

# MOTORIZED VEHICLE ACCESS AGREEMENT

Between

WEBER COUNTY CORPORATION and SMHG LANDCO LLC/POWDER  
MOUNTAIN

This agreement is entered into between Weber County Corporation, a political subdivision of the State of Utah, and SMHG Landco LLC/Powder Mountain (the “Owner”). The agreement takes effect on the date of the last signature at the end of the agreement.

## RECITALS

**WHEREAS**, the Owner owns property known on Weber County’s records as parcel #22-006-0005 (the “Property”); and

**WHEREAS**, the Property is subject to a conservation easement (the “Easement”) that was recorded on December 23, 2021, as Entry #3206574, with Weber County and Ogden Valley Land Trust named as grantees; and

**WHEREAS**, the two grantees are authorized to enforce the terms of the Easement, including restrictions on motorized vehicle use; and

**WHEREAS**, the Owner submitted a letter dated June 3, 2026 (attached as Exhibit 1), applying for permission to cross the Property with motorized vehicles that will be used for the construction of improvements on a nearby parcel; and

**WHEREAS**, section IV(H) of the Easement states that the grantees shall not unreasonably condition, withhold, or deny a request for motorized vehicle uses “so long as such uses do not interfere with the wildlife or other Conservation Values on the property”; and

**WHEREAS**, the Board of County Commissioners of Weber County finds that allowing the requested motorized vehicle use, as described in Owner’s written request dated June 3, 2026, will not “interfere with the wildlife or other Conservation Values on the property” as long as the conditions proposed in this agreement are met;

**NOW THEREFORE**, the parties agree as follows:

## AGREEMENT

1. Weber County hereby gives its conditional written approval for the motorized vehicle use requested in the Owner’s letter dated June 3, 2026, subject to compliance with all of the conditions listed below. The permission does not

take effect until the conditions listed in paragraphs 2 through 4 have been satisfied.

2. The Owner shall provide to the County a copy of the written approval given by Ogden Valley Land Trust.
3. The Owner shall provide a more specific timeline showing the intended duration of the requested motorized vehicle use on the Property.
4. The Owner shall provide a written reclamation plan that is satisfactory to the County.
5. The Owner's motorized vehicle use on the Property shall remain in substantial compliance with the description in the June 3, 2026 letter, or as otherwise allowed by the terms of the Easement, and the Owner shall also fulfill its other obligations that it has assumed in that letter.
6. The County reserves the right to revoke the permission granted in this agreement if, in the judgment of the County, the Owner's motorized vehicle use begins to impair the Conservation Values listed in the Easement.
7. The Board of County Commissioners delegates to the Planning Division Director the authority to determine whether or not the conditions have been satisfied and remain satisfied, and to issue written confirmation of such determinations, including revocation of the permission as described above.

(Signatures on next page)

**SMHG LANDCO LLC/POWDER MOUNTAIN**

By: \_\_\_\_\_  
Printed name:

DATED: \_\_\_\_\_

**WEBER COUNTY CORPORATION**

By: \_\_\_\_\_  
Gage Froerer  
County Commission Chair

DATED: \_\_\_\_\_

Attest: \_\_\_\_\_  
Ricky Hatch, CPA  
Weber County Clerk/Auditor

DATED: \_\_\_\_\_

# EXHIBIT 1

## MEMORANDUM

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**TO:** Ogden Valley Land Trust (OVLТ); Weber County Planning Division  
**FROM:** SMHG Landco LLC / Powder Mountain  
**DATE:** June 3, 2026  
**RE:** Request for Written Permission-Motorized Vehicle Access on Conservation Easement Property

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We are writing to formally request written permission from OVLТ and Weber County (collectively, the "Grantees") to allow motorized vehicle access along the service road traversing the conservation easement property (Parcel #22-006-0005) in support of construction at the DMI base terminal lift. This request is submitted pursuant to Section IV(H) of the Deed of Irrevocable Conservation Open Space Easement dated November 23, 2021 (the "Easement"), which requires prior written permission from Grantees for motorized vehicle use on the Property.

### Easement Context

Section IV(H) allows motorized vehicle usage on the Property with prior written permission of Grantees and provides that such permission shall not be unreasonably conditioned, withheld, or denied so long as the use does not interfere with wildlife or other Conservation Values. Section III(F)(1) also preserves the Grantor's ability to access, maintain, and repair the service road traversing the property. The service road will be used as a transit route to transport equipment and vehicles to the DMI base terminal lift location, which is situated outside the conservation easement boundary. No construction is planned on the easement parcel or the service road. Any unintended damage to the road occurring during transit will be remediated upon completion of work.

### Equipment

The following equipment is anticipated to be utilized at the DMI base terminal in support of this scope of work:

Equipment	Model	Operating Width
Dozer	Caterpillar D6 or similar	12'
Excavator	Volvo EC370 or similar	11' 1"
Wheel Loader	Volvo L110 or similar	9' 5"
Water Truck	Freightliner M2 (4,000 Gallon) or similar	8' 5"
Utility Vehicle	Can-Am Defender HD11 or similar	5' 5"
Pickup Truck	Ford F-350 or similar	6' 8"

For reclamation, Powder Mountain anticipates engaging Skyline Reclamation, whom we have utilized for past project work and currently use for hydroseeding.

### Timeline and Request

We anticipate commencing work at the beginning of July 2026 and do not anticipate major impact to the service road as a result of equipment transit. Pursuant to Section V of the Easement, we respectfully request written approval from Grantees for the motorized vehicle access described herein. Per the Easement, Grantees have thirty (30) days from receipt of this Notice to review and respond. We welcome the opportunity to discuss further and address any questions. Please do not hesitate to contact us at your earliest convenience.

SMHG Landco LLC / Powder Mountain



Brooke Hontz  
Chief Development and Construction Officer, Powder Mountain