84108@gmail.com. Learn why this is important

August 5, 2026

Hello Emigration Canyon Planning Commission,

We have lived in Emigration Canyon since 2005 and are **strongly opposed** to the creation of the Freeze Creek Agricultural Protection Area proposed by Ryan Leick. It will cause undue habitat pressure on the already stressed ecosystem of Emigration Canyon by introducing non-native plant and animal species into Emigration Canyon. It probably affects our drinking water supply, air quality, and increases the risk of wildfires in Emigration Canyon. The owner of the property, Ryan Leick wishes to create a farm on his property in upper Freeze Creek and have it designated as an Agricultural Protection Area. He already has installed a sugar maple collection system, treehouse, picnic table and helicopter in a UTV onto his property without consulting with the Emigration Canyon City. He wants to render the maple tree sap into maple syrup, which would be an extreme fire hazard to Emigration Canyon and the Red Butte Research Natural Area.

In his previous proposal he outlined and continues to advocate in this proposal the following: build many new structures, including a barn, a lumber mill, a Slovenian bee house, and a large viewing platform. In addition, he now includes a solar panel array, battery shed, and a septic field to his property. He intends to plant up to 125 new species of plants, trees and shrubs, many of which are non-native plant species which will displace fragile and vital plants to maintain the biodiversity and ecosystem in Freeze Creek.

In this proposal he states "Family Food Production" which in his previous petition it specifically indicated the following: raise and graze pigs, goats and sheep in the maintenance of his farm. This area is above a communal water well for the Emigration Improvement District and has the potential to pollute and contaminate the well water supply with dangerous bacteria and viral pathogens which could affect many residents who live in and rely on our water well for a safe source of drinking water.

He intends to build a 12-foot-wide road around most of the circumference of the property road, a bridge, and 3 parking lot structures on his property which will impact a sensitive stream and wildlife corridor along Freeze Creek. This would need to comply or apply for a waiver with the Foothill and Canyons Overlay Zone ordinance. This potential road will also impact Freeze Creek and our drinking water quality. Currently, there is no road to his property and if he intends to make his agrotourism farm open to the public, the road in Emigration Oaks will need to be made public and upgraded to meet county road standards which could result in increased taxes to Emigration Canyon residents to build a road for a private and commercial venture.

In summary, we are **vehemently opposed** to granting Mr. Leick a Freeze Creek Agricultural Protection Area in Emigration Canyon. Thank you for your attention to this matter.

Drs. Richard and Sylvie Backman
275 Pioneer Ridge Road, Salt Lake City, UT 84108

Sent from my iPad

Diana Baun

From: Barbara Dixon <barbara.dixon@hsc.utah.edu>
Sent: Sunday, August 16, 2026 11:32 AM
To: Diana Baun
Cc: Dan Dixon
Subject: Opposition to Mr. Leick's proposed agrotourism farm at Freeze Creek, Emigration; comments should be part of the "public record"

Dear Emigration City Council Clerk Baun,

As residents of Emigration Oaks in Emigration Canyon, we respectfully oppose Ryan Leick's proposal for an agrotourism farm on his Freeze Creek property and request that his application for designation as an agricultural protection area be denied.

Emigration Canyon is a fragile and unique ecosystem that requires careful stewardship. The proposed development — including building construction, livestock grazing, and increased demands on water and septic systems — is not sustainable in this environment. Such activities would place additional stress on limited natural resources, disrupt wildlife habitats, and diminish the quality of life for current residents.

We strongly believe that preservation of the canyon's ecological balance and residential character should take precedence over projects that pose long-term risks to both the community and the environment. Mr. Leick has no road access rendering his land-locked acreage undevelopable.

Thank you for your consideration of our concerns.
Barbara Dixon 801.808.6679 bdixonrdh@hotmail.com or barbara.dixon@hsc.utah.edu
Dan Dixon 801.808.6680 seabarnone@gmail.com
5390 Pioneer Fork Rd. SLC UT 84108

August 16, 2026

Dear Mayor David Brems and the Emigration City Council Members:

I am contacting you today to provide my comments on the Proposal to Create a Conservation Development Agreement. I am a resident of Emigration Oaks in Emigration Canyon and have serious concerns about this proposal. Therefore, I am in opposition to creation of this Conservation Development Agreement zone. My concerns are outlined below:

1. Increased Fire Risk – this area is land locked and would pose additional fire risk to Emigration Canyon. No fire trucks can access this area.
2. Transportation to the Proposed Conservation Development Agreement Zone – this area is land locked and there are no roads to transport materials and waste. Practically, this makes the proposal unworkable.
3. Impact on Freeze Creek Water Supply – The impact on our water supply from the Freeze Creeks wells would be greatly compromised. Waste from this proposed conservation development zone could significantly damage our well water quality.
4. Adverse Impacts to the Quality of the Freeze Creek Trail and Emigration Oaks Subdivision - Significant damage to the open spaces and trails that this conservation development zone proposal would create diminishes the recreational potential for this area.

I am against creation of a Conservation Development Agreement zone as described in the current proposal. Thank you for considering my comments as your review this proposal.

Sincerely,

Joan M. Gallegos

336 N. Middle Oak Lane

Salt Lake City, Utah 84108

joan.gallegos2@aol.com

Diana Baun

From: Lisa Albright <lisa.cannon.albright@gmail.com>
Sent: Sunday, August 16, 2026 9:49 AM
To: dbrems@emigration.utah.gov; jhawkes@emigration.utah.gov; rpinon@emigration.utah.gov; ngriffith; charris@emigration.utah.gov; Diana Baun
Cc: lisa.cannon.albright@gmail.com; Frederick Albright
Subject: Leick CDA

You don't often get email from lisa.cannon.albright@gmail.com. Learn why this is important

Dear Council Member,
Sorry that I will miss the Tuesday Council meeting. Please make these comments concerning the Leick CDA be part of the public record.

I am opposed to the Leick CDA for multiple reasons:
-Mr Leick's land has no access and he was aware of this when it was purchased

-allowing Mr Leick access would require many acres of land to be damaged to create a high-grade road which would by necessity require a serpentine path

-allowing Mr Leick access would require Emigration Oaks' roads to be made public; this would decrease safety for residents and wildlife

-Mr. Leick's plans will increase wildfire risk/danger for all residents

Mr. Leick's CDA should not be approved.
Thank you for your consideration.

Lisa Albright, PhD
Professor
Internal Medicine
University of Utah School of Medicine

Diana Baun

From: Lowell Keith <lowell.keith@gmail.com>
Sent: Sunday, August 16, 2026 9:09 AM
To: dbrems@emigration.utah.gov; jhawkes@emigration.utah.gov; rpinon@emigration.utah.gov; ngriffith; charris@emigration.utah.gov; Diana Baun
Cc: Victoria Tiase
Subject: Conservation Development Agreement proposed by Applicant, Ryan Leick

You don't often get email from lowell.keith@gmail.com. Learn why this is important

To: Mayor David Brems, Deputy Mayor Jennifer Hawkes, and members of the Emigration City Council

Please include these comments as part of the public record.

Regarding the proposed Conservation Development Agreement for Freeze Creek Forest, we are homeowners in Emigration Oaks and have serious concerns about the proposal.

This proposal appears to be a repurposed version of the previously denied Agricultural Protection Area, but it contains many of the drawbacks of the original proposal. These notably include: risks to the limited water supply for the Canyon, wildfire risk, disruption of wildlife, and impairment of the character of the area.

Many items in the proposal contain notations of "Verification Pending". It would seem premature to even consider the proposal prior to these verifications being completed by the appropriate authorities.

The approval of this proposal would have an irrevocable negative impact to the residents of Emigration Oaks and Emigration Canyon. Also, approval would set a dangerous precedent for other landlocked properties in the area.

We urge you to avoid the negative consequences to all Canyon residents and deny the proposal.

Respectfully,
Lowell Keith & Victoria Tiase
465 N Marathon Circle

Diana Baun

From: edward ganellen <edward.ganellen@outlook.com>
Sent: Sunday, August 16, 2026 8:33 AM
To: Diana Baun; jhawkes@emigration.utah.gov
Subject: Fw: Leick property

> You don't often get email from edward.ganellen@outlook.com. Learn why this is important

Sent from Outlook

From: edward ganellen
Sent: Saturday, August 15, 2026 5:25 PM
To: dbrems@emigration.utah.gov <dbrems@emigration.utah.gov>
Subject: Leick property

I'm writing this regarding the recent planning commission meeting regarding the Leick property. Many people have communicated their concerns regarding this potential project. My summary regarding these concerns are concerns for fire risk to the neighborhood, damage to the creek, damage to the ecosystem/environment, potential damage to the well and aquifer, and loss of access to a trail that many of us have used. Mr. Leick states that he wants to be a steward of the land, perform fire mitigation, and pursue agriculture on his property. I would propose that he be allowed to continue with his goal of creating a farm in exchange for a conservation easement on the property in perpetuity (not an agreement which he can terminate at his discretion without penalty or restriction), an agreement to terminate his plans and legal actions seeking to establish road access, and provisions to protect Freeze Creek and the EID well adjacent to his property. I would also encourage Emigration Oaks to allow him foot access to his property via the community trail in exchange for continued trail access across his property for community members. If he truly is interested in conservation this compromise would benefit all parties. If his true purpose is to force road access to his property, the potential damage to the creek, ecosystem, aquifer, and community would be devastating.
Thank you for your attention.
Please place this in the public record
With sincere hope for a positive outcome for all parties concerned
Ed Ganellen
687 N Donner Hill Circle
Get Outlook for iOS

Diana Baun

From: Beverly Vargo <bvargo@me.com>
Sent: Sunday, August 16, 2026 8:20 AM
To: dbrems@emigration.utah.gov
Cc: jhawkes@emigration.utah.gov; rpinon@emigration.utah.gov; ngriffith; charris@emigration.utah.gov; Diana Baun
Subject: Opposition to the Leick CDA for Public Comment

> You don't often get email from bvargo@me.com. Learn why this is important

To the Emigration City Council,

I am writing to formally oppose the proposed construction of access roads, structures, and related infrastructure on the presently undeveloped property near Emigration Oaks by Ryan Leick.

My opposition is not based upon a general objection to private property rights or reasonable development. Rather, I am deeply concerned about the substantial and potentially irreversible consequences of introducing roads, structures, vehicles, utilities, and increased human activity into pristine and environmentally sensitive land in an area where **wildfire is a threat and water availability is a serious concern.**

The Rocky Canyon Fire currently burning less than ten miles from this area provides a stark and timely example of this danger resulting in evacuation orders and placing homes, livestock, wildlife habitat, and firefighters at risk. Authorities have determined that the Rocky Canyon Fire was human-caused. This is particularly relevant when considering a proposal that would introduce substantial new human activity

into presently undeveloped wildland. A single ignition in dry wildland can rapidly become a threat to thousands of acres, wildlife, livestock, homes, emergency responders, and an entire community. **Fire does not recognize property lines.** Nearby residents, wildlife, and the firefighters called upon to protect them would all share the consequences.

Water availability is another serious concern. Water is an inherently limited resource in our canyon environment, and additional development creates additional demand for domestic use, construction, landscaping, for proposed animals on the property and, critically, fire suppression.

The land in question is presently pristine and provides valuable wildlife habitat. Roads and associated development would permanently alter that environment as roads require clearing, grading, excavation, drainage modifications, vegetation removal, and continuing vehicle traffic. Once roads have been cut across these hillsides and infrastructure established, the pristine character of this land cannot ever be re-created.

For these reasons, I respectfully request that the proposed roads, structures and related development be denied.
Given the current situation with the Rocky Canyon Fire, this is no longer a hypothetical concern- but a devastating situation that is happening NOW- and therefore this proposal deserves the utmost scrutiny.

Thank you for your consideration.

Sincerely,
Beverly Vargo
761 N Donner Hill Circle
Salt Lake City UT 84108

Diana Baun
City Recorder for Emigration Canyon
dbaun@msd.utah.gov

AND

Wendy Gurr

Metropolitan Services District

wgurr@msd.utah.gov

Emigration Canyon City Council c/o Diana Baun and Wendy Gurr
PO Box 147700
Salt Lake City, UT 84114-7700

Dear Ms. Baun and Ms. Gurr,

I am a resident of Emigration Canyon. I wish to inform you and the Emigration Canyon City Council and Planning Commission of my continued opposition to the actions pursued by Ryan Leick for his landlocked property in Emigration Canyon. Please do not grant a Conservation Development Agreement (CDA) to him.

You must be aware that Mr. Leick applied for an Agricultural Protection Area designation nearly a year ago; his application was denied. His newest attempt to get permission for activities on this landlocked parcel shows that he intends to increase the infrastructure and still pursue activities that put the nearby residents at risk, including through potential fires and stream contamination in a watershed. My Leick has no rights to cross private parcels or use private roads, so his desire for this infrastructure and commercial use associated with his proposed farm should be denied.

You must also be aware that the vast majority of comments and letters submitted last year for the APA designation were in opposition to his request. There is no reason for Emigration Canyon City Council or the Planning Commission to change their position on his requests or to grant him a CDA. Mr. Leick appears to be making another attempt with an end-run around his errors in judgment when he purchased a landlocked property for which he knew was unlikely to have a legal easement. He appears to continue trying to find some way to force others to give him a return on his investment at their expense. Please deny Mr. Leick's newest attempt to gain any governmental approval of his proposals or having a CDA.

Sincerely,

Elizabeth Sanguinetti

726 N. Donner Hill Circle

Emigration Canyon, UT 84108

FORMAL RESIDENT OBJECTION

Leick Conservation Development Agreement | 1475 N Pinecrest Canyon Road

FROM	David and Nancy McNally, 5663 East Twin Creek Road, Salt Lake City, UT 84108
TO	Emigration Canyon Planning Commission and City Council
DATE	August 12, 2026
RE	OAM2026-001673 - Conservation Development Agreement proposed by Ryan Leick
REQUEST	Recommend denial of the proposal in its present form

Dear Planning Commissioners and Council Members:

We are residents of Emigration Canyon and respectfully object to the proposed Conservation Development Agreement for the approximately 40-acre property at 1475 N Pinecrest Canyon Road. we support responsible forest stewardship and genuine wildfire mitigation. Our objection is to granting vested land-use rights for a package of roads, bridges, structures, parking, solar and battery systems, biochar operations, helicopter access, and other activities before the proposal's essential safety, access, water, and environmental questions have been resolved.

We ask the Planning Commission to recommend denial of the agreement in its present form, and I ask the City Council not to approve it. At a minimum, the matter should be continued until a final agreement and complete supporting studies are available for meaningful public review.

Grounds for objection

1. **The agreement is not ready for a final land-use recommendation.** The staff report states that multiple provisions marked "VERIFICATION PENDING" may require legal approval, added detail, deletion, rephrasing, or relocation, and that all sections remain subject to City Council modification. Those unresolved provisions include WUI compliance, fire-suppression measures, silviculture obligations, biochar, helicopter access, sanitation, remedies, termination, and administrative changes. The public should be able to review the final operative language before the City grants vested rights that supersede conflicting ordinances.
2. **Emergency access and wildfire response remain inadequate.** The staff report acknowledges that the property has no motor-vehicle access and therefore cannot be served by vehicular police or fire responders. Yet the concept plan would authorize new structures and activities with potential ignition sources, including electrical and battery equipment and limited open-flame biochar operations. Two 275-gallon tanks identified for permitted burns are not a demonstrated substitute for an approved, reliable fire-suppression water supply, responder access, evacuation planning, or an independent site-specific wildfire analysis. Approval should not precede written Unified Fire Authority findings and binding emergency-access conditions.

3. **The unresolved access dispute makes approval premature.** The staff report states that the owner is in an active dispute with adjoining owners over the nature, extent, and validity of access rights. The City should not vest a development configuration that depends on roads, bridges, construction access, material transport, waste removal, or quarterly helicopter access without proof of lawful and physically adequate access. Approval now could also affect neighboring owners' practical and legal interests before access is resolved.
4. **Watershed and water-supply protections are deferred or too general.** The property is subject to the Water Source Protection Zone and contains forest and riparian areas. The agreement largely requires future permits and unspecified best management practices, while Section 4.5 allows exceptions to the 30-foot stream-corridor and 30-percent-slope limitations for improvements shown on the concept plan. Before approval, the City should require independent hydrology, erosion, drainage, stream-crossing, groundwater, and sanitation analyses addressing cumulative and downstream effects, with measurable standards and enforceable monitoring.
5. **The proposal is broader and more durable than a limited forest plan.** The agreement would vest the uses, density, and configuration; allow structures for cultivation, harvesting, processing, storage, distribution, and off-site sale of products; and permit administrative relocation of structures by up to 30 feet, size changes of up to five percent, and added accessory activities without a public amendment. On termination, lawfully established uses and constructed improvements could survive, including operation, repair, replacement, and reconstruction. These lasting rights warrant a complete cumulative-impact review, not evaluation as isolated conservation practices.
6. **Compliance oversight is too limited for an inaccessible site.** City inspection requires at least seven days' notice and the owner's accompaniment, while requested photo/video compliance reports are capped at twice per year except for active permits. For a remote property with fire, water, grading, stream, waste, and access concerns, the agreement should provide prompt inspection authority, objective reporting triggers, third-party certifications, complaint-response procedures, and immediate enforcement for imminent threats.
7. **The record does not demonstrate that this exception is necessary or superior to ordinary regulation.** The staff report explains that a development agreement may allow land uses otherwise prohibited by generally applicable regulations. The City should make specific findings explaining why each exception is necessary, how it advances the adopted canyon vision, and why ordinary zoning, conditional-use review, conservation easements, or a narrower forest-management approval cannot accomplish the legitimate conservation work with less risk and fewer permanent entitlements.

Requested action

For these reasons, we respectfully request that the Planning Commission recommend denial of OAM2026-001673 and that the City Council decline to approve it. If the City continues its review, I request a new public-hearing record after the following are completed and published:

- a clean, final agreement with every verification issue resolved and all exhibits complete;

- written UFA approval addressing wildfire risk, emergency access, evacuation, suppression water, batteries, biochar, and defensible space;
- proof of lawful access sufficient for construction, operations, waste removal, inspection, and emergency response;
- independent watershed, drainage, erosion, stream-crossing, water-supply, sanitation, and habitat analyses;
- a revised concept plan with exact dimensions, disturbance limits, grading quantities, access routes, and enforceable restoration standards; and
- stronger inspection, monitoring, public reporting, financial assurance, and enforcement provisions, with no permanent surviving rights unless all conditions remain satisfied.

This request does not oppose responsible thinning, forest restoration, or fire mitigation. It asks the City to protect public safety, the watershed, neighboring property rights, wildlife habitat, and the canyon's long-term character before creating vested development rights on an inaccessible and environmentally sensitive parcel.

Thank you for considering this objection and including it in the record for the August 13, 2026 public hearing.

Sincerely,

David McNally

David and Nancy McNally
5663 East Twin Creek Road
Salt Lake City, UT 84108
dmcnally@nexsprout.com
801-971-3991

Diana Baun

From: Kristi Colleran <kristi@colleran.net>
Sent: Saturday, August 15, 2026 5:53 PM
To: dbrems@emigration.utah.gov; jhawkes@emigration.utah.gov; rpinon@emigration.utah.gov; ngriffith; charris@emigration.utah.gov; Diana Baun
Subject: Proposed Leick Conservation Development Agreement

You don't often get email from kristi@colleran.net. Learn why this is important

Dear Members of the Emigration City Council,

As a resident of Emigration Canyon since 2012, I am writing to respectfully urge you to vote NO on the proposed Conservation Development Agreement submitted by Mr. Ryan Leick.

This proposal appears to include many of the same activities and elements that were previously included in the Agricultural Protection Agreement application that the city did not approve. Presenting largely the same plan but now labelled Conservation Development does nothing to address the issues that led to the previous plan's rejection.

There is still no legal road access to this property. Given the scope of activities, it will require significant helicopter access which will be incredibly noisy and disruptive to the Canyon wildlife and residents. In addition, approving this agreement will provide Mr. Lieck future leverage to seek a right-of-way through Emigration Oaks to this property.

The agreement proposes a multitude of construction projects and ongoing operations that are incongruent with conservation. A true conservation agreement would NOT include road and bridge construction, buildings, parking lots, helicopter pad, septic drain field, lumber mill, biochar operation. This seems like commercial industrial development not conservation.

Thank you for your consideration of these comments and I urge you to vote NO! I ask that my comments be entered in public record for the August 18, 2026 Council meeting.

Kristi Colleran
(801) 897-9211

Diana Baun

From: Rachel Baar <rachelbaarcanale@gmail.com>
Sent: Saturday, August 15, 2026 5:35 PM
To: Diana Baun
Subject: Fwd: Ryan Leich

You don't often get email from rachelbaarcanale@gmail.com. Learn why this is important

Hi,
See below for my comments related to an issue on the agenda for the upcoming ECC meeting in August 18. They should be entered as a part of the public record.
Sincerely,
Rachel Baar

In regards to the Ryan Leich Forestry Activity Plan, the proposed project presents significant risks to Utah's private property rights, fragile water resources, and protected wilderness. While agriculture remains an essential part of Utah's economy and heritage, this plan overreaches in ways that threaten long-term sustainability and public interest.

1. Private Roads and Property Rights
The proposal requires the use, alteration, or expansion of private roads to support increased agricultural traffic and infrastructure. Such a move undermines the rights of landowners who depend on those roads for safe, quiet access to their homes and land. Heavy equipment, livestock transport, and increased traffic will degrade these roads, impose maintenance costs on private citizens, and erode the principle of private control over private land. Utah's long tradition of respecting individual property rights should not be sacrificed for short-term agricultural gains.

2. Threats to the Aquifer
Perhaps the most concerning aspect is the potential draw on the local aquifer. Utah already faces critical water shortages due to drought, climate pressures, and population growth. Expanding agricultural use that demands large-scale irrigation threatens to overdraw groundwater reserves. Once an aquifer is depleted or contaminated, it is nearly impossible to restore within a human timescale. Sacrificing future generations' water security for short-term agricultural expansion is neither responsible nor sustainable.

3. Impact on Wilderness and Ecosystems

The proposal encroaches on areas bordering designated wilderness, risking habitat destruction, soil erosion, and fragmentation of ecosystems that are already under stress. Utah's wilderness areas are not only ecological treasures but also economic assets, drawing millions of visitors who support local communities through recreation and tourism. Once disturbed, wilderness cannot be easily restored—its value lies precisely in its undisturbed state.

Conclusion

Forestry Activity Plans must be balanced with the preservation of Utah's water, land, and wilderness. This proposal fails that test. By threatening private property rights, jeopardizing our aquifers, and endangering protected wildlands, it places short-term agricultural expansion above long-term public good. Utah's leaders should reject the current proposal and instead pursue policies that strengthen forestry through efficiency, water conservation, and respect for private and public land stewardship.

Sincerely,

Rachel Baar

Diana Baun

From: Christopher Canale <cccanale@hotmail.com>
Sent: Saturday, August 15, 2026 5:30 PM
To: Diana Baun
Subject: Ryan Leick Forest Activity Plan

You don't often get email from cccanale@hotmail.com. Learn why this is important

I am writing to express my strong opposition to the proposed Forest Activity Plan and associated uses for the approximately 40-acre parcel in the Freeze Creek area of Emigration Canyon owned by Ryan Leick.

I understand that the proposal is intended to establish an agricultural or agroforestry use on this property. However, the potential activities and infrastructure associated with the proposal raise significant concerns that go far beyond simply maintaining a forest or conducting limited agricultural activities. In my view, allowing the construction of roads, bridges, a lumber mill, apiaries, helicopter access, and a septic drain field on this isolated 40-acre parcel would fundamentally alter the character of the property and could create significant environmental, safety, and community impacts.

Most importantly, this property is located within a watershed. What occurs on this property does not remain confined to its boundaries. Water, sediment, pollutants, and other impacts move downhill through the drainage. Any disturbance to the land therefore has the potential to affect downstream residents, natural resources, and the broader canyon ecosystem.

Impact on Water Quality and the Watershed

The construction of roads, bridges, buildings, a lumber-processing operation, and a septic system would require substantial disturbance of the existing landscape. Roads and construction can increase erosion and sediment runoff, particularly in steep canyon terrain. A septic drain field introduces another potential source of nutrients, bacteria, and other contaminants into the groundwater and watershed.

The question should not simply be whether each individual component can technically be engineered or permitted. The City should consider the cumulative effect of all of these activities occurring together in one small, isolated property within a drainage basin.

Once roads, bridges, industrial equipment, wastewater infrastructure, and other facilities are constructed, the property would no longer function as an isolated forested parcel. It would become an active developed operation within a sensitive canyon watershed.

Increased Roads and Permanent Land Disturbance

One of the greatest concerns is the introduction and expansion of roads into an otherwise isolated area.

Road construction requires clearing, grading, drainage structures, and ongoing maintenance. Roads also change how water moves across a landscape and can become channels for erosion and sediment transport. In a steep canyon environment, these impacts can be particularly significant.

Roads also create a permanent change in the character of the property. An isolated 40-acre parcel that currently has limited access is very different from a parcel containing a network of roads capable of supporting logging equipment, trucks, construction vehicles, and other commercial activity.

The City should carefully consider whether opening this previously isolated area to substantial vehicular access is consistent with the long-term land-use vision for Emigration Canyon.

Bridges and Stream-Crossing Concerns

The construction of bridges or other crossings introduces additional disturbance to the drainage system. Any crossing has the potential to affect streambanks, drainage patterns, sediment movement, and aquatic habitat.

These impacts should be evaluated not only at the point of construction but downstream, where increased sediment or altered drainage could affect neighboring properties and the watershed as a whole.

Lumber Mill and Commercial Activity

A lumber mill is particularly concerning because it represents a significant intensification of activity on a small forested parcel.

A milling operation could generate heavy-equipment traffic, noise, dust, wood waste, increased fire risk, and additional vehicle trips. It could also require substantial infrastructure and storage areas.

That type of operation is difficult to reconcile with the idea of preserving the natural and residential character of Emigration Canyon. The City's planning materials specifically identify protection of water quality, open space, ecosystems, noise, and the canyon's environmental character as important community values.

The City should not look at a lumber mill simply as an accessory to forestry. It should evaluate the real-world consequences of bringing an industrial-type activity into an isolated canyon watershed.

Helicopter Access

Helicopter access raises additional concerns involving noise, wildlife, neighboring residents, and the character of the canyon.

Emigration Canyon is valued in part because of its relatively undeveloped natural environment. Regular helicopter operations would introduce a type of activity that is fundamentally different from traditional, low-impact agricultural or forest-management practices.

If helicopter access is necessary to make the proposed operation economically viable, that fact itself should be considered when determining whether the proposed use is appropriate for this location.

Septic Drain Field

The proposed septic infrastructure deserves particularly close scrutiny because of the property's location within a watershed.

A septic system may be appropriate in some circumstances, but the City should require a thorough analysis of soil conditions, groundwater, slope, drainage, capacity, and the potential for contamination or failure. The concern becomes even greater when a septic system is considered in combination with roads, bridges, forestry operations, equipment, and other proposed improvements.

The City should have confidence—not simply assumptions—that the proposed wastewater system will have no unacceptable effect on groundwater or downstream water quality.

Fire and Emergency Concerns

Emigration Canyon is a steep, heavily vegetated canyon environment where wildfire is a serious community concern. The City's own website emphasizes the extreme wildfire risk associated with the canyon's steep terrain and dry vegetation.

Introducing a lumber mill, heavy equipment, increased vehicle traffic, wood storage, and potentially helicopter operations creates additional activities that should be evaluated from a fire-safety perspective.

At the same time, the construction of roads and bridges could create additional demands on emergency services and could complicate evacuation, firefighting, or emergency access depending on their location and design.

Precedent for the Canyon

Perhaps the most important issue is precedent.

The City must consider what happens if this proposal is approved and similar requests are made elsewhere in Emigration Canyon.

If a 40-acre parcel can be developed with roads, bridges, commercial forestry infrastructure, a lumber mill, apiaries, helicopter access, and wastewater infrastructure because those activities are characterized as agricultural or forestry-related, the decision could establish a precedent for substantially more intensive development throughout the canyon's forested areas.

The cumulative effect of allowing isolated parcels throughout the canyon to develop in this manner could be enormous.

Emigration Canyon's character is one of its greatest assets. Residents have chosen to live here because of the open space, forests, wildlife, natural beauty, and relatively undeveloped character of the canyon. The City's planning documents recognize the community's commitment to protecting the canyon's ecosystems and resources, including water quality and open space.

I respectfully ask the City Council and Planning Commission to deny the proposed Forest Activity

This is not an objection to responsible forest management, conservation, or legitimate agricultural activity. It is an objection to allowing an isolated 40-acre forest parcel within a watershed to become the location for a collection of uses and infrastructure that, taken together, could substantially change the property and affect the community beyond its boundaries.

Once roads, bridges, industrial facilities, wastewater systems, and permanent access are constructed, the character of the land cannot easily be restored.

Emigration Canyon has a responsibility to protect its watershed, open spaces, natural resources, and the quality of life of the residents who live downstream and throughout the canyon. Decisions made about one 40-acre parcel should be made with that long-term responsibility in mind.

I respectfully ask the City Council and Planning Commission to reject the proposal as currently presented and to protect the watershed and the character of Emigration Canyon from this level of development.

Thank you for your consideration.

Sincerely,

Christopher Canale

Sent from my iPhone

Diana Baun

From: Terri Martin <terrimartinofutah@yahoo.com>
Sent: Saturday, August 15, 2026 5:25 PM
To: Diana Baun
Subject: Leick CDA -- vote no

You don't often get email from terrimartinofutah@yahoo.com. Learn why this is important

I just sent the comment below to each member of the EC City Council.

Can you please make sure these comments are included in the PUBLIC RECORD as I understand that helps to ensure the (very busy) members will read them.

Thanks.

Dear Emigration Canyon City Planning Commission Members

I am writing to strongly object to the Proposal to Create a Conservation Development Agreement. I am a resident of Emigration Oaks in Emigration Canyon and have serious concerns about this proposal. I oppose approval of this Conservation Development Agreement zone. You should too.

We have all seen this game before. Get a toe under the tent saying" I just want to put my toe in, that's all I want." And then over time, use that toe to incrementally assert more and more expansive rights to more and more development. Turn the tent into a development or bargaining chip to be bought out.

Please step back and look at what this application is really about. Please look at the big picture of where this is headed, rather than fall prey to Mr Leick's game of trying to get a toe under the tent to eventually justify development that clearly would does not belong in this location and is inconsistent with and violates so many of the rules and documents guiding management of Emigration Canyon. Don't fall prey to Leick's approach of "if you build it, they will eventually have to approve it." Don't fall prey to Leick's effort to propose a host of actions with the hope to get at least one thing approved to try to get a toe hold on developing this property.

We live in a culture that defers to what we call "private property rights," often ignoring the public interest or environmental concerns, often to the detriment to us all. But this is not about respecting someone's private property rights.

Leick purchased this property aware of the constraints. That this property was landlocked with no legal access and creating (illegal) access would impinge on others' property rights and be incredibly destructive to the natural values of the place. That it is located in a extremely sensitive area. That it is in a critical watershed in an area in an era of draught. That it is in the heart of a wild landscape used by wildlife and people.

Leick knew all these constraints when he bought the property. Now he is trying to assert the right to develop in a way that ignores all those constraints he knew from the start. Now he is trying to lay down some sort of approval to try and strengthen a claim of legal access.

To allow this to move ahead would be illegal and incredibly irresponsible. It would be a betrayal of your duties.

Some more specific comments follow.

1. NO PERMITS SHOULD BE EVEN CONSIDERED UNLESS LEICK HAS FULLY ESTABLISHED A FULL LEGAL RIGHT TO ACCESS. It is clear what Mr Leick is trying to do. Get approval for the construction of roads and structures on his property in an effort to strengthen his argument that he has a right of public access. If you say yes to this permit, it is cart before the horse decision making that is completely irresponsible.

My understanding is that there was a lawsuit where Leick tried to gain a right of way through private property which was dismissed. It is pretty obvious that Leick will argue that any City approval is a governmentally recognized proof of vested rights which he will use to file a new lawsuit seeking a right of way.

Why would you enter into a development agreement with Leick when he does NOT have the required legal access necessary to implement his plans?

I am also pretty familiar with RS 2477 right-of-way litigation across the state, and it is quite clear Leick does not have a legitimate claim. Don't be fooled by this nonsense.

2. Increased Fire Risk – As you know, emigration canyon is under extreme fire risk because of the area's steep terrain and vegetation. Introducing a lumber mill, heavy equipment, increased vehicle traffic, wood storage, and potentially helicopter operations creates additional activities that increase that risk.

3. Impact on Freeze Creek Water Supply – The project could adversely impact the water supply from the Freeze Creeks wells. Waste from this proposed conservation development zone could significantly damage well water quality. The concern becomes even greater when a septic system is considered in combination with roads, bridges, forestry operations, equipment, and other proposed improvements. The City needs proof that the proposed wastewater system and other development will have no unacceptable effect on groundwater or downstream water quality. Effects on groundwater are often difficult to make conclusively. The City should utilize the precautionary principle and rule on the side of caution,

4. Adverse Impacts to the Quality of the Freeze Creek Trail. This trail is highly valued and used by people throughout the canyon and the city. The development itself and the eventual external road access Leick is seeking would drastically harm the public recreational values. It is inconsistent with all the planning the city has done around recreation for this area.

5. Roads and Bridges and Permanent Land Disturbance.

The road construction proposal on the property itself would very destructive. As a fellow canyon resident has written: "Road construction requires clearing, grading, drainage structures, and ongoing maintenance. Roads also change how water moves across a landscape and can become channels for erosion and sediment transport. In a steep canyon environment, these impacts can be particularly significant. Roads also create a permanent change in the character of the property. An isolated 40-acre parcel that currently has limited access is very different from a parcel containing a network of roads capable of supporting logging equipment, trucks, construction vehicles, and other commercial activity."

Similarly as my fellow resident wrote "The construction of bridges or other crossings introduces additional disturbance to the drainage system. Any crossing has the potential to affect streambanks, drainage patterns, sediment movement, and aquatic habitat. These impacts should be evaluated not only at the point of construction but downstream, where increased sediment or altered drainage could affect neighboring properties and the watershed as a whole.

6. Lumber Mill and Commercial Activity

Again I am going to cite the comments of a fellow resident because they are well done and I agree with them. "A lumber mill is particularly concerning because it represents a significant intensification of activity on a small forested parcel. A milling operation could generate heavy-equipment traffic, noise, dust, wood waste, increased

fire risk, and additional vehicle trips. It could also require substantial infrastructure and storage areas. That type of operation is difficult to reconcile with the idea of preserving the natural and residential character of Emigration Canyon.

I think Leick's lumber proposal is just a smokescreen to pretend his proposal will be fire mitigation.

The City should not look at a lumber mill simply as an accessory to forestry. It should evaluate the real-world consequences of bringing an industrial-type activity into an isolated canyon watershed. "

There is no question that the road plan itself is not consistent with the long-term landv use vision for Emigration Canyon.

7. Wildlife: Riparian zones are rare and extremely important to our wildlife. They are already stressed by the drought. These areas should not be impinged upon in any way, but rather preserved for habitat value.

8. Helicopter Access

Really? Is this needed because Leick lacks legal access? Everyone knows that helicopter access has tremendous impacts related to noise, wildlife, neighboring residents, and the character of the canyon. Emigration Canyon is highly valued for its natural quiet and relatively undeveloped natural environment. Regular helicopter operations would shatter these qualities. Should wildlife and existing residents and visitors suffer because of the development whim or money making schemes of one individual?

9. Precedent for the Canyon

I read a fellow resident's comments about this point and I think they are very well founded. I repeat them here: "Perhaps the most important issue is precedent. The City must consider what happens if this proposal is approved and similar requests are made elsewhere in Emigration Canyon. If a 40-acre parcel can be developed with roads, bridges, commercial forestry infrastructure, a lumber mill, apiaries, helicopter access, and wastewater infrastructure because those activities are characterized as agricultural or forestry-related, the decision could establish a precedent for substantially more intensive development throughout the canyon's forested areas. The cumulative effect of allowing isolated parcels throughout the canyon to develop in this manner could be enormous."

In closing, we all know that Emigration Canyon's character is one of its greatest assets. The open space, forests, wildlife, natural beauty, and relatively undeveloped character of the canyon are priceless. The City's planning documents recognize the community's commitment to protecting the canyon's ecosystems and resources, including water quality and open space.

As Commissioners you have a responsibility to protect these values. A proposal to develop a 40 acre land-locked parel that was purchased with full understanding of the vision for this Canyon and the constraints that exist should not be given deference.

Don't allow a toe under the tent.

Teresa Martin
801-631-1384

To the City of Emigration Canyon Council:

I am writing to express my concern with the proposed Conservation Development Agreement ("CDA") and the process that led to the proposal that came before the Planning Commission for hearing on August 13, 2026.

1. First, the fact that the Staff recommended adopting what was clearly a bad agreement for the City should cause the Council significant concern.

2. I very much echo the comments made by other residents at the meeting that the entire proposal reeked of an attempted backroom deal. Mr. Leick spoke in terms of the "deal that he and the City reached" and Claire Gillmore presented as if there was really no option except to agree to the CDA.

3. While I am sure Ms. Gillmore was just being polite, the first thing she did when she entered the room (a room full of skeptical residents) was to walk over and say hi to Mr. Leick and shake his hand.

4. She then proceeded to present a rambling narrative regarding how the Planning Commission really had very narrow options and while people may not have heard of a CDA "they are very very common." As if people in the room who have read the CDA are incapable of understanding the terms.

5. Then, rather incredibly, she talked about the potential risks of the appeal because of the City's "less than clear" code in front of.Mr. Leick. Mr. Leick is not a friendly. He has sued the City, and others, and has threatened continued litigation. The City's attorney should not be identifying weaknesses in the case in a public hearing. People asked me after the meeting if she was Leick's attorney.

6. Next she made two important statements that are not accurate:

    a. That the CDA runs with the land because it will be recorded. This is just incorrect. The CDA is an agreement between Leick and the City and does not attach as an encumbrance on the land just be virtue of being recorded.

b. That the Leick is forever waiving the development rights enumerated in section 2.1. That is also incorrect as the CDA can be terminated by Leick at any time and for any reason (Section 7.1).

7. She then acknowledged the termination provision but said it didn't matter because the City was about to adopt a new Title 19 that would prohibit the uses enumerated in 2.1. If that is the case then why not wait until those uses are extinguished and take away one of Leick's bargaining chips?

8. The language, and particularly the recitals, are offensive to those of us who know what Leick is up to. Recital G says that the CDA "reflects their aligned values promoting conservation, etc." Our values of conservation are not aligned with Leick whose development under CDA would destroy freeze creek.

9. Mr. Leick can talk all he wants about being passionate about watershed protection and conservation but talk is cheap. The bottom line is that what he has already done has negatively altered the freeze creek experience. Signs, cameras, structures, plastic tubing, a trailer with a side by side flown in. His statement that you won't even see the development from the trail is demonstrably false.

10. Mr. Leick does not come to the City with clean hands.

11. He purchased a landlocked parcel with no access with full knowledge that he had no access.

12. He then continually trespassed across Emigration Oaks property to deposit building materials. When confronted about this he lied about his access.

13. He filed a lawsuit against Emigration Canyon, Salt Lake City, and Emigration Oaks seeking a determination that he had access to his parcel.

14. That case was summarily dismissed. Mr. Leick does not have lawful access through the Emigration Oaks or any of the other landowners he seeks access from.

15. Just as Leick attempted to bootstrap the hearing officer's decision regarding having a lot of record into access, he will try to bootstrap this CDA as the City having contemplated his access and endorsing his development plan.

16. Recital F specially says the Property Owner recognizes the need for motor vehicle access and agrees to certain conditions "until he has motor vehicle access."

17. Mr. Leick is unlikely to ever have lawful vehicle access to this property so if motor vehicle access is necessary for proper fire and safety mitigation then why would we contemplate this agreement when has no such access.

18. As stated above, Section 7.1 allows Mr. Leick to terminate the agreement at any time for any reason but he gets to retain all of the "improvements" he made under the agreement and concept plan. A barn, a lumber mill, a greenhouse, and three parking lots.

19. I have heard that people are advocating for this agreement because Mr. Leick is giving up potential uses such as a ski area and a mine.
    a. But he can terminate the agreement at any time for any reason.
    b. And those uses are simply not viable and according to Ms. Gillmore will shortly be prohibited uses.

20. I have heard that City risks Mr. Leick claiming its decision constitutes a "taking" under the 5th Amendment. Any such claim would be predicated on Mr. Leick having lawful access to conduct the activities that he claims have been taken because of the land use decision. A property owner cannot make a viable claim for economic taking if there is no viable way to engage in the economic activity.

21. I have heard the other justification for the agreement is that Mr. Leick has said he will take this to the Supreme Court. So what. One of the functions of government is to protect its constituents from those trying to get around the law. If Emigration Canyon gains a reputation for caving any time someone threatens a lawsuit over a land use decision then it should expect a lot of such threats and lawsuits.

22. The Planning Commission and the City should tell Mr. Leick that if and when he can establish lawful access he can propose a CDA. Until that time, the City should use its finite legal resources to fight Mr. Leick's administrative appeal and not spend time trying to broker bad deals with him.

Respectfully,

Matthew A. Steward. 5290 E. Pioneer Fork Rd.