

REVIEW OF  
2011, 2013 & 2015  
SUMMIT COUNTY  
CITIZENS SURVEY

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**TELL US WHAT  
YOU THINK**



Julie Booth, Public Affairs  
Anita Lewis, Assistant County Manager

3 STUDIES OVER 6 YEARS TO ASSESS  
KEY OUTCOMES  
LINKED TO STRATEGIC PLANNING AND  
BUDGETING PRIORITIES

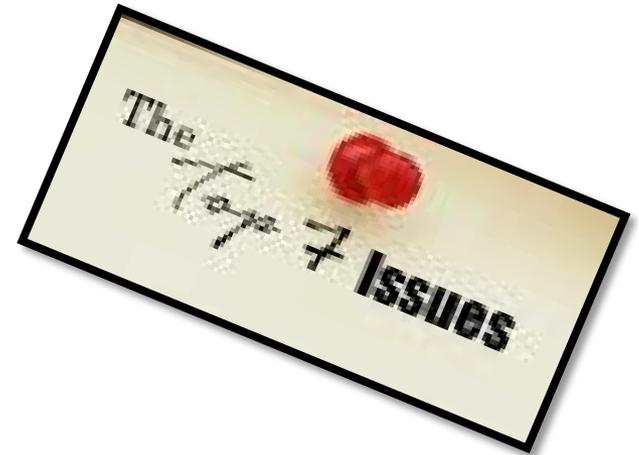


TO PROVIDE  
SUMMIT COUNTY COUNCIL  
THE ABILITY TO:

- Evaluate changes in residents' views about issues as demonstrated by survey responses from 2011, 2013 and 2015
  - Determine if Strategic Plans are aligning with public sentiment
  - Make changes to address resident views/concerns, if necessary

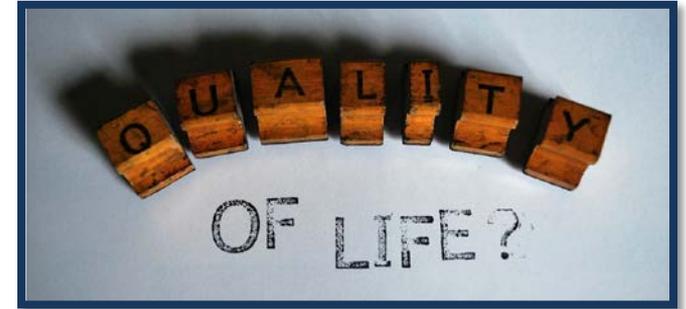
# TOP ISSUES FOUND IN 2011, 2013 & 2015 STRATEGIC PLANS:

- ❖ **Quality of Life**
- ❖ **Planning & Development**
- ❖ **Environmental Stewardship**
- ❖ **Government Services**
- ❖ **Citizen Engagement/Communications**
- ❖ **Transportation**
- ❖ **Economic Development**



# CITIZENS' VIEWS ABOUT QUALITY OF LIFE

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- Commonly high ratings countywide
- A majority of residents were most likely to rate quality of life in Summit County as “**excellent**”

**YEARS COMPARISON:** Slight increase in overall quality of life rating in 2015 when compared to results from 2011 and 2013

**STRATEGIC PLANNING:** Quality of life objectives included in 2011, 2013 and 2015 Council Mission Statements

In 2015, 90% of residents believe Quality of life in Summit County is excellent to above average

# CITIZENS' VIEWS ABOUT PLANNING & DEVELOPMENT

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- Most residents **strongly agree or somewhat agree** that growth and development are causing a loss of important and valued characteristics (73.7% in 2015, 67% in 2013, 70.5% in 2011)
- Comparison of 2011, 2013 and 2015 surveys show 44% of residents countywide consider limitations on new residential development to be **very important**

## YEARS COMPARISON:

Results trending upward for more controls on growth and development (2013 exception)

## STRATEGIC PLANNING:

Planning & Development objectives

included in **2011** and **2015** Council strategic plans



# CITIZENS' VIEWS ABOUT ENVIRONMENTAL STEWARDSHIP

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- **Most residents find it important to very important that Summit County has a clean environment (99.5% in 2015, 98.1% in 2013 and 94.1% in 2011)**
- **Residents find it moderately to very important the County protect and preserve agricultural land and open space in Summit County (95.3% in 2015, 93.9% in 2013 and 93.1% in 2011)**

**YEARS COMPARISON:** Results trend in favor of continued environmental stewardship policies

**STRATEGIC PLANNING:** Environmental Stewardship objectives included in 2011, 2013 and 2015 Council strategic plans



# CITIZENS' VIEWS ABOUT PERFORMANCE OF SUMMIT COUNTY GOVERNMENT

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- Countywide, over **90%** of residents rated the overall quality of county-provided services as **average, above average, or excellent**
- High levels of satisfaction countywide regarding how effectively county offices address citizens' needs and concerns

**YEARS COMPARISON:** Results trend up, performance rating increasing.

**STRATEGIC PLANNING:** Efficient and effective services included in **2011, 2013** and **2015**

Council **Vision** Statements



**ASSESSOR**

# CITIZENS' VIEWS ABOUT COMMUNICATIONS & CITIZEN ENGAGEMENT

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- **Almost half of all residents believe Summit County provides excellent to above average information on a regular basis. (41.9% in 2015, 31.6% in 2013 and 27.1% in 2011)**
- **West County residents rated availability of information about Summit County programs and services the highest, at 49.5%**

## YEARS COMPARISON:

Results trend upward in communications/engagement success

## STRATEGIC PLANNING:

Citizen outreach and communications objectives included in 2011 and 2013 Council strategic plans





# CITIZENS' VIEWS ABOUT TRANSPORTATION

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- Overall, county residents support expansion of public bus services to meet the needs of both local residents and visitors
- Across all areas of Summit County, **few** residents report frequent use of alternative transportation methods for shopping and keeping appointments, or for commuting to work
- Even if traffic congestion conditions were to worsen, most residents consider it unlikely that they would use alternative transportation on a regular basis

**YEARS COMPARISON:** New question for the 2015 survey, no comparison. 2015 results: additional work to be done

**STRATEGIC PLANNING:** Transportation objectives included in **2013** and **2015** Council strategic plans





# CITIZENS' VIEWS ABOUT ECONOMIC DEVELOPMENT CONDITIONS & PRIORITIES

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- **Local characteristics identified most often as “competitive strengths” in attracting new economic development opportunities included **lifestyle** and **environmental** characteristics**
- **“Competitive weaknesses” listed in survey were **high quality**, **high wage jobs** and **limited affordable housing****

**YEARS COMPARISON:** New question for the 2015 survey, no comparison. 2015 results: wages and affordable housing biggest issues.

**STRATEGIC PLANNING:** Economic Development / Diversity objectives included in **2011**, **2013** and **2015** Council strategic plans



SUMMIT COUNTY COUNCIL STRATEGIC OBLIGATIONS ARE  
ALIGNED WITH CITIZEN SENTIMENT

**CITIZENS & ELECTED OFFICIALS HAVE THE SAME CONCERNS**

BUDGET PRIORITIES ALIGNED WITH STRATEGIC PLANS  
HAVE NETTED RESULTS

**SUSTAINABILITY, ECONOMIC DEVELOPMENT, COMMUNICATIONS**

THERE WERE NO AREAS OF FOCUS "MISSED" BY COUNTY  
COUNCIL RELATED TO PUBLIC DESIRES

**ALL ISSUES ARE CURRENTLY BEING ADDRESSED OR HAVE ALREADY  
BEEN ADDRESSED**



**Executive Summary**  
**DRAFT**  
**East Canyon Wildlife Management Area**  
**Habitat Management Plan**  
**January 2016**

**Primary Purpose of WMA:**

To preserve and protect big game winter range and wintering wildlife, and to reduce deer and elk depredation on surrounding private property. Provide recreational opportunities which are consistent with, and support, these wildlife values.

**Wildlife Species:**

Primarily Mule deer, elk, moose, Rio Grande turkey, upland game (grouse, chukar, and dove), neotropical migrant birds, small mammals, and raptors.

**Habitat Conditions and Problems:**

Forage conditions on the property range from poor to good. The south and south-western facing lower elevation slopes have lost many of the perennial grass and browse species important for wintering deer and elk. These species have been lost due to wildfires, drought, through the introduction and expansion of invasive weeds, and past grazing practices. The expansion of invasive weeds including Dalmatian toadflax (*Linaria dalmatica*), bulbous bluegrass (*Poa bulbosa*), yellow star-thistle (*Centaurea solstitialis*), and jointed goatgrass (*Aegilops cylindrica*) are a problem on the property. In addition, human development on crucial big game winter ranges in the herd unit has led to a decrease in available winter range resulting in a higher concentration of wildlife onto the WMA.

There is high public use of the property, especially by equestrian users, due to the proximity to the Wasatch Front. When the property is open to public use, some vandalism and litter problems occur. Concerns with trash and noise from target shooting near the parking lot have arisen from both neighboring landowners and the public using the WMA. Some public trespass occurs during the winter closure periods, likely by shed antler hunters.

**Access Plan:**

Continue winter access closure periods annually from January 1 – second Saturday of April and year round motorized vehicle restrictions to protect wintering wildlife, wildlife habitats, and to provide for public recreational use of the property. Maintain parking lot/trailhead area to accommodate visitor day use. Continue to provide access to the adjacent Walk-in-Access properties.

**Maintenance Activities:**

Maintenance activities include: repairing fences; parking lot maintenance; road grading; sign replacement; trash pick-up; and invasive and noxious weed control. These maintenance activities will be conducted on an “as needed” basis.

**Habitat Improvements:**

- Weed spraying program targeting specifically Dalmatian toadflax and goat grass on the southwest side of the property.
- Use grazing as a management tool to create/enhance wildlife habitat.
- Install fire breaks in a large sagebrush area east of the WMA to help manage/contain wildfires and protect important sage grouse and wildlife habitat.
- Acquire water rights to move to the WMA if any become available within the basin.
- Consider the movement of one range trend transect to a more suitable location.

**East Canyon  
Wildlife Management Area**

**DRAFT**

**-Habitat Management Plan-**

**January 2016**

Prepared by:

**Utah Division of Wildlife Resources**

**Northern Region  
515 East 5300 South  
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# East Canyon Wildlife Management Area Habitat Management Plan

January 2016

DRAFT

## I. Background Information

### Location

The East Canyon Wildlife Management Area (“ECWMA”) encompasses major portions of the Redrock Canyon drainage and the East Canyon Creek drainage. The ECWMA is within the Weber River drainage, and is located northwest of East Canyon Reservoir. The 3498.42 acre property includes 155.38 acres within Summit County and 3343.05 acres in Morgan County. The property is located in Township 3 North Range 3 East Sections 22, 27, 32, 33, 34 and Township 2 North Range 3 East Section 4, 5 SLB&M. Maps of ECWMA including its general location, and a property boundary map with surrounding land ownership is provided in Appendix A. Detailed legal descriptions is provided in Appendix B. The ECWMA property can also be found on the East Canyon Reservoir and Porterville 7 ½ minute quadrangle maps.

### Encumbrances

#### Minerals:

Mineral right information is available at the Utah Division of Wildlife Resources (the “Division”) Salt Lake Office. In summary, the mineral rights on the property have been retained by the grantors. Detailed information about these rights can be found in the deeds or purchase contracts.

#### Water Rights:

There are no water rights filed by either UDWR or other entities on the ECWMA property.

When DWR purchased the property, there were several springs and developed ponds. One of the springs had been developed with a pipeline and stockwatering trough. A review of the State Engineer's records revealed that no one had filed on the springs or ponds on the property. At this time the basin is closed to new appropriations and therefore cannot be filed upon. DWR is trying to find water rights to purchase so that a change application can be filed to cover these water sources.

Easements/ROWS/MOUs: A full summary of all easements, rights-of-way and memorandums of understanding can be found in Appendix B and the Division’s Salt Lake Office. The following easements currently have the greatest impact on land management activities:

- The Mountain Fuel Supply Company has a 50' wide right of way easement across Section 4 T2N, R3E, SLB&M. to lay, maintain, operate, repair, inspect,

protect, remove and replace gas transmission and distribution facilities. The easement is recorded in Morgan County, Utah volume M15, page 52 as entry number 40507. Assignment of right of way was signed over to Mountain Fuel Resources, INC. on June 29th, 1984. Document recorded in Morgan County, Utah volume M46, page 126.

- The City of Bountiful has a 50' wide easement across Sections 4 and 5 of T2N, R3E, SLB&M. (through four different easement deeds) for the purpose of installation and maintenance of an electric distribution line. The easements are all located along the north side of East Canyon Creek and run parallel to State Road 66. The easement locations are described further in the following easement documents: UDWR 863034, Morgan County Entry No. 52795, 53889, 53890.
- In 1989, the Kern River Gas Transmission Company acquired a 75' wide exclusive right-of-way through three easement deeds that together included parts of Section 5, and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of Section 4, T2N, R3E, SLB&M. The purpose of these easements is for the construction, operation and maintenance of a natural gas transmission line. The easements contain 10.35 acres, more or less, and are recorded in the following easement documents: UDWR 863195, Morgan County Entry No. 58569, and 58640.
- In 1989, the Kern River Gas Transmission Company acquired an additional 75 ft. wide exclusive easement through Lots 1, 2, 3, 4, 5, 6, 7, 10, 11, 12 and 13 of Section 4, T2N, R3E, SLB&M. The easement contains 8.65 acres for the construction, operation and maintenance of a natural gas transmission line. The easement was recorded in Morgan County, Utah volume M73, page 287 as entry number 58569. An amendment to this easement was signed in 1993 to allow Grantee access to the easement after construction.
- In 2010, the Kern River Gas Transmission Company obtained a 30 year, 50' wide easement right-of-way located in Sections 4 and 5, T2N, R3E, SLB&M. The purpose of the easement is to construct and maintain a buried, natural gas pipeline. The easement contains 5.81 acres, but only added .17 acres of land under easement due to the acreage overlapping with the 1989 easements (UDWR 104839). A map of the Kern River pipeline disturbance area is located in Appendix A. An additional, temporary access road easement agreement to cross the WMA was also acquired for the above construction and is described in UDWR document 701555.

#### Grazing:

Historically, the Redrock Canyon area was grazed with sheep, but since creation of the ECWMA, grazing practices have been converted to a cattle lease. Portions of the WMA are currently being grazed for the purpose of reducing grasses and weeds to assist the growth of shrub abundance on the property. Cattle grazing will be used as a management tool to achieve desired habitat conditions. This unit has typically been grazed in the spring with 50 AUM's on a 3-year rotational basis: 2 years grazing followed by 1 year of rest. Stocking rates and season of use will be adjusted as needed to obtain desired habitat conditions. Grazing will be administered through a high intensity/short duration strategy with a general grazing season of May through June.

Regional personnel will evaluate the property annually to determine grazing needs on the unit. Any grazing activities use the division's grazing process as outlined in the UDWR Administrative Land Rule (R657-28).

Regional personnel will evaluate the property annually to determine grazing need on the unit. Livestock permittees will be chosen and grazing permits awarded through a competitive bid process. If the Division does not receive any bids during the competitive process, regional personnel will contact potential grazers until a willing party is found. Division personnel reserve the right to make changes to stocking rates, season of use, and the grazing schedule as needed. The Division also reserves the right to prescribe graze the unit, as needed, to reach habitat objectives. Prescribed grazing may also result in permits being issued to a grazer outside of the competitive bid process in order to find willing parties.

### **Land Acquisition History**

The majority of the ECWMA property was procured in the mid to late 1980s through land purchases from several different landowners. Many of these land acquisitions used monies from the U.S. Fish and Wildlife Service, Wildlife and Sportfish Restoration grant (Federal Aid) program: the East Canyon Big Game Winter Range (W-128-L) and Utah Big Game Habitat Acquisition (W-157-L). The most recent addition to the ECWMA was completed through a cooperative mitigation agreement with the Kern River Gas Transmission Company in 2010. The agreement enabled an easement for a natural gas pipeline and also provided for compensatory mitigation to UDWR through the acquisition of approximately 160 acres. A map of the ECWMA parcels and a table detailing each land acquisition's legal descriptions are documented in Appendix B.

### **Historic Uses**

A detailed history of the property is not known, but it has been identified that the Mortenson family historically used the land to graze sheep. Some sections of the land now within the ECWMA were sold by the Mortenson's to the Goldfleck Corporation who leased out the property for sheep grazing. Subsequently, in the late 1980s and early 1990s, both the Mortenson family and the Goldfleck Corporation sold these ECWMA parcels to the Division.

### **Purpose of Division Ownership**

The ECWMA land was obtained for the purpose of preserving and protecting big game winter range and wintering wildlife, and to reduce deer and elk depredation on surrounding private properties. With roughly 75% of mule deer habitat in Wildlife Management Unit 5 (East Canyon) being privately owned (See table 1 below), the ECWMA provides habitat for wildlife and protects historical crucial big game winter range. Currently, most of the properties around the ECWMA are managed for livestock grazing. However, these areas could be developed into residential or recreational properties, which could greatly affect the Unit's wildlife and habitat values.

Table 1: Unit 5 Mule Deer Habitat	Yearlong Range		Summer Range		Winter Range	
Ownership	Area (acres)	%	Area (acres)	%	Area (acres)	%
Forest Service	561	14%	45802	19%	18626	21%
Bureau of Land Management	0	0%	173	<1%	314	<1%
Utah State Institutional Trust Lands	0	0%	754	<1%	59	<1%
Private	3516	86%	188243	79%	65865	75%
Department of Defense	0	0%	193	0%	773	<1%
Utah State Parks	0	0%	0	0%	840	<1%
Utah Division of Wildlife Resources	0	0%	2144	<1%	1354	1%
<b>Total</b>	<b>4077</b>	<b>100%</b>	<b>237461</b>	<b>100%</b>	<b>87750</b>	<b>100%</b>

The ECWMA also provides recreational opportunities that are consistent with and support the property’s wildlife values. Primary recreation opportunities are upland game and big game hunting in the fall, and turkey hunting and shed antler gathering in the spring. Horseback riding, hiking, and camping are also popular uses of the ECWMA.

Roughly 95% of the ECWMA was acquired through federal grants from the U.S. Fish and Wildlife Services using monies from the Pittman-Robertson fund. The grant proposals, East Canyon Big Game Winter Range (W-128-L) and Utah Big Game Habitat Acquisition (W-157-L), described the land would be used to ensure that big game populations be managed at current levels during future years of urban expansion and changing land uses. The lands would also serve as open areas for public enjoyment and use, except when that access conflicts with the prime use of the area as winter range by wildlife.

### Key Wildlife Species Occurring on the WMA

The East Canyon WMA provides crucial winter habitat for mule deer, elk and yearlong habitat for moose. This property is one of the only large protected crucial winter ranges remaining in East Canyon area. In a “normal” winter, the WMA may support approximately 200-600 deer. Within the general area, up to 20 moose can be found throughout the year.

Upland game species include: cottontail rabbit (*Sylvilagus nuttalli*); blue grouse (Dusky) (*Dendragapus obscurus*); ruffed grouse (*Bonasa umbellus*); Rio Grande turkey (*Meleagris gallopavo intermedia*);chukar (*Alectoris chukar*); and mourning dove (*Zenaida macroura*).

The ECWMA has not been formally surveyed for the presence of state sensitive terrestrial species. However, there have been sightings of sensitive species in the general area of the WMA. For more information see the Sensitive Species section of this plan.

No aquatic wildlife surveys have been completed on the ECWMA. The presence of aquatic species on the property is possible, but except for a tiger salamander (*Ambystoma tigrinum*) found in one of the livestock troughs, no other species has been documented. Redrock Canyon Creek is intermittent with minimal flows at the higher reaches which come mostly from springs and seeps, so there likely is no fish component to the stream. The livestock trough, spring, and two ponds on the property may support amphibians such as the tiger salamander and northern leopard frog which have been found within the general area. Boreal toad may potentially be on the WMA as it is within the current range for the species.

### **Public Recreation Opportunities and Restrictions**

The major public recreation opportunities on the property include hunting for upland game and big game. Additional uses also include horseback riding, camping and sight-seeing. The ECWMA also provides access to two UDWR Walk-In-Access sites on private lands located adjacent to the WMA.

The ECWMA, on occasion, can experience high public use due to its close proximity to the Wasatch Front. In addition, privatization and development of lands throughout Morgan Valley and the East Canyon creek drainage has helped concentrate public users on the ECWMA. Morgan County has the most private lands of any county within the state of Utah, which results in limited access to public recreation opportunities on state or federal lands. As one of the only easily accessible publically owned properties in Morgan County, this contributes to the heavy uses on the WMA.

In the past, this heavy use has caused disturbances to wintering wildlife which contributed to big game animals moving onto adjacent agricultural and residential lands, consequently causing depredation problems. The winter closure period on the ECWMA was established to reduce or eliminate these disturbances; however some limited trespass still occurs during the winter and spring months by recreation seekers and shed antler gathers. Additional human caused issues include littering and noise. Trash accumulates at the parking areas from people camping and target shooting on the property. Areas away from the parking area and trails however remain primarily litter free. Noise from target shooting on the WMA has been a concern voiced by neighboring landowners. The intensity of these problems has been reduced following the construction of the new large parking lot, and the effort to keep vehicles limited to this area outside the big game hunting seasons.

Activities on the WMA will be considered according to the UDWR Administrative Land Rule (R657-28). In general, activities that do not promote or protect the goals and objectives of the unit will be prohibited, specifically those activities that disturb or harass wildlife, or degrade important habitats.

The ECWMA is closed to all public access during the winter months (Jan. 1 – to the second Saturday of April) to protect wintering wildlife and wildlife habitats. These dates may be adjusted if necessary for biological or management reasons. The property is also closed year long to all public motorized vehicle use. During the upland game and big game hunts, the outer gate

adjacent to Hwy 66 will be opened to allow vehicles to drive the 1/3 mile into the WMA to the second interior gate and upper parking lot, where people can park to access the main portion of the WMA.

Camping is permitted on this WMA for 14 consecutive days. However, if resource damage occurs, the camping limit may be restricted and/or the area may be closed to camping.

### **Conservation Partners Involved in Acquisition**

The United States Fish and Wildlife Services provided two federal aid grants to the Utah Division of Wildlife Resources that helped acquire 95 percent of the ECWMA property.

The most recent addition to the ECWMA was completed through a cooperative mitigation agreement with the Kern River Gas Transmission Company in 2010. The agreement enabled an easement for a natural gas pipeline and also provided for compensatory mitigation/acquisition of approximately 160 acres of land by the Division.

## **II. Property Inventory**

### **Existing Capital Improvements**

Roads: Public vehicle access on the ECWMA is limited to a 0.3 mile route (Redrock Canyon road) from the parking lot at State Road 66, to the upper parking area. This road has been crowned in the past to facilitate water runoff. This road is only open to motorized access during the fall hunting seasons. However, there are approximately 3.5 miles of additional dirt road or two-track trails that are available for administrative vehicle use and public non-motorized use. In 2010, the Kern River Gas Transmission Company also reconstructed an existing administrative road located approximately 1.5 miles east of the main ECWMA entrance road. (Appendix A).

Parking Lots: To help maintain public access, a 30,000 square foot gravel parking lot is located at the main entrance off of SR-66. This parking lot was constructed by the Kern River Gas Transmission Company as mitigation to UDWR for their use of the main WMA entrance road for the construction of and staging for, the Kern River Apex Expansion natural gas pipeline. A second, upper parking area has minimal maintenance and is located at the second gate, approximately 0.3 miles up the Redrock Canyon Road.

Several unofficial vehicle pull-off areas are located along Hwy. 66 which provide additional access to other portions of the WMA.

### Fences and Gates:

- As part of the Cooperative Mitigation Agreement with the Kern River Apex Expansion project (2010), a buck and pole fence was installed around the lower parking lot to prevent unauthorized vehicular travel. There are also metal gates installed to help manage vehicle use on the WMA, and a horse “walk-through” was installed to facilitate equestrian uses.

- There are two metal gates located at the upper parking lot to prevent public vehicle access up Redrock Canyon. In addition, approximately 1.5 miles east of the main ECWMA entrance road there is a metal gate and fence to prevent vehicle use of an administrative access road.
- There is a short drift fence across the bottom of Redrock Canyon about halfway between the parking lot and trough to facilitate grazing.
- Except for the southern boundary fence and portions of the west and east boundary areas, the majority of the property boundary is not fenced.

#### Signs:

At the entrance to the Redrock Canyon parking area there is a large sign identifying the property as a wildlife management area. Small signs indicating UDWR ownership and the WMA open dates are posted along the southern perimeter of the ECWMA, adjacent to Hwy. 66. In addition, there are also signs posted on metal fence posts at each section corner identifying land ownership.

#### Facilities:

A wooden kiosk is located adjacent to the lower parking lot and is available for the posting of hunting regulations, along with educational and informational items.

#### Water rights:

There are no water rights on the ECWMA held by the Division or by any other entity. The East Canyon drainage is closed to new water right appropriations.

#### Water developments:

There are two spring fed ponds that are located up Redrock Canyon in sections 33 and 22. Both ponds are unmaintained, but are still accessible for livestock and wildlife usage. Northwest of the pond in Section 22 (lot 14), there is also a livestock trough.

#### Wood products:

There are no wood products available on the Property.

### **Cultural Resources**

The East Canyon WMA has had four inventories across the WMA associated with various projects.

- U-85-NJ-060; Archaeological Survey of Coalville, Northland Anthropological Research. No sites found.
- U-89-BC-0481; A CRI of The Proposed WyCal Pipeline Through The State Of Utah. BYU - Office of Public Archaeology. No sites found.
- U09A10245; Kern Apex Pipeline. Alpine Archaeological Consultants. No sites found.
- U10UQ0509; East Canyon WMA Temporary Access Road. DWR - Utah Division of Wildlife Resources. No sites found.

## **Sensitive Species**

Although the ECWMA has not been formally surveyed for the presence of Utah State Sensitive species, there are six wildlife species considered as either a Species of Greatest Conservation Need (SGCN from the 2015 Draft WAP; Section III of this plan) or a Utah State Sensitive Species (Utah Sensitive Species list, 2007). Some species are found on both lists. These species have been either observed on the WMA, or would be expected to occur given habitats types present on the WMA: Golden Eagle, Bald Eagle (Both), Townsend's Big-eared Bat (Both), Fringed Myotis (Both), Little Brown Myotis, and possibly Flammulated Owls in the higher elevation areas where there is some forested habitat (aspen, pine, fir).

According to the Division's Natural Heritage Program there are recent records of occurrence of sensitive species within a 1/2 –mile radius of the ECWMA which include: and northern flying squirrel (*Glaucomys sabrinus*). Within a 2 mile radius there are also records of greater sage-grouse (*Centrocercus urophasianus*), northern leopard frog (*Rana pipiens*), northern river otter (*Lontra canadensis*), Bonneville cutthroat trout (*Oncorhynchus clarki utah*), and western toad (*Anaxyrus boreas*). There are no documented sensitive plant species in the vicinity of the property.

## **Important Fish and Wildlife Habitats**

Vegetation on the ECWMA is characteristic of mountain brush communities in northern Utah. Upland habitats range from lower elevation (below 6000 ft.) grass dominated shrub associations primarily bunchgrass/cheatgrass with a sagebrush/bitterbrush component, to higher elevation (mostly above 7500 ft.) conifer/maple/mixed stands. Important intermediate vegetative types include oak/maple mixes, as well as curl-leaf mahogany occurring mostly on xeric ridge-top sites. The limited riparian vegetation associated with canyon bottoms and springs/seeps is dominated by cottonwood, willow and wild rose. For more information about plant species on the property, refer to the Utah Big Game Range Trend Studies (<http://wildlife.utah.gov/range>).

These habitats are important to big game species like mule deer, elk, and moose which traditionally spend the winter and spring months on the ECWMA before migrating to higher elevation habitats for the summer and early fall. These habitats along the lower elevations of the ECWMA property are regarded as crucial winter range habitat for several wildlife species. With traditional winter ranges continually being lost due to human encroachment, these lower elevations of the property (~ under 7000ft.) are becoming more essential. The loss of winter range habitat is the major limiting factor for mule deer and other wildlife populations in the wildlife management unit. Not only is the quantity of winter range limited, but the quality of the habitat is being reduced due to the loss of critical browse species (sagebrush, bitterbrush, etc) by conversion of shrub lands to grassland environments, the widespread expansion of invasive weeds and grasses, and the loss of habitat due to human developments.

Located within the Redrock Canyon there are two off-channel ponds and an undeveloped spring. All three sites are suitable to provide water for livestock and wildlife. The upper

pond located near the head of the canyon roughly covers 225 square feet and is very shallow. Its water capacity is low, but the stable water level is maintained by a perennial spring. Surrounding habitat is reduced to mainly grass species due to its concentrated use by livestock. The lower pond is approximately 1850 square feet in area, and is located midway up the canyon. It is also spring fed and eventually flows into the main stream channel of the canyon. The pond is fairly shallow, but is entirely covered by duckweed (*Lemnaceae*). The surrounding habitat consists mainly of sparse cottonwood/willow stands with oak stands closer to the slopes.

The undeveloped spring is located on the east slope in the lower portion of Redrock Canyon (Section 4 lot 5). The spring has little standing water and is used heavily by livestock and wildlife. There is minimal water runoff from the spring as most of it is reabsorbed into the soil before flowing down the hill. Due to the heavy use, vegetation in the area is open and consists of a few aspens, maple trees, and sparse density of shrubs.

In addition there is a spring-fed 15' livestock trough located northwest of the upper pond in Section 22 (lot 14). The trough is currently active and maintained annually. Spillover from the trough creates a wet meadow area consisting of grass and sedges plants. Livestock grazing in the vicinity is heavy so vegetation is low growing and sparse.

In addition there are small sections of perennial riparian habitat in the bottom of Redrock Canyon. Water flows in the remaining sections of the channel are intermittent or ephemeral resulting in Redrock Canyon creek not supporting any known fish species. The stream does however provide a healthy forested area mainly consisting of willows and cottonwoods. Due to its intermittent flow, the majority of the stream channel can't be categorized using the Rosgen Classification. Those sections with perennial flow may be classified a C or B type channel under the Rosgen Stream Classification method.

### **Utah Wildlife Action Plan**

The Utah Wildlife Action Plan (WAP; see additional information in Section III, Management Goals and Objectives), identifies several key terrestrial and aquatic habitats that occur on ECWMA. The WAP includes a statewide threat assessment which identifies threats to each key habitat, and then ranks the impact of that threat (the scope and severity; S&S) according to the number of Species of Greatest Conservation Need that could be affected from that threat. These key habitats and their priority threats include:

- Mountain Shrub habitat: Mountain shrub habitats on ECWMA are primarily Rocky Mountain Lower Montane Foothill Shrubland habitats. This habitat includes some species which resprout after fires, while other species do not resprout. Mountain shrub communities are susceptible to cheatgrass invasion on drier sites. No specific management is done for mountain shrub habitats on the WMA
  - The priority threats include: Invasive Plant Species – Non-native (Medium S&S).
- Aquatic - Scrub/Shrub habitats: Scrub/Shrub aquatic key habitats include perennial and intermittent streams where woody vegetation is less than 6 meters in height. Redrock Canyon creek is the only creek on the WMA, with perennial spring flows at the top of the drainage, becoming intermittent as the creek flows south towards the parking lot. No specific management is done for scrub-shrub habitats on the WMA.

- The priority threats include: Agricultural/Municipal/Industrial Water Usage (Very High S&S); Water Allocation Policies (Very High S&S); Presence of diversions (Very High S&S); Improper Grazing (High S&S); Channelization/Bank Alteration (direct, intentional) (High S&S); Droughts (High S&S).

Most of these threats are unable to be addressed directly at ECWMA. However, management at ECWMA addresses threats to these key habitats to the extent possible by managing for a diverse range of habitats in various successional stages which maintain and benefit the wide variety of wildlife species found on the WMA.

Most of the Species of Greatest Conservation Need and Utah State Sensitive Species do not have specific management plans to guide their management. In the future, as species management plans are written and adopted by the Utah Wildlife Board, they may be implemented at ECWMA.

### **General Condition of Habitats**

Habitat conditions on the ECWMA currently vary with vegetation type and with the variety of disturbance conditions which have occurred due to human, wildlife, and livestock uses. Wildfire events have occurred on the property, which has also changed the habitat dynamics. The most recent fire was in 1992 when 1500 acres of the property burned. The burn area was later reseeded to help restore desirable herbaceous and browse plants, and also to combat invasive weeds. Oak brush quickly resprouted throughout the burn area. Noxious and invasive weed species, including Dalmation Toadflax, jointed-goat grass, Bulbous bluegrass and Yellow Star-thistle are found on the property and are aggressively sprayed each year. The major outbreak areas are located on steep slopes making it difficult to access and manage.

Range trend condition information has been collected for the last 30 years by the Division. Several range trend sites are located in the East Canyon area, with one site located on the ECWMA (Redrock Canyon) with another located just outside the eastern property boundary (Tucson Hollow). A summary of this information is provided below. For more information, please refer to the following documents: 1971 Utah Big Game Range Inventory; 1984-2011 Utah Big Game Range Trend Studies (<http://wildlife.utah.gov/range>). The Division will undertake another analysis of the range trend sites on the ECWMA in 2016.

The 1996 to 2011 Utah Big Game Range Trend Study reflect the following information for the two permanent range trend sites on or near the WMA:

**Redrock Canyon – Trend Study No. 5-15 (located on the ECWMA)**

Type	1996	2001	2006	2011
Browse	First year	Stable	Slightly up	Slightly down
Grasses	First year	Up	Stable	Slightly down
Forbs	First year	Up	Slightly down	Up
Winter Range Condition (DC Index)	17.0 Very Poor	36.6 Very Poor-Poor	36.8 Very Poor-Poor	40 Poor

*\*Desirable Components Index: The desirable components index (DCI) for deer was created by the UDWR Range Trend Program personnel as a tool to address condition and/or value of winter ranges for mule deer. This index was designed to score mule deer winter range based upon several important vegetation components (ie., preferred browse cover, shrub decadence, shrub young recruitment, cover of perennial grasses, cover of perennial forbs, cover of annual grasses and cover of noxious weeds). This index is used primarily to determine if a particular site has the vegetation components necessary to be a good winter range for mule deer. It can also be used to identify areas where habitat restoration projects may be needed and assist land managers in determining possible rehabilitation options.*

Browse: The 2011 report states that browse species are not abundant and are likely absent due to the fire. The key browse species found on the study site is mountain big sagebrush (*Artemisia tridentata* ssp. *vaseyana*). The most common species include stickyleaf low rabbitbrush (*Chrysothamnus viscidiflorus* ssp. *viscidiflorus*) and some broom snakeweed (*Gutierrezia sarothrae*). Mountain big sagebrush is a small population that has varied in density, and is centered within the mature age class. Young sagebrush dominated the population in 1996 and 2001, but no new recruitment has been sampled since 2006. Decadence and poor vigor of sagebrush have been low over the course of the study. Other browse species include white rubber rabbitbrush (*Chrysothamnus nauseosus* ssp. *albicaulis*) and mountain snowberry (*Symphoricarpos oreophilus*).

Herbaceous Understory: The herbaceous understory is abundant and diverse. Seeded grasses established well after the fire and include crested wheatgrass (*Agropyron cristatum*), bluebunch wheatgrass (*A. spicatum*), and Great Basin wildrye (*Elymus cinereus*). The most frequent and dominant perennial grass species is crested wheatgrass, which is followed by the weedy species bulbous bluegrass (*Poa bulbosa*). Bulbous bluegrass was sampled in 2001 and has steadily increased over the duration of the study in frequency and cover. Other perennial grass species include Kentucky bluegrass (*P. pratensis*), Sandberg bluegrass (*P. secunda*), orchard grass (*Dactylis glomerata*), mountain rye (*Secale montanum*), and thickspike wheatgrass (*Agropyron dasystachyum*). The weedy annual species Japanese chess (*Bromus japonicus*) and cheatgrass (*B. tectorum*) were dominant species within the herbaceous understory in

1996, but have significantly decreased over the duration of the study in frequency and cover.

**Forbs:** Forbs are also abundant, and several useful species are found on the site. In 1996 and 2001, the annual species yellow salsify (*Tragopogon dubius*) was the dominant forb, but decreased significantly in 2006. The seeded species alfalfa (*Medicago sativa*) and small burnet (*Sanguisorba minor*) were also abundant in 1996, but have varied in frequency and production over the duration of the study. Overall, seeded forbs have established well. The nested frequency of perennial forbs increased in 2001, but decreased in 2006. Some utilization was noted on alfalfa and yellow salsify. Annual species included autumn willow weed (*Epilobium brachycarpum*), Douglas knotweed (*Polygonum douglasii*), tumble mustard (*Sisymbrium altissimum*), and pale alyssum (*Alyssum alyssoides*).

**Tuscon Hollow- Trend Study No. 5-2 (located east and just outside of the ECWMA)**

Type	1996	2001	2006	2011
Browse	First year	Slightly down	Down	Slightly up
Grasses	First year	Up	Down	Stable
Forbs	First year	Up	Down	Up
Winter Range Condition (DC Index)	33.8 Very Poor-Poor	59.7 Fair	60.2 Fair	64.6 Fair-Good

*\*It should be noted that the DC index score should only be used to identify range conditions for mule deer. Please see the footnote on the East Canyon Trend Study for more information on DC Index for mule deer.*

**Browse:** As indicated in the 2011 report, the site supports a variety of browse species, but basin big sagebrush and stickyleaf low rabbitbrush (*Chrysothamnus viscidiflorus* ssp. *viscidiflorus*) have provided the majority of the browse cover. Sagebrush on the site displays characteristics of both basin big sagebrush and mountain big sagebrush (*Artemisia tridentata* ssp. *vaseyana*), and is considered the key browse species. All sagebrush was classified as basin big sagebrush for the purposes of this study. The sagebrush population is moderately dense and is centered within the mature demographic. The decadent age class within the sagebrush population has varied little and is a moderate component of the population. The sagebrush population is all available for browsing, and is lightly to moderately hedged. Decadence in the population is moderate, but poor vigor is low. Recruitment of young basin big sagebrush plants was nominal over the early years of the study, but was good in 2011. The average height and crown measurements increased steadily from 1996-2006, but decreased slightly in 2011. Although the defoliator moth (*Aroga websteri*) was identified on the East Canyon Reservoir study (5-3) less than 1.5 miles to the east, no evidence of the moth was identified on this study. Other common shrub species sampled on the site include stickyleaf low rabbitbrush and Oregon grape (*Mahonia repens*). Less frequent shrubs found on the site are antelope bitterbrush (*Purshia*

*tridentata*), Saskatoon serviceberry (*Amelachier alnifolia*) and chokecherry (*Prunus virginiana*), which are scattered throughout the site and display moderate to heavy hedging. Bitterbrush has displayed the heaviest use with most of the available plants exhibiting a clubbed growth form.

**Herbaceous Understory:** The herbaceous understory is productive with high diversity.

The weedy annual species cheatgrass (*Bromus tectorum*) and Japanese chess (*B. japonicus*) have dominated the understory throughout the duration of the study. The undesirable perennial grass species bulbous bluegrass (*Poa bulbosa*) has increased steadily over the course of the study. Other common perennial species include Sandberg bluegrass (*P. secunda*), Kentucky bluegrass (*P. pratensis*), bluebunch wheatgrass (*Agropyron spicatum*), and Great Basin wildrye (*Elymus cinereus*). A compositional transition took place in 2001 with a decline in annual grasses, and an increase in perennial grasses.

**Forbs:** The forb community is highly diverse. Some of the common forbs include silvery lupine (*Lupinus argenteus*), cutleaf balsamroot (*Balsamorhiza macrophylla*), oneflower helianthella (*Helianthella uniflora*), yellow salsify (*Tragopogon dubius*), and Pacific aster (*Aster chilensis*). Other forbs occur in relatively low numbers and contribute little to the overall herbaceous understory cover.

### **Habitat Limitations**

Over the years, the lower elevations and south slopes of the ECWMA have lost many of the perennial grass and winter browse component species important for wintering wildlife. This shift of habitat condition has been due to past grazing practices, drought, wildfire, etc. An area of roughly 50 acres could be targeted for future revegetation efforts; however most of these slopes on the WMA are steep and rocky making it difficult to prepare an adequate seedbed and subsequently seed the property. In addition, proliferation of invasive and aggressive annual grasses, such as cheatgrass and bulbous bluegrass, make it challenging for rangeland seeding to be successful.

### **Adjacent Land Uses and Potential Impacts**

All lands surrounding the WMA are privately owned and many are used for livestock grazing. Two Walk-in-Access (WIA) properties (Kippen 1 and Kippen 2) border ECWMA and provide additional access for the public. Each property has provisions limiting the duration and types of activities allowed on the land. The parcels are of good size (Kippen 1 = 320 acres, Kippen 2 = 600 acres) and have similar habitat conditions to the WMA. See Appendix A for map of the WIAs.

All the neighboring properties currently have low direct impacts on ECWMA, with trespassing livestock grazing being the most likely problem. However, trespassing livestock have not been a large factor to date. Potential and future impacts could include development and increased recreation uses of neighboring properties, which could potentially increase wildlife concentrations on the ECWMA or lead to public use of the WMA during the winter closure period. However, Morgan County has

currently zoned the area of ECWMA and adjacent parcels as F-1 and MU-160, which restrict development and other land uses on these properties. F-1 zoning requires parcels of 1/2 sections (320 acres) or larger for a particular development, while MU-160 zoning only needs 160 acres per parcel.

### **III. Management Goals and Objectives**

East Canyon WMA management is based primarily upon goals, objectives, and strategies of various plans, which are summarized below.

#### **UDWR Strategic Plan (2007-2011)**

The management of the East Canyon Wildlife Management Area has relevance to the following goals and objectives outlined in the Division's strategic plan:

*Resource Goal – Expand wildlife populations and conserve sensitive species by protecting and improving wildlife habitat.*

*Objective R1- Protect existing wildlife habitat and improve 500,000 acres of critical habitats and watersheds throughout the state by 2011.*

*Objective R2- Increase fish and game populations to meet management plan objectives and expand quality fishing and hunting opportunities.*

*Objective R3- Conserve sensitive species to prevent them from being listed as threatened or endangered.*

*Constituency Goal – Achieve broad-based support for Division programs and budgets by demonstrating the value of wildlife to all citizens of Utah.*

*Objective C1- Increase public awareness of wildlife as a quality of life issue in order to expand our support base and achieve stable funding.*

*Objective C2- Improve Coordination with organizations, public officials, private landowners, industry, and government agencies to obtain support for Division programs.*

These goals and objectives will be accomplished by properly managing the water, vegetation, wildlife and human components of the WMA according to those strategies mentioned in the property and habitat management sections below. These section's detail property maintenance and development, wildlife species and habitat management, and access and fire management on the WMA.

#### **Utah Wildlife Action Plan**

The 2015-2025 edition of the Utah Wildlife Action Plan (WAP) was created with the express purpose and goal of managing native wildlife species and their habitats to help prevent listings under the Endangered Species Act. To help achieve this goal, the WAP provides a statewide approach for the partnership-based, coordinated planning and implementation of wildlife and habitat conservation practices. The WAP addresses the following elements:

- Conservation targets include; species of greatest conservation need, and those species' key habitats; information about the status and distribution of these species; information about the location and condition of these key habitats.
- Threats and limiting factors facing these species and habitats, and research required to help managers more effectively address these problems. Threats are measured and prioritized on a statewide basis, based on how many targets they impact, and how severely the targets are impacted.
- Conservation actions required to abate the highest-priority threats, and improve the supply of these limiting factors.
- Monitoring the status of these targets, and in particular the effectiveness of these actions.
- Approaches for including the public, partners, and stakeholders, in consideration of the mission and authority of partners.
- Provisions for coordinating the WAP with other natural resource management plans.

The ECWMA HMP process is used to address wildlife species and habitats found on the WMA, by explicitly including their needs in routine, novel, and emergency management activities. This aligns well with the intent of the WAP, which identifies specific management actions that can be taken to reduce priority threats to these species and habitats.

The ECWMA has several key habitats of statewide and local concern which include: aquatic scrub/shrub habitats, and mountain shrub habitats. One of the intents of the WAP in identifying these habitats is that local-area management efforts can better focus actions on those specific habitats where actions can have the most benefit for species of greatest conservation need. Most of the threats to the key aquatic habitats are unable to be addressed directly at ECWMA. However, management at ECWMA attempts to address threats to these habitats to the extent possible, by managing for a diverse range of habitats in various successional stages which maintain and benefit the wide variety of wildlife species found on the WMA. For more information, please see the discussion in Section II Property Inventory, Wildlife Action Plan.

## **Wildlife Species Management Plans**

### Deer and Elk Management Plans – Unit 5 (East Canyon)

The deer management plan for Unit 5 was completed in 2013 with the deer population being slightly under objective. Since the previous management plan, the population objective was increased from 6500 to a target winter herd size of 13,500 deer. This change in population objective is based on new data and models available to the Division. Winter range condition is believed to be the major limiting factor on this unit. This is largely due to direct loss of crucial winter ranges from development and urbanization, and loss of critical browse species due to fires, agriculture, drought, invasive weedy species etc. The majority of this winter range loss occurs on the Wasatch Front area.

The elk management plan for Unit 5 was completed in 2012 with the elk population being above objective by 1000 elk. Winter range is the main limiting factor for the carrying capacity for this herd. Ninety-nine percent of the elk winter range in this unit is in private ownership. Similar to the winter range problems facing the unit's deer population, elk winter range is also being lost to development.

The management of both the deer and elk on this wildlife management unit will address the limiting factors and habitat needs identified in those plans and seek to implement habitat management strategies that are needed to reach population objectives. Both of these plans seek to: manage for a population of healthy animals capable of providing a broad range of recreational opportunities, including hunting and wildlife viewing; balancing herd impacts on human needs, such as private property rights, agricultural crops and local economies; and maintaining population levels that are within the long-term capability of the available habitat to support.

In addition, both of these plans discuss habitat improvements needed to improve winter range conditions unit wide, with specific attention given to rehabilitation efforts on ECWMA: working with private and federal agencies to maintain and protect critical and existing winter range from future losses; and to work cooperatively to utilize grazing, prescribed burning and other recognized vegetative manipulation techniques to enhance forage quality and quantity throughout the winter range areas. Revisions to these plans are typically completed every 5 years and will be subsequently incorporated into the management of this WMA as needed.

## **IV. Strategies for Property Management**

### **Development Activities**

- Survey needs: There are no survey needs at this time.
- Boundary fence needs: The entire property boundary has not been fenced due to its large size and its rough, steep terrain. Sections of the west boundary have been fenced along with the access points along SR-66. Fences will be repaired or replaced as needed.
- Sign needs: The perimeter boundary of the property has been posted with “entering/leaving” signs at every quarter section corner, and along SR-66. Additional signs need to be added in areas where terrain makes it difficult to identify the true boundary line. Existing signs will be replaced as needed.
- Land Trade: Efforts are underway to exchange the 80 acre parcel, which is not contiguous with the rest of the ECWMA, for property that is adjacent to the eastern side of and contiguous with the ECWMA.

Along portions of the northern and eastern boundaries of the property, Walk-In-Access (WIA) signs are posted to notify users they are leaving the WMA and entering private land registered with the WIA program. These signs will be replaced by the WIA biologist when needed.

### **Annual Maintenance Activities**

- Fence, pedestrian walk-through, and gate maintenance: Annually inspect fences for breaks and efficiency. Repairs will be conducted on an “as needed” basis.
- Road maintenance/closures: Close and open the gates on appropriate dates and improve the road when deemed necessary.
- Parking areas: Inspect and clean garbage at both the lower and upper parking areas.

- If trash problems arise, enlist volunteer groups, i.e. Boy Scouts or dedicated hunters, to aid with clean-up. Rock rake parking lot areas when needed.
- Noxious weed control: Map invasive weeds on an annual basis to prevent further weed expansion on the property. Annually spray weeds as needed. Annually inspect for weeds along the Kern River Gas Transmission Company ROW's (see Appendix C.) and coordinate control with Kern River.
  - Signs and kiosk: Inspect and replace signs and posted information on the kiosk as needed. Repair and paint the Kiosk every 2-3 years. The kiosk was last painted in 2012.
  - Water developments:  
Annually inspect and maintain the springs and water developments located in Sections 33 and 22.

At this time, the basin is closed to new appropriations and therefore cannot be filed upon. DWR is trying to find water rights to purchase so that a change application can be filed to cover these water sources.

### **Compatibility of Proposed Uses with Local Government General Plans and Zoning and Land Use Ordinances**

The current and proposed uses for the ECWMA are compatible with the local government plans, zoning requirements and land use ordinances for both Morgan and Summit Counties.

#### Morgan County

In 2010, Morgan County approved the Morgan County General Plan to guide development activities within the county. One vision for the County is to value "it's distinctive natural landscapes for their beauty, solitude, recreational opportunities, and natural resources and will work to ensure their long-range conservation and preservation". Goals that have been identified for this vision include: protecting air quality and water resources; to identify, protect and conserve wildlife habitat and open space; and to reduce wildfire threats in Wildland Urban Interface areas.

The ECWMA is currently within two zoning districts. The northern sections of the WMA are zoned as Forest Zone 1 (F-1) and the southern sections zoned as Multiple Use 160 (MU-160). MU-160 zoning limits the property for multiple use, agriculture and rural residential uses.

#### Summit County

A small acreage (155.38 acres) of the WMA lies within Summit County. This area is zoned for Agricultural-Grazing 100 (AG-100), where 100 acres is needed for 1 unit of development. Summit County is currently in the process of reviewing and updating the Eastern Summit County Development Code language and Zoning map. The current proposal is for the zoning in this area to change to Ag-80, where 80 acres are needed for 1 development unit. Although no impacts to the ECWMA or changes to WMA management are anticipated, once the Eastern Summit County Development Code language and Zoning map are completed, potential impacts to the ECWMA will be

evaluated and management adjusted if needed.

## **V. Strategies for Habitat Management**

### **Unit Management Plans for wildlife species**

Strategies for habitat management will be consistent with those outlined in the deer and elk management plans for Unit #5, and the Wildlife Action Plan. These strategies include, but are not limited to:

- Continue to monitor the permanent range trend study site located on the WMA and the study site located on adjacent private land.
- Work cooperatively with land management agencies and private landowners to plan and implement projects that will improve wildlife habitat and range conditions in general on surrounding lands. Improvement projects will focus on improving winter range for deer and elk within Unit 5.
- The property should be surveyed for the presence of state sensitive terrestrial and aquatic species, and for WAP species.
- Recognize the value of the WMA for migrating and nesting neotropical bird species, and maintain and enhance high quality habitat for these birds, while minimizing disturbance impacts.

### **Habitat Improvement Plan**

- Maintain entrance fences and gates to prevent habitat damage from unauthorized vehicles use.
- Monitor and spray noxious weeds to reduce and eliminate the spread of these weeds on the property
- Continue to use livestock grazing as a habitat management tool that may be utilized to assist with revegetation efforts, and to control noxious and invasive species. Monitor the intensity of the grazing and its effects on the WMA. Evaluate current grazing leases to determine if additional infrastructure is needed.
- Implement the wildfire management recommendations (see below) to reduce the risk of wildfire across the property.
- Undeveloped crucial winter range on private lands surrounding the WMA will be evaluated for potential protection and habitat enhancement efforts through conservation easements, fee title acquisition and habitat improvement opportunities to provide enhanced crucial big game winter range.
- At the current time, specific projects are currently being developed to enhance the habitat on the WMA. However, opportunities are limited due to the steepness of the property. Additional projects may be proposed in the future, along with continued weed treatments.
- Consider the movement of the range trend transects to more suitable locations which will provide for a better assessment of habitat conditions.

### **Access Management Plan**

The purpose of an access plan is to provide for public use and access on the ECWMA in a way that supports the Division's goals and objectives, as indicated in the habitat

management plan, and that support the primary purposes for the WMA acquisition. Activities on the WMA will be considered according to the UDWR Administrative Land Rule (R657-28). In general, activities that do not promote or protect the goals and objectives of the WMA will be prohibited, specifically those that disturb or harass wildlife and their habitats.

The ECWMA will be closed to all public access during the winter months (Jan. 1 – second Saturday in April) to protect wintering wildlife. When the property is within a hunt unit boundary where late season hunts are available, public non-motorized access to the WMA may be provided to hunters with valid hunting tags for this unit. The property is also closed year long to all public motorized vehicle use.

During the fall hunting seasons, the road between the upper and lower parking lots is available for vehicle use, with some public camping occurring along the road and in the upper parking area.

There are also two Walk-In-Access properties (Kippen 1 = 320 acres, and Kippen 2 = 600 acres) adjacent to the ECWMA that allow public access. Each property has provisions limiting the duration and types of activities allowed on the land. See Appendix A for maps of ECWMA access points and the adjacent Walk-In-Access properties.

### **Fire Management Plan**

Although a specific fire management plan has not been developed for the ECWMA, the following are recommendations made by the Utah Division of Forestry, Fire and State Lands and the Morgan County Fire Marshall:

- Create a 150' fire break under the powerline corridor/road, or somewhere in this vicinity, to prevent a fire from starting at the road and moving north through the property.
- Create a minimum of 60' vegetated fuel breaks around the southern boundary.
- Create a patchwork of 50-60' fuel breaks across the landscape, especially on ridgelines.

The Division will work closely with these other agencies to develop and implement a plan to reduce the spread of fire onto and off of the ECWMA.

### **Wood Products**

There are no wood products to be harvested from the ECWMA.

### **Livestock Grazing Plan**

Cattle grazing will be used as a management tool to achieve desired habitat conditions. Portions of the WMA are currently being grazed for the purpose of reducing grasses and weeds to assist the growth of shrub abundance on the property. This unit has typically been grazed in the spring with 50 AUM's on a 3-year rotational basis: 2 years grazing followed by 1 year of rest. Stocking rates and season of use will be adjusted as needed to obtain desired habitat conditions. Grazing will be administered through a high intensity/short duration strategy with a general grazing season of May through

June. Regional personnel will evaluate the property annually to determine grazing needs on the unit. Any grazing activities use the division's grazing process as outlined in the UDWR Administrative Land Rule (R657-28).

Regional personnel will evaluate the property annually to determine grazing need on the unit. Livestock permittees will be chosen and grazing permits awarded through a competitive bid process. If the Division does not receive any bids during the competitive process, regional personnel will contact potential grazers until a willing party is found. Division personnel reserve the right to make changes to stocking rates, season of use, and the grazing schedule as needed. The Division also reserves the right to prescribe graze the unit, as needed, to reach habitat objectives. Prescribed grazing may also result in permits being issued to a grazer outside of the competitive bid process in order to find willing parties.

Specific activities to improve the grazing program on the unit may include:

- Replace, rebuild, maintain and install new fences to manage livestock.
- Pursue water development opportunities which would assist with livestock distribution.
- Use the WMA as a grass bank to rest other private property that has a benefit to wildlife.

#### **Compatibility of Proposed Plans with Local Government General Plans and Zoning and Land Use Ordinances**

The current and proposed uses for the ECWMA are compatible with the local government plans, zoning requirements and land use ordinances for both Morgan and Summit Counties.

### **VI. Summary Statement of Proposed Uses**

The primary goals and objectives of the East Canyon WMA are to preserve, protect and enhance big game winter range and wintering wildlife. This will help to reduce deer and elk depredation on surrounding private lands. The Division will allow for and provide wildlife related recreational activities that are consistent with the goals and purposes for which the property was acquired.

### **VII. Monitoring and Evaluation**

Division will complete the following monitoring and evaluation on the ECWMA:

- Vegetation Transects at the range trend survey sites every 5 years.
- Completed habitat projects will also be monitored.
- Monitoring of conditions on right-of-ways and easements
- Annual to biennial fish and wildlife surveys/counts.

The Northern Region Habitat Section, area wildlife biologist, habitat maintenance

specialist and the area conservation officer will be responsible for monitoring the overall effectiveness of this plan. Appropriate sections and staff will provide expertise as required. The habitat maintenance specialist will monitor the needs and effectiveness of physical facilities and improvements. If necessary, the district conservation officer will write or amend an action plan for this property. All individuals and sections will report to the Regional Management Team through their supervisors. The area wildlife biologist, with assistance from a regional team, will amend this plan as needed.

## **VIII. Appendices**

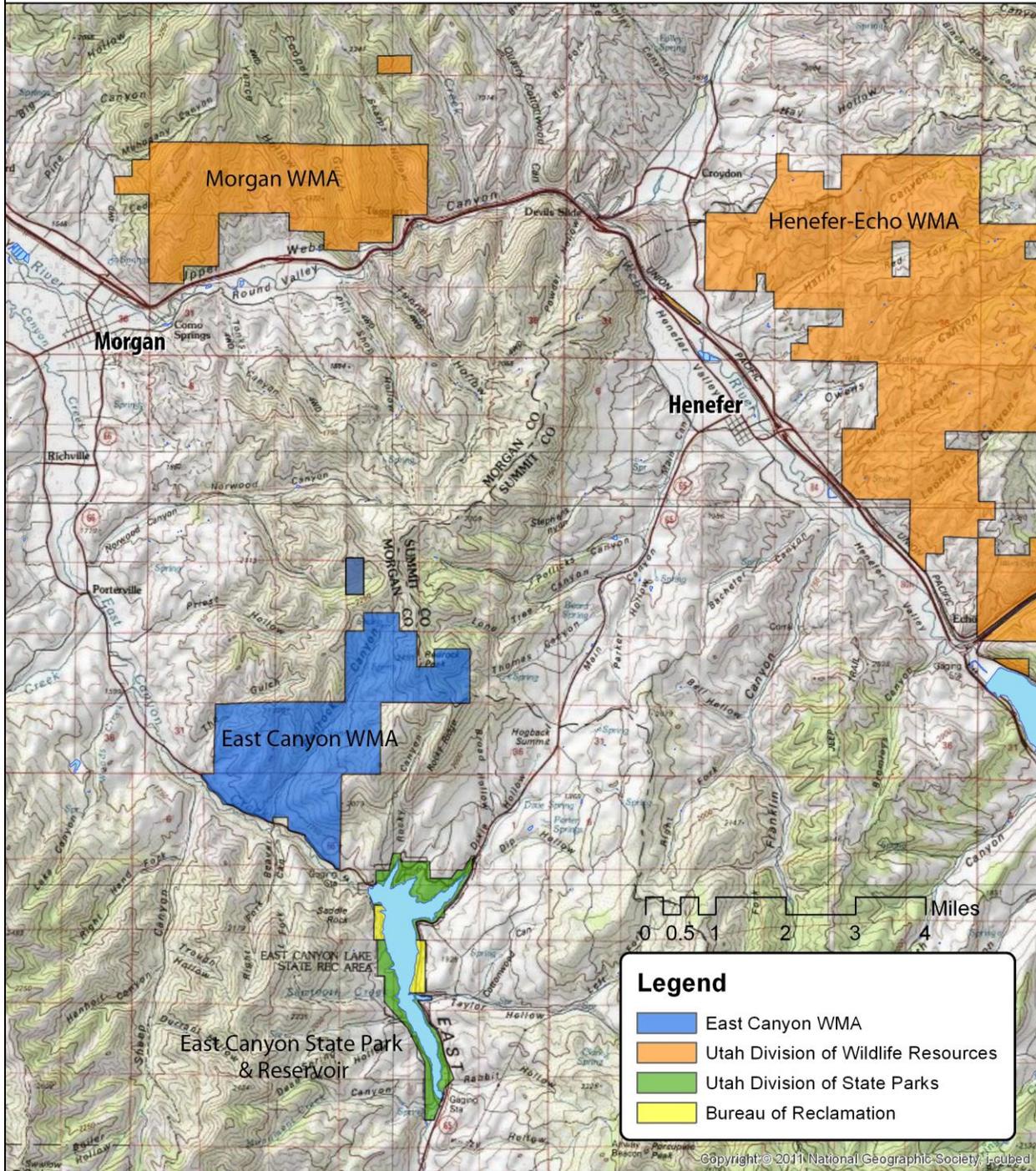
- A. Maps: General Location Map; Land Ownership Map; Road/Access Map; Kern River Pipeline Disturbance Map
- B. Legal Descriptions and Encumbrances: Parcel Deed Map; Legal Boundary Descriptions; Parcel Encumbrances

# Appendix A

## Maps

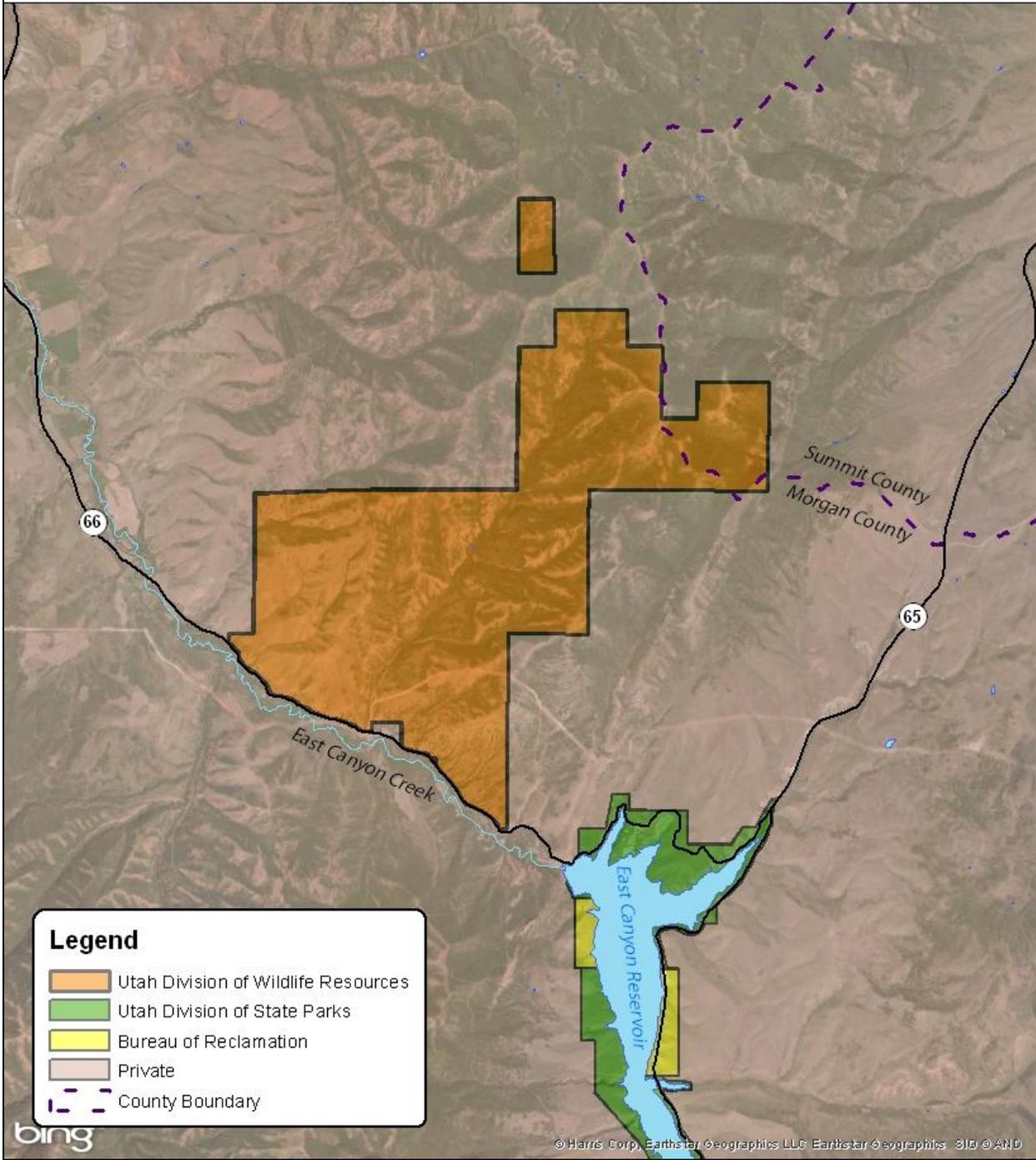


# East Canyon Wildlife Management Area General Location Map





# East Canyon Wildlife Management Area Land Ownership Map





# East Canyon Wildlife Management Area

## Map of Kern River Pipeline Disturbance

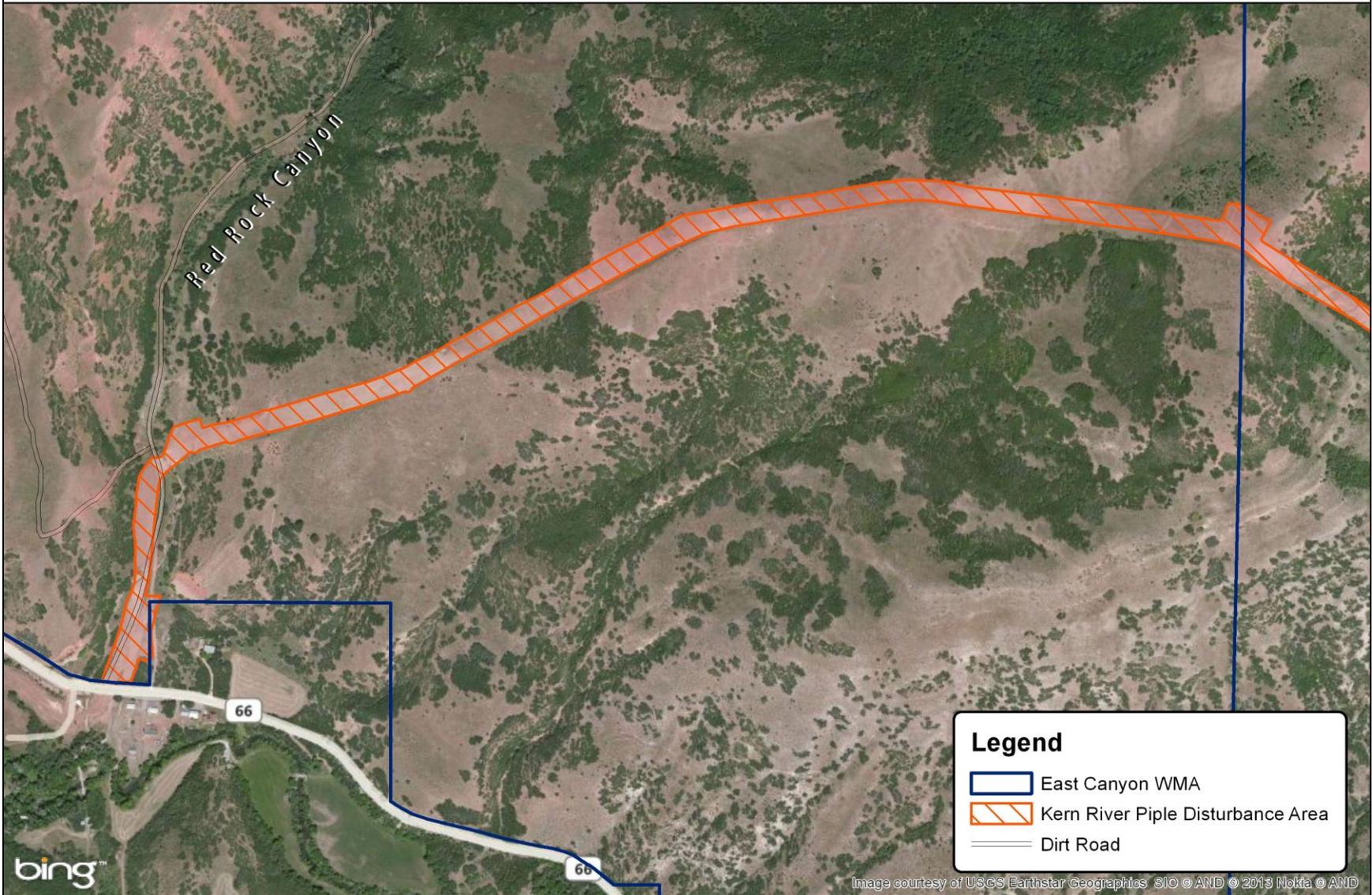
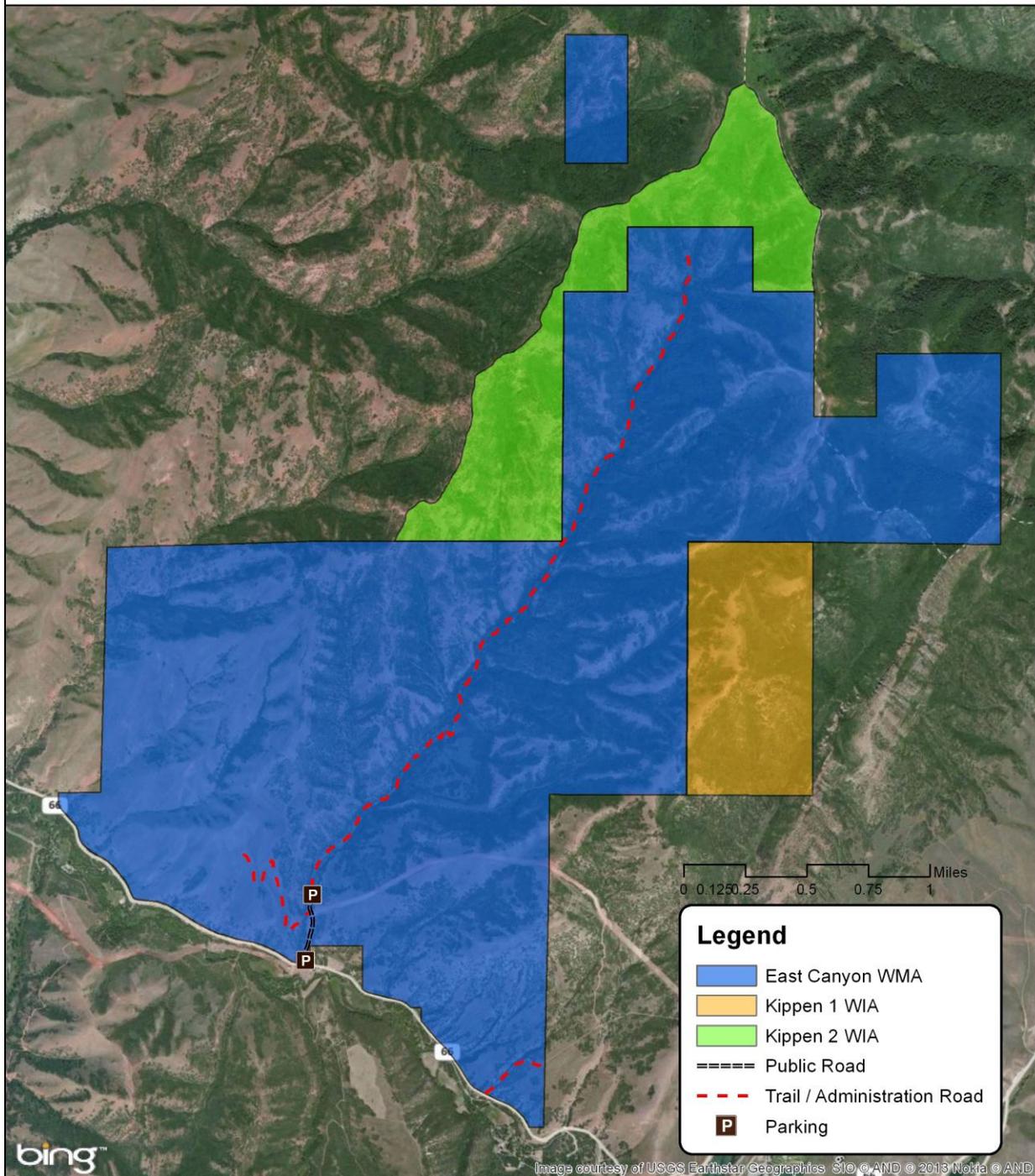


Image courtesy of USGS Earthstar Geographics SIO © AND © 2013 Noika © AND



# East Canyon Wildlife Management Area Road/Access Map

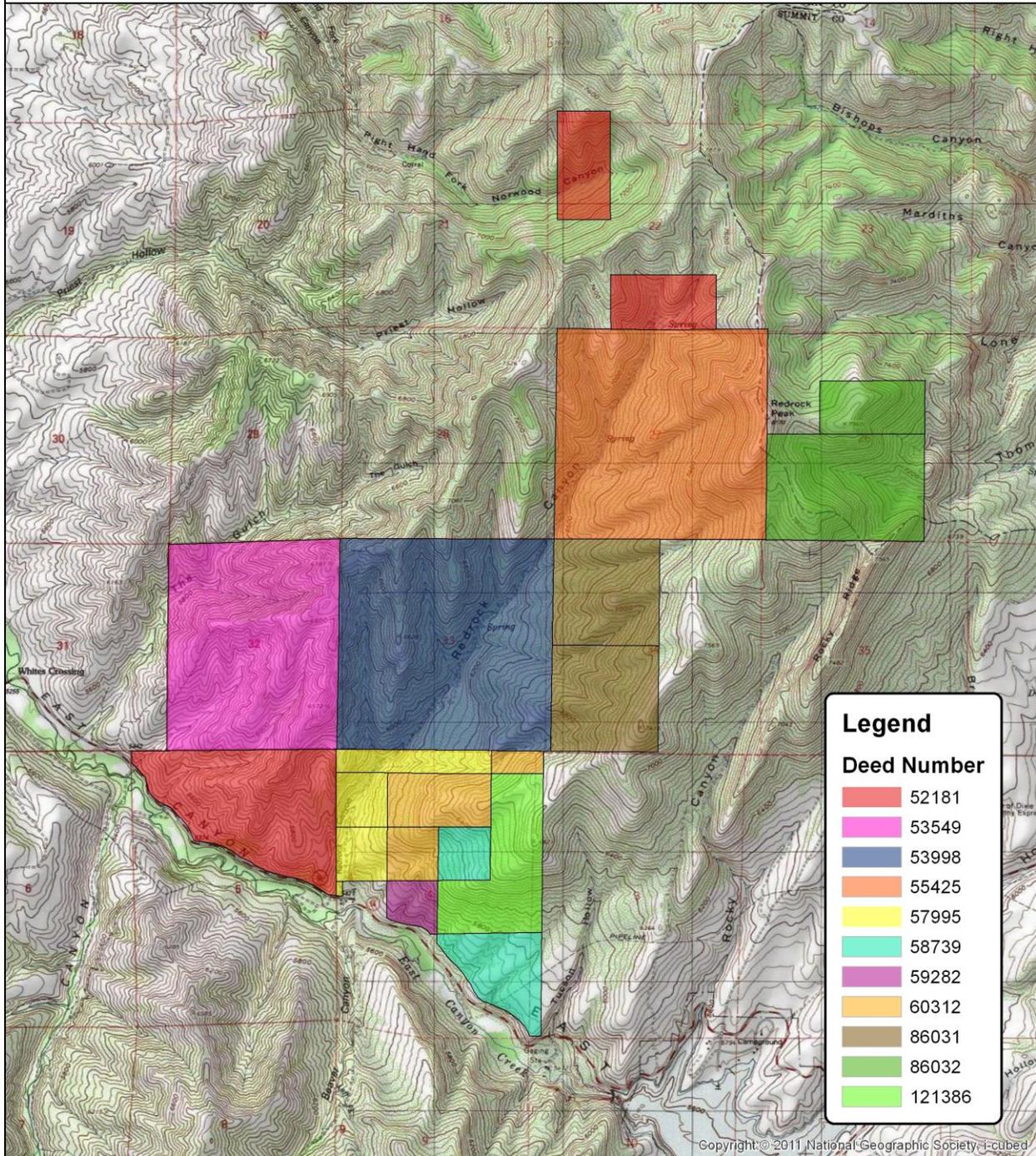


# **Appendix B**

## **Legal Descriptions and Encumbrances**



# East Canyon Wildlife Management Area Parcel Deed Map



Parcel Legal Boundary Descriptions (B-1)

<b>Previous Owner</b>	<b>Location</b>	<b>Deed #</b>	<b>Date</b>
Goldfleck Corporation	T2N, R3E, Sec 5: Lots 1, 2, 3, 4, 6, 7, and 8 and portion of lots 5, 9, 10, 11, 12, and 16 located north of Hwy 66. T3N, R3E, Sec 22: Lots 4, 5, 14, and 15.	52181	July 11, 1985
Goldfleck Corporation	T3N, R3E, Sec 32	53549	June 1, 1986
Goldfleck Corporation	T3N, R3E, Sec 33	53998	October 23, 1986
Goldfleck Corporation	T3N, R3E, Sec 27	55425	October 8, 1987
Darlene Mortensen	T2N, R3E, Sec 4: Lots 2, 3, 4, 5, 12, and portion of lot 13 north of Hwy 66.	57995	July 20, 1989
Darlene Mortensen	T2N, R3E, Sec 4: Lots 10 and portion of South East Quarter of section north of Hwy 66	58739	January 8, 1990
Goldfleck Corporation	T2N, R3E, Sec 4: Portion of lot 14 north of Hwy 66	59282	June 25, 1990
Darlene Mortensen	T2N, R3E, Sec 4: Lots 1, 6, 7, and 11	60312	January 31, 1991
SITLA	T3N, R3E, Sec 26 Lots: 6, 7, 10, 11, 12, 13, 14, and 15	86032	August 21, 2001
SITLA	T3N, R3E, Sec 34: Lots 3, 4, 5, 6, 11, 12, 13, and 14	86031	August 21, 2001
ZBF Investments I	T2N, R3E, Sec 4: Lots 8, 9, 15, and 16	121386	October 4, 2010

## Summary of Parcel Encumbrances and Easements

**Grantor:** Goldfleck Corporation

Warranty Deed # 52181 (442.99 acres), Contract of Purchase # 855364

Township 2 North, Range 3 East,  
Sec. 5, Lots 1, 2, 3, 4, 6, 7, and 8 and that portion of lots 5, 9, 10, 11, 12,  
and 16 located north of Utah Highway 66. (284.10 acres more or less)

Township 3 North, Range 3 East,  
Sec. 22, Lots 4, 5, 14, and 15. (158.89 acres more or less)

### Encumbrances & Limitations :

- Grantor reserves all mineral rights as indicated in contract of purchase.

### Additional Easements:

- Bountiful City A Municipal Corporation: 50' wide non-exclusive easement for purpose of construction and maintenance of an electric distribution line. Easement dated June 3, 1986.
- Kern River Gas Transmission Company: 75' wide easement for the purpose of construction, operation and maintenance of a natural gas transmission line. Easement dated May 15, 1989.
- Kern River Gas Transmission Company: Thirty (30) year term 50' wide exclusive right-of-way and easement for the purpose to locate, survey a route, construct, entrench, maintain, protect, inspect and operate a pipeline and/or communications cable. Easement dated September 30, 2010.

**Grantor:** Goldfleck Corporation

Warranty Deed # 53549 (514.80 acres), Contract of Purchase # 855365

Township 3 North, Range 3 East,  
Sec. 32 (514.80 more or less)

### Encumbrances & Limitations :

- Grantor reserves all mineral, geothermal, oil and gas rights (not including sand and gravel) appurtenant to the land as indicated in contract of purchase.

### Additional Easements:

- None

**Grantor:** Goldfleck Corporation

Warranty Deed # 53998 (640 acres), Contract of Purchase # 871515

Township 3 North, Range 3 East,  
Sec. 33 (640 acres more or less)

Encumbrances & Limitations :

- Grantor reserves all mineral, geothermal, oil and gas rights (not including sand and gravel) appurtenant to the land as indicated in contract of purchase.

Additional Easements:

- None

**Grantor:** Goldfleck Corporation

Warranty Deed # 55425 (634.32 acres), Contract of Purchase # 881441

Township 3 North, Range 3 East,  
Sec. 27 (634.32 acres more or less)

Encumbrances & Limitations :

- Grantor reserves all mineral, geothermal, oil and gas rights (not including sand and gravel) appurtenant to the land as indicated in contract of purchase.

Additional Easements:

- None

**Grantor:** Darlene Mortensen

Warranty Deed # 57995 (130.96 acres)

Township 2 North, Range 3 East,  
Sec. 4: All of lots 2, 3, 4, 5, 12 and the West 150' of Lot 13 North of  
Highway 66 (130.96 acres more or less)

Encumbrances & Limitations :

- City of Bountiful: 50' wide non-exclusive easement for purpose of construction and maintenance of an electric distribution line. Easement dated January 22, 1986.
- Kern River Gas Transmission Company: 75' wide exclusive right-of way and easement for the purpose of constructing, inspecting, repairing, protecting and maintain the facilities, and removal and replacement of pipeline. Easement dated November 30, 1986
  - Amendment to easement was signed on July 30, 1993 to authorize Kern River Gas Transmission Company to perform a survey of the pipeline location after construction.
- Grantor reserves all mineral, geothermal, oil and gas rights (not including sand and gravel) appurtenant to the land as indicated in warranty deed.

Additional Easements:

- Kern River Gas Transmission Company: Thirty (30) year term 50' wide exclusive right-of-way and easement for the purpose to locate, survey a route, construct, entrench, maintain, protect, inspect and operate a pipeline and/or communications cable. Easement dated September 30, 2010.

**Grantor:** Darlene Mortensen

Warranty Deed # 58739 (130.25 acres), Land Contract # 893376

Township 2 North, Range 3 East,

Sec. 4: All of lots 10 and that portion of the South East Quarter of said section lying North of Highway 66. (130.25 acres more or less)

Encumbrances & Limitations :

- Mountain Fuel Supply Company: 50' wide right-of-way and easement to lay, maintain, operate, repair, inspect, protect, remove and replace pipeline. Easement dated January 28, 1974.
  - Assignment of Right of Way was signed on June 29, 1984 to quit-claim easement to Mountain Fuel Resources, INC.
- City of Bountiful: 50' wide non-exclusive easement for purpose of construction and maintenance of an electric distribution line. Easement dated January 22, 1986.
- Grantor reserves and excepts all minerals and mineral rights of every kind, except sand and gravel as indicated in Land Contract.

Additional Easements:

- None

**Grantor:** Goldfleck Corporation

Warranty Deed # 59282 (39.06 acres), Contract of Purchase # 902694

Township 2 North, Range 3 East,

Sec. 4: Portion of Lot 14 located North of Highway 66.  
(39.06 acres more or less)

Encumbrances & Limitations :

- City of Bountiful: 50' wide easement for the purpose of construction and maintenance of an electric distribution line. Easement dated January 7, 1986.
- Grantor reserves and excepts all minerals and mineral rights of every kind, except sand and gravel as indicated in Warranty Deed.

Additional Easements:

- None

**Grantor:** State of Utah

State of Utah Patent # 19486 (315.90 acres), Certificate of Sale # 25582-B

Township 3 North, Range 3 East,

Sec. 26: Lots 6, 7, 10, 11, 12, 13, 14, 15 (315.90 acres more or less)

Encumbrances & Limitations :

- State of Utah, School and Institutional Trust Lands Administration reserves and excepts all coal and other mineral deposits as indicated in the Patent.

Additional Easements:

- None

**Grantor:** State of Utah

State of Utah Patent # 19485 (318.50 acres), Certificate of Sale # 25582-A

Township 3 North, Range 3 East,

Sec. 34: Lots 3, 4, 5, 6, 11, 12, 13, 14 (318.50 acres more or less)

Encumbrances & Limitations :

- State of Utah, School and Institutional Trust Lands Administration reserves and excepts all coal and other mineral deposits as indicated in the Patent.

Additional Easements:

- None

**Grantor:** ZBF Investments I, LLC

Warranty Deed # 121386 (164.46 acres), Coop. Mitigation Agreement # 701435

Township 2 North, Range 3 East,

Sec. 4: Lots 8, 9, 15, 16 (164.46 acres more or less)

Encumbrances & Limitations:

- Kern River Gas Transmission Company: 75' wide exclusive right-of-way and easement for the purpose to locate, survey a route, construct, entrench, maintain, protect, inspect and operate a pipeline and/or communications cable. Easement dated December 18, 1989.
- Grantor reserves and excepts all minerals and mineral rights of every kind, except sand and gravel as indicated in Warranty Deed.

Additional Easements:

- None



## STAFF REPORT

TO: Summit County Council  
FROM: Matt Leavitt – Summit County Financial Officer  
DATE: January 22, 2016  
SUBJECT: Discussion regarding revenue sources for transportation.

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In 2015 the Summit County Council adopted the Summit County Strategic Plan, listing four core areas to be addressed in the upcoming years. The first of those core values being, “**A transportation system that connects people to jobs, services and communities, while limiting congestion.**” This discussion regarding transportation related revenue sources is the beginning towards a series of further discussions related to this core value. Manager direction given for discussion with Council are:

1. Revenue related, directly or indirectly, to transportation (Matt Leavitt);
2. Direction and timeline as to implementing certain transportation related revenue resources (Dave Thomas);
3. Various transportation needs of the County (Caroline Ferris); and,
4. Direction and action plan coordinated with County Council (staff).

In order to implement specific aspects of this direction, it is important to have continuous dialogue with the Council in the upcoming weeks. As stated above, the timeline will be addressed by the Attorney’s Office.

The 2016 budget continued to address the mission and values set forth in the County Council’s Strategic Plan. Budget decisions were prioritized accordingly. Moving forward in to 2016, discussions need to continue to set further direction as to accomplishing more of those priorities. Certain discussions need to continue in order to accomplish what was included in the 2016 budget which, in turn, help accomplish those priorities.

Included in the 2016 budget were revenue estimates based on historical amounts received. The historical revenue sources have been sufficient to get the County to a certain point. However, in order to move beyond what has been accomplished historically, the Council must discuss the possibility of additional resources, revenue, long-term debt, or otherwise, in order to accomplish the Council’s values in a time frame that is acceptable.

### **New Sources**

Included in the 2016 budget is a **curbside fee** for waste collection. This is a \$3.00 per can monthly fee that is anticipated to generate \$720 thousand per year for the County general fund. This fee will

need to be enacted soon in order to maintain general fund stability and allow the County to refocus resources towards a dedicated capital stream.

**Currently, capital resources from the general fund are only those that are made available by cutting portions of the operating budget or using fund balances from prior years' budget savings.**

Also included in the 2016 budget is an increase in **landfill tipping fees** in the Landfill Enterprise fund. The current tipping fee was proposed to increase from the \$31/ton fee to \$33/ton (estimated annual revenue increase of \$110 thousand). This fee, as discussed in previous Council meetings, is necessary to reduce the Landfill Enterprise fund's dependency on a general fund subsidy. During 2015, the general fund contributed \$593 thousand to help with capital needs of the Landfill fund. The Landfill fund continues to have capital needs and the increase in tipping fees is necessary for this to be accomplished. These fees were included in the fee schedule that was adopted by the County Council in December 2015.

Enacting these fees in 2016 will begin the process of the Landfill Enterprise fund becoming self-sustaining and reduce the amount of General fund resources needed to pay for the collection contract with Allied Waste.

### Transit Specific Sales & Use Taxes

Transportation issues have and continue to be an issue that requires attention. In 2014, the County adopted an increased property tax rate for the Municipal Services fund and Service Area #6 to help address some of the shortcomings in those funds in addressing capital and operational needs. However, the County needs to address shortfalls beyond what was addressed by the tax increase, as identified previously by the Public Works Administrator, within the Municipal Services fund. The following table lists available sales and use taxes that the County may impose in order to continue to move towards meeting the needs for transit, transportation and infrastructure.

	Short Description	Rate	Imposed By	Annual Est.*	Note
	County option for mass trans.	0.30	Transit District	\$1,700,000	Currently imposed
	Additional county option	0.25	County, city or town	4,100,000	County-wide for public transit
or	Fixed guideway	0.30	County	4,920,000	Limited to fixed guideway
	County option for transportation	0.25	County	4,100,000	Limited in use, transit facilities, corridor preservation
	Local option (HB362)	0.25	County	2,350,000	County-wide estimate distributed to municipalities and transit districts

*\*Estimates based on County historical amounts from similar taxes; local option estimates based on League of Cities and Towns and Wasatch Front Regional Council.*

Those sales and use taxes above are restricted in use, but provide an ongoing resource available to the County which may also permit some leverage towards long-term debt (discussed later). Although these provide an ongoing resource, because they are based on sales and use taxes there is a variability component due to economic conditions.

## Property Tax Levy

The County does have the option of imposing a Transit District property tax levy. This tax is capped at 0.000400 by Utah State Code (UCA 17B-1-1002(1)(h)). The levy may be higher if voted on as a capital improvement general obligation bond for the District. Its uses are limited to the District, which does not satisfy the needs of other transportation needs such as roads and infrastructure. This tax would generate an estimated \$2.2 million, providing a reliable revenue foundation for the District.

Currently, the Transit District is not taking any advantage of the property tax levy permissible by State Code. Resources used to fund the Transit District are primarily business assessments and sales and use taxes. Each of these sources contain an economic component of variability and are therefore less reliable in terms of having a solid foundation for program resources. A property tax levy would provide a basis to build from beyond existing resources. While the County looks to expand Transit District services to additional areas within the County, a property tax levy within the District would provide a stable resource to build upon.

## Long-term Debt

The County has established guidelines<sup>1</sup> regarding the issuance of long-term debt. This discussion attempts to adhere to those guidelines. Included with those guidelines is the establishment of a seven member Debt Review Committee<sup>2</sup>. A brief summary of those guidelines are as follows:

- General Obligation (G.O.) Debt:
  - The average maturity of debt will not exceed 15 years.
  - Total amount of debt will not exceed 15 percent of generated property tax revenue.
  - Total amount of debt will be less than 2 percent of reasonable fair cash value of taxable property.
- All Other Non G.O. Debt:
  - Total amount outstanding shall not exceed 10 percent of non-property tax related revenues.
  - All other non G.O. debt will not exceed 10 percent of the total annual locally non property tax generated revenue nor exceed two-times debt service coverage on pledged sources.
  - The average maturity of non G.O. debt will not exceed 20 years.

**All debt types will not exceed the life of the asset(s) acquired.**

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<sup>1</sup> The established guidelines are part of the “Summit County Financial Goals, Policies and Practices” last updated April 3, 2015. These guidelines were created using Government Finance Officers Association’s (GFOA) best practices as a standard and adapted for the specific needs of Summit County.

<sup>2</sup> The voting members of the Debt Review Committee are comprised of the Finance Officer; the Auditor; *one* representative from the Attorney’s Office; the Treasurer; *one* representative from the Manager’s Office; and *two* representatives designated by the County Council.

A summary debt service schedule, principal and interest, is provided in the following table. During 2015, the County retired two outstanding debt issues: general obligation debt and excise tax (gas tax) revenue bonds. The retirement of the general obligation debt results in an automatic lowering of the property tax rate while the retirement of the excise tax revenue bonds resulted in more funds being made available for operations in the 2016 budget as well as funds being set in reserve for future projects. Excise tax revenues are restricted in use and therefore not available for general County operations.

<b>Outstanding County Debt:</b>				
Debt Title/ Year	RAP Sales Tax 2012	TRT Sales Tax 2011	Sales Tax 2009	MBA 2007
2016	\$497,169	\$70,813	\$876,522	\$312,610
2017	497,104	71,010	885,347	317,136
2018	496,822	72,125	898,872	325,470
2019	497,822	73,134	907,022	332,532
2020		74,023	927,847	334,344
Beyond 2020		896,456	3,908,906	
Maturity	06/15/2019	12/15/2031	12/15/2023	12/15/2020

The purposes of those bonds shown in the debt service schedule above were as follows:

- RAP Sales Tax 2012: distribution for the construction of County, municipal and district recreational facilities. Original debt issued: \$3,230,000.
- TRT Sales Tax 2011: acquisition of property to be leased to Park City Chamber Bureau. Original debt issued: \$1,300,000.
- Sales Tax 2009: acquisition of property, construction of Quinn’s Health Building (\$6,146,000) and road projects. Original debt issued: \$8,545,000.
- SCMBA 2007: \$3,797,000 refunding bonds. Original debt 1999 \$3,170,000 for Richins Building; 2000 \$4,715,000 for courts portion of Justice Complex.

For Council’s reference, the following list is included to show examples of other projects financed by long-term debt. This list includes debt that has been retired within the past three years.

- 1998/2009 General Obligation Debt: \$4,310,000 for law enforcement portion of Justice Center; was refinanced in 2009, retired in December 2015.
- 2005/2011 Excise Tax Revenue Bonds: \$6,651,000 to widen and improve Brown’s Canyon Road; was refinanced in 2011, retired in June 2015.
- 1998 SCMBA Lease Revenue Bonds: \$4,185,000 for Coalville Courthouse remodel; retired December 2013.

The County may issue long-term debt without voter approval for Summit County Municipal Building Authority (SCMBA) or revenue bonds, such as sales and use tax or excise tax bonds. The County pledges with SCMBA bonds that the amount required for debt service will be included in the County’s annual budget. **Utilizing either SCMBA bonds or revenue bonds results in resources being diverted from operations to finance debt service as no additional revenues are generated.**

### *Public-Private Partnerships (P3s)*

In order to address the transit needs of the County, there is the option of researching P3s. While not exactly a revenue source for the County, P3s provide opportunities to work with private organizations or other agencies to achieve common goals. From the Government Finance Officers Association, “P3s imply any agreement as long as it involves a contract between the public sector and the private sector where the private sector is providing public service or public benefits.” The decision becomes how to best promote the public interest, including determining the feasibility of the arrangement, assessing performance, etc.

There are certain risks involved with P3s which would require observation and monitoring by a County employee, an analysis of the feasibility of the relationship by a third party and a clear set of performance goals with regular reporting back to the County. Such a relationship would require a clear contract between both parties and the feasibility study would need to be a cost/benefit analysis which may prove that the endeavor would cost the County more in the long-term.

The County has outsourced a component related to transportation by contracting with Park City Municipal for bus services in and between Park City and the Summit County Transit District. Also, The County has an established P3-type relationship with the Park City/Salt Lake City connect. Another, non-transit related, P3-type relationship the County currently has is with Allied Waste for the curbside collection of household waste and recycling.

### *Conclusion and Recommendations*

There are opportunities and options available to the County to fund transportation needs. Included in those options are existing resources, budgeted new revenues, additional sales and use taxes, transportation related property taxes, long-term debt, and P3s. As the County recognizes the different transportation needs, implementing a combination of these opportunities will be the best option for the County. **It is the recommendation of staff that, implemented over time, a combination of sales and use taxes, transportation property taxes, and long-term debt be used to achieve the transportation objectives established by the Summit County Strategic Plan.**

The County may explore other opportunities to achieve its transportation objectives by analyzing other potential, currently unidentified partnerships. Any additional P3 relationship should be carefully analyzed to ensure that the objectives of the relationship provide a public benefit in the most cost efficient manner.

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# MINUTES

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**SUMMIT COUNTY**  
BOARD OF COUNTY COUNCIL  
WEDNESDAY, JANUARY 6, 2016  
SUMMIT COUNTY COURTHOUSE  
COALVILLE, UTAH

**PRESENT:**

**Roger Armstrong**, *Council Chair*  
**Chris Robinson**, *Council Vice-Chair*  
**Kim Carson**, *Council Member*  
**Claudia McMullin**, *Council Member*  
**Talbot Adair**, *Council Member*

**Tom Fisher**, *Manager*  
**Anita Lewis**, *Assistant Manager*  
**Robert Hilder**, *Deputy Attorney*  
**Kent Jones**, *Clerk*  
**Brandy Harris**, *Secretary*

**REGULAR MEETING**

Chair Carson called the regular meeting to order at 4:24 p.m.

- **Pledge of Allegiance**

**CONSIDERATION AND POSSIBLE APPROVAL OF APPOINTMENT OF 2016 COUNCIL CHAIR AND VICE CHAIR**

**Council Member McMullin made a motion to approve Council Vice-Chair Roger Armstrong as Council Chair and Council Member Chris Robinson as Council Vice-Chair for 2016. The motion was seconded by Council Member Adair and passed unanimously, 5 to 0.**

**DISCUSSION AND POSSIBLE APPROVAL OF SUMMIT COUNTY COUNCIL 2016 ANNUAL NOTICE OF SCHEDULED MEETINGS**

Council Member McMullin proposed to have Summit County Council meetings 3 times a month as opposed to 4 times a month.

Vice-Chair Robinson suggested if there are certain dates that the Council does not want to meet on, they should be taken off of the schedule. Council Member Carson suggested cancelling the meeting scheduled for January 27<sup>th</sup>. Vice-Chair Robinson agrees cancelling that date due to Sundance, and also suggests cancelling February 17<sup>th</sup> as well due to President's Week. There was further discussion about other possible dates to take off the calendar, including the week of UEA in October, the Wednesday before Thanksgiving, and the last Wednesday in December.

Ultimately it was decided that the Council concentrate on the first few months of the year as of now and decide other dates later in the year.

**Council Member McMullin made a motion to approve the annual notice of scheduled weekly meetings for 2016. The motion was seconded by Council Member Carson and passed unanimously, 5 to 0.**

**Council Member McMullin made a motion to cancel the meetings of January 27<sup>th</sup>, February 17<sup>th</sup>, and April 6<sup>th</sup>. The motion was seconded by Council Member Carson and passed unanimously, 5 to 0.**

### **2016 COMMITTEE ASSIGNMENTS**

There was a discussion regarding committee assignments. For 2016, assignments are as follows:

**Joint Transit Advisory Board (JTAB) – *Roger Armstrong, Chris Robinson (Claudia McMullin, alternate)***

**Mountainland Senior Advisory Board – *Tal Adair (Claudia McMullin, alternate)***

**Mountainland AOG Executive Council – *Kim Carson, Tal Adair***

**CDBG Ratings & Rankings Committee – *Kim Carson***

**UAC Board of Directors – *Kim Carson***

**Library Board of Directors – *Tal Adair***

**Board of Health – *Kim Carson***

**SC Audit Committee – *Chris Robinson, Tal Adair***

**PC Chamber Bureau – *Kim Carson***

**Utah Local Governments Trust – *Chris Robinson***

**Weber Basin Water Conservancy District – *Dave Ure* remains the nominated representative**

### **COUNCIL COMMENTS:**

Council Member Carson suggested going paperless and receiving Council packets via email rather than snail mail and says she no longer wishes to have hers mailed. Council Member McMullin agreed. All other council members opted to continue to receive their packets in hard-copy form.

Council Member Carson suggested that Council Members sign up for Friday Legislative Updates. She stated they provide Friday Facts and they do a great job of keeping everyone up-to-date on what bills are important to the Council.

Every Thursday morning at the Capital, UAC has a discussion of upcoming bills and they take positions on them. It is a good opportunity to have discussions regarding concerns or positions with Lincoln Shurtz, the legislative coordinator at these meetings.

On February 10<sup>th</sup> from 11:00 a.m. - 1:30 p.m. the Economic Forecast Luncheon for the Chamber of Commerce will be held. Council Members are to contact Office Manager, Annette Singleton, if they would like to attend.

Council Member Carson stated that she attended the Board of Health meeting held on Monday, January 4<sup>th</sup>. Brian King and Kevin Van Tassell were also in attendance. They had a tour of the facility and an overview of what the department does and talked a lot about upcoming issues.

Council Chair Armstrong discussed off-leash dogs in Park City. He stated that Park City is poised to take some action this week on opening some areas for off-leash dogs. Assuming jurisdictions could have substantially different ordinances in terms of how off-leash dogs are being treated becomes a “tricky issue” as it relates to enforcement.

Council Chair Armstrong stated it might be helpful for the staff to work with the Council to establish milestones for this year regarding strategic plans and goals.

### **APPROVAL OF MINUTES**

December 9, 2015

December 16, 2015

December 28, 2015

**Council Member McMullin made a motion to approve the minutes of December 9, 2015; December 16, 2015; and December 28, 2015. The motion was seconded by Council Member Carson and passed unanimously, 5 to 0.**

### **CONVENE AS THE BOARD OF EQUALIZATION**

**Council Vice-Chair Robinson made a motion to convene as the Summit County Board of Equalization. The motion was seconded by Council Member Carson and passed unanimously, 5 to 0.**

The meeting of the Summit County Board of Equalization was called to order at 5:13 p.m.

### **CONSIDERATION AND POSSIBLE APPROVAL OF THE CHRISTIAN CENTER OF PARK CITY'S REQUEST FOR A PROPERTY TAX EXAMPTION**

Ashley Berry, from the assessor's office, presented information regarding a request from the Park City Christian Center and explained that the Christian Center originally applied for a tax exemption in August of 2010. At the time, the property was owned by a separate LLC. The

non-profit organization didn't own the property on which it was seeking the tax exemption for and, thus, was originally denied its tax exemption request in April of 2011.

Ms. Berry stated that on December 2, 2015 a deed was filed for the Christian Center of Park City to become the owners for the property. They applied for the exemption December 23<sup>rd</sup>, which is within the 30 days that are required to apply for an exemption.

Ms. Berry stated that the Christian Center has requested a tax exemption from the time they took ownership of December 2, 2015 through the end of the year, 2016.

Chair Armstrong asked if the Christian Center is now 100% owner of the property, and Council Member Carson asked if they lease the building or any section of it to anyone else or if it's solely for the purposes of the Christian Center's activities. Ms. Berry stated that they are the sole owners, and the building is only used for purposes of the Christian Center.

**Board Member McMullin made a motion to approve the request for the Christian Center's tax exemption from the date in which property was transferred into the non-profit through the end of 2016; the property being located at 1283 Deer Valley Drive, Park City, Utah 84060; Parcel No. DVD-1. The motion was seconded by Board Member Carson and passed unanimously, 5 to 0.**

#### **CONSIDERATION AND POSSIBLE APPROVAL OF PRIMARY PROPERTIES AND NON-PRIMARY PROPERTIES**

Ashley Berry stated the first list that the Board was given is a list of all primary properties seeking an exemption. The reason they are to be approved for 2016 is they did not qualify for 2015, because they were buildings under construction or they didn't take ownership until later in the year. Ms. Berry stated the second list is that of non-primary properties.

**A motion was made by Board Member Robinson to approve the primary properties and non-primary properties contained in the packet. The motion was seconded by Board Member Carson and passed unanimously, 5 to 0.**

#### **DISMISS AS THE BOARD OF EQUALIZATION AND RECONVENE AS THE SUMMIT COUNTY COUNCIL**

**Board Member Robinson made a motion to dismiss as the Summit County Board of Equalization and to reconvene as the Summit County Council. The motion was seconded by Board Member Carson and passed unanimously, 5 to 0.**

The meeting of the Summit County Board of Equalization adjourned at 5:20 p.m.

#### **WORK SESSION**

Chair Armstrong called the work session to order at 5:21 p.m.

## **PCCAPS WASATCH AREA TEMPERATURE ANALYSIS PRESENTATION**

Chris Cherney, environmental engineer, consultant, and mentor for the students presenting the Wasatch Area Temperature Analysis project introduced himself and the students involved on this project. This group consisted of student members: Sienna Leger-Redel, Jessica DiCaprio, and Paige Castro.

The PCCAPS began their presentation by giving a summary of global and national trends in temperature based on the data they collected and compared from the years 1950-2012. They explained that 2015 is now the warmest year on record, and the 10 hottest years globally have all been since 1998. They provided a PowerPoint presentation of graphs and photos that provided statewide average temperature ranks across the United States, and then began to focus in specifically on the Wasatch area. They concluded that since 1950, the Wasatch area has warmed on average 2.5 degrees, daytime highs have warmed .5 degrees, nighttime lows have warmed 3 degrees, winters have warmed 1 degree, summers have warmed 4 degrees, and summer nights have warmed 5 degrees. They explained how this all has an adverse effect on the environment, as well as economy and lifestyle for the Wasatch area. They gave recommendations as to how the population can begin mitigation and adaptation. The PCCAPS concluded their presentation by describing what further data and analysis they would like to conduct in the future.

### **PUBLIC INPUT**

Charlie Matthews, a Summit County citizen, approached the Council to explain an opportunity of a building that has become available in the Granite School District that could be created as a professional nature campus for Utah students. He explained that Granite School District has had an incredible nature campus off of Route 35 going up Wolf Creek Pass for the past 50 years. He stated it consists of 10 buildings, houses up to 200 students, and it's sat deserted now for two years. If it goes another two years, the Forest Service is going to make them return it to its natural state. He suggested this property could be transformed into an incredible stem professional nature campus that could be usable for North Summit, South Summit, Park City, and Wasatch School Districts. When asked the proximity of this building, Mr. Matthews stated it is within 14 miles of Woodland and 30 miles from Quinn's Junction.

When asked by Vice-Chair Robinson why this property is available, Mr. Matthews explained that originally there was a recreational leeway that the school districts have had, and in 2011 the legislation voted it out, so they had to shift out of that to their general fund to continue maintaining it.

Mr. Matthews stated that he is also going to approach the Park City City Council about this opportunity because he believes that it's important to have "many players in the pot." He stated this wonderful opportunity is within the vicinity of multiple school districts and he would like to see this property utilized.

When asked about the current state of the building, Mr. Matthews told the Council that it is in excellent condition. It is like a rustic cabin, but is fully plumbed and has a full culinary water system, full sewer, and 125-kilowatt diesel generators.

Council Member McMullin and Chair Armstrong ask Mr. Matthews if he would be willing to send over a PowerPoint presentation. Mr. Matthews states he would be happy to send that over for the Council to view.

Chair Armstrong closed the public input.

The County Council meeting adjourned at 6:11 p.m.

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*Council Chair*, Roger Armstrong

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*County Clerk*, Kent Jones



## STAFF REPORT

**To:** Summit County Council  
**From:** Jennifer Strader, Senior Planner  
**Date of Meeting:** February 3, 2016  
**Type of Item:** Special Exception  
**Process:** Legislative Review

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### Recommendation:

Staff recommends the Summit County Council (SCC) consider the issues outlined in this report and vote to approve a Special Exception to expand the list of permitted uses allowed in the Spring Creek Specially Planned Area (SPA) Development Agreement to include Single Family Attached Dwelling Units (townhomes) on Lot 4, Spring Creek Commercial Plaza, as defined in the Snyderville Basin Development Code.

### Project Description:

Project Name:	Spring Creek, Lot 4 Special Exception
Applicant(s):	Michael Brodsky, representing Hamlet Homes
Property Owner(s):	Cottonwood Partners
Location:	6618 North Creekside Lane
Zone District:	Rural Residential (RR)
Parcel Number and Size:	LOT4SCCP-4, ~1.0 acre
Final Land Use Authority:	Summit County Council

### Proposal:

The applicant is requesting a Special Exception to allow townhomes on Lot 4, Spring Creek Commercial Plaza (**Exhibit A**). Currently, the Development Agreement identifies Lot 4 as being located in a neighborhood commercial land use area that does not allow residential uses.

## Vicinity Map:



## Background:

Spring Creek Commercial Plaza was developed under the terms of the Spring Creek Development Agreement, which was approved by the Board of County Commissioners via Ordinance No. 335 in 1998. In addition to Spring Creek Commercial Plaza, the Agreement also governed the development of Glenwild Subdivision, Blackhawk Station Subdivision, and Somerset (154 multi-family and single-family units which were transferred to other developments). The Development Agreement expired in 2003. In cases where a Development Agreement expires, the land uses permitted under the Agreement remain. All other entitlements not vested at the time of expiration are extinguished.

The Commercial Plaza consists of four (4) lots what were created through a subdivision plat (**Exhibit B**). Lot 1 contains Creekside Christian Fellowship Church, Lot 2 contains Park City Dance, and Lot 3 contains a medical office building. Lot 4 (subject property) is currently vacant. The Development Agreement contains a Zoning and Land Use Plan Map that identifies Lots 1-4 as being located in a neighborhood commercial land use area (**Exhibit C**). Permitted uses include:

*"...open space and open recreational uses, church, professional offices, secretarial services, general office, construction office, clothing designer, software service/development, interior design, sporting goods packaging, manufacturer's rep,*

*building maintenance services, laboratory, real estate brokerage, title services, bed and breakfast, restaurant, government services, child day care, adult day care, catering, parks, trails, and utilities.”*

It is important to note that the neighborhood commercial land use area identified in the Development Agreement is not the same as the Neighborhood Commercial (NC) zone found in the Development Code. It was a designation in the Development Agreement prior to the creation of the official zone in 2004.

The Development Agreement identifies a maximum of 45,000 total square feet for Lots 1-4 and the subdivision plat further breaks down the allowed “maximum interior net lease square footage” per lot; Lot 4 is limited to 20,424 “maximum net lease square feet” per the plat. Section 3 of the Development Agreement: SPA Plan Overview: Defined Zoning and Land Use Plan by Parcel states, “Whenever square footage is stated, it shall include the area within the horizontal projection of a floor as measured from outside wall to outside wall.” The total amount of square footage that can be used for Lot 4 is 24,900 square feet.

A Final Site Plan was approved in 2009 for a twenty-four (24) unit condominium office building on Lot 4 in which the uses would comply with those identified in the Development Agreement. The office building was never constructed and the applicant is now requesting to use the square footage that was allotted to Lot 4 for the development of a townhome project.

Staff has discussed various options to accomplish this goal with the applicant. In the current RR zone district, townhomes are an allowed use, but the density requirement must be met (1 unit/20 acres). Staff finds that the development square footage has been vested for Lot 4 through the subdivision plat, Final Site Plan, and Development Agreement. Townhomes are an allowed use in the both the RR and NC zone districts.

### **Analysis and Findings:**

The SCC may approve, approve with conditions, or deny a Special Exception based upon written findings of fact according to each of the following standards. It is the responsibility of the applicant to provide written and graphic evidence demonstrating compliance:

**Standard 1:** The special exception is not detrimental to the public health, safety and welfare;  
**COMPLIES**

**Analysis:** Townhomes are an allowed use in the existing RR zone district, based on a density of 1 unit/20 acres. A maximum square footage has been vested for Lot 4 through the subdivision plat, Final Site Plan, and Development Agreement. The applicant is not proposing to increase that square footage. The applicant is also not proposing a use that is not currently allowed in the RR zone district. The Summit County

Engineering Office finds that townhomes would result in a decrease in traffic from an office use based on their review of a report submitted by the applicant.

**Standard 2:** The intent of the development code and general plan will be met; **COMPLIES**

**Analysis:** The property is currently zoned RR and is adjacent to existing residential and neighborhood commercial uses. The intent of the RR zone district is to allow existing residential uses to remain, to allow the construction of new single-family dwelling units, and permit residential uses to be developed in accordance with the provisions of previously approved agreements.

**Standard 3:** The applicant does not reasonably qualify for any other equitable processes provided through the provisions of the Code; **COMPLIES**

**Analysis:** The property owner considered amending the Development Agreement to address this issue; however, it has expired. A rezone to another possible zoning designation was also considered; however, the current RR zone allows townhomes. The Special Exception would allow a residential use to utilize the square footage allotted by the subdivision plat, Final Site Plan, and Development Agreement. Given the fact that the Board of Adjustment cannot grant use variances, the remaining remedy for the property is a Special Exception.

**Standard 4:** There are equitable claims or unique circumstances warranting the special exception; **COMPLIES**

**Analysis:** The expiration of the Development Agreement does not permit an amendment to that Agreement. A certain amount of square footage was allotted to Lot 4 through the subdivision plat, Final Site Plan, and Development Agreement; that square footage is proposed to be applied to a use that is allowed under the current zoning.

### **Recommendation:**

Staff recommends that SCC conduct a public hearing and review the proposal for compliance with the Code. Based upon the review outlines in this report and unless members of the public bring to light new issues or concerns that may affect the findings, Staff also recommends that the SCC vote to approve a Special Exception to allow Single Family Attached Dwelling Units on Lot 4, Spring Creek Commercial Plaza, based on the following Findings of Fact and Conclusions of Law and with the following Conditions of Approval.

### **Findings of Fact:**

1. On December 24, 2015, Michael Brodsky, representing Hamlet Homes, submitted a Special Exception application for Lot 4, Spring Creek Commercial Plaza (LOT4SCCP-4).

2. The property owner of LOT4SCCP-4 is Cottonwood Partners.
3. LOT4SCCP-4 is located at 6618 North Creekside Lane.
4. The current zoning for LOT4SCCP-4 is Rural Residential (RR).
5. LOT4SCCP-4 contains approximately 1.0 acre.
6. The applicant is requesting a Special Exception to expand the list of permitted uses allowed in the Spring Creek Specially Planned Area Development Agreement to include Single Family Attached Dwelling Units on LOT4SCCP-4 as defined in the Snyderville Basin Development Code.
7. Spring Creek Commercial Plaza was developed under the terms of the Spring Creek Development Agreement, which was approved by the Board of County Commissioners via Ordinance No. 335 in 1998.
8. In addition to Spring Creek Plaza, the Agreement also governed the development of Glenwild Subdivision, Blackhawk Station Subdivision, and Somerset (154 multi-family and single-family units which were transferred to other developments).
9. The Development Agreement expired in 2003.
10. In cases where a Development Agreement expires, the land uses permitted under the Agreement remain. All other entitlements not vested at the time of expiration are extinguished.
11. The Commercial Plaza consists of four (4) lots that were created through a subdivision plat. Lot 1 contains Creekside Christian Fellowship Church, Lot 2 contains Park City Dance, and Lot 3 contains a medical office building. Lot 4 is currently vacant.
12. The Development Agreement identifies Lots 1-4 as being located in a neighborhood commercial land use area that does not allow residential uses.
13. The neighborhood commercial land use designation described in the Development Agreement predates the Neighborhood Commercial zone district which was created in 2004.
14. Permitted uses in the neighborhood commercial land use area include: *"...open space and open recreational uses, church, professional offices, secretarial services, general office, construction office, clothing designer, software service/development, interior design, sporting goods packaging, manufacturer's rep, building maintenance services, laboratory, real estate brokerage, title services, bed and breakfast, restaurant, government services, child day care, adult day care, catering, parks, trails, and utilities."*
15. The Development Agreement identifies a maximum of 45,000 total square feet for Lots 1-4 and the subdivision plat further breaks down the allowed square footage per lot; Lot 4 is limited to 20,424 "maximum interior net lease square footage". The total amount of square footage that can be used for Lot 4 is 24,900 square feet.
13. A Final Site Plan was approved in 2009 for a commercial condominium office building on Lot 4 in which the uses would comply with those identified in the Development Agreement. The office building was never constructed.
14. The Summit County Engineering Office finds that townhomes would result in a decrease in traffic from an office use based on their review of a report submitted by the applicant.

15. The intent of the RR zone district is to allow existing residential uses to remain, to allow the construction of new single-family dwelling units, and permit residential uses to be developed in accordance with the provision of previously approved agreements.
16. The expiration of the Development Agreement does not permit an amendment to that Agreement.
17. The Board of Adjustment cannot grant use variances.

**Conclusions of Law:**

1. The proposed addition of Single Family Attached Dwelling Units to the list of permitted uses in the Neighborhood Commercial zone as identified in the Development Agreement is not detrimental to the public health, safety, and welfare.
2. The intent of the development code and general plan will be met.
3. The applicant does not reasonably qualify for any other equitable processes provide through the provisions of the Development Code.
4. The proposed resident use is compatible with the surrounding residential and neighborhood commercial uses.

**Conditions of Approval:**

1. The square footage shall not exceed 24,900 gross square feet for the Single Family Attached Dwelling Unit development.
2. The Final Site Plan for the previously approved office building shall be amended to reflect the Single Family Attached Dwelling Unit development. The Final Site Plan amendment shall follow the process outlined in the Snyderville Basin Development Code in effect at the time of application.
3. The applicant shall apply for a subdivision plat for the Single Family Attached Dwelling Unit development in conjunction with the Final Site Plan amendment. The Final Site Plan and Subdivision Plat shall be recorded concurrently.
4. The Final Site Plan for the Single Family Detached Dwelling Unit shall comply with the applicable requirements of the Spring Creek Development Agreement. If the Development Agreement does not address items that are required in the Snyderville Basin Development Code, any applicable requirements of the Code shall apply.

**Public Notice and Comments:**

This item was noticed as a public hearing and possible action regarding a Special Exception in the January 23, 2016 issue of *The Park Record*. Postcards were also mailed to property owners within 1,000 feet of parcel LOT4SCCP-4.

At the time of this report, Staff has received one phone call in support of the Special Exception. No other comments have been received.

**Attachments**

**Exhibit A:** Applicant's Request

**Exhibit B:** Spring Creek Commercial Plaza Subdivision Plat

**Exhibit C:** Land Use Plan Map

## **SPECIAL EXCEPTION REQUEST LOT 4 SPRING CREEK COMMERCIAL PLAZA**

### **INTRODUCTION**

In July of 1998, this Council approved the Spring Creek SPA which included Blackhawk Ranch with 230.93 acres and 77 single family residential units, Blackhawk Station with 33.56 acres and 160 single family detached or attached and duplex units, Somerset on 39.19 acres with 154 multi and single family units and Spring Creek Plaza on 13.26 acres with a mixed use (including zoned Neighborhood Commercial) and a minimum of 20 residential units, which could be more. As of this date, Lot 4 is one of the last, if not the last, parcel to be developed in the Spring Creek SPA

The SPA Neighborhood Commercial (“NC”) applicable to Lot 4 defined NC with words that did not include, but did not exclude multi-family residential units. In July of 1998 Summit County did not have a specific ordinance defining the NC zone. In 2004 Summit County adopted an Ordinance #521 which defined NC as (in addition to other uses) as permitting multi-family residential as a Conditional Use Permit (“CUP”). Under the current version of that code, multi-family dwelling unit is still defined as a permitted use requiring a CUP in both the Rural Residential and Neighborhood Commercial Zones.

The Spring Creek SPA, by its own terms, expired after five (5) years which was the summer of 2003. However, by its terms, the underlying zones and uses remained vested, subject to later enacted ordinances not inconsistent with the SPA terms.

Lot 4 Spring Creek Plaza was zoned NC in 1998. As the surrounding properties have been built out the neighborhood commercial business use of (office Condominium) as currently approved is incompatible with the goals of the neighborhood for a number of reasons. There is no demand for additional neighborhood commercial uses. The current office buildings took years to become fully occupied, even at drastically reduced rental rates. It is opined that even if the now approved buildings were built, occupant businesses would likely be very challenged. Even a partially occupied building will be a detriment to the neighborhood.

This property has been actively marketed as an office condominium for years without any interest. In addition, as shown in the traffic memo from Hales Engineering attached hereto as *Exhibit A*, the approved office use will generate more than 3 times the traffic that a residential development will create, which significantly decreases the neighborhood traffic.

Since the SPA has expired, this request for a Special Exception is simply a request that this Council decide or opine on whether multi-family residential is a permitted CUP on Lot 4.

## ARGUMENT

**I. Multi-Family Residential Development is a more appropriate use for Lot 4 than more traditional neighborhood commercial uses.**

John West and his legal entities, including Cottonwood Glenwild, LC (“Cottonwood”), are well known expert developers of commercial space over many years including several commercial spaces at Kimball Junction. Cottonwood has tried for several years without any success to create a neighborhood commercial development on Lot 4. John opines that there simply is not a need or demand for additional traditional neighborhood commercial services in this neighborhood. He opines that a better use for the community would be multi-family residential. See letter from Cottonwood attached hereto as *Exhibit B*.

**II. The proposed use of a multi-family residential development is permitted under the SPA zone and allotted densities and under the current underlying Rural Residential Zone.**

- a. Vested SPA Density Use. Section 2.2.1 of the SPA Development Agreement states that the right “to develop and construct the Community and its Projects in accordance with the uses, densities...” are vested rights. As such, they didn’t lapse when the SPA lapsed. They are permanent. The current zone for the proposed development is Rural Residential. “Dwelling unit, multi-family” is permitted in this zone under the added restrictions of a CUP. See Snyderville Basin Land Management Code (“LMC”) Use Table Section 10-2-10. This Use Table is not inconsistent with the SPA vested use and platted density for Lot 4.

Ordinance 335, enacting the SPA specifically states in Section 1 that “the Spring Creek property, as depicted on Exhibit A hereto, shall be and is hereby rezoned.” The plat shows an allocated density for Lot 4 to be 20,424 sq. ft. without any limitation on the number of units. Fourteen (14) multi-family units are proposed.

- b. Section 5.16 of the Development Agreement states that the SPA must comply “with all applicable County Ordinances and Resolutions not in conflict with the provisions of the Development Agreement.” See preliminary concept plans attached as *Exhibits C* and *D*.

In sum, allowing multi-family residential development and Lot 4 is consistent with both the SPA Development Agreement and the current underlying zone and, therefore, should be approved.

**III. The current Neighborhood Commercial Zone applies to the SPA and Lot 4 and the current zone authorizes multi-family development as a Conditional Use.**

As noted, the vested SPA zones are subject to later LMC provisions not in conflict with the SPA.

The SPA has zoned Lot 4 as Neighborhood Commercial. It states as follows:

“A. Permitted Uses include open space and open recreational uses, church, professional offices, secretarial services, general office, construction office, clothing designer, software service/development, interior design, sporting goods packaging, manufacturer's rep, packaging store, neighborhood dry cleaner, Laundromat, property management, building maintenance services, laboratory, real estate brokerage, title services, bed and breakfast, restaurant, government services, child day care, adult day care, catering, parks, trails, and utilities. Outside storage of related products, materials, goods, or equipment is not permitted.” (Emphasis added).

Note in particular that these defined permitted uses do not intend to exclude other uses. It begins with the words “Permitted Uses include...” (emphasis added). It does not begin with “Permitted uses are limited to.” Nor does it state anywhere that uses not stated are prohibited other than at the very end of that paragraph where it only states that one specific use is “not permitted,” that being outside storage of materials, goods and equipment.

Therefore, using standard principles of interpreting the intent of an ordinance and an agreement, it appears that this paragraph did not intend to prohibit any additional uses other than outside storage.

The SPA Neighborhood Commercial Zone was approved in 1998. In 2004 the County enacted a more comprehensive Neighborhood Commercial Zone in LMC Section 10-2-9 than is stated in the SPA NC. This LMC Neighborhood Commercial Zone thoroughly vetted by both the Planning Commission and the County Council includes virtually all of the SPA uses noted above and it added “Dwelling unit, multi-family” as permitted subject to a CUP.

This added use contained in a later enacted ordinance is not inconsistent with the Neighborhood Commercial Zone as set forth in the Development Agreement and therefore should be permitted.

## CONCLUSION

Requiring Lot 4 to be limited to only traditional neighborhood commercial uses detracts from the current residential neighborhood since there is no current demand for those services or the neighborhood, it could create a potentially failed development, it would increase traffic, and it would detract from the residential character. All these impacts are eliminated by a development of fourteen (14) multi-family residences.

The SPA Ordinance and Development Agreement vested Lot 4 with a Neighborhood Commercial (NC) zone in 1998. The Ordinance creating the NC zone was first created in 2004. It was more definitive than the SPA NC zone but not inconsistent with it. That Ordinance and the current NC Ordinance both list multi-family residential as permitted used with a CUP.

Furthermore, both the SPA Ordinance and the Development Agreement emphasize flexibility so long as it is done in a manner “consistent with community goals.”

Sincerely,

Hamlet Homes

By: \_\_\_\_\_  
Michael Brodsky  
Its: Chairman

**EXHIBIT A**  
**To the Special Exception Request Letter**  
**Hales Engineering Traffic Memo**

## MEMORANDUM

**Date:** December 15, 2015  
**To:** Hamlet Homes  
**From:** Hales Engineering  
**Subject:** Summit County Spring Creek Trip Generation Study

UT15-820

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### Purpose

The purpose of this memorandum is to report on a trip generation study completed for the Spring Creek development in Summit County, Utah. The study compared the difference between a 20,000 square foot office space and a 14 unit townhome development on the same parcel.

### Trip Generation

Hales Engineering used ITE *Trip Generation (9<sup>th</sup> Edition, 2012)* to calculate the number of trips that would be generated by the proposed development. It was assumed that the proposed office space would consist of a single level building with a 20,000 sq. ft. pad.

As shown in Table 1, the proposed office development will generate approximately 388 trips on an average weekday, including 54 trips during the morning peak hour, and 102 trips during the evening peak hour, see appendix for Spring Creek Plat.

As shown in Table 2, the proposed townhome development will generate approximately 118 trips on an average weekday, including 12 trips during the morning peak hour, and 12 trips during the evening peak hour, see appendix for conceptual layout.

### Conclusions

The findings of this study are as follows:

- It is anticipated that the proposed commercial building on this site will generate more than three times the daily trips, and eight times the number of evening peak hour trips than would be generated by the proposed townhome development.

**Table 1**  
**Summit County - Hamlet Parcel TGS (Office)**  
**Trip Generation**

<b>Weekday Daily</b> Land Use <sup>1</sup>	Number of Units	Unit Type	Trip Generation	% Entering	% Exiting	Net Trips Entering	Net Trips Exiting	Total Daily Trips
General Office Building (710) [fitted curve]	20	1,000 Sq. Ft. GFA	388	50%	50%	194	194	388
<b>Project Total Daily Trips</b>						<b>194</b>	<b>194</b>	<b>388</b>
<b>A.M. Peak Hour</b> Land Use <sup>1</sup>	Number of Units	Unit Type	Trip Generation	% Entering	% Exiting	Net Trips Entering	Net Trips Exiting	Total a.m. Trips
General Office Building (710) [fitted curve]	20	1,000 Sq. Ft. GFA	54	88%	12%	48	6	54
<b>Project Total a.m. Peak Hour Trips</b>						<b>48</b>	<b>6</b>	<b>54</b>
<b>P.M. Peak Hour</b> Land Use <sup>1</sup>	Number of Units	Unit Type	Trip Generation	% Entering	% Exiting	Net Trips Entering	Net Trips Exiting	Total p.m. Trips
General Office Building (710) [fitted curve]	20	1,000 Sq. Ft. GFA	102	17%	83%	17	85	102
<b>Project Total p.m. Peak Hour Trips</b>						<b>17</b>	<b>85</b>	<b>102</b>
<b>Saturday Daily</b> Land Use <sup>1</sup>	Number of Units	Unit Type	Trip Generation	% Entering	% Exiting	Net Trips Entering	Net Trips Exiting	Total Sat. Daily Trips
General Office Building (710) [fitted curve]	20	1,000 Sq. Ft. GFA	74	50%	50%	37	37	74
<b>Project Total Saturday Trips</b>						<b>37</b>	<b>37</b>	<b>74</b>
<b>Saturday Peak Hour</b> Land Use <sup>1</sup>	Number of Units	Unit Type	Trip Generation	% Entering	% Exiting	Net Trips Entering	Net Trips Exiting	Total Sat Pk Hr Trips
General Office Building (710) [fitted curve]	20	1,000 Sq. Ft. GFA	10	54%	46%	5	5	10
<b>Project Total Saturday Peak Hour Trips</b>						<b>5</b>	<b>5</b>	<b>10</b>

<sup>1</sup> Land Use Code from the Institute of Transportation Engineers, Trip Generation Manual (9th Edition) (2016).

SOURCE: Hales Engineering, December 2015

**Table 2**  
**Summit County - Hamlet Parcel TGS (Townhome)**  
**Trip Generation**

<b>Weekday Daily</b> Land Use <sup>1</sup>	Number of Units	Unit Type	Trip Generation	% Entering	% Exiting	Trips Entering	Trips Exiting	Total Daily Trips
Residential Condominium/Townhouse (23)	14	Dwelling Units	118	50%	50%	59	59	118
<b>Project Total Daily Trips</b>						<b>59</b>	<b>59</b>	<b>118</b>
<b>A.M. Peak Hour</b> Land Use <sup>1</sup>	Number of Units	Unit Type	Trip Generation	% Entering	% Exiting	Trips Entering	Trips Exiting	Total a.m. Trips
Residential Condominium/Townhouse (23)	14	Dwelling Units	12	17%	83%	2	10	12
<b>Project Total a.m. Peak Hour Trips</b>						<b>2</b>	<b>10</b>	<b>12</b>
<b>P.M. Peak Hour</b> Land Use <sup>1</sup>	Number of Units	Unit Type	Trip Generation	% Entering	% Exiting	Trips Entering	Trips Exiting	Total p.m. Trips
Residential Condominium/Townhouse (23)	14	Dwelling Units	12	67%	33%	8	4	12
<b>Project Total p.m. Peak Hour Trips</b>						<b>8</b>	<b>4</b>	<b>12</b>
<b>Saturday Daily</b> Land Use <sup>1</sup>	Number of Units	Unit Type	Trip Generation	% Entering	% Exiting	Trips Entering	Trips Exiting	Total Sat. Daily Trips
Residential Condominium/Townhouse (23)	14	Dwelling Units	480	50%	50%	240	240	480
<b>Project Total Saturday Trips</b>						<b>240</b>	<b>240</b>	<b>480</b>
<b>Saturday Peak Hour</b> Land Use <sup>1</sup>	Number of Units	Unit Type	Trip Generation	% Entering	% Exiting	Trips Entering	Trips Exiting	Total Sat Pk Hr Trips
Residential Condominium/Townhouse (23)	14	Dwelling Units	48	54%	46%	26	22	48
<b>Project Total Saturday Peak Hour Trips</b>						<b>26</b>	<b>22</b>	<b>48</b>

<sup>1</sup> Land Use Code from the Institute of Transportation Engineers, Trip Generation Manual (9th Edition) (2016).

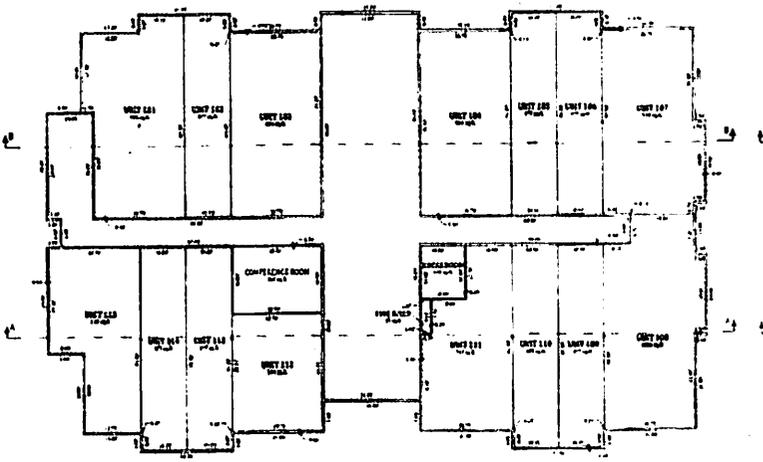
SOURCE: Hales Engineering, December 2015

If you have any questions regarding this trip generation study performed by Hales Engineering please feel free to contact us.

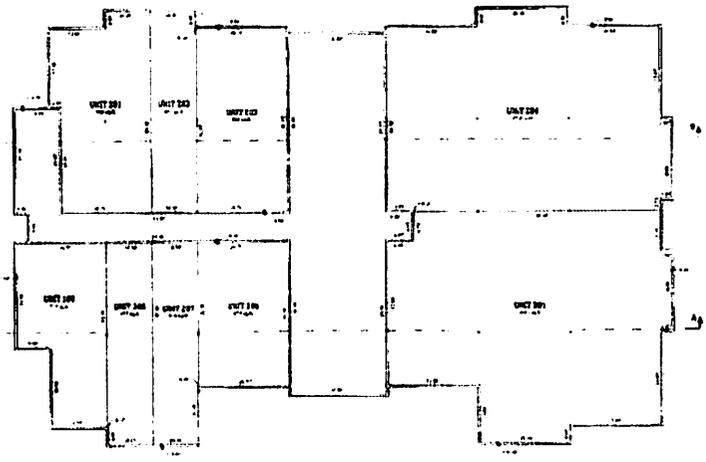


**LOT 4 SPRING CREEK COMMERCIAL  
PLAZA CONDOMINIUM**

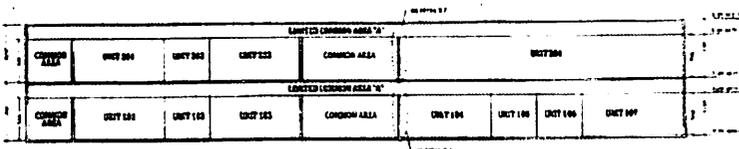
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TOWNSHIP 1 NORTH, RANGE 2 EAST  
R4Y LAC 200 AND 205 REGULAR



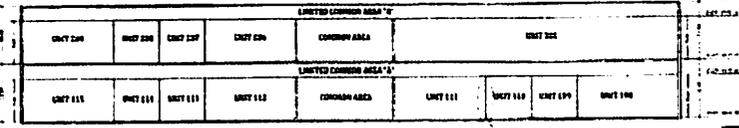
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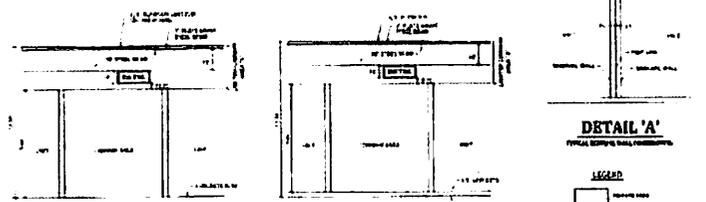
**SECOND FLOOR**



**SECTION B-B**



**SECTION A-A**



**DETAIL 'B-1'**  
TYPICAL GLASS WINDOW CONSTRUCTION

**DETAIL 'B-2'**  
TYPICAL GLASS DOOR CONSTRUCTION

**DETAIL 'A'**  
TYPICAL EXTERIOR WALL CONSTRUCTION

- LEGEND**
- EXTERIOR FINISH
  - EXTERIOR WALL
  - EXTERIOR WINDOW
  - EXTERIOR DOOR

- NOTES**
- ALL EXTERIOR WALLS AND FINISH WALLS INCLUDING CORNER SPACE FINISH COMMON AREA WALLS IN COMMON AREA.
  - THE USE OF LIMITED COMMON AREA IS THE DISCRETION OF CONDOMINIUM FOR LOT 4 SPRING CREEK COMMERCIAL PLAZA.

**LOT 4 SPRING CREEK COMMERCIAL  
PLAZA CONDOMINIUM**

DESIGNED BY THE ARCHITECTS OF THIS PLAN AS SHOWN ON  
PROJECT NO. 2017-01-01-01-01-01  
DATE: 2017-01-01-01-01-01

**OWNER: 8752339**

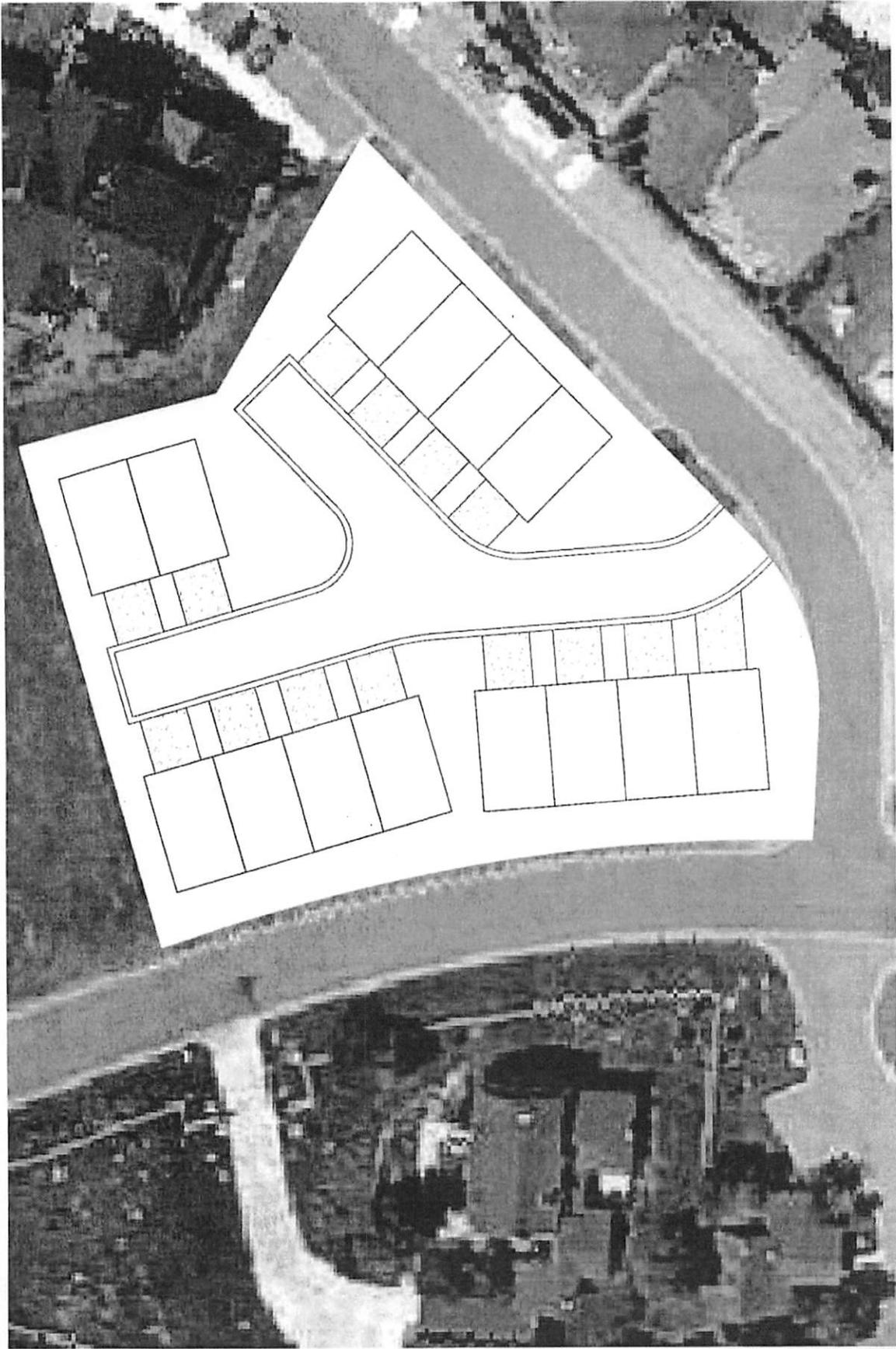
**DEVELOPER**  
CITYWOOD DEVELOPMENT LTD.  
2015-11-01-01-01-01-01-01  
CITYWOOD DEVELOPMENT LTD. 2015  
PHOTO: 8752339-01-01-01-01-01  
1-877-875-2339

**LIST 1 OF 1**  
PROJECT NUMBER: 8752339-01-01-01-01-01-01  
DRAWING & TITLE: 8752339-01-01-01-01-01-01  
DATE: 2017-01-01-01-01-01-01  
DRAWN BY: 8752339-01-01-01-01-01-01

**UNIT 101**  
UNIT 102  
UNIT 103  
UNIT 104  
UNIT 105  
UNIT 106  
UNIT 107  
UNIT 108  
UNIT 109  
UNIT 110  
UNIT 111  
UNIT 112  
UNIT 113  
UNIT 114  
UNIT 115  
UNIT 116  
UNIT 117



**ARCHITECT**  
CITYWOOD DEVELOPMENT LTD.  
2015-11-01-01-01-01-01-01  
CITYWOOD DEVELOPMENT LTD. 2015  
PHOTO: 8752339-01-01-01-01-01-01  
1-877-875-2339



HAMLET HOMES - Concept Plan

SCALE  
1"=30'



**EXHIBIT B**  
**To the Special Exception Request Letter**  
**Letter from Cottonwood Partners**



I am President of the manager of Cottonwood Glenwild, LC ("Cottonwood"), the owner of Lot 4 Spring Creek Commercial Plaza ("Lot 4") and affirm the following:

1. Cottonwood Glenwild, LC has owned Lot 4 since August 3, 2007 and up to the present time.
2. In an effort to market Lot 4, in 2009, Cottonwood created and recorded a 24 Unit neighborhood commercial condominium.
3. Myself and my business associates are experienced developers of commercial buildings with offices for lease and have had success developing commercial office rental projects in several locations and particularly in the Kimball Junction area of Summit County. We have owned and/or operated over 5 million square feet of office space in our companies' history, and over 1.3 million square feet in Utah.
4. When Cottonwood purchased Lot 4 and when it created the neighborhood commercial development, I was of the opinion that neighborhood small businesses were a desired and useful addition to the surrounding neighborhood.
5. However, Cottonwood has been marketing prospective space in this project for many years now and has been unsuccessful in attracting any tenants.
6. Cottonwood ultimately concluded that the overwhelming success of the Newpark Office Buildings it has developed will not transfer across I-80 to Lot 4.
7. Cottonwood also concluded that even if Lot 4 were fully developed as a neighborhood commercial site, that it is unlikely that small businesses would succeed at the location given the proximity of similar businesses and a greater range of choices at Kimball Junction.
8. Cottonwood has entered into an agreement with Hamlet Homes for Lot 4 and authorizes Hamlet Homes to pursue this application. Cottonwood is of the opinion that multi-family residential homes on Lot 4 are a much better use and asset to the neighborhood.

Respectfully yours,

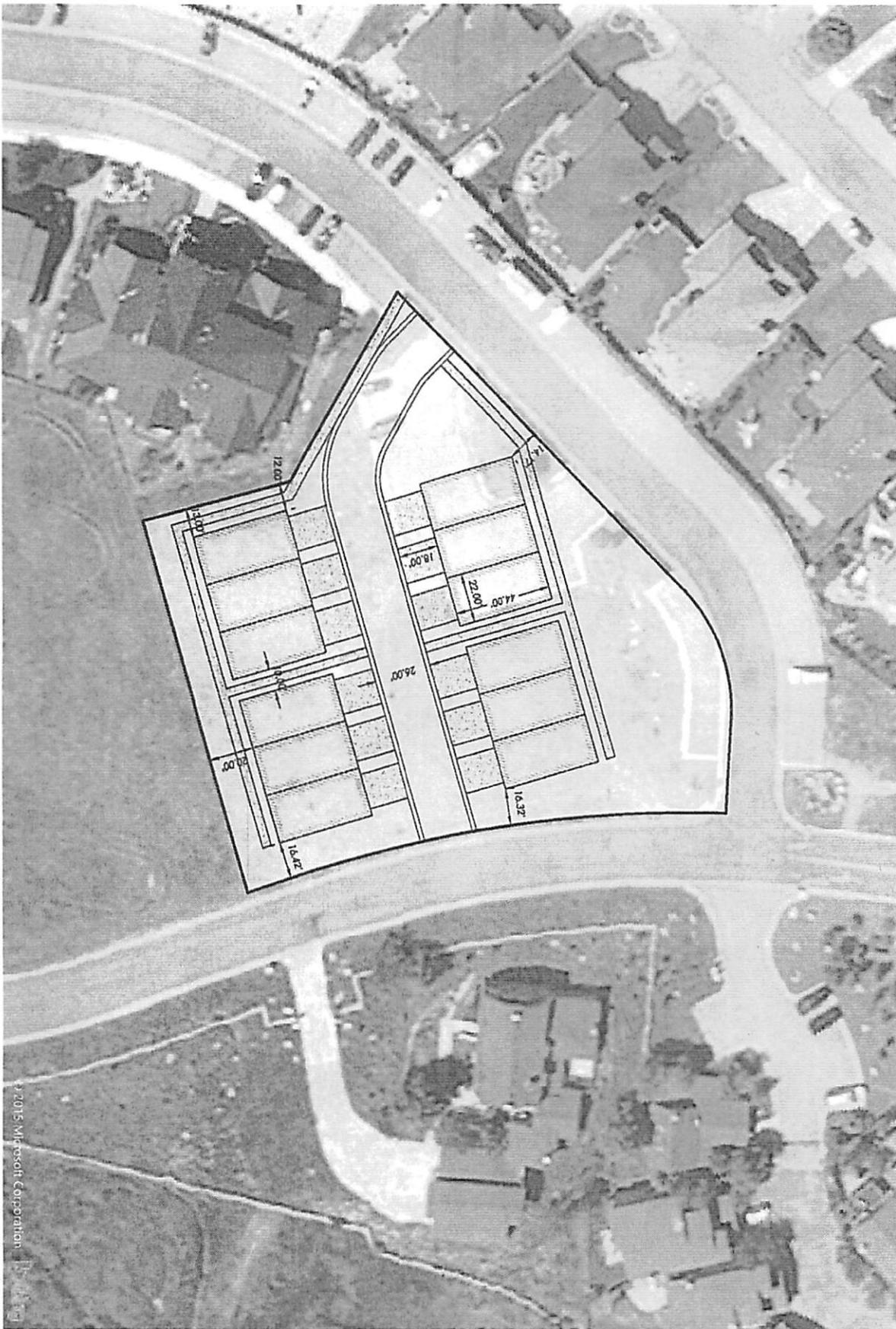
John L. West

CEO, Cottonwood Partners  
2750 E. Cottonwood Parkway, Suite 560  
Salt Lake City, UT 84098  
jlwest@cottonwoodpartners.com

REAL ESTATE INVESTMENT, DEVELOPMENT & MANAGEMENT

2750 E. COTTONWOOD PARKWAY, SUITE 560, COTTONWOOD HEIGHTS, UT 84121  
TEL: 801 365 6200 FAX: 801 365 6201 WWW.COTTONWOODPARTNERS.COM

**EXHIBIT C**  
**To the Special Exception Request Letter**  
**Concept Plans**

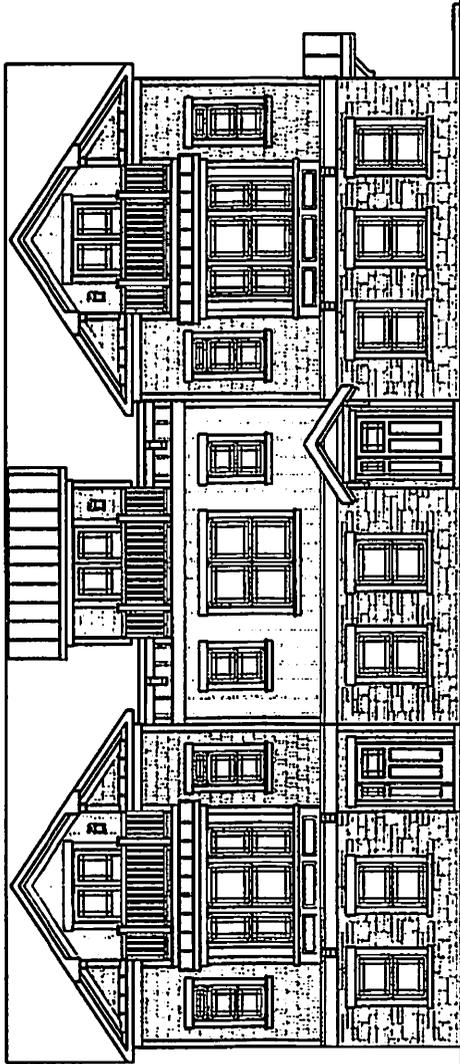


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# HAMLET HOMES - Concept Plan



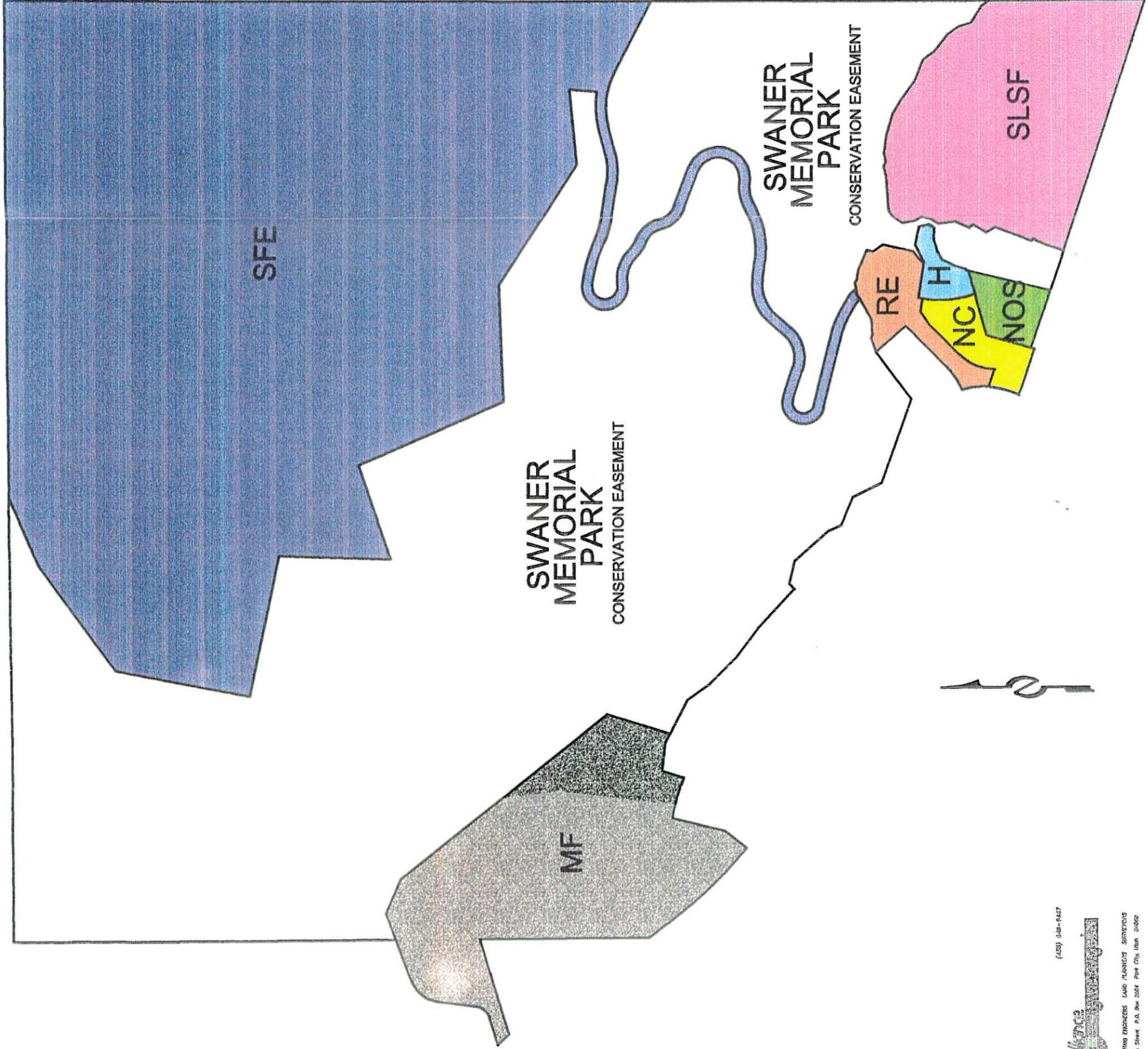
**EXHIBIT D**  
**To the Special Exception Request Letter**  
**Concept Plans**





Overall Zoning Map

**Exhibit General 1**



**LEGEND**

- BLACKHAWK RANCH
- BLACKHAWK STATION
- SOMERSET
- SPRING CREEK ADD. A&B
- SPRING CREEK PLAZA
- SPRING CREEK PLAZA

- SFE
- SLSF
- MF
- RE
- NOS
- NC
- H

- SINGLE FAMILY EQUESTRIAN
- SMALL LOT SINGLE FAMILY
- MULTI-FAMILY
- SINGLE AND/OR MULTI-FAMILY
- NEIGHBORHOOD OPEN SPACE
- NEIGHBORHOOD COMMERCIAL
- HISTORIC

**SPRING CREEK SPA  
LAND USE PLAN MAP**

