

**WORK SESSION:** A work session will be held at 6:00 p.m. in Conference Room #3, Second Floor, of the Farmington City Hall, 160 South Main Street. The work session will be to answer any questions the City Council may have on agenda items. The public is welcome to attend.

## **FARMINGTON CITY COUNCIL MEETING NOTICE AND AGENDA**

Notice is hereby given that the City Council of **Farmington City** will hold a regular City Council meeting on **Tuesday, April 19, 2016, at 7:00 p.m.** The meeting will be held at the Farmington City Hall, 160 South Main Street, Farmington, Utah.

*Meetings of the City Council of Farmington City may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207, as amended. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.*

The agenda for the meeting shall be as follows:

### **CALL TO ORDER:**

7:00 Roll Call (Opening Comments/Invocation) Pledge of Allegiance

### **PRESENTATIONS/RECOGNITIONS:**

7:05 Introduction of new Police Officer/Administration of Oath of Office

7:10 Recognition of MaryAnn Jones for 10 Years of Dedicated Service at the Police Department

7:15 Presentation of "Award of Top Shooter"

### **PUBLIC HEARINGS:**

7:20 Pheasant Hollow Schematic Plan

7:30 Farmington Greens Conservation Easement Amendment Request

### **NEW BUSINESS:**

7:40 Revisions to the Management Plan for Conservation Easements

### **SUMMARY ACTION:**

8:00 Minute Motion Approving Summary Action List

1. License Agreements: Wood and Anderson
2. Arbor Day Proclamation
3. Approval of Minutes from March 15, 2016

4. Meadow View Phase II Improvements Agreement
5. Farmington Park Phase III Final Plat
6. Meadows at City Park Phase II Final PUD Master Plan

8:05 City Council Committee Reports

**GOVERNING BODY REPORTS:**

8:15 City Manager Report

1. Executive Summary for Planning Commission held March 10, 2016
2. Executive Summary for Planning Commission held March 17, 2016
3. Executive Summary for Planning Commission held April 7, 2016
4. Fire Monthly Activity Report for March
5. Hiring of City Lobbyist on Trial Basis
6. Complaints on Deer Population - DWR Work Session Dates
7. Cabelas Grand Opening – April 21<sup>st</sup> at 10am

8:30 Mayor Talbot & City Council Reports

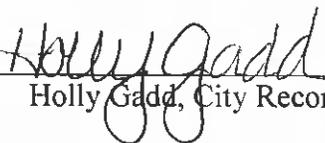
**ADJOURN**

**CLOSED SESSION**

Minute motion adjourning to closed session, if necessary, for reasons permitted by law.

DATED this 14th day of April, 2016.

**FARMINGTON CITY CORPORATION**

By:  \_\_\_\_\_  
Holly Gadd, City Recorder

**\*PLEASE NOTE:** Times listed for each agenda item are estimates only and should not be construed to be binding on the City Council.

*In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting, should notify Holly Gadd, City Recorder, 451-2383 x 205, at least 24 hours prior to the meeting.*

CITY COUNCIL AGENDA

For Council Meeting:  
April 19, 2016

**S U B J E C T: Roll Call (Opening Comments/Invocation) Pledge of Allegiance**

It is requested that City Councilmember Brigham Mellor give the invocation to the meeting and it is requested that Mayor Jim Talbot lead the audience in the Pledge of Allegiance.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

CITY COUNCIL AGENDA

For Council Meeting:  
April 19, 2016

**S U B J E C T:** Introduction of new Police Officer/Administration of Oath of Office

**ACTION TO BE CONSIDERED:**

None

**GENERAL INFORMATION:**

Wayne Hansen will introduce Giancarlo Candiotti, the new Police Officer. Holly Gadd will perform the administration of the Oath of Office.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

CITY COUNCIL AGENDA

For Council Meeting:  
April 19, 2016

**S U B J E C T: Recognition of MaryAnn Jones for 10 Years of Dedicated Service at the  
Police Department**

**ACTION TO BE CONSIDERED:**

None

**GENERAL INFORMATION:**

Wayne Hansen will be making this presentation.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

CITY COUNCIL AGENDA

For Council Meeting:  
April 19, 2016

**S U B J E C T: Presentation of "Award of Top Shooter"**

**ACTION TO BE CONSIDERED:**

None

**GENERAL INFORMATION:**

Wayne Hansen will be recognizing Cory Ritz and Katie Anderson.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

## CITY COUNCIL AGENDA

For Council Meeting:  
April 19, 2016

### **PUBLIC HEARING: Pheasant Hollow Schematic Plan**

### **ACTION TO BE CONSIDERED:**

1. Hold the public hearing.
2. See staff report for recommendation.

### **GENERAL INFORMATION:**

See enclosed staff report prepared by Eric Anderson.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.



# FARMINGTON CITY

H. JAMES TALBOT  
MAYOR

DOUG ANDERSON  
JOHN BILTON  
BRIGHAM N. MELLOR  
CORY R. RITZ  
JAMES YOUNG  
CITY COUNCIL

DAVE MILLHEIM  
CITY MANAGER

## City Council Staff Report

To: Honorable Mayor and City Council

From: Eric Anderson, Associate City Planner

Date: April 8, 2016

SUBJECT: **Pheasant Hollow Schematic Plan**  
Applicant: **Russell Wilson – Symphony Homes**

### RECOMMENDATION

- 1) Hold a public hearing;
- 2) Move that the City Council approve the schematic plan subject to all applicable Farmington City ordinances and development standards and the following condition that the applicant shall provide a reciprocal access easement and private street for Lots 6, 7, 8, and 9 and have this easement recorded against the property prior to final plat.

### Findings for Approval:

1. As part of a previous approval, the applicant has provided geotech reports that exceed what is normally required for a subdivision of this size.
2. The decrease in density, and removal of the cul-de-sac road is preferable due to the potential impact from poor soils and topographic issues.
3. The bridging of the 700 South gap is beneficial to the City and provides much needed east-west connection, and will help alleviate pressures on 620 South, Glover Lane, and 450 South.
4. Although the applicant is utilizing the alternative lot size, he is not requesting any TDRs to meet that minimum standard.
5. The densities requested are comparable or exceed those of surrounding neighborhoods, and by clustering the smaller lots along 700 South and placing the larger lots interior to the project, the subdivision is context sensitive to the area.
6. The private street allows the developer reduced density which is better for the soils types in the area, higher density results in greater storm water runoff which may also exasperate these soil types, meanwhile lower density that is proposed by the applicant results in less storm water runoff.
7. The private street will assist Central Davis Sewer District in terms of the sewer line's location and accessible manholes.

## BACKGROUND

The applicant, Symphony Homes, is requesting schematic plan approval for a 10-lot subdivision on property located at approximately 700 South and 50 East on 4.55 acres of property. The underlying zone for this property is an R zone.

This property has previously been in front of the Planning Commission and City Council on several occasions with several different layouts. At the last public hearing on this property, October 22, 2015, the applicant received preliminary plat approval for a 15 lot subdivision. As the applicant began to prepare improvement drawings as part of the final plat submission, they realized that the cost of building the cul-de-sac road would likely make that development, as approved through preliminary plat, to be cost prohibitive. As a result, the applicant has now reconfigured the site and submitted a new application with a new subdivision layout. The original layout along the proposed 700 South connection has been retained with 4 lots, however, the rest of the schematic plan is different than the previous application.

Currently, 700 South has an unfinished gap between 200 East and 50 West. The proposed development would bridge this gap and create a local road connector between these two segments. The finished road would add to the connectivity between 200 East and the Frontage Road, particularly, it would alleviate some of the east to west traffic of 620 South.

There are delineated wetlands over a significant portion of the property, and these wetlands are constrained land that will either have to be mitigated or not built on. The yield plan shows that 10 lots can be constructed, in spite of the limitations caused by the wetlands. While the yield plan in the R zone can go down as small as 8,000 s.f., the applicant has provided a yield plan showing the conventional lot size minimum, or 16,000 s.f. Because the schematic plan is proposing the same number of lots as that on the yield plan (i.e. under a conventional subdivision), the applicant can utilize the alternative lot size provision in Chapter 11 of the Zoning Ordinance without completing a transfer of development rights (TDR) with the City, i.e. the density has not increased. However, the applicant has proposed 6 of the 10 lots as being smaller in area than the conventional requirement of 16,000 s.f. (Lots 1-4, 5, and 10); under the alternative lot size provision of Chapter 11, the minimum lot size is 8,000 s.f., which the proposed schematic plan meets.

Originally, the applicant proposed two flag lots on the north end of the subdivision (Lots 7 and 8) the stems of which were side by side. In such cases, the ordinance allows the property owners to reduce their respective stem widths from 28' to 20'. The developer also proposed that both flag lots be served by one driveway with a reciprocal access easement to ensure dual use of a common drive in the future. However, Section 12-7-030(10)(b)(viii) states "a stem shall service one lot only." Therefore, in order for Lot 9 to have been conforming, the Planning Commission would have needed to grant approval of a special exception as outlined in 11-3-045 for the shared access, and the applicant would have also needed to obtain a variance approval from the Board of Adjustments for the two flag lots to share a stem. As a solution to these issues, the applicant proposed an alternative schematic plan, which was recommended for approval by the Planning Commission and is the plan under review tonight. The changed plan has removed the flag lots and made Lots 6, 7, 8, and 9 accessed by a private road. The private road will need to be built to the City's vertical standards, as per Section 12-7-030.

Lot 9 fronts 700 South, but due to existing wetlands on-site the applicant is proposing access to the lot via the private road; this is allowed under Section 11-32-106(1)(e) which states:

*"Driveways shall have direct access to a public street for a building lot. Subject to satisfaction of the provisions of Section 11-3-045 of the City Zoning Ordinances and*

*the grant of a special exception, direct access for a building lot may include access over one adjacent building lot provided both building lots have full frontage on a public street, an access easement has been recorded acceptable to the City, and the full face of any dwelling unit located on both building lots fronts or is fully exposed to the public street."*

Lot 6 and 8 are only required to have 37.5' of frontage on a private street, or 50% of the required 75' in the R zone, as outlined in Section 12-7-030(2) that states:

*"All lots or parcels created by the subdivision shall have frontage on a dedicated street, improved to standards hereinafter required, equal to at least fifty percent (50%) of its minimum required width except for flag lots which shall have a minimum of twenty-eight feet (28') of frontage. Private streets shall not be permitted unless the Planning Commission finds that the most logical development of the land requires that lots be created which are served by a private street or other means of access, and makes such findings in writing with the reasons stated therein."*

The Planning Commission determined that the private street in this case made more sense than the back-to-back flag lots, and did approve the private streets as an alternative means of access. All other lots within the subdivision conform to the requirements as outlined in Chapter 11 of the Zoning Ordinance which regulates the R zone.

Supplemental Information

1. Vicinity Map
2. Schematic Plan
3. Schematic Plan Dated 2.5.2016 (with Two Flag Lots)

Applicable Ordinances

1. Title 11, Chapter 7 – Site Development Standards
2. Title 11, Chapter 11 – Single Family Residential Zones
3. Title 11, Chapter 12 – Conservation Subdivisions
4. Title 11, Chapter 28 – Supplementary and Qualifying Regulations
5. Title 12, Chapter 6 – Major Subdivisions
6. Title 12, Chapter 7 – General Requirements for all Subdivisions

Respectfully Submitted



Eric Anderson  
Associate City Planner

Review and Concur



Dave Millheim  
City Manager







## CITY COUNCIL AGENDA

For Council Meeting:  
April 19, 2016

**PUBLIC HEARING:** Farmington Greens Conservation Easement Amendment  
Request

### **ACTION TO BE CONSIDERED:**

1. Hold the public hearing.
2. See staff report for recommendation.

### **GENERAL INFORMATION:**

See enclosed staff report prepared by David Petersen.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

# FARMINGTON CITY



H. JAMES TALBOT  
MAYOR

BRETT ANDERSON  
DOUG ANDERSON  
JOHN BILTON  
BRIGHAM N. MELLOR  
CORY R. RITZ  
CITY COUNCIL

DAVE MILLHEIM  
CITY MANAGER

## City Council Staff Report

To: Honorable Mayor and City Council

From: David E. Petersen, Community Development Director

Date: April 19, 2016

SUBJECT: **FARMINGTON GREENS CONSERVATION EASEMENT  
AMENDMENT REQUEST**

### RECOMMENDATION

1. Hold a public hearing.
2. Move that the City Council approve the enclosed amendment to the Farmington Greens Conservation Easement to modify it to allow the creation of storm water detention and retention areas as a permitted use thereto, while at the same time enhancing existing wetlands and upland areas (and trails).

### Findings:

1. The Farmington Greens HOA, the previous underlying fee title owner, let the property go into disrepair and neglect. Eventually taxes were not paid and the HOA lost the property via a tax sale. Amendments to the easement will allow Farmington City to curb and prevent blight, and better increase property values in the PUD and surrounding areas
2. The amendment represents an improvement to the easement because wetland areas and wildlife habitat will be enhanced as well as trails.
3. In 1998, the original Farmington Greens concept was structured around walkable and beautiful open spaces. The proposed amendments are consistent with the intent of the initial development.
4. The proposed amendment preserves, to the greatest extent possible, the conservatoin values and intent of the original conservation easement.
5. The property is zoned AE and the uses related to the proposed amendment are allowed in this zone.
6. Presently, underground storm water vaults, similar to those used in Station Park, are allowed within the easement. However; such vaults do not have the same potential for enhancing wetlands and trails in the area as do above ground detention facilities.
7. Any proposed detention basins will not foster mosquitos and vermin because they will be designed in such away that they will be dry and empty except for rare 24 hour periods coinciding with major storm events.

8. The amendment further advances the goals of the Farmington General Plan and Active Transportation Plan by allowing for a more walkable community in the vicinity of the easement.
9. Detention basins near wetlands are not without precedent in Farmington. After 1996, Davis County worked closely with the US Army Corp of Engineers to provide regional detention basins south of the Farmington Preserve project north of I-15 and west of US 89. Existing wetlands and wildlife habitat were enhanced and trails were provided. This example encompasses more than 40 + acres of improved open space.

## **BACKGROUND**

As mentioned in the findings. The Farmington Greens HOA let the open space area fall into blight by neglecting to pay taxes on the under lying fee. Now the City is stepping forward to enhance and better maintain the area.

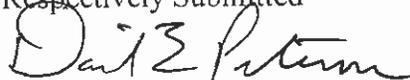
Standard of Review. Conservation easements exist in perpetuity and are intended to provide permanent protection and preservation of the encumbered property, and may be only amended under one or more of the following conditions set forth in Section 7 (see attached policy) as follows:

- a. The amendment represents a minor or incidental change which is not inconsistent with the conservation values or purposes delineated in the easement.
- b. The amendment corrects an error or oversight in the original conservation easement, including, but not limited to: correction of legal descriptions; inclusion of standard language unintentionally omitted; clarification of ambiguous language; clarification of obsolete terms; or clarification to aid in interpretation of the document in the future.
- c. The amendment addresses or responds to any condemnation or threat of condemnation of a portion or all of property encumbered by a conservation easement, and preserves, to the greatest extent possible, the conservation values and intent of the original easement.

### **Supplementary Information**

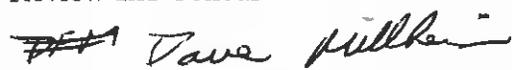
1. Vicinity Map.
2. Proposed Amendments to the Easement.
3. Farmington City Conservation Easement Amendment Policy
4. Existing Farmington Greens Conservation Easement

Respectively Submitted



David Petersen  
Community Development Director

Review and Concur



Dave Millheim  
City Manager



Brahmé Rd

Cortlandt Pl

Drank Ln

Trailside Rd

Ranch Rd

2507 2400A

2500 S

Arthur Ct

**WHEN RECORDED, MAIL TO:**

Farmington City  
Attn: City Manager  
130 North Main  
P.O. Box 160  
Farmington, Utah 84025

Parcel Number(s): 08-074-0078, and 08-412-0160

**FIRST AMENDMENT TO  
CONSERVATION EASEMENT AND DECLARATION OF RESTRICTIONS FOR  
FARMINGTON GREENS PUD**

**THIS SECOND AMENDMENT TO CONSERVATION EASEMENT AND  
DECLARATION OF RESTRICTIONS** (the "First Amendment") is made and entered into as  
of the \_\_\_\_\_ day of April, 2016, by **FARMINGTON CITY**, a Utah municipal corporation,  
hereinafter referred to as the "City."

**RECITALS:**

A. The City and Golden Meadows Properties, L.C., a Utah limited liability company,  
as the original grantor, entered into that certain Conservation Easement and Declaration of  
Restrictions dated April 15, 2006, and recorded at the Davis County Recorder's Office on  
December 4, 2006, as Entry No. 2224554, Book No. 4171, Pages 1504-1524 ("Conservation  
Easement"), preserving and protecting various parcels of property adjacent to the Farmington  
Greens PUD; and

B. The underlying property subject to the Conservation Easement is more  
particularly described in **Exhibit 1**, attached hereto and incorporated herein by this reference  
("Property"); and

C. The Property subject to the Conservation Easement was transferred and conveyed  
to Farmington City by Quitclaim Deed dated \_\_\_\_\_, \_\_\_\_\_, as recorded in the  
Davis County Recorder's Office on \_\_\_\_\_, \_\_\_\_\_, as Entry No. \_\_\_\_\_,  
Book No. \_\_\_\_\_, Page \_\_\_\_\_, and Farmington City is the current legal property owner of  
record of the Property; and

D. The Farmington City desires to amend Section 7(b) of the Conservation Easement regarding conditional uses, and Section 13 regarding the subdivision of permitted Construction and maintenance activities on the Property.

E. The City has reviewed the proposed amendments to the Conservation Easement in accordance with the City's Conservation Easement Amendment Policy ("Amendment Policy") and has held a public hearing, including required notice of the same, in accordance with the Amendment Policy; and

G. The City has determined, in accordance with the Amendment Policy that the amendments are legally permissible, consistent with the purposes and intent of the Conservation Easement, and are warranted under the circumstances as more particularly set forth herein, and the City is willing to amend the Conservation Easement subject to and in accordance with the terms and conditions of this Second Amendment.

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the Homeowners Association agree as follows:

1. **Purpose.** The stated purpose of the Conservation Easement is to assure that the Property will be retained forever in its natural, scenic, agricultural and/or open space condition and to prevent any use of the Property that will significantly impair or interfere with the conservation values of the Property.

2. **Amendment Policy and Procedures.** In compliance with the Amendment Policy, it is the City's intent and desire to uphold the terms and conditions of conservation easements it holds and to preserve and protect the conservation values of all property so encumbered. The City also recognizes the need to provide for amendments to such easements in limited circumstances as necessary. Pursuant to the terms and conditions of the Amendment Policy, the City Council held a public hearing on the proposed amendments providing the applicant, the public and any interested party the opportunity to comment on the proposed amendments. The City provided fourteen (14) days advance notice of such hearing by publishing notice thereof in the Salt Lake City Tribune and Deseret News, a daily newspaper of general circulation within the City.

3. **Findings.** The amendments to the Conservation Easement provided for herein add above ground surface storm water facilities, including but not limited to detention basins, as a conditional use. Pursuant to provisions and requirements of the Amendment Policy, the City Council hereby finds that such amendments to the Conservation Easement are minor or incidental changes which are not inconsistent with the conservation values or purposes of the Conservation Easement and/or provide clarification to aid in the interpretation of the document. The City Council further finds that the amendments are consistent with the overall purpose of the Conservation Easement and will not be detrimental to or compromise the protection of the stated conservation values of the Property; the amendments are substantially equivalent to or enhance

the conservation values of the Property; the amendments are consistent with the City's goals for conservation of land under the Farmington City Conservation Subdivision Ordinance and will not undermine the City's obligation to preserve and enforce other conservation easements it has accepted; the amendments are the minimum change necessary to achieve the desired and acceptable purpose; the amendments are clearly warranted and in the best interest of the public and the subject Property; the granting of the amendments will not set an unfavorable precedent for future amendment requests; the amendments do not adversely affect the City's qualification as a holder of conservation easements or any claimed deduction for donation of the conservation easement; and the amendment does not provide a private benefit for the landowner or any private party or parties.

4. **Amendment to Conditional Uses.** Section 7(a) of the Conservation Easement regarding conditional uses is hereby amended to include a new subsection (ii) regarding above ground surface storm water facilities to read in its entirety as follows:

(ii) Above ground surface storm water facilities, including but not limited to local and regional detention basins (consistent with the Permits and approved by the Corps (where necessary), as provided elsewhere in the Easement and Restrictions) in the Preserve Area.

5. **Amendment to Section 13.** The first sentence of Section 13 of the Conservation Easement regarding permitted construction and maintenance activities is hereby amended to read in its entirety as follows:

This Easement and Restrictions is subject to the rights of Farmington City or any other agency or utility to enter upon the Preserve Area, subject to the terms and conditions herein, if consistent with the Permit and approved by the Corps in writing, for the construction, installation, operation and maintenance of subsurface utilities permitted herein, and also includes, only in the case of Farmington City, above ground surface storm water facilities.

6. **Full Force and Effect.** The terms of this First Amendment are hereby incorporated as part of the Conservation Easement. All other terms and conditions of the Conservation Easement not modified by this First Amendment shall remain the same and are hereby ratified and affirmed. To the extent the terms of this First Amendment modify or conflict with any provisions of the Conservation Easement, the terms of this First Amendment shall control.

7. **Binding Effect.** This First Amendment shall inure to the benefit of and be binding upon the parties hereto and their respective officers, employees, representatives, successors and assigns.

**IN WITNESS WHEREOF**, the parties hereto have executed this Amendment by and through their respective, duly authorized representatives as of the day and year first above written.

**“CITY”**

**FARMINGTON CITY**

**ATTEST:**

\_\_\_\_\_  
Holly Gadd, City Recorder

By: \_\_\_\_\_  
Mayor H. James Talbot

**CITY ACKNOWLEDGMENT**

STATE OF UTAH            )  
                                          :ss.  
COUNTY OF DAVIS        )

On the \_\_\_\_ day of \_\_\_\_\_, 2016, personally appeared before me **H. JAMES TALBOT**, who being duly sworn, did say that he is the Mayor of **FARMINGTON CITY**, a municipal corporation of the State of Utah, and that the foregoing instrument was signed in behalf of the City by authority of its governing body and said H. James Talbot acknowledged to me that the City executed the same.

\_\_\_\_\_  
Notary Public

## **FARMINGTON CITY CONSERVATION EASEMENT AMENDMENT POLICY**

### **1. Farmington City Conservation Easements.**

Farmington City is a governmental entity and a tax exempt entity under Section 501(c) of the *Internal Revenue Code* qualified to acquire conservation easements under the terms of the Land Conservation Easement Act, as set forth in *Utah Code Ann.* §§ 57-18-1, *et seq.*, as amended. Farmington City has enacted Conservation Subdivision Ordinances, as more particularly set forth in Title 11, Chapter 12, of the Farmington City Municipal Code, providing for the development of subdivisions with incentives to preserve and provide for the conservation of open space and other sensitive and valued land within the City. Farmington City has acquired a number of conservation easements over and across various open space and conservation lands within the City and intends to acquire and provide for future conservation easements preserving and protecting open space and conservation lands within the City. Farmington City holds such conservation easements for the benefit of current and future generations and has the obligation to uphold such conservation easements in perpetuity for the purposes set forth therein.

### **2. Amending Conservation Easements in General.**

Conservation easements are generally intended to provide for the permanent and perpetual protection and preservation of the encumbered property. By their terms, conservation easements are not generally permitted to be terminated or altered. It is very important to land conservation efforts to provide for and honor the permanence of conservation easement restrictions. If they are not treated as essentially unchangeable, landowners may be less willing to entrust the protection of their property to land trusts and/or to encumber their property with conservation easements. However, it has also been noted that it is unrealistic to expect that conservation easements must or should always preclude amendment. There are too many unknowns at the time of creation of a conservation easement, and it is often not possible to foresee and record for all time the best and sole use of property. As such, some jurisdictions have recognized that amendments to conservation easements may be necessary on occasion and under reasonable circumstances.

### **3. Farmington City Amendment Policy.**

It is Farmington City's intent and desire to uphold the terms and conditions of conservation easements it holds and to preserve and protect the conservation values of all property so encumbered. Farmington City also recognizes the need to provide for amendments to such easements in limited circumstances as necessary. Any and all amendments to conservation easements held by Farmington City must be approached with great care and shall be approved only in limited circumstances in accordance with and subject to the amendment policies and procedures more particularly set forth herein.

**4. Amendment Application.**

Any person or entity that is the legal property owner of record of property encumbered by a conservation easement held by Farmington City desiring to amend the provisions of such conservation easement shall be required to file a written application for amendment with the City. All applications for amendment shall be signed by the property owner(s) of record, or his/her/its authorized agent, and filed with the Community Development Director. All applications for amendment shall include the following:

- a. A written description of the proposed conservation easement amendment, including suggested language for any text amendments;
- b. A statement of the grounds and reasons for the proposed amendments and sufficient evidence in support of the same, including discussion of the compliance of the amendment with the qualifications and criteria set forth in this Policy;
- c. All maps and/or documents applicable to the proposed amendment;
- d. The names and addresses of all property owner(s) of record for the subject property encumbered by the conservation easement; and
- e. The fee required for conservation easement amendments as set forth in the City's Consolidated Fee Schedule.

**5. Application Fee and Costs.**

Unless specifically waived by the City, the application fee for a conservation easement amendment application shall be as set forth in the City's Consolidated Fee Schedule. The applicant shall also pay any staff, legal, and engineering fees incurred by the City in response to an application request. A "Professional Services Deposit" in an amount as set forth in the City's Consolidated Fee Schedule shall be collected at the time of application to cover these costs. Any unused deposit will be refunded to the applicant, and applicant will be responsible for any costs incurred above the amount collected for the Professional Services Deposit. Such fees shall be paid whether the application is approved or not. In addition, the City may condition approval of the amendment upon payment to a Conservation Easement Enforcement and Monitoring Fund of an amount sufficient to offset any increased monitoring or enforcement obligations of the City.

**6. Application Review and Approval.**

- a. **Community Development Director Recommendation.** The Community Development Director, or his or her designee, shall review any application for amendment to a conservation easement. Such review shall include, at a minimum, a site visit to the subject property and a review of the original records of approval for the easement, including the stated conservation values of the subject easement. The Community Development Director shall prepare a written report of recommendation

regarding the proposed conservation easement amendment to the City Council for their review and consideration in accordance with the procedures set forth herein. The Community Development Director may request any further information, data or evidence deemed necessary from the applicant. Upon completion of his or her review, the Community Development Director shall forward his or her report of recommendation to the City Council.

b. **Notice and Public Hearing.** The City Council shall provide at least fourteen (14) days advance notice of a public hearing to be held in consideration of the proposed conservation easement amendment. Such notice shall be provided by publishing in a daily newspaper of general circulation in the City. After proper notice, the City Council shall hold a public hearing on the proposed conservation easement amendment. In addition to the public hearing, the applicant shall be provided an opportunity to address the City Council regarding the amendment and to respond to any issues or comments made regarding the proposed amendment during public comment or raised by the City Council.

c. **City Council Review and Approval.** The City Council shall review the application and record provided for the proposed amendment and shall consider relevant public comment regarding the same. The City Council shall further review and determine whether the proposed amendment meets the qualification and criteria set forth in this Policy. The City Council may thereafter approve or deny, in whole or in part, the application for amendment.

d. **Executed Recording.** Most conservation easements, by their terms, require approval of the amendment by both the Grantor and the Grantee, or their authorized successors and assigns. Any amendments to a conservation easement permitted hereunder shall be in writing, signed by the required parties of interest, and recorded in the Davis County Recorder's Office.

e. **Easement Terms.** In the event the terms of the subject conservation easement provide for greater noticing or procedural requirements for any amendment, such noticing and procedural requirements shall govern. The procedures and noticing provisions set forth herein are intended to be a minimum.

## **7. Conditions for Qualification.**

Any request for amendment to a conservation easement will be reviewed by the City Council according to the procedures set forth in this Policy and will be approved only under one or more of the following conditions:

a. The amendment represents a minor or incidental change which is not inconsistent with the conservation values or purposes delineated in the easement.

b. The amendment corrects an error or oversight in the original conservation easement, including, but not limited to: correction of legal descriptions; inclusion of standard language unintentionally omitted; clarification of ambiguous language; clarification of obsolete terms; or clarification to aid in interpretation of the document in the future.

c. The amendment addresses or responds to any condemnation or threat of condemnation of a portion or all of property encumbered by a conservation easement, and preserves, to the greatest extent possible, the conservation values and intent of the original easement.

## **8. Mandatory Criteria.**

Any request for amendment to a conservation easement will be reviewed by the City Council according to the procedures set forth in this Policy and will be approved only if all of the following criteria can be met:

a. The amendment is consistent with the overall purposes of the conservation easement and will not be detrimental to or compromise the protection of the stated conservation values of the property.

b. The amendment is substantially equivalent to or enhances the conservation values of the property, adds adjacent land, or achieves greater conservation of the property.

c. The amendment is consistent with the City's goals for conservation of land under applicable City Ordinances and will not undermine the City's obligation to preserve and enforce conservation easements it has accepted.

d. The amendment is the minimum change necessary to achieve the desired and acceptable purpose.

e. The amendment is clearly warranted and in the best interest of public and subject property.

f. Granting of the amendment will not set an unfavorable precedent for future amendment requests.

g. The amendment does not adversely affect the City's qualification as holder of conservation easements.

h. The amendment does not provide a private benefit to the landowner or any private party.

RETURNED  
DEC 01 2006

E 2224554 B 4171 P 1504-1524  
RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
12/04/2006 02:51 PM  
FEE \$0.00 Pgs: 21  
DEP RT REC'D FOR FARMINGTON CITY

WHEN RECORDED, MAIL TO:

FARMINGTON CITY  
Attn: City Manager  
130 North Main  
Farmington, Utah 84025

## CONSERVATION EASEMENT AND DECLARATION OF RESTRICTIONS

**THIS CONSERVATION EASEMENT AND DECLARATION OF RESTRICTIONS** ("Easement and Restrictions") is made this 15<sup>th</sup> day of August 2006, by **GOLDEN MEADOWS PROPERTIES, L.C.**, a Utah limited liability company whose mailing address is 2001 Windsor Street, Salt Lake City, Utah, 84105, (hereinafter "Grantor"), in favor of **FARMINGTON CITY**, a Utah municipal corporation whose mailing address is 130 North Main Street, Farmington, Utah, 84025, (hereinafter "Grantee").

### RECITALS:

**WHEREAS**, Grantor is the sole owner in fee simple title of certain real property located in Farmington City, Davis County, State of Utah, which property is more particularly described in **Exhibit "A"** attached hereto and incorporated herein by reference, hereinafter referred to as the "Preserve Area," and shown on the project map, attached hereto as **Exhibit "B"** and incorporated herein by reference, hereinafter referred to as the "Project Map"; and

**WHEREAS**, the Preserve Area possesses unique and sensitive natural, scenic, open space, drainage corridor, wetlands, wildlife habitat, and/or pastureland values (collectively referred to as "conservation values") of great importance to the Grantor, the Grantee, and the public; and

**WHEREAS**, Grantor intends to preserve the Preserve Area as wildlife habitat and a wetland preserve area, to be so held in perpetuity subject to restrictions in accordance with the provisions of the Section 404 Permit Nos. 199450285 and 199650040, as amended and supplemented (hereinafter "Permits") issued by the U.S. Army Corps of Engineers (hereinafter "Corps") and the restrictions in this Easement and Restrictions; and

**WHEREAS**, Grantor intends that the conservation values of the Preserve Area be preserved and maintained by the continuation of the use of the Preserve Area in such a way which does not significantly impair or interfere with those values; and

**WHEREAS**, Grantor intends to preserve and protect the conservation values of the Preserve Area in perpetuity through this Easement and Restrictions and dedication of the Easement to Grantee.

**NOW, THEREFORE**, in consideration of the above and the covenants, terms, conditions, and restrictions contained herein, and pursuant to the laws of the State of Utah, particularly *Utah Code Ann. § 57-18-1*, et seq., as amended, with the intention of making an irrevocable easement in perpetuity, Grantor hereby agrees and conveys as follows.

1. Conveyance. Grantor hereby grants and warrants to Grantee, a perpetual conservation easement as hereinafter defined (the "Easement") over and across all the Preserve Area to preserve and protect the natural, ecological, water, wildlife habitat, open space, scenic, aesthetic, and wetland values present on the Preserve Area, subject to the restrictions contained herein, to have and to hold unto Grantee, its successors and assigns forever.

2. Preserve Area. The Preserve Area subject to this Easement and Restrictions consists of approximately 24.44 acres located in Farmington City, Davis County, State of Utah, as more particularly described in **Exhibit "A."**

3. Current Use and Condition of Preserve Area. The Preserve Area presently consists of sensitive, natural, scenic, open space, wetlands and wildlife habitat reflecting natural vegetation of the area and is located at approximately Clark Lane (100 North) and 1200 West, Farmington City, Davis County, State of Utah.

4. Covenant Running with Land. Grantor does hereby covenant and agree to restrict, and does by this instrument intend to restrict, the future use of the Preserve Area as set forth below, by the establishment of this Easement and Restrictions running with the land.

5. Purpose. Grantor is the fee simple title owner of the Preserve Area and is committed to preserving the conservation values of the Preserve Area. The purpose of this Easement is to assure that the Preserve Area will be retained forever in its natural, scenic, wetland and/or open space condition and to prevent any use of the Preserve Area that will significantly impair or interfere with the conservation values of the Preserve Area. Any use of the Preserve Area which may impair or interfere with the conservation values, unless expressly permitted in this Easement and Restrictions, is expressly prohibited. Grantor agrees to confine use of the Preserve Area to activities consistent with the purposes of this Easement and Restrictions and preservation of the conservation values of the Preserve Area.

6. Duration. The duration of the Easement and Restrictions shall be perpetual.

7. Permitted and Conditional Uses. Subject to the terms and conditions set forth in this Easement and Restrictions, the following activities and/or uses of the Preserve Area are permitted or conditional.

(a) The following are Permitted Uses:

(i) Conservation of open land in its natural state.

(ii) Underground utility easements for drainage, access, sewer or water lines, or other public purposes, if consistent with the Permits and approved by the Corps, in locations as approved by the City of Farmington, subject to restoration of the Preserve Area to its natural condition within a reasonable time frame not to exceed ninety (90) days, unless otherwise agreed to in writing by the Grantee, which restoration shall be conducted to the satisfaction of the Grantee to protect and preserve the conservation values of the Preserve Area.

(b) Subject to the terms and conditions set forth in this Easement and Restrictions and if consistent with the Permits and approved by the Corps, the following activities and/or uses of the Preserve Area may be permitted as a conditional use, subject to obtaining a conditional use permit from the City of Farmington for such use in accordance with City Ordinances regarding the same:

(i) Non-commercial and non-motorized recreational use of improved trails (consistent with the Permits and approved by the Corps, as provided elsewhere in this Easement and Restrictions) in the Preserve Area.

8. Prohibited Uses and Restrictions. Any activity on or use of the Preserve Area not specifically listed as a permitted use or activity as set forth herein and/or any activity on or use of the Preserve Area which is inconsistent with the purpose of this Easement and Restrictions or detrimental to the conservation values is expressly prohibited. Except for those actions necessary to accomplish preservation, maintenance, repair, fire prevention, or enhancement as has been, or in the future is authorized by the Corps, consistent with the Permits, the following shall apply to the Preserve Area:

(a) There shall be no division, subdivision or de facto subdivision (through long-term leasing or otherwise) of any parcel of the Preserve Area; except for subdivision and dedication of the Preserve Area as necessary to dedicate trails within the Preserve Area to Farmington City.

(b) There shall be no residential, commercial or industrial activity within the Preserve Area.

(c) There shall be no development, construction or location of any man-made modification or improvements such as buildings, structures, fences, roads, parking lots, or other improvement on the Preserve Area, except as expressly permitted in this Easement and Restrictions and approved by the Corps.

(d) There shall be no filling, dredging, excavating, mining, drilling, alteration of the land surface, or exploration for and extraction of oil, gas, minerals or other resources within or from the Preserve Area.

(e) There shall be no dumping or storing of ashes, trash, garbage or junk on the Preserve Area.

(f) There shall be no manipulation or alteration of natural watercourses, wetlands, or riparian communities, except as expressly permitted herein or as necessary for the use of the Preserve Area and then, in any event, only to the extent that such manipulation or alteration shall not result in a significant injury to or the destruction of significant conservation values.

(g) There shall be no hunting or trapping for any purpose other than predatory or problem animal control on the Preserve Area.

(h) There shall be no advertising of any kind or nature on the Preserve Area and any billboards or signs; provided a directory and information sign may be displayed describing the Easement and prohibited or authorized use of the same.

(i) No plowing or cultivation of the Preserve Area or any portion of such area, and no destruction or removal of any natural tree, shrub or other vegetation that exists upon the Preserve Area shall be done or permitted to the Preserve Area except by the Grantor or its successors and assigns for the purpose of thatch management or the removal/management of noxious or dangerous plants as necessary to maintain the Preserve Area;

(j) No materials or debris, including snow, shall be stored, placed or discharged (whether temporarily or permanently) on or within the Preserve Area or any portion of such area without prior written approval by the Corps;

(k) No discharge of any dredged or fill material shall be permitted within the Preserve Area or any portion of such area except as consistent with the terms and conditions of the Permits and no use of any sump pump;

(l) No discharge, dumping, disposal, storage or placement of any trash, refuse, rubbish, grass clippings, cuttings or other waste materials within the Preserve Area or any portion of such area shall be permitted;

(m) No leveling, grading or landscaping within the Preserve Area or any portion of such area shall be done or permitted without prior written approval from the Corps;

(n) No burning of any materials on or within the Preserve Area, except as necessary for fire protection;

(o) No motorized vehicles shall be ridden, brought, used or permitted on any portion of the Preserve Area ;

(p) No surface runoff (other than naturally occurring surface runoff) from any surrounding development shall be allowed to flow onto the Preserve Area ;

(q) There shall be no other uses and practices inconsistent with and significantly detrimental to the stated objectives and purpose of the Easement and Restrictions.

9. Rights of the Grantee. Grantor confers the following rights upon Grantee to perpetually enforce the preservation of the conservation values of the Preserve Area and to accomplish the purpose of this Easement and Restrictions:

(a) Grantee has the right to preserve and protect the conservation values of the Preserve Area.

(b) Grantee has the right to enter upon the Preserve Area at reasonable times to monitor or to enforce compliance with this Easement and Restrictions and to inspect and enforce the rights herein granted; provided that such entry shall not unreasonably interfere with the Grantor's use and quiet enjoyment of the Preserve Area.

(c) Grantee has the right to enjoin and prevent any activity on or use of the Preserve Area that is inconsistent with the terms or purposes of this Easement and Restrictions and to preserve and protect the conservation values of the Preserve Area.

(d) Grantee has the right to require restoration of the areas or features of the Preserve Area which are damaged by activity inconsistent with this Easement and Restrictions.

(e) Grantee has the right to place signs on the Preserve Area which identify the Preserve Area as being protected by this Easement and Restrictions.

(f) Grantee has the right to engage in activities that restore the biological and ecological integrity of the Preserve Area. Possible activities include planting native vegetation and use of controlled fire to reduce the presence of undesirable vegetation.

10. Duties of the Grantor. Grantor retains ownership rights of the underlying fee simple title to the Preserve Area which are not expressly restricted by this Easement and Restrictions. In accordance with rights reserved in Grantor by this Easement and Restrictions, Grantor shall be subject to all terms, conditions and restrictions of this Easement and Restrictions and shall have the affirmative duty to refrain from conducting or causing to be conducted any action inconsistent with the purpose and provisions of this Easement and Restrictions. The following duties and responsibilities, among others, shall be performed by Grantor with respect to the Preserve Area:

(a) Protect, preserve and enhance the aesthetic, open space, drainage corridor, wetlands and/or wildlife habitat values of the Preserve Area;

(b) Subject to approval by the Corps, control insects, noxious weeds and plants, predatory or problem animals by the use of selective control measures and techniques. Any use of agricultural chemicals for the control of noxious weeds or other invasive plant species may only be used in accordance with all applicable laws, in those amounts and with such frequency of application constituting the minimum necessary to accomplish reasonable agricultural, grazing and other permitted uses of the Preserve Area. The use of such agents shall be conducted in a manner to minimize any adverse effect on the natural conservation values of the Preserve Area and to avoid any impairment of the natural ecosystems and their processes.

(c) Construct and maintain appropriate fire prevention and control measures including, but not limited to fire break paths along the boundaries of the Preserve Area.

11. Enforcement of Easement and Restrictions.

(a) Notice and Demand. If Grantee determines that Grantor or its successors are in violation of this Easement and Restrictions, or that a violation is threatened, the Grantee may provide written notice to the Grantor or its successors of such violation and request corrective action to cure the violation or to restore the Preserve Area. In the event Grantee determines that the violation constitutes immediate and irreparable harm, such notice shall not be required.

(b) Failure to Act. If, for a 28-day period after the date of the written notice from Grantee to Grantor, or its successors, the Grantor or its successor continues violating the Easement and Restrictions, or if the Grantor or its successor does not abate the violation and implement corrective measures requested by the Grantee, the Grantee may bring an action in law or in equity to enforce the terms of the Easement and Restrictions. The Grantee is also entitled to enjoin the violation through injunctive relief, seek specific performance, declaratory relief, restitution, reimbursement of expenses or an order compelling restoration of the Preserve Area. If the court determines that the Grantor has failed to comply with this Easement and Restrictions, the Grantor agrees to reimburse Grantee for all reasonable costs and attorneys fees incurred by the Grantee compelling such compliance.

(c) Absence of Grantor. If the Grantee determines that the Easement and Restrictions is, or is expected to be, violated, the Grantee shall make good-faith efforts to notify the Grantor. If, through reasonable efforts, the Grantor cannot be notified, and if the Grantee determines that circumstances justify prompt action to mitigate or prevent impairment of the conservation values, then the Grantee may pursue its lawful remedies without prior notice and without waiting for Grantor's opportunity to cure. Grantor agrees to reimburse Grantee for all costs incurred by Grantee in pursuing such remedies.

(d) Actual or Threatened Non-Compliance. Grantor acknowledges that actual or threatened events of non-compliance under this Easement and Restrictions may constitute immediate and irreparable harm. The Grantee is entitled to invoke the equitable jurisdiction of the court to enforce this Easement and Restrictions.

(e) Any violation of the Easement and Restrictions shall be subject to termination through injunctive proceedings with the imposition of temporary restraining orders or through any other legal means, it being recognized that monetary damages and/or other non-injunctive relief would not adequately remedy the violation of the covenants and restrictions of the Easement. In addition, subject to the provisions set forth herein, the Grantee shall have the right to enforce the restoration of the portions of the Preserve Area affected by activities in violation of the Easement and Restriction to the condition which existed at the time of the signing of this instrument.

(f) The remedies set forth herein are cumulative. Any, or all, of the remedies may be invoked by the Grantee if there is an actual or threatened violation of this Easement and Restrictions.

(g) A delay in enforcement shall not be construed as a waiver of the Grantee's right to enforce the terms of this Easement and Restrictions.

12. Enforcement of Restrictions. The Grantee, the Grantor or its successor including the homeowner's association when Grantor's interest is conveyed pursuant to Section 28 hereof, and any lot owner that is a member of the homeowner's association shall have the right to enforce by proceedings at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Easement and Restrictions or any amendment hereto, including the right to prevent the violation of any such restrictions, conditions, covenants, or reservations and the right to recover damages for such violation.

13. Permitted Construction and Maintenance Activities. This Easement and Restrictions is subject to the rights of Farmington City or any other agency or utility to enter upon the Preserve Area, subject to the terms and conditions herein, if consistent with the Permit and approved by the Corps in writing, for the construction, installation, operation and maintenance of subsurface utilities as permitted herein. After exercise of rights retained herein, the permitted entity or utility company in interest, shall take reasonable actions to restore the Preserve Area to its natural condition prior to the conduct of any of the foregoing activities. Nothing herein shall be deemed a grant of an easement to Farmington City or any utility; the foregoing is set forth only to establish uses or activities which are allowed on the Preserve Area. Easements to Farmington City or utilities shall be made by separate grant or document.

14. Maintenance. The Preserve Area shall be maintained by Grantor, in accordance with the Maintenance Plan set forth as Exhibit "C," attached hereto and incorporated herein by

this reference. Grantor shall be solely responsible for the upkeep and maintenance of the Preserve Area.

15. Taxes. Grantor shall pay all taxes, assessments, fees and charges of whatever description levied on or assessed against the Preserve Area, including any taxes imposed upon, or incurred as a result of, this Easement and Restrictions, and shall furnish Grantee with satisfactory evidence of payment upon request.

16. Indemnification. Grantor shall hold harmless, indemnify, and defend Grantee and its members, directors, officers, employees, agents and contractors, and the successors and assigns of each of them, collectively referred to as the "Indemnified Parties," from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including, without limitation, reasonable attorneys' fees, arising from or with respect to the Preserve Area, unless due to the negligence or willful misconduct of Grantee. Grantor shall keep the Preserve Area insured with comprehensive general liability insurance against claims for personal injury, death and property damage and shall name Grantee as an additional insured party on all such insurance policies, providing Grantee evidence of such insurance upon request.

17. Transfer of Grantee's Interest. If the Grantee determines that it no longer is able to enforce its rights under this instrument or that it no longer desires to enforce the rights, or desires to assign enforcement rights to a qualified organization under Section 501(c)(3) and/or 170(h)(3) of the Internal Revenue Code, the Grantee shall be entitled to convey in whole or in part all of its rights under this instrument and deliver a copy of this instrument to an organization designated by the Grantee and described in or contemplated by Section 501(c)(3) and/or 170(h)(3) of the Code, or the comparable provision in any subsequent revision of the Code to ensure that the Easement and Restrictions is enforced. Furthermore, the Grantee is hereby expressly prohibited from subsequently transferring the Easement and Restrictions, whether or not for consideration, unless (a) the Grantee, as a condition of the subsequent transfer, requires that the conservation purposes which the Easement and Restrictions is intended to advance continue to be carried out; and (b) the transferee is an organization qualifying at the time of the transfer as an eligible donee under Section 501(c)(3) and/or 170(h)(3) of the Code and regulations promulgated thereunder.

18. Cessation of Grantee's Existence. If Grantee shall cease to exist or if it fails to be a qualified organization for the purposes Section 501(c)(3) and/or 170(h)(3) of the Internal Revenue Code, or if the Grantee is no longer authorized to acquire and hold conservation easements, then this Easement and Restrictions shall become vested in another entity. Any successor entity shall be a qualified organization for the purposes of Section 501(c)(3) and/or 170(h)(3) of the Internal Revenue Code. The Grantee's rights and responsibilities shall be assigned to the following named entities in the following sequence:

- (a) Davis County, Utah, a Utah political subdivision.

(b) Any other qualified entity having similar conservation purposes to which rights may be awarded.

19. Termination of the Easement. This Easement and Restrictions may be extinguished only by an unexpected change in condition which causes it to be impossible to fulfill the Easement and Restrictions's purpose or by exercise of eminent domain in accordance with the provisions set forth herein. The fact that the Grantee may have title to the Preserve Area and therefore may become an Owner for purposes of this Easement and Restrictions shall not cause a termination of this Easement and Restrictions by operation of the doctrine of merger of otherwise. The Grantee shall not voluntarily or willingly allow the termination of any of the restrictions of this instrument, and if any or all of the restrictions of the Easement and Restrictions are nevertheless terminated by a judicial or other governmental proceeding, any and all compensation received by the Grantee as a result of the termination shall be used by the Grantee in a manner consistent with the conservation purposes of the Easement and Restrictions.

(a) If subsequent circumstances render the purposes of this Easement and Restrictions impossible to fulfill, then this Easement and Restrictions may be partially or entirely terminated only by judicial proceedings. Grantee will be entitled to compensation in accordance with applicable laws and judicial determination.

(b) If the Preserve Area is taken, in whole or in part, by power of eminent domain, then the Grantee will be entitled to compensation in accordance with applicable laws.

20. Transfer of Grantor's Interest. The Grantor, or its successors (hereinafter Owners) shall incorporate the terms of this Easement and Restrictions in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Preserve Area, including, without limitation, a leasehold interest. The failure of the Grantor or Owners to perform any act required by this Paragraph shall not impair the validity of this Easement and Restrictions or limit its enforceability in any way. Upon conveyance of title to the Preserve Area, the Grantor or Owners, as applicable, shall be released from their obligations under this Easement and Restrictions.

21. Notices. Any notice, demand, request, consent, approval, or communication shall be in writing and served personally or sent by registered or certified mail, postage prepaid, return receipt requested, addressed to the following:

To Grantee: Farmington City  
Atten: City Manager  
130 North Main Street  
Farmington, Utah 84025-0160

To Grantor: Golden Meadows Properties, L.C.  
2001 Windsor Street

Salt Lake City, Utah 84105

With a Copy to: Wayne G. Petty  
Moyle and Draper, P.C.  
175 East 400 South, Suite 900  
Salt Lake City, Utah 84111

To the Corps: U.S. Army Corps of Engineers  
533 West 2600 South, Suite 150  
Bountiful, Utah 84010

or to such other address as the Grantee, Grantor or the Corps shall from time to time designate by written notice.

22. Title Warranty. Grantor warrants that it has good and sufficient title to the Preserve Area, free from all encumbrances except those set forth in **Exhibit "D,"** attached hereto and incorporated herein by this reference, and hereby promises to defend the same against all claims that may be made against it.

23. Subsequent Encumbrances. Except for those uses permitted under Section 5 of this Conservation Easement and Restrictions, the grant of any easement or use restriction that might diminish or impair the viability of the Preserve Area or otherwise diminish or impair the conservation values of the Preserve Area is prohibited.

24. Environmental Warranty. Grantor warrants that it has no actual knowledge or threatened release of hazardous substances or wastes on the Preserve Area, as such substances and wastes are defined by applicable law, and hereby promises to indemnify Grantee against, and hold Grantee harmless from, any and all loss, cost, claim, liability or expense, including reasonable attorney's fees arising from or with respect to any release of hazardous waste or violation of environmental laws.

25. Recordation. The Grantee shall record this instrument in timely fashion in the official records of Davis County, Utah and may re-record it at any time as may be required to preserve its rights in this Easement and Restrictions.

26. Controlling Law. The interpretation and performance of this Easement and Restrictions shall be governed by the laws of the State of Utah.

27. Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Easement and Restrictions shall be liberally construed in favor of the Easement and Restrictions to effect the purpose of this Easement and Restrictions and the policy and purpose of *Utah Code Ann.* § 57-18-1 et seq., as amended, and related provisions. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the

purpose of this Easement and Restrictions that would render the provision valid shall be favored over any interpretation that would render it invalid.

28. Severability. If any provision of this Easement and Restrictions, or the application thereof to any person or circumstance, if found to be invalid, the remainder of the provisions of this Easement and Restrictions, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

29. Joint Obligation. Subject to the provisions set forth herein, the obligations imposed by this Easement and Restrictions upon any Owners shall be joint and several.

30. Successors. The covenants, terms, conditions, and restrictions of this Easement and Restrictions shall be binding upon, and inure to the benefit of, the Grantee, the Grantor, subsequent Owners of the Preserve Area, and their respective personal representatives, heirs, successors, and assigns, and shall continue as a servitude running in perpetuity with the Preserve Area. Upon lawful and recorded conveyance of the Preserve Area to a homeowner's association (the "HOA") for the Farmington Greens P.U.D., the rights and obligations of Grantor under this agreement shall transfer to the HOA, and Grantor hereunder shall have no further obligations or responsibilities regarding this agreement.

31. Entire Agreement. This Easement, together with all exhibits, sets forth the entire agreement of the parties and supercedes all prior discussions and understandings.

32. Captions. The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

IN WITNESS WHEREOF Grantor has executed this instrument on the day and year first above written.

**GRANTOR:**

**GOLDEN MEADOWS PROPERTIES, L.C.  
By Nupetco Associates, LLC,  
Its Manager**

By: *Neuman C. Petty*  
Neuman C. Petty  
Its: Manager

**GRANTEE:**

**FARMINGTON CITY**

By: *Scott Harbertson*  
Mayor Scott Harbertson



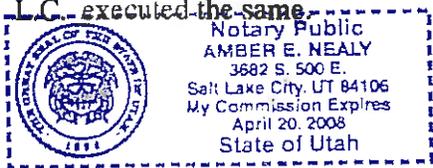
**ATTEST:**

*Margy L. Lomax*  
City Recorder

ACKNOWLEDGMENTS

STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

On this 15<sup>th</sup> day of ~~August~~ <sup>October</sup> 2006, personally appeared before me NEUMAN C. PETTY who being by me duly sworn did say that he the said NEUMAN C. PETTY is the Manager of Nupetco Associates, LLC, Manager of Golden Meadows Properties, L.C. and that the within and foregoing instrument was signed in behalf of said Golden Meadows Properties, L.C. and said Neuman C. Petty duly acknowledged to me that said Golden Meadows Properties, L.C. ~~executed the same~~



Amber E. Nealy  
NOTARY PUBLIC  
Residing in Salt Lake County, Utah

My Commission Expires:

April 20, 2008

STATE OF UTAH )  
 : ss.  
COUNTY OF DAVIS )

On this 30<sup>th</sup> day of ~~August~~ <sup>November</sup> 2006, personally appeared before me SCOTT HARBERTSON, who being by me duly sworn did say that he is the Mayor of Farmington City and he duly acknowledged to me that the foregoing instrument was signed on behalf of Farmington City.

Margy L. Lomax  
NOTARY PUBLIC  
Residing in Davis County, Utah

My Commission Expires:

11/29/07



## EXHIBIT "A"

### LEGAL DESCRIPTION OF EASEMENT AND PRESERVE AREA

**PARCEL 1:** Beginning at a point that is South 00°17'07" West along the section line 606.79 feet and West 245.82 feet from the East Quarter Corner of Section 23, Township 3 North, Range 1 West, Salt Lake Base and Meridian and running thence the following 3 courses along the boundary of Farmington Greens Phase 4, South 84°55'34" West 641.97 feet; thence South 60°27'15" West 810.62 feet; thence South 00°29'24" East 241.65 feet; thence South 89°31'00" West 460.77 feet; thence North 00°22'26" West 334.90 feet; thence East 232.25 feet; thence North 45°01'56" East 1070.15 feet; thence North 45°00'00" West 142.45 feet to a point on a 71.50 foot radius non tangent curve to the left the chord of which bears North 08°57'36" West 84.13 feet; thence along said curve to the left through a central angle of 72°04'47" a distance of 89.95 feet; thence North 45°00'00" West 6.00 feet; thence North 45°49'28" East 69.51 feet; thence North 08°54'06" West 118.81 feet; thence the following 10 courses along the boundary of Farmington Greens Phase 1A, North 32°02'37" West 73.88 feet; thence North 00°36'30" East 194.78 feet; thence South 89°23'30" East 53.43 feet; thence North 00°36'30" East 136.22 feet; thence North 34°42'20" West 111.86 feet; thence North 89°23'30" West 68.77 feet; thence North 00°36'30" East 46.50 feet to a point on a 16.50 foot radius curve to the right the chord of which bears North 45°36'30" East 23.33 feet; thence along said curve to the right through a central angle of 90°00'00" a distance of 25.92 feet; thence North 7.00 feet to the south right of way line of Clark Lane; thence along said right of way South 89°23'30" East 27.27 feet to the southwesterly railroad right of way line; thence along said right of way the following 3 courses South 34°42'20" East 238.45 feet; thence North 55°17'40" East 61.67 feet; thence South 34°40'00" East 1382.87 feet to the point of beginning. Contains 22.93 Acres, more or less.

AND:

**PARCEL A, OPEN SPACE (DETENTION POND),** as shown on Farmington Greens P.U.D. Plat 4, as recorded May 20, 2004 as entry no. 1988215 in the Davis County Recorder's office.

#### **PARCEL 2:**

Beginning at a point being North 00°09'22" West 714.64 feet along the section line and South 89°23'27" East 1217.52 feet and South 7.00 feet from the center of Section 23, Township 3 North, Range 1 West, Salt Lake Base and Meridian to the boundary of Farmington Greens P.U.D. Plat 1A; thence along the said boundary the following (6) six courses: (1) South 00°36'30" West 106.00 feet; (2) South 13°19'12" East 128.79 feet; (3) South 89°23'30" East 76.00 feet to the West right-of-way of Belmont Drive; (4) South 00°36'30" West 76.00 feet to a 16.50 foot radius curve the center of which bears North 89°23'30" West; (5) southerly along said curve to the right through a central angle of 90°00'00" a distance of 25.92 feet to the North right-of-way line of Churchill Downs Drive; (6)

North 89°23'30" West 78.00 feet; thence North 89°23'30" West 41.50 feet; thence North 20°45'44" West 134.23 feet; thence North 89°23'30" West 128.09 feet; thence North 44°41'52" West 66.12 feet; thence North 12°42'11" East 71.59 feet; thence North 00°36'30" East 82.00 feet ; thence South 89°23'27" East 238.00 feet to the point of beginning. Contains 65831 square feet, more or less.

**LESS AND EXCLUDING FROM THE FOREGOING PARCELS:**

Any lot or portion thereof located in Farmington Greens P.U.D. Plat 1A, Farmington Greens P.U.D. Plat 1B, or Farmington Greens P.U.D. Plat 4.

**EXHIBIT "B"**  
**PROJECT MAP**

# Farmington Greens



## Approved Master Plan

LEGEND	
Equation Lot Homes 21700 s.f. and larger	1.77 Homes / Acre
Equation Lot Single Family 12,000 - 21,000 s.f.	31.5 Acres Open Space
Equation Lot Single Family 10,000 - 12,000 s.f.	32.0 % Open Space
Medium Lot Single Family 8,000 - 10,000 s.f.	6.42 Ac. Community Services
Medium Lot Single Family 6,000 - 8,000 s.f.	6.5 % Community Services
College Home Lots 4,100 - 5,700 s.f.	

- Community Support and Services Parcels
- Community Open Space and Wildlife Preserve
- Western Preservation Zone
- General Open Areas
- Developed Park Areas

**Project Density**  
 174 Homes on 86.3 Acres  
 1.77 Homes / Acre  
 31.5 Acres Open Space  
 32.0 % Open Space  
 6.42 Ac. Community Services  
 6.5 % Community Services

North

Graphic Scale: 0' 50' 100' 200'

March 22, 1998 ©  
 Architect: Legend 154246  
 Residential Lot Layout 1 - 08-97-01

**EXHIBIT "C"**  
**MAINTENANCE PLAN**

## EXHIBIT "C"

### MAINTENANCE PLAN

The legal description set forth in Exhibit "A" consists of two parcels of land. The larger parcel is an un-platted property located between the northern boundary of Farmington Greens P.U.D. Plat 4 and the eastern and southeastern boundaries of Farmington Greens P.U.D. Plat 1A and 1B as well as future phases of the Farmington Greens P.U.D. as shown on the master plan in Exhibit "B". The smaller parcel will constitute all of Parcel A as shown on the final plat of Farmington Greens P.U.D., Plat 1D.

The maintenance plan for the larger parcel is as follows: The Owner of the Property, Golden Meadows Property LC, shall maintain the upland and wetland Open Space in compliance with the standards set forth in the conservation easement. Wetlands shall be maintained in accordance with the rules and regulations of the U.S. Army Corps of Engineers.

The cost of maintaining the conservation land shall be borne by the owner of the underlying fee of the conservation land. The owner shall at all times keep uplands and wetlands free of debris, junk and other related material. During the Spring, Summer, and Fall months the owner will mow and/or eradicate weeds and non native plants within the conservation area in compliance with the conservation easement but more particularly on land adjacent to lots in abutting subdivisions, public road and trail rights-of-way, drainage ways, and/or public detention basins.

In the event the property owner, or any successors or assigns thereto, fails to maintain all or any portion thereof in reasonable order and condition, the City may assume responsibility, as a right but not an obligation, for maintenance, in which case any funds owing to the City may be forfeited and any permits may be revoked or suspended.

The maintenance plan for the smaller parcel is as follows: The Farmington Greens Homeowners Association shall be responsible for the maintenance of Parcel A as identified on the final plat of the Farmington Greens P.U.D. Plat 1D. A fee shall be assessed to all lot owners within the P.U.D. for the purpose of funding the maintenance activities according to the procedures contained within the covenants, conditions, and restrictions (CC&Rs) for the development and a budget that has been adopted at the annual meeting of the Association. A lien may be placed on each lot according to the rules and regulations contained in this CC&Rs. The Association shall maintain the uplands and wetlands on Parcel A in compliance with the standards set forth in the conservation easement. Wetlands shall be maintained in accordance with the rules and regulations of the U.S. Army Corps of Engineers. Maintenance shall include, but not be limited to, all required planting or replanting of landscape areas, irrigation operations and costs, mowing, weeding, and cleaning.

During the Spring, Summer, and Fall months the uplands within Parcel A must be mowed at least bi-monthly. The association shall at all times keep uplands and wetlands free of debris and

junk and other related material. During aforementioned months, the Association will mow and/or eradicate weeds and non native plants within the conservation area in compliance with the conservation easement but more particularly on land adjacent to lots in abutting subdivisions, public road and trail rights-of-way, drainage ways, and/or public detention basins. The estimated.

In the event that the Association, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, than the owners of lots within Farmington Greens P.U.D. Plat 1D shall maintain the property as set forth herein. In the event that said owners, or any successors or assigns thereto, fails to maintain all or any portion thereof in reasonable order and condition, the City may assume responsibility, as a right but not an obligation, for maintenance, in which case any funds owing to the City may be forfeited and any permits may be revoked or suspended.

Corrective Action regarding both parcels. The City may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner and/or association and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the City in the County Recorder's office. The Maintenance Plan and all other documents creating or establishing any association or conservation organization for the property shall reference the City's corrective action authority set forth herein and shall be recorded against the property.

**EXHIBIT "D"**  
**LIST OF ACCEPTED ENCUMBRANCES**

CITY COUNCIL AGENDA

For Council Meeting:  
April 19, 2016

**S U B J E C T: Revisions to the Management Plan for Conservation Easements**

**ACTION TO BE CONSIDERED:**

Direct Staff as to the process for consideration of revising the Management Plan for Conservation Easements on the west side of Farmington.

**GENERAL INFORMATION:**

See enclosed staff report prepared by Dave Millheim.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.



# FARMINGTON CITY

H. JAMES TALBOT  
MAYOR

BRETT ANDERSON  
DOUG ANDERSON  
JOHN BILTON  
BRIGHAM N. MELLOR  
CORY R. RITZ  
CITY COUNCIL

DAVE MILLHEIM  
CITY MANAGER

## City Council Staff Report

To: Honorable Mayor and City Council

From: Dave Millheim, City Manager

Date: April 13, 2016

SUBJECT: **CONSIDERATION OF REVISED MANAGEMENT PLAN FOR CONSERVATION EASEMENTS**

### RECOMMENDATION

Direct Staff as to the process for consideration of revising the Management Plan for Conservation Easements on the west side of Farmington.

### BACKGROUND

Many years ago, the City acquired multiple conservation easements on the west side of Farmington as part of a unified planning effort to preserve open space and protect the natural habitat from future development. Large density bonus development rights were given to the developers and property owners of these parcels as compensation in order for the city to acquire the easements in perpetuity. These conservation easements include Buffalo Ranches, Farmington Meadows, Farmington Ranches and Hunter's Creek. Together they total 421.64 acres. While each was acquired at separate times, they all adjoin each other as well as the much larger Farmington Bay Wildlife Management Area managed by the State of Utah (see enclosed map). They are bordered by hundreds of Farmington homes on the east side and the Great Salt Lake on the west side.

Over the years, the City has managed these easements by controlling what may and may not take place on the ground. This is done through the easement guidelines and local zoning restrictions. The easements provide a great deal of habitat for multiple species and are crisscrossed with many trails used by the public for passive enjoyment of the area. The easements also allow the specific property owners agricultural uses within limits outlined in the easement declarations.

As most everyone knows, UDOT has selected a preferred alignment for the West Davis Corridor through the middle of these easements. No Record of Decision has been

reached on the actual alignment and UDOT is still involved in the EIS process with a Record of Decision expected in 2017. The City has objected to this alignment as we believe it effectively destroys the primary public purpose for which the easements were created. We also believe at the end of the day the easements may, and I stress may, be taken by eminent domain by the State of Utah. This legal point is debated as it is partially dependent on actions both the State and Farmington have taken in the past and may take in the future.

One of the challenges for Farmington is each easement was created with the specific requirement that the City actively protect the easements from all forms of development. Certainly, the building of a major highway through the middle of the easements qualifies as development and will have a significant impact on Farmington. To date, Farmington City has spent over \$550,000 in legal fees, engineering studies, habitat inventories, specific studies, etc., in an effort to protect and manage the easements from development.

The City has limited resources. We have not hired a full-time wildlife officer nor code enforcement officer to daily patrol the easements. We did not, until last year, do a detailed habitat study. We have declined requested amendments from property owners and others to use the easements outside of the intended purposes. Up to this point in time, we firmly believe we have used our best efforts and practices, within financial limits and common sense approaches, to protect the easements from development contrary to their intended purposes.

Nevertheless, there is a limit to how much the City can spend protecting these easements. Over half a million dollars is not a small amount of money for Farmington City. Some have hinted we should not worry about the costs involved in protecting these easements. While it is a guess, this number could easily top a million dollars depending on what steps the City and the State of Utah may take regarding the easements.

Both UDOT and Federal Highways have criticized the City, in writing, for the lack of a comprehensive management plan as to the purposes and goals of the public purpose conservation easements. The City went to Federal Highways with questions and interpretations regarding the conservation easements. In response to that inquiry, Federal Highways provided many comments. One of those comments was that we had not unified the easements as to purpose or name. Ordinance 2014-23 was adopted on June 17, 2014. That ordinance recognized the important functional aspect of the Conservation Values of these properties, but also recognized these easements are located adjacent to the Farmington Bay Wildlife Management Area to the South and are part of a network of similar refuge areas all along the Eastern shore of the Great Salt Lake. That ordinance also renamed the easements to clarify that these easements were collectively a passive public park with various restrictions in place.

Another major point raised by Federal Highways is that the City has not done a detailed management plan assessing a variety of areas. As a result the City spent the better part of the next year doing a detailed management plan and habitat analysis. The draft of this revised management plan was completed in July of 2015. During the same time this

revised management plan was being developed, City staff and elected officials met multiple times with UDOT officials attempting to address many issues of importance to both UDOT and the City. Due to these ongoing meetings, the potential consideration and adoption of the revised management plan was put on a temporary hold.

There are many reasons, both pro and con, as to whether to go forward with the adoption of a revised management plan. There are strong arguments on both sides and whatever the Council decides to do will affect many for generations to come. The Council has discussed the legal ramifications of both the WDC, revising the management plans, potential condemnation of our 1100 West Park and defending the conservation easements on many prior occasions. Staff understands and I hope Farmington residents understand the care and diligence the Mayor, City Council and staff have put into studying this important issue. Without going into too much detail, I will list a few of the pros and cons of moving forward with consideration of a revised management plan:

**PROS of Adopting a Revised Management Plan:**

1. It will set very specific guiding principles as to the purposes and allowed uses of the conservation easements.
2. It will demonstrate to all parties the City's specific intent and the important public purpose these conservation easements provide.
3. It will further demonstrate to UDOT, Federal Highways and residents all the City is doing to manage these conservation easements to their intended purpose.
4. It may lead to a forum where issues related to the UDOT preferred alignment for the WDC are more carefully addressed as the EIS process is completed.
5. It will involve property owners and all affected stakeholders to obtain their input.

**CONS of Adopting a Revised Management Plan:**

1. It will likely delay a final determination on the WDC alignment for a significant amount of time.
2. It might lead to a scenario where future City options in dealing with the impacts of the WDC will be limited with possible resulting negative consequences to the Shephard Lane area, future business park, area homes, and Oak Ridge Golf Course areas. This point deserves further explanation. While the City has publicly supported the Shepard Lane alignment versus the Glovers Lane alignment, there are significant negative impacts to this option if the Glovers Lane alignment is dropped and the Shepard Lane alignment is chosen. Regardless of which alignment may ultimately be selected, the City will have to live with that choice forever. Adoption of the revised management plan may significantly influence that outcome.
3. It could delay improvements to the sorely needed Shepard Lane Interchange for many years thus negatively impacting the Park Lane interchange, Lagoon and Station Park areas.

4. It could push the City into a protracted and expensive litigation process as it further attempts to defend the conservation easements from a taking by the State of Utah.
5. It will (unjustly so) create a paradigm where other local agencies believe Farmington is attempting to stop and/or alter the location of the WDC. This is should not be part of the discussion but perception and reality sometimes gets clouded. The adoption of a revised management plans should be kept apart from discussion of the potential WDC alignments but it is virtually impossible to do so in light of the issues involved.

It is very frustrating to Farmington staff and officials that we are paying a higher price than other communities for the location of this highway. The City has utilized innovative planning techniques and created an environment for continued economic development. The significant progress we have achieved is threatened by any decision the City makes. Farmington should not be judged or punished by other public officials for using good planning techniques which embrace clustered housing and transit oriented development, encourage a strong economic power center and preserves open space for public enjoyment. In spite of our best efforts to protect what has made Farmington a great place to live, work and play, some may attempt to spin our decisions out of context and this is wrong.

#### **PROCESS SUGGESTIONS FOR CONSIDERATION OF THE REVISED MANAGEMENT PLAN:**

All of the above was an attempt to provide a context for the discussion of this very important issue. The only action item staff is seeking clarification on is does the majority of the Council want to move forward with consideration of the revised management plan as presented? The current draft is attached. If the answer to that question is “YES”, you are not adopting the revised management plan at this time. You may only adopt the revised management plan after public input is obtained and the related noticed public hearings completed. As a result of that process you may 1) adopt the plan as presented, 2) modify it to reflect any changes desired as a result of the public input received, or 3) not adopt the revised plan.

Additionally, if the direction is to move forward with consideration of the revised plan, the Council should provide clear direction as to both the minimum and maximum process action steps. David Peterson has provided a memo (attached) which outlines the minimum required steps which we must follow. The City Attorney also provided the Council separately some legal issues you should be mindful of as you consider this matter. Beyond the minimum action steps outlined staff is recommending doing more noticing than normal due to the large microscope this area has been under by multiple parties. This is a very important issue which affects a lot of people and there are very strong community opinions related to these easements. Staff believes that in addition to the minimum action steps outline we should specifically do the following:

1. Before the first public hearing with the Planning Commission, staff and selected Council representatives should meet with all affected property owners of record who own any property within the four conservation easements. Explain the purpose of the revised plan and actively listen to their concerns. This could involve hundreds of people since some of the ownership is within a very large HOA. Depending upon how the HOA leadership chooses to involve their membership may present scheduling challenges and will be time consuming.
2. Staff and Council representatives should meet with UDOT and ask for their written input as to the revised plan since they now own a very large portion of the Buffalo Ranch property.
3. Staff and Council representatives should meet with homeowners in the Shepard Lane area, property owners in the future business park area, CenterCal and Oak Ridge golf course officials who have expressed a desire to stay informed on any action related to potential changes to the UDOT preferred alignment.
4. Over notice the two required public hearings for the Planning Commission and City Council via the City Newsletter and web page beginning sometime in June based on the required notice provisions and time required to meet with the property owners and stakeholders.
5. Have selected Council members write pro and con arguments for revising the management plan and publish those in the June newsletter along with the notice of the public hearings.
6. Hold the public hearings in the Community Center to accommodate the expected large crowds.

## CONCLUSION

I know some may think the above list, along with the required minimum process steps, may appear a bit over the top. Transparency is critical on this one and we should do more, not less than is required. No single issue will have a greater affect on Farmington for generations to come than the West Davis Corridor. The potential revision of the management plan for the conservation easements is a major subset of that project and affects the quality of life of thousands. Whatever decision the Council ultimately makes with the proposed revisions will determine the shape and direction the City takes with respect to the continued management of these conservation easements. Any decision made will affect significant areas of West Farmington. Not all parties will be affected equally. There will be winners and losers. The guiding principle for the Council should be all of Farmington and what it should look like many years from now. All residents of Farmington will bear the rising costs of any steps taken to either manage, protect or litigate the defense of these important conservation easements.

This is a work in process and things will change as public input is sought, discussions take place with the property owners and more information is obtained. All parties have worked long and hard to keep communication channels open and those efforts should continue.

Staff and the City Council also want in the public record to remind all concerned parties that Farmington is in a very difficult position. If the Glovers Lane alignment is chosen, twenty years of land planning is being sacrificed for a highway of questionable need. 400+ acres of conservation easements which the City pledged for public purposes to thousands of residents abutting them to preserve as open space will be destroyed. The important wildlife habitat nature of the conservation easements will be adversely affected. A needed interchange at I-15 and Shepard Lane benefiting Farmington, Kaysville and Fruit Heights residents is being delayed. The proposed alignment bypasses a major transit station, economic, recreation and employment centers in Farmington. If the Shepard Lane alignment is selected, homes will be condemned, the Oak Ridge golf course altered and plans for our future Class A Business Park will be significantly affected.

Clamor is very high on this one as the stakes are quite high. It is very important that the City listen carefully to all the affected parties, study the revised management plan and make our decisions accordingly.

Respectfully Submitted



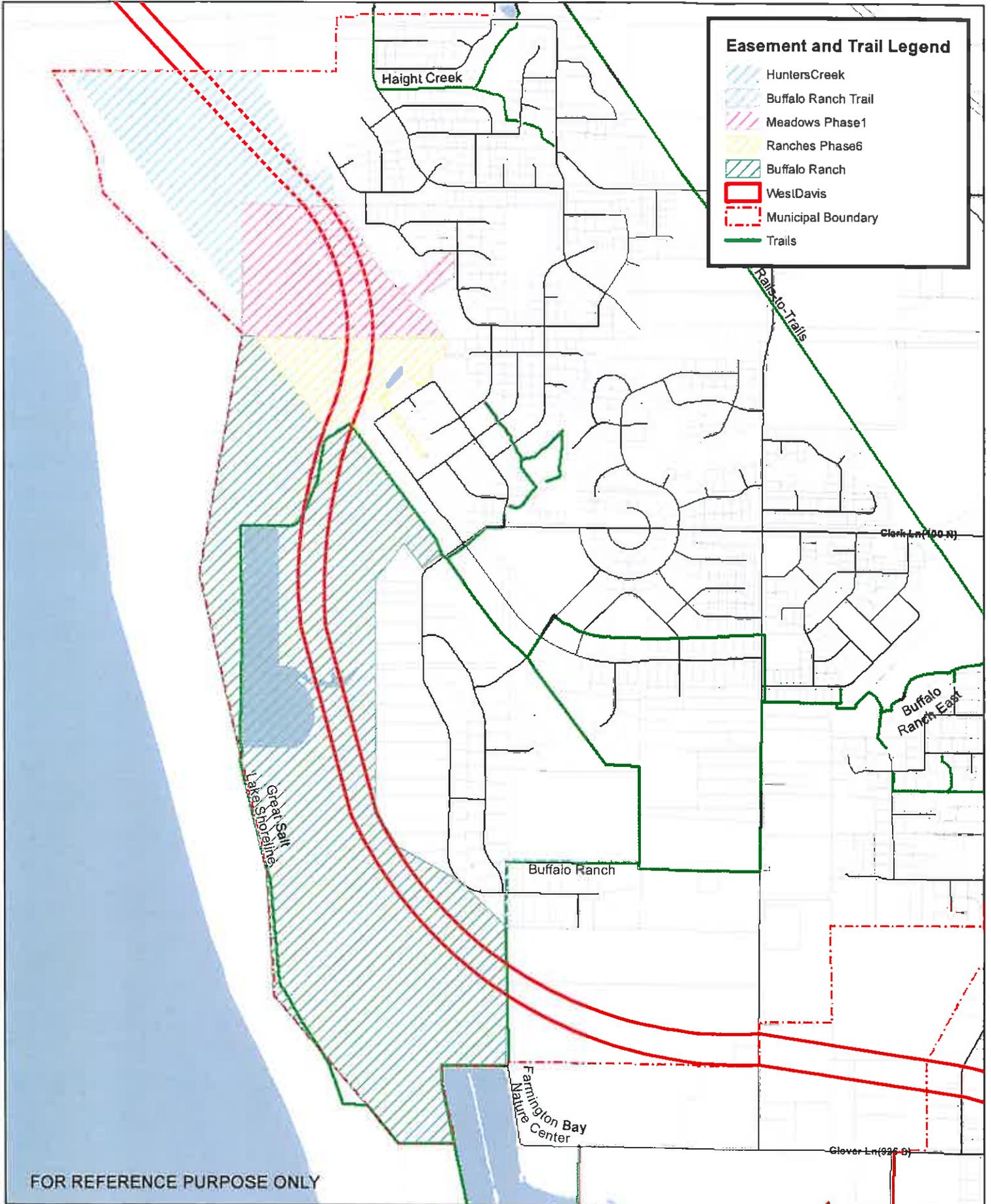
Dave Millheim  
City Manager



# Farmington City



Date: 7/30/2013



FOR REFERENCE PURPOSE ONLY

# FARMINGTON CITY



H. JAMES TALBOT  
MAYOR

BRETT ANDERSON  
DOUG ANDERSON  
JOHN BILTON  
BRIGHAM N. MELLOR  
CORY R. RITZ  
CITY COUNCIL

DAVE MILLHEIM  
CITY MANAGER

To: Dave Millheim, City Manager

From: David Petersen, Community Development Director *DEP*

Date: April 19, 2016

SUBJECT: **PROCESS MEMO—MANAGEMENT PLAN/PARK**

On June 17, 2014, the City Council, after receiving a recommendation from the Planning Commission, adopted an ordinance designating land encompassed by the Hunter’s Creek, Farmington Meadows Phase 1, Farmington Ranches Phase 6, and Buffalo Ranch conservation easements as “The Farmington City Conservation, Recreation, Wildlife and Waterfowl Refuge and Park”. Farmington City is the grantee for each conservation easement and is responsible for the management thereof in that the City must perpetually ensure that the provisions of each easement are met and that the purpose and conservation values related thereto remain intact. Accordingly, the ordinance also provided for the “Continued Management Thereof”. In the intervening months it became evident that a more specific plan may help the City better fulfill its management responsibilities and the purposes of the park.

The City contracted with Mindy Wheeler to prepare a management plan. If the City desires to continue this effort, it is recommended that the City re-adopt by ordinance the Park designation—this enabling document will better accommodate the new management plan. This is a land use ordinance and adoption thereof should follow the Land Use Management Act (LUDMA) in State Code. As per your request, a process for adopting the management plan and ordinance, including adherence to LUDMA, is set forth in the following table:

PROCESS	Approval or Reviewing Entity
1. Finalize the draft management plan and ordinance with input from the fee title owners of the property.	Staff
2. Post Notice for a public hearing for the Park Ordinance at least 10 days in advance of the Planning Commission meeting.	Staff
3. Hold a public hearing for the Park Ordinance, and concurrently receive input regarding the Management Plan, and provide a recommendation to the CC.	PC

4.	Post Notice for a public hearing for the Park Ordinance in advance of the City Council meeting [note: a public hearing is not necessary for the CC, but recommended].	Staff
5.	City Council—hold a public hearing for the Park Ordinance, consider the PC recommendation, and concurrently receive input regarding the Management Plan, and vote whether or not to modify the Ordinance and Plan, adopt it as written, or deny it [note: a public hearing is not required, but the CC must decide on such matters at a public meeting].	CC



# City of Farmington

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## Farmington City Conservation, Recreation, Wildlife and Waterfowl Refuge and Park

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### Management Plan

July 2015

Submitted by:



WP Natural Resource Consulting, Inc.

Ph. 801.699.5459

Farmington City Conservation, Recreation, Wildlife and Waterfowl Refuge and Park Management Plan

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## Executive Summary

### Project Description and Goals

The goals and objectives of this management plan for the Farmington City Conservation, Recreation, Wildlife and Waterfowl Refuge and Park (heretofore "Park") is to provide and pursue a better understanding of the nature, extent, and condition of the natural resources within, and adjacent to the Park. The understanding of the Park's role in the regional ecosystem will then be combined with effective stewardship practices and actions to help sustain those resources into the future to assure the conservation values as prioritized in the ordinances governing the Park and set forth in each Conservation Easement are maintained. The Park is an amalgamation of 4 separate conservation easements that were combined for management purposes through a City Ordinance to allow the natural resources to be managed more consistently in order to serve the primary purpose of this park as a wildlife and waterfowl refuge. This **Management Plan** is a comprehensive document of findings provided to the City of Farmington as a resource to help identify appropriate goals, guidelines and potential threats to the park resources, as well as to provide prioritized recommended measures to help protect and sustain the wildlife and waterfowl refuge areas of the Park. The work accomplished to date demonstrates that the entire Park functions as a sustainable wildlife and waterfowl refuge, which will be protected as such by Farmington City. Through the Management Plan process, it will be possible to continue to provide the incidental, yet high quality passive recreation and park opportunities to visitors in a natural setting.

### Significant Wildlife and Waterfowl Related Natural Resources

After natural resource surveys and assessments were conducted by WP NRC Inc, it became clear the Park has many important and significant wildlife and waterfowl related natural resources. These resources and their respective locations are shown in **Figures 1 through 5**. The Park's resources vary in their condition, as some impacts can be seen from past land use activities of livestock grazing and water management activities, and from current issues such as noxious weed invasion and potential easement violation issues.

The **wildlife** resources at the park that are of particular interest include (**Figures 1 thru 5**):

- ☐ **Abundant waterfowl** activity at Buffalo Pond and other open water as well as on the native emergent marsh areas of the Park.
- ☐ **Abundant shorebird use** – Two state sensitive species, the American white pelican and the long billed curlews use the park. Numerous pelicans use Buffalo Pond for loafing and long billed curlews use the grass meadows directly adjacent to the lake.
- ☐ **Snowy plover habitat** – this **federally threatened** shorebird can use the saline playas just north of Buffalo Pond as foraging and possibly nesting habitat
- ☐ **Raptor use** - Bald eagles have been seen loafing in the cottonwoods adjacent to Buffalo Pond and kestrels and other raptors hunt in the upland meadows.
- ☐ **Small mammal habitat**- Throughout the Park, numerous small mammal burrows (chiefly mice - *Microtis* spp) provide food for many of the raptors in the area.
- ☐ **Egrets, common yellow throat and Soras** were all noted using the emergent marshes on the Park

- **Successful red tail hawk nest** - there is an occupied nest currently located on a central power pole within the Park.

DRAFT

Figure 1. Significant Wildlife and Waterfowl locales at the Park (1 of 5)

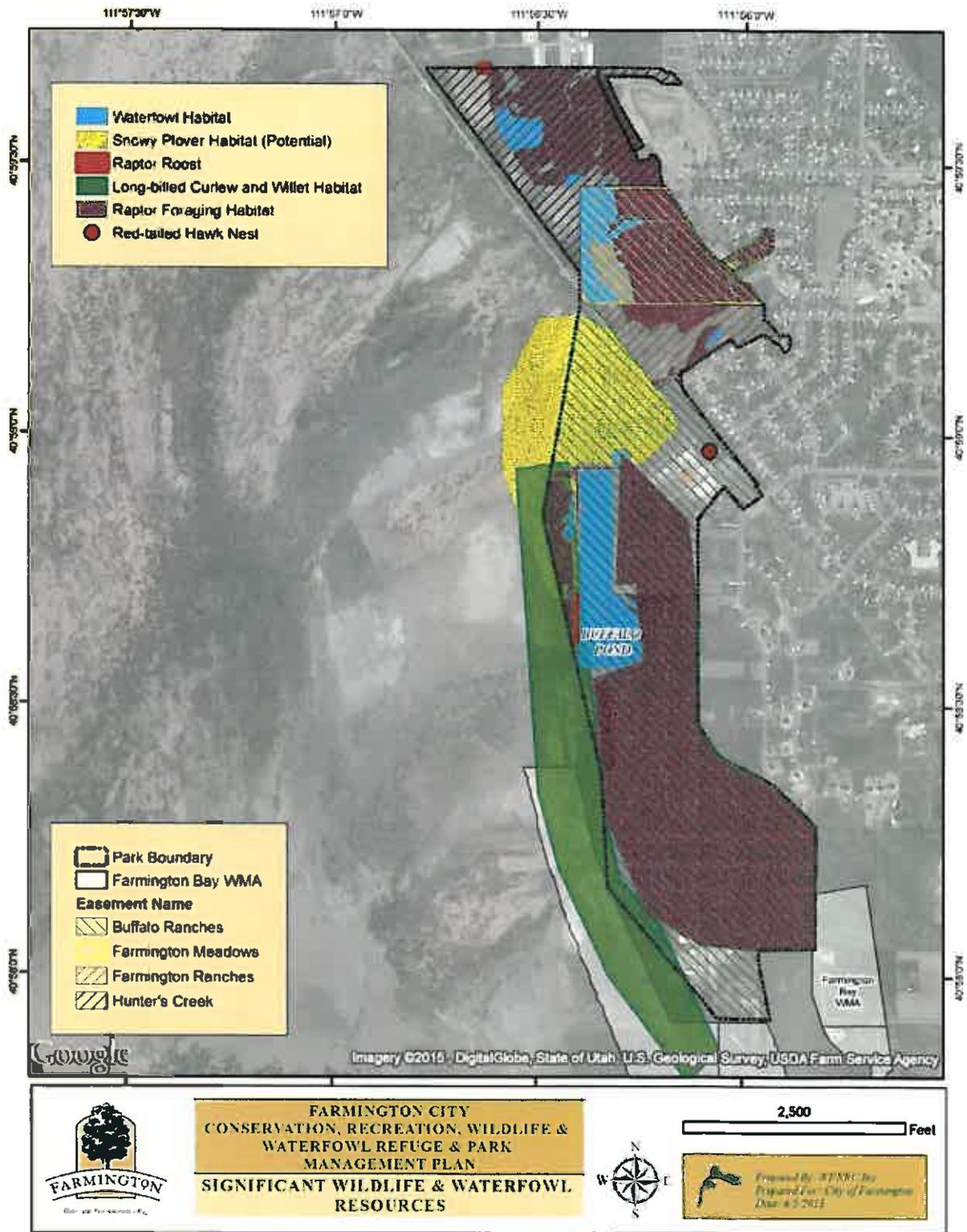
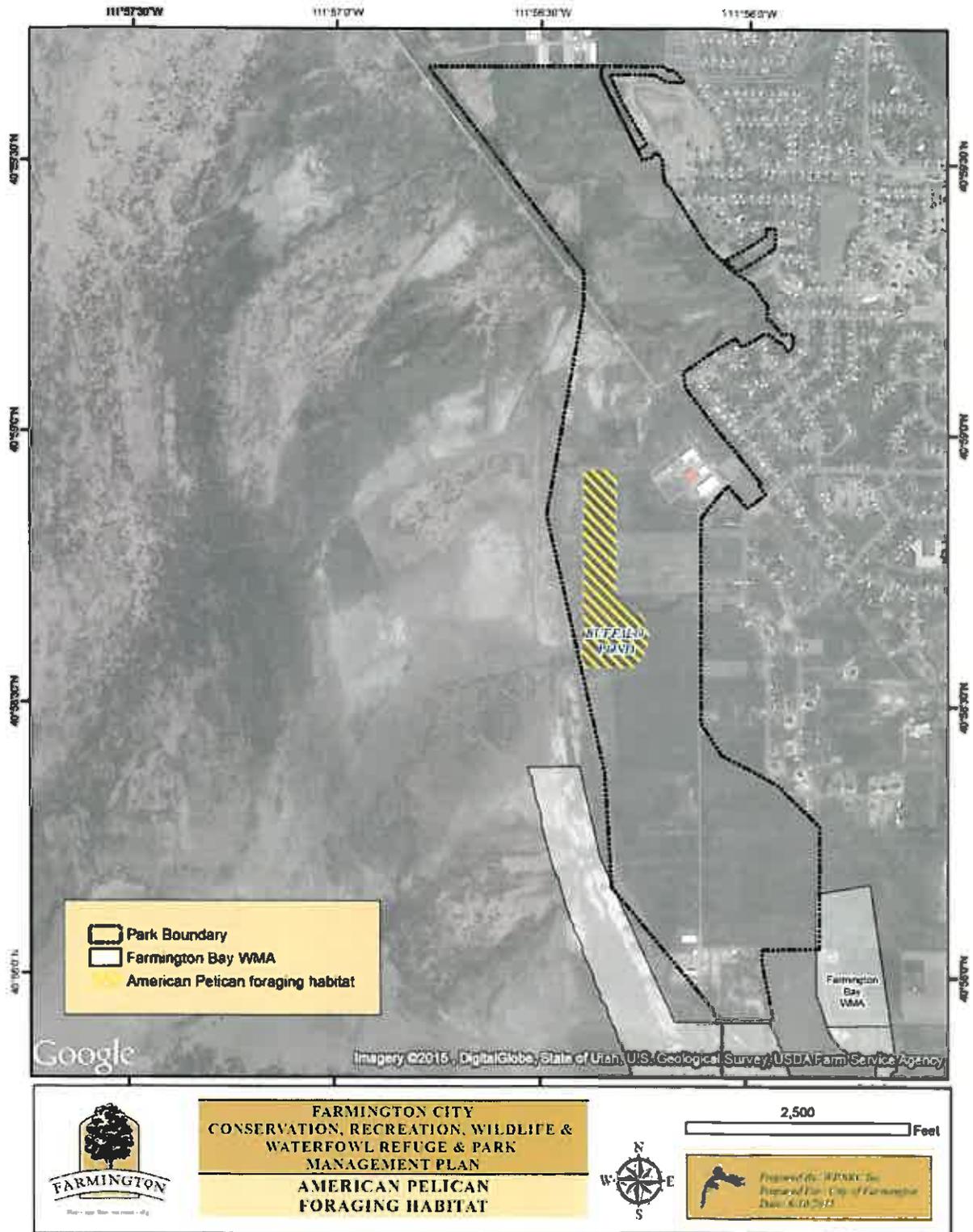


Figure 2. American Pelican Foraging Habitat at the Park



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Figure 3. Great Egret Foraging Habitat at the Park

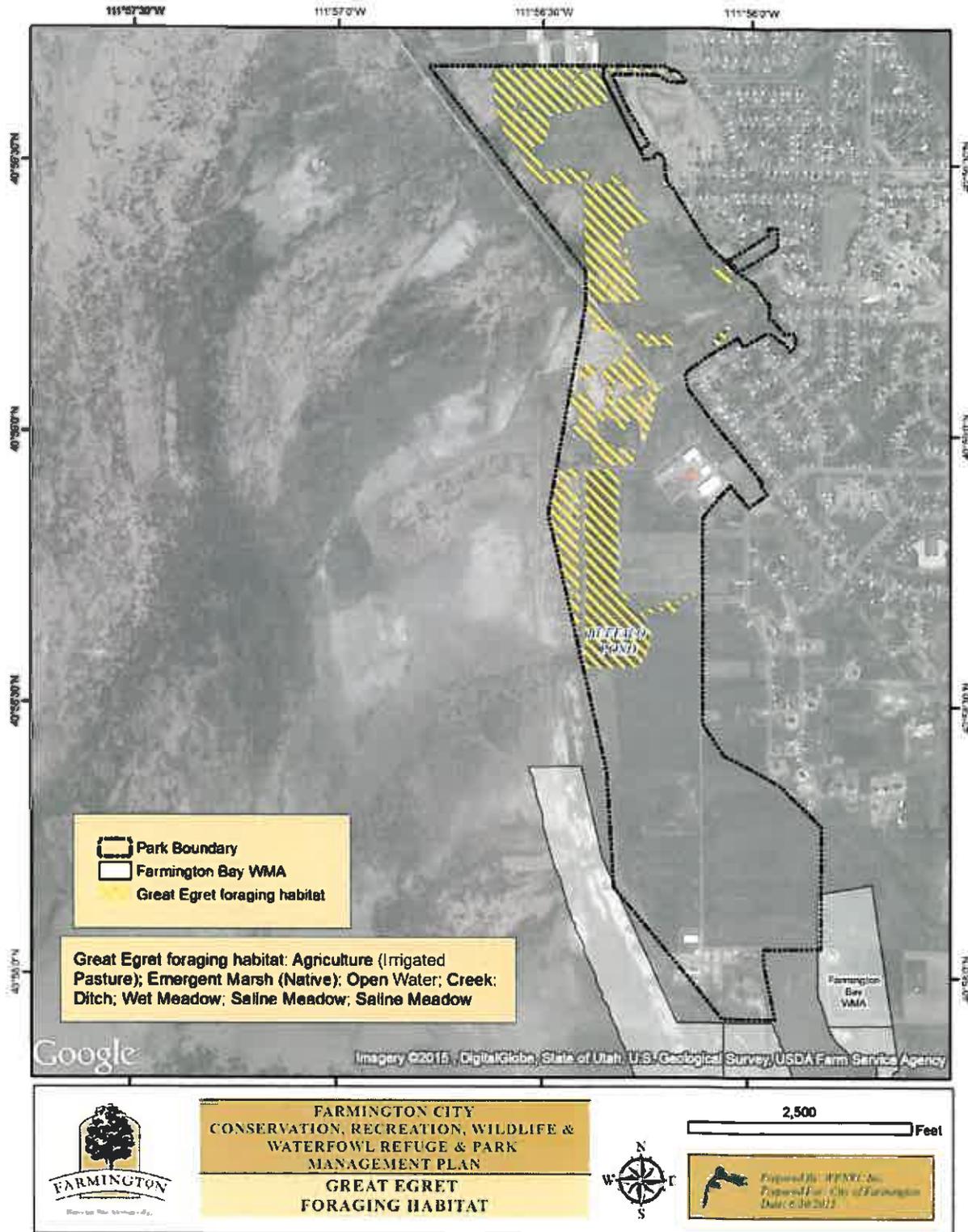
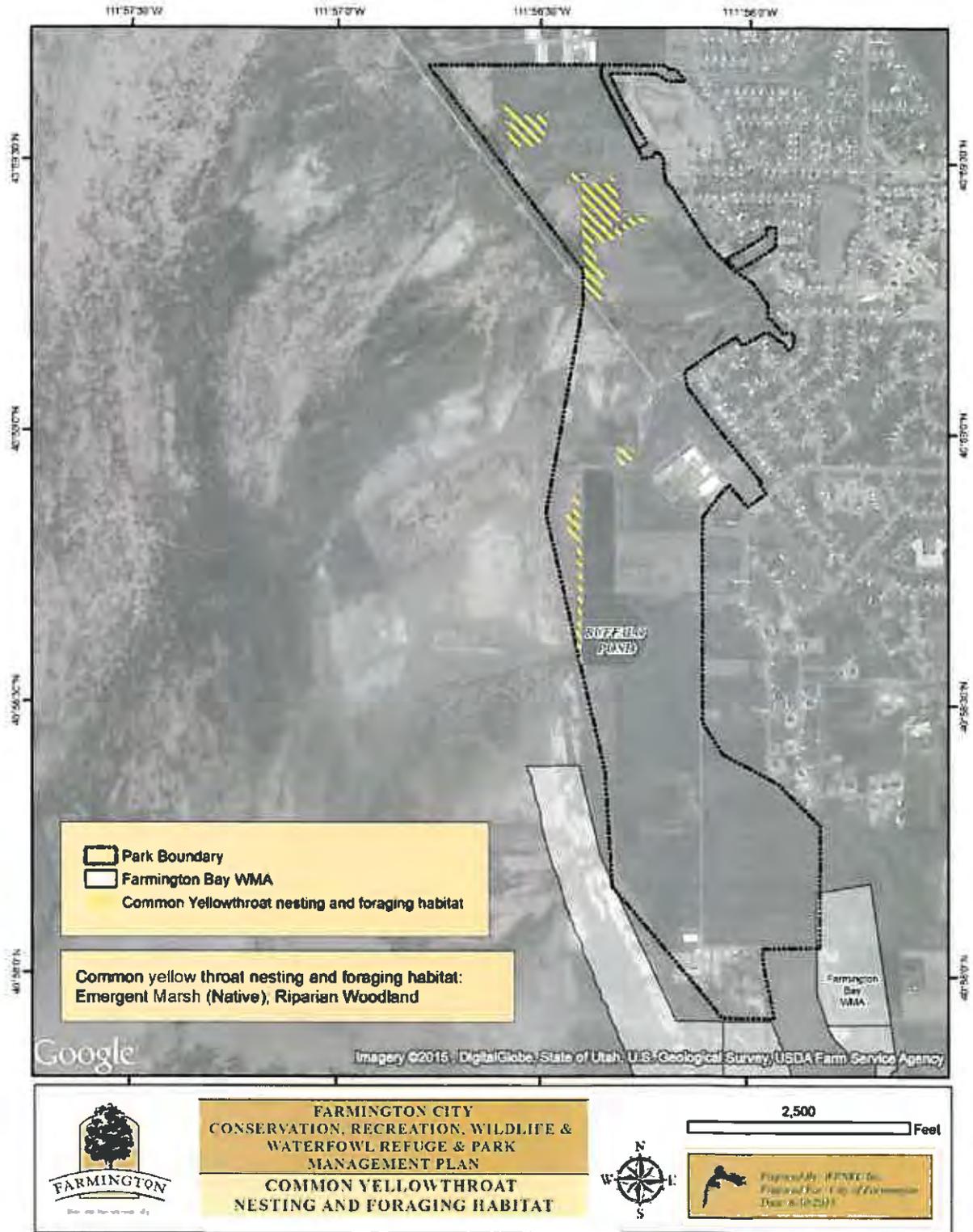




Figure 5. Common Yellow Throat Potential Foraging and Nesting Habitat at the Park

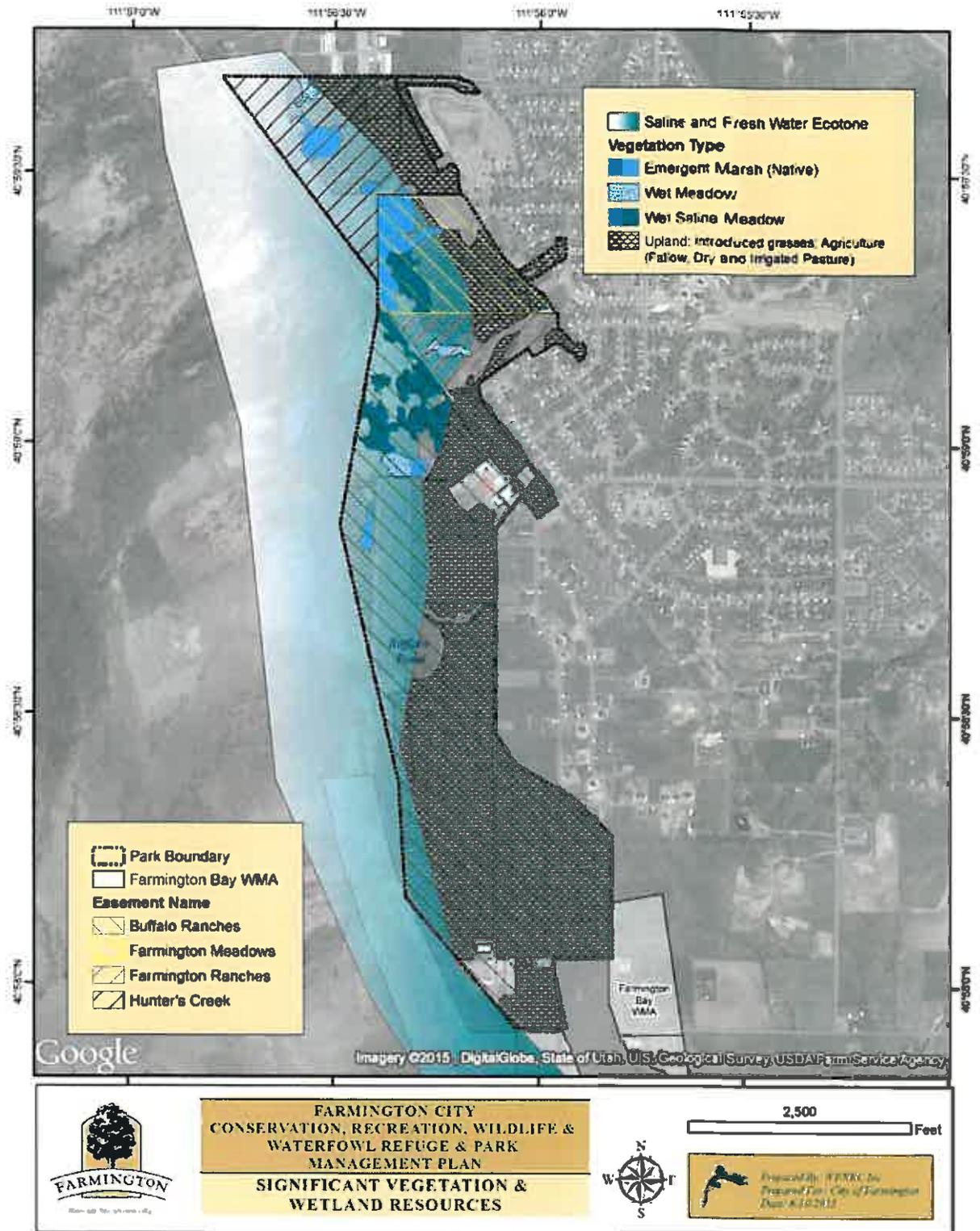


The **vegetation and wetland** communities at the Park provide a mosaic of habitats for wildlife and waterfowl as well as for improved water quality and water retention. See **Figure 6**

- **Ecotone between fresh and saline environments** - The intersection of the saline environment of the Great Salt Lake and the fresh water flowing west through the property provides an overlap of habitats for vegetation and wildlife species dependent upon each of these environments, making the diversity of the area exceptionally high.
- **Wet Fresh meadows** – This wetland type is unique and thus very important in the surrounding arid environment. These meadows provide important functions such as flood abatement, water retention, improved water quality and wildlife and waterfowl habitat.
- **Wet Saline Meadows** – this is a unique vegetation community found around the Great Salt Lake that includes specialized plant species that can tolerate extremely saline conditions and provides habitat for many shorebirds. It is also important for flood attenuation, water retention, improved water quality and wildlife and waterfowl habitat.
- **Emergent Marsh** This vegetation type provides habitat for numerous waterfowl and other birds as well as serving ecological functions such as water retention, flood attenuation and water quality improvement.

The combination of 1) numerous different habitat types, 2) limited permitted uses that are not inconsistent with the primary purpose of the Park, and 3) the location of the Park along the shores of the Great Salt Lake and directly adjacent to Farmington Bay Wildlife Management Area provides for abundant opportunity for waterfowl and wildlife to utilize the riches of the area without persistent disturbance from humans. Disturbance from humans could jeopardize their health and/or survival. Further, proper management of the agricultural uses (livestock grazing) in certain areas of the Park allows continued use of the area by wildlife and waterfowl and is thus consistent with the primary function of the Park as a wildlife and waterfowl refuge. Properly controlled livestock grazing is one of the most powerful and effective land management tool to modify habitats as needed to improve habitat quality and/or quantity for wildlife and waterfowl.

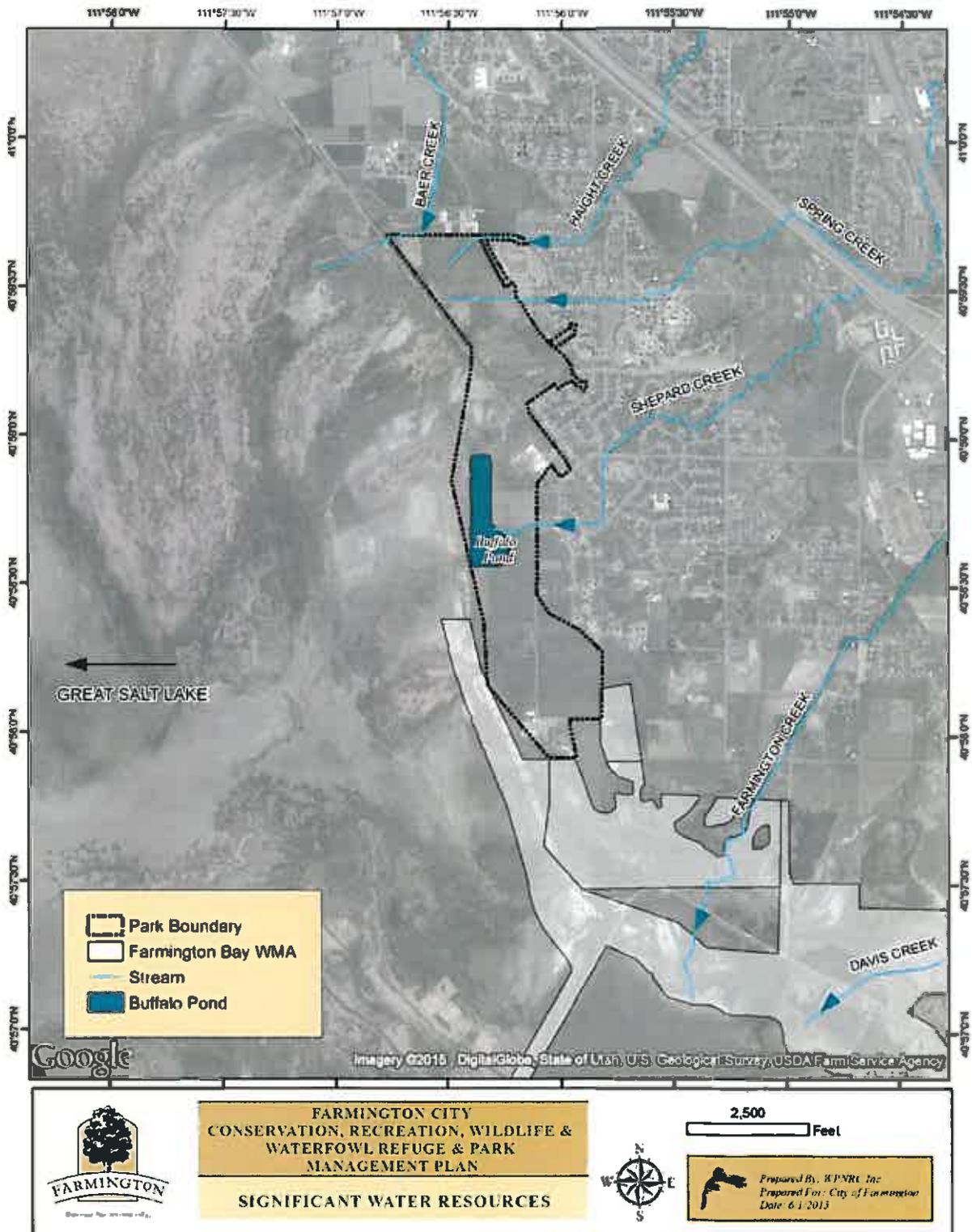
Figure 6. Significant Vegetation and Wetland Resources



The numerous freshwater resources at the Park are of great importance to the function of the Park as a wildlife and waterfowl refuge. Four creeks flow through the property in this otherwise arid area (Figure 7). These four creeks are:

- **Haight Creek-** Flows into the property along the northern border after the creek flows through Farmington. The Creek is heavily used by the Haight Creek irrigation company for the Kaysville area. The creek can be totally dry at some times of the year, but can flow up to 2 cubic feet per second (cfs).
- **Baer Creek-** Flows into the property from the north. The Creek flows by the Central Davis Sewer District, but they do not discharge into Baer Creek. Baer Creek is an ephemeral creek and varies in flow volumes from 1-2 cfs (cubic feet per second) to around 24 cfs.
- **Shepard Creek –** Flows into the property from the mountains east of Farmington. Shepard Creek is also used for irrigation water. Shepard Creek fills Buffalo Pond before it is discharged into the Great Salt Lake.
- **Spring Creek –** Flows into the central portion of the property and is also an ephemeral flow. Spring Creek originates at a spring just west of Interstate 15.

Figure 7. Significant Water Resources



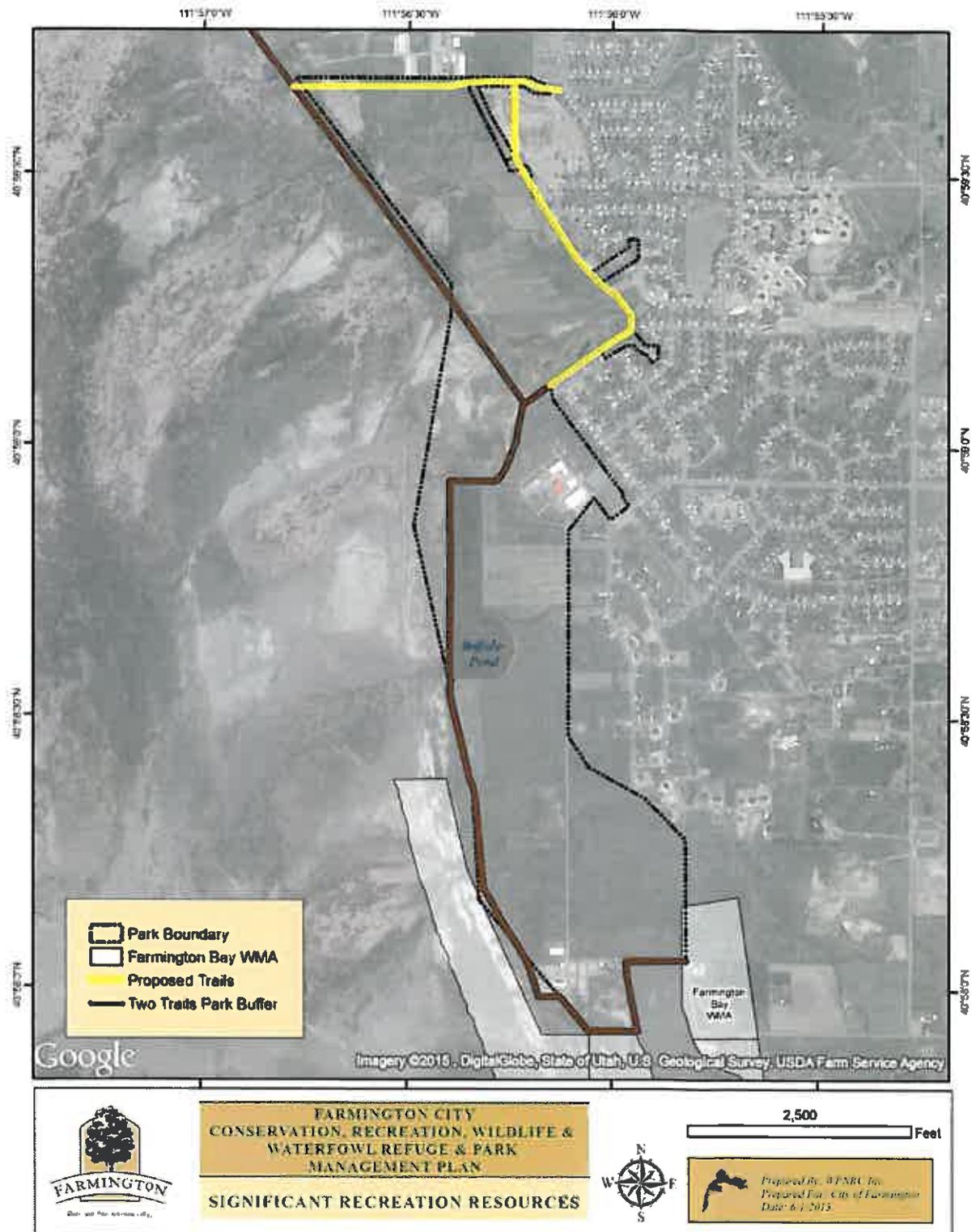
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The **recreational opportunities** of the Park are unique in the area and include (**Figure 8**):

- **A Trail network** - though chiefly around the edges of the property, it allows residents to enjoy the Park on foot, on a bicycle or on horseback for exercise and a nature experience, while allowing wildlife and waterfowl to remain relatively undisturbed. Proposed trails are planned for passive use to remain on the edges of the Park for this reason.
- **Passive recreation** – Residents often use the trails to watch birds. Exciting bird presence can often be seen on Buffalo Pond, in playas, saline meadows, upland meadows and emergent marshes throughout the Park as well as any area toward the Great Salt Lake.

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Figure 8. Significant Recreation Resources



There are also conditions at the Park that threaten some of these wildlife and waterfowl resources. These conditions include:

- **Weed infestations** and introductions of exotic species. In particular, the purple loosestrife (*Lythrum salicaria*) found on the property can be an aggressive invader of wetlands that can negatively alter the health of the wetland communities. Other species in need of control include common reed (*Phragmites australis*), tall white top (*Lepidium latifolium*) and Scotch thistle (*Onopordum acanthium*). The invasion and spread of purple loosestrife can negatively modify the function of the ecosystem by modifying the structure and composition of the wetland vegetation. This in turn can reduce food and cover availability for wildlife and waterfowl.
- **Conservation Easement Violations** – Regular enforcement of the values to be preserved under the conservation easements helps to maintain the lands in good condition while preserving the conservation values for future generations. Easement violations can include such things as illegal trash dumping, illegal soil dumping or illegal storage of trailers or other debris on the Park. These violations can remove and/or degrade valuable habitat for wildlife and waterfowl.
- **Feral Cat population**- Feral cats can have a strong negative influence on wildlife and waterfowl populations in the Park. Cats have been known to decimate birds and small mammal populations. The unchecked loss of small mammals and birds at the park upsets the balance of the food chain as raptors will need to burn more calories to hunt for food elsewhere and birds are unable to sustain their populations.

## **Management Goals and Objectives**

The following section lists the significant features at the park and then below each one is a specific resource-based **objective** designed to protect the resource. Then there are **actions**, plans or best management practices to reach these objectives and a monitoring plan to determine if the objectives are being met.

### **Waterfowl and Wildlife**

The Park is heavily used by waterfowl and wildlife and is an important loafing area for them as well as a bird watching delight for the local community. Its location adjacent to the Great Salt Lake nestled between other wildlife refuges along the shore creates a relatively continuous expanse of a variety of habitats for an equally diverse number of birds dependent upon the Great Salt Lake during migration stopovers for their primary life sustaining needs during spring and fall flights. The Great Salt Lake ecosystem depends upon both the mineral rich saltwater and the freshwater delivered to the lake from this Park and other inputs to support and sustain the ecosystem and thus the multitude of waterfowl and wildlife dependent upon it.

**Objective:** Maintain and improve conditions for waterfowl, shorebirds, raptors, herptofauna, and small mammals throughout the Park.

**Actions/Plans/BMPs:** Consider raptor perches in the upland meadows to encourage more raptor use. Consider planting vegetation around Buffalo Pond and other areas to improve wildlife habitat. Work with the local chapter of the Audubon Society to do regularly scheduled bird and breeding bird surveys. Work with Davis County on increasing the trapping of feral cats at the Park.

**Monitoring:** Coordinate with local chapter of the Audubon Society to conduct regular surveys of the Park to better understand the extent and seasonal uses of the Park by the different guilds of birds. Monitor the

abundance and distribution of small mammals, particularly before and after a feral cat trapping program has been implemented

### **Vegetation and Wetlands**

The vegetation and wetlands in the Park are directly connected to the Great Salt Lake – a globally important ecosystem, particularly for migrating birds. The mosaic of wet fresh meadows, saline meadow, emergent marshes, saline playas, fallow agricultural fields, and irrigated pastures provides life sustaining needs for many wildlife and waterfowl species in a relatively small area.

**Objective:** Improve the condition of uplands, wetlands and riparian areas to a better and more functional condition. Improve levels of diversity, structure, and increase the dominance of native species. Prevent the spread of noxious weeds.

**Actions/Plans/BMPs (Best Management Practices):** Control phragmites weeds through integrated management (chemical and mechanical means) to open up wetland areas. Replace non-native phragmites with native bulrushes. Remove Russian olives and plant with native cottonwoods and/or willow. Strategically control other noxious weeds in the upland areas to allow for desirable vegetation to take hold. Complete and implement a grazing management plan to better understand the past and current stocking rates, pasture rest periods and overall grazing intensity and possible effects on wildlife habitat effectiveness.

**Monitoring:** Establish permanent vegetation transects in areas to be improved to be able to quantify changes. Understand and monitor livestock use to assure the Conservation Values are being upheld.

### **Recreation Opportunities**

Trails within the park are an important community benefit that will likely be expanded in the future as Farmington grows. A trail along the edge of the Hunter Creek Conservation Easement is proposed to allow visitors to experience more of the park while leaving the central area of the Park free of human intrusion to allow the wildlife to remain undisturbed

**Objective:** Maintain a variety of recreational opportunities such as hiking, biking, horseback riding, bird watching and educational opportunities for the local and regional community, while assuring most wildlife and waterfowl are left undisturbed

**Actions/Plans/BMPs:** Continue to maintain trails, provide additional trail connections where possible while ensuring conservation values are maintained. Ensure city staff understands the sensitive resources on the property and what constitutes an easement violation. Cultural surveys should be conducted as further Park development occurs to determine the potential location and extent of historic structures or articles.

**Monitoring:** Conduct monitoring of trail use and type of use at strategic locations to understand the use numbers and trends on the properties.

### **Water Quantity and Quality**

Continued development of Farmington likely translates to more paved surfaces. The resulting storm drains that discharge onto the Conservation Easements will likely carry more water in the future.

**Objective:** To maintain and/or improve surface water quality reaching the Park.

**Actions/Plans/BMPs:** Work with the City of Farmington and Davis County Environmental Health Department to install trash racks and/or drain guards to remove debris and contaminants from the water prior to it reaching the Park. Place interpretive signs regarding storm water management to inform visitors and the community.

**Monitoring:** Monitor water quality above and below storm water discharge points if possible. Keep a photo log of debris cleaned from trash racks.

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## Chapter 1 – Purpose

### **Purpose of this Plan**

The purpose of this plan is to encourage the best possible management of natural resources at the Park to ensure the primary purpose of the Park as a wildlife and waterfowl refuge area is maintained and, over time, improved. This will require ensuring the continued maintenance of the stated conservation values in the Conservation Easements related to the refuge purposes while providing public access, but only where it is congruent with these objectives. This requires identifying the nature and extent of the natural resources the Park, developing guidelines to facilitate a better understanding of these resources, and provide suggestions for both short-term and long term management. The process includes an examination of each natural resource through field work and research and collecting GIS data. From this work, a list of resource objectives is generated, a list of actions to try to meet objectives is created, and monitoring suggestions are given to observe trends over time and to be able to halt or reverse any negative trends in the natural resources (e.g. reduced water quality, increased erosion, increased noxious weed presence).

This integration of specific resource objectives into this and successive Management Plans for the Park is key to ensuring the sustainability of the resources and thus honoring the conservation values and the primary purpose of a wildlife and waterfowl refuge. This plan should be updated every five years.

The actions, plans or studies will require money and time to implement. As a result, they are prioritized to assure the most important activities take place first. The City staff should then turn these lists into a long term budget and a set of work priorities for each year. Additionally, the City staff may be able to involve some academics, volunteers or agency people to accomplish some of the studies or plans for a low cost. It may also be possible to get grants to address some of the issues.

### **Guiding Documents**

Beginning in 1998, the City took action to support the acquisition of conservation easements and then successfully placed four conservation easements on the Park properties. These actions were taken to assure little to no development occurred in areas with high flooding risk adjacent to the Great Salt Lake, and to serve as open space for the community. Each parcel within the Park has a written Conservation Easement in which conservation values, permitted uses, conditional uses and prohibited uses are stated. The Conservation Easements are in the process of being amended to further bolster these conservation values, with the wildlife and waterfowl refuge as the primary purpose.

#### **Buffalo Ranch CE** (Owned by Viking Real Estate, LLC)

**Stated Conservation values** - "The property possesses unique and sensitive natural, scenic, open space, wildlife, farmland, floodplain and/or wetland values." The purpose of the easement is "...to assure that the property will be retained forever in its natural scenic agricultural and/or open space condition."

#### **Permitted Uses (as defined in easement) include:**

- Livestock grazing (provided good range stewardship shall not exceed a degree of use described as good to excellent by the USDA NRCS and shall not materially degrade or deteriorate the range resource, wildlife habitat or conservation values)
  
- Equestrian facilities (riding arena would entail a conditional use permit)

*Farmington City Conservation, Recreation, Wildlife and Waterfowl Refuge and Park Management Plan*

- Underground utility facilities and easements for drainage, sewer (subject to restoration within 90 days)
- Public streets approved by the City (delineated in Exhibit B)
- New fencing only as needed
- Existing agricultural and residential structures and improvements within reason

Conditional uses:

- Community open spaces, gardens, shooting ranges other commercial uses in areas delineated in Exhibit B
- Accessory buildings used solely for agricultural purposes in areas delineated in Exhibit B.
- Educational structures and improvements only in designated area in Exhibit B
- Water structures, improvements, marshlands, wetlands and riparian communities may be established, constructed and maintained provided they are consistent with the conservation easement purposes.

Prohibited uses: There are 16 specific prohibited uses outlined in the conservation easement, but essentially they pertain to 'the change, disturbance alteration or impairment of the significant natural ecological features and values of the property or the destruction of other significant conservation interests on the property.'

Existing Management (Maintenance) Plan: Viking Real Estate will do the following tasks: irrigation, weed abatement, lawn care and landscaping, mowing of pasture lands fence upkeep, road upkeep, building upkeep, and other tasks needed to maintain operations thereon.

Hunter's Creek CE (owned by Woodside Hunters Creek, LLC)

Stated Conservation Values: "The property possesses unique, sensitive, natural, scenic, aesthetic, open space, wildlife, agricultural, pasture land, ecological, floodplain, upland and wetland values."

Permitted Uses (as defined in easement) include:

- Livestock grazing (provided good range stewardship shall not exceed a degree of use described as good to excellent by the USDA NRCS and shall not materially degrade or deteriorate the range resource, wildlife habitat or conservation values) (areas delineated in Exhibit B)
- -Underground utility facilities and easements for drainage, sewer (subject to restoration within 90 days)
- New fencing only as needed
- Existing agricultural and residential structures and improvements within reason

Conditional uses:

- Non-commercial and non-motorized recreational use
- Community open spaces, gardens, village greens (Excludes shooting ranges other commercial uses in areas delineated in Exhibit B)
- Accessory buildings used solely for agricultural purposes in areas delineated in Exhibit B.
- Water structures, improvements, marshlands, wetlands and riparian communities may be established, constructed and maintained provided they are consistent with the conservation easement purposes.

**Prohibited uses:** There are 16 specific prohibited uses outlined in the conservation easement, but essentially they pertain to ‘the change, disturbance alteration or impairment of the significant natural ecological features and values of the property or the destruction of other significant conservation interests on the property.’”

**Management (Maintenance) plan highlights**

- All management responsibilities are up to Woodside Hunters Creek LLC
- Flow path of streams shall be maintained by Davis County, stream banks are responsibility of Woodside
- Wetlands maintained in accordance with and subject to rules and regulations of US Army Corps of Engineers (USACE)
- Any revegetation plan should be submitted to the city

**Farmington Meadows CE** (Owned by Christensen Land Company, LLC)

**Stated Conservation Values:** The property possesses unique and sensitive, natural, scenic, aesthetic, open space, wildlife, ecological, floodplain, riparian communities and/or wetland values

**Permitted Uses:**

- Livestock grazing (provided good range stewardship shall not exceed a degree of use described as good to excellent by the USDA NRCS and shall not materially degrade or deteriorate the range resource, wildlife habitat or conservation values) (areas delineated in Exhibit B)
- Underground utility facilities and easements for drainage, sewer (subject to restoration within 90 days)
- New fencing only as needed

**Conditional uses:**

- Non-commercial and non-motorized recreational use
- Community open spaces, gardens, village greens (Excludes shooting ranges other commercial uses in areas delineated in Exhibit B)
- Accessory buildings used solely for agricultural purposes in areas delineated in Exhibit B.
- Existing agricultural and residential structures and improvements within reason
- Water structures, improvements, marshlands, wetlands, riparian communities and ponds maybe established, constructed and maintained, provided they are consistent with the purpose of the easement

**Prohibited uses:** There are 17 specific prohibited uses outlined in the conservation easement, but essentially they prohibit the change, disturbance alteration or impairment of the significant natural ecological features and values of the property or the destruction of other significant conservation interests on the property.

**Management (Maintenance) Plan** – 3 stated maintenance areas

1. Cross project and shoreline trails (maintained by the City)
2. Wetland and upland open space within Parcel D will be maintained by the developer Boyer Farmington Meadows, L.C.

3. Wetland and upland areas outside of Parcel D will be maintained by the Farmington Meadows Homeowners Association or their authorized assign in accordance with the landscape plan submitted as part of each phase of the project and subject to others and conditions of the Development Agreement

**Farmington Ranches CE** (owned by Spencer J and Elizabeth R Moffat.)

Stated Conservation Values: The property possesses unique and sensitive, natural, scenic, open space, wildlife, farmland, floodplain, and/or wetland values.

Permitted Uses:

- Livestock grazing (includes raising crops) provided good range stewardship shall not exceed a degree of use described as good to excellent by the USDA NRCS and shall not materially degrade or deteriorate the range resource, wildlife habitat or conservation values (areas delineated in Exhibit B)
- Equestrian facilities for class "B" animals ( a riding arena would require a conditional use permit)
- Underground utility facilities and easements for drainage, sewer (subject to restoration within 90 days)
- Public streets approved by the City of Farmington in designated areas
- New fencing only as needed
- Improvements and maintenance to existing agricultural structures. Although not encouraged, new buildings and other structures or improvements to be used primarily for agricultural purposes including residential structures used solely to house farm owners, tenants and employees (as designated on Exhibit B)

Conditional uses:

- Non-commercial and non-motorized recreational use
- Community open spaces, gardens, village greens (Excludes shooting ranges other commercial uses in areas delineated in Exhibit B)
- Accessory buildings used solely for agricultural purposes in areas delineated in Exhibit B.
- Existing agricultural and residential structures and improvements within reason
- Educational structures as delineated in Exhibit B
- Water structures, improvements, marshlands, wetlands, riparian communities and ponds maybe established, constructed and maintained, provided they are consistent with the purpose of the easement

Prohibited Uses: There are 16 specific prohibited uses outlined in the conservation easement, but essentially they pertain to the disallowance of 'the change, disturbance alteration or impairment of the significant natural ecological features and values of the property or the destruction of other significant conservation interests on the property.'

Management:

There are 5 areas with different ownership and thus management responsibilities:  
1)Neighborhood Open Space, 2)Cross Project and Shoreline Trails 3)Project Setbacks

4)Upland and wetland Open Space and 5)Upland and Wetland Open Space within Conservancy Lots

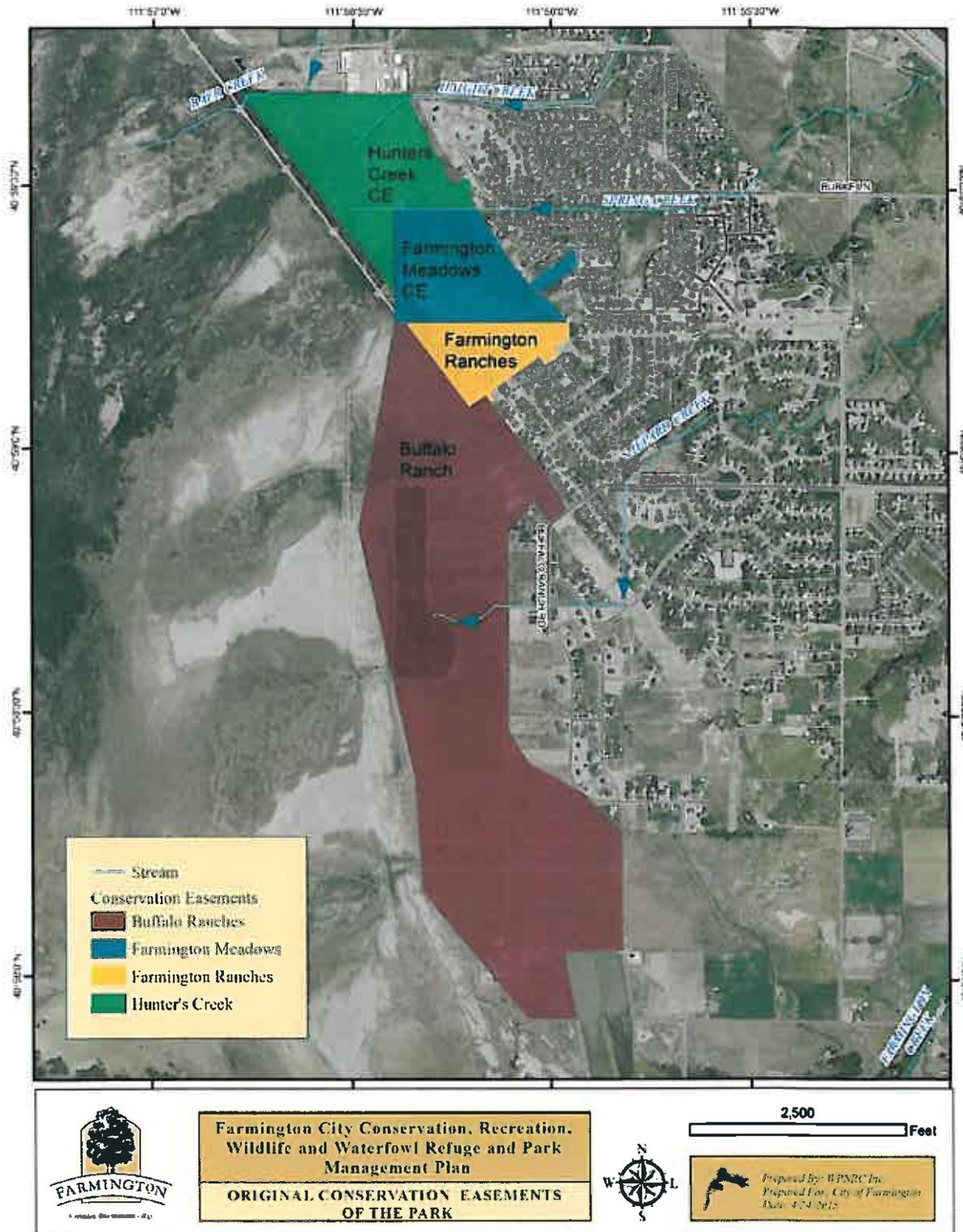
Neighborhood Open Space – Landscaping and irrigation systems shall be installed and maintained by the property owner. These spaces shall be maintained, groomed and manicured by the property owner

Cross Project and Shoreline Trails – shall be developed in accordance with the Development Agreement and shall be maintained by the property owner.

On June 17, 2014, the City of Farmington adopted an Ordinance to combine these four Conservation Easements into one unitary resource. The idea was to combine financial and ecological resources for the most efficient and effective management of the Park for its primary purpose as a wildlife and waterfowl refuge area. All permitted uses are or can be congruent with this primary purpose with the implementation of a management plan. Livestock do not pose a threat to birds and can be managed so as to assure they are not in pastures when birds may be nesting. Further, it is fortunate that the Conservation Easements allow livestock grazing, as grazing can be a much needed, powerful and effective land management tool to improve land health. Livestock can be used to reduce noxious weed populations, enrich local soils and potentially reduce wildfire danger. Further, the use of livestock grazing alone or in conjunction with changing irrigation practices can be used in many ways to instigate desired changes in the vegetation communities to improve wildlife and waterfowl habitat.

Figure 9 shows the original Conservation Easements and their adjacency and thus the intelligence of combining these properties under one Management Plan.

FIGURE 9- Original Conservation Easements of the Park



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## **Elements of Stewardship and Management**

Three components of the Management Plan process are a Baseline Resource Assessment, a Stewardship Plan, and GIS. All of these elements will be designed to support the primary purpose of the Park as a wildlife and waterfowl refuge.

### **Baseline Resource Assessment**

To effectively manage the natural systems, the City must be aware of the significant resources present. WP NRC staff has conducted baseline resource assessments to document the resources and their respective condition. These assessments are the basis for determining the significant resources, conditions, impacts, and threats relevant to the Park. The names of these assessments are located in a table in Chapter 2.

### **Management Plan**

The Management plan is an effort to synthesize existing information about the Park's resources and incorporate new data collected during the Baseline Resource Assessment. Resource element descriptions provide current and desired future conditions of the Park's natural resources. The plan also provides prioritized management recommendations to protect these resources, while continuing to provide public access for recreational opportunities where appropriate. An update to the Management Plan will be necessary to update goals and objectives to address current and/or ongoing issues.

### **Management Recommendations**

Recommendations can be prioritized and are provided in several forms:

- **Actions** – These are measures that the City should complete as soon as possible with the landowners. For example, "Build a fence to exclude cattle from the south parcel." Implementation should follow "Best Management Practices," which are state-of-the-art techniques that limit impacts to natural resources.
- **Resource Management Plans** – These recommendations address more complex issues and require more time, money, and expertise than is currently available. However, the stewardship plan does evaluate the plan's priority in relation to other needs, suggests parameters, and recommends appropriate agencies or contractors to complete the process.
- **Management Prescriptions** – Where time and budget allow, more detailed management strategies can be provided. Prescriptions can be 3-20 page documents detailing specific management actions to address a situation that may be an issue elsewhere. For instance, "How to control Canada thistle."
- **Monitoring** – An important focus of a management process is to create monitoring processes that evaluate the health and condition of resources over time. This is a critical component of decision making for maintenance procedures and new development projects. This plan suggests areas to be monitored, explains the protocol, and suggests appropriate personnel for the task. The use of GIS for organization, storage, and analysis, monitoring data is highly recommended.

## **Using GIS for Resource Management**

The use of GIS by City staff is a vital component of good land management. Large amounts of information can be displayed on a map and linked to tables of descriptive information, such as maintenance and monitoring data or detailed graphic imagery. For example, using GIS to track noxious weeds within the park allows one to see patterns of weed distribution over time. Projecting future scenarios, planning of a new trail to the cost of a new fence, and observing trends in resource condition are all easier to realize with the help of GIS.

## Chapter 2 - Park Description

### Description

The Park lies inside the City limits of Farmington between the Front of the Wasatch Mountains and the Great Salt Lake. Beginning in 1998, the City of Farmington began to strategically preserve the region between the Great Salt Lake and suburban development to assure protection from the shores of the Great Salt Lake directly to the West through the use of Conservation Easements. Not only would it serve as more of an assurance against flooding and/or ponding characteristic of the Great Salt Lake, it would provide habitat for the plethora of migrating birds that require the Great Salt Lake Ecosystem as a stopover in their journeys - all while providing passive recreation opportunities for the community. The location and habitat contained within the majority of the Park's 415 acres provide adequate space for the Park to function primarily as a wildlife and waterfowl refuge.

The site is a mixture of upland meadows, agricultural meadows, wet fresh meadows, wet saline meadows, saline playa and emergent marshes of various conditions. The Farmington Bay Wildlife Management Area (WMA) – an 18,000-acre wildlife refuge that is managed specifically for the benefit of waterfowl and shorebirds- is located directly south of the investigation area. As a result of the proximity of the conservation easements to Farmington Bay WMA and other preserves along the shores of the Great Salt Lake, various waterfowl, shorebirds and raptors can often be seen using these City of Farmington properties. Additional preservation properties along the shore of the Great Salt Lake to the south include the Inland Sea Shorebird Reserve and an Audubon bird refuge. To the north of the Park along the shore of the Great Salt Lake, wetland preservation areas include the Great Salt Lake Shorelands and the Layton Wetland Preserve (TNC), the Howard Slough WMA (state), the Ogden Bay WMA (state) and the Bear River Migratory Bird Refuge (USFWS). Figure 27 in Chapter 3 shows the locations of these preserves in relation to the Park.

At the Park, Buffalo Pond, a 24.7 acre man-made water body developed for irrigation purposes, is centrally located within the conservation easements. The Pond now serves as a loafing and foraging area for waterfowl while cottonwoods and other trees in the area serve as roosting and loafing areas for many other birds. In the northern region of the Park a sizable power line parallels the shore of the Great Salt Lake. A berm was built below the line in order to access the power line for maintenance. This berm captures excess surface water before it passes through culverts in the berm to the Great Salt Lake. This altered hydrology provides conditions conducive to the introduced specie - common reed (*Phragmites australis*). Substantial area adjacent to the utility line is thus emergent marsh dominated by common reed. Ideally, through active management, these emergent marshes can be eventually converted to areas dominated by native bulrushes, as the habitat provided by the powerline berm is suitable for native bulrushes. Bulrush (*Schoenoplectus* spp) provides more effective habitat than common reed for wildlife and waterfowl. Until then, wildlife and waterfowl will still use these areas, albeit on a somewhat more limited basis. Further, the powerline poles currently provide and will continue to provide potential nesting areas for raptors.

There are several irrigation ditches as well as natural creeks that traverse the property to bring water to agricultural fields and eventually to the Great Salt Lake. Baer Creek, Spring Creek, Shepard Creek and Haight Creek all pass through the property as well as many existing and potentially abandoned irrigation ditches capture and direct surface and groundwater to the Great Salt Lake. As a result, wetlands of different types are interspersed throughout the property such as wet fresh meadows, saline meadows and emergent marshes. A more detailed description of vegetation types and overall condition will be discussed in the vegetation section of Chapter 3.

## **Current Resource Goals and Objectives**

The goal of the Park is to simultaneously manage for both resource protection, as stated in the Conservation Values, with recreation being an added benefit. This plan suggests revisions and additions to the current Park management practices to achieve goals and objectives by providing specific stewardship objectives in Chapter 5, *Stewardship Recommendations*. Stewardship objectives are based on the significant resources listed in Chapter 3, *Resource Element Descriptions*. All resource goals and objectives are meant to assure the primary function of the Park, which is to serve as a waterfowl and wildlife refuge.

## **Baseline Inventories and Assessment**

Below is the current list of inventories and assessments upon which this stewardship plan is based. Many of these were performed as part of this management plan process.

Type of inventory/assessment	Date	Entity Responsible
Vegetation Mapping Assessment	2014	WP NRC
Wetland Delineation Assessment	2014	WP NRC
Conservation Easement Inventory and Violation Assessment	2014	WP NRC

Below are resource categories for which inventories or assessments are needed:

Type of inventory/assessment	Comments
Bird surveys	A systematic bird and breeding bird survey would determine the level of use of the property by each bird species present
Small Mammals	A quantitative assessment of the species and their respective abundance
Herptofauna	A presence/ absence survey would be informational to determine whether habitat conditions support these species
Visitor estimate and survey	In order to establish a management schedule, it is best to get an accurate estimate of the intensity of use in the Park, as well as the levels of use from the various recreational pursuits
Grazing assessment and plan	A baseline on past and recent grazing practices and plans would help to understand the current condition and structure of the vegetation communities at the Park. A grazing plan that includes regular monitoring would follow to assure that conservation values are being preserved.

## Chapter 3 - Resource Element Descriptions

This section describes the significance of the natural resources found in the park and assesses their current and projected conditions. The *Significant Features, Threats* and *Description* of each resource element are discussed, and the *Past and Current Conditions* of the resource are summarized in terms of excellent, good, fair, or poor condition statements. The *Resource Trajectory* identifies the outcome of the status quo and negative trends that are not altered by active management, while the *Desired Future Condition* section describes the ideal condition of the resource in the future given the parks resource goals. Prioritized *Stewardship Recommendations* to protect these significant resources while allowing public access where appropriate are found near the end of the plan. The resource element descriptions in this chapter include:

- ❖ **Vegetation and Wetlands**
- ❖ **Waterfowl and Wildlife**
- ❖ **Water Resources**
- ❖ **Soils and Geology**

## Resource: Vegetation and Wetlands

### Resource Summary

The vegetation and wetland resources are currently highly productive communities and are the foundation for the habitat for the relatively high concentrations of waterfowl and wildlife that use the Park as a refuge. The productivity of the vegetation communities also provides suitable conditions for livestock grazing as a secondary use of the Park, a use consistent with the primary purpose of a wildlife and waterfowl refuge.

### Significant Features

- **Diverse Wetland Plant Communities** In this otherwise arid region, the interface of fresh and salt water in this area provides for diverse vegetation community types that can withstand both saline and fresh water environments. These communities are exceptionally productive in that different nutrients and ecological drivers are present at the Park from both the saline environment of the Great Salt Lake and the fresh water from the Wasatch Mountains to the East.
- **Mosaic of vegetation communities-** The mosaic of different wetland and upland communities in the Park provides opportunities for a wide diversity of wildlife distribution and use. The diversity of habitats provides for the different life history needs of several species of wildlife. For example, the short distance between potential nesting areas (such as agricultural meadows, saline meadows or saline playas) and the open and shallow waters for foraging within the Park offers a relatively safe and low energy demand for wildlife at a vulnerable time.

### Potential Threats

- The presence of **noxious weeds** in certain areas of the Park is of concern due to their known ability to displace the native vegetation, reduce biodiversity and degrade wildlife habitat.
- Potential **improper grazing practices** from either not enough rest between grazing rotations and/or too many livestock could compromise the Conservation Values of the Park. However, with proper management, livestock grazing can be compatible and even complementary to land stewardship for wildlife and waterfowl habitat improvements
- **Potential mismanagement of vegetation** The agricultural fields left fallow are easily invaded by overly aggressive weeds and are not fully functional for either horse pasture nor wildlife habitat. With proper seeding and management practices, these fields could be improved for both livestock and wildlife.

### Description

The site is a mixture of agricultural meadows, wet fresh meadows, wet saline meadows, playa and emergent marshes of various conditions. The Farmington Bay Wildlife Management Area (WMA) – an 18,000-acre wildlife refuge that is managed specifically for the benefit of waterfowl and shorebirds - is located to the south of the investigation area. Buffalo Pond, a 24.7 acre man-made water body developed for irrigation and stock water purposes, is centrally located within the conservation easements. The pond now serves as a resting and loafing area for waterfowl and shorebirds while cottonwoods and other trees in the area serve as roosting and loafing areas for many other birds.

The power line berm captures excess surface water before this water passes through culverts in the berm to the Great Salt Lake. The altered hydrology provides conditions conducive to the introduced species common reed (*Phragmites australis*). Substantial area adjacent to the utility line is thus an emergent marsh dominated by common reed. Further, there are several irrigation ditches and natural creeks that traverse the property to bring water to agricultural fields and eventually to the Great Salt Lake. As a result, an interspersed of vegetation community types exist throughout the property. A detailed description of each vegetation type and associated overall condition is discussed below.

The vegetation communities on the Park were traversed on foot then digitized into a Geographic Information System (GIS) that classifies vegetation communities both by a common name as well as by a standardized vegetation community designated by the National Vegetation Classification Standard (NVSC 2008).

## **CURRENT CONDITIONS**

A description and current condition of the vegetation communities are discussed below. Refer to Figure 21 as to where each of the vegetation communities is located within the Park.

Current vegetation condition determinations are generally based on 4 factors:

- 1) Diversity- Is the diversity of species suitable for the community?
- 2) Structure- Is the structure (age class distribution of species, presence of appropriate stratification – trees, shrubs, herbaceous layers-) appropriate for the vegetation community)?
- 3) Presence/absence of non-native species- Do noxious weeds threaten the persistence of the native plant community?
- 4) Plant health/ vigor- Are the plants free of disease or other afflictions that threaten the ongoing existence of the plant community?

**Agriculture (Irrigated Pasture)** – This vegetation type occupies a total of 25.2 acres and is typically dominated by seeded pasture grasses such as meadow fescue (*Festuca pratensis*) and introduced wheatgrasses (*Elymus* spp) but also some native graminoids such as Inland Saltgrass (*Distichlis spicata*), and spikerushes (*Eleocharis* spp). These areas receive water from both the natural creeks and constructed ditches that cross the Park. Irrigated pastures are generally not permanently inundated but some have jurisdictional wetlands or elements of wetlands depending upon the hydrology of the area.

**Current Condition:** These areas are generally in good condition, but some have hummocks within them as a result of heavy use by livestock in wet conditions. These hummocks can be exacerbated by continued livestock use in wet conditions as cattle will walk around the hummocks and thus the vegetation on the hummocks get thrust higher. Hydrology and vegetation composition of an area can change with the formation of the hummocks as water finds a different path around the hummocks and the vegetation at the top of the hummocks can become desiccated.



Figure 10. Irrigated pasture



Figure 11. Formation of hummocks in irrigated pasture

### **Agriculture (Crops) –**

#### **Current Condition:**

This vegetation community type occupies approximately 4.9 acres. These areas are currently being used for growing livestock forage (alfalfa) and a common garden. Vegetables such as squash, tomatoes, and onions were observed during surveys. These crops were likely grown during the 2014 growing season.



Figure 12. Alfalfa field on the Farmington Meadows easement

It is important to maintain a buffer area between the field and the reach of Spring Creek that flows just south of the field. A buffer of thick vegetation (ideally 10' wide) is preferable to capture any eroded soil from the fields from entering the ditch. This keeps excess sediment and any potential chemicals used on the crops from entering the stream to maintain water quality.

**Agriculture (Dry Pasture)** – This vegetation community type occupies approximately 59.0 acres and is chiefly comprised of the introduced grass intermediate wheatgrass (*Thinopyrum intermedium*) intermixed with the native salt grass (*Distichlis spicata*). Many of the dry pastures are currently being used for livestock grazing, as well as for hunting grounds for raptors and loafing areas for birds such as killdeer, horned lark and meadowlark.

Current Condition: Most of these fields are in good condition and provide good forage for livestock.



Figure 13. Dry pasture with mostly saltgrass



Figure 14. Dry pasture with saltgrass, alkaligrass (*Puccinellia nuttalliana*) and intermediate wheatgrass

**Fallow Agriculture** – Fallow agriculture denotes areas that were actively farmed in the past, but is currently being used to board horses. These fallow fields occupy about 170.0 acres. Most of these fields have very little forage for horses, but instead is dominated by weedy species such as garden orach (*Atriplex hortensis*), cheatgrass (*Bromus tectorum*) and summer cypress (*Kochia scoparia*). Some pastures also have high

presence of state listed noxious weeds such as scotch thistle (*Onopordum acanthium*), broadleaf pepperweed (*Lepidium latifolium*) and whitetop (*Cardaria draba*). These weedy species may have increased in extent and density due to inattention to pasture health and/or overgrazing. The seeding of pasture grasses could be helpful in these situations. In a few of the pastures, some grasses are present such as wheatgrasses and meadow fescue. Occasionally native meadow grasses like salt grass can be found. Nevertheless, these pastures harbor many small rodents that provide a prey base for raptors in the area as well providing a loafing and potential nesting area for other birds, and can be managed into the future to assure the persistence of effective habitat for wildlife.



Figure 15. Fallow agricultural field

**Current Condition:** Pastures in this area vary from **poor to good** condition depending upon the level of upkeep of each.

**Ditch** - Ditches occupy about 0.5 acres on the Park. Many of the ditches were constructed to carry water from one of the 4 creeks flowing through the property to irrigate pasture. Some of the ditches intercept ground water as well. There are also several ditches on the property that are designed to receive both storm water and drainage from adjacent subdivisions on to the property. These discharge either into the creeks or sometimes directly into wetlands. Many of the outlets of these storm drains need to be cleared of both debris and common reed that impede water flow into the area. Ditches can sometimes support cattail (*Typha spp.*), bulrush (*Scirpus spp.*) and common reed (*Phragmites australis*), but often only have aquatic vegetation such as duckweed (*Lemna spp*) and watercress (*Naturtium officinale*). As such, these ditches can provide foraging areas for waterfowl.



Figure 16. Ditch along Spring Creek

**Emergent Marsh (Native)** – This native vegetation community occupies about 15.1 acres and is mostly dominated by cattail (*Typha latifolia*) and bulrush (*Scirpus americanus*). These communities establish and persist in permanently wet soils and slow moving water. This community is frequently interspersed with wet meadows that can be dominated by saltgrass and spikerush (*Eleocharis palustris* and *Eleocharis parishii*). The boundary between native emergent marshes, non-native emergent marshes and wet meadows originates from slight differences in land use as well as hydrology. Where cattle have grazed, the common reed appears to have been kept to a minimum.

**Current Condition:** The native emergent marshes are in **good condition**, but have the possibility of being degraded to a lower condition due to the presence of noxious weeds and common reed in close proximity. Native emergent marshes provide good cover and forage for waterfowl and other wildlife.



Figure 17. Cattail and bulrush in a native emergent marsh

**Emergent Marsh (Non-native)** – This community type occupies approximately 43.4 acres and is defined by



dense, contiguous patches of common reed (*Phragmites australis*). Common reed originates from Europe, but when it was accidentally introduced to North America, no native herbivores or insects were brought with it to keep the populations in ecological balance. Thus it has the ability to outcompete native vegetation has allowed this plant to expand to its current density and extent. Common reed greatly reduces diversity of wetlands both in terms of species present and habitats for wildlife. Common reed thrives in a multitude of conditions including standing water up to 2 feet deep, inundated soil as well as seasonally wet areas. Common reed often expands into new areas either after alterations in the hydrology occurs or when a change in land use happens. The standing water that is collected on the east side of the utility line

Figure 18. Common reed infestation just beyond livestock fence

berm is ideal common reed habitat. The emergent marshes are in poor to fair condition due to the overabundance of common reed and associated lack of habitat. Over the easement properties, common reed is most dense in areas that do not experience any livestock grazing. Young shoots of common reed can be good livestock forage early in the season and it has been cut for hay for winter forage. Several properties around the Great Salt Lake have been using cattle to reduce their common reed stands through carefully managed grazing.

**Current Condition:** The condition of these non-native emergent marshes are generally in **poor condition** because when the phragmites becomes this thick, it is unusable for wildlife and can sometimes create a fire hazard in dry years or during the dry season.

**Wet Meadow** - This community type occupies 3.8 acres and is defined by seasonally flooded meadows and depressions that become drier throughout the growing season. The most common species in this area is



Inland saltgrass, but also has spikerushes (*Eleocharis* spp), Nebraska sedge (*Carex nebrascensis*) and some pasture grasses. These meadows are currently used for livestock grazing. Like the irrigated pastures, the combination of the continuously wet soils and grazing can form hummocks that can become magnified over time as the cattle will step around the higher hummocks only to push them up further with every year. This community can provide good nesting habitat for ground nesting birds and the seasonally flooded areas provide valuable forage.

**Current Condition:** The wet meadows are generally in good condition with dominance of native species and plentiful water to keep the plants healthy.

Figure 19. Wet meadow

**Wet Saline Meadow** – This wetland community type occupies 18.4 acres and defined by salt tolerant and salt loving plants such as salt grass (*Distichilis spicata*), seep weed (*Suaeda calceoliformis*) and pickleweed (*Salicornia rubra*). Saline meadows are often seasonally inundated for a period during the growing season but later dry up. This seasonal flooding and evaporation allows salt and other minerals to build up in the soil creating a saline substrate that restricts the type of plants that can grow. This community type can provide good forage for waterfowl.



**Current Condition:** The saline meadows are generally in **good condition** as the native salt tolerant species are so well adapted to these conditions.

Figure 20. Saline meadow dominated by Inland saltgrass

**Roads/Trails** - A number of roads and trails are found throughout the property and includes such features as the utility line road, walking paths and property access roads. Roads and trails occupy 3 acres. Noxious and other invasive weeds often colonize the sides of the roads and trails since the ground disturbance is often where weeds establish. Roadside weeds include scotch thistle (*Onopordum acaanthium*), summer cypress (*Kochia scoparia*), and white top (*Cardaria draba*).



Figure 21. Road under powerline

**Disturbed** - The disturbed lands refers to areas of the property that have been altered for human land use for reasons other than agriculture such as berms, soil dumps, and weed heaps. Disturbed areas occupy 0.8 acres and are often covered by weeds and other less desirable vegetation.



Figure 22. Soil stockpile north of Buffalo Pond

**Riparian Woodland** - Riparian woodlands occupy only 2.1 acres. Although they occupy a very small area, they are disproportionately important for wildlife habitat. These areas are generally associated with creeks, ditches, and areas with sufficient sub-irrigation to support trees. The riparian woodlands on the conservation easement have some native trees such as Fremont Cottonwood (*Populus fremonti*) and peach leaf willow (*Salix amygdaloides*) as well as non-native trees like Russian olive (*Eleagnus angustifolia*). There is a true

riparian woodland on the west side of Buffalo Pond with native cottonwoods that provide loafing habitat for bald eagles. There are also a few cottonwoods located just outside the northern boundary of the Hunter Creek property. The other riparian woodland is along the east side of Haight Creek, but this woodland is dominated by the invasive tree Russian olive (*Eleagnus angustifolia*). Riparian woodlands in general provide good shelter and nesting habitat for neo-tropical migratory birds.



Figure 23. Cottonwoods on the northern end of the Hunter Creek property

**Current Condition:** As small as the riparian woodlands are, they are important and are in fair to good condition. The area surrounding the east side of Haight Creek as it comes into the Park, the cottonwoods are beginning to lose ground to Russian olives.

**Saline Playa** - The saline playa community type occupies approximately 9.6 acres, and is generally characterized by sparse vegetation and saline mudflats and hardpans. The combination of dense clay soils, ponding water and heavy salts in the soil are the foundation of this community type. Dominant plants include pickleweed (*Salicornia rubra*), salt grass (*Distichlis spicata*), and seep weed (*Suaeda calceoliformis*). Only alkaline and saline tolerant species can survive these conditions. Playas are usually seasonally flooded, which

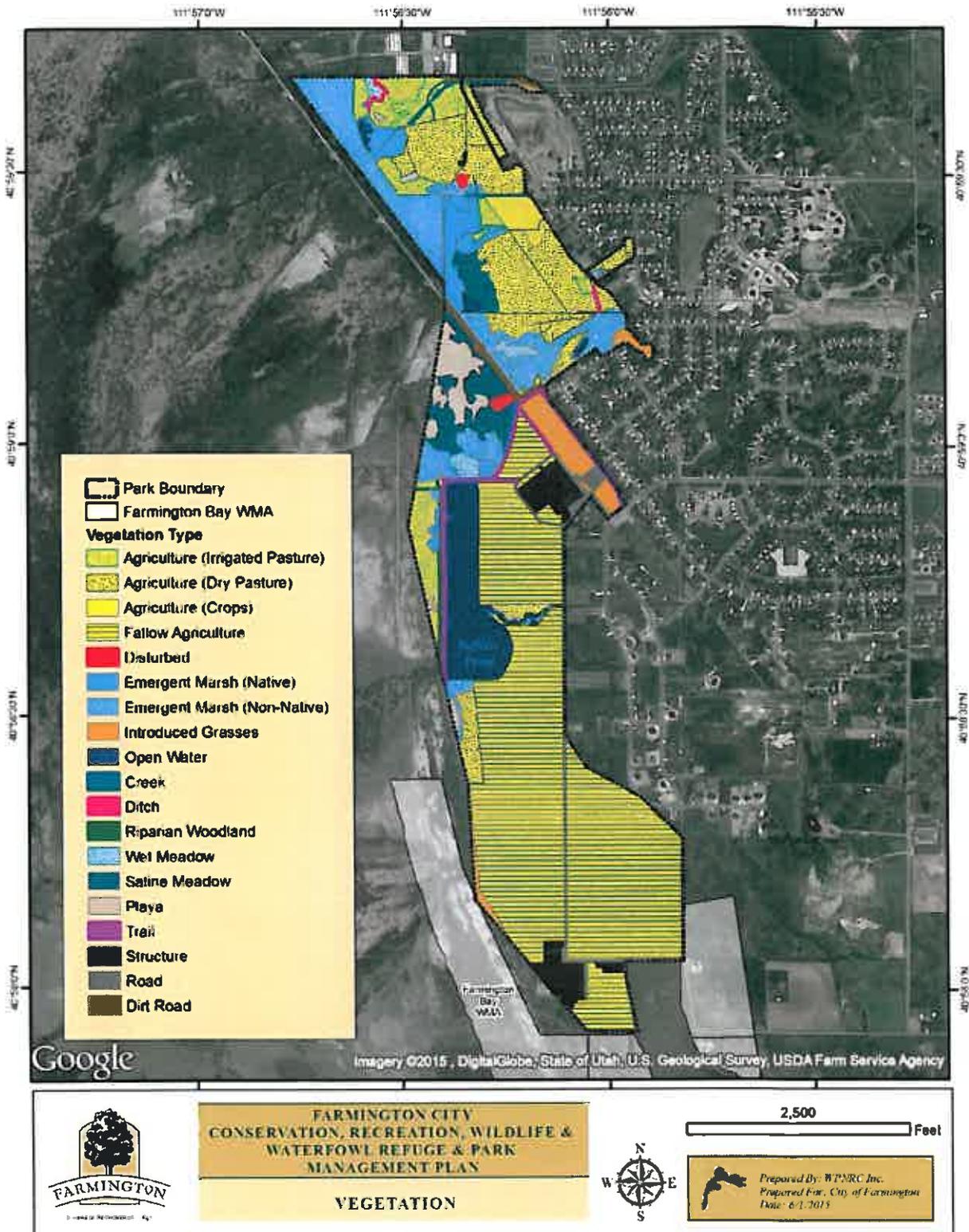
provide exceptional foraging areas for shorebirds. Surrounding grass covered uplands can be utilized as bird nesting habitat and cover. These playas can provide habitat for the federally threatened snowy plover.



**Current Condition:** The vegetation community and structure on these playas are generally in good condition.

Figure 24. Playa on the western edge of the Park

Figure 25. Vegetation Community Types and their Location in the Park



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Table 1. Vegetation Types and Extents in the Park

Vegetation Community Type	Acres
Agriculture (irrigated pasture)	25.2
Agriculture (crops)	4.9
Agriculture (Dry Pasture)	59.0
Agriculture (Fallow)	170.0
Ditches	0.4
Native Emergent Marsh	15.1
Non-native Emergent Marsh	43.4
Wet Meadow	3.8
Open Water	27.8
Roads/ Trails	9.7
Structures	12.9
Wet Saline Meadow	18.3
Creek	1.6
Disturbed	0.8
Introduced Grasses	13.7
Riparian Woodlands	2.1
Saline Playa	9.6
<b>Total</b>	<b>420.5</b>

**Past Conditions of the area**

Prior to pioneer settlement, the ecology of this area was likely driven by both the rise and fall of the Great Salt Lake as well as by the seasonal stream flows coming from the mountains directly East. Past mass wasting in the form of land slides and mudslides also had an effect on this area – likely when Lake Bonneville was full undercutting the steep slopes to the east. As the hydrology and ecology was allowed to naturally adjust over time (without roads, artificial water management, etc), a natural integration of saline and freshwater habitats developed and a wide diversity of plant species from each took hold. The fresh water wet meadows likely had high biodiversity with several grasses and forbs such as Nuttalls’ suflower (*Helianthus nuttallii*) and swamp milkweed (*Asclepias incarnata*). The wet saline meadows closest to the Great Salt Lake were likely an interspersed of dense salt grass (*Distichlis spicata*) meadows with upland areas that had salt tolerant shrubs such as greasewood (*Sarcobatus vermiculatus*) and saltbush (*Atriplex* spp). No dense phragmites stands existed prior to pioneer settlement.

**NOXIOUS WEEDS**

The weed mapping that occurred on these conservation easements was completed in the winter of 2014-2015. This will provide a broad overview of where some of the noxious weeds are, however, a survey during the growing season would deliver a much more accurate representation of the noxious weed issue on these properties. It is advisable to do this prior to assembling a noxious weed control plan.

It is a well-documented fact that noxious and invasive weeds pose a significant threat to native ecosystems. It has been documented that the United States is losing 4600 acres (10 square miles) per day on federal lands alone as noxious weeds make large tracts of land inhospitable for any beneficial use (Bureau of Land Management, 2015).

As these non-native populations grow, the amount of effort, time and money required also increases exponentially to restore these areas to a functioning native ecosystem. As such, it is imperative to understand the type and extent of infestations on the easement properties to utilize all methods available to control current weed infestations, prevent new infestations as well as to protect non-infested lands.

In addition to serious economic concerns, the ecological problems associated with noxious weeds are numerous. Noxious weeds are exotic, non-native species that can spread quickly. The following issues can ensue:

- Loss of biodiversity
- Loss of wildlife habitat
- Decrease in forage value for livestock and wildlife
- Decrease in land value
- Loss/ reduction of recreational opportunities such as hiking, biking, and wildlife and wildflower viewing.
- Disruption of soil and vegetation communities from changes in soil nutrient cycling.

Therefore, it is in the best interest of the City of Farmington to implement weed management as well as to inform and educate neighbors about the noxious weeds of the area to work together toward a common goal of reducing noxious weeds.

The State of Utah currently lists 27 species as designated noxious, however, within a few months, the number of species will likely increase to about 54. The state has also classified each species with a letter A, B or C. Class A weeds are considered to have a small statewide population and are targeted for eradication. Class B weeds have a wider range throughout the state and are targeted for systematic control. Class C weeds are common throughout the state and the main goal for Class C weeds is containment.

**Table 2.** Noxious weeds located at the Park

<b>Noxious Weeds of Farmington City Conservation Easement</b>		
<b>Class A</b>	<b>Class B</b>	<b>Class C</b>
<i>Purple Loosestrife</i>	<i>White Top</i>	<i>Salt Cedar</i>
	<i>Scotch Thistle</i>	
	<i>Musk Thistle</i>	
	<i>Poison Hemlock</i>	
	<i>Perennial Pepperweed</i>	

Neither common reed (*Phragmites australis*) nor teasel (*Dipsacus sylvestris*) is currently on the State list, but should also be considered here due to their known invasive properties. Noxious weed species and locations are shown on Figure 23.

The vegetation assessment report completed in February of 2015 gives specific guidelines for noxious weed control on the Park. For further information and assistance with control, contact Brandon Hunt, the current Davis County Weed Supervisor.

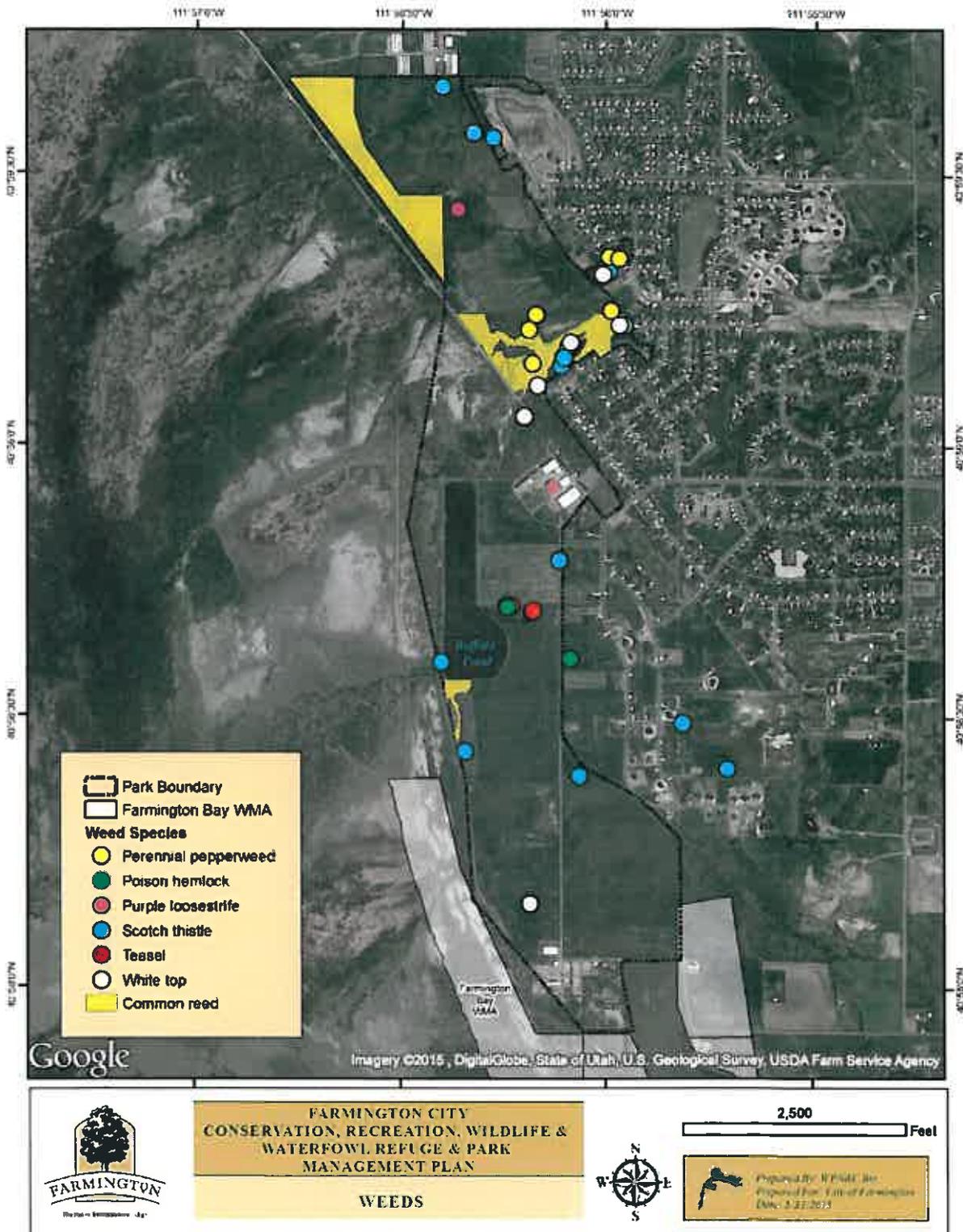
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The vegetation assessment report completed in February of 2015 gives specific guidelines for noxious weed control on the Park. For further information and assistance with control, contact Brandon Hunt, the current Davis County Weed Supervisor.

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Figure 26. Overview of Noxious Weeds on the Park



## **RESOURCE TRAJECTORY**

Until weed management continues to become an annual activity, noxious weeds may continue to increase to perhaps degrade the ecological health and condition of the Park. Livestock grazing can be both a benefit and a hindrance to ecological restoration. If not managed properly, livestock grazing can increase noxious weed presence, however, livestock grazing can also be used to reduce weeds and otherwise modify vegetation communities as desired for the purpose of the stated objective of a wildlife and waterfowl refuge. For example, grazing can be used to reduce phragmites and other noxious weed populations as well as to reduce fire danger.

## **DESIRED FUTURE CONDITIONS**

It is recommended a more complete noxious weed survey occur on the property to assure a fuller understanding of the extent of the problem. It is important that a survey for noxious weeds be completed prior to a full weed management plan being written and executed.

An equally important need for a thorough condition assessment and improvement of the vegetation communities at the Park is a better understanding of the past and current livestock use. This would entail frequent communication between the owners of the livestock using the Park and City staff. Information that should be submitted should include proposed dates of grazing in each pasture, number of animals, type of animals, and any brand information. As an outcome, monitoring of pastures can occur with the knowledge of the true grazing pressure and will better inform future livestock grazing at the Park to assure Conservation Values are being upheld.

Further, to improve the condition of some of the upland pastures, it would be helpful to mow the weeds prior to them producing seed, then drill seeding those pastures with desirable forage.

**Table 3. Priorities (1- highest, 3- lowest) for maintaining desired future for vegetation communities**

<b>Vegetation Type</b>	<b>Issue</b>	<b>Action</b>	<b>Priority</b>
All	Noxious Weeds	Complete full survey for weeds in growing season and contact Brandon Hunt with results and help with control (Davis Co Weed Supervisor)	1
All Livestock Pastures	Measurement of grazing intensity	Installation of exclusion cages to measure forage use	1
Fallow Agriculture fields	Aggressive weeds	Mow and reseed	2
Wet Meadows and Irrigated Agriculture	Hummocks	Rest the area from livestock grazing for at least a year	3

## **Resource: Wildlife and Waterfowl**

### **Resource Summary**

#### **Significant Landscape Features**

- **Buffalo Pond** – This pond encompasses nearly 23 acres and is a significant freshwater body within the greater Farmington area. 26 species were counted at this site which appeared to be a foraging stop for many waterfowl and water bird species. High numbers (>100) of American White Pelicans, and numerous duck species were observed. The cottonwood stand on the west side of the pond adds additional vegetation height complexity to the landscape providing for different suites of species. Recreational use (walking, wildlife viewing) around this area is also popular.
- **Upland Meadows** – The upland meadows within the Park (particularly on Buffalo Ranch) currently provide much of the insect base for the small mammal and raptor community. Numerous burrows and runs were observed within the meadows. This landscape is flat with very limited topographic relief – also most of this area is fenced – most all of which were wildlife friendly.
- **Mosaic of wetland types** – This site has a variety of wetland habitats (open water, wet meadow, varying water depths and velocities, saline playas, etc.) that provide habitat for a variety of species. The interspersed of these habitats provides for various life history stage needs (nesting, foraging, loafing, cover from predators) within a compact area for highly effective habitat for many species.
- **Location of Park within Great Salt Lake Ecosystem** The Park lies in the middle of a conservation corridor that runs along the eastern edge of the Great Salt Lake (Farmington Bay WMA, Bear River NWR, Inland Sea Shorebird Reserve, etc.). The presence of the Park between this much larger conservation corridor creates relatively continuous habitat for wildlife and waterfowl to utilize with minimal human contact, and leverages the importance of the Park as a wildlife and waterfowl refuge.

#### **Potential Threats**

- **Noxious weeds** – Most noxious weeds (phragmites, Scotch thistle, purple loosestrife etc.) have little wildlife value, and as monocultures, greatly reduce the quality of wildlife habitat. This can have negative impacts on the diversity and quantity of native wildlife species.
- **Feral cats** – Feral cats are prevalent throughout the Park. They are significant predators to small mammal and bird populations – both ground-nesting and roosting species. With assistance from an accredited organization, a program to trap and remove these individuals should be implemented.

## **Description of Habitats present at the Park**

The following is a list of the habitats found at the Park and a description of what each may offer to wildlife and waterfowl and how each is congruent with the livestock and other permitted uses at the Park. Table 4 shows which habitat the birds witnessed at the park were using at the time of the survey.

1. Open Deep Water: The open deep water offers valuable feeding and resting habitat for pelicans, dabbling ducks, diving ducks and grebes. These birds were all observed on deep water, likely using the area for loafing, but also for feeding on aquatic vegetation, algae, insects, and fish.

These are the most highly used areas for waterfowl, but, neither livestock nor people will use these areas in a way that would disturb or harm general wildlife and waterfowl use of deep water habitats.

2. Open Shallow Water: Open shallow water often found on saline playas offers quality feeding habitat for shorebirds as the soft mud harbors invertebrate prey such as worms, insect larva, amphipods, crustaceans, and mollusks. The open shallow water also provides safety from most predators while feeding.

These areas are highly used by shorebirds, but the ground is generally too muddy and does not offer enough forage for livestock to be in the area on a regular basis. Watering of livestock may have some localized impacts, but in general this habitat would remain highly effective for waterfowl and shorebird use.

3. Wet Meadows: A variety of species use wet meadows given the availability of water and abundant insects. Since wet meadows generally do not provide much cover, few species of birds actually nest in wet meadows; most species only forage in wet meadows. Many species will bring their young to forage in wet meadows, utilizing the edges where escape cover is more available. Additionally, wet meadows can also support insect, vole and other rodent prey bases, which in turn attracts birds, raptors (chiefly marsh hawk) and owls.

Since most wildlife species only forage in wet meadows, the co-mingling of livestock and wildlife and waterfowl does not generally pose a problem as wildlife are moving so regularly when they are foraging. Grazing can also reduce litter accumulation, which can help keep wet meadows in a mid-seral stage and more open to use by foraging bird species

4. Wet Saline Meadow: Wet saline meadows can also provide prolific insect prey bases, thus shorebirds and other species particularly tolerant to salts are more common in these areas. In highly saline areas, mammalian use decreases. Saline meadows that have with intermittent shrubs also allows nesting to occur.

Wet saline meadows are generally not favored by cattle (especially if they have another choice) as the forage is generally not as palatable, and the soft muddy ground is not conducive to cattle loafing.

5. Upland Meadows: Raptors, meadowlark, horned lark, numerous sparrows, and small mammals utilize the upland meadows of the Park. The abundance of small mammals as well as insects makes these upland meadows fertile hunting grounds for birds, raptors and carnivores. The upland meadows may also provide potential nesting habitat for sparrows, some ducks, and long billed curlew.

The livestock do use the upland meadows regularly in area that could hinder habitat for ground nesting species. With proper management of livestock and land managers' awareness and observation of bird courting and nesting behavior, it is possible keep livestock out of more heavily used nesting areas in some years with exclusion fences.

6. Emergent Marsh: The emergent marshes (both native and non-native) on the property provide habitat for a number of species. Nesting may be limited to more aquatic species, including ducks, shorebirds,

Farmington City Conservation, Recreation, Wildlife and Waterfowl Refuge and Park Management Plan and yellow-headed blackbirds. Other more secretive species, such as rail or night heron, also utilize these marshes. Snakes and other mammals may also utilize these marshes for hunting.

Unless forced or learned, cattle prefer not to have much more than their feet in standing water, and thus are not likely to graze in the emergent marsh areas for long periods of time. Managers can also fence off more sensitive areas while still providing appropriate cattle watering areas.

7. Cottonwood Woodland: A bald eagle was observed roosting in the cottonwood trees on the property. Numerous neotropical migrants also utilize the cottonwoods, as these trees provide additional canopy height (vertical structure), cavities, roost sites, and cover to the otherwise flat landscape.

The location of the cottonwood woodlands on the Park are not conducive to cattle loafing underneath them as is often the case in other areas.

## **Conditions**

### **Past Conditions**

Very little undisturbed habitat representing conditions prior to European settlement remains along the Great Salt Lake. Prior to agricultural development, the property would likely have provided a mosaic of upland meadow, wet meadow, emergent marsh and riparian habitat. Overall, wildlife and vegetation diversity would have been higher although there would have been less open deep water habitat and therefore potentially fewer waterfowl species.

### **Current Conditions**

Two targeted surveys were conducted for birds in April and May of 2015. A total of 53 bird species were noted in these short visits. Further, the bird species and numbers of each noted were indicative of the high value habitats that are available at the Park. The American pelicans and black crowned night herons were noted eating fish from Buffalo Pond. The bald eagle was feeding on an unknown carcass. Cinnamon teals, western grebes and Forrester's Terns were exhibiting both mating and nesting behavior. Regular bird surveys, particularly in the spring will likely expand the species list currently found at the Park and shed more light on the levels and distribution of use by the waterfowl and wildlife.

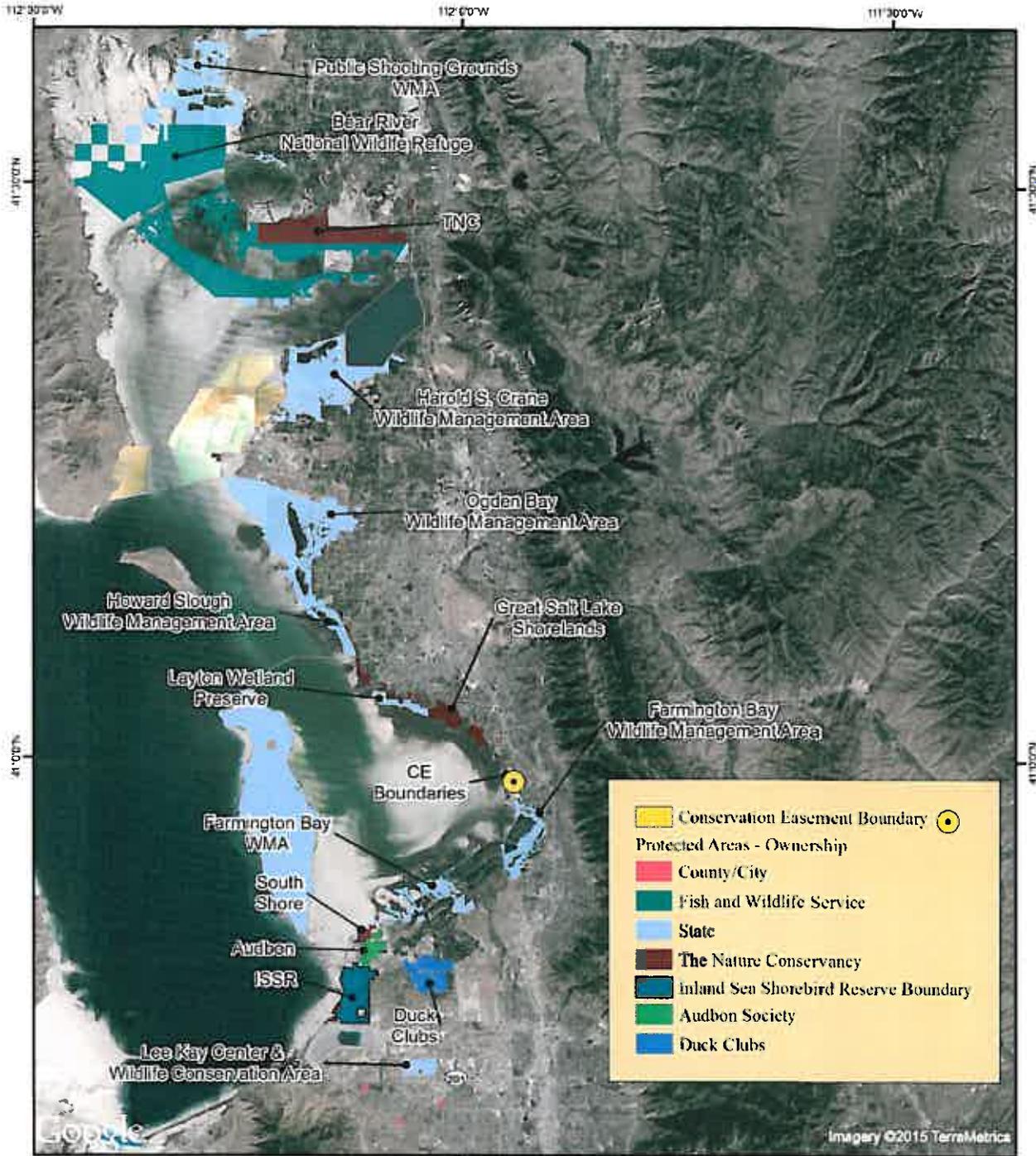
Conditions in the uplands are typical of fallow agricultural land in that it is relatively weedy and somewhat unkempt, but the property is nevertheless valuable as open space and wildlife habitat at the urban interface, particularly for small mammals. These small mammals in turn support hunting raptors as well as coyotes and foxes.

The presence of the large power line in the northern region of the Park impedes water flow to the lake and creates suitable habitat for common reed. Although this vegetation community can be problematic due to its height and density for many birds and other wildlife, common yellow throats, soras, yellow headed blackbirds and red winged blackbirds actively use this habitat type.

As witnessed by the number of species of birds, their abundance and mating and nesting behaviors observed, the current condition of the park supports the primary function of the park being a wildlife and waterfowl refuge. Further, the adjacency of the Park to other preserved areas around the shores of the Great Salt Lake allows migratory birds and other wildlife to have consistent and unimpeded use of the effective and important habitat considered to be part of the Great Salt Lake ecosystem. Figure 23 shows the Park's location relative to other preserved areas in the region.

Farmington City Conservation, Recreation, Wildlife and Waterfowl Refuge and Park Management Plan

**Figure 27. Location of Park within setting of other Conservation areas around the Great Salt Lake**



Farmington City Conservation, Recreation,  
Wildlife and Waterfowl Refuge and Park  
Management Plan

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REGIONAL WILDLIFE AND  
WATERFOWL REFUGE AREAS



10 Miles

Prepared by WSPAC for  
Project 2100 - City of Farmington  
Date: 1/14/2015

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Top: Typical conditions within the Park – Phragmites monoculture (left), pastureland (middle) and irrigation canal (right). photos: Kathie Taylor

**Avian Species**

During field visits in April and May, 53 bird species and 5 small mammal species were observed and identified. The highest diversity for avian species was located at the observation points located on Buffalo Pond. Below is a list of bird species observed during field visits.

**Table 4. Avian Species Observed 04/10/2015 and 5/31/2015**

Common Name	Scientific Name	Habitat Type Observed In
<b>Waterfowl and Water Birds</b>		
American Coot	<i>Fulica americana</i>	Open Water
American White Pelican	<i>Pelecanus erythrorhynchos</i>	Open Water
Blue-winged Teal	<i>Anas discors</i>	Open Water
Bufflehead	<i>Bucephala albeola</i>	Open Water
Canada Goose	<i>Branta canadensis</i>	Open Water
California Gull	<i>Larus californicus</i>	Open Water
Canvasback	<i>Aythya valisineria</i>	Open Water
Cinnamon Teal	<i>Anas cyanoptera</i>	Open Water
Double-crested Cormorant	<i>Phalacrocorax auritus</i>	Open Water
Green-winged teal	<i>Anas carolinensis</i>	Open Water
Lesser Scaup	<i>Aythya affinis</i>	Open Water
Mallard	<i>Numenius americanus</i>	Open Water
Northern Shoveler	<i>Anas clypeata</i>	Open Water
Red Breasted Merganser	<i>Mergus serrator</i>	Open Water
Western Grebe	<i>Aechmophorus occidentalis</i>	Open Water
Pied-billed Grebe	<i>Podilymbus podiceps</i>	Open Water
Northern Pintail	<i>Anas acuta</i>	Open Water
Gadwall	<i>Anas strepera</i>	Open Water
Ruddy Duck	<i>Oxyura jamaicensis</i>	Open Water
Redhead	<i>Aythya americana</i>	Open Water
Forester's Tern	<i>Sterna forsteri</i>	Open Water

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<b>Wading Birds</b>		
Black-crowned Night Heron	<i>Nycticorax nycticorax</i>	Open Water
Great Blue Heron	<i>Ardea herodias</i>	Open Water
Long-billed Curlew	<i>Numenius americanus</i>	Wet Saline Meadow
Snowy Egret	<i>Egretta thula</i>	Saline playa
<b>Raptors</b>		
American Kestrel	<i>Falco sparverius</i>	Fallow Agriculture, Agriculture
Northern Harrier	<i>Circus cyaneus</i>	Fallow Agriculture - overhead
Bald eagle	<i>Haliaeetus leucocephalus</i>	Riparian Woodland
Red tailed hawk	<i>Buteo jamaicensis</i>	Nesting just north of Buffalo Ranch parking lot
<b>Neotropical Migrants</b>		
American Robin	<i>Turdus migratorius</i>	Fallow Agriculture, Agriculture
Barn Swallow	<i>Hirundo rustica</i>	Fallow Agriculture, Agriculture
Bullock's Oriole	<i>Icterus galbula</i>	Riparian woodland
House Finch	<i>Carpodacus mexicanus</i>	Fallow Agriculture, Agriculture
House Sparrow	<i>Passer domesticus</i>	Fallow Agriculture, Agriculture
Mourning Dove	<i>Zenaida macroura</i>	Fallow Agriculture, Agriculture
Says Phoebe	<i>Sayornis saya</i>	Agriculture
Western Meadowlark	<i>Sturnella neglecta</i>	Fallow Agriculture, Agriculture
Western Kingbird	<i>Tyrannus verticalis</i>	Fallow Agriculture, Agriculture
<b>Marsh Birds</b>		
Killdeer	<i>Charadrius vociferus</i>	Introduced Grasses, Fallow Ag.
Marsh Wren	<i>Cistothorus palustris</i>	Emergent Marsh (non-native)
Red-winged Blackbird	<i>Agelaius phoeniceus</i>	Emergent Marsh (non-native)
Sandhill Crane	<i>Grus canadensis</i>	Wet Saline Meadow
Savannah Sparrow	<i>Passerculus sandwichensis</i>	Emergent Marsh (non-native), Cottonwoods
Song Sparrow	<i>Melospiza melodia</i>	Emergent Marsh (non-native)
Common Yellow Throat	<i>Geothlypis trichas</i>	Emergent Marsh (non-native)
White-faced Ibis	<i>Plegadis chihi</i>	Emergent Marsh (native and non-native)
Sora	<i>Porzana carolina</i>	Emergent Marsh (non-native)
Yellow Headed Blackbird	<i>Xanthocephalus xanthocephalus</i>	Emergent Marsh (non-native)
<b>Other</b>		
Black-billed Magpie	<i>Pica pica</i>	Fallow Agriculture, Agriculture
Common Raven	<i>Corvus corax</i>	Various
European Starling	<i>Sturnus vulgaris</i>	Fallow Agriculture, Agriculture
Ring-necked Pheasant	<i>Phasianus colchicus</i>	Agriculture – Irrigated Pasture
Turkey Vulture	<i>Cathartes aura</i>	Fallow Agriculture - overhead

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Left: Buffalo Pond on April 10, 2015 (note congregation of American White Pelicans) photo: Kathie Taylor



Left: Great Blue Heron (*Ardea herodias*) and Right: White-faced Ibis (*Plegadis chihi*) photo: Martin Meyers

According to the Farmington Bay Waterfowl Management Area (WMA) bird list, a total of 203 species may be seasonally present at the WMA which is directly south of the study site.

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Additional raptors that may potentially be observed in the area include those listed in the table below. A steady prey-base (i.e. small mammals), and roosting site availability will benefit this suite of species and provide for a stellar wildlife viewing experience.

Osprey	<i>Pandion haliaetus</i>
Bald Eagle	<i>Haliaeetus leucocephalus</i>
Coopers Hawk	<i>Accipiter cooperii</i>
Ferruginous Hawk	<i>Buteo regalis</i>
Merlin	<i>Falco columbarius</i>
Peregrine Falcon	<i>Falco peregrinus</i>
Prairie Falcon	<i>Falco mexicanus</i>
Red-tailed Hawk	<i>Buteo jamaicensis</i>
Rough-legged Hawk	<i>Buteo lagopus</i>
Sharp-shinned Hawk	<i>Accipiter striatus</i>
Swainson's Hawk	<i>Buteo swainsoni</i>



Left: Northern Harrier (*Circus cyaneus*) – courtesy of Martin Meyers.

Top: Red-tailed Hawk (*Circus cyaneus*)



Figure 28. Perching bald eagle on the Park (February 2014) Photo: M. Wheeler

**Small Mammal Species**

Small mammal presence was evident in many places within the Park in the form of runs and burrows. Vole runs were located within and on the edges of pasture lands and also along some of the large rock rip rap sections in the southern part of the Park. Both Meadow and Montane voles live in runways typically burrowed under thick grasses. Near the Great Salt Lake, these small mammals eat mostly salt grass (*Distichlis stricta*) and insects found in and around their tunnel systems. Many predators depend on voles and other small rodents as a primary food source, including badgers, coyotes and a variety of raptors. Small mammal populations can persist with livestock grazing, particularly if the stubble height of the forage is high and dense enough for these species to take cover.



Figure 29. Montane (*Microtus montanus*) or Meadow (*Microtus pennsylvanicus*) vole burrow and run approximately 2 inches wide.

Rock squirrels (*Otospermophilus variegatus*) were observed off of the power line road in the rip-rapped material on road edges.

**Table 5. Mammal Species Observed 04/10/2015 and 5/31/2015**

Coyote (Sign – Scat)	<i>Canas latrans</i>
Meadow Vole (or Montane Vole) Sign	<i>Microtus pennsylvanicus or Microtus montanus.</i>
Muskrat (Sign – Den Opening)	<i>Ondatra zibethicus</i>
Rock Squirrel	<i>Otospermophilus variegatus</i>
Striped Skunk (Sign – Smell)	<i>Mephitis mephitis</i>
Red fox	<i>Vulpes vulpes</i>

**Table 6.** Other small mammal species that have habitat within the Park include:

American Badger	<i>Taxidea taxus</i>
Antelope Ground Squirrel	<i>Citellus leucurus leucurus</i>
Chisel Toothed Kangaroo Rat	<i>Dipodmys microps bonnevilliei</i>
Deer Mouse	<i>Peromyscus maniculatus sonoriensis</i>
Grasshopper Mouse	<i>Oryzomys leucogaster utahensis</i>
Harvest Mouse	<i>Reithrodromys megalotis megalotis</i>
Kangaroo Mouse	<i>Microdipodops megacephalus leucotis</i>
Least Chipmunk	<i>Eutamias minimus pictus</i>
Little Pocket Mouse	<i>Perognathus longimembris gulosus</i>
Ord's Kangaroo Rat	<i>Dipodmys ordii pallidus</i>
Red fox	<i>Vulpes vulpes</i>
Short-tailed Weasel	<i>Mustela erminea</i>
Vagrant Shrew	<i>Sorex vagrans</i>
<b>Bats</b>	
Little Brown Myotis	<i>Myotis lucifugus</i>
Silver-haired bat	<i>Lasiorycteris noctivagans</i>



Photo: Ord's Kangaroo rat (*Dipodmys microps bonnevilliei*) – courtesy of Rick Manning.



Photo: Meadow vole (*Microtus pennsylvanicus*) – courtesy of John White

**Amphibians and Reptile Species (Herps)**

The Western chorus frog (*Pseudacris triseriata*) was the only herp species observed during field visits. In all cases it was heard only – but present throughout most parts of the Park with standing water. Western chorus frog prefer marshy meadows, and slow moving streams and permanent moving water. If these areas dry out, they may be found in fallow fields.



*Right: Western chorus frog (Pseudacris triseriata) – Photo: UDWR*

Northern leopard frog could also potentially be present at this site. Habitat requirements for this species include a variety of aquatic habitats, slow or still-moving water along streams and wetlands. Sub-adult Northern Leopard frogs will migrate to feeding sites along the borders of larger permanent bodies of water like Buffalo Pond. Adult diets consist mainly of small invertebrates and they will forage in grassy areas, along streams and drainages and permanent bodies of water.

Snakes were also observed at the Park along the edges of trails and the rocky rip-rapped slopes along the power line road appear to be suitable brumation (hibernation-like state) sites for common garter snakes, and perhaps for the Great Basin gopher snake.

The presence of herps at the Park is and can continue to be compatible with livestock grazing as there are areas that are so wet and dense with vegetation so as to discourage continuous presence of cattle. Improvements to herp habitat can also be made by excluding cattle to certain areas.



**Figure 30. Common garter snake (*Thamnophis sirtalis*) at the Park- photo: Valerie Frokjer**

**Table 7.** Herp species that may be present within the Park include the following. Note that not all species were observed.

<b>Common Name</b>	<b>Scientific Name</b>	<b>Observed</b>
<b>Amphibian</b>		
Western Chorus Frog	<i>Pseudacris triseriata</i>	Yes
Great Basin Spadefoot	<i>Spea intermontana</i>	No
Woodhouse's Toad	<i>Anaxyrus woodhousii</i>	No
Bull Frog (Not Native)	<i>Lithobates catesbeianus</i>	No
Northern Leopard Frog	<i>Lithobates pipiens</i>	No
Western Spotted Frog	<i>Rana pretiosa pretiosa</i>	No
<b>Lizards</b>		
Western Collared Lizard	<i>Crotaphytus collaris bicinctores</i>	No
Great Basin Fence Lizard	<i>Sceloporus occidentalis longipes</i>	No
Sagebrush Lizard	<i>Sceloporus graciosus</i>	No
Northern Side-blotched	<i>Uta stansburiana</i>	No
Salt Lake Horned Toad	<i>Phrynosoma douglassii (spp)</i>	No
Great Basin Horned Toad	<i>Phrynosoma douglassii (spp)</i>	No
Western Skink	<i>Plestiodon skiltonianus</i>	No
Western Whiptail	<i>Cnemidophorus tigris</i>	No
<b>Snake</b>		
Wandering Garter Snake	<i>Thamnophis elegans vagrans</i>	Yes
Common Garter Snake	<i>Thamnophis sirtalis</i>	No
Western Yellow-bellied Racer	<i>Coluber constrictor mormon</i>	No
Desert Striped Whipsnake	<i>Coluber taeniatus taeni</i>	No
Great Basin Gopher Snake	<i>Pituophis catenifer deserticola</i>	No
Desert Night Snake	<i>Hypsiglena torquata deserticola</i>	No

**Wildlife Species of Concern**

One federally threatened and at least seven species that have been designated by the State of Utah as wildlife species of concern could either potentially use the Park as is and/or benefit from improved habitat conditions. Species designated as threatened by the US Fish and Wildlife Service (USFWS) are those that are vulnerable to endangerment in the near future. Wildlife species of concern are those species for which there is credible scientific evidence to substantiate a threat to continued population viability. UDWR rationale for wildlife species of concern designations - November 9, 2010.

<http://dwr.cdc.nr.utah.gov/ucdc/viewreports/SSLAppendices20110329.pdf>

The presence of these species of concern can be compatible with livestock grazing as either habitat use for these birds does not overlap much or very little with cattle use and/or management of other habitats can be adapted so as to allow overlap of these species by modifying the timing and intensity of grazing.

**Table 8.** The following list includes the federally threatened and state species of concern that either currently use the Park or have suitable habitat within the Park.

Name (approximate number observed)	Scientific Name	Presence Noted?	Status	Habitat
Snowy Plover	<i>Charadrius nivosus</i>	No	USFWS Threatened	Saline Playas
Long billed curlew (≈ 15)	<i>Numenius americanus</i>	Yes	State - UDWR Wildlife Species of Concern	Open Shallow Water, Upland Meadows
American White Pelican (≈ 150+)	<i>Pelecanus erythrorhynchos</i>	Yes	State - UDWR Wildlife Species of Concern	Open Deep Water
Bald Eagle (1)	<i>Haliaeetus leucocephalus</i>	Yes	State - UDWR Wildlife Species of Concern	Cottonwood Trees
Short-eared owl	<i>Asio flammeus</i>	No	State - UDWR Wildlife Species of Concern	Upland Meadows
Northern goshawk	<i>Accipiter gentiles</i>	No	Conservation Agreement Species	Upland Meadows
Ferruginous Hawk	<i>Buteo regalis</i>	No	State - UDWR Wildlife Species of Concern	Upland Meadows
Burrowing Owl (Secondary breeding habitat)	<i>Athene cunicularia</i>	No	State - UDWR Wildlife Species of Concern	Upland Meadows