



## Planning Commission Staff Report

PLANNING DEPARTMENT

**Subject:** 15 Anchor Avenue Subdivision  
**Author:** Anya Grahn, Historic Preservation Planner  
**Project Number:** PL-14-02405  
**Date:** August 27, 2014  
**Type of Item:** Administrative – Plat Amendment

### Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 15 Anchor Avenue Subdivision plat amendment, located at the same address, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

*Staff reports reflect the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.*

### Description

**Applicant:** Judy Scipione, represented by Architect David White  
**Location:** 15 Anchor Avenue (also known as 55 Anchor Avenue)  
**Zoning:** Historic Residential (HR-1) District  
**Adjacent Land Uses:** Unbuilt Anchor Avenue, single family residential, multi-unit dwellings, private driveway  
**Reason for Review:** Planning Commission review and recommendation to City Council

### Proposal

The applicant is requesting a Plat Amendment for the purpose of combining portions of Lots 48, 49, 50, 51, 54, 55, 56, 57, 58, 59, and 60 of the Amended Plat of the Park City Survey. The site was designated as "Landmark" on the City's Historic Sites Inventory (HSI). The applicant wishes to subdivide the property into two (2) lots of record in order to move forward with the renovation of the historic structure on the new Lot 1 as well as a new single-family dwelling on Lot 2.

### Purpose

The purpose of the Historic Residential (HR-1) District is to:

- (A) preserve present land Uses and character of the Historic residential Areas of Park City,
- (B) encourage the preservation of Historic Structures,
- (C) encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,

- (D) encourage single family Development on combinations of 25' x 75' Historic Lots,
- (E) define Development parameters that are consistent with the General Plan policies for the Historic core, and
- (F) establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

## **Background**

### *Current Application*

15 Anchor is designated as a “Landmark” site on the City’s Historic Sites Inventory (HSI). The 2009 Historic Structure Form documents the historic house as hall-parlor cottage. Though the informal landscaped setting, original workmanship, and historic character of the site have been preserved, the HSI form notes that the house was in poor, deteriorated condition already in 2009. The property is identified as 15 Anchor Avenue by Summit County; however, it also appears as 55 Anchor Avenue on historic Sanborn Fire Insurance Maps.

The applicant submitted a pre-Historic District Design Review (HDDR) application and met with staff to discuss renovation options in April 2014. The existing historic house straddles the interior property lines formed by Lots 48, 49, 57, and 58. A historic shed at the front (east) of the lot encroaches over Lots 56 and 57, and encroaches slightly over the rear property line to the east. The applicant does not propose, at this time, to relocate the structure; however, any proposal to do so would be required to meet LMC 15-11-13(A) which requires that the relocation abates demotion and the Chief Building Official and Planning Director determine unique conditions exist that warrant the proposed relocation. Any new construction, such as an addition, would be required to meet the required setbacks. Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures.

The historic structure is in dilapidated condition. As no HDDR application has yet been submitted, no determination has been made as to the treatment of the historic house during the renovation. Any proposals to panelize or reconstruct the house would require approval by the Planning Director and Chief Building Official as outlined in LMC 15-11-14.

In June 2014, the applicant applied for a plat amendment in order to subdivide the property into two (2) legal lots of record. The applicant intends to renovate the historic house on Lot 1 and construct a new single-family dwelling on Lot 2 of the 15 Anchor Avenue Subdivision. The new single-family construction would be required to meet the required setbacks, footprint allowance, and height requirements of the LMC.

### *Past Applications*

15 Anchor Avenue is only accessible to existing City streets by means of an easement. In 1985, the previous owners of the properties at 15 Anchor and 55 and 57 King Road entered into an agreement to create a private drive accessing these three (3) properties

from King Road. The length of the drive is approximately 185 feet from the north property line of 55 King Road to the built King Road. The easement measures sixteen feet (16') in width, though the paved road within the easement is only twelve feet (12') wide (see Exhibit D). The private drive was constructed immediately to the west of 15 Anchor Avenue. This easement was replaced by a new easement agreement between the applicant and Anchor Development in 2008 (Exhibit E).

The 1996 re-plat of the Millsite Reservation Subdivision No.1, Block 75, Lots 43-47 and Lots 60-65 to create 55 and 57 King Road included provisions to regulate house size, mitigate potential impacts to the historic property at 15 Anchor Avenue, and negate any future development that may increase parking demands on the private drive (Exhibit F). The approval included a plat amendment specifying that further subdivision and/or the development of additional units beyond the two single-family units at 55 and 57 King Road were prohibited. The new single-family home at 55 King Road was completed in 2008 and the new single-family home at 57 King Road was completed in 2014.

City Council approved an ordinance to vacate Anchor Avenue and a part of Seventh Street on May 25, 1965. Remnants of these streets have since been incorporated into neighboring properties such as 15 Anchor Avenue. As no part of Anchor Avenue is constructed as a thoroughfare, 15 Anchor Avenue will be required to complete a legal address change. The City Engineer will assign the two (2) new lots of the 15 Anchor Avenue Subdivision King Road addresses.

**Analysis**

The following chart outlines the existing conditions with the house in its historic location. The plat is necessary in order for the applicant to move forward with a Historic District Design Review (HDDR) application to reconstruct the existing house.

	HR-1 Zone Designation		Existing Conditions
	Lot 1	Lot 2	
<i>Lot Size (as proposed)</i>	5,367.5 SF	4,435.8 SF	9,803.3 SF
<i>Setbacks</i>			
Front (East)	0 ft. (Historic shed is valid complying structure)	13 ft.	0 ft. (Historic shed encroaches over rear property line)
Rear (West)	0 ft. (Historic Shed is valid complying structure)	12 ft.	0 ft. (Historic shed encroached over the east property line)
Side (North)	5 ft.	5 ft.	37 ft.
Side (South)	4 ft. (Historic shed is valid complying structure)	5 ft.	4 ft. (Historic Shed)
<i>Allowed Footprint</i>	1,985.0 sf.	1,728.6 sf	845 sf. House*

			Total allowed footprint: 2,825.55 SF
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*\*Per the Building Footprint definition, accessory buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged, or incorporated into the Main Building are not included in footprint.*

As seen in the following chart, the allowed footprint of 15 Anchor Avenue is similar in size to other historic sites and new development in the vicinity. The following chart shows the approximate house size for adjacent developments. Please note that some adjacent properties along King Road are in the HRL zone while 15 Anchor Avenue is in the HR-1 Zone.

Address:	Zone:	Year Built:	Lot Size (+/-)	Existing SF	Max Footprint	Historical Significance
5 King Rd (5 Daly Ave)	HR-1	1904	2,178 SF	1,188 SF	963.5 SF	Significant
14 King Rd	HR-1	1995	2,448 SF	1,712 SF	1,066.7 SF	Not Historic
15 King Rd	HR-1	2007	4,304 SF	1,768 SF	1,689.6 SF	Not Historic
33 King Rd	HR-1	1901	5,735 SF	899 SF	2,077.5 SF	Landmark
39 King Rd	HR-1	1901	4,356 SF	674 SF	1,705.11 SF	Landmark
52 King Rd	HR-1	2005	5,760 SF	3,112 SF	2,083 SF	Not Historic
55 King Rd	HR-L	2005	11,963 SF	2,318 SF	3,400 SF above ground per plat notes	Not Historic
57 King Rd	HR-L	2012	7,305 SF	2,400 SF above ground per plat notes	2,400 SF above ground per plat notes	Not Historic
64 King Rd	HR-1	1993	1,965 SF	1,554 SF	879	Not Historic
68 King Rd	HR-1	1990	3,049 SF	2,183 SF	1,284.46 SF	Not Historic
69 King Rd	HR-L	1901	6,098 SF	819 SF	2,164.42 SF	Landmark
81 King Rd	HR-L	1906	4,643 SF	1,382 SF	1,787 SF	Significant
83 King Rd	HR-L	N/A	6,251 SF	Undeveloped	2,199.7 SF	Not Historic
41 Seventh St	HR-1	1900	3,485 SF	1,925 SF	1,432.53 SF	Significant
10 Daly Ave	HR-1	1901	5,519 SF	2,218 SF	2,023.6 SF	Significant
24 Daly Ave	HR-1	1901	3,049 SF	1,022 SF	1,284.5 SF	Significant
32 Daly Ave	HR-1	1982	Multi-unit condo	Multi-unit condo	Multi-unit condo	Not Historic
40 Daly Ave	HR-1	1982	Multi-unit condo	Multi-unit condo	Multi-unit condo	Not Historic
48 Daly Ave	HR-1	1982	Multi-unit condo	Multi-unit condo	Multi-unit condo	Not Historic
56 Daly Ave	HR-1	1982	Multi-unit condo	Multi-unit condo	Multi-unit condo	Not Historic
62 Daly	HR-1	1997	2,687.2	1,339 SF	1,155.3 SF	Not Historic

Ave			SF			
64 Daly Ave	HR-1	1997	2,687.2 SF	1,339 SF	1,155.3 SF	Not Historic
68 Daly Ave	HR-1	1983	2,178 SF	1,521 SF	963.6 SF	Not Historic
80 Daly Ave	HR-1	N/A	3,485 SF	Undeveloped	1,432.6 SF	Not Historic
84 Daly Ave	HR-1	1900	3,485 SF	635 SF	1,432.6 SF	Not Historic
15 (55) Anchor Ave	HR-1	1901	10,454 SF	790 SF	2,904.9 SF	Landmark

As shown in the chart above, the subdivision of 15 Anchor Avenue into two (2) lots measuring 5,367.5 sf (Lot 1) and 4,435.8 sf (Lot 2) creates lots that are slightly larger than average, but still comparable in size to surrounding properties in the HR-1 zone. The average lot size of surrounding properties in the HR-1 Zone, not including the Empire Canyon Condos at 32, 40, 48, and 56 Daly, is 3,930 sf. Further, these two (2) new lot sizes will yield developments more in scale with the historic district overall than the neighboring properties at 55 and 57 King Road.

As seen in the Existing Conditions Survey (Exhibit B), there is an access easement that provides access to the site from King Road. This easement is sixteen feet (16') in width and intersects King Road to the north; the total paved driveway within the easement is twelve feet (12') in width. As the historic shed cannot be moved without meeting the criteria outlined in LMC 15-11-13(A) and the shed encroaches over the east property line, it is recommended that the property owner enter into an encroachment agreement with the neighboring property for this encroachment.

Aside from the HDDR and Building Permit, the applicant will be required to submit a Steep Slope Conditional Use Permit (SS CUP) should the structure be located upon an existing slope of thirty percent (30%) or greater and exceed a total square footage of one thousand square feet (1,000 sf). Portions of Lots 1 and 2 exceed thirty percent (30%) slope along the east and west edges of the property.

In 1985, Park City Municipal entered into an emergency access agreement with the property owners (Exhibit D). As previously noted, there is also an existing easement agreement between the property owners of 15 Anchor and 55 and 57 King Road in order to access these properties from King Road via a private driveway (Exhibit E).

In 1996, City Council approved the 55-57 King Road Plat Amendment which created the adjacent lots at 55 and 57 King Road (Exhibit F). These properties are both located in the HR-L district which permits larger development due to a larger minimum lot size of 3,750 sf compared to 1,875 sf in the HR-1 district. Further, conditions of approval were added to the plat amendment to ensure that the resulting lot size was compatible with the scale of historic structures in the neighborhood; the maximum gross floor area for Lot 1 cannot exceed 2,400 sf (not including the garage), and Lot 2 cannot exceed 3,400 sf (not including garage). As shown on the previous page, the allowable footprints of

Lots 1 and 2 of the 15 Anchor Avenue Subdivision will be 1,985.0 sf and 1,728.6 sf, which is comparable to the overall above ground square footage of the adjacent properties.

The plat amendment for 55 and 57 King Road also included provisions negating the further subdivision and/or the development of additional units beyond the two (2) units for that subdivision. Staff recommends that a similar provision be added to the 15 Anchor Avenue plat amendment to ensure that the private driveway is not further burdened by increased development. At this time, the applicant proposes only to renovate the existing historic structure with a new addition as well as construct a new single-family home on the vacant Lot 2. Moreover, duplex dwellings, accessory apartments, and guest houses are conditional uses in the HR-1 District where the 15 Anchor Avenue Subdivision is located.

In reviewing this application internally, a number of concerns were brought up by other City departments. Utilities will need to be upgraded and run to both Lots 1 and 2 of the 15 Anchor Avenue Subdivision, and soil mitigation will be required due to the property's proximity to historic mine sites, though the property itself is not in the Soils District. These issues have been addressed as necessary in the Conditions of Approval.

### **Good Cause**

Planning Staff believes there is good cause for the application. Combining the lots will allow the property owner to move forward with site improvements, which include renovating the historic house with an addition as well as creating a second buildable lot. If left un-platted, the property will remain as-is. The plat amendment will permit the renovated historic house and shed to no longer straddle interior lot lines. The plat amendment will also utilize best planning and design practices, while preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

Staff finds that the plat will not cause undo harm on any adjacent property owner because the proposal meets the requirements of the Land Management Code (LMC) and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements. The applicant cannot move forward with the HDDR addition until the plat amendment has been recorded.

### **Process**

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

### **Department Review**

This project has gone through an interdepartmental review. No additional issues were raised regarding the subdivision.

### **Notice**

The property was posted and notice was mailed to property owners within 300 feet on August 13, 2014. Legal notice was published in the Park Record on August 9, 2014.

### **Public Input**

No public input has been received at the time of this report.

### **Alternatives**

- The Planning Commission may forward a positive recommendation to the City Council for the 15 Anchor Avenue Subdivision as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 15 Anchor Avenue Subdivision and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the 15 Anchor Avenue Subdivision to a date certain.

### **Significant Impacts**

There are no significant fiscal or environmental impacts from this application.

### **Consequences of not taking the Suggested Recommendation**

The proposed plat amendment would not be recorded and eleven (11) partial existing lots would not be adjoined. Any additions to the historic house would not be permitted because the new construction would be required to meet the setbacks from the interior lot lines.

### **Recommendation**

Staff recommends the Planning Commission hold a public hearing for the 15 Anchor Avenue Subdivision plat amendment, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

### **Exhibits**

- Exhibit A – Draft Ordinance with proposed plat
- Exhibit B – Existing Conditions Survey
- Exhibit C – Vicinity Map/Aerial Photograph and streetscape photos
- Exhibit D – Fire Access Agreement
- Exhibit E – Easement agreement for private drive access
- Exhibit F – Ordinance No. 96-44 for the 55-57 King Road Plat Amendment

## Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 14-

### **AN ORDINANCE APPROVING THE 15 ANCHOR AVENUE SUBDIVISION PLAT LOCATED AT 15 ANCHOR AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 15 Anchor Avenue (also known as 55 Anchor Avenue), has petitioned the City Council for approval of the plat amendment; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on August 27, 2014, to receive input on the proposed subdivision;

WHEREAS, on August 27, 2014, the Planning Commission forwarded a recommendation to the City Council; and,

WHEREAS, on September 18, 2014 the City Council held a public hearing on the proposed plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 15 Anchor Avenue Subdivision.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The 15 Anchor Avenue Subdivision as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

#### **Findings of Fact:**

1. The property is located at 15 Anchor Avenue within the Historic Residential (HR-1) Zoning District.



2. The applicants are requesting combine Lots 47, 48, 49, 50, 51, 54, 55, 56, 57, 58, 59, and 60 of the Amended Plat of the Park City Survey into two (2) legal lots of record.
3. The plat amendment is necessary in order for the applicant to move forward with a Historic District Design Review (HDDR) application for the purpose of renovating the historic house and adding an addition.
4. The amended plat will create two (2) new lots that measure 5,367.5 sf (Lot 1) and 4,435.8 sf (Lot 2) in size. Minimum lot size in the HR-1 zone is 1,870 sf.
5. The site is identified as "Landmark" on the City's Historic Sites Inventory (HSI). The existing house was in poor, deteriorated condition as documented on the 2009 Historic Sites Inventory.
6. The historic shed structure encroached over the east property line and into the neighboring property. The structure would not be permitted to be relocated on the property unless the relocation meets the criteria outlined in LMC 15-11-13.
7. The renovation of the house will require a review under the adopted 2009 Design Guidelines for Historic Districts and Historic Sites through the HDDR process. At this time, no HDDR application has been submitted to the Planning Department in order to renovate the house and add a small addition.
8. The maximum allowed building footprint allowed on Lot 1 is 1,985.0 square feet and on Lot 2 is 1,728.6 square feet. The applicant intends to construct a new rear addition and renovate the historic structure on Lot 1. A new single family house will be constructed on Lot 2.
9. This plat amendment will create two (2) legal lots of record that are slightly larger than adjacent properties in the HR-1 District, but remain comparable in size to the neighborhood overall.
10. The historic house and shed have a front and rear yard setback of 0 feet, a north side yard setback of 5 feet, and a south side yard setback of 4 feet. Historic structures that do not comply with building setbacks are valid complying structures.
11. New additions to the rear of the historic home require adherence to current setbacks as required in the HR-1 District, as well as be subordinate to the main dwelling in terms of size, setback, etc., per the requirements of the adopted 2009 Design Guidelines for Historic Districts and Historic Sites.
12. Any new development on Lot 2 of the 15 Anchor Avenue Subdivision will be required to meet the current setbacks, footprint, and height restrictions as required by the HR-1 District.
13. On June 16, 2014, the applicant applied for a plat amendment. The application was deemed complete on June 19, 2014.
14. In 1985, Park City Municipal Corporation entered into an Agreement to Provide Emergency Access with the owners of lots in Block 75 of the Park City Survey. The agreement stipulated that the property owners would widen the width of the access easement agreement to sixteen feet (16') and pave an area at least twelve feet (12') in width within the easement in order to accommodate emergency vehicles.
15. There is an existing easement between the applicant and Anchor Development allowing the applicant to access her property via a private driveway extending approximately 185 feet from the north property line of 55 King Road to the built King

Road and measuring sixteen feet (16') in width. The paved driveway built within the easement is twelve feet (12') in width.

16. In 1996, City Council approved the 55-57 King Road Plat Amendment which created the adjacent lots at 55 and 57 King Road. This plat amendment included provisions negating the further subdivision and/or the development of additional units beyond the two (2) units for that subdivision to ensure that the private driveway and limited access were not further burdened by increased development
17. The applicant has reviewed and agreed to the Conditions of Approval.

Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permit for any work that expands the footprint of the home, or would first require the approval of an HDDR, shall be granted until the plat amendment is recorded with the Summit County Recorder's office.
4. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
5. The addition of a plat note specifying that further subdivision and/or the development of additional units beyond the two (2) single family houses on Lots 1 and 2 shall be prohibited.
6. The plat shall contain a note referencing the 2008 access agreement for the private driveway.
7. The applicant shall change the addresses of Lots 1 and 2 of the 15 Anchor Avenue Subdivision to the satisfaction of the City Engineer and the addresses shall be identified on the plat prior to plat recordation.
8. An encroachment agreement for the historic shed is recommended.

**SECTION 2. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this \_\_\_\_day of September, 2014.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Jack Thomas, MAYOR

ATTEST:

\_\_\_\_\_  
City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Mark Harrington, City Attorney







Google

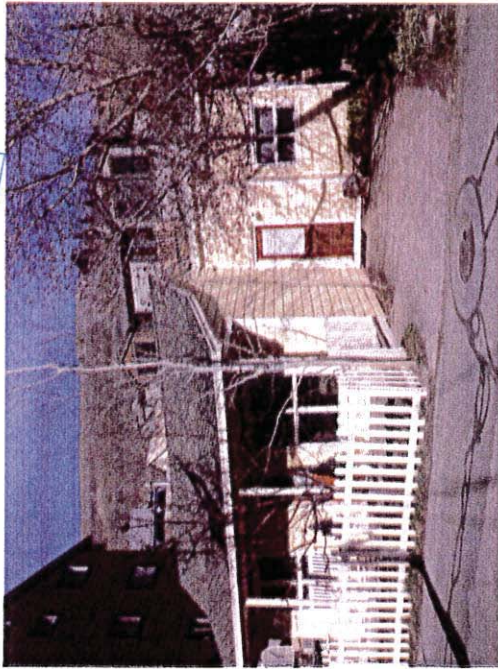
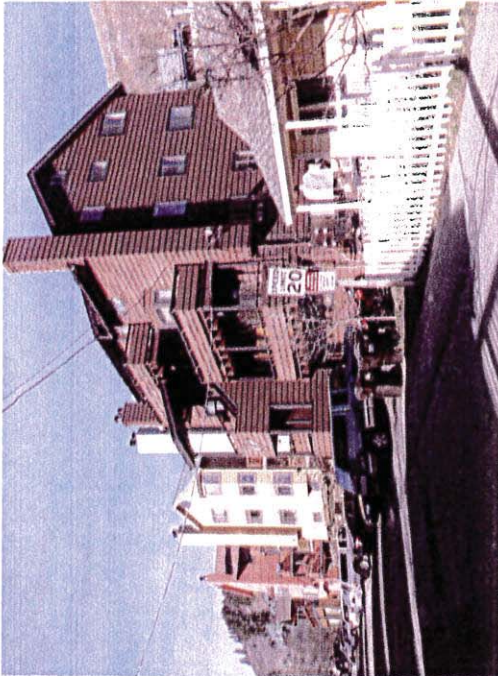
Imagery ©2014 State of Utah, Map data ©2014 Google, 20 ft

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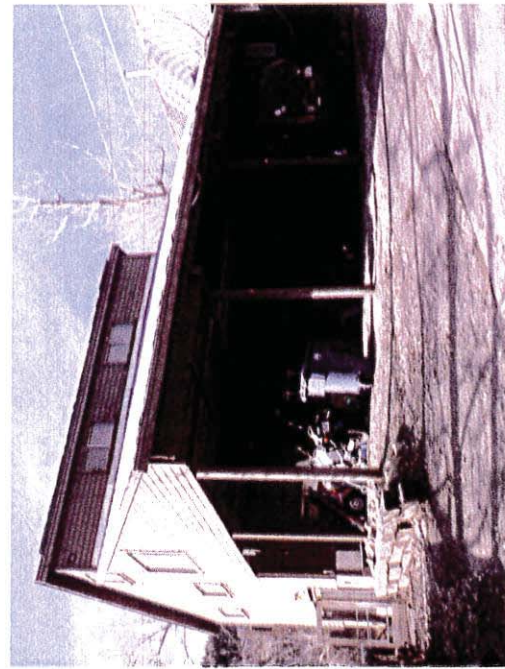
SURROUNDING HOMES



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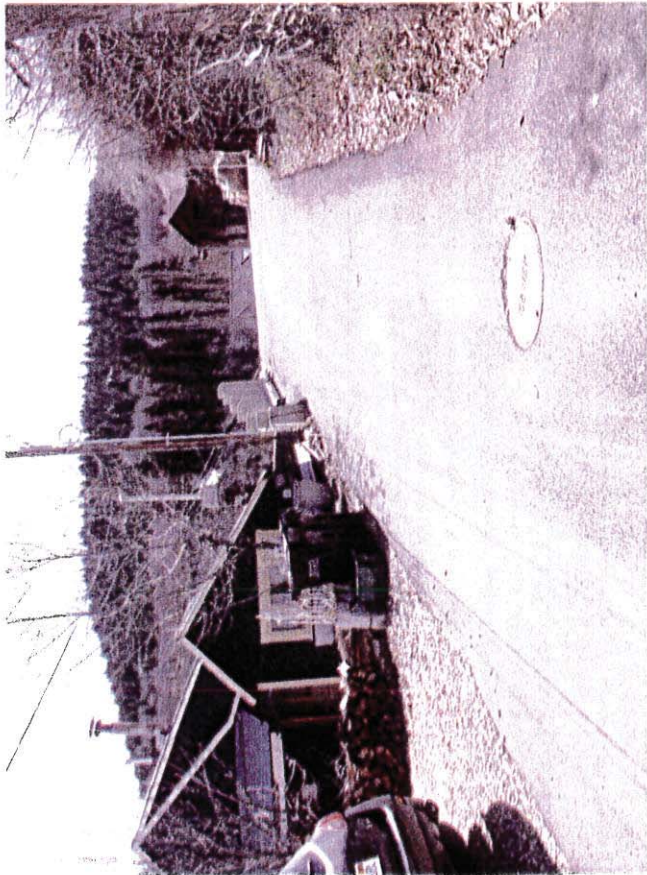
SITE VIEWED FROM HILLSIDE

HOMES BELOW SITE ON DALY



HOMES ON KING ROAD

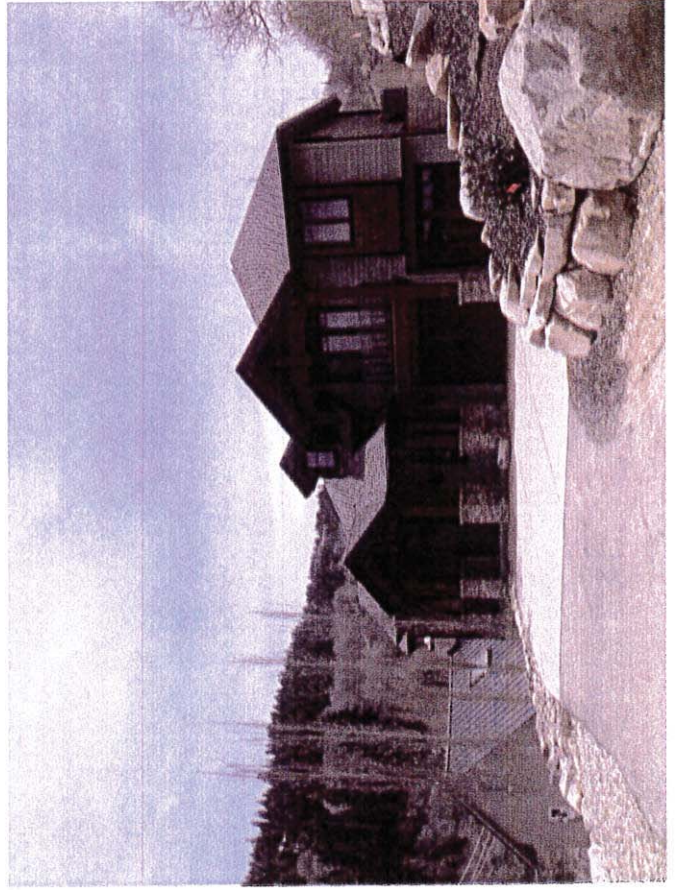
HOMES ON ENTRY DRIVE



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ENTRY FROM KING ROAD



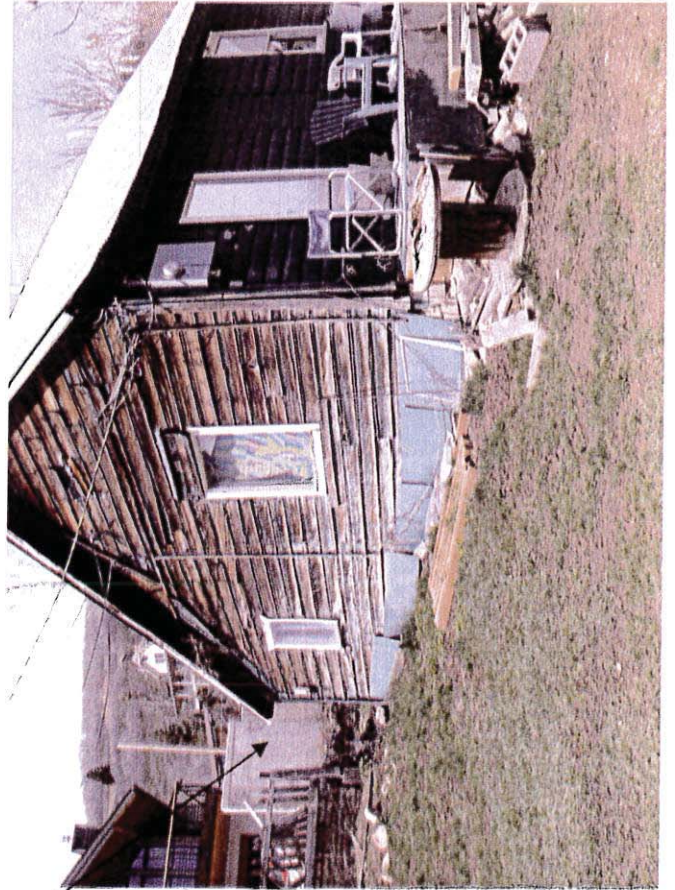
VIEW OF ADJACENT HOMES FROM LOT



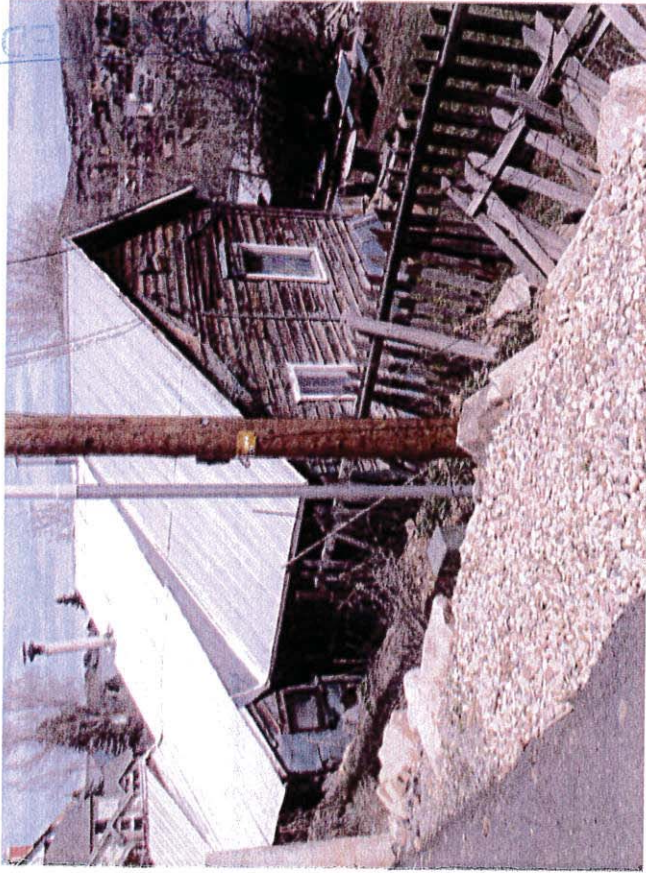
HISTORIC HOME



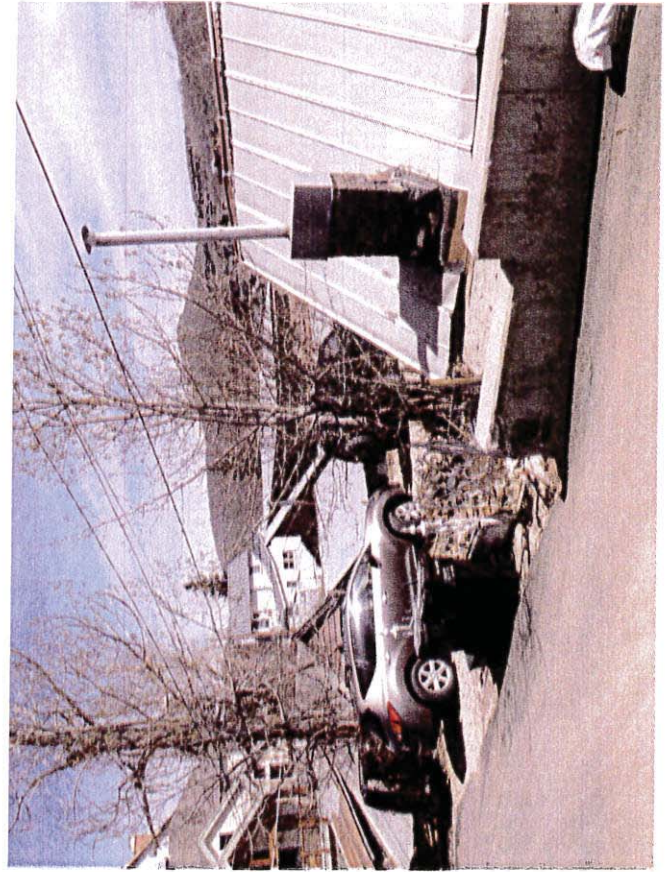
FRONT ENTRY



BACK AND SIDE VIEW & RETAINING WALL



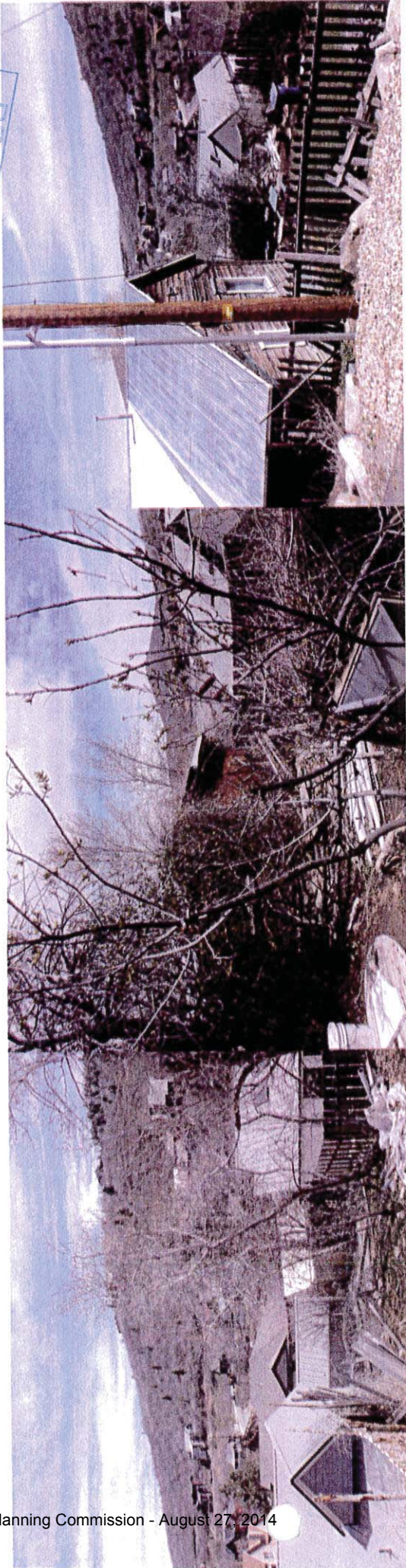
VIEW OF HOME FROM DRIVEWAY



DRIVEWAY RETAINING WALL

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VIEW FROM SITE



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FROM HISTORIC HOME



UP TOWARD EMPIRE

FROM LOT ON LEFT OF HOME



OVER CONDOS ON DALY

*sprinkling  
agreement.*

*2 houses  
Blk 75*

AGREEMENT TO PROVIDE EMERGENCY ACCESS  
AT BLOCK 75, PARK CITY SURVEY  
(OBERHANSLEY-PETERSON PROPERTIES)

AGREEMENT made by and between PARK CITY MUNICIPAL CORPORATION (hereinafter referred to as "City") and CURTIS K. OBERHANSLEY, GLENN F. and GEORGIA PETERSON (hereinafter referred to as "Property Owners"), to set forth terms and conditions under which the Property Owners agree to make certain improvements to a private lane as a condition precedent to the issue of building permits for additional structures on the Property Owners' land.

Consideration is based upon the City's vacation of streets adjoining the subject parcel, and the issuance of permits that would not otherwise be issued in absence of this Agreement. The parties agree as follows:

1. The lots in Block 75 of the Park City Survey are not accessible from existing City streets, and the City has, at the request of the Property Owners, vacated portions of the rights-of-way for City streets that would serve lots in Block 75. Access to right-of-way that crosses more or less diagonally across Block 75. This right-of-way is a private easement for and in favor of the Property Owners, and is not a City street, and is not suitable for dedication to the City.

2. Prior to the construction of any new structures upon the Property Owners' respective lots in Block 75 that are accessed by means of the private easement, the Property Owners, at their sole expense, agree to widen and pave the easement to at least twelve (12) feet in width. This is a condition precedent to the issuance of a building permit for any new structure on the Oberhansley or Peterson properties in Block 75.

3. Further and prior to the issuance of any building permit for a structure on the Oberhansley or Peterson properties in Block 75, the Property Owners agree to install a fire hydrant, which meets City specifications, within or near the junction of the access easement with the City street known as King Road. The Property Owners shall grant the City a suitable easement for the water line serving the hydrant, as well as the right to maintain the hydrant and line. This grant of easement shall not, however, be construed as a dedication of the access easement for public maintenance purposes. The hydrant and necessary water lines shall be installed by and at the expense of the Property Owners, according to the approved specifications hereinafter set forth.

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The property Owners shall also make necessary arrangements with the Snyderville Basin Sewer District to provide sewer utility facilities and service to the structures built upon Block 75.

4. Prior to the issuance of a building permit for a second new structure (not counting accessory buildings), the Property Owners agree to widen the easement to sixteen (16) feet in width and to pave that additional width, at the Property Owner's expense.

5. Plans governing the construction of any new structures that are accessed by means of the private easement shall provide the following fire protection features:

- (a) An automatic fire protection sprinkling system in each residential structure, with a minimum of four (4) heads flowing per unit.
- (b) Provision that all interior spaces in each residential unit, including garages and closets, be protected; and that any exterior structure on a building which has an overlap in excess of four (4) feet, such as a deck, shall also be protected.
- (c) Provision that a standard "Siamese" fire connection be installed on the exterior of each residential structure, to be compatible with and available to fire protection or suppression equipment.
- (d) Water service to the structures shall be as follows: The connection shall be made to the existing twelve inch (12") main in Sampson Avenue that serves as the transmission line from the Woodside Tank to the resort area. The service connection for Block 75 shall be three inch (3") ductile iron pipe from the main connection to the individual service meters. The three inch (3") pipe will be a part of the City water system. Individual services from the three inch (3") line will with at least one and one half inch (1 1/2") inside diameter pipe, with at least one and one half inch (1 1/2") sprinkler systems installed within the houses. The design of the internal sprinkler system for each structure will be reviewed by the City, and must comply with ISO and NPFA 13D standards for fire protection systems.
- (e) That the provisions for automatic fire sprinkling systems be described within and have effect as a restrictive covenant in all instruments of title as the Property Owners may hereafter execute in

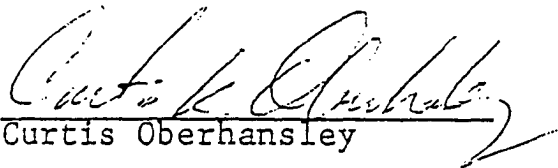
connection with conveyance of all or a portion of their respective lots within Block 75.

6. Compliance with the provisions of this Agreement in any such design or construction plan as may be submitted to the City by the Property Owners or their successors in interest shall constitute satisfactory compliance for any new structure to be built in Block 75, to the extent of obtaining fire safety protection approval from the Park City Planning and Building Departments.

7. This Agreement shall be binding upon the successors and assigns of all of the parties named herein. A memorandum of this Agreement shall be recorded in the Office of the Summit County Recorder. When this Agreement has been fulfilled, the City will execute a suitable release of the Agreement, so that the same will no longer appear in the records of title concerning the Property Owners' lots in Block 75.

DATED this \_\_\_\_\_ day of April, 1985.

PROPERTY OWNERS:

  
Curtis Oberhansley

  
Glenn F. Peterson

  
Georgia Peterson

PARK CITY MUNICIPAL CORPORATION:

  
Ron Ivie  
Chief Building Official

00851284 B: 1942 P: 0888  
Page 1 of 7  
Alan Spriggs, Summit County Utah Recorder  
07/29/2008 03:10:03 PM Fee \$25.00  
By PARK CITY TITLE COMPANY  
Electronically Recorded by Simplifile

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180655

When recorded mail to:

Thomas T. Billings, Esq.  
Van Cott, Bagley, Cornwall & McCarthy  
36 South State Street, Ste. 1900  
Salt Lake City, UT 84111

**AGREEMENT**

This AGREEMENT (the "Agreement"), is made and entered into this 29<sup>th</sup> day of July, 2008, by and among JUDY SCIPIONE ("Scipione"), the owner of property located in Park City, Utah, with a tax identification number of PC-678 and BRADLEY J. BOOZIER, WILLIAM J. KRANSTOVER, and KEITH NELSON (collectively "Anchor Development"), the owners of All of Lot 2, Anchor Development Amended Plat MILLSITE RESERVATION SUBDIVISION No. 1, according to the official plat thereof on file and of record in the Summit County Recorder's Office. ANCH-2-2AM

**RECITALS**

WHEREAS, on or about April 11, 1985, a grant of easement was executed by Kurt Oberhansley, Glen Peterson and Georgia Peterson regarding properties located in the northern portion of Block 75, Park City Survey (the "Easement"), which Easement was recorded on July 31, 1985 and attached to this Agreement as Exhibit "A"; and

WHEREAS, Anchor Development and Scipione are beneficiaries of the Easement; and

WHEREAS, Anchor Development, as consideration for certain accommodations made to it by Scipione, agreed to make certain improvements regarding the easement; and

WHEREAS, Scipione has agreed that those improvements need not be made provided the parties agree as set forth herein.

NOW THEREFORE, for good and valuable consideration, the parties agree as follows:

1. Anchor Development and Scipione agree that the non-exclusive Easement as attached hereto as "Exhibit A" remains in full force and effect; and
2. Anchor Development and Scipione agree that both parties may have unfettered use of the Easement pursuant to the terms therein; and
3. That Anchor Development and its successors or assigns agree that Scipione or her successors and assigns may make such improvements and alterations to the Easement, which are in Scipione's sole discretion, necessary for her benefit, provided that such alterations or improvements do not permanently interfere with other parties' use of the Easement; and

057:388049.v1











When recorded, mail to:  
Scott C. Welling, Attorney at Law  
P. O. Box 712  
Park City, Utah 84060

Entry No.	237041
REQUEST OF	WESTERN STATES TITLE
FEE	ALAN SPRIGGS, SUMMIT CO. RECORDER
9.00	By: <i>Susan Peterson</i>
RECORDED	7-31-85 at 12:04 M

GRANT OF EASEMENT

Whereas Curtis Oberhansly, Glenn F. Peterson and Georgia Peterson are owners of properties located in and about the northern portion of Block 75, Park City Survey, Park City, Utah, which properties include the land over which these grantors wish to establish an easement, and whereas the aforementioned parties, considering that it will be beneficial to themselves, their heirs and assigns to establish a private roadway across certain properties owned by the parties to service their various real estate holdings in the area, and in consideration of the mutual grants and promises contained in the various mutual conveyances executed by these parties contemporaneously herewith.

NOW THEREFORE, CURTIS OBERHANSLY, GLENN F. PETERSON and GEORGIA PETERSON, on behalf of themselves, their several heirs, executors, administrators and assigns, do covenant, agree and grant each to the other, and reserve unto themselves, an easement in perpetuity for the common passage, use and enjoyment of themselves, their heirs, assigns, servants and invitees and for the installation of utility, water and sewer transmission lines in and to the following real property located in portions of Lots 47, 48, 49, 59 and 60, Block 75, and part of the now vacated portions of the Rights-of-Way of Ridge Avenue, Norfolk Avenue and First Street, Park City Survey as amended:

Beginning at a point S 69°25'20" W 367.43 feet from a monument located at the intersection of Main Street, Daly Avenue, and First Street in Park City, Utah as shown on the amendment of sheet 3, Park City Monument Control Map and recorded in the Offices of Summit County, Utah as Entry No. 199887 (December 30, 1982); and running thence S 34°59'27" E 4.00 feet; thence S 34°59'27" E 30.79 feet along a fence line; thence S 38°33'10" E 23.64 feet along a fence line; thence S 16°54'03" E 37.04 feet; thence S 40°35'08" E 31.77 feet; thence S 30°43'13" E 37.18 feet; thence S 4°55'22" W 11.02 feet along a fence line; thence S 13°45'22" E 10.52 feet along a fence line; thence S 31°55'39" E 12.10 feet along a fence line to a point on the southerly line of Lot 60; thence along said lot line N 68°27'00" W 24.23 feet; thence N 13°45'22" W 10.64 feet; thence N 4°55'22" E 8.51 feet; thence N 30°43'13" W 30.66 feet; thence N 40°35'08" W 33.74 feet; thence N 16°54'03" W 37.34 feet; thence N 38°33'10" W 21.08 feet; thence N 34°59'27" W 35.29 feet; thence N 55°00'33" E 16.00 feet to the point of beginning.

APPURTENANT TO CERTAIN LOTS

In addition, the parties agree that this easement is appurtenant to the following described properties and that the transferees of all or any portion of these properties shall enjoy the same rights and privileges to this private easement as the parties hereto. The easement is appurtenant to:

Lots 47, 48, 49, 59, 60 and 61 of Block 75, Park City Survey as amended and of record in the Office of the County Recorder of Summit County, Utah.

IN WITNESS WHEREOF, we have set our hands and seals this 11<sup>th</sup> day of

April, 1985.

*Curtis Oberhansly*  
CURTIS OBERHANSLY

*Glenn F. Peterson*  
GLENN F. PETERSON

*Georgia Peterson*  
GEORGIA PETERSON

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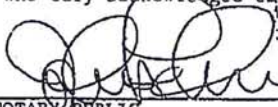


STATE OF UTAH

)  
: ss.

COUNTY OF SUMMIT

On the 11<sup>th</sup> day of April, 1985, personally  
appeared before me Curtis Oberhansly, Glenn F. Peterson and George Peterson, the  
signers of the within Grant of Easement, who duly acknowledged that in fact they  
executed the same.

  
\_\_\_\_\_  
NOTARY PUBLIC



My Comm. expires: 10/6/85

Residing at: Park City, Utah

BOOK 350 PAGE 284





Attorneys Est. 1875

TEL: 435-200-0085  
FAX: 435-200-0084

1441 WEST UTE BLVD, SUITE 330  
PARK CITY, UTAH 84098

WWW.JONESWALDO.COM

AFFILIATED FIRM  
LEAR & LEAR LLP

May 1, 2014

VIA E-MAIL

Rob Harris  
3376 Big Spruce Way  
Park City, UT 84098  
[Rob@YouInParkCity.com](mailto:Rob@YouInParkCity.com)

Re: *Opinion – Scope of Easement*

Dear Rob:

As requested, I reviewed the materials you provided during our meeting on April 28, 2014, including the Historic District Design Review Pre-Application materials submitted by David White on behalf of Judy Scipione, various plats, surveys and photos of the subject property, the July 29, 2008 Agreement between Ms. Scipione and the principals of Anchor Development (the "2008 Agreement"), and the April 11, 1985 Grant of Easement (the "1985 Grant") pertaining to the property. Based on that review, and the information you supplied, my opinion is that the access easement Ms. Scipione shares with the owners of the other properties on Anchor Avenue may be used to access the two additional lots you are planning to develop.

Before expanding on that opinion, it is important you understand that it is based on the following assumptions:

1. The 1985 Grant creates an easement (the "Easement") that is appurtenant to Ms. Scipione's property and to the property of the Anchor Development principals.
2. Ms. Scipione and the Anchor Development principals are successors in interest to the parties to the 1985 Grant.
3. No parties other than Ms. Scipione and the Anchor Development principals have rights under the 1985 Grant or the 2008 Agreement.

If any of these assumptions are incorrect, please let me know; the correct information may have a bearing on the opinions expressed in this letter.

JONES WALDO HOLBROOK & M. DONOUGH PC  
SALT LAKE CITY • ST. GEORGE • PARK CITY • CHICAGO METRO

1156767.1

Rob Harris  
May 1, 2014  
Page 2

Easements are generally limited by the terms and conditions of the instruments that create them. However, as expressed by the Utah Supreme Court, "a change in the manner, frequency, and intensity of use of the easement within the physical boundaries of the existing easement is permitted without the consent of the other party, so long as the change is not so substantial as to cause unreasonable damage to the servient estate or unreasonably interfere with its enjoyment." *Stern v. Metropolitan Water Dist.*, 2012 UT 16, ¶ 69.

The 1985 Grant created in the parties to the document a perpetual right of passage over the Easement, which is described in the 1985 Grant by metes and bounds. The 1985 Grant expressly extends the Easement rights to "assigns" and includes this key language:

[T]he parties agree that this easement is appurtenant to the following described properties and that the transferees of all or any portion of these properties shall enjoy the same rights and privileges to this private easement as the parties hereto.

I read this language as expressing an intent to extend rights under the 1985 Grant to transferees who acquire only a "portion" of any of the properties described in the document. In other words, dividing Ms. Scipione's property into three lots and accessing those three lots using the Easement appears consistent with the intent of the 1985 Grant.

The 2008 Agreement identifies Ms. Scipione and the Anchor Development principals as the "beneficiaries of the Easement" and reaffirms that these parties "may have unfettered use of the Easement pursuant to the terms ..." of the 1985 Grant. The 2008 Agreement includes this language:

Anchor Development and its successors or assigns agree that Scipione or her successors and assigns may make such improvements and alterations to the Easement, which are in Scipione's sole discretion, necessary for her benefit, provided that such alterations or improvements do not permanently interfere with other parties' use of the Easement.

I do not know if the parties to the 2008 Agreement had specific "improvements and alterations" in mind when agreeing to this language. If so, and assuming someone challenges your development efforts, the "improvements and alterations" intended by the parties may have some bearing on a court's interpretation of this language. As written, however, I interpret this language as giving Ms. Scipione (or you as her successor in interest) the right to modify the Easement property as needed. The only limitation on that right is the requirement that modifications "not permanently interfere with other parties' use of the Easement."

Rob Harris  
May 1, 2014  
Page 3

Note that the 2008 Agreement does not appear to reflect an intent to expand the scope of the Easement to allow access to the two additional lots you are now planning. Instead, the right to use the Easement for additional lots is implicit in the 1985 Grant language discussed above, and is found in general pronouncements of Utah law like the one quoted above. In each case, however, the right is limited by the prohibition against interfering with the rights of others to use the Easement.

Note also that other recorded documents may bear on the rights at issue. A review of any such document is beyond the scope of this engagement. But such a review may result in an opinion different from that expressed above. For that reason, you may want to secure a title report for further information regarding whether the rights at issue are impacted by any other recorded documents.

Finally, the best way to assure no conflict with the other easement beneficiaries is to secure their permission to proceed with the development as planned. This can be done with a simple agreement that clarifies the operative language in the 1985 Grant and the 2008 Agreement. Let me know if you want assistance putting together such an agreement. Go to sleep-

Yours truly,  
Jones, Waldo, Holbrook & McDonough, PC



Eric P. Lee

**Ordinance No. 96-44**

**AN ORDINANCE APPROVING AN AMENDMENT TO THE MILLSITE  
RESERVATION SUBDIVISION NO.1, BLOCK 75, LOTS 43-47 AND LOTS 60-65,  
LOCATED AT 55-57 KING ROAD TO BE KNOWN AS THE 55-57 KING ROAD PLAT  
AMENDMENT, PARK CITY, UTAH**

WHEREAS, the owners of the property known as the Millsite Reservation Subdivision No. 1, Block 75, Lots 43-47 and Lots 60-65 have petitioned the City Council for approval of an amendment to the amended Park City Survey; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the City Council held a public hearing on August 22, 1996 to receive input on the proposed amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the amended plat;

WHEREAS, the AGREEMENT TO PROVIDE EMERGENCY ACCESS AT BLOCK 75, PARK CITY SURVEY, dated April 1985, allows access for the development of two houses on applicants' property subject to certain driveway and fire mitigation improvements;

WHEREAS, The proposed plat amendment will limit the development of the property to two (2) single-family lots;

WHEREAS, the proposed lots sizes meet the minimum standards for buildable lots in the HR-1 District;

WHEREAS, the proposed lots are substantially larger than the standard 25 ft. x 75 ft. platted lots in the HR-1 District. Due to the large lot sizes and existing HR-1 District floor area ratios, the maximum permitted house sizes on the proposed lots would be substantially larger than residences constructed on standard platted HR-1 lots;

WHEREAS, the Planning Department has evaluated the neighborhood and finds that building sizes in the immediate vicinity of the property ranging from approximately 1000 square feet in the case of historic residences and over 4000 square feet in the case larger, non-conforming structures. To insure development of the property that is compatible with the scale of historic structures within the neighborhood and consistent with the inherent constraints of the property's hillside topography and driveway access, Staff recommends that above-ground square footage limitations be established for the proposed lots;

WHEREAS, the root cellar of an adjacent historic residence extends under the applicants' proposed driveway. Without proper the consideration of a methodology to mitigate construction impacts, the structural integrity of the historic structure may be jeopardized. It is in the public interest to preserve historic residences in the Historic District; and

WHEREAS, an historic shed is located in close proximity to the applicants' property line which may be impacted as a result of the proposed driveway construction.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

**SECTION 1. FINDING.** The above recitals are hereby incorporated as Finding of Fact.

**SECTION 2. CONCLUSIONS OF LAW.** The City Council hereby concludes that there is good cause for the above-mentioned plat amendment and that neither the public nor any person will be materially injured by the proposed plat amendment.

**SECTION 3. PLAT APPROVAL.** The amendment of the Millsite Reservation Subdivision No. 1, Block 75, Lots 43-47 and Lots 60-65 is approved as shown on the attached Exhibit A with the following conditions:

1. The City Engineer and City Attorney's approval of the form and substance of the amended plat is a condition precedent prior to recording the plat.
2. All Standard Project Conditions shall apply.
3. The addition of a plat note specifying that further subdivision and/or the development of additional units beyond the two units shall be prohibited is a condition precedent to recording the plat.
4. The addition of a plat note specifying that:

the maximum above-ground square footage for Lot 1 not exceed 2400 square feet (*not including garage*) and 3400 square feet (*not including garage*) for Lot 2 . In recognition of sloping lots, above-ground square footages are considered to be the floor area of the building that is 80% or more above finished grade. Above-ground square footage does not include the floor area associated with a true basement or crawl space.

The addition of the plat note is a condition precedent to the recording of the plat.

5. City approval of an Engineer's plan or similar methodology intended to insure that the structural integrity of the Scipione residence and shed are protected during any construction




on the applicants' property or improvements to the driveway is a condition precedent to the issuance of a building permit.

6. Approval of a Certificate of Appropriateness of Demolition for the shed located directly west of the applicants' driveway is a condition precedent to any demolition, damage or relocation of the shed in conjunction with the construction of the driveway.
7. City approval of a plan for, and construction of, a 16 foot wide paved driveway constructed to the front property line of the Lot 2 is a condition precedent to the issuance of any building permit on the property.
8. Installation and City approval of fire sprinklers using the modified 13D standard on any residence constructed on the property is a condition precedent to any issuance of a Certificate of Occupancy.
9. The City Engineer's review and approval of a subdivision utility plan is a condition precedent to recording the plat.
10. Submittal of an up-to-date title report for the property is a condition precedent to recording the plat.
11. The plat shall contain a note referencing the 1985 Agreement To Provide Emergency Access.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 5th day of September, 1996.

PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Bradley A. Olch

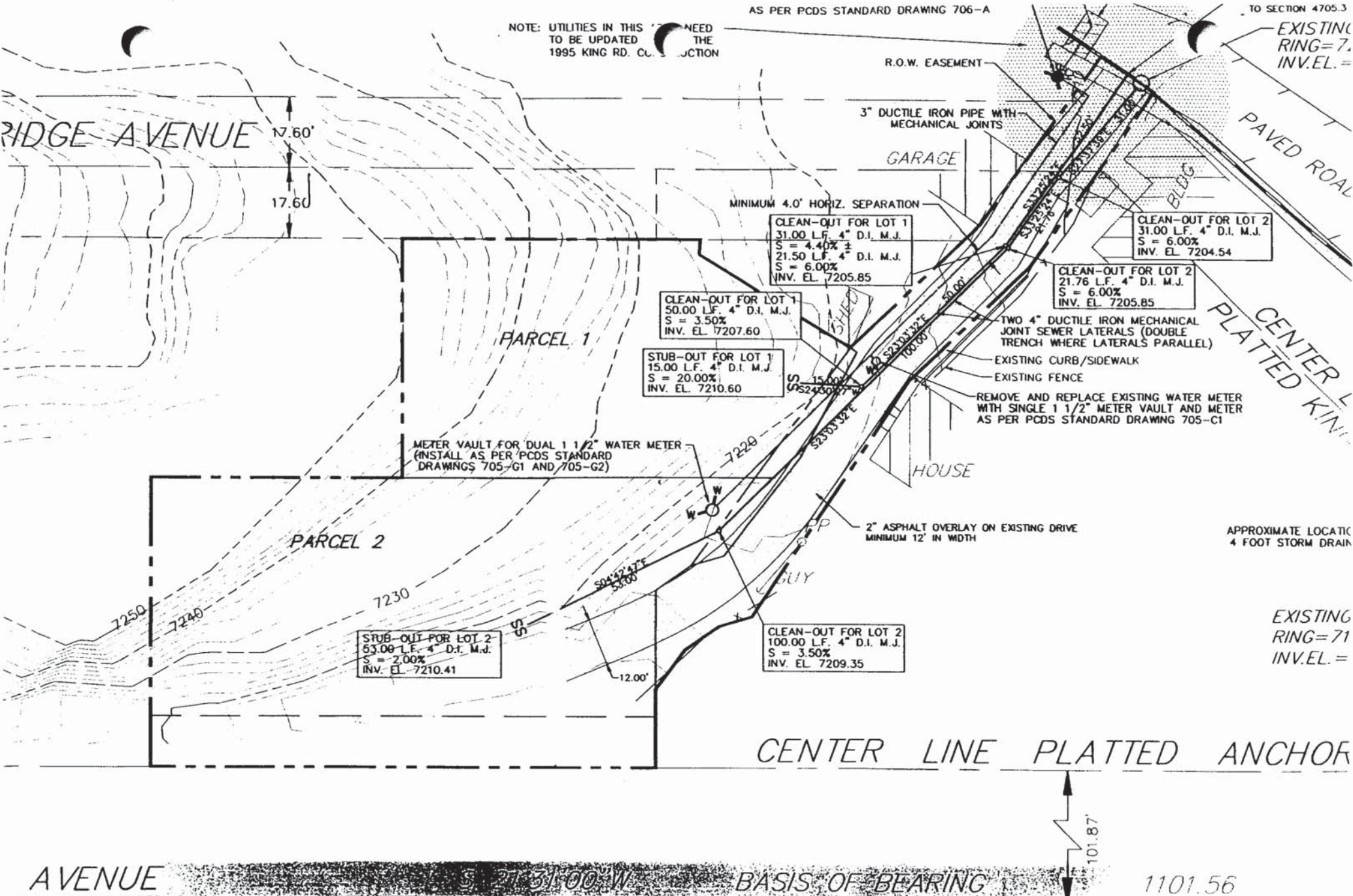
Attest:

\_\_\_\_\_  
Janet M. Scott, Deputy City Recorder

Approved as to form:

  
\_\_\_\_\_  
Mark D. Harrington, Assistant City Attorney

NOTE: UTILITIES IN THIS PLAN NEED TO BE UPDATED TO THE 1995 KING RD. COLLISION



EXISTING RING=71 INV.EL.=

PAVED ROAD

CENTER LINE PLATTED ANCHOR

APPROXIMATE LOCATION 4 FOOT STORM DRAIN

EXISTING RING=71 INV.EL.=

CENTER LINE PLATTED ANCHOR

AVENUE S 21°31'00" W BASIS OF BEARING 1101.56

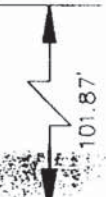


EXHIBIT A

# Planning Commission Staff Report



**Subject:** Round Valley Park City Annexation and Zoning  
**Date:** August 27, 2014  
**Project #:** PL-13- 01857  
**Type of Item:** Legislative- Annexation and Zoning Map amendment

## **SUMMARY RECOMMENDATION**

Staff recommends the Planning Commission review the annexation and zoning petition and this report for the Round Valley Park City Annexation and Zoning, conduct a public hearing, and consider forwarding a positive recommendation to City Council in accordance with the draft Ordinance.

## **DESCRIPTION**

**Project Name:** Round Valley Park City Annexation  
**Project Planner:** Kirsten A Whetstone, Senior Planner  
**Applicants (Petitioners):** Park City Municipal Corporation (Sponsor), Afton Stephen Osguthorpe, and Utah Department of Transportation (UDOT)  
**Location:** Round Valley Open Space north and south of the Quinn's Sports Complex on the west side of SR 248, west of US 40 and east of Old Ranch Road, including the Osguthorpe fields and Gordo parcels north of SR 248 at Richardson Flat Road.  
**Proposed Zoning:** Recreation Open Space (ROS) is proposed for all open space and deed restricted properties. Applicants propose Light Industrial (LI) for the lower four parcels located across SR 248 from the Quinn's Water Treatment Plant. Frontage Protection Zone (FPZ) is proposed for the 250' of frontage on SR 248.  
**Adjacent Land Uses:** Quinn's Sport's Complex, Open Space, Park City Ice Arena, National Ability Center, IHC Hospital, USSA Building, Summit County Health Department, Park City Clinic, Highway 248, and single family subdivisions to the west and north. Adjacent zoning includes Community Transition (CT), Residential Development (RD), Recreation Open Space (ROS), Protected Open Space (POS), Single Family (SF) and Hillside Stewardship (HS) in Summit County.  
**Proposed Uses:** Recreation open space uses are proposed for all open space areas, subject to existing easements and deed restrictions. Agricultural uses are proposed to continue on the Osguthorpe parcel per existing deed restrictions and conservation easements. No future uses have been identified for four (4) lower non-deed restricted "Gordo" parcels located across SR 248 from the Quinn's Water Treatment Plant (2 owned by Park City Municipal and 2 are UDOT owned). The 4 upper "Gordo"

parcels are deed restricted as open space, owned by Park City.

## **PROPOSAL**

The proposal is a request to annex approximately 1,368 acres into the Park City municipal boundary and to amend the official zoning map to include the properties in the Recreation Open Space (ROS) zoning district. Approximately five (5) acres are petitioned to be zoned Limited Industrial (LI), however staff recommends ROS zoning for all of the property (see Discussion section below). No development or subdivision of the land is proposed with this annexation. Existing uses of the property are consistent with the proposed zoning. The City and UDOT parcels, known as the "Gordo" parcels maybe developed in the future with essential municipal uses permitted as allowed or conditional within the ROS zone.

## **BACKGROUND**

On March 11, 2013, the petitioners (Park City Municipal, Afton Stephen Osguthorpe, and Utah Department of Transportation (UDOT)) filed a completed annexation petition with the City Recorder for annexation of 1,368 acres into the Park City Municipal boundary including necessary notification of the intent to file the petition with the County Clerk and Recorder and the County Planning Commission. Staff presented the Annexation petition to City Council on March 21, 2013. Following Council acceptance, the petition was certified by the City Recorder on April 22, 2013 and Council was provided notice of the certification, indicating that the petition met requirements of State Code for Annexation Petitions.

On May 3, 2013, notice of petition acceptance was mailed to all Affected Entities beginning a thirty (30) day protest period. Beginning on May 8, 2013, the City Recorder published notices of petition acceptance in the Park Record for three consecutive weeks. No protests were filed with the County Clerk regarding the Round Valley Annexation petition, allowing Staff to continue review of the Annexation according to the City's Annexation Policy Plan.

Staff's review was put on hold while the applicants considered inclusion of an adjacent small parcel, owned by a third party, located at the northwest corner of Quinn's Junction. The property owner of the parcel ultimately decided not to be included in this annexation.

On February 26, 2014 the annexation petition and proposed zoning were presented to the Planning Commission and an initial public hearing was conducted (see Exhibit L Meeting minutes). The Planning Commission requested a site visit as well as staff analysis comparing the various zones (POS, ROS, and LI). Due to Planning Department workload Staff had to set this application aside to focus on higher priority permits, applications, General Plan re-write, and LMC Amendments. The applicant agreed to the continuation until later in the summer.

On June 25, 2014, Staff and the Planning Commission conducted a site visit and circumnavigated the annexation area by van. At the Gordo parcels, staff oriented the Commission as to which were conservation/deed restricted encumbered parcels and which were parcels the petitioner (the City) is requesting Light Industrial (LI) zoning. The UDOT parcels, also included on the petition as LI zoning, were also examined. Staff provided a summary of site and lot requirements, as well as language from the LMC comparing the uses allowed in these zones.

### **DESCRIPTION OF ANNEXATION AREA**

The annexation area consists of two related areas including 1) the 1,104 acre north Round Valley Open Space area and 2) the 264 acre south Round Valley Open Space area consisting of City owned open space south of the National Ability Center and south of the Quinn's Sports Complex, the Osguthorpe owned agricultural fields, and the "Gordo parcels"- eight small parcels (total of 8.42 acres) located off of SR 248 across from the Quinn's Water Treatment Plant at the intersection of SR 248 and Richardson Flats Road as depicted on the proposed Annexation Plat (Exhibit A).

The north area is undeveloped open space consisting of rolling hills, ridges, draws, and a main central valley (Round Valley). Vegetation is primarily sage brush, oak, grasses and other native trees and shrubs. Numerous non-motorized trails have been constructed in the area, utilized by hikers, bikers, runners, snowshoers and skiers (Exhibit B).

Agricultural uses are permitted on the Osguthorpe parcel in the south area (subject to the conservation easement), with the remaining parcels consisting of sage brush hills with other native shrubs and grasses. The southern area also contains a network of non-motorized trails accessed from a trailhead located south of the Quinn's Field Complex. The south area includes the "Gordo" parcels located along SR 248. Two of the eight "Gordo parcels" are owned by UDOT with the remaining parcels owned by Park City. Four of the City parcels are encumbered with conservation easements limiting use to recreation open space.

With the exception of the UDOT parcels and two of the Gordo parcels, the annexation property is currently subject to conservation easements and various deed restrictions. Most of the property has been purchased by Park City as open space with open space funds and is permanently restricted for open space uses as spelled out in each deed restriction and conservation easement (Exhibit C). The annexation would not change or remove any of these restrictions or easements.

Current underlying Summit County zoning for the property is 1) Rural Residential with an allowable density of 1 unit per 20 acres for Developable Lands (DL) and 1 unit per 40 acres for Sensitive Lands (SL) and 2) Hillside Stewardship (HS) with an allowable density of 1 unit per 30 acres for Developable Lands and 1 unit per 40 for Sensitive Lands (Exhibit D).

Requested zoning is Recreation Open Space (ROS) for nearly all of the annexation area, including all of the existing open space and conservation easement areas (Exhibit D). Light Industrial (LI) is proposed for the four (4) lower “Gordo” parcels. Two of these four parcels are UDOT parcels (2.06 acres) and two are PCMC parcels (3 acres). These lower parcels are not deed restricted, were not purchased with open space funds, and the current zoning is Rural Residential (RR) (see Exhibit M). The lower City owned parcels have been used in the past for storage of various materials. **Staff recommends that all of the parcels be zoned ROS and requests discussion from the Planning Commission regarding this recommendation (see Discussion Section below).**

Additionally, Frontage Protection Overlay Zone (FPZ) is recommended for the annexation area along the property frontage with SR 248. The LMC identifies this area for Entry Corridor Protection Overlay (ECPO), as a subzone of the FPZ. ECPO includes specific regulations, such as no-build zones, height restrictions, and increased setbacks for the area within 250’ of the Highway ROW (Exhibit K). FPZ zoning is consistent with past annexations along entry corridors. The non-deed restricted Gordo parcels are not within the FPZ, however the UDOT parcels are.

The portion of SR 248 (the actual road and right-of-way area) not currently within the City boundary is also included in this annexation. The SR-248 right-of-way will not be dedicated to the City and will remain UDOT controlled as it is in the rest of the City. It will be within the City boundaries.

No subdivision plats or master planned development plans were submitted with this annexation petition because the immediate development of the property is not contemplated, other than as would be permitted within the ROS zone and/or as allowed by the existing deed restrictions and conservation easements. At this time no uses of the “Gordo” parcels have been identified. The City has contemplated the two non-deed restricted parcels . Prior to development of any uses on the “Gordo” parcels a subdivision plat will be required to create legal platted lots from the metes and bounds parcels.

The applicants have submitted an annexation plat (Exhibit A), prepared by a licensed surveyor and additional annexation petition materials and a report (Exhibits C, D, E, F, G, H, I and J) addressing items required by the City’s Annexation Policy Plan and Utah State Code.

## **PROCESS**

Municipal annexation is a legislative act governed procedurally by Utah state law and the Park City Land Management Code. When an annexation petition is filed with the City Recorder, the petition for annexation is first presented to the municipal legislative body for acceptance or rejection. Because annexation is a legislative act, the Council has broad discretion to accept or reject the petition.

The City Council reviewed and accepted this petition on March 21, 2013 and the petition was certified by the City Recorder on April 22, 2013. Mailed notice to affected

entities was sent on May 8, 2013 and legal notice was published in the Park Record for three consecutive weeks. No protests were filed with the County Clerk, as allowed by the State Code; therefore the annexation may proceed.

City code requires the creation of a Staff Review Team which includes the following or their designees: Planning Director, City Engineer, Public Works, Fire Marshall, Police Chief, representatives from applicable utility providers and the Park City School District Superintendent. This annexation proposal has been reviewed by the Staff Review Team at the Development Review Committee meetings and comments received have been incorporated into the application and/or draft Ordinance.

In addition, the Planning Department has prepared this staff report which evaluates the annexation proposal and includes a review of applicable criteria per the Annexation Policy Plan (LMC 15-8-5).

In evaluating the annexation and zoning map amendment, the Planning Commission and City Council review the proposal in accordance with the City's Annexation Policy Plan (LMC 15-8-5) and the Utah Code. This process includes a public hearing, Commission review and recommendation to Council, with City Council making the final decision and taking final action.

This report is required by the Municipal Code regarding Annexations to review and explain the implications of the annexation to the City in terms of zoning, use, access, city services and utilities, impacts on surrounding properties, and whether the annexation is consistent with the Park City General Plan. The Applicant provided a comprehensive report as well (Exhibit J).

## **ANALYSIS**

### **Utah Code Annotated (UCA) Section 10-2-401, 10-2-402 and 10-2-403**

The annexation petition has been reviewed pursuant to the Utah Code Annotated (UCA) Sections 10-2-401, 10-2-402 and 10-2-403. The annexation petition requirements set forth in these sections of the UCA have been met; including issues of 1) contiguity and municipal annexation expansion area, 2) boundaries drawn along existing local districts, special districts and other taxing entities, and 3) for the content of the petition.

### **Review pursuant to the City's Annexation Policy Plan**

The annexation petition has been reviewed pursuant to the City's Annexation Policy Plan. The annexation consists of a 1,104 acre north parcel and a 264 acre south parcel that are separated by property that is already within the Park City Municipal boundary. The total annexation area is approximately 1,368 acres. The property is contiguous to the Park City Municipal boundary and the proposed annexation area is located within the Park City Annexation Expansion Area, as described by the adopted Annexation Policy Plan. The annexation of this area will eliminate an existing peninsula within the City's boundary. Annexation of this area will bring into the City land that was purchased by the City for the purpose of open space and recreational uses.

Review pursuant to the Annexation Policy Plan- purpose

Chapter 8 of the Land Management Code is considered Park City's annexation policy plan and declaration. In Section 15-8-1 the Code states the following:

*The annexation requirements specified in this Chapter are intended to protect the general interests and character of the community; assure orderly growth and development of the Park City community in terms of utilities and public services; preserve open space, enhance parks and trails; ensure environmental quality; protect entry corridors, view sheds and environmentally Sensitive Lands; preserve Historic and cultural resources; create buffer areas; protect public health, safety, and welfare; and ensure that annexations are approved consistent with the Park City General Plan and Utah State Law.*

In addition the Annexation Policy Plan states:

*If practical and feasible, boundaries of an Area proposed for annexation shall be drawn:*

- (A) Along the boundaries of existing special districts for sewer, water, fire, and other services, along the boundaries of school districts whose boundaries follow City boundaries... and along the boundaries of other taxing entities;*
- (B) To eliminate islands and peninsulas of territory that is not receiving municipal type services;*
- (C) To facilitate the consolidation of overlapping functions of local government;*
- (D) To promote the efficient delivery of services; and*
- (E) To encourage the equitable distribution of community resources and obligations.*

*It is the intent of this Chapter to ensure that Property annexed to the City will contribute to the attractiveness of the community and will enhance the resort image which is critical for economic viability, and that the potential deficit of revenue against expense to the City is not unreasonable.*

Staff finds that the proposed annexation is consistent with the purpose statements of the Annexation Policy Plan and that as conditioned will protect the general interests and character of the community; preserve open space, ensure environmental quality; protect entry corridors, view sheds and environmentally Sensitive Lands; enhance pedestrian connectivity, create buffer areas; and protect the general public health, safety, and welfare.



As conditioned, and subject to all existing conservation easements and deed restrictions already in place, the property will be maintained as open space for the community and visitors. Any future development on the four “Gordo” parcels, if zoned ROS, will be consistent with the purposes of the ROS zone while providing some opportunity for essential municipal service uses compatible with uses on surrounding properties that enhance the rural and resort image of Park City.

No City roads are contemplated. Existing ROWs will remain under their current jurisdiction. Extension of utility services, including sewer and water, is not contemplated.

#### Review pursuant to the Annexation Policy Plan- requirements

The Annexation Policy Plan (see Section 15-8-5 (B)) requires an annexation evaluation and staff report to be presented that contains the following items:

#### 1. General Requirements of Section 15-8-2

See below for detailed analysis of the annexation as it relates to Section 15-8-2.

#### 2. Map and natural features

The property is contiguous with the Park City Municipal boundary and is located within the Annexation Expansion Area, as described by the adopted Annexation Policy Plan. The property consists of two related areas including 1) the 1,104 acre north Round Valley Open Space area and 2) the 264 acre south Round Valley Open Space area that consists of City owned open space south of the National Ability Center and south of the Quinn’s Sports Complex, the Osguthorpe owned agricultural fields, and the “Gordo parcels”- eight small parcels (total of 8.42 acres) located off of SR 248 across from the Quinn’s Water Treatment Plant at the intersection of SR 248 and Richardson Flats Road as depicted on the proposed Annexation Plat (Exhibit A).

The property is characterized by the expanses of open, rolling terrain with high mountain desert vegetation consisting of sage brush, oak brush, grasses, wildflowers, and other plants and shrubs typical of this ecosystem. A large central valley (Round Valley), located on the northern portion, is surrounded by higher ridges and rounded hills. The lowest point of the valley appears to contain a small wetlands area, based on type of vegetation and moist soils visible at the surface. Numerous non-motorized trails have been constructed in the area, utilized by hikers, bikers, runners, snowshoers and skiers.

#### 3. Density

The City (PCMC), as applicant of this annexation, is not requesting any density allocation for the annexation properties currently subject to conservation easements or deed restrictions. The City contemplates possible future essential municipal services uses for the Gordo parcels owned by the City. UDOT has not indicated possible future uses for their parcels. State owned land is not subject to

the City's LMC unless the property was sold to the City or another private entity. The ROS zoning does not permit density, in terms of residential or commercial unit equivalents but does allow for Essential Municipal facilities as a conditional use. No residential or commercial unit equivalents are requested as part of this annexation.

#### 4. Land Uses-existing and proposed

Wildlife - The applicant provided wildlife information from the Utah Division of Wildlife. Deer, elk, and moose along with a variety of smaller mammals and birds are found on the property. Preservation of the property as open space preserves wildlife habitat, including habitat for sage grouse, a species of special interest in Utah.

#### Environmental Issues

The annexation is outside the City's Soils Ordinance District. The property contains areas of Steep or Very Steep Slopes and prominent ridges. There is little surface water, in streams or ponds, located on the property.

#### Utility & Access

There are no plans to extend utilities or create additional access routes into the annexation property. The Gordo parcels already have and un-improved access so additional access routes are not going to be provided for these properties.

#### 5. Character and Development of adjacent property

The area is bounded on three sides by highways and a county road. Development along the annexation boundary is primarily rural and low density residential, recreation and open space, and institutional/medical.

#### 6. Zoning- existing and proposed

Current underlying Summit County zoning for the property is 1) Rural Residential with an allowable density of 1 unit per 20 acres for Developable Lands (DL) and 1 unit per 40 acres for Sensitive Lands (SL) and 2) Hillside Stewardship (HS) with an allowable density of 1 unit per 30 acres for Developable Lands and 1 unit per 40 for Sensitive Lands.

Requested zoning is Recreation Open Space (ROS) for nearly all of the annexation area, including all of the existing open space and conservation easement areas. Light Industrial (LI) is proposed for the four (4) lower "Gordo" parcels. Two of these four parcels are UDOT parcels (2.06 acres) and two are PCMC parcels (3 acres). These lower parcels are not deed restricted and were not purchased with open space funds (see Exhibit M). The lower City owned parcels have been used in the past for storage of various materials. **Staff recommends that all of the parcels be zoned ROS and requests discussion from the Planning Commission regarding this recommendation.**

The ROS zone allows only conservation activities as an Allowed use. Trails and Trailhead improvements; Outdoor recreation equipment; Essential municipal public

utility uses, service, or structures less than 600 sf; Accessory structures less than 600 sf, Parking areas with four or fewer spaces, Temporary construction improvements, Raising and grazing of horses and livestock, and Anemometers are permitted with an Administrative Conditional Use. All other listed uses (see Exhibit K) require a Conditional Use Permit with a public hearing and approval by the Planning Commission.

Frontage Protection Overlay Zone (FPZ) is recommended for the annexation area along the property frontage with SR 248. The LMC identifies this area for Entry Corridor Protection Overlay (ECPO), as a subzone of the FPZ. ECPO includes specific regulations, such as no-build zones, height restrictions, and increased setbacks for the area within 250' of the Highway ROW (Exhibit K). FPZ zoning is consistent with past annexations along entry corridors.

7. Goals and Policies of the Park City General Plan

(See (B) below.)

8. Assessed valuation

Annexation of the property will have a neutral impact on the property's assessed valuation as all properties have tax exempt status.

9. Demand for municipal services

If annexed, the following are providers of municipal services in this area: Park City Police, Park City Fire District, Park City Water, and Snyderville Basin Water Reclamation District (SBWRD - sewer), and Park City School District. Questar gas, Rocky Mountain Power- power, Comcast - cable, and Qwest – gas provide utility services to portions of this property.

Additional demand for services is not expected for a majority of the property, with the exception of the Gordo parcels. County Sheriff provides law enforcement services at this time. County Planning, Engineering, and Building provide community development services at this time. County Health Department provides health related services and will continue upon annexation. Recreation services (trails and trail head maintenance, signs, mapping, event management, etc.) are provided jointly by the City, Mountain Trails, and Basin Recreation and this arrangement is anticipated to continue upon annexation. City Planning, Engineering and Building would provide community development services upon annexation.

Annexation of these properties changes the provision of law enforcement from County Sheriff to Park City Police, however services related to animal control and health will continue to be provided by Summit County, as they provide such services within the Municipal boundaries. Zoning enforcement and development review (trails, trailheads, etc.) would change from Snyderville Basin Planning Code and Commission/Summit County Council to Park City Land Management Code and Park City Planning Commission/City Council. For instance, in the event a new trail or trailhead is proposed on this property, the planning application and any

necessary building permits would be reviewed by the City's Planning, Building, and Engineering Departments rather than by Summit County.

10. Effect on City boundaries

This annexation does not create an island, peninsula, or other irregular shaped City boundary, but rather eliminates an existing peninsula. This annexation provides contiguity to the City Limits along all boundaries. The property is within the City's Annexation Expansion Area boundary and the City has expectations that this Property will be part of the City.

11. Timetable for extending services

Extension of extending services to the annexation area is not contemplated as the majority of the land is recreation open space. The existing conservation easements and deed restrictions limit future development and the need for these services.

12. Revenue versus costs

There is no revenue associated with this property due to its open space, tax exempt status. There are no residential or commercial uses associated with the property. There are costs associated with maintaining the open space lands.

13. Tax consequences

There are no tax consequences as a result of this annexation as the parcels are all tax exempt status currently.

14. Impact on Summit County

As there is no residential or commercial component to this annexation there is no impact on Summit County in terms of loss of sales tax revenue, taxes, etc. Park City not Summit County will be responsible for providing municipal services, including processing of applications related to the LMC and law enforcement.

15. Historic and cultural resources

There are no known historic structures or known cultural resources identified on the property according to information on record at the State, County, and City historic resources. The property is for the most part undeveloped land used for agricultural, mining (quarry), and recreational purposes. A detailed historic and cultural resource study has not been conducted for the property due to the fact that the proposed uses are not changing and remain as agricultural and recreational. The City may entertain such a study in the future.

## **Review pursuant to the Annexation Policy Plan- Section 15-8-2- General Requirements**

City Staff has reviewed the proposed annexation against the following general requirements established for annexation to Park City as presented in LMC Section 15-8-2, as follows:

- (A) Property under consideration of annexation must be considered a logical extension of the City boundaries.

***The property is contiguous to the Park City Municipal boundaries. It is a logical extension of the City boundaries to annex these properties, and the southern portion is considered a peninsula of County jurisdiction mostly surrounded by the City. The property is within the Park City Annexation Expansion Area boundary.***

- (B) Annexation of Property to the City must be consistent with the intent and purposes of this Chapter and the Park City General Plan.

***This annexation proposal has been submitted and processed consistent with the intent and purposes of LMC Chapter 8, the Annexation Policy Plan. The annexation petition has been accepted by the City Council and the petition certified by the City Recorder. The applicant submitted all required documents and information, per LMC Section 15-8-3 (A)-(J). Affected entities have been noticed of the petition acceptance by the City Council.***

***The southern portion is an infill property within existing Park City municipal boundaries and is within the Quinn's Junction neighborhood area of the prior General Plan, the Plan in effect at the time of the annexation petition. The northern portion is not within a specific neighborhood, but bounds the Quinn's Junction and Park Meadows neighborhoods. Applicable goals and objectives of these areas include:***

- ***Preserve wetlands, drainage ways, and intermittent streams and incorporate them into developments as amenities, rather than as simply undeveloped land.***
- ***Preserve as many large cohesive, unbroken areas of open space and undeveloped land as possible through design, dedication, and acquisition, as development occurs.***
- ***Protect the views along the City's entry corridors by establishing design, setback, and landscape requirements***
- ***Decrease fire risk. Keep development out of certain sensitive areas, such as wildland interface zones and carefully control development where wildfire occurs.***
- ***Incorporate pedestrian trails and open space to allow movement between and through neighborhoods. Trails should link to other recreational and community facilities and provide viable alternatives to vehicular transportation. Trails should be consistent with the Master***

***Trails plans.***

***Additionally, the General Plan established goals designed to address foreseeable problems and express community aspirations (Prior General Plan p. 5-10). The applicable key goals include:***

- ***Preserve the mountain resort and historic (agricultural too) character of Park City.***
- ***Preserve environmental quality, open space, and outdoor recreational opportunities.***
- ***Maintain the high quality of public services and facilities.***
- ***Maintain the unique identity and character of an historic community.***
- ***Involve the community in decision making.***

Staff finds, as conditioned, that the proposed annexation complies with these established goals.

(C) Every annexation shall include the greatest amount of Property possible that is a contiguous Area and that is contiguous to the City's municipal boundaries.

***The annexation includes all of the Property possible that is contiguous to Park City's boundaries and within the Park City Annexation Expansion Area.***

(D) Piecemeal annexation of individual small Properties shall be discouraged if larger contiguous Parcels are available for annexation within a reasonable time frame in order to avoid repetitious annexations.

***The annexation area constitutes the largest area possible owned by the applicants (see above) and is not a piecemeal annexation of individual small Properties.***

(E) Islands of county jurisdiction shall not be left or created as a result of the annexation and peninsulas and irregular boundaries shall be avoided.

***The annexation does not create an island. The proposed annexation does not create an irregular boundary.***

(F) In addition to services provided by existing districts, such as sewer, fire protection, and public schools, the following urban level services, consistent with those normally provided in the rest of the incorporated boundaries will be provided to the annexed Areas:

- Police protection - ***City Police protection will be provided if annexed.***
- Snow removal and maintenance of Public Streets- ***the City will provide snow removal from any future Public Streets within the property. None are planned at this time.***
- Planning, zoning, and Code enforcement- ***Currently Summit County Planning and Building Department and would transfer to the City departments of planning, building, and engineering.***

- Availability of municipal sponsored parks and recreational activities and cultural events and facilities. **Open Space areas and parks are public and open to County and City residents and visitors.**
- Water services as the Area is developed. Existing water treatment and storage facilities may currently be inadequate to provide services to the annexed Area. Developers of annexed Area are required to pay for the cost of improvements related to the extension of and connection with the City lines and systems as well as participate in additional improvements such as storage capacity and distribution as necessary for safe, reliable, and efficient water flows. **Minimal to no additional water services are anticipated for the annexation property due to uses remaining as recreational and agricultural. Agricultural uses will maintain current irrigation water. Development of ROS uses on the City's Gordo parcels will require subdivision and utility plans, along with any required Conditional Use Permits.**

(G) If feasible and practical, water and sewer lines shall be extended to the Area proposed for annexation. Expenses associated with such extension shall be the responsibility of the developer of the property. The City shall determine timing and capacity of extending water to the proposed annexation area. The Water Reclamation district shall determine timing and capacity of extending sewer service to the proposed annexation area. **Minimal to no additional water or sewer lines are anticipated for the annexation property due to uses remaining as recreational and agricultural. Development of ROS uses on the City's Gordo parcels will require subdivision and utility plans, along with any required Conditional Use Permits.**

(H) Before considering requests for annexation the City shall carefully analyze the impacts of annexation of an Area, taking into consideration whether the Area will create negative impacts on the City and considering whether the City can economically provide services to the annexed Area. Community issues such as location and adequacy of schools and community facilities, traffic, fire protection, particularly in Wildfire/Wildland Interface Zones, useable open space and recreation Areas, protection of Sensitive Lands, conservation of natural resources, protection of view corridors, protection and preservation of Historic resources, affordable housing, balance of housing types and ownership, adequate water and sewer capacity to serve the future needs of the proposed annexation Areas shall also be considered. **Impacts of this annexation have been carefully analyzed and due to the fact that the majority of the property will remain as deed restricted Open Space this annexation has positive impacts on the City and surrounding property. If development of the City's Gordo parcels is desired in the future, any development that requires a building permit will require approval of a subdivision plat and utility plans. Protection of the entry corridor and Sensitive Areas; fencing, lighting, and landscaping; architectural character and compatibility of any structures; will be important items of**

**review and the development will need to address and mitigate negative impacts as outlined in LMC Section 15-1-10- Conditional Use Permits.**

- (I) Situations may exist where it is in the public interest to preserve certain lands from Development where there exist Geologic Hazards, excessive Slopes, flood plains or where the need for preservation of community open space and/or agricultural lands is consistent with the General Plan. In such circumstances, annexation may occur as a means of retaining those lands in a natural state. **The property is for the most part open space lands and it is in the public interest to preserve this land as open space. This annexation does not change the use of the majority of the area, which is deed restricted as recreation open space. The irrigated agricultural fields will also remain subject to a conservation easement. The Gordo parcels are vacant, disturbed parcels that are not on excessive slopes or within, flood plains, and are not currently agricultural land or designated open space.**
  
- (J) The City shall consider annexation of unincorporated Areas of Summit County that are within the annexation expansion Area. **The property is within the annexation expansion Area.**
  
- (K) In general, the City does not favor annexation of territory, which should be located within another municipality, nor does it favor the annexation of unincorporated territory solely for the purpose of acquiring municipal revenues, or for retarding the capacity of another municipality to annex. **The property is not within another municipality and the annexation is not solely for the purpose of acquiring municipal revenues or for retarding the capacity of another municipality to annex this property.**
  
- (L) Annexations that expand the resort and/or tourist economy provide second home or rental residential Properties, preserve environmentally Sensitive Lands, and provide significant public open space and community facilities are preferred.  
**The purpose of this annexation is to bring the City's open space into the City limits and jurisdiction to preserve the environmentally Sensitive lands and to maintain this significant open space as a community amenity and benefit.**

#### **Annexation Agreement**

The Annexation Policy Plan establishes a requirement for an Annexation Agreement to be approved by the City Council to address standard conditions that must be met prior to completion of the annexation. The LMC requires the Planning Commission review the Annexation Agreement. A draft Annexation Agreement is provided for Planning Commission review (Exhibit N).



## **DISCUSSION REQUESTED**

Staff requests discussion of the following item:

- **Proposed Zoning.** The petitioner is requesting ROS zoning for most of the annexation area. Light Industrial (LI) zoning is requested for two City owned parcels and two UDOT parcels along SR 248 in anticipation of future uses for essential municipal uses and/or facilities. FPZ Overlay zoning is proposed for the area within 250' of SR 248 to extend the existing Frontage Protection Overlay zone on this stretch of SR 248 (See Exhibit K for ROS and LI Allowed and Conditional Uses).

The ROS zone allows only conservation activities as an Allowed use. Trails and Trailhead improvements; Outdoor recreation equipment; Essential municipal public utility uses, service, or structures less than 600 sf; Accessory structures less than 600 sf, Parking areas with four or fewer spaces, Temporary construction improvements, Raising and grazing of horses and livestock, and Anemometers are permitted with an Administrative Conditional Use. All other listed uses (see Exhibit K) require a Conditional Use Permit with a public hearing and approval by the Planning Commission. **Staff recommends discussion.**

**Does the Commission find that LI zoning is appropriate in this area given the types of uses that could be proposed as either allowed or conditional or would a different zone, such as ROS, be more appropriate given the location within the City's entry corridor given that most of the listed uses within the ROS zone would be a Conditional Use rather than an Allowed use, as is the case of the LI Zone, and many LI zoned uses include commercial, retail, auto related, housing, etc. types of uses that are not contemplated for this area in the General Plan?**

**Consider that if the parcels are ever sold to a private entity there are many LI uses that may not be appropriate in this location.**

**Consider that the re-development of BOPA may reduce the total square footage of LI zone in the community.**

**There have been discussions regarding relocation of the Recycling Center to the Gordo parcels, or other public works types of uses, such as snow storage or a public works facility. Essential Municipal Public Utility Use, Facility, Service, and Structure are allowed as a Conditional Use in the ROS zone.**

**The non-deed restricted Gordo parcels contain approximately 2.0 acres (1 acre each).**

## **DEPARTMENT REVIEW**

The application was reviewed in detail by the Development Review Committee on July 9, 2013. Staff provided the entire petition and submittal report with all exhibits. The Committee provided comments which have been incorporated in this report and Ordinance.

## **NOTICE AND PUBLIC INPUT**

On February 11, 2014 and again on August 13, 2014, the property was posted, notices were sent to surrounding property owners, and legal notice was published in the Park Record according to requirements of the Land Management Code.

Staff received several phone calls from neighboring residents and property owners requesting additional information regarding the location of the property to be annexed, proposed zoning, whether the property would remain as open space, who would maintain the trails, whether trails would continue to be public trails, questions about hunting regulations and enforcement, trail use, and whether regulations of dogs and leash laws would change.

## **FUTURE PROCESS**

Annexations require Planning Commission recommendation and City Council adoption and become pending upon publication of an ordinance and compliance with state code filing procedures. City Council action may be appealed to a court of competent jurisdiction per LMC Section 15-1-18.

## **RECOMMENDATION**

Staff recommends the Planning Commission review the annexation and zoning petition and this report for the Round Valley Park City Annexation and Zoning, conduct a public hearing, and consider forwarding a positive recommendation to City Council in accordance with the draft Ordinance.

## **EXHIBITS**

Ordinance

Exhibit A- Annexation Plat

Exhibit B- Vicinity Map and Existing Conditions

Exhibit C- Map of Conservation Easements and Deed Restrictions

Exhibit D- Existing and Proposed Zoning

Exhibit E- View shed Corridors, site photos, typical vegetation

Exhibit F- Surrounding property map

Exhibit G- Sensitive Lands Analysis

Exhibit H- Wildlife Habitat

Exhibit I- County Zoning

Exhibit J- Annexation Petition Report

Exhibit K- ROS and LI Uses from LMC

Exhibit L- Minutes of the February 26th Planning Commission meeting

Exhibit M- Gordo parcel exhibit

Exhibit N- Annexation Agreement draft (under separate cover)

**AN ORDINANCE APPROVING THE ROUND VALLEY PARK CITY  
ANNEXATION AND ZONING MAP AMENDMENT  
ANNEXING INTO THE PARK CITY MUNICIPAL BOUNDARY AND ZONING AS  
RECREATION OPEN SPACE (ROS), THE ROUND VALLEY OPEN SPACE  
AREA, OSGUTHORPE FIELDS, AND GORDO PARCELS GENERALLY  
LOCATED NORTH OF STATE ROAD 248, WEST OF HIGHWAY US 40, AND  
EAST OF OLD RANCH ROAD LOCATED IN SECTIONS 28, 33, 34 AND 35  
TOWNSHIP 1 SOUTH, RANGE 4 EAST, AND IN SECTIONS 2 AND 3,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST OF THE SALT LAKE BASE AND  
MERIDIAN, SUMMIT COUNTY, UTAH**

WHEREAS, on March 11, 2013, the owners of the property known as the Round Valley Open Space, including the Osguthorpe Fields and the Gordo Parcels, namely Park City Municipal Corporation and Afton Stephen Osguthorpe Family Trust, petitioned the City Council for approval of an annexation of land into the Park City limits as shown on the attached Annexation Plat (Exhibit A), the "Property"; and

WHEREAS, the property is approximately 1,368 acres in area and is located generally north of State Road 248, west of US 40, and east of Old Ranch Road within, as described in the attached Legal Description and Vicinity Map (Exhibit B); and

WHEREAS, the Property will be zoned Recreation Open Space (ROS); and

WHEREAS, the Property is included within the Park City Annexation Expansion Area, and is not included within any other municipal jurisdiction; and

WHEREAS, the Park City Council accepted the Round Valley Park City Annexation petition on March 21, 2013; and

WHEREAS, the City reviewed the petition against the criteria stated in Sections 10-2-403 (2), (3), and (4) of the Utah Code, annotated 1953 as amended, and found the petition complied with all applicable criteria of the Utah Code; and

WHEREAS, On April 22, 2013, the City Recorder certified the annexation petition and delivered notice letters to the "affected entities" required by Utah Code, Section 10-2-405, and published notice in the Park Record for three consecutive weeks, giving notice, that the petition had been certified and the required 30-day protest period had begun; and

WHEREAS, no protests were filed by any "affected entities" or other jurisdictions within the 30-day protest period and the petition was considered accepted on June 2, 2013; and

WHEREAS, on February 11<sup>th</sup> and August 12, 2014, written notice was sent to surrounding property owners, the property was posted, and legal notice was published in the Park Record providing legal notice of Planning Commission and City Council hearing dates; and

WHEREAS, the Planning Commission held public hearings on February 26, 2014 and August 27, 2014, to receive public input on the proposed annexation and zoning; and

WHEREAS, on June 26, 2014, the Planning Commission and Staff circumnavigated the annexation area by van and conducted a site visit to the Gordo parcel area; and

WHEREAS, on August 27, 2014, the Planning Commission forwarded to City Council a recommendation on the proposed annexation and zoning of the Round Valley Park City Annexation; and

WHEREAS, on October 9, 2014, the City Council held a public hearing to receive input on the proposed annexation and zoning; and

WHEREAS, the City Council finds that the requested zoning map amendment is consistent with the Park City General Plan; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Annexation and Park City Zoning Map amendment, as this annexation will bring the City Owned open space property known as Round Valley Open Space, as well as the deed restricted Osguthorpe fields and the City and UDOT owned parcels, known as the Gordo parcels, into the City Limits.

WHEREAS, an Annexation Agreement, between the City and Petitioners pursuant to the Land Management Code, Section 15-8-5 (C), setting forth further terms and conditions of the Annexation, is herein included as Exhibit C.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. ANNEXATION APPROVAL. The Property is hereby annexed into the corporate limits of Park City, Utah according to the Annexation Plat executed in substantially the same form as is attached hereto as Exhibit A and according to the Findings of Fact, Conclusions of Law, and Conditions of Approval as stated below.

The Property so annexed shall enjoy the privileges of Park City as described in the Annexation Agreement attached as Exhibit C and shall be subject to all City levies and assessments, conditions, and restrictions as described in the terms of said Annexation Agreement.

The Property shall be subject to all City laws, rules and regulations upon the effective date of this Ordinance.

SECTION 2. ANNEXATION AGREEMENT. Council hereby authorizes the Mayor to execute the Annexation Agreement in substantially the same form as is attached hereto as Exhibit C and as approved by the City Attorney.

SECTION 3. COMPLIANCE WITH STATE LAW, GENERAL PLAN, AND ANNEXATION POLICY PLAN. This annexation and the proposed zoning meets the standards for annexation set forth in Title 10, Chapter 2 of the Utah Code, the Park City General Plan, and The Annexation Policy Plan - Land Management Code Chapter 8, Annexation.

SECTION 4. OFFICIAL PARK CITY ZONING MAP AMENDMENT. The Official Park City Zoning Map is hereby amended to include said Round Valley Park City Annexation area in the Recreation Open Space (ROS) zoning district, as shown in Exhibit B.

SECTION 5. FINDINGS OF FACT, CONCLUSIONS OF LAW, AND CONDITIONS OF APPROVAL.

Findings of Fact:

1. The annexation petition is a request to annex approximately 1,368 acres into the Park City municipal boundary and to amend the official zoning map to include the property in the Recreation Open Space (ROS) zoning district. Approximately five (5) acres are petitioned to be zoned Limited Industrial (LI).
2. The Round Valley Park City annexation area is currently located in unincorporated Summit County.
3. The non-deed restricted "Gordo" parcels, both UDOT and City owned, are within the Quinn's Junction neighborhood and along the main 248 entry corridor to Park City.
4. The proposed land uses are consistent with the purpose statements of the ROS zoning district and the Planning Staff recommends that the entire annexation area be zoned ROS.
5. The proposed annexation meets the purposes stated in the Annexation Policy Plan, in that this annexation contributes to the achievement of the goals and policies of the Park City General Plan and further protects the general interests and character of Park City.
6. The annexation will bring City owned open space land into the Park City Municipal boundary and enable services to be provided to the Property, such as police and community development services, which are more easily accessible from the City than the County.
7. The annexation does not change or remove any existing deed restrictions or conservation easements from the Property and only the

four lower “Gordo” parcels are not restricted from development due to deed restrictions and conservation easements.

8. Annexation of this parcel will not create an island, peninsula, or irregular city boundary. The annexation is a logical extension of the City Boundary.
9. This property is located within the Park City Annexation Expansion Area, adopted by the City Council in 2003.
10. Provision of municipal services, such as police, water, and community development, for this property is more efficiently provided by Park City than by Summit County, in particular for non-deed restricted “Gordo” parcels.
11. The annexation petition has been reviewed pursuant to Utah Code Annotated (UCA) Sections 10-2-401, 402, and 403. The annexation petition requirements set forth in these sections of the UCA have been met; including issues of 1) contiguity and municipal annexation expansion area, 2) boundaries drawn along existing local districts, special districts and other taxing entities, and 3) for the content of the petition.
12. The proposed annexation is consistent with the purpose statements of the Annexation Policy Plan and will protect the general interests and character of the community, assure orderly growth and development of the Park City community in terms of utilities and public services; will preserve open space and ensure environmental quality, will protect a prominent entry corridor, view sheds, and environmentally Sensitive Lands; enhance pedestrian connectivity, create buffer areas; and protect the general public health, safety, and welfare.
13. The City Staff and Review Team have reviewed the proposed annexation against the general requirements established for annexation to Park City as presented in LMC Section 15-8-2 and as further described in the Analysis section of this report.
14. No development or subdivision of the land is proposed at this time.

#### Conclusions of Law:

1. The Annexation and Zoning Map amendment are consistent with Annexation Policy Plan and the Park City General Plan.
2. Approval of the Annexation and Zoning Map amendment does not adversely affect the health, safety and welfare of the citizens of Park City.

#### Conditions of Approval:

1. The Official Zoning Map shall be amended to include the Round Valley Park City Annexation parcels with the Recreation Open Space (ROS) Zone with the Entry Corridor Overlay Zone along the property frontage with State Road 248.
2. The annexation agreement shall be fully executed and recorded with the Annexation Plat.

3. All current ROWs will remain under their respective jurisdiction

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect upon publication of this Ordinance, recordation of the Annexation Plat and Annexation Agreement, and compliance with state annexation filing requirements, pursuant to the Utah Code Annotated Section 10-2-425.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2014.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Jack Thomas, MAYOR

ATTEST:

\_\_\_\_\_  
Marci Heil, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Mark D. Harrington, City Attorney

# ROUND VALLEY PARK CITY ANNEXATION PLAT

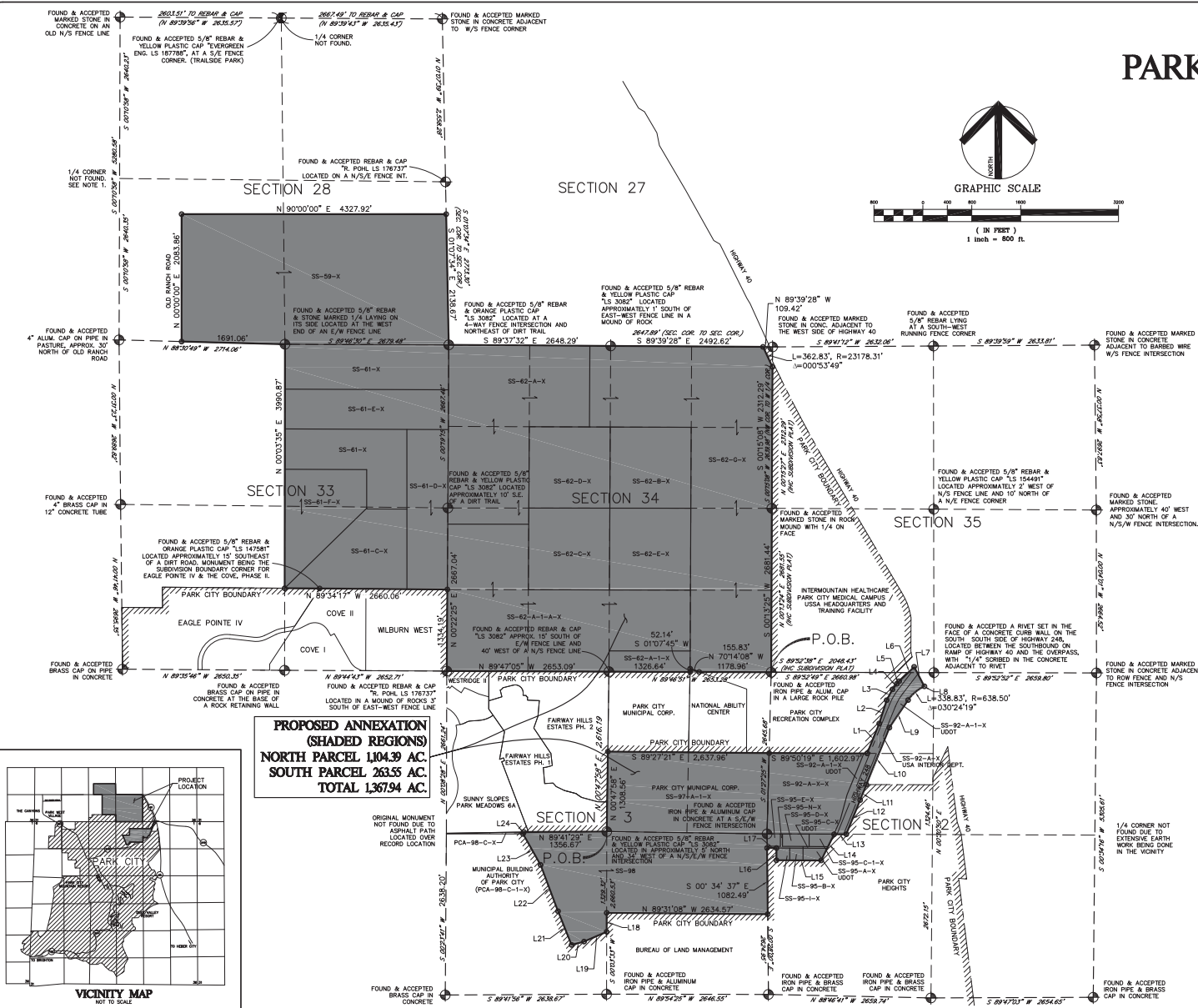
LOCATED IN SECTIONS 28, 33, 34 & 35,  
TOWNSHIP 1 SOUTH, RANGE 4 EAST,  
AND IN SECTIONS 2 & 3,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
SALT LAKE BASE & MERIDIAN,  
SUMMIT COUNTY, UTAH



GRAPHIC SCALE  
( IN FEET )  
1 inch = 800 ft.

Line No.	Bearing	Distance
L1	N 22° 01' 00" E	527.41'
L2	N 17° 42' 46" E	399.75'
L3	N 28° 04' 06" E	200.00'
L4	N 37° 37' 06" E	115.81'
L5	N 42° 52' 13" E	57.93'
L6	S 46° 13' 24" W	339.56'
L7	N 27° 45' 07" W	360.10'
L8	N 63° 51' 50" E	13.75'
L9	N 38° 07' 11" E	544.70'
L10	S 22° 00' 39" W	1005.18'
L11	S 21° 58' 40" W	273.27'
L12	N 22° 02' 06" E	602.76'

Line No.	Bearing	Distance
L13	S 89° 47' 17" W	199.82'
L14	S 26° 17' 01" W	477.04'
L15	N 89° 47' 52" W	732.08'
L16	N 00° 03' 08" E	200.00'
L17	N 89° 47' 52" W	153.20'
L18	S 00° 03' 33" W	310.33'
L19	S 66° 33' 26" W	402.55'
L20	S 75° 13' 12" W	211.20'
L21	N 21° 57' 05" W	593.43'
L22	N 20° 37' 22" W	811.06'
L23	N 29° 33' 29" W	581.91'
L24	N 23° 04' 37" E	33.39'



**PARCEL IDENTIFICATION**  
SEE SHEET 2 OF 2

**BOUNDARY DESCRIPTION (COMBINED PARCELS)**  
SEE SHEET 2 OF 2

**OWNER'S CONSENT TO RECORD**  
KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED ARE THE OWNERS OF THE HEREOF DESCRIBED TRACT OF LAND, AND, BEING MAYOR OF THE PARK CITY MUNICIPAL CORPORATION, HAVE CAUSED THIS ANNEXATION PLAT TO BE PREPARED. I/WE DO HEREBY CONSENT TO THE RECORDATION OF THIS ANNEXATION PLAT.

JACK THOMAS, MAYOR

**CORPORATE ACKNOWLEDGMENT**  
STATE OF UTAH ) JACK THOMAS, MAYOR  
COUNTY OF SUMMIT )  
ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012, PERSONALLY APPEARED BEFORE ME JACK THOMAS, WHO BEING BY ME DULY SWORN, DID SAY THAT HE IS MAYOR OF PARK CITY MUNICIPAL CORPORATION, AND DULY ACKNOWLEDGED TO ME THAT HE IS AUTHORIZED TO SIGN THE FOREGOING INSTRUMENT ON BEHALF OF SAID CORPORATION AND FURTHER ACKNOWLEDGED TO ME THAT SAID CORPORATION HAS PETITIONED TO ANNEX TO ITS CORPORATE LIMITS THE AREA AND THE DESCRIPTION HEREON HAVE BEEN PREPARED FOR ANNEXATION PURPOSES ONLY AND DO NOT PURPORT TO REPRESENT OR ESTABLISH ACTUAL PROPERTY BOUNDARY LINES. I FURTHER CERTIFY THAT THIS ANNEXATION PLAT HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW.

NOTARY PUBLIC: \_\_\_\_\_ MY COMMISSION EXPIRES: \_\_\_\_\_  
RESIDING IN: \_\_\_\_\_ COUNTY, STATE: \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**  
I, GREGORY R. WOLBACH, OF PARK CITY, UTAH, CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 187788, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT I HAVE PREPARED THIS PLAT BASED UPON OWNERSHIP INFORMATION ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER. I FURTHER CERTIFY THAT THIS PLAT ACCURATELY REPRESENTS THE AREA OF WHICH PARK CITY MUNICIPAL CORPORATION HAS PETITIONED TO ANNEX TO ITS CORPORATE LIMITS. THIS PLAT AND THE DESCRIPTION HEREON HAVE BEEN PREPARED FOR ANNEXATION PURPOSES ONLY AND DO NOT PURPORT TO REPRESENT OR ESTABLISH ACTUAL PROPERTY BOUNDARY LINES. I FURTHER CERTIFY THAT THIS ANNEXATION PLAT HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW.

GREGORY R. WOLBACH  
STATE OF UTAH  
PROFESSIONAL LAND SURVEYOR  
NO. 187788

DATE: \_\_\_\_\_

**CITY PLANNING COMMISSION**  
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_

CHAIRMAN: \_\_\_\_\_

**CITY COUNCIL APPROVAL**  
PRESENTED TO THE BOARD OF \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_ AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED.

CITY RECORDER: \_\_\_\_\_

**CITY ENGINEER**  
THIS PLAT IS IN CONFORMANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE PARK CITY ENGINEERING DEPARTMENT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_

CITY ENGINEER: \_\_\_\_\_

**APPROVAL AS TO FORM**  
APPROVED AS TO FORM ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_

CITY ATTORNEY: \_\_\_\_\_

**COUNCIL APPROVAL AND ACCEPTANCE**  
APPROVED AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_

MAYOR: \_\_\_\_\_

**SNYDERVILLE BASIN WATER RECLAMATION DISTRICT**  
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_

BY: \_\_\_\_\_ SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

**Evergreen Engineering, Inc.**  
Civil Engineering \* Land Surveying \* Land Planning  
1670 Bonanza Drive \* Suite 104  
P.O. Box 2081 \* Park City \* Utah \* 84060  
Phone: (435) 648-4667 \* Fax: (435) 648-9219  
E-mail: office@evergreen-eng.com



# ROUND VALLEY PARK CITY ANNEXATION PLAT

LOCATED IN SECTIONS 28, 33, 34 & 35,  
TOWNSHIP 1 SOUTH, RANGE 4 EAST,  
AND IN SECTIONS 2 & 3,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
SALT LAKE BASE & MERIDIAN,  
SUMMIT COUNTY, UTAH

## BOUNDARY DESCRIPTION

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH, (BASIS OF BEARING NORTH 89°46'51" WEST A DISTANCE OF 2,653.28 FEET BETWEEN THE SOUTHEAST CORNER OF SAID SECTION 34 (A FOUND ALUMINUM CAP IN A ROCK PILE) AND THE SOUTH QUARTER CORNER OF SAID SECTION 34 (A FOUND REBAR WITH YELLOW CAP MARKED "LS #3082"); SAID POINT OF BEGINNING ALSO BEING ON THE NORTHERLY BOUNDARY LINE OF THE "PARK CITY RECREATION COMPLEX" SUBDIVISION AND THE SOUTHWEST CORNER OF THE "INTERMOUNTAIN HEALTHCARE PARK CITY MEDICAL CAMPUS / USSA HEADQUARTERS AND TRAINING FACILITY" SUBDIVISION; THENCE ALONG SAID NORTHERLY SUBDIVISION BOUNDARY LINE AND SAID SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34, NORTH 89°46'51" WEST A DISTANCE OF 1,178.96 FEET TO A POINT ON THE NORTHERLY BOUNDARY LINE OF THE NATIONAL ABILITY CENTER; THENCE LEAVING SAID SECTION LINE AND CONTINUING ALONG SAID NATIONAL ABILITY CENTER BOUNDARY THE FOLLOWING TWO CALLS: (1) NORTH 70°14'08" WEST A DISTANCE OF 155.83 FEET; (2) SOUTH 01°07'45" WEST A DISTANCE OF 52.14 FEET TO A POINT ON THE SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34; THENCE ALONG SAID SOUTHERLY QUARTER SECTION LINE, NORTH 89°46'51" WEST A DISTANCE OF 1,326.64 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 34, SAID POINT ALSO BEING THE NORTHEAST BOUNDARY CORNER OF THE "FAIRWAY HILLS ESTATES PHASE 2" SUBDIVISION; THENCE ALONG THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34 (ALSO BEING THE NORTHERLY BOUNDARY LINES OF THE SAID FAIRWAY HILLS ESTATES PHASE 2 AND WESTRIDGE II SUBDIVISION) NORTH 89°47'05" WEST A DISTANCE OF 2,653.09 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 34 (A FOUND REBAR WITH YELLOW CAP MARKED "R, FOHL, LS 176737"); THENCE ALONG THE WESTERLY LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34, NORTH 00°22'25" EAST A DISTANCE OF 1,334.19 FEET; THENCE LEAVING SAID WESTERLY QUARTER SECTION LINE, NORTH 89°34'17" WEST A DISTANCE OF 2,660.06 FEET TO A POINT ON THE NORTH-SOUTH CENTER SECTION LINE OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH, SAID POINT ALSO BEING ON THE NORTHERLY BOUNDARY LINE OF "EAGLE PONTE I" SUBDIVISION; THENCE LEAVING SAID NORTHERLY BOUNDARY LINE AND CONTINUING ALONG SAID NORTH-SOUTH CENTER SECTION LINE NORTH 00°03'35" EAST A DISTANCE OF 3,990.87 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 33 (A FOUND REBAR & STONE MARKED 1/4) SAID POINT ALSO BEING THE SOUTH QUARTER CORNER OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28, NORTH 89°30'49" WEST A DISTANCE OF 1,691.06 FEET; THENCE LEAVING SAID SOUTHERLY QUARTER SECTION LINE, NORTH 00°00'00" EAST A DISTANCE OF 2,083.86 FEET; THENCE NORTH 90°00'00" EAST A DISTANCE OF 4,327.92 FEET TO A POINT ON THE EASTERLY LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 28; THENCE ALONG SAID EASTERLY QUARTER SECTION LINE, SOUTH 01°07'34" EAST A DISTANCE OF 2,188.67 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 28 (A FOUND REBAR WITH ORANGE PLASTIC CAP MARKED "LS #3082"); THENCE ALONG THE NORTHERLY LINE OF THE NORTHWEST QUARTER OF SECTION 34 SOUTH 89°37'32" EAST A DISTANCE OF 2,648.29 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 34 (A FOUND REBAR WITH YELLOW PLASTIC CAP MARKED "LS #3082"); THENCE ALONG THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF SAID SECTION 34 SOUTH 89°30'28" EAST A DISTANCE OF 2,492.62 FEET TO A POINT ON THE WESTERLY BOUNDARY LINE OF THE "INTERMOUNTAIN HEALTHCARE PARK CITY MEDICAL CAMPUS / USSA HEADQUARTERS AND TRAINING FACILITY" SUBDIVISION, SAID POINT BEING ON A 231.78.31 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG SAID WESTERLY BOUNDARY LINE THE FOLLOWING THREE (3) CALLS: (1) THENCE 362.82 FEET ALONG THE ARC OF SAID 231.78.31 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 00°53'49" TO A POINT ON THE EASTERLY LINE OF THE NORTHEAST QUARTER OF SAID SECTION 34; (2) THENCE ALONG SAID EASTERLY QUARTER SECTION LINE, SOUTH 00°15'08" WEST A DISTANCE OF 2,312.29 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 34 (A FOUND STONE MARKED 1/4 IN A ROCK MOUND); (3) THENCE ALONG THE EASTERLY LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34, SOUTH 00°15'25" WEST A DISTANCE OF 2,681.44 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 34, ALSO BEING THE POINT OF BEGINNING.

## BOUNDARY DESCRIPTION (CONTINUED)

ALSO INCLUDING THE FOLLOWING:

BEGINNING AT THE CENTER OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH, (BASIS OF BEARING NORTH 00°47'58" EAST A DISTANCE OF 2,616.19 FEET BETWEEN THE CENTER OF SAID SECTION 3 (A FOUND REBAR WITH YELLOW CAP MARKED "LS #3082") AND THE NORTH QUARTER CORNER OF SAID SECTION 3 (A FOUND REBAR WITH YELLOW CAP MARKED "LS #3082")); THENCE ALONG THE NORTH-SOUTH CENTER SECTION LINE OF SAID SECTION 3, NORTH 00°47'58" EAST A DISTANCE OF 1,308.56 FEET; THENCE LEAVING SAID NORTH-SOUTH CENTER SECTION LINE SOUTH 89°27'21" EAST A DISTANCE OF 2,637.96 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 3, SAID POINT ALSO BEING ON THE SOUTHERLY BOUNDARY OF PARK CITY RECREATION COMPLEX SUBDIVISION; THENCE ALONG SAID SOUTHERLY BOUNDARY LINE SOUTH 89°05'19" EAST A DISTANCE OF 1,602.87 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY OF STATE ROUTE 248; THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY AND EASTERLY BOUNDARY OF SAID PARK CITY RECREATION COMPLEX SUBDIVISION THE FOLLOWING SIX (6) CALLS: (1) THENCE NORTH 22°01'07" EAST A DISTANCE OF 927.41 FEET; (2) THENCE NORTH 17°42'46" EAST A DISTANCE OF 399.75 FEET; (3) NORTH 28°04'06" EAST A DISTANCE OF 200.00 FEET; (4) THENCE NORTH 37°37'06" EAST A DISTANCE OF 115.81 FEET; (5) THENCE NORTH 42°52'13" EAST A DISTANCE OF 97.93 FEET; (6) THENCE NORTH 46°13'24" EAST A DISTANCE OF 339.56 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF HIGHWAY 40; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY SOUTH 27°45'07" EAST A DISTANCE OF 360.10 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY OF STATE ROUTE 248; THENCE ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE THE FOLLOWING SIX (6) CALLS: (1) THENCE SOUTH 63°51'50" WEST A DISTANCE OF 13.75 FEET TO A POINT ON A 638.50 FOOT RADIUS CURVE TO THE LEFT; (2) THENCE ALONG THE ARC OF SAID CURVE 338.83 FEET THROUGH A CENTRAL ANGLE OF 30°24'19"; (3) THENCE SOUTH 34°07'11" WEST A DISTANCE OF 544.70 FEET; (4) THENCE SOUTH 22°00'39" WEST 1,005.18 FEET; (5) THENCE SOUTH 21°58'40" WEST A DISTANCE OF 273.27 FEET; (6) THENCE SOUTH 22°02'04" WEST 602.76 FEET TO A POINT ON THE EAST-WEST CENTER SECTION LINE OF SAID SECTION 2; THENCE LEAVING SAID SOUTHEASTERLY RIGHT-OF-WAY LINE AND CONTINUING ALONG SAID EAST-WEST CENTER SECTION LINE SOUTH 89°47'17" WEST A DISTANCE OF 199.82 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID STATE ROUTE 248; THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, SOUTH 26°17'01" WEST A DISTANCE OF 477.04 FEET; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE NORTH 89°47'52" WEST A DISTANCE OF 732.08 FEET; THENCE NORTH 00°03'08" EAST A DISTANCE OF 200.00 FEET; THENCE NORTH 89°47'52" WEST A DISTANCE OF 153.20 FEET TO THE EASTERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG SAID EASTERLY QUARTER SECTION LINE SOUTH 00°34'37" EAST A DISTANCE OF 1,082.49 FEET TO THE EAST-WEST 1/16TH LINE OF SAID SECTION 3; THENCE ALONG SAID EAST-WEST 1/16TH LINE NORTH 89°31'08" WEST A DISTANCE OF 2,634.57 FEET TO THE NORTH-SOUTH CENTER SECTION LINE OF SAID SECTION 3; THENCE ALONG SAID NORTH-SOUTH CENTER SECTION LINE SOUTH 00°03'33" WEST A DISTANCE OF 310.33 FEET TO A POINT ON THE NORTHERLY BOUNDARY LINE OF TAX PARCEL PCA-98-C-1-X; THENCE ALONG SAID NORTHERLY BOUNDARY LINE THE FOLLOWING FIVE (5) CALLS: (1) THENCE SOUTH 66°33'26" WEST A DISTANCE OF 402.55 FEET; (2) THENCE SOUTH 75°13'12" WEST A DISTANCE OF 211.20 FEET; (3) THENCE NORTH 21°57'05" WEST A DISTANCE OF 593.43 FEET; (4) THENCE NORTH 20°37'22" WEST A DISTANCE OF 611.06 FEET; (5) THENCE NORTH 29°33'29" WEST A DISTANCE OF 581.91 FEET TO A POINT ON THE EASTERLY LINE OF TAX PARCEL PCA-98-C-X; THENCE ALONG SAID EASTERLY LINE NORTH 23°04'37" EAST A DISTANCE OF 33.39 FEET TO THE SOUTHERLY LINE OF "SUNNY SLOPES PARK MEADOWS SUBDIVISION NO. 6A"; THENCE ALONG SAID SOUTHERLY LINE OF "SUNNY SLOPES PARK MEADOWS SUBDIVISION NO. 6A" AND ALONG THE SOUTHERLY LINE OF "FAIRWAY HILLS ESTATES PHASE 1" SUBDIVISION NORTH 89°41'29" EAST A DISTANCE OF 1,356.67 FEET TO THE CENTER OF SAID SECTION 3, ALSO BEING THE POINT OF BEGINNING.

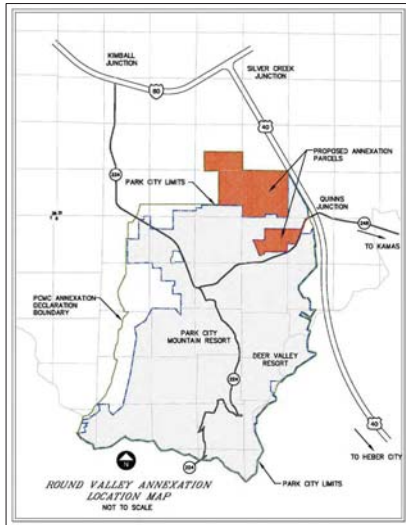
CONTAINING APPROXIMATELY 1,367.16 ACRES.

## PARCEL IDENTIFICATION

PARK CITY MUNICIPAL CORPORATION LAND, AS FOLLOWS:

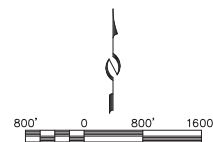
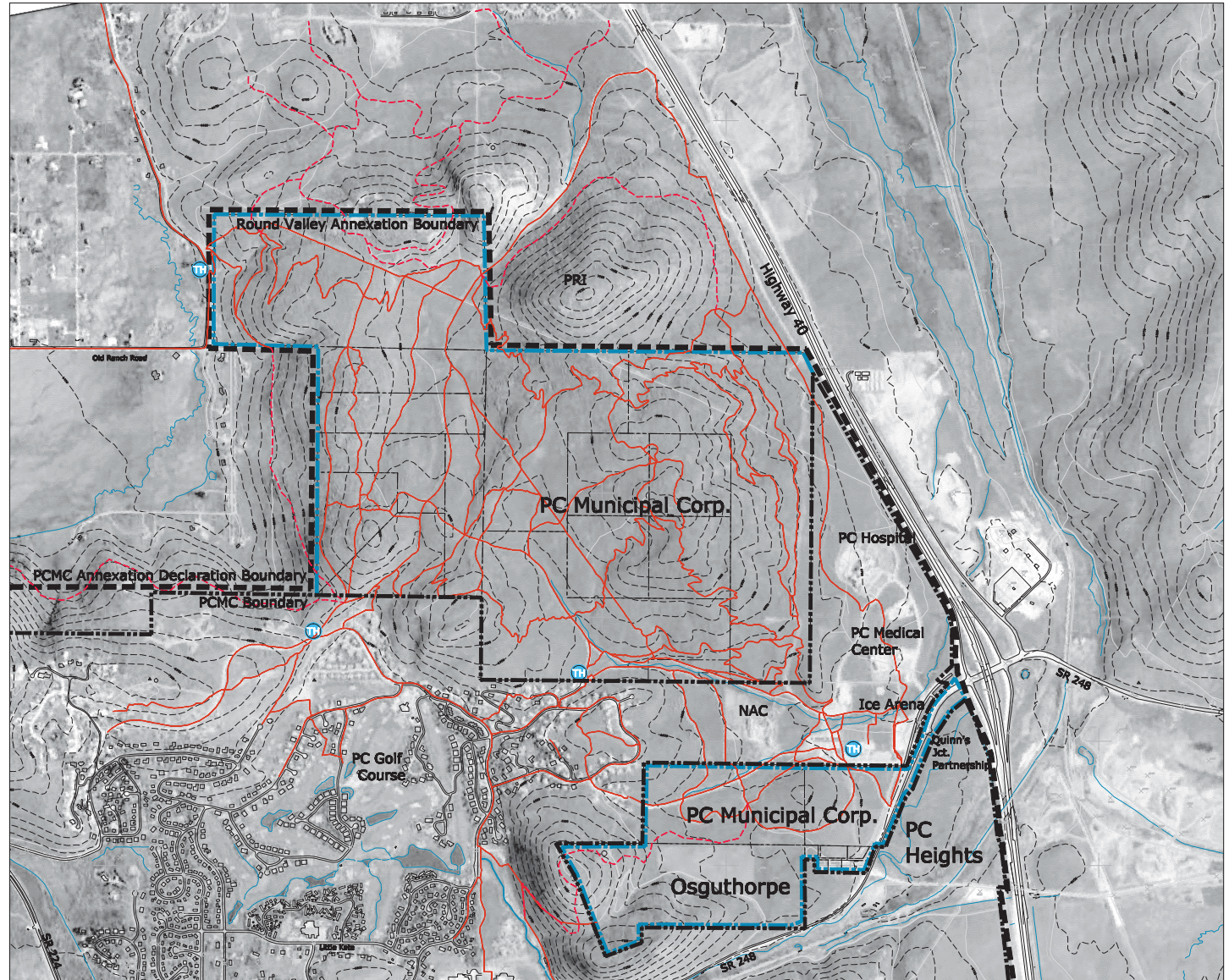
- SECTION 28, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN:
  - \* SUMMIT COUNTY TAX SERIAL NO. SS-99-X (PCMC)
- SECTION 33, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN:
  - \* SUMMIT COUNTY TAX SERIAL NO. SS-61-X (PCMC)
  - \* SUMMIT COUNTY TAX SERIAL NO. SS-61-C-X (PCMC)
  - \* SUMMIT COUNTY TAX SERIAL NO. SS-61-D-X (PCMC)
  - \* SUMMIT COUNTY TAX SERIAL NO. SS-61-E-X (PCMC)
  - \* SUMMIT COUNTY TAX SERIAL NO. SS-61-F-X (PCMC)
- SECTION 34, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN:
  - \* SUMMIT COUNTY TAX SERIAL NO. SS-62-A-X (PCMC)
  - \* SUMMIT COUNTY TAX SERIAL NO. SS-62-B-X (PCMC)
  - \* SUMMIT COUNTY TAX SERIAL NO. SS-62-C-X (PCMC)
  - \* SUMMIT COUNTY TAX SERIAL NO. SS-62-D-X (PCMC)
  - \* SUMMIT COUNTY TAX SERIAL NO. SS-62-E-X (PCMC)
  - \* SUMMIT COUNTY TAX SERIAL NO. SS-62-G-X (PCMC)
  - \* SUMMIT COUNTY TAX SERIAL NO. SS-62-A-1-X (PCMC)
  - \* SUMMIT COUNTY TAX SERIAL NO. SS-62-A-1-A-X (PCMC)
- SECTION 2, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN:
  - \* SUMMIT COUNTY TAX SERIAL NO. SS-92-A-X (U.S.A., INTERIOR DEPT.)
  - \* SUMMIT COUNTY TAX SERIAL NO. SS-92-A-X-X (PCMC)
  - \* SUMMIT COUNTY TAX SERIAL NO. SS-92-A-X (UDOT)
  - \* SUMMIT COUNTY TAX SERIAL NO. SS-95-A-X (UDOT)
  - \* SUMMIT COUNTY TAX SERIAL NO. SS-95-B-X (PCMC)
  - \* SUMMIT COUNTY TAX SERIAL NO. SS-95-C-X (UDOT)
  - \* SUMMIT COUNTY TAX SERIAL NO. SS-95-D-X (PCMC)
  - \* SUMMIT COUNTY TAX SERIAL NO. SS-95-E-X (PCMC)
  - \* SUMMIT COUNTY TAX SERIAL NO. SS-95-X (PCMC)
  - \* SUMMIT COUNTY TAX SERIAL NO. SS-95-H-X (PCMC)
- SECTION 3, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN:
  - \* SUMMIT COUNTY TAX SERIAL NO. SS-97-A-1-X (PCMC)
  - \* SUMMIT COUNTY TAX SERIAL NO. SS-98 (STEPHEN A. OSGUTHORPE, TRUSTEE)






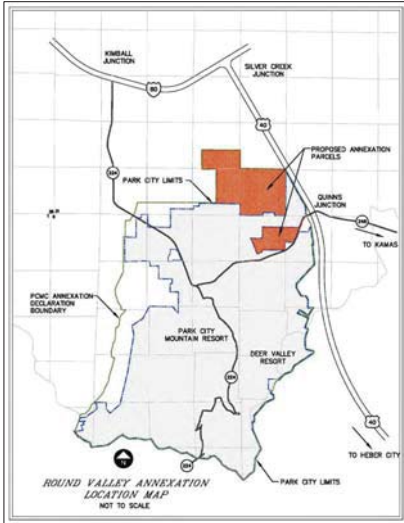
**LEGEND**

- - - - - Round Valley Annexation Boundary
- PCMC Annexation Declaration Boundary
- Existing PCMC Boundary
- - - - - Existing Round Valley trails and jeep roads
- - - - - Proposed Round Valley trails
- TH Existing trailheads



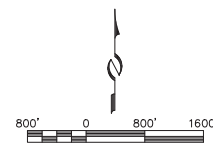
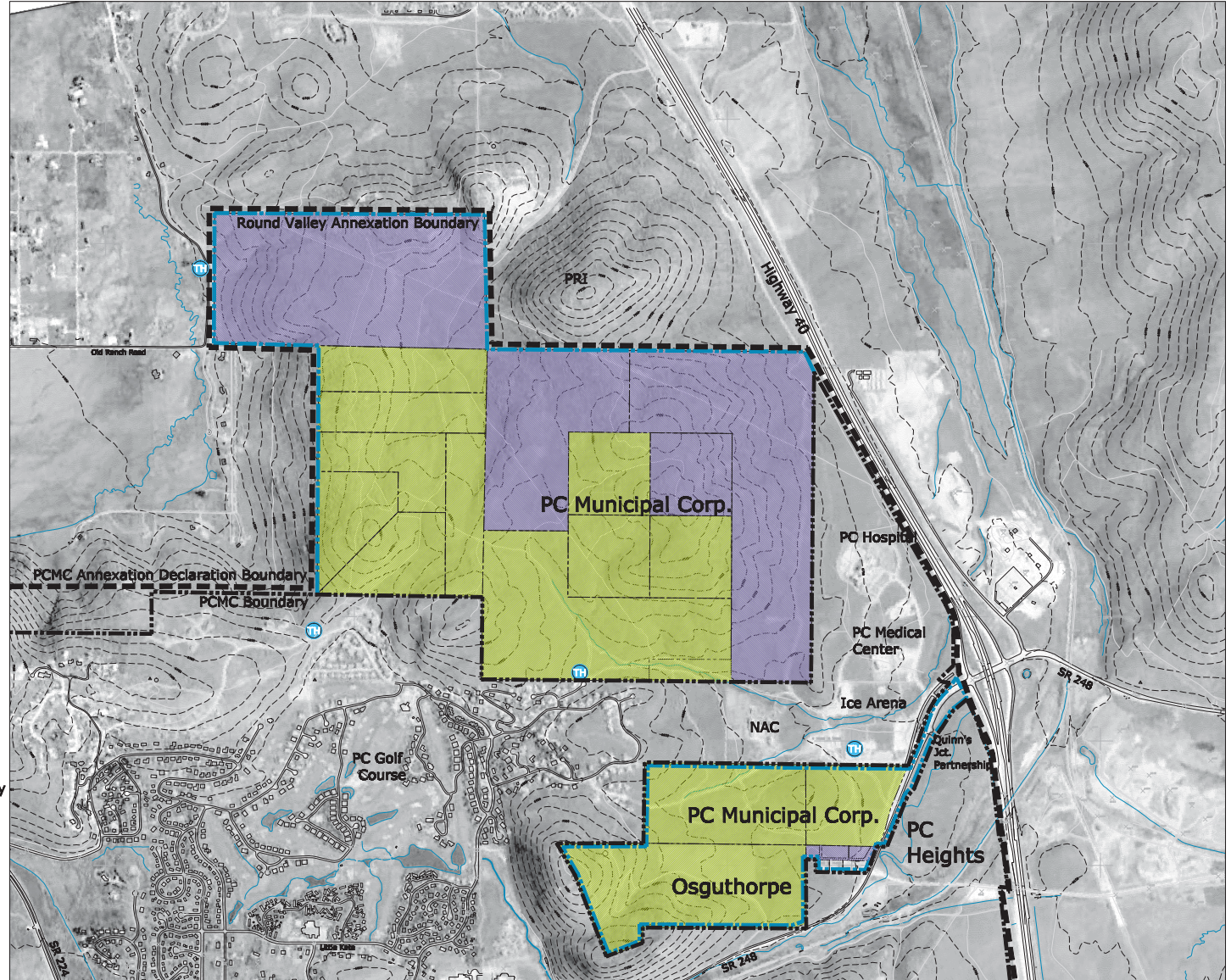
 <small>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2654 Park City, Utah 84060-2654</small>	(435) 648-9487	STAFF: STEVE SCHUELER	<b>ROUND VALLEY ANNEXATION PETITION</b> Existing Conditions + Ortho-Photo PARK CITY MUNICIPAL CORPORATION	SHEET 1 OF 1
		DATE: 6/16/13		


# EXHIBIT C

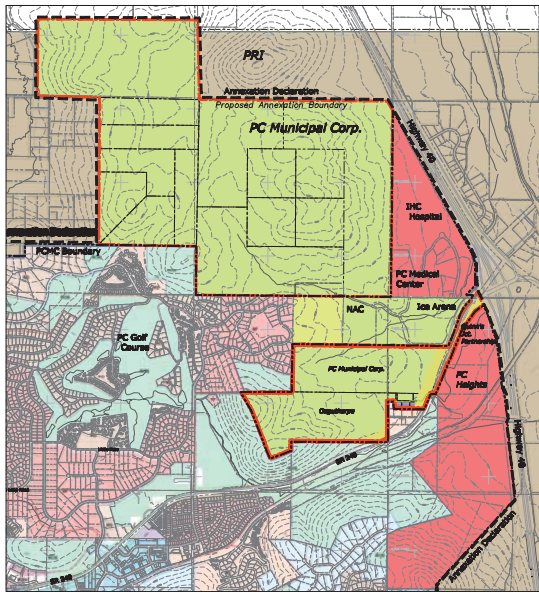


## LEGEND

- Annexation lands with existing Conservation Easements
- Annexation lands with existing Deed Restrictions
- Round Valley Annexation Boundary
- PCMC Annexation Declaration Boundary
- Existing PCMC Boundary



 <small>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 322 Main Street P.O. Box 2654 Park City, Utah 84060-2654</small>	(435) 648-9467	STAFF: STEVE SCHUELER	<b>ROUND VALLEY ANNEXATION PETITION</b> <b>Conservation Easements+Deed Restrictions</b> <b>PARK CITY MUNICIPAL CORPORATION</b>	SHEET 1 OF 1
	DATE: 6/16/13	FOR: PCMC JOB NO.: 7-1-12 FILE: X:\Quinn's Junction\dwg\Existing Conditions map no ortho.dwg		



**Overall Annexation Area**  
Not to scale

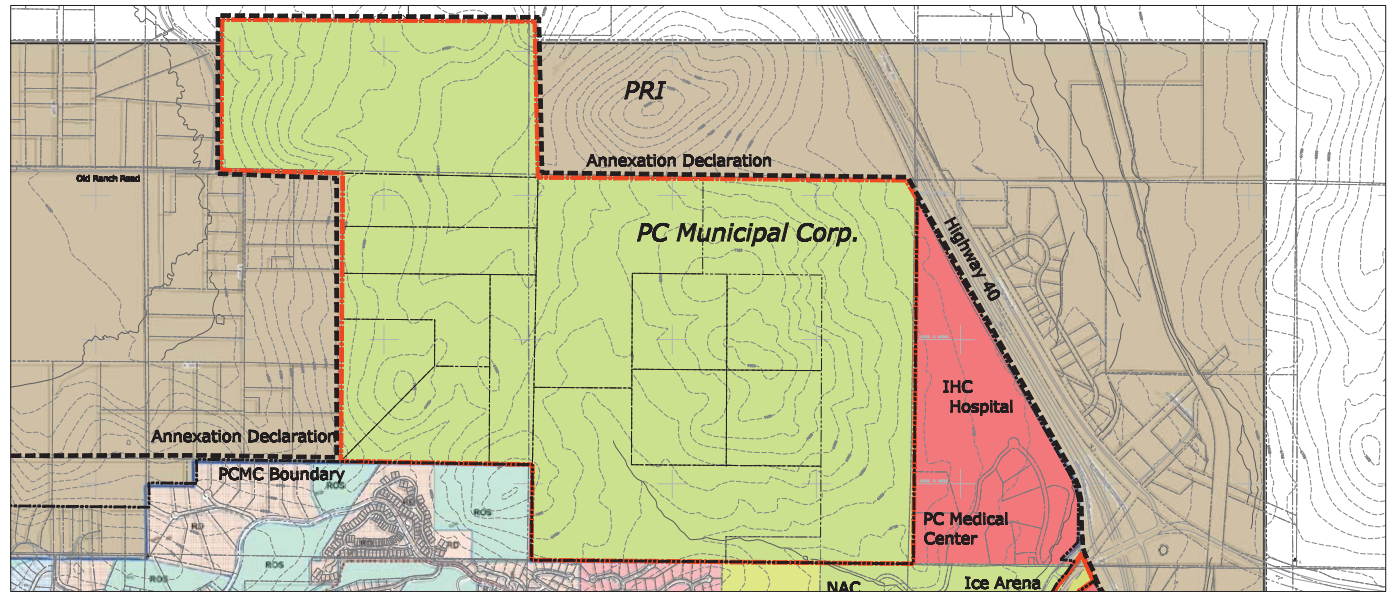
**Proposed Zoning**

- Recreation Open Space (ROS)
- Light Industrial (LI)
- Frontage Protection Zone (FPZ)

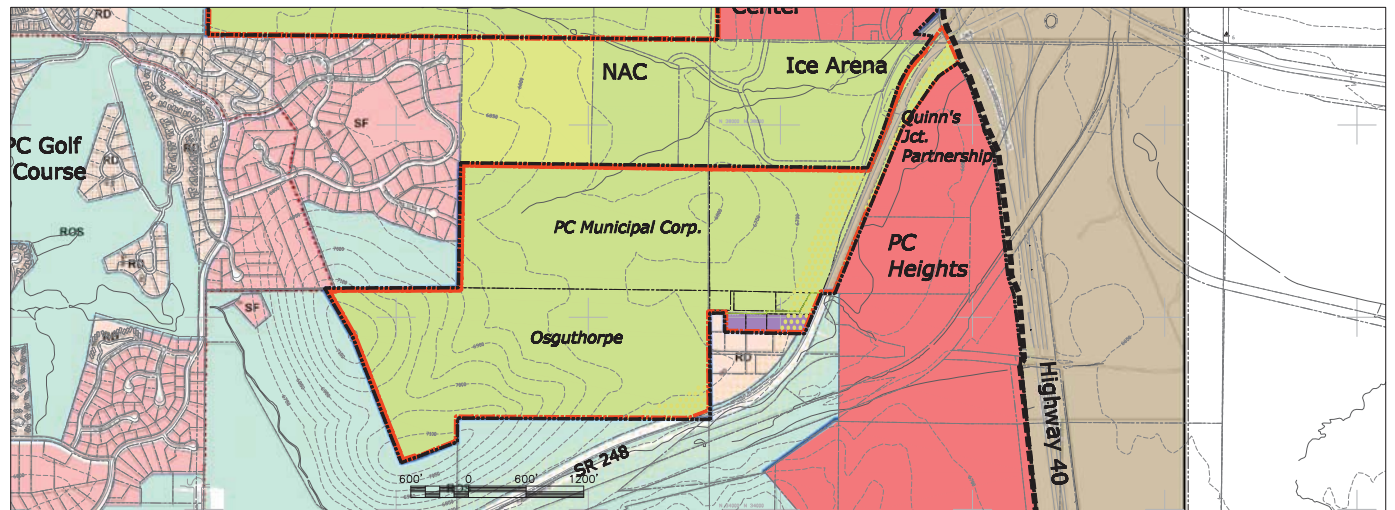
**Existing Zoning-Surrounding Areas**

- Community Transition (CT)
- Recreation Open Space (ROS)
- Preservation Open Space (POS)
- Estate (E)
- Single Family (SF)
- Residential Development (RD)
- Light Industrial (LI)

- Round Valley Annexation Boundary
- PCMC Annexation Declaration Boundary
- Existing PCMC Boundary



**North Parcel**



**South Parcel**


 <small>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS</small> <small>323 Main Street P.O. Box 2654 Park City, Utah 84050-2654</small>	<small>(435) 640-8487</small> STAFF: STEVE SCHUELER	ROUND VALLEY ANNEXATION PETITION PROPOSED ZONING PARK CITY MUNICIPAL CORPORATION FOR: PCMC JOB NO.: 7-1-12 FILE: X:\Quinn's Junction\dwg\Zoning Map.dwg	SHEET 1 OF 1
	<small>DATE: 5/30/14</small>		

EXHIBIT E



**A** View of South RV from Park Meadows



**B** View from West RV/ Matt's Flat Trail



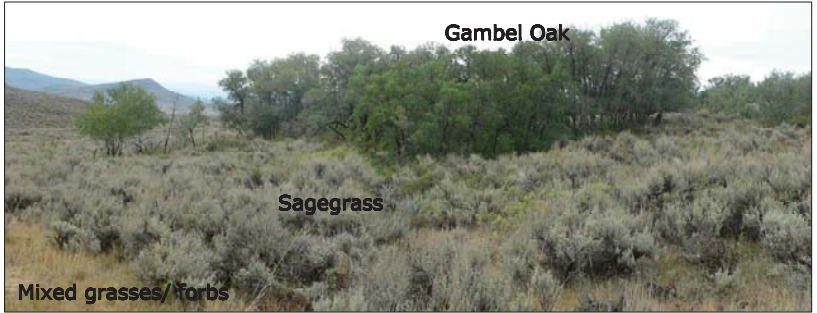
**C** View from SR 248 looking West



**D** View from Hwy. 40 looking West

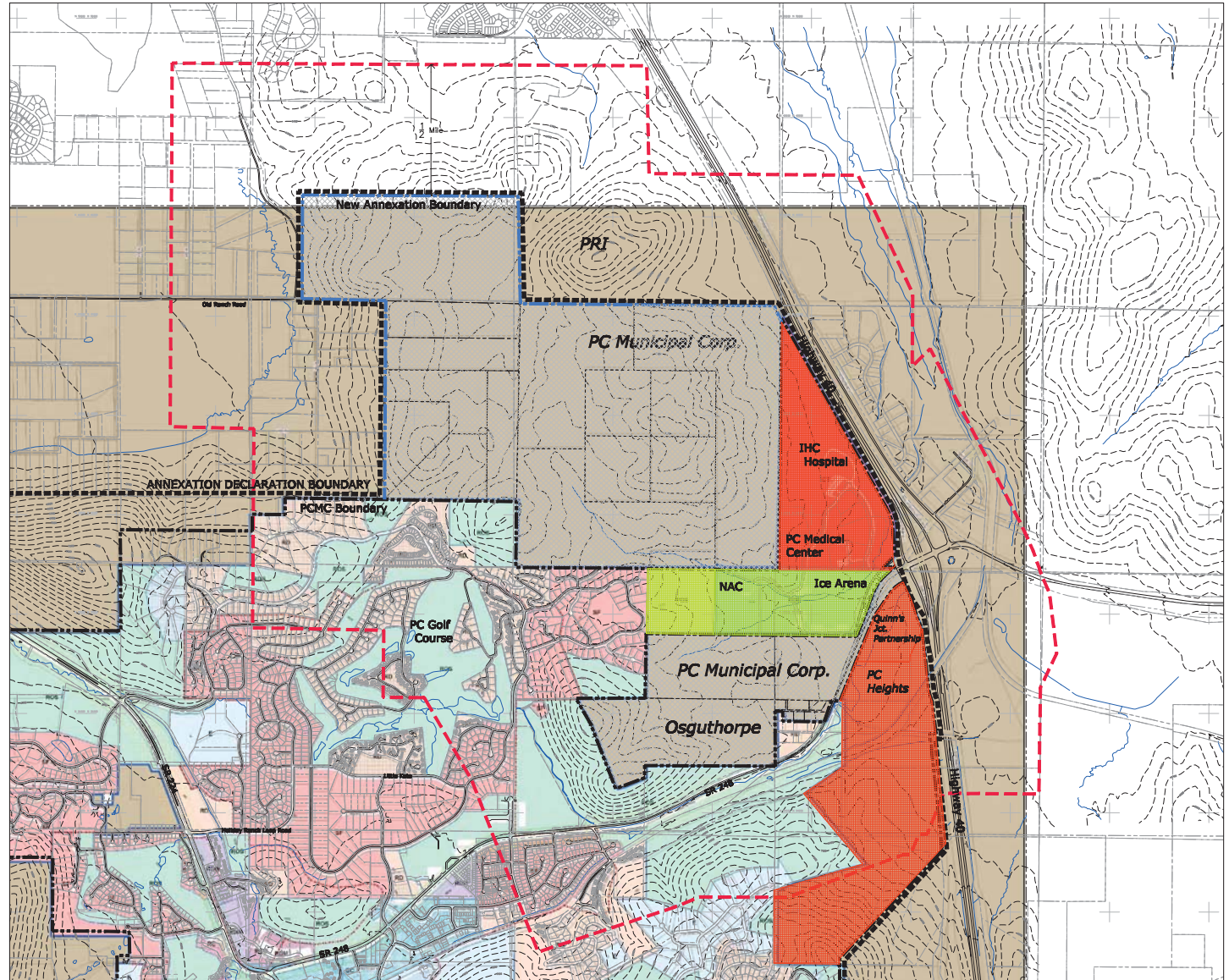
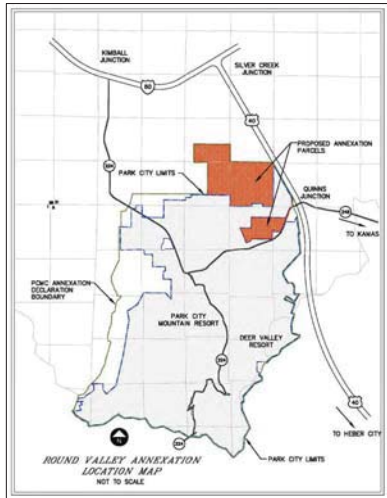


**Viewpoint Legend (NTS)**



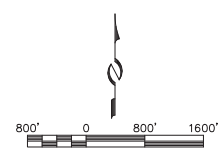
**Prototypical vegetation patterns**

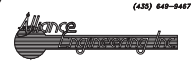
<p>(435) 649-9457 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2654 Park City, Utah 84050-2654</p>	<p>STAFF: STEVE SCHUELER</p>	<p>VIEWSHED CORRIDORS + SITE IMAGES ROUNDVALLEY ANNEXATION</p>	<p>SHEET 1 OF 1</p>
	<p>DATE: 2/19/13</p>	<p>FOR: PCMC JOB NO.: 7-1-12 FILE: X:\Quinn\sjunction\Annex 2012\view_corridors.dwg</p>	

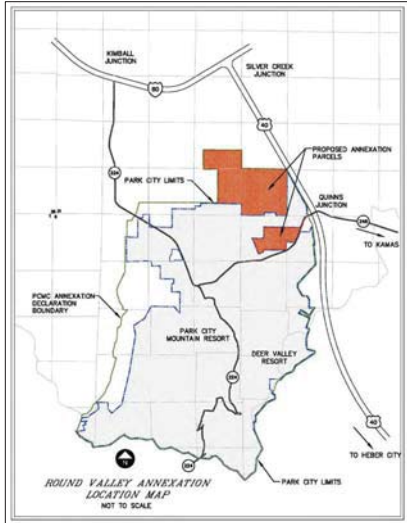


**LEGEND**

- - - - - Round Valley Annexation Boundary
- PCMC Annexation Declaration Boundary
- Existing PCMC Boundary
- - - - - 1/2 Mile Boundary



 <small>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 322 Main Street P.O. Box 2654 Park City, Utah 84060-2654</small>	<small>(435) 648-9487</small> STAFF: STEVE SCHUELER	ROUND VALLEY ANNEXTION PETITION 1/2 MILE PROPERTY LAND USE PARK CITY MUNICIPAL CORPORATION	SHEET 1 OF 1
	<small>DATE: 6/16/13</small>	<small>FOR: PCMC JOB NO.: 7-1-12 FILE: X:\Quinn's Junction\dwg\Exhibits.dwg</small>	



**Slope Analysis**

Color	Layer	Percent	Acres
Light Yellow	0-15%	55.0	752
Yellow	15-40%	44.0	602
Orange	40+%	2.0	27
		<b>Total</b>	<b>1,368</b>

**Ridgelines**

Prominent Ridges

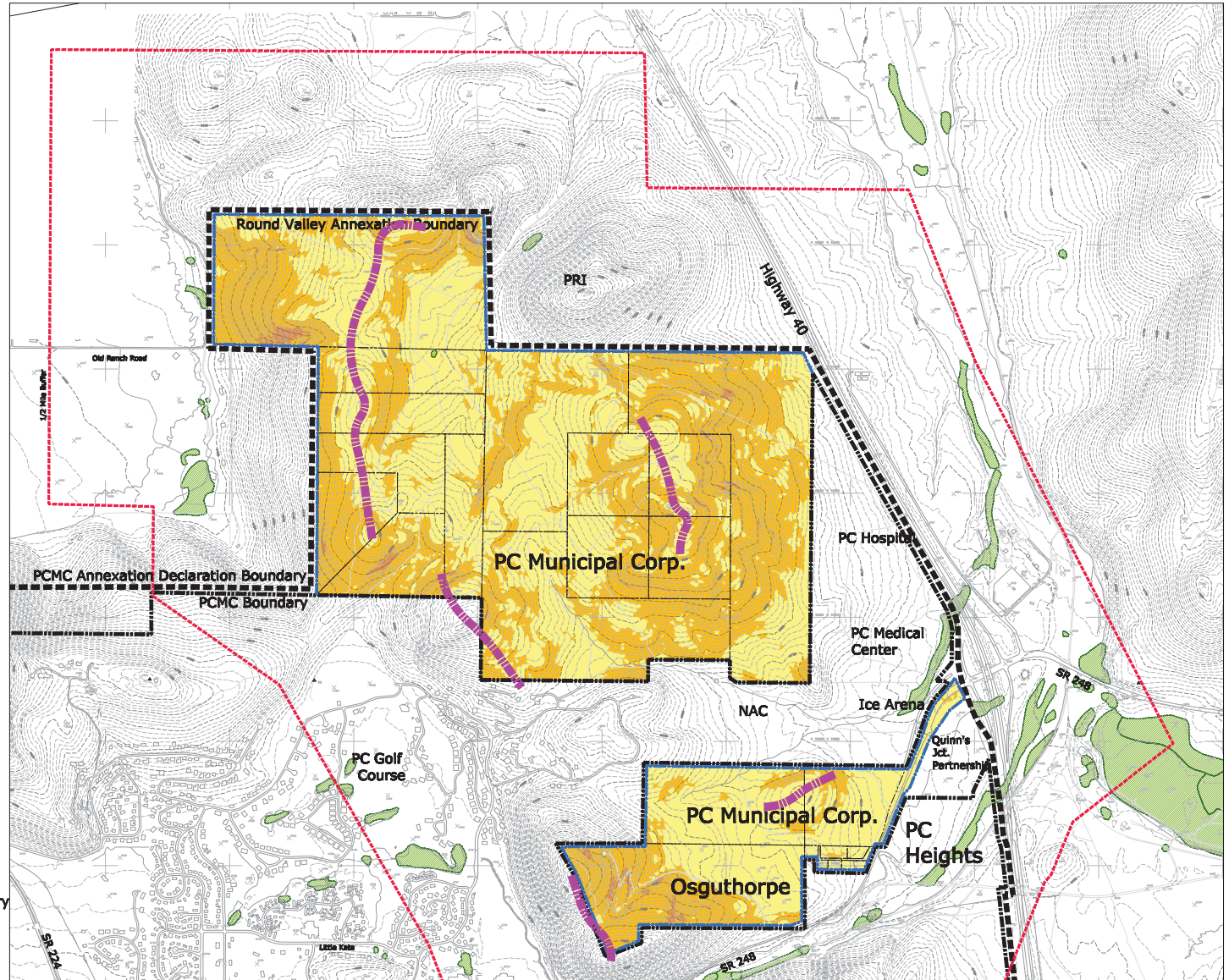
**Wetlands\***

Mapped Wetlands

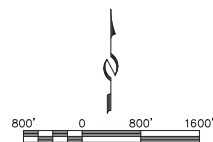
Round Valley Annexation Boundary

PCMC Annexation Declaration Boundary

Existing PCMC Boundary








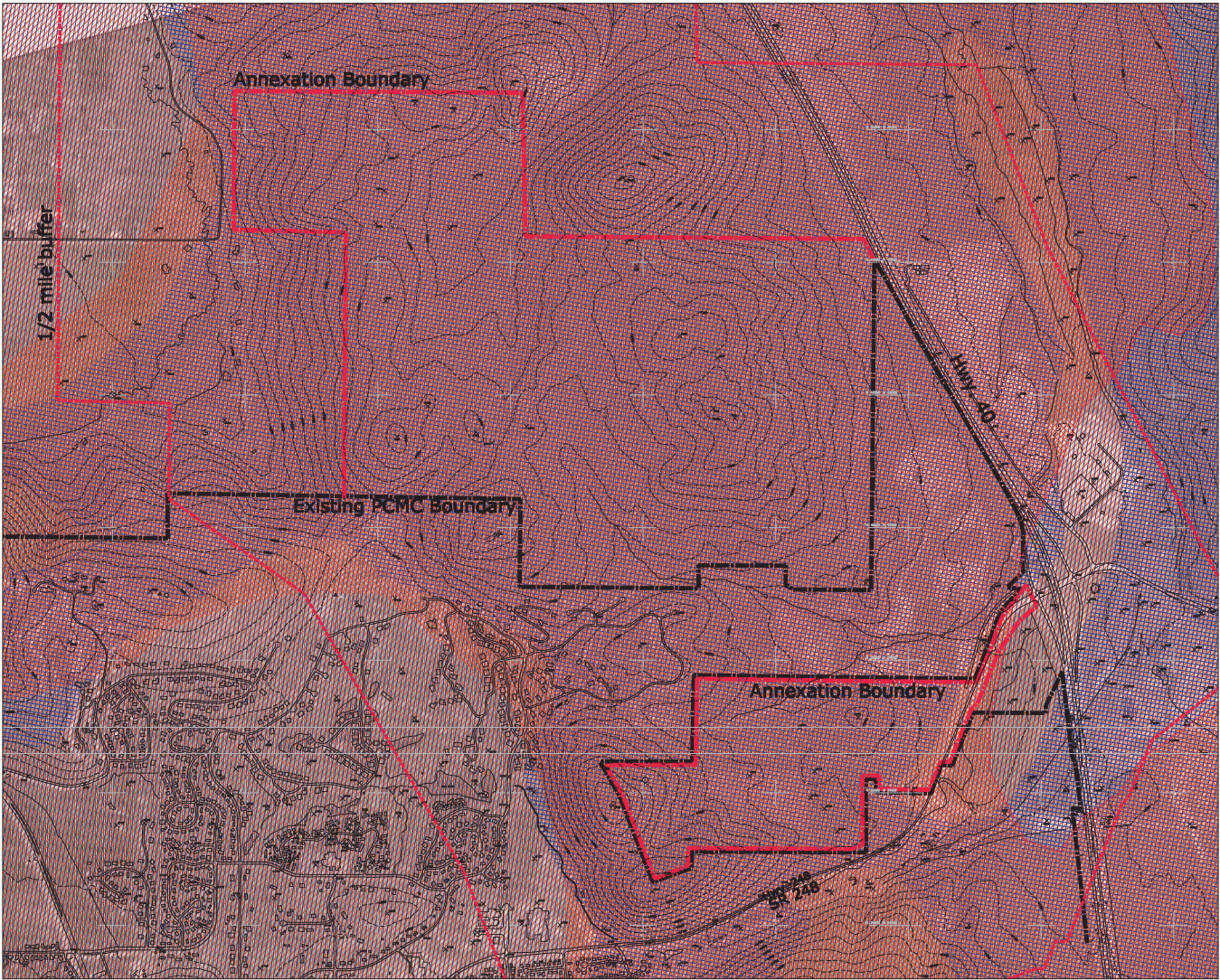
\* Wetlands data provided by the State of Utah GIS website



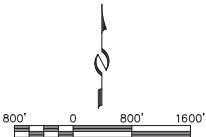
<p>(435) 648-9467</p> <p>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS</p> <p>322 Main Street P.O. Box 2654 Park City, Utah 84060-2654</p>	<p>STAFF:</p> <p>STEVE SCHUELER</p>	<p>ROUND VALLEY ANNEXATION PETITION</p> <p>SENSITIVE LANDS ANALYSIS</p> <p>PARK CITY MUNICIPAL CORPORATION</p>	<p>SHEET</p> <p>1</p> <p>OF</p> <p>1</p>
	<p>DATE: 6/16/13</p>	<p>FOR: PCMC</p> <p>JOB NO.: 7-1-12</p> <p>FILE: X:\Quinn's Junction\dwg\Existing Conditions.dwg</p>	


Wildlife Habitat Legend\*

-  Mule Deer Habitat
-  Black Bear Habitat
-  Sage grouse-100% of project area
-  Ruffed grouse
-  Blue grouse

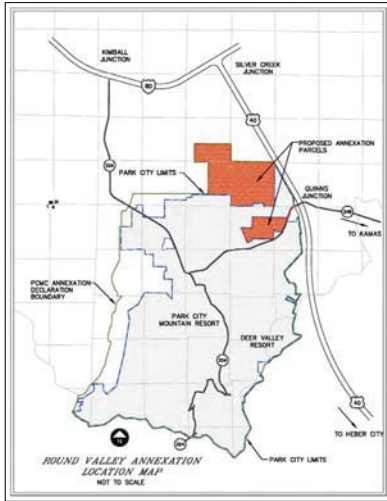


\* Mapping data downloaded from the State of Utah GIS Portal website



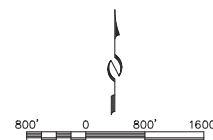
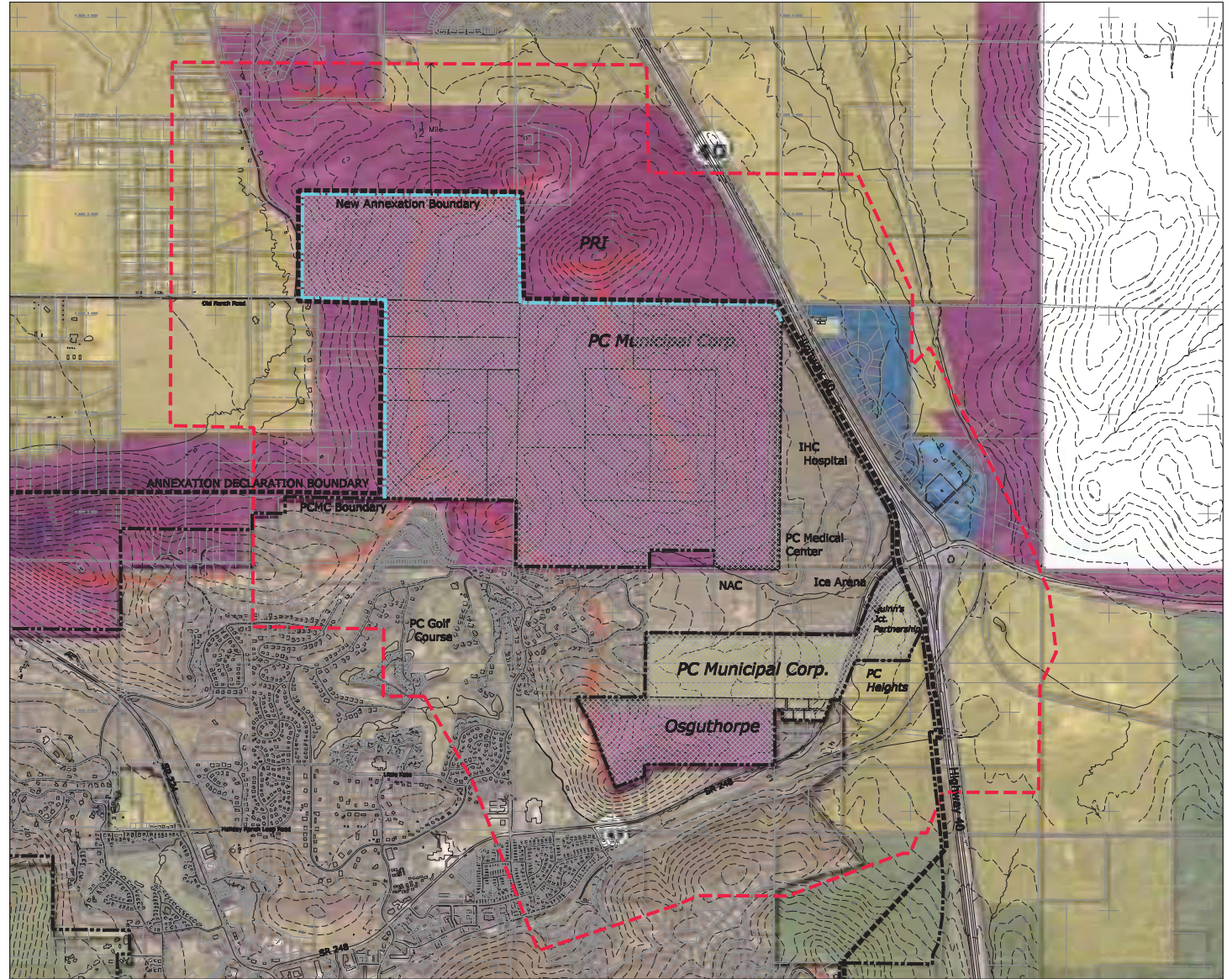
 <small>(435) 649-8467</small> <small>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS</small> <small>323 Main Street, P.O. Box 2664 Park City, Utah 84060-2664</small>	<small>STAFF:</small> STEVE SCHUELER	WILDLIFE HABITAT ROUND VALLEY ANNEXATION PARCEL	SHEET 1 OF 1
	<small>DATE: 6/16/13</small>	<small>FOR: PCMC</small> <small>JOB NO.: 7-1-12</small> <small>FILE: X:\Quinna Junction\Annexation 2012\wildlife sheet.dwg</small>	





**LEGEND**

- — — — — Round Valley Annexation Boundary
- PCMC Annexation Declaration Boundary
- Existing PCMC Boundary
- 1/2 Mile Boundary



 <small>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS</small> <small>323 Main Street P.O. Box 2664 Park City, Utah 84099-2664</small>	<small>(435) 649-9447</small> STAFF: STEVE SCHUELER	ROUND VALLEY ANNEXATION PETITION EXISTING SUMMIT COUNTY ZONING PARK CITY MUNICIPAL CORPORATION FOR: PCMC JOB NO.: 7-1-12 FILE: X:\Quinn's Junction\dwg\Existing Conditions.dwg	SHEET 1 OF 1
	<small>DATE: 2/18/13</small>		



## Round Valley Annexation Petition

### Introduction

Park City Municipal Corporation (PCMC) is petitioning to have the area generally known as Round Valley (RV), annexed into Park City. The bulk of the parcels contained within the proposed annexation area are either owned outright by PCMC or PCMC retains conservation easements or deed restrictions. The project is located in the Quinn's Junction area. See attached Existing Conditions map. The purpose of this report is to provide a review and analysis of the existing and proposed land uses associated with the annexation of the Round Valley property. The property exists within Park City's annexation declaration boundary, as shown on the attached Annexation Boundary Declaration exhibit. The annexation petition is consistent with the Purpose and General Requirements of Chapter 8-Annexation of the Park City Land Management Code. An Annexation Plat is attached.

### Existing Conditions

The annexation area consists of properties within two larger parcels (North Parcel and South Parcel) which are separated from each other by properties within the boundaries of PCMC. Both of these parcels consist of lands purchased over 20 of years by PCMC specifically for open space protection and for use as a recreation amenity by residents and visitors (see Existing Conditions map) through taxpayer-funded Open Space bonds. The total area of the proposed annexation area is 1,367.16 acres. Existing natural conditions have been identified, in some cases mapped, and then subsequently analyzed to address the requirements of the Annexation Petition and are noted below.

The North parcel lands present as undeveloped open space with topography consisting of rolling hills surrounding a central valley (Round Valley). The lowest point of the valley area appears to contain a small jurisdictional wetlands habitat. Numerous trails used by hikers, bikers, and winter user's crisscross the Round Valley area.

The South parcel is similar in character to the North parcel. Topography consists of gently rolling terrain and flat fields. Most of this parcel exists as undeveloped open space with multi-use trails. A portion is farmed for hay, and several small parcels have been utilized for vehicle storage, road salt storage and related uses. Individual ownership parcels of the entire annexation area are found at the end of this document.

*a. Slopes:*

A slope analysis has been conducted with the following results:

Slopes 0 – 15%	55%
Slopes 15-40%	44%
Slopes 40%+	1%

See the attached slope analysis. Ridgelines have also been identified as part of this analysis.

## Round Valley Annexation Petition

*b. Wetlands and Hydrology:*

Wetlands in the annexation area, and surrounding lands, have been mapped by the Environmental Protection Agency as part of a nationwide wetlands inventory and the mapping, available in a digital format, was downloaded from the State of Utah GIS portal website for use in mapping wetlands. This mapping would not be considered to be detailed enough for a site-specific wetlands identification, but is useful in generally determining where wetlands are likely located. The digital mapping shows a very small wetland area in Round Valley itself. An on-site delineation will be required in the event that activities are proposed in this wetlands area. These mapped wetlands are shown on the Sensitive Lands Map.

*c. Vegetative Cover:*

Vegetation consists of mountain mahogany, shrub oak, sagebrush, mixed native grasses and various perennials. Invasive weed species are found throughout the parcel (See attached character image of the vegetation patterns).

*d. View Corridors:*

Important view corridors exist along Route 248 and 40 and comprise portions of the RV Annexation area. The parcels within the annexation area were purchased or controlled by PCMC, in part, to protect the visual character of the entry in Park City. Visually, the Round Valley Annexation area presents as undeveloped foothills between the State Route 40 corridor and the Snyderville Basin. See the attached Viewshed Analysis.

*e. Wildlife:*

Wildlife habitat information for important species has been downloaded and mapped from the State of Utah GIS Portal website. As shown on the wildlife mapping, black bear, blue grouse, sage grouse, ruffed grouse and mule deer habitat are found within the annexation area and on nearby open space lands.

Threatened and Endangered Species-As shown on the following table, Summit County animal and plant species has been listed as one or more of the following: Federally-listed or candidate species under the Endangered Species Act (S-ESA), Wildlife species of concern (SPC), and Species receiving special management under a Conservation Agreement in order to preclude the need for Federal listing (CS). The animals and plants listed below are found in Summit County or Wasatch Counties but are not be specific to the annexation parcels.

# Round Valley Annexation Petition

**Table 1-Animal Species in Summit County of S-ESA, SPC, or CS Status**

<i>Common Name</i>	<i>Scientific Name</i>	<i>State Status</i>
Bald Eagle	Haliaeetus Leeucocephalus	S-ESA
Blue-Headed Sucker	Catostomus Discobolus	CS
Bobolink	Dolichonyx Oryzivorus	SPC
Bonneville Cutthroat Trout	Oncorhynchus Clarkii Utah	CS
Brown (Grizzly) Bear	Ursus Arctos	S-ESA
Canada Lynx	Lynx Canadensis	S-ESA
Colorado River Cutthroat Trout	Onchorhynchus Clark II pleuriticus	CS
Columbia Spotted Frog	Rana Luteiventris	CS
Deseret Mountain Snail	Oreohelix Peripherica	SPC
Greater Sage Grouse	Centrocercus Urophasianus	SPC
Leatherside Chub	Gila Copei	SPC
Lewis Woodpecker	Melanerpes Lewis	SPC
Long-billed Curlew	Numenius Americanus	SPC
Northern Goshawk	Accipiter Gentilis	CS
Smooth Greensnake	Opheodrys Vernalis	SPC
Three-Toed Woodpecker	Picoides Tridactylis	SPC
Western Pearlshell	Margaritifera Falcata	SPC
Western Toad	Bufo Boreas	SPC

An inquiry to the State of Utah, Division of Wildlife Resources, Department of Natural Resources (DWR) regarding any species of concern has been made. No species of concern have been identified by DWR as noted on the attached response.

*f. Cultural Resources:*

Historically, the annexation area has been, for the most part, undeveloped. There are no historic structures found on the annexation parcels in question. Historic land uses include agriculture, which has been an on-going activity on the Osguthorpe parcel for many years.

*g. Geological Features*

The RV annexation area contains no significant geological features identified in the State of Utah GIS databases including debris flows, fault lines, landslide areas, liquefaction areas and related phenomena. Several mapped small earthquake epicenters are found on the annexation area as are found throughout the greater Park City area. A review of the databases indicated no known geologic hazards. No known mine hazards were discovered in the area, per PCMC compliance with the mine hazard ordinance.



# Round Valley Annexation Petition

The annexation area is outside of the Park City's soils ordinance boundaries.

## Existing and Proposed Streets and Roads

No new roads or streets are currently proposed as part of this annexation.

## Existing Public and Proposed Utilities

Utility services exist along road R-O-W's which surrounds the annexation parcels. A (Chevron) natural gas main line passes through the North Parcel and the Lost Canyon Water Line passes through the South Parcel. Numerous easements for additional utility corridors, ROW's, access and other uses exist throughout the annexation area and are set forth in the title report. No new utilities are proposed as part of this annexation application.

## Location of Proposed Open Space

See discussion of Existing and Proposed Land Uses.

## Existing and Proposed Land Uses

Existing land uses in the annexation area, for the most part, are protected open space and passive recreational uses. Agriculture, as noted in the Cultural Resources section, exists and would likely continue in the event of an annexation. Several small parcels, adjacent to Hwy 248, have, historically been utilized for vehicle storage, and related light industrial uses. County zoning in the annexation area consists of "Hillside Stewardship," and "Rural Residential."

The RV annexation area provides a significant recreational amenity to the Park City community. In addition to approximately 30 miles of mixed-use trails in the annexation area, support facilities, outside of the annexation area, including parking lots and trailheads are located at Round Valley Way and Gillmor Way in Quinn's Junction, on Meadows Drive in Park Meadows, and on Old Ranch Road. Deed-restricted open space easements exist on approximately 600 acres of the North Parcel. See Conservation Easement exhibit.

As shown on the attached 1/2-Mile Analysis exhibit, for a ½ mile radius surrounding the RV annexation area, land uses consist of open space, residential uses, resort residential, commercial and light industrial uses. About 1/3 of all lands within ½ mile of the annexation parcels are PCMC incorporated lands and consist of various residential uses (Park Meadows and Prospector), the Park City Golf Course, National Ability Center, Park City Ice Arena, the IHC Hospital and related medical offices, along with undeveloped open space. Zoning consists of SF, POS, ROS, RD, and CT. See attached Zoning Map.

The remaining 2/3 of the lands within ½ mile are located in un-incorporated Summit County. Land uses include the Highway 40 ROW, a small industrial park (Zoned as "Neighborhood Commercial") on the

## Round Valley Annexation Petition

east side of Highway 40, low density residential in the Old Ranch Road area, portions of Richardson Flats, and other undeveloped parcels.

Proposed land uses would be consistent with historic and current uses including protected open space with associated recreational uses, agriculture, and light industrial uses. Proposed zoning is ROS and LI, with the FPZ (Frontage Protection Zone) overlay as shown on the attached proposed zone map.

### Existing and Proposed Locations of Community Facilities

Existing community facilities in the annexation area consist of the aforementioned trail system and related recreation infrastructure. No community facilities, beyond what currently exists in Round Valley are anticipated as part of this annexation. The Weber Water Conservation District, with input from Park City Water Department and other entities, has analyzed future water demand. As a result of that analysis, a small reservoir or lake may be proposed on a portion of the annexation area with suitable topography. This use is consistent with the proposed ROS zone in which this water body would be proposed to be located. As noted on the Zoning Map, the LI zone within the annexation area could allow for uses, consistent with current community services, including road maintenance and storage facilities or new uses such as relocation of the recycling center.

### Consistency with General Plan

The Round Valley Annexation area falls within Park City's Annexation Declaration Boundary and is consistent with objectives set forth in the current General Plan.

### Anticipated Timetable for Development

No development is proposed as part of this annexation. Improvements and limited expansion of the trail system and trail system support infrastructure is anticipated on an as-needed basis.

### Affordable Housing

No development is proposed as part of this annexation and so no affordable housing component is anticipated.

### Public Utilities and Essential Services Analysis

- a. This annexation does not propose any development which would increase the number of school-aged children to the Park City School District.
- b. Capacity of sanitary sewer services-No increase in sanitary sewer services are proposed as part of this annexation.
- c. Other Services-The annexation area abuts existing boundaries of Park City Municipal Corporation. It is surrounded by mixed land use development. Service routes exist for solid waste pick up (private contractor) which is currently afforded to adjacent property owners. All existing municipal and county services are afforded to the proposed annexation property by virtue of its location adjacent

## Round Valley Annexation Petition

to Park City Municipal Corporation boundaries and would require no change in the provision of these services as a result of this annexation.

- d. Water disclosure statement: Known water rights associated with the proposed annexation area are limited to the Osguthorpe Parcel (SS-98-X) with 102 acre feet with an 1878 priority. The parcel was placed in a conservation easement in 2010, removing development rights and ensuring agricultural use of the property. Park City Municipal has a first right of refusal for purchase or lease of the property to ensure water associated with the parcel remains.

### Fiscal Impact Analysis

The annexation is not anticipated to alter any existing or projected demographic or economic conditions in the Park City area (or in the annexation area itself) as there is no population or economic base within the annexation area. The area surrounding the annexation area consists of commercial development, undeveloped open space, UDOT rights of way and limited industrial/ commercial uses, as shown on the Existing Conditions map. Prior annexation agreements in the surrounding areas include the Park City Heights project (an unconstructed mixed residential project directly to the south of this annexation petition) and Quinn's Junction Partnership project (a proposed movie studio complex, to the southeast) as noted on the Existing Conditions map. To the east is State Route 40 and beyond that is an existing commercial/ industrial complex.

Projected revenue as a result of this annexation would be negligible as no revenue generating activities are proposed.

The projected impact to taxpayers as a result of this annexation would be unchanged from the current conditions. The bulk of the lands are already owned outright or development rights are retained subsequent to this annexation petition by PCMC. Park City municipal services are already afforded to the annexation area resulting from the existing recreational uses of the property.

Tax revenues generated from parcel ownership within the annexation area are minimal. All publicly held lands, including PCMC, The United States of America, and UDOT are tax-exempt. The Osguthorpe parcel pays property taxes, but at a very low rate, as a result of a prior agreement with PCMC to transfer the development rights and its status as a greenbelt property. Property tax revenues are not anticipated to increase as a result of this annexation as the proposed land uses would, largely, remain unchanged from current conditions.

Cost of government services, via open space management funds, to the annexation area consist of trail maintenance and expansion and associated infrastructure improvements, noxious weed control, and wildfire control and related management activities. Estimated costs are approximately \$100,000 per annum. These costs are expected to remain, relatively, unchanged as a result of this annexation.

# Round Valley Annexation Petition

Parcel ownership and acreage are noted on the following table.

<b>Property Ownership</b>	<b>Acres</b>	<b>Owner</b>
<b>NORTH PARCEL</b>		
<b>Section 27, T1S, R4E, SLB&amp;M:</b>		
Tax No. SS-57-A-X	368.01	PCMC
Tax No. SS-57-2-A-X	29.00	PCMC
<b>Section 28, T1S, R4E, SLB&amp;M:</b>		
Tax No. SS-59-X	203.65	PCMC
<b>Section 33, T1S, R4E, SLB&amp;M:</b>		
Tax No. SS-61-X	40.00	PCMC
Tax No. SS-61-C-X	40.00	PCMC
Tax No. SS-61-D-X	40.00	PCMC
Tax No. SS-61-E-X	40.00	PCMC
Tax No. SS-61-F-X	40.00	PCMC
<b>Section 34, T1S, R4E, SLB&amp;M:</b>		
Tax No. SS-62-A-X	117.73	PCMC
Tax No. SS-62-B-X	40.00	PCMC
Tax No. SS-62-C-X	40.00	PCMC
Tax No. SS-62-D-X	40.00	PCMC
Tax No. SS-62-E-X	40.00	PCMC
Tax No. SS-62-G-X	209.62	PCMC
Tax No. SS-62-A-1-X	10.33	PCMC
Tax No. SS-62-A-1-A-X	143.66	PCMC
<b>SOUTH PARCEL</b>		
<b>Section 2, T2S, R4E, SLB&amp;M:</b>		
Tax No. SS-92-A-X		USA
Tax No. SS-92-A-X-X	39.92	PCMC
Tax No 92-A-1-X	3.38	UDOT
Tax No. SS-95-A-X	2.00	UDOT
Tax No. SS-95-B-X	1.00	PCMC
Tax No. SS-95-C-X	0.06	UDOT
Tax No. SS-95-D-X	2.00	PCMC
Tax No. SS-95-E-X	1.00	PCMC
Tax No. SS-95-I-X	1.00	PCMC
Tax No. SS-95-N-X		
Tax No. SS-95-C-1-X	1.36	PCMC
<b>Section 3, T2S, R4E, SLB&amp;M:</b>		
Tax No. SS-97-A-1-X	80.00	PCMC
Tax No. SS-98-X	121.05	Osguthorpe

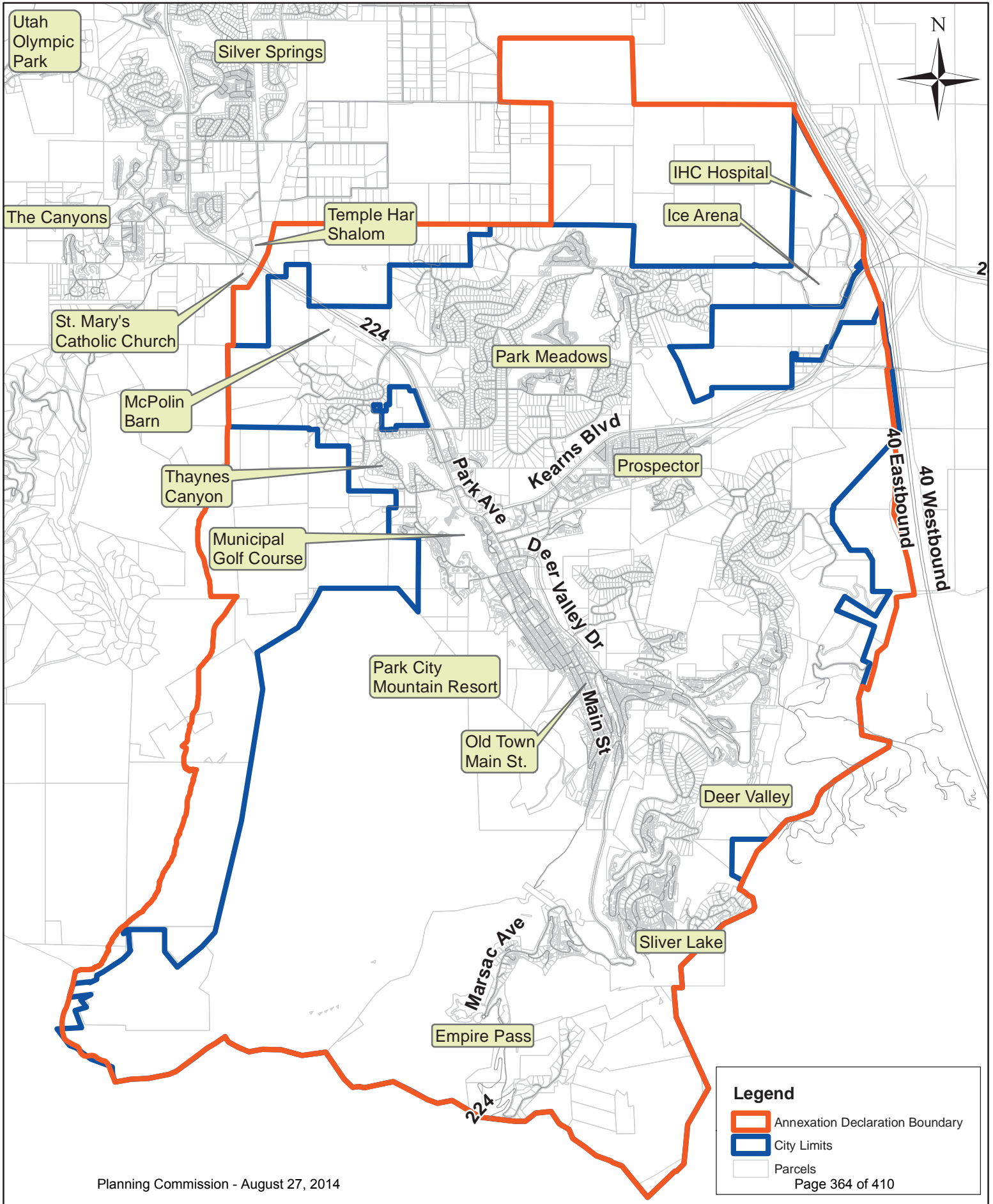




# Round Valley Annexation Petition

## Exhibits

Annexation Plat  
Existing Conditions Map  
Zoning Map  
Conservation Easements Map  
Annexation Declaration Map  
Slope Map  
View Corridors Exhibit  
Wildlife Habitat Map  
DWR Species response letter  
Title Report  
Half Mile Land Uses  
Existing County Zoning





GARY R. HERBERT  
Governor

GREGORY S. BELL  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Wildlife Resources

JAMES F. KARPOWITZ  
Division Director

September 12, 2012

Steve Schueler  
Alliance Engineering  
323 Main Street  
Park City, UT 84060

Subject: Species of Concern Near the Park City Annexation Area, Summit County, Utah

Dear Steve Schueler:

I am writing in response to your email dated August 29, 2012 regarding information on species of special concern proximal to the proposed Park City Annexation Area located in Sections 27, 28, 33 and 34 of Township 1 South, Range 4 East, and Sections 2 and 3 of Township 2 South, Range 4 East, SLB&M, in Summit County, Utah.

The Utah Division of Wildlife Resources (UDWR) does not have records of occurrence for any threatened, endangered, or sensitive species within the project area noted above. However, within a two-mile radius there are recent records of occurrence for bobolink, Columbia spotted frog, greater sage-grouse, northern goshawk and short-eared owl, and historical records of occurrence for ferruginous hawk, long-billed curlew and western toad. All of the aforementioned species are included on the *Utah Sensitive Species List*.

The information provided in this letter is based on data existing in the Utah Division of Wildlife Resources' central database at the time of the request. It should not be regarded as a final statement on the occurrence of any species on or near the designated site, nor should it be considered a substitute for on-the-ground biological surveys. Moreover, because the Utah Division of Wildlife Resources' central database is continually updated, and because data requests are evaluated for the specific type of proposed action, any given response is only appropriate for its respective request.

In addition to the information you requested, other significant wildlife values might also be present on the designated site. Please contact UDWR's habitat manager for the central region, Mark Farmer, at (801) 491-5653 if you have any questions.

Please contact our office at (801) 538-4759 if you require further assistance.

Sincerely,

Sarah Lindsey  
Information Manager  
Utah Natural Heritage Program

cc: Mark Farmer





**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 2.7 - RECREATION AND OPEN SPACE (ROS) DISTRICT**

*Chapter adopted by Ordinance No. 00-15*

**15-2.7-1. PURPOSE.**

The purpose of the Recreation and Open Space (ROS) District is to:

- (A) establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets and Parking Lots,
- (B) permit recreational Uses and preserve recreational Open Space land,
- (C) encourage parks, golf courses, trails and other Compatible public or private recreational Uses, and
- (D) preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridge lines, meadows, stream corridors, and forests.
- (E) encourage sustainability, conservation, and renewable energy.

*(Amended by Ord. No. 09-10)*

**15-2.7-2. USES.**

Uses in the ROS District are limited to the following:

(A) **ALLOWED USES.**

- (1) Conservation Activity

(B) **ADMINISTRATIVE  
CONDITIONAL USES.**<sup>1</sup>

- (1) Trail and Trailhead Improvement
- (2) Outdoor Recreation Equipment
- (3) Essential Municipal Public Utility Use, Service, or Structure, less than 600 sq. ft.
- (4) Accessory Building, less than 600 sq. ft.
- (5) Ski-related Accessory Building, less than 600 sq. ft.
- (6) Parking Area or Structure with four (4) or fewer spaces

---

<sup>1</sup>Subject to an Administrative Conditional Use permit and/or Master Festival license review process. Master Festivals are temporary in nature. All related temporary Structures are restricted to specific time frames and shall be removed at the expiration of the Master Festival permit.

- (7) Outdoor Event, Outdoor
- (8) Temporary Construction Improvement
- (9) Raising, grazing of horses
- (10) Raising, grazing of livestock
- (11) Anemometer and Anemometer Towers

(C) **CONDITIONAL USES.**

- (1) Agriculture
- (2) Recreational Outdoor and Trail Lighting
- (3) Recreation Facility, Private
- (4) Recreation Facility, Public
- (5) Recreation Facility, Commercial
- (6) Golf Course
- (7) Passenger Tramway Station and Ski Base Facility
- (8) Ski Tow Rope, Ski Lift, Ski Run and Ski Bridge
- (9) Recreational Sports Field
- (10) Skating Rink
- (11) Skateboard Park
- (12) Public and Quasi-Public Institution, Church, and School, Park, Plaza, Structure for Public Assembly, greater than 600 sq. ft.
- (13) Essential Municipal Public Utility Use, Facility, Service, and Structure, greater than 600 sq. ft.
- (14) Accessory Building, greater than 600 sq. ft.
- (15) Ski-Related Accessory Building, greater than 600 sq. ft.
- (16) Child Care Center
- (17) Commercial Stable, Riding Academy

- Music
- (18) Vehicle Control Gates<sup>2</sup>
- (19) Resort Support, Commercial
- (20) Cemetery
- (21) Parking Area or Structure with five (5) or more spaces
- (22) Telecommunications Antenna<sup>3</sup>
- (23) Mines and Mine Exploration
- (24) Plant and Nursery stock products and sales
- (25) Fences greater than six feet (6') in height from Final Grade.
- (26) Small Wind Energy Systems

(D) **PROHIBITED USES.** Any use not listed above as an Allowed or Conditional Use is a prohibited Use.

*(Amended by Ord. Nos. 04-08; 09-10)*

**15-2.7-3. LOT AND SITE REQUIREMENTS.**

All Structures must be no less than twenty-five feet (25') from the boundary line of the Lot, district or public Right-of-Way.

(A) **FRONT, SIDE, AND REAR YARD EXCEPTIONS.** Fences, walls, stairs, paths, trails, sidewalks, patios, driveways, Ancillary Structures, approved Parking Areas, and Screened mechanical and utility equipment are allowed as

<sup>2</sup>See Section 15-4-19 for specific review criteria for gates

<sup>3</sup>Subject to LMC Chapter 15-4-14, Telecommunications



**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 2.8 - PROTECTED OPEN SPACE (POS) DISTRICT**

*Chapter adopted by Ordinance No. 00-15*

**15-2.8-1. PURPOSE.**

The purpose of the Protected Open Space (POS) District is to:

- (A) promote useable, public, non-improved, non-commercial, connected and contiguous Open Space for community benefit,
- (B) promote open lands that remain fundamentally undisturbed,
- (C) prohibit construction on ridge lines and Steep Slopes, or in wetlands, watersheds, and view sheds,
- (D) promote the preservation of Historic Sites,
- (E) preserve the vegetation and habitat of natural Areas,
- (F) provide incentives to protect Open Space and conservation resources through voluntary conservation easements and/or deed restrictions, and
- (G) provide for careful review of low-intensity recreational Uses and

environmentally-sensitive, non-motorized trails.

**15-2.8-2. USES.**

Uses in the POS District are limited to the following:

(A) **ALLOWED USES.**

- (1) Conservation Activity

(B) **ADMINISTRATIVE  
CONDITIONAL USE PERMIT (CUP).**

- (1) Parking Area or Structure for four (4) or fewer spaces.
- (2) Fences greater than six feet (6') in height from existing Grade.

(C) **CONDITIONAL USES.**

- (1) Trail and Trailhead Improvement
- (2) Essential Municipal Public Utility Use, Service, or Structure
- (3) Accessory Building, less than 600 sq. ft.
- (4) Ski-related Accessory Building, less than 600 sq. ft.

- (5) Parking Area or Structure, for five (5) or more spaces
- (6) Recreation Facility, Public
- (7) Mines and Mine Exploration
- (8) Ski Tow Rope, Ski Lift, Ski Run, Ski Bridge<sup>1</sup>

(D) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

*(Amended by Ord. No. 06-69)*

**15-2.8-3. LOT AND SITE REQUIREMENTS.**

All Structures must be no less than twenty-five feet (25') from the boundary line of the Lot, district or public Right-of-Way.

(A) **FRONT, SIDE, AND REAR YARD EXCEPTIONS.** Fences, walls, stairs, paths, trails, sidewalks, at Grade patios, driveways, Ancillary Structures, approved Parking Areas and Screened mechanical and utility equipment are allowed in the Front, Side, and Rear Yards.

*(Amended by Ord. No. 09-10)*

**15-2.8-4. BUILDING HEIGHT.**

No Structure may be erected to a height greater than twenty-eight feet (28') from existing Grade. This is the Zone Height.

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<sup>1</sup>Subject to a City approved Ski Area Master Planned Development and LMC Section 15-4-18.

(A) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

(1) Gable, hip, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

(2) Antennas, chimneys, flues, vents and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with the International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened may extend up to five feet (5') above the height of the Building.

*(Amended by Ord. Nos. 06-69; 07-25)*

**15-2.8-5. ARCHITECTURAL REVIEW.**

Prior to the issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

*(Amended by Ord. No. 06-69)*

**15-2.8-6. VEGETATION PROTECTION.**



**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 2.19 - LIGHT INDUSTRIAL (LI) DISTRICT**

*Chapter adopted by Ordinance No. 00-51*

**15-2.19-1. PURPOSE.**

The purpose of the Light Industrial (LI) District is to:

- (A) allow light industrial and manufacturing Uses that will not create traffic hazard, noise, dust, fumes, odors, smoke, vapor, vibration, glare, or industrial waste disposal problems,
- (B) allow Conditional Uses to mitigate potential impacts,
- (C) accommodate complementary and supporting Uses such as parking, child care, retail, offices, group care, and recreation facilities, and
- (D) allow new light industrial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural design and details, color range, massing, lighting, landscaping, and the relationship to Streets and pedestrian ways.

**15-2.19-2. USES.**

Uses in the LI District are limited to the following:

(A) **ALLOWED USES.**

- (1) Secondary Living Quarters
- (2) Accessory Apartment<sup>1</sup>
- (3) Nightly Rental
- (4) Home Occupation
- (5) Child Care, In-Home Babysitting<sup>2</sup>
- (6) Child Care, Family<sup>2</sup>
- (7) Child Care, Family Group<sup>2</sup>
- (8) Child Care Center<sup>2</sup>
- (9) Agriculture
- (10) Plant and Nursery Stock
- (11) Office, General
- (12) Office, Moderate Intensive
- (13) Office, Intensive
- (14) Financial Institution without drive-up window
- (15) Retail and Service Commercial, Minor

<sup>1</sup>See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

<sup>2</sup>See LMC Chapter 15-4-9 Child Care Regulations



- (16) Retail and Service Commercial, Personal Improvement
- (17) Retail and Service Commercial, Major
- (18) Commercial, Resort Support
- (19) Hospital, Limited Care
- (20) Parking Area or Structure with four (4) or fewer spaces
- (21) Recreation Facility, Private

**(B) CONDITIONAL USES.**

- (1) Multi-Unit Dwelling
- (2) Group Care Facility
- (3) Child Care Center<sup>2</sup>
- (4) Public and Quasi-Public Institution, Church, and School
- (5) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (6) Telecommunication Antenna<sup>3</sup>
- (7) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter<sup>4</sup>
- (8) Accessory Building and Use
- (9) Raising, grazing of horses
- (10) Bed and Breakfast Inn
- (11) Boarding House, Hostel
- (12) Hotel, Minor
- (13) Private Residence Club Project and Conversion<sup>6</sup>
- (14) Office and Clinic, Medical

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<sup>3</sup>See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

<sup>4</sup>See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

- (15) Financial Institutions with Drive-Up Window<sup>5</sup>
- (16) Retail and Service Commercial with Outdoor Storage
- (17) Retail and Service Commercial, Auto-Related
- (18) Transportation Services
- (19) Retail Drive-Up Window<sup>5</sup>
- (20) Gasoline Service Station
- (21) Café or Deli
- (22) Restaurant, General
- (23) Restaurant, Outdoor Dining
- (24) Restaurant, Drive-Up Window<sup>5</sup>
- (25) Outdoor Event<sup>6</sup>
- (26) Bar
- (27) Hospital, General
- (28) Light Industrial Manufacturing and Assembly Facility
- (29) Parking Area or Structure with five (5) or more spaces
- (30) Temporary Improvement<sup>6</sup>
- (31) Passenger Tramway Station and Ski Base Facility
- (32) Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge
- (33) Recreation Facility, Public
- (34) Recreation Facility, Commercial
- (35) Entertainment Facility, Indoor
- (36) Commercial Stables, Riding Academy

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<sup>5</sup>See Section 2.19-8 for Drive-Up Window review criteria

<sup>6</sup>Subject to an administrative Conditional Use permit.

- (37) Master Planned Developments<sup>7</sup>
- (38) Heliports
- (39) Commercial Parking Lot or Structure
- (40) Temporary Sales Office, in conjunction with an active Building permit.
- (41) Fences and Walls greater than six feet (6') in height from Final Grade<sup>6</sup>

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

*(Amended by Ord. Nos. 04-39; 06-76)*

### 15-2.19-3. COMMUNITY REQUIREMENTS.

Applicants must demonstrate the following:

- (A) The Industrial Use will not create glare, heat, odor, dust, smoke, noise, or physical vibrations perceptible outside of the Building.
- (B) Open yards used for storage or parking may not adjoin any public Right-of-Way and must be fully Screened from public Rights-of-Way and adjoining Properties.
- (C) Underground Utilities are provided.

### 15-2.19-4. REVIEW CRITERIA FOR RESIDENTIAL USES.

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<sup>7</sup>Subject to provisions of LMC Chapter 15-6, Master Planned Development.

A landscaped buffer Area is required to separate Residential Uses from existing or potential industrial Uses. This buffer Area must be a minimum of fifty feet (50') wide to provide adequate Screening, buffering, and separation of these Uses. The fifty foot (50') requirement may be divided between two adjoining Properties. In the case where one Property is already Developed, the adjoining Property must provide a buffer Area sufficient to meet the fifty foot (50') requirement. A detailed landscape plan must be submitted by the Applicant and approved by the Planning Commission and Staff prior to Conditional Use approval. The landscape plan must demonstrate that the fifty foot (50') buffer Area effectively Screens and buffers the existing and future Residential Uses from existing or future industrial Uses. In some cases additional Off-Site landscaping may be necessary to adequately mitigate impacts of these incompatible Uses.

### 15-2.19-5. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

Minimum Lot and Site requirements are as follows:

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**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 2.20 - FRONTAGE PROTECTION ZONE (FPZ)**

*Chapter adopted by Ordinance No. 00-51*

**15-2.20-1. PURPOSE.**

The purpose of the Frontage Protection Zone (FPZ) is to:

- (A) preserve Park City’s scenic view corridors,
- (B) preserve and enhance the rural resort character of Park City’s entry corridor,
- (C) provide a significant landscaped buffer between Development and highway Uses,
- (D) minimize curb cuts, driveways and Access points to highways,
- (E) allow for future pedestrian and vehicular improvements along the highway corridors.

**15-2.20-2. FRONTAGE PROTECTION OVERLAY ZONE.**

The Frontage Protection Zone (FPZ) is an overlay zone, as shown on the Official Zoning Map. The FPZ includes those Properties with frontage on, and within one

hundred feet (100') of the Right-of Way line of the following Streets:

- (A) Park Avenue, SR 224, from 15th Street north to the City Limits,
- (B) Marsac Avenue, SR 224, from its upper intersection with Prospect Avenue to the south City limits,
- (C) Kearns Boulevard, SR 248, from Park Avenue east to the east City limits, and
- (D) Deer Valley Drive from Park Avenue to Heber Avenue, the SR 224 Belt Route.

**15-2.20-3. USES.**

All Uses, including Allowed and Conditional Uses, must be consistent with the underlying Zoning District. Any Structure or Use within the FPZ is also subject to specific review criteria, including Conditional Use permit review, as stated in this section, and Entry Corridor Protection criteria as stated in Sections 15-2.20-4 and 15-2.20-5.

**15-2.20-4. LOT AND SITE REQUIREMENTS.**

Lot and Site Requirements and Building Heights for all Development Activities and uses within the Frontage Protection Zone must be consistent with the underlying Zoning District and are subject to the following additional requirements:

(A) Regardless of the zone Setback and Yard requirements, except as otherwise provided herein, no Structure shall be allowed within thirty feet (30') of the nearest highway Right-of-Way. An exception to this requirement shall be granted for two (2) municipal identification signs, one within the Utah State Highway 224 entry corridor, and the other within the Utah State Highway 248 entry corridor, provided that Park City Municipal Corporation is the Applicant and subject to approval pursuant to Municipal Code Section 12-9-1(L).

(B) All Construction Activity, including permanent signs, in the Setback Area between thirty feet (30') and one hundred feet (100') from the nearest Right-of-Way line requires a Conditional Use permit and is subject to all applicable review criteria as stated in Section 15-1-10. Review of projects within the FPZ shall include design review criteria as stated in LMC Chapter 15-5.

(C) **EXCEPTIONS.** Minor remodels and facade improvements for existing Structures within the FPZ, including free standing signs shall require an Administrative Permit with approval by the Planning, Engineering, and Building

Departments. Construction of at Grade sidewalks, trails, public plazas, and temporary signs in the FPZ Setback Area requires an Administrative Permit with approval by the Planning, Engineering, and Building Departments.

(D) Essential public facilities such as bus shelters, bus lanes, highways, directional signs, and utility installations within the FPZ may require an administrative Conditional Use permit with approval by the Planning, Engineering, and Building Departments.

(E) To minimize curb cuts, driveways, and Access to Park City's primary highways and Streets, Access to Property in the FPZ shall be from existing City Streets when possible, rather than direct highway Access. Common driveways between adjoining projects shall be used when possible. Driveways must be placed where they create the least interference with through traffic on highways.

(F) The Planning Department shall review all proposals for pedestrian and bicycling pathways and trails through the FPZ. Trails and sidewalks may occupy Setback Areas. Open Space, preservation of view corridors, protection and enhancement of Sensitive Lands such as wetlands and meadows, and buffer Areas shall be considered in the review.

All Fences in the FPZ must be one of the following styles:

- (1) Wooden rail,

- (2) Architecturally Compatible solid wood and natural stone,
- (3) Stock Fences,
- (4) Various forms of steel Fencing as determined and approved by the Planning Department, not including chain link Fencing.

*(Amended by Ord. Nos. 01-25; 06-76; 09-10)*

**15-2.20-5. ENTRY CORRIDOR PROTECTION OVERLAY (ECPO).**

(A) **INTENT.** To maintain the visual character of Park City as a mountain community with sweeping, attractive vistas, all Development within the designated entry corridors into Park City shall comply with the requirements of this section. The Entry Corridor Protection Overlay (ECPO) is a sub-zone within the FPZ.

(B) **APPLICABILITY TO PROPERTY WITHIN EXISTING PARK CITY LIMITS.** The regulations contained in this sub-zone shall apply to all Structures on Lots adjacent to or within two hundred and fifty feet (250') of the nearest Right-of-Way of entry corridor highways within existing Park City limits including:

- (1) Utah State Highway 224 north of Holiday Ranch Loop Road and Payday Drive,
- (2) Utah State Highway 224 south of Prospect Street, and

- (3) Utah Highway 248 east of Wyatt Earp Way.

(C) **APPLICABILITY TO FUTURE ANNEXED PROPERTIES.** Upon submission of an annexation petition, the Planning Department shall identify relevant entry corridors for designation by the City Council. Open vistas and meadows shall be identified and maintained to the maximum extent feasible.

(D) **ACCESS/TRAFFIC.** Access points and driveways connecting directly to the entry corridor roadways shall be minimized. Access shall be from existing City Streets that join with the corridor roadways rather than direct roadway Access. Common driveways between adjoining Properties shall be encouraged. Whenever direct driveway Access is necessary, it shall be located in such a manner to minimize interference with through traffic on the corridor roadway.

(E) **SETBACKS.**

- (1) A Setback in the Entry Corridor Protection Overlay shall be established by the Planning Department based upon a visual assessment of the Property. However, in no case shall the Setback be less than one hundred feet (100') from the nearest entry roadway Right-of-Way. In Areas where open meadow vistas are considered important, the required Setback may be increased significantly. The one hundred foot (100') standard is intended to be

more appropriate for Properties currently within the City limits. Upon annexation request, the appropriate Setback will be determined based upon a Site specific visual analysis.

(2) Building Setbacks in the Entry Corridor Protection Overlay shall vary from Structure to Structure with any one Lot or Development. Setbacks shall also vary from those on adjoining roadway-oriented Property to avoid creating a walled effect. Buildings shall be located in such a manner to enhance and frame important views as determined in the visual assessment.

(3) Agricultural or stock Fences shall be allowed in the Setback subject to approval by the Planning Department. See Fencing, Section 15-2.20-5(H).

(F) **PARKING LOTS.** Parking Lots must be located to the rear or sides of Buildings to the maximum extent feasible.

(G) **BERMS/EARTHWORK SCREENING.** All earthen berms and earthwork Screening must be Graded and planted in such a manner so as to permit views of primary uses on the Site from the adjacent entry corridor roadway. Additionally, berm crests shall be contoured and varied in height to avoid a straight-line barrier effect.

(H) **FENCING.** All Fences in the ECPO must be of one of the following styles:

- (1) Wooden rail,
- (2) Architecturally Compatible solid wood and natural stone,
- (3) Stock Fences,
- (4) Various forms of steel Fencing as determined by the Planning Department, not including chain link Fencing.

(I) **BUILDING HEIGHT.** No Building within the ECPO shall exceed the following height limits, as defined in Chapter 15 of this Title:

- (1) Twenty feet (20') if the entry corridor Setback is less than one hundred fifty feet (150').
- (2) Twenty-five feet (25') if the entry corridor Setback is greater than one hundred fifty feet (150') but less than two hundred feet (200').
- (3) Up to the maximum height allowed by the underlying zone if the Setback is two hundred feet (200') or greater.

In addition, Buildings may be required to be stepped back to preserve and enhance important views.

(J) **PEDESTRIAN FACILITIES.** Trails and sidewalks shall be provided in all ECPO Developments in accordance with the



Park City Trails Master Plan. Trails and sidewalks may occupy Setback Areas.

(K) **LANDSCAPING/VEGETATION PROTECTION.** A landscaping plan shall be required for all ECPO Developments, and all Significant Vegetation protection shall be undertaken pursuant to LMC Chapter 15-5.

(L) **DESIGN STANDARDS.** All Development within the ECPO shall comply with the design standards contained in LMC Chapter 15-5.

(M) **TRAILHEAD PARKING.** Trailhead parking of less than twenty-five (25) spaces is allowed within the Setback Area but at least thirty feet (30') outside of the UDOT Right-of-Way. Parking must be adequately Screened with berms and/or landscaping to a height of at least three feet (3') above the surface of the Lot unless said landscaping/berming is discouraged by UDOT for sight/safety reasons. Vehicular Access to trailhead parking Lots is to be by City Streets if possible or by permission of UDOT if from a State Highway. Any Structure, way finding sign or Use is subject to the Conditional Use permit review.

(N) **OUTDOOR DISPLAY OF ART.** The permanent installation of an outdoor display of art that requires a fixed, impervious location on or above the ground (a Structure) is allowed as an administrative Conditional Use within the Setback Area but at least thirty feet (30') outside of the Utah Department of Transportation (UDOT) Right-of-Way. Outdoor displays of art are subject to the provisions of Title 15-4-15.

(O) **PUBLIC PARK FACILITIES.**

(1) The permanent installation of outdoor recreational equipment that requires a fixed, impervious location on or above the ground (a Structure) is allowed as an administrative Conditional Use within the Setback Area but at least thirty feet (30') outside of the Utah Department of Transportation (UDOT) Right-of-Way.

(B) Public park Accessory Buildings less than eighteen feet (18') in height and six hundred square feet (600 sq. ft.) in size are allowed as a Conditional Use within the Setback Area but at least thirty feet (30') outside of the Utah Department of Transportation (UDOT) Right-of-Way.

*(Amended by Ord. Nos. 04-17; 04-31; 06-76)*

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
FEBRUARY 26, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Preston Campbell, Steve Joyce, John Phillips, Adam Strachan, Clay Stuard

EX OFFICIO:

Planning Director, Thomas Eddington; Kirsten Whetstone, Planner; Francisco Astorga, Planner; Anya Grahn, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

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- 3. **Round Valley Park City Annexation – Annexation of 1,368 acres located in Sections 28, 33, 34 and 35 T1SR43 and Sections 2 and 3, T2SR4E east of US40 and north of SR248 requested zoning is ROS, Recreation Open Space (1,363 acres) and LI, Limited Industrial (5 acres.) (Application PL-13-01893)**

Planner Kirsten Whetstone reviewed the request for annexation and zoning for the Round Valley Park City Annexation and Zoning petition, to annex 1,368 acres. The petition is Park City Municipal and the request is for the Recreational Open Space Zoning (ROS). The petition also requests Light Industrial Zoning (LI) for approximately 5 acres. Planner Whetstone presented a color coded area map. The purple showed the annexation lands with deed restrictions. The green represented annexation lands with conservation easements. She indicated that area requested to be zoned LI, which were border parcels off of SR248.

Planner Whetstone explained that annexations require legislative action. The Planning Commission makes a recommendation to the City Council on both the annexation and the zoning. The City Council takes the recommendation into consideration and also conducts their own review before taking final action on the annexation.

Planner Whetstone noted that this was the initial public hearing on the proposed annexation. She stated that after the petition was submitted there was a question on whether a specific parcel would be part of the annexation. After some discussion the owners decided not to come in with the City and that delayed the process. Planner

Whetstone remarked that the City Council accepted the petition in 2013 and the Annexation Petition was certified by the City Clerk. Notices were sent to the Affected Entities informing them that Park City was entertaining an annexation petition. The process requires a 30 day protest period and it must be noticed in the newspaper for three consecutive weeks. No protests were filed with Summit County. The public hearings can now move forward beginning with the Planning Commission.

Planner Whetstone stated that the agenda requests that the Planning Commission continue this item to March 12, 2014. However, she recommended that the Commissioners hold a site visit on March 12<sup>th</sup> and actually continue the item to April 9<sup>th</sup>, at which time the Staff report will be more detailed and address all the requirements of the annexation policy plan.

Heinrich Deters, the Trails and Open Space Project Manager with the Sustainability Department, stated that he oversees open space and trails maintenance. He also works on the property side as the City representative, which was his reason for attending this evening. He was available to answer questions.

Mr. Deters presented a color-coded map. The orange dotted line was the annexation declaration boundary. The yellow was city-owned property. The green identified the current City limits. He indicated an island piece and a larger area shown in yellow that leads out to the recreation areas. Mr. Deters stated that the proposed annexation area is primarily City-owned open space that did not come in with the Park City Heights or Quinn's Junction annexations.

Mr. Deters commented on some of the items for discussion outlined in the Staff report. He noted that the areas proposed for Light Industrial are parcels that were purchased by the City in 2005 specifically for future Public Works. It was a land acquisition recognizing that something like Park City Heights or the movie studio would occur in the near future. Mr. Deters noted that there has been a lot of discussion about how Public Works was being pushed out of town and the maintenance costs associated with it. He explained that the purpose for the City to utilize that property in an area where there would be a signalized light and Park City Heights across the street was good planning for public services and the level of service the constituents have requested.

Mr. Deters presented a slide showing the conservation easements, which was Exhibit C in the Staff report. He noted that most of the conservation easements in Round Valley were exactly the same. In 2005 several conservation easements were granted to Summit Lands Conservancy, and they were basically recreational and open space easements. Mr. Deters presented the purpose statement from one of the easements to show the language. When the easements were granted in 2005 it mirrored the bond language so the voter approved bond and the funds that were used to purchase those parcels mirror one another.

Mr. Deters remarked that the deed restricted parcels came about in different ways; however, most were bonded. He reviewed the different parcels and explained the terms of the deed restriction.

Mr. Deters noted that when the notices were sent, Planner Whetstone received questions from the public asking which ordinances would change if this area were annexed. Mr. Deters stated that since it was mostly Round Valley it was recreational area. He stated that with this annexation the City has an Animal Control Ordinance, Title VII, which was drafted to mirror the County ordinance. Mr. Deters commented on past concerns associated with hunting in the area. The annexation would bring into the City the Discharge Ordinance which would help strengthen hunting enforcement. To address questions about special events, Mr. Deters stated that special event and trail events are already managed by the Special Events Department. The City also has a specific Trail Event Policy already in place. Summit County Health would still oversee events that have food or other items related to the health code. Mr. Deters reiterated that the trails are existing and the City has a service contract with Mountain Trails Foundation to provide trail maintenance and trail construction. They also provide green services for the City. The City provides the land and the groomer and Mountain Trails provides the grooming services.

Mr. Deters commented on a reference to Old Ranch Road in the Staff report. He noted that a trailhead is located on Old Ranch Road and the City has an agreement with Basin Recreation to help with maintenance because their facilities are so close.

Commissioner Joyce recalled previous discussions about possibly using a portion of Round Valley as water storage. He asked Mr. Deters if that was part of this annexation or where it fits in. Mr. Deters identified the area on the map referred to as Round Valley. He noted that the discussion came about as part of a Weber Basin Water group. It is a multi-party regional agreement and the City is a participant. They talked about water storage and that area was identified as a potential location. Mr. Deters remarked that at this point it was only in a study that the City was a participant. He was not prepared to say whether it would actually take place, but if it did, it would go through all the appropriate planning and permitting processes.

Diane Foster, the City Manager, provided clarification on the water issue. She explained that Mr. Deters was not involved in the Western Summit County Water Basin agreement, which was an agreement between Mountain Regional Water, Summit Water, Weber Basin Water Conservancy District, and Park City. Ms. Foster stated that there was a lot of debate during that process that if it ever needed to happen, they would have water storage in a place such as a reservoir, which is significantly different from building storage facilities. The question was who would be the decider. Ms. Foster remarked that at one point it was Weber Basin who makes the decision or a combination of Summit County and Park City. The City Council was very firm in the agreement, that should it ever need to occur in the future it would be a City Council decision, in conjunction with working with the Lands Conservancy. There were

questions on whether or not interpretation of the deed restriction would allow a reservoir.

Commissioner Joyce understood that the the storage would be in the annexed land. He asked if annexing would have any effect on how the City would make that decision or how much control they would have. Ms. Foster replied that the City has the power of eminent domain, which is one of the powers available to a City on the issue of reservoirs.

Assistant City Attorney McLean explained that the City owns the land. The only difference is that annexation would not only give the City control as the owner, but also as the regulator. Therefore, it would have to meet the requirements of the LMC and other regulations.

Commissioner Stuard noticed in the Staff report the discussion about whether ROS or POS was the appropriate pre-zoning for this area. He believed that the POS definition fit closer to the reason why the property was acquired. He asked if there were any shortcoming for using POS instead of ROS. Mr. Deters answered no because the two zones were very similar. The restrictive covenants would not allow for most of the things identified in POS or ROS.

Commissioner Stuard stated that he had spoken with Planner Whetstone about the "Gordo" parcels and where they were. He also visited the site to get a better idea. Commissioner Stuard thought it appeared that at least one of the UDOT parcels was bifurcated by the access road straight across from Richardson Flats. The two City parcels are on the left-hand side of the access road and are currently being used for temporary storage of construction materials. He felt it was important to point out for those who were not familiar with the location of those parcels. Commissioner Stuard stated the remaining UDOT parcel appears to be bifurcated by an existing bike/walk path that does not have a lot of usable area. Planner Whetstone agreed. She noted that there is a thin UDOT parcel that runs to the north of the LI parcels. Commissioner Stuard noted that the Staff report talks about the appropriate pre-zoning being CT rather than LI. In looking at the allowed and conditional uses under the CT Zone, he believed it fit all the potential uses being talked about. Commissioner Stuard pointed out that the LI zoning allowed a much broader range of uses and he questioned whether they would be appropriate in that location.

Commissioner Joyce stated that he came to the same conclusion that the POS zone fit the existing deed restrictions. If there was no downside, he preferred POS because it was consistent with how it was already deeded and protected. Commissioner Joyce had the same concerns with the Light Industrial parcels. He did not believe the allowed uses for the LI zone would be appropriate for such an important entry corridor.

Mr. Deters stated that he works with Public Works and he would like the opportunity to make sure they were comfortable with the POS zoning being proposed by the Commissioners.

Chair Worel stated that she was also uncomfortable with zoning those parcel Light Industrial. She asked if the City needed that space. Mr. Deters replied that snow storage is always an issue and when the water treatment plan went in they found a landowner who allowed the City to store snow at no cost. He explained that the further out of town, the cost of providing those types of services increases. This proposal would provide the opportunity for the City to meet the goal of maintaining the desired level of service without increasing taxes.

Commissioner Joyce understood the intent; however, as much as they were trying to protect the entry corridors, he thought they should start with a more conservative approach. He used the example of UDOT or someone else parking 40 industrial-sized vehicles on the property, which would be very inappropriate for the entry corridor and inconsistent with everything else they were trying to accomplish. Commissioner Joyce understood costs and needs, but he thought the City should live by the same rules as everyone else.

Assistant City Attorney McLean asked Planner Whetstone to point out where the Frontage Protection Zone overlays the parcels. Mr. Deters stated that it was not a factor. Ms. McLean clarified that the LI parcels were not part of the Frontage Protection Zone. She was told that this was correct.

Director Eddington explained that the POS allows for a conditional use for an essential municipal utility. As a conditional use it would have to come back to the Planning Commission without allowing it as a by-right use. Planner Whetstone stated that per the LMC, there is a 250 foot setback requirement within the Entry Corridor Protection Zone. She noted that there were allowances in the CT zone for municipal institutional buildings and uses. The conditional uses have further lot and size requirements that do not exist in the Light Industrial Zone. She stated that the Staff had the same concerns and they would like input and direction from the Planning Commission. Planner Whetstone offered to provide a comparison matrix for discussion at the next meeting.

Commissioner Joyce stated that as long as the more conservative approach works it should be their default. If they encounter issues or problems by being too conservative, they could specifically address the issues at that time.

Commissioner Strachan clarified that there was no consensus among the Commissioners for CT or LI zoning. He believed the comments only related to POS versus ROS. Commissioner Joyce agreed that there was no consensus, but he personally thought the same concerns applied to the CT versus LI zones. He did not favor having light industrial zoning right up to the street on a magnificent view corridor. Commissioner Strachan concurred. He assumed the decision for POS versus ROS also applied to the Gordo parcels. Commissioner Joyce stated that his comments did not consider the Gordo parcels and he was concerned that they would end up with problems if they applied it to the Gordo parcel.

Director Eddington stated that a conditional use for a municipal facility would have to come before the Planning Commission. Commissioner Strachan pointed out that if it was zoned ROS, municipal facilities 600 square feet or less are allowed, and it would not be required to come before the Planning Commission. Commissioner Strachan did not believe there was any debate over the non-Gordo parcel. They would either stay ROS or POS. He thought the discussion should be focused on the Gordo parcels and how those parcels should be zoned. He personally thought it should be uniform. If the adjacent contiguous and non-contiguous parcels were all zoned ROS or POS, he believed the Gordo parcels should be zoned the same. Commissioner Strachan pointed out that if the City wants the parcels zoned Light Industrial so it can be used as snow storage, that would not be prohibited in the ROS. Anything over 600 square feet would require Planning Commission review.

Assistant City Attorney McLean suggested that the Staff prepare a chart comparing ROS POS, CT and LI zones for the Planning Commission to use at the next meeting when trying to determine the appropriate zones. She also recommended that the Staff talk with Public Works to inventory their needs and understand their intentions for the parcels. Commissioner Strachan requested that the comparison matrix also show the base density allowed under each zone.

Ms. Foster stated that the City paid a premium for the Gordo parcels and they would not have spent that amount of money if they thought it was going to remain open space. She pointed out that the contemplated use may be a future recycle center. Ms. Foster suggested that the Commissioners visit the site before deciding on the zoning. She assumed they were not aware of the number of buses Gordo used to store there because it cannot be seen from the road. It is currently used as a staging site for recycling building materials.

Commissioner Campbell remarked that if Light Industrial could be a non-municipal use, he wanted to know if Burt Brothers could go in that location. He was told that it was a possibility. Commissioner Campbell felt that was a good reason to tighten the zoning now to preclude that from occurring in the future. He was willing to look at whatever use the City would like to put in, but he would like to make it more difficult for a non-municipal business, regardless of whether it would be seen from the road.

Commissioner Strachan thought Commissioner Campbell made a great point because as Park City Heights and the movie studio get built out, the demand for commercial and office space would be significant.

Chair Worel opened the public hearing.

Mary Wintzer, 320 McHenry, appreciated the concerns in wanting to keep the zoning tightened up, and she understood Ms. Foster's point. However, in reference to helping the City save money, she believed the more important point was helping the taxpayers save money. Ms. Wintzer thought most of the taxpayers would want the Planning Commission to go in the direction of protecting the entry corridor. Ms. Wintzer stated

that if an individual was making this application they would have to follow all the requirements, and she felt the City, as the applicant, should be held to the same restrictions. Ms. Wintzer remarked that another reason for holding the zoning tighter is to give more control and input. She used the salt shed as an example where more control would have produced a better result. The CUP process provides a better chance of avoiding these mistakes. Ms. Wintzer stated that when the extension was made to the City Shop, all of the equipment was parked along the front on the road. She would not want to see the same thing inadvertently occur on the entry corridor. Ms. Wintzer thanked the Planning Commission for thinking ahead.

Chair Worel closed the public hearing.

Commissioner Campbell noted that that skiers, bikers and hikers use that area. If the annexation occurs, He would like to see some type of administrative mechanism put in place to address any problems and ensure that the various groups get along. Commissioner Strachan thought it was a broader issue because the same thing was starting to happen on all of the trails and not just Round Valley.

Assistant City Attorney McLean did not believe that annexation would change the administration unless they change the laws throughout Park City. However, it was a good point that the Staff should take into account.

Mr. Deters stated that it was an etiquette issue and they have tried to address it through trails education. He noted that Commissioner Campbell's point was well taken.

Planner Whetstone remarked that the Staff would organize a site visit to the Gordo parcels on March 12<sup>th</sup>. The Planning Commission should continue this item to April 9<sup>th</sup> for continued discussion and public hearing.

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on the Round Valley Annexation to April 9, 2014. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.



SUMMIT COUNTY UTAH

EXHIBIT M

W 1/2 of SW 1/4 SECTION 2  
T 2 S - R 4 E, SLB 8 M

(B) PCA-9-95-K-X  
PARK CITY MUNICIPAL CORP.  
291-231  
550-647  
1016-728,766

(C) PCA-9-95-Z-X  
U.D.O.T.  
0.64 AC. 1264-712  
0.07 AC. 1264-714  
0.44 AC. 1264-716  
0.41 AC. 1264-718  
TOTAL 1.56 AC.

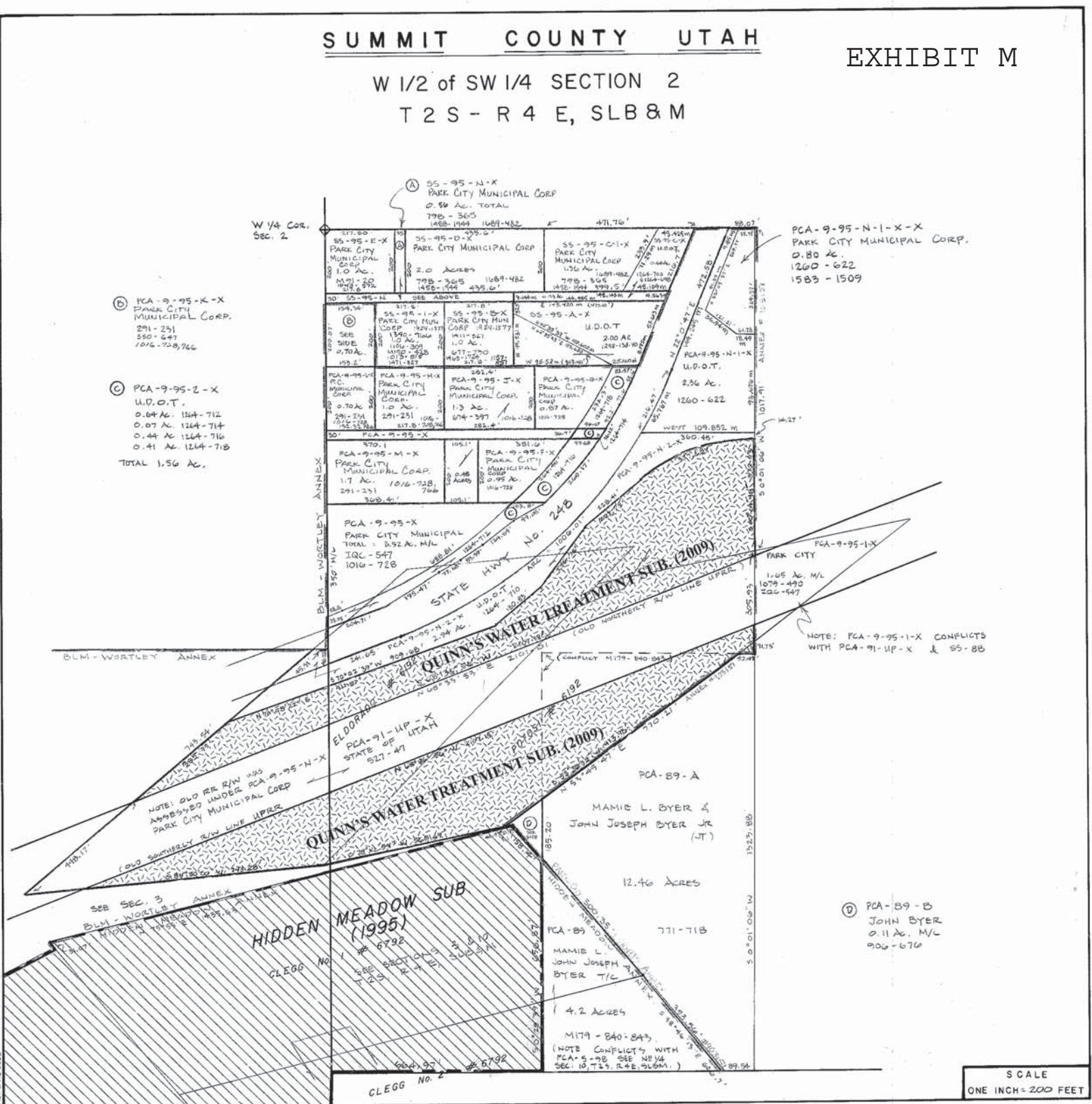
PCA-9-95-N-1-X-X  
PARK CITY MUNICIPAL CORP.  
0.80 AC.  
1260-622  
1583-1509

NOTE: PCA-9-95-1-X CONFLICTS WITH PCA-91-UP-X & 55-88

(D) PCA-89-B  
JOHN BYER  
0.11 AC. M/L  
900-676

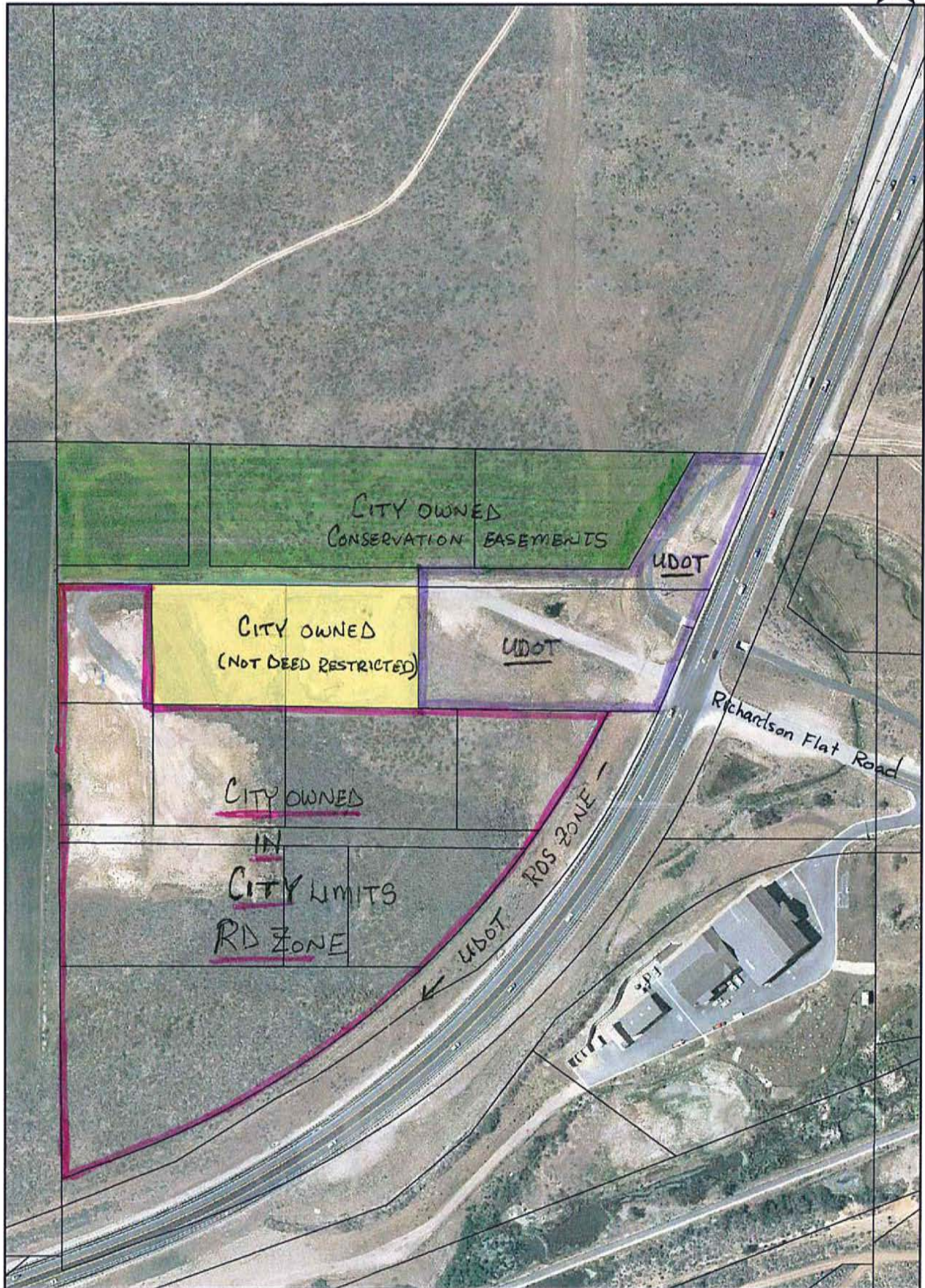
SCALE  
ONE INCH = 200 FEET

W 1/2 SW 1/4 SEC. 2



# Gordo Parcels

N



**DRAFT**

**When recorded, please return to:**  
 PARK CITY MUNICIPAL CORPORATION  
 City Recorder  
 P O Box 1480  
 Park City UT 84060

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**ANNEXATION AGREEMENT**

THIS ANNEXATION AGREEMENT (this “**Agreement**”) is made by and between Park City Municipal Corporation (hereinafter, “**PCMC**” or the “**City**”) and Park City Municipal Corporation (Sponsor), Afton Stephen Osguthorpe, and Utah Department of Transportation (UDOT) (hereinafter, “**Petitioners**”) to set forth the terms and conditions under which Park City will annex certain land owned by Petitioners (hereinafter, “**Round Valley Park City**” or “**Petitioner’s Properties**” or “**Annexation Properties**”), consisting of approximately 1,368 acres and located in unincorporated Summit County, Utah, north of State Road 248, east of Old Ranch Road, west of US 40, and south of the Trailside Neighborhood in unincorporated Summit County. The Round Valley Park City Annexation Properties consist of multiple parcels grouped into a north area and a south area. Both areas are proposed to be annexed into Park City’s municipal boundaries. The north area includes the 1,104 acre north Round Valley Open Space parcels. The south area includes the 264 acre south Round Valley Open Space parcels, the Osguthorpe owned agricultural fields, and the “Gordo parcels”- eight small parcels (total of 8.42 acres) located off of SR 248 across from the Quinn’s Water Treatment Plant at the intersection of SR 248 and Richardson Flats Road as depicted on the proposed Annexation Plat (**Exhibit A- annexation plat**).

The north parcels are undeveloped open space consisting of rolling hills, ridges, draws, and a main central valley (Round Valley). Vegetation is primarily sage brush, oak, grasses and other native trees and shrubs. Numerous non-motorized trails have been constructed in the area, utilized by hikers, bikers, runners, snowshoers and skiers. Agricultural uses are permitted on the Osguthorpe parcel in the south area (subject to the conservation easement), with the remaining parcels consisting of sage brush hills with other native shrubs and grasses. The south parcels also contain a network of non-motorized trails accessed from a trailhead located south of the Quinn’s Field Complex (**Exhibit B- existing conditions**). Two of the eight “Gordo parcels”, located within the south parcel area, are owned by UDOT, with the remaining six parcels owned by Park City. Four of the City “Gordo parcels” parcels are encumbered with conservation easements limiting use to recreation open space, as described below. Two of the City “Gordo parcels” are not encumbered with deed restrictions.

With the exception of the UDOT parcels and two of the Gordo parcels, the entire of the Annexation Properties are currently subject to conservation easements and various deed restrictions, as described below. Most of the property has been purchased by Park City as open space with open space funds and is permanently restricted for open space uses as spelled out in each deed restriction and conservation easement (**Exhibit C- conservation easement and deed restricted property**). The annexation does not change or remove any of these existing restrictions or easements.

Together, the annexation of these parcels shall be referred to as the Round Valley Park City Annexation; the petition to annex these parcels shall be referred to as the “Annexation Petition;” and both the north and south areas shall be referred to as the “Annexation Property” or “Annexation Properties.” The Round Valley Park City Annexation Petition requests annexation into the corporate limits of Park City and extension of municipal services to the Annexation Property as needed for anticipated future uses. The City and Petitioner are sometimes collectively referred to in this Agreement as the “Parties” or individually as a “Party”. This Agreement is made under authority of §§ 10-2-401 et. Seq. of the Utah Code, Annotated 1953, as amended “MLUDMA”).

WHEREAS, the Round Valley Park City Annexation includes the following parcels:

PARK CITY MUNICIPAL CORPORATION LAND, AS FOLLOWS:

SECTION 28, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN:

\* SUMMIT COUNTY TAX SERIAL NO. SS-59-X (PCMC)

SECTION 33, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN:

\* SUMMIT COUNTY TAX SERIAL NO. SS-61-X (PCMC)

\* SUMMIT COUNTY TAX SERIAL NO. SS-61-C-X (PCMC)

\* SUMMIT COUNTY TAX SERIAL NO. SS-61-D-X (PCMC)

\* SUMMIT COUNTY TAX SERIAL NO. SS-61-E-X (PCMC)

\* SUMMIT COUNTY TAX SERIAL NO. SS-61-F-X (PCMC)

SECTION 34, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN:

\* SUMMIT COUNTY TAX SERIAL NO. SS-62-A-X (PCMC)

\* SUMMIT COUNTY TAX SERIAL NO. SS-62-B-X (PCMC)

\* SUMMIT COUNTY TAX SERIAL NO. SS-62-C-X (PCMC)

\* SUMMIT COUNTY TAX SERIAL NO. SS-62-D-X (PCMC)

\* SUMMIT COUNTY TAX SERIAL NO. SS-62-E-X (PCMC)

\* SUMMIT COUNTY TAX SERIAL NO. SS-62-G-X (PCMC)

\* SUMMIT COUNTY TAX SERIAL NO. SS-62-A-1-X (PCMC)

\* SUMMIT COUNTY TAX SERIAL NO. SS-62-A-1-A-X (PCMC)

SECTION 2, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN:

\* SUMMIT COUNTY TAX SERIAL NO. SS-92-A-X (U.S.A., INTERIOR DEPT.)

\* SUMMIT COUNTY TAX SERIAL NO. SS-92-A-X-X (PCMC)

\* SUMMIT COUNTY TAX SERIAL NO. SS-92-A-1-X (UDOT)

\* SUMMIT COUNTY TAX SERIAL NO. SS-95-A-X (UDOT)

\* SUMMIT COUNTY TAX SERIAL NO. SS-95-B-X (PCMC)

\* SUMMIT COUNTY TAX SERIAL NO. SS-95-C-1-X (PCMC)

\* SUMMIT COUNTY TAX SERIAL NO. SS-95-C-X (UDOT)

\* SUMMIT COUNTY TAX SERIAL NO. SS-95-D-X (PCMC)

\* SUMMIT COUNTY TAX SERIAL NO. SS-95-E-X (PCMC)

\* SUMMIT COUNTY TAX SERIAL NO. SS-95-1-X (PCMC)

\* SUMMIT COUNTY TAX SERIAL NO. SS-95-N-X (PCMC)

- SECTION 3, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN:

\* SUMMIT COUNTY TAX SERIAL NO. SS-97-A-1-X (PCMC)

\* SUMMIT COUNTY TAX SERIAL NO. SS-98 (STEPHEN A. OSGUTHORPE, TRUSTEE)

WHEREAS, in furtherance of the foregoing, the Petitioners desire to annex the Round Valley Park City property into the corporate limits of the City and, to that end, a complete Annexation Petition for the Annexation Property was filed with the City on March 11, 2013. The Annexation Petition was accepted by the City Council on March 21, 2013, and certified by the City Recorder on April 22, 2013. The first public hearing was conducted by the Planning Commission on February 26, 2014. A subsequent public hearing was conducted by the Planning Commission on August 24, 2014 and a recommendation was forwarded to the City Council.

WHEREAS, in connection with the Round Valley Park City Annexation, the entire Annexation Property is proposed to be zoned Recreation Open Space (ROS). The purpose of the ROS zone is to establish and preserve open space areas, covered with vegetation and substantially free from structures, streets, and parking lots. The ROS zone permits as allowed, and as conditional, recreational uses, such as trails and trailheads; outdoor recreation equipment; essential municipal public utility use, service or structures; accessory buildings; agricultural and conservation activities; raising and grazing of horses and livestock; and a wide variety of recreation facilities. The ROS zoning district is more fully described in the City's Land Management Code, Section 15-2.7.

NOW, THEREFORE, in furtherance of the Annexation Petition, in consideration of City's action to annex Petitioner's property, and in consideration of the mutual promises contained herein, as well as the mutual benefits to be derived here from, the Parties agree that the terms and conditions of the Round Valley Park City Annexation shall be as follows:

1. **Property.** The Round Valley Park City Annexation Properties to be annexed consist of approximately 1,368 acres in area, as depicted on the annexation plat attached as **Exhibit A** (the "**Annexation Plat**") and as more fully described in the legal descriptions on Sheet Two.

2. **Zoning.** Upon Annexation, the Round Valley Park City parcels will be zoned Recreation Open Space (ROS). The official zoning map of Park City shall be amended to include these properties and zoning designations (see **Exhibit D- Zoning Map amendment**).

3. **Subdivision; Density and Phasing.** No preliminary Subdivision Plat was submitted with the Annexation Petition as no residential or commercial density is proposed. Future development of the "Gordo parcels" may require a separate Subdivision Plat depending on the uses proposed and whether future building permits require legally platted lots. With the exception of the lower "Gordo parcels" the Property is subject to various deed restrictions and/or Conservation Easements described below. Uses of the Park City Round Valley Annexation Properties must comply with the ROS zoning and the Deed of Conservation Easements entered into by and between Park City Municipal Corporation recorded at Summit County on \_\_\_\_\_, Book\_\_ and Page\_\_, on \_\_\_\_\_, Book\_\_ and Page\_\_, and on \_\_\_\_\_, Book\_\_ and Page \_\_\_\_, in favor of the Summit Land Conservancy, a Utah non-profit corporation and \_\_\_\_\_.

The land use development of the Property shall be governed by all existing and recorded deed restrictions and conservation easements described herein, the ROS zoning designation provided herein and by any required Subdivision Plat conditions of approval for the “Gordo parcels”.

Construction and alignment of any required sanitary sewer line extensions and any required storm water detention facilities shall be established as part of any required Subdivision Plat for the Property (to be as accepted by the City and filed in the official real estate records of Summit County, Utah, the “**Subdivision Plat**”). The preferred alignment of any required sanitary sewer and/or on-site storm water detention facilities, or alternatives, as approved by the Park City Engineer, shall be that alignment and/or location which results in the least visual impact and site disturbance while meeting the site design and construction requirements of the Snyderville Basin Water Reclamation District and City Engineer. The timing for construction of storm water detention facilities shall be determined by the City Engineer, (the “**Storm Detention Facilities**”). Maintenance of on-site storm water detention facilities will be the responsibility of the Property Owner.

Subject to fulfillment of all the conditions of the Subdivision Ordinance and, further, Park City’s final approval of the construction of any such public improvements, those water facilities, utilities, fire hydrants, and easements as may be agreed by Parties in connection with the Subdivision Plat review and approval process (the “Public Improvements”), shall be conveyed and dedicated to the City, for public purposes.

4. **Trails and Sidewalks.** Any obligations or guarantees with respect to the construction of trails and sidewalks on the Property shall be consistent with the City’s Trails Master Plan.

5. **Fire Prevention Measures.** Because of potential wild land interface issues on the Petitioner’s Property, the Petitioner (or, as specified in connection with any such assignment, its assigns) agrees to implement a fire protection and emergency access plan, to be submitted prior to the issuance of any building permits, to be reviewed and approved by the Fire Marshall and Chief Building Official for compliance with applicable building and fire codes. Such plan may include a requirement for fire sprinkler systems for all structures. Fire and emergency access and fire hydrants shall be installed as required by the fire protection plan prior to issuance of any full building permits on the Property.

6. **Roads and Road Design.** No public streets are proposed to be constructed on any of the Petitioner’s Property. All current right-of-way (ROS) shall remain under their respective jurisdiction.

7. **Water Rights.** Pursuant to the Annexation Petition Report (**Exhibit E- annexation petition report**) known water rights associated with the Annexation Properties are limited to the Osguthorpe Parcel (SS-98-X) with 102 acre feet within an 1878 priority. The Osguthorpe Parcel was placed in a conservation easement in 2010, removing development rights and ensuring agricultural use of the property. Park City Municipal Corporation has first right of refusal for purchase or lease of the property.

8. **Affordable Housing Requirement.** Affordable/employee housing shall be provided in a manner consistent with the City's Affordable Housing Resolution 20-07 to be determined at the time any required Subdivision Plat is approved by the City Council depending on uses proposed.

9. **Sustainable Development requirements.** All construction within any required **Subdivision** shall utilize sustainable site design, development and building practices and otherwise comply with requirements of the ROS Zone. Unless otherwise approved in the Subdivision Plat, in compliance with the current Environmental/ Sustainability Element of the General Plan, each structure or use must receive National Association of Home Builders National Green Building Standards Silver (or higher) Certification (or other Green Building certification as approved by the Planning Commission at the time of the Subdivision Plat approval).

In order to achieve water conservation goals, any future development must also either:

- Achieve at a minimum, the Silver Performance Level points within Chapter 8, Water Efficiency, of the National Association of Home Builders National Green Building Standards; OR
- Achieve a minimum combined 10 points within the 1) Sustainable Sites (SS 2) Landscaping and 2) Water Efficiency (WE) categories of the LEED for Homes Checklist; OR
- Achieve an equivalent water conservation standard applicable at the time of the building permit application.

Points achieved in these resource conservation categories will count towards the overall score. Application for the award certification and plaque commemorating LEED for Homes Silver (or higher) is at the discretion and expense of the Petitioner or individual Lot owner.

10. **Planning Review Fees.** Property Owners within the Annexation Property shall be responsible for all standard and customary fees, including generally-applicable planning, building, subdivision and construction inspection fees imposed by the City in accordance with the Park City Land Management Code and the Park City Municipal Code.

11. **Impact and Building Fees.** Lot owners of lots within any future subdivision shall be responsible for all standard and customary, and generally-applicable, fees, such as development, impact, park and recreation land acquisition, building permit and plan check fees due and payable for construction on the Property at the time of application for any building permits. Ownership of water rights shall not change the application of the Impact Fee Ordinance to the Property.

12. **Snow Removal and Storage.** Snow removal from private roads shall be the responsibility of the Property Owners. Park City shall not be obligated to remove snow from private sidewalks or trails unless such sidewalks or trails are classified as part of a community trail system and incorporated into the City wide snow removal program.

13. **Fiscal Impact Analysis.** The revised Annexation Report, prepared by Alliance Engineering for the Petitioners, dated June 17, 2013, included a Fiscal Impact Analysis that has been reviewed by the Planning Staff and Planning Commission. The Fiscal Impact Analysis concludes that

the Annexation will not alter any existing or projected demographic or economic conditions in the Park City area, or within the Annexation Properties, as there is no population or economic base within the Annexation Properties at the time of this annexation. Projected revenue as a result of this annexation is negligible as no revenue generating activities are proposed. The annexation will not result in an overall negative impact on the City or School District.

14. **Effective Date.** This Annexation Agreement is effective upon recordation of the annexation plat and the filing and recordation of the annexation ordinance, and further, the City provides notice of the recordation to the parties of this Annexation Agreement.

15. **Governing Law; Jurisdiction and Venue.** The laws of the State of Utah shall govern this Annexation Agreement. The City and Petitioners agree that jurisdiction and venue are proper in Summit County.

16. **Real Covenant, Equitable Servitude.** This Annexation Agreement constitutes a real covenant and an equitable servitude on the Properties. The terms of this Agreement touch and concern and both benefit and burden the Property. The benefits and burdens of this Agreement run with the land, and are intended to bind all successors in interest to any portion of the Property. This Agreement, a certified copy of the ordinance approving the Annexation (**the “Annexation Ordinance”**), and the Annexation Plat shall be recorded in the County Recorder’s Office of Summit County, Utah.

17. **Assignment.** Neither this Agreement nor any of the provisions, terms or conditions hereof may be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities under this Agreement and without the prior written consent of the City, which consent shall not be unreasonably withheld, conditioned or delayed. Any such request for assignment may be made by letter addressed to the City and the prior written consent of the City may also be evidenced by letter from the City to Petitioners or its successors or assigns; provided that, notwithstanding the foregoing, the City hereby consents to the assignment of the rights and responsibilities, and the benefits, of this Agreement, in whole or in part, upon written notice to the City; and provided that, in connection with and to the extent of any such assignment, Petitioners shall not have any further rights or responsibilities under this Agreement as and to the extent accruing from and after the date of any such assignment. Moreover, any substantive amendments to this Annexation Agreement shall be processed in accordance with the Park City Land Management Code and MLUDMA in effect at the time an application for amendment is filed with the City Planning Department.

18. **Compliance with City Code.** Notwithstanding Paragraph 19 of this Agreement, from the time the Park City Council (the “**City Council**”) approves of this Agreement and upon completion of the Annexation by recordation of the annexation plat with the County Recorder’s Office of Summit County, Utah, the Property shall be subject to compliance with any and all City Codes and Regulations pertaining to the Property.

19. **Full Agreement.** This Agreement, together with the recitals and exhibits attached to this Agreement (which are incorporated in and made a part of this Agreement by this reference), and the written agreements expressly referenced herein, contain the full and complete agreement of the Parties regarding the Annexation of the Annexation Properties into the City. Only a written instrument signed by all Parties, or their successors or assigns, may amend this Annexation Agreement.



20. **No Joint Venture, Partnership or Third Party Rights.** This Agreement does not create any joint venture, partnership, undertaking or business arrangement among the Parties. Except as otherwise specified herein, this Agreement, the rights and benefits under this Agreement, and the terms or conditions hereof, shall not inure to the benefit of any third party.

21. **Vested Rights.** Subject to the provisions of this Agreement, Petitioners (or their assigns) shall have the right to propose future uses, whether allowed or conditions uses, in accordance with this Annexation Agreement, all existing or future deed restrictions and conservation easements as described herein, the ROS Zoning Regulations in effect at the time any proposal for future use is submitted to the City, and any conditions of approval of a Subdivision Plat, if such plat is required, subject to and in compliance with other applicable ordinances and regulations of Park City.

22. **Nature of Obligations of Petitioners.** Petitioners are liable for performance of the obligations imposed under this Agreement only with respect to the portion of property which it owns and shall not have any liability with respect to the portion of the property owned by the City.

23. **Severability.** If any part or provision of this Annexation Agreement shall be determined to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, then such a decision shall not affect any other part or provision of this Annexation Agreement except that specific provision determined to be unconstitutional, invalid, or enforceable. If any condition, covenant or other provision of the Annexation Agreement shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by the law.

IN WITNESS WHEREOF, the parties hereto have executed this Annexation Agreement as of the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

*(Signatures begin on following page)*

**PARK CITY MUNICIPAL CORPORATION,**  
A political subdivision of the State of Utah

By: \_\_\_\_\_  
Jack Thomas, Mayor

Dated this \_\_\_\_ day of \_\_\_\_\_, 2014.

ATTEST: City Clerk

By: \_\_\_\_\_  
Marci Heil, City Recorder

Dated this \_\_\_\_ day of \_\_\_\_\_, 2014.

APPROVED AS TO FORM:

\_\_\_\_\_  
Mark Harrington, City Attorney

Dated this \_\_\_\_ day of \_\_\_\_\_, 2014.

**Park City Municipal Corporation, Petitioner**

By: \_\_\_\_\_

Name: \_\_\_\_\_  
\_\_\_\_\_

Dated this \_\_\_\_ day of \_\_\_\_\_, 2014

Acknowledgement (notary)

**Afton Stephen Osguthorpe Family Trust, Petitioner**

By: \_\_\_\_\_

Name: \_\_\_\_\_  
\_\_\_\_\_

Dated this \_\_\_\_ day of \_\_\_\_\_, 2014

Acknowledgement (notary)

**UDOT, Petitioner**

By: \_\_\_\_\_

Name: \_\_\_\_\_  
\_\_\_\_\_

Dated this \_\_\_\_ day of \_\_\_\_\_, 2014

Acknowledgement (notary)

**Exhibits (see staff report for these exhibits- will be attached to Ordinance for publication)**

- A. Annexation Plat and Legal Descriptions
- B. Existing Conditions Map
- C. Conservation Easement and Deed Restricted Property Map and List
- D. Zoning Map Amendment
- E. Annexation Petition Report

**EXHIBIT A**  
**TO**  
**ANNEXATION AGREEMENT**  
[Attach Annexation Plat and Legal Descriptions]

**EXHIBIT B**  
**TO**  
**ANNEXATION AGREEMENT**  
[Attach Existing Conditions Map]

**EXHIBIT C**  
**TO**  
**ANNEXATION AGREEMENT**  
[Conservation Easement and Deed Restricted Property Map and List]

**EXHIBIT D**  
**TO**  
**ANNEXATION AGREEMENT**  
[Attach Zoning Map Amendment]

**EXHIBIT E**  
**TO**  
**ANNEXATION AGREEMENT**  
**[Attach Annexation Petition Report]**



## City Council Staff Report



**Authors:** Tom Bakaly  
**Subject:** Potential Purchase of 2 acres of Land from Gordon Cummins  
**Date:** March 27, 2008  
**Type of Item:** Potential Purchase of Property

**Summary Recommendation** - Request authorization for City Manager to sign a REPC with Gordon Cummins to purchase 2.0 acres of land, located to the north of Hwy 248 across from the entrance to the old dump and for a two-year lease with Mr. Cummins for use of the land.

**Topic:** Potential purchase property.

### **Background:**

The City and Gordon Cummins have discussed the potential purchase of his 2.0 acres as open space in the past, but never got to a point ordering an appraisal or approaching COSAC. Gordon recently approached the City and discussed a price of \$500,000 for the purchase of the 2.0 acres.

He stated that he is not interested in seeing an appraisal nor negotiating a different price. At about the same time staff heard from Mark Fisher (NOMA) that he was looking to purchase the 2.0 acres and offer it as a trade for the land that Recycle Utah occupies. The City has looked at selling and/or trading land in the Park/Bonanza District with Mark Fisher to assist in filling the City's property needs as well as keeping a Recycle Utah presence in town or including them within a larger Public Works facility outside of town. During discussions with Recycle Utah of potential relocation they have strongly expressed that they wish to only move once.

### **Analysis:**

The 2.0 acres owned by Gordon Cummins is within Summit County. It was platted in 1997 and can accommodate one single-family residence each. The City purchased the adjacent 1.0 acre Sanchez property in 2006 for \$120,000. Summit County provided the City with a preliminary analysis of the lots and development potential and the information is attached as Exhibit B. When the City began purchasing Round Valley 40 acre properties the price increased as each parcel was purchased. As time progressed and more properties were purchased we saw the prices increase from \$325,000 to \$1,000,000 and acre.

The location of Gordon's 2.0 acres lines up with the old dump road. There is a plan for a signaled intersection with the ongoing review of Park City Heights. The light would not be operational until 2010 and design of the light could move it east or west depending on UDOT's specifications and not be directly across from the driveway accessing these 2.0 acres. The 2.0 acres are surrounded by City-owned open space, and the specific

site is lower than the grade of the surrounding land which screens the current operations on the site. Staff believes that the City retains the best potential for the land by purchasing it.

Purchasing and land banking the land allows time for Council to discuss the best potential for the land from open space, affordable housing or for additional area needed for current operations on City land.

**Department Review:** This report was reviewed by representatives of the Sustainability, Budget, Legal and City Manager's Office.

**Alternatives:**

- A. Approve the Requests:** Staff recommends approving the purchase and lease of the property allowing potential future use of the property or preservation.
- B. Deny the Request:** Deny the request and halt the purchase of the property.
- C. Continue the Item:** Request additional information from Staff.

**Staff Recommendations:**

Staff recommends purchasing and land banking the property for future discussions of open space, affordable housing, or for additional area needed for current operations on City land.

**Attachments:**

Attachment A – Draft Lease Agreement

**Gordon Cummins  
Park City Municipal Corporation  
2008 Property Lease**

THIS AGREEMENT is made by and between Park City Municipal Corporation (hereinafter referred to as "Landlord") and Gordon Cummins (hereinafter referred to as "Tenant") to set forth the terms and conditions under which Landlord will lease parcels SS-95-B and SS-95-1 along Hwy 248, Summit County, Utah (hereinafter referred to as the "Property") to Tenant. The parties agree as follows:

1. Property. The property leased is as shown in Exhibit A (attached and hereafter referred to as Property).
2. Term. The Lease term shall commence on April 15, 2008, and shall run for two (2) years through April 15, 2010.
3. Rent. The rent for the leased space shall be as follows:
  - a. Rate: Tenant's annual rental obligation shall be Twenty-Four Thousand Dollars (\$24,000) for the leased property.
  - b. Payments: Rent shall be paid in equal monthly installments of Two Thousand Dollars (\$2,000). Beginning May 1, 2008, rent shall be due on the first of each month, and past due if not paid by the tenth of the month.
  - c. Deposit: No Deposit is required.
4. Utility Service. Landlord shall be responsible for natural gas, electricity, sewer, refuse collection and water for the leased space. Tenant will be responsible for all utilities at the site and shall establish an account with each of these utilities in its own name.
5. Use of the Property. The Property shall be used only for vehicle parking and storage. All other uses shall be prohibited.
6. Telephone, Cable and Microwave. The Tenant will install its own telephone, television, computer and other communication equipment in the leased space. Any specialized communication facilities, equipment, wiring, cables or installations will be the Tenant's responsibility.
7. Insurance. The Tenant will provide insurance at its expense covering its contents against loss through theft, fire, vandalism or similar casualties. The Landlord will maintain insurance on the structure for the replacement of the building itself, and the contents of the building owned by Landlord. The Landlord also carries a public liability policy insuring it against claims of personal injury on Landlord's property. The Landlord's policy does not cover the Tenant's employees or patrons who are on Landlord's property exclusively for the purpose of doing business with the Tenant. The Tenant agrees to maintain a comprehensive property liability policy written on an occurrence basis with limits no less than two million dollars (\$2,000,000) combined single limit per occurrence and four million dollars (\$4,000,000) aggregate for personal injury, bodily injury and property

damage and to obtain a certificate of insurance naming Park City Municipal Corporation and the Municipal Building Authority of Park City as additional insured and evidencing coverage as to any person on the Property as a result of Tenant's programs or activities. The Landlord is protected by the Utah Governmental Immunity Act, and nothing herein is intended to waive or limit the protection of the Act on behalf of either entity, but to the extent it is consistent with this intent, it is the purpose of this provision to protect the Landlord for liability or allegations arising out of the Tenant's use of Landlord's property.

8. Payment of Taxes and Other Assessments. As tax exempt entities, neither the Landlord nor Tenant expects to be assessed real estate and personal property taxes and other related assessments or taxes on the Property. However should the Tenant change the tax status or should other circumstances cause taxes or assessments to be imposed on the Property, then Tenant shall pay real estate and personal property taxes and other related assessments or taxes on the Tenant's Property during the term of this lease.
9. Liens. Tenant shall not permit any liens to attach to the property for work done at Tenant's request or for Tenant's benefit. If Landlord received notice of any such against the property, Tenant shall promptly discharge the lien at Landlord's request, or post fund sufficient to satisfy the lien during any period of good faith contest of the lien by Tenant. In the event Landlord reasonably feels its title to the property is in jeopardy because of any lien Tenant has elected to attach to the property, Landlord may discharge the lien and collect the amount paid from the Tenant. The Tenant agrees to pay all reasonable costs incurred by the Landlord in the defense or discharge of any liens on the property.
10. Tenant Improvements. The Property are being leased to Tenant in as-is condition. Any additional improvements desired by the Tenant must be approved in advance by the Landlord in writing and are the responsibility of the Tenant, with no allowance made for the costs of the Tenant improvements unless agreed to by Landlord in writing. At the expiration or termination of the Lease, all Tenant improvements become property of the Landlord unless specifically exempted in writing prior to installation.
11. Signs. Landlord reserves the right to specifically review and approve or reject proposed signs on the property. Landlord's approval for signs will not be unreasonably withheld, so long as the sign is directional rather than promotional, meets the requirements of the Summit County Sign Code. Signs shall be removed and any damage resulting from removal shall be repaired at the termination of the Lease.
12. Assignment/Sublease. The Lease may not be assigned.
13. Remedies. In the event the Tenant fails to pay monthly installment payments when due, or violates or reaches any other term or condition of the Lease, Landlord shall have the right to exercise the following remedies, and any other remedies available at law or equity:
  - a. Landlord may, by written notice to Tenant, demand that Tenant either pay rental installments due within ten (10) days, or quit the Property within fifteen (15) days;
  - b. Landlord may permit the Tenant to remain in possession and sue for the

- installments that are past due;
- c. Landlord may re-let the Property for Tenant's account at the rate and on such terms as are commercially reasonable at the time and under the circumstances, and charge Tenant for any difference in the rental received and the rental agreed to herein, provided that any re-letting shall be done in good faith under the circumstances;
  - d. Landlord may agree to a payment of damages in such amount as the parties then agree, and release the Tenant from obligations under this Lease entirely. Unless Landlord has released Tenant's continued performance under this Lease, Tenant is deemed to be in possession of the Property, and any re-letting by Landlord in on Tenant's account. Tenant is responsible for all payments and obligations under the Lease until Landlord releases Tenant.
14. Covenant of Quiet Possession. Landlord covenants with Tenant that Landlord owns or controls the Property and that Tenant's possession will not be disturbed by acts or omissions of the Landlord so long as Tenant faithfully performs the obligations of this Lease.
  15. Maintenance. Maintenance of the site and snow removal shall be Tenant's responsibility.
  16. Force Majeure. This Lease Agreement shall automatically terminate upon any holding, interpretation, or determination by a court, legislative, or administrative body that Landlord may not lease to a private educational entity or similar establishment or that the Landlord may not lease to a private entity either under existing state and federal law regulation or future state and federal law regulation.
  17. Increased Insurance Risk. Tenant will not permit said Property to be used for any purpose which would render the fire insurance on the building or the Property void or cause cancellation thereof or increase the insurance risk or increase the insurance premium in effect at the time of the terms of this Lease. Tenant will not keep, use or sell, or allow to be kept, used or sold in or about the Property any article or materials which are prohibited by law or by standard fire insurance policies of the kind customarily in force with respect to the Property of the same general type as those covered by this Agreement.
  18. Care and Repair of Property by Tenant. Tenant will inspect and accept the Property for the purposes of this agreement prior to taking occupancy. Tenant will not commit any waste on Property nor shall it use or permit the use of the Property in violation of any state law or county or municipal ordinance or regulation applicable thereto. Tenant may, with the prior written consent of the Landlord, but at its own cost and expense, in a good workmanlike manner, make such alterations and repairs to the leased space as Tenant may require for the conduct of its business without, however, materially altering the basic character for the building or improvements or weakening the structure on the leased Property. Any permanent alterations or improvements to the Property shall become the property of the Landlord upon expiration or termination of this Lease unless specifically exempted in writing prior to commencing work.

19. Damage or Destruction. If the Property or any part thereof shall be damaged or destroyed by fire or other casualty, the Property shall revert back to the Landlord and the lease shall terminate.
20. Surrender of Premise. Tenant agrees to surrender the Property at the expiration or sooner termination of this Agreement or any extension thereof in the same condition or as altered pursuant to the provisions of this Agreement. Ordinary wear, tear and damage by the elements or other acts of God excepted.
21. Hold Over. Should Tenant hold over the Property or any part thereof after the expiration of the term of this Lease unless otherwise agreed in writing, such holding over shall constitute a tenancy from month to month only, and Tenant shall pay as monthly rental the same monthly rental provided for herein.
22. Indemnity.
  - a. The Tenant shall indemnify and hold the City and its agents, employees, and officers, harmless from and shall process and defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against the City arising out of, in connection with, or incident to the execution of this Agreement and/or the Tenant's defective performance or failure to perform any aspect of this Agreement; provided, however, that if such claims are caused by or result from the concurrent negligence of the City, its agents, employees, and officers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Tenant; and provided further, that nothing herein shall require the Tenant to hold harmless or defend the City, its agents, employees and/or officers from any claims arising from the sole negligence of the City, its agents, employees, and/or officers. The Tenant expressly agrees that the indemnification provided herein constitutes the Tenant's limited waiver of immunity as an employer under Utah Code Section 34A-2-105; provided, however, this waiver shall apply only to the extent an employee of Tenant claims or recovers compensation from the City for a loss or injury that Tenant would be obligated to indemnify the City for under this Agreement. This limited waiver has been mutually negotiated by the parties, and is expressly made effective only for the purposes of this Agreement. The provisions of this section shall survive the expiration or termination of this Agreement.
  - b. No liability shall attach to the City by reason of entering into this Agreement except as expressly provided herein.
23. Landlord Liable only for Negligence. Except where caused by Landlord's negligence, Landlord shall not be liable for any failure of water supply, natural gas supply or electrical supply; or for any injury or damage to persons or property caused by gasoline, oil, steam, gas or electricity; or hurricane, tornado, flood, wind or similar storms or disturbances; or water, rain or snow which may leak or flow from the street, sewer, gas mains or any subsurface area or from any part of the building or buildings or for an interference with light.

24. Nondiscrimination. Tenant agrees not to discriminate against anyone on the basis of race, color, national origin, age, sex or handicap in its hiring practices, services or operation of its business hereunder.
25. Waiver of Covenants. It is agreed that the waiver of any of the covenants of this Lease Agreement by either party shall be limited to the particular instance and shall not be deemed to waive any other breaches of such covenant or any provisions herein.
26. Rights of Successors and Assigns. The covenants and agreements contained within the Lease shall apply to the benefit of and the binding upon the parties hereto and upon their respective successors in interest and legal representatives, except as expressly otherwise hereinbefore provided.
27. Notice Provision. Any and all notices required by this Lease Agreement shall be in writing and delivered personally to the party to whom the notice is to be given, or mailed by certified mail, postage prepaid, and addressed as follows:  
If to Landlord:  
Park City Municipal Corporation  
P.O. Box 1480  
Park City, Utah 84060  
  
If to Tenant:  
Gordon Cummins  
PO BOX 681780  
PARK CITY, UT 84068-1780
28. Entire Agreement. This agreement constitutes the entire and only agreement between parties and it cannot be altered or amended except by written instrument, signed by both parties.

DATED this \_\_\_\_\_ day of February 2008.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Tom Bakaly, City Manager

Attest:

\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to form:

