

**Citizens' Open Space
Advisory Committee
(COSAC IV)
Council Chambers, 445 Marsac Ave.
November 19 2013**



AGENDA

MEETING CALLED TO ORDER - 8:30 a.m.

ROLL CALL

REGULAR AGENDA

ADOPTION OF MINUTES: October 22, 2013 (Attachment A)

STAFF AND BOARD COMMUNICATIONS/DISCLOSURES

PUBLIC INPUT

Old Business: Final Review and Recommendation of Risner Ridge Preservation Easement Document

CLOSED

ADJOURN

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Sustainability Department at 435-615-5201 24 hours prior to the meeting.

**Citizens' Open Space
Advisory Committee
(COSAC IV)**



Future Meeting Dates*

December 3

December 17

January 7

January 21

*Dates are subject to change

**COSAC IV Meeting Minutes
City Council Chambers
October 22, 2013, 8:30 a.m.**

COSAC members in attendance: Charlie Sturgis, Cheryl Fox, Wendy Fisher, Jan Wilking, Suzanne Sheridan, Andy Beerman, Rhonda Sideris, Kathy Kahn, Tim Henney, Cara Goodman, Megan Ryan, Jim Doilney,

Excused: Stew Gross

Public (alternates): Bronson Calder, Carolyn Frankenburg

Staff: Heinrich Deters, ReNae Rezac,

CALL TO ORDER

Chair Ryan called the meeting to order.

ADOPTION OF MINUTES

August 27, September 10 & October 8, 2013

MOTION: Rhonda Sideris moved approval of all minutes as written; Tim Henney seconded.

VOTE: The motion carried.

PUBLIC COMMUNICATIONS

Chair Ryan called for public comment on items not included on the agenda. There was none.

STAFF AND COMMITTEE DISCLOSURES/COMMENTS

Heinrich encouraged committee members to vote in the local election.

There was discussion about upcoming meeting dates and agenda items. A straw poll indicated the majority of COSAC members supported meeting on November 5, with the possibility of reviewing the finalized conservation easement prior to presenting it to City Council .

Rhonda Sideris said she would not be in attendance at the November 19 meeting.

The regular meeting adjourned at 8:46 a.m.

CLOSED MEETING

Motion: Kathy Kahn moved to close the meeting to discuss property acquisition; Jim Doilney seconded.

Vote: The motion passed unanimously.



COSAC Staff Report

Subject: Final Review of Risner Ridge Easement
Author: Heinrich Deters
Department: Sustainability
Date: November 19, 2013
Type of Item: COSAC Meeting

Topic/Discussion:

COSAC final review of Risner Ridge Preservation Easement

Staff Recommendation:

The Committee should review the attached Risner Ridge Preservation Easement and provide input if appropriate. Furthermore, the Committee should provide a positive recommendation to City Council for adoption of the easement.

Background

COSAC has discussed, reviewed and ultimately recommended the implementation of a preservation easement for the five City-owned parcels commonly referred to as 'Risner Ridge'. (Attachment A- Map)

Analysis

On July 2, 2013 the Committee forwarded a positive recommendation to have Summit Land Conservancy draft an easement for the Risner Ridge parcels. Furthermore, the Committee utilized the adopted criteria matrix and determined that the easement shall preserve primarily the aesthetic values and subsequently the recreational values associated. Since that time, staff and Summit Land Conservancy has worked together to draft language consistent with both parties goals. The attached easement is an agreed upon collection of those meetings and is being presented with a positive recommendation by the proposed grantor and grantee.

Permitted/Prohibited Uses

Consistent with the aesthetic and recreational conservation values, the permitted uses are outlined in Exhibit C of the easement.

Utilities/Easements

Existing utilities and easements are a reserved right documented in the easement, as well as recorded on the individual plats. Additionally, new underground utilities and appurtenances are allowed with proper notification and review by the Summit Land Conservancy.

Trails Master Plan

A Trails Master Plan, consistent with existing Quarry Mountain Development plans and the current Park City Trails Master Plan has been provided as Exhibit D in the easement.

Cove Trailhead Amenities Plan

A trailhead plan, consisting of a possible future restroom location has been provided in Exhibit E. Expansion of the existing trailhead parking is allowed with proper notification and review by the Summit Land Conservancy.

Significant Impacts:

By placing additional restrictions, such as preservation easements, on a property, certain rights and/or uses accrued by the owner may be restricted. On the other hand, protective covenants, if used appropriately and planned accordingly may provide greater protection and clarity of the intent in which the property was obtained.

Alternatives:

1. **Approve:** Provide final review and recommendation of adoption to City Council per the attached Risner Ridge Preservation Easement (**Staff Recommendation**)
2. **Deny:** Do not recommend the attached preservation easement for Council adoption.
3. **Continue the Item:** The Committee may choose to continue the item because more information is required.

Funding Source:

Funding for the stewardship of the preservation easement on Risner Ridge has been addressed through private donations to the Summit Land Conservancy and will not require public funds.

Consequences of not taking the recommended action:

City Council has asked COSAC to provide a recommendation per the granting of preservation tool on Risner Ridge. If the Committee does not provide direction on a recommendation, City Council's request has not been met.

Recommendation:

The Committee should review the attached Risner Ridge Preservation Easement and provide input if appropriate. Furthermore, the Committee should provide a positive recommendation to City Council for adoption of the easement.

ATTACHMENTS

ATTACHMENT A- Risner Ridge Map

Risner Ridge Open Space



ATTACHMENT B- Risner Ridge Preservation Easement Recitals and Exhibits

WHEN RECORDED, RETURN TO:

Summit Land Conservancy

P.O. Box 1775

1650 Park Avenue, Suite 202

Park City, Utah 84060

PERMANENT AESTHETIC AND RECREATION RESTRICTION EASEMENT

THIS PERMANENT AESTHETIC AND RECREATION RESTRICTION EASEMENT (“Easement”) is made this ____ day of _____, 2013 (“Effective Date”) by and between Park City Municipal Corporation (“Owner”), and Summit Land Conservancy, a Utah nonprofit corporation (“Conservancy”) (Owner and the Conservancy are referred to individually as a “Party” and collectively as the “Parties”).

The following Exhibits are attached to and are incorporated into this Easement by this reference:

Exhibit A: Legal Description of the Property;

Exhibit B: Property Map;

Exhibit C: Permitted and Restricted Uses and Practices.

Exhibit D: Master Trails Plan

Exhibit E: Cove Trailhead Amenities Plan

Exhibit F: Signed “Acknowledgement of Property Condition”

RECITALS

Owner owns approximately 53.65 acres of real property and appurtenances located in Summit County, State of Utah (collectively, the “Property”). The Property is described in Exhibit A and shown for reference purposes on the Property Map attached as Exhibit B.

A. The Property has significant conservation values of great importance to the Owner, Conservancy, and the people of Park City, Summit County, and the State of Utah. The conservation values intended to be preserved and protected for the public trust under this Easement in order of priority include: (1) the natural and undeveloped open space aesthetic of the landscape, with ridgeline views and buffer zones of undeveloped land between existing subdivisions (hereafter “Aesthetic Value”), and (2) non-motorized, passive public recreational access (hereafter “Recreational Value”). More particularly:

- i. **Aesthetic Value:** The Property is natural, undeveloped open space covered with natural vegetation and habitat for a variety of wildlife. Ridgeline and upper elevation portions of the Property are visible from State Routes 248 and 224 and the Old Ranch Road neighborhood of the Snyderville Basin. The lower elevations of the Property form

buffer zones between the subdivisions and are visible from several locations within the Park Meadows and Prospector neighborhoods. Existing unpaved trails and trail amenities have a minimal visual impact.

- ii. Recreational Value: Trails connecting to other open space areas are currently located on and planned for the Property and are used for passive, non-motorized recreation. Trails are important for public access and connectivity among and between the City's other open space areas.

The Aesthetic Value and Recreational Value are hereafter described as the "Conservation Values" and are further documented in the Baseline Document Report (the "Baseline Documentation"), a copy of which is on file at the offices of Owner and Conservancy, and the Owner and Conservancy have acknowledged and hereby acknowledge said Baseline Documentation memorializes the condition of the Property as of the effective date of this grant.

The Easement is granted with the approval of the Citizen's Open Space Advisory Committee (COSAC), appointed by the Park City Council to facilitate the acquisition and preservation of open space within the greater Park City area.

The portion of the Property with tax parcel number PCA-2-2100-4-A-X (7.83 acres), was conveyed to Owner on or about January 30, 1992.

The portion of the Property with tax parcel number EP-1-A-X (5.78 acres) was dedicated to the Owner as a "Non-Buildable Lot" and park land for use by the general public with a plat recorded on or about December 14, 1995 and thereafter, conveyed to the Owner with a warranty deed with certain restrictions that require the property be maintained in perpetuity as open space and in a natural state.

The portion of the Property with tax parcel number EP-II-B-X (7.28 acres) was dedicated to the Owner as a "Non-Buildable Lot" and park land for use by the general public with a plat recorded on or about January 31, 1997 and thereafter, conveyed to the Owner with a warranty deed with certain restrictions that require the property be maintained in perpetuity as open space and in a natural state.

The portions of the Property with tax parcel numbers EP-II-B-X (21.92 acres) and EP-IV-A-X (10.89 acres) are described as "Open Space and Non-Exclusive Public Utility Easement(s)" in a plat recorded January 16, 2004, and dedicated to the Owner.

By entering into this Easement, the Owner and Conservancy intend to protect the aforementioned open space interests and purposes in a manner consistent with the terms of the aforementioned deed restrictions and plat dedications.

Owner intends, as owner of the Property, to convey to Conservancy the right to preserve and protect the Conservation Values in perpetuity and represents that the Property is free and

clear of all encumbrances except for rights-of-way, easements and reservations of record as of the effective date of this grant.

Owner warrants and represents that Owner has the authority to enter into the Easement and that Owner freely and voluntarily conveys this Easement to Conservancy in perpetuity. Owner acknowledges receipt of the information and disclosures required under Utah Code Section 57-18-4 more than three days prior to executing this Easement.

As of the Effective Date, Conservancy is a nonprofit corporation incorporated under the laws of Utah as a tax-exempt public charity described in Sections 501(c)(3) and 509(a)(1) of the IRS Code (defined below), organized to protect and conserve natural areas and ecologically significant land in its natural, scenic, historical, agricultural, forested and/or open space condition for scientific, charitable, and educational purposes; and is a qualified “holder” of a conservation easement under the Utah ‘Land Conservation Easement Act’ statute, sections 57-18-1 to 57-18-7.

Conservancy agrees by accepting this grant to honor the intentions of Owner stated herein and to preserve and protect in perpetuity the Conservation Values of the Property for the benefit of this generation and generations to come.

**EXHIBIT C
TO
EASEMENT**

PERMITTED AND RESTRICTED USES AND PRACTICES

The Property shall not be used for residential or commercial purposes except as permitted in this Exhibit C. Industrial uses are not permitted. The uses set forth in this Exhibit C detail specific activities that are permitted or prohibited under this Easement. The uses set forth in this Exhibit C are also intended to provide guidance in determining the consistency of other activities with the Conservation Purposes. Notwithstanding the uses set forth in this Exhibit C and, notwithstanding any provision of this Easement to the contrary, Permitted uses of the Property (whether set forth in this Exhibit C or elsewhere in this Easement) shall not be conducted in a manner or to an extent that diminishes or impairs the Conservation Values or that otherwise violates this Easement, unless such conduct is otherwise permitted by the terms of this Easement or by pre-existing documents, recorded with Summit County.

1. **RECREATIONAL USES**: The property may be used for non-motorized, recreational activities including, but not limited to, hiking, snowshoeing, cross-country skiing, human-powered biking and horse-back riding on designated recreational trails.

2. MANAGEMENT: The Property will be managed by the Owner according to best practices for natural and undeveloped open space, with specific attention to maintaining the wildlife habitat. No dwelling, structure, or above-surface equipment or facilities of any kind shall be erected or placed on the Property except for the following: (a) improvements that maintain the natural qualities of the open space; (b) improvements necessary to protect the safety and physical integrity of the surrounding properties; and (c) improvements for trails and public utilities, pursuant to the terms of this Easement. The Property shall not be used for any purpose that is inconsistent with it being held as open space.

3. TRAIL MAINTENANCE AND CONSTRUCTION: The maintenance of existing trails or construction of new trails is in accordance with the Trails Master Plan attached as Exhibit D is permitted upon prior notification to Conservancy. Trails not included in the Trails Master Plan may be constructed if such new trails do not diminish or impair the Aesthetic Value of the Property and upon prior written approval of Conservancy, not to be unreasonably withheld. Trail uses, routing, construction and maintenance shall be managed in a way that minimizes impacts to wildlife.

4. MANAGEMENT OF PARCELS EP-I-A-X AND EP-II-B-X: The use and management of parcels EP-I-A-X and EP-II-B-X (hereafter described in this paragraph as the “Parcels”) is subject to the restrictions described in the warranty deeds recorded as instruments #00444360 and #00472456 in the land records of Summit County. Trail maintenance and construction on the Parcels is to conform with the Quarry Mountain M.P.D. Trails Master Plan. The Parcels may not be used for gatherings of people, other than for the use of the public trails. The vehicular-access road located on the Parcels may be maintained and improved for vehicular access to the water tank and appurtenant utilities, provided such road shall not be improved with an impervious surface.

5. COVE TRAILHEAD MANAGEMENT AND AMENITIES: Limited signage may be placed at the Cove trailhead, consistent in size and nature with the trailhead structure existing at the time of the Effective Date. Restroom facilities may be constructed with prior approval of Conservancy, not to be unreasonably withheld. Such restroom facilities shall be limited to two toilets and shall be designed to minimize impact to the view shed, and to blend in with the surrounding natural landscape. The restroom facilities shall be in the location shown on the Cove Trailhead Amenities Plan, attached as Exhibit E. The existing parking area may be expanded with prior written approval from Conservancy, not to be unreasonably withheld. The Cove Trailhead area may be used for larger gatherings of people on a temporary basis, incidental to events open to the public. Such uses may include, but are not limited to, a water station for a trail running event or a picnic in conjunction with an organized hike.

6. RECREATIONAL AND TRAIL AMENITIES: Small benches, trailhead signs and markers are permitted with prior notification to Conservancy.

7. PARKING AND MOTORIZED VEHICLE USE: Parking is not permitted anywhere on the property other than at the Cove Trailhead as shown in the

Cove Trailhead Amenities Plan attached as Exhibit E. Motorized vehicles are not permitted on the property other than for emergency services, for trail and Property maintenance, the maintenance of utilities, or for the construction of new trails or amenities approved by Conservancy.

8. HABITAT RESTORATION ACTIVITIES. Activities to restore or enhance native plant communities or wildlife habitat will be permitted pursuant to a restoration plan approved by both Owner and the Conservancy.

9. UTILITIES: Limitations on the maintenance of existing utilities and construction of new utilities pursuant to this Easement shall be subject to pre-existing utility easements and rights of record. The construction of new utilities is permitted in existing utility corridors, upon prior written notice to the Conservancy. The installation of new utilities on parts of the Property not subject to existing utility easements, is subject to the Conservancy's approval. Conservancy shall approve the installation of new utilities if, in Conservancy's reasonable opinion, (a) such utility will have a minimal impact to the Conservation Values, or (b) the utility is vital to the people of Park City and it's highly impractical to locate it anywhere other than on the Property. If the installation of a new utility and appurtenant road is considered necessary, the parties shall make all efforts to locate the utilities and road in a manner that minimizes the impact to the Conservation Values. Owner will notify the Conservancy prior to any use, modification, or work on the existing utility easements on the Property, and to the extent practicable, will conduct any such work in a way that minimizes any impact to the Conservation Values.

10. CHEMICAL AND BIOLOGICAL CONTROLS. In accordance with all applicable federal, state and local laws and regulations, Owner has the right to use agrichemicals and biological controls on the Property as necessary to control noxious weed, pests and for mosquito abatement. Chemical and biological controls may only be used in accordance with all applicable laws, and in those amounts and with that frequency of application constituting the minimum necessary to accomplish reasonable noxious weed, pest and mosquito abatement objectives. The use of such agents shall be conducted in a manner to minimize and adverse effect on the natural values of the Property and to avoid any impairment of the natural ecosystems and processes.

11. PROBLEM OR DISEASED ANIMALS. Owner may use legal methods to control diseased and/or problem animals as permitted by state and federal laws.

12. ALTERATION OF WATERCOURSES AND TOPOGRAPHY. Owner may not make any change, disturbance, alteration, excavation, or impairment to any watercourse or the topography of the ground on the Property except as otherwise permitted by this Easement. Owner shall conform to all state and federal laws when constructing or altering watercourses and wildlife habitat.

13. WATER RESOURCES. Owner may enhance, if applicable, water quality on the Property recognized as necessary or beneficial to wildlife, ecological or habitat values on the Property, provided such enhancements are consistent with the terms of the

easement and the Conservation Values, and comply with all applicable laws and regulations.

14. FENCES. Fencing that exists on the Property as of the Effective Date may be repaired and replaced. New fences may be built on the Property upon prior approval of Conservancy, not to be unreasonably withheld and provided such fences (a) are reasonably necessary for the protection of property, wildlife resources or public safety, (b) will not unduly restrict or impair wildlife movement, and (c) will not unduly interfere with the Aesthetic Value of the Property.

15. ROADS. The construction of new roads and the improvement or expansion of old roads for the purpose of vehicular access is prohibited, other than for the construction of new utilities pursuant to paragraph 9 of this Exhibit. Any new road shall be constructed of an impervious surface.

16. SIGNS AND BILLBOARDS. Billboards and signs are prohibited on the Property, other than signs for the following purposes:

To indicate that the Property is conserved with a “Conservation Easement” held by the Conservancy; and

To identify trails or interpretive sites on the Property; and

To state rules and regulations, safety, or hazardous conditions found on the Property in accordance with the Owner and the Conservancy’s established guidelines for properties they own; and

To close trails temporarily on the Property in order to protect wildlife;
and

To post “No Hunting or Trapping” signs.

For such other purposes as the Conservancy, in its discretion, approves.

17. FIRE SUPPRESSION. Owner may remove brush and vegetation necessary to minimize the risk of wildfire on the Property. Potential means to reduce or remove high risk fuel loads may include, but would not be limited to: mechanized methods; biological controls, including short-duration grazing; slash, stack and burn; or controlled burns.

18. COMMERCIAL RECREATION. Owner may permit use of the Property for otherwise lawful commercial recreational uses that do not conflict with the Conservation Values and are consistent with the Conservation Purposes. Such permitted commercial uses include but are not limited to, guided hiking, biking and snowshoeing tours. Such commercial recreational uses shall be limited to active use of the trails. Large, immobile gatherings of people on the Property for picnics or other events shall not

be permitted, other than in the Cove Trailhead area, as described in paragraph 5 of this Exhibit.

19. SUBDIVISION. The legal or de facto division, subdivision, or partitioning of the Property is prohibited. Notwithstanding the fact that, as of the Effective Date, the Property is comprised of separate legal parcels, the terms and conditions of this Easement will apply to the Property as a whole, and the Property will not be sold, transferred, or otherwise conveyed except as a whole, intact, single piece of real estate; it being expressly agreed that neither the Owner nor the Owner's personal representative, heirs, successors, or assigns will sell, transfer, or otherwise convey any portion of the Property that constitutes less than the entire Property. The existence of any separate legal parcels, if any, as of the Effective Date will not be interpreted to permit any use or activity on an individual legal parcel that would not have been permitted on such individual legal parcel under the terms and conditions of this Easement as applied to the Property as a whole.

20. MINING AND NATURAL RESOURCE DEVELOPMENT. The exploration for or extraction of minerals, gas, hydrocarbons, soils, sands, gravel, or rock, or any other material on or below the surface of the Property is prohibited. Owner will not grant any rights to any minerals, oil, gas, or hydrocarbons, including the sale or lease of surface or subsurface minerals or any exploration or extraction rights in or to the Property, and Owner will not grant any right of access to the Property to conduct exploration or extraction activities for minerals, oil, gas, or hydrocarbons, or other substances on any other property.

21. NO HAZARDOUS MATERIALS. Use, dumping, storage, or other disposal of non-compostable refuse, trash, sewer sludge, unsightly or toxic materials, or Hazardous Materials is prohibited. This Easement does not permit Conservancy to control any use of the Property by Owner which may result in the storage, dumping or disposal of hazardous or toxic materials; provided, however, Conservancy may bring an action to protect the Conservation Values of the Property. This prohibition does not impose liability on Conservancy, nor shall Conservancy be construed as having liability as a "responsible party" under CERCLA or other similar state or federal statutes.

22. NON-NATIVE SPECIES. Introduction of any non-native plant or animal species is prohibited other than those generally accepted for habitat improvement or as mutually agreed upon by Grantor and Grantee.

23. DUMPING AND WASTE. No dumping, burying, storing, applying or releasing of waste, sewage, garbage, vehicles or appliances is allowed on the Property, except (a) appropriate routine storage of garbage and wastes from permitted uses of the Property pending transport for proper disposal and (b) garbage and wastes which flow into proper septic or other appropriate waste disposal systems.

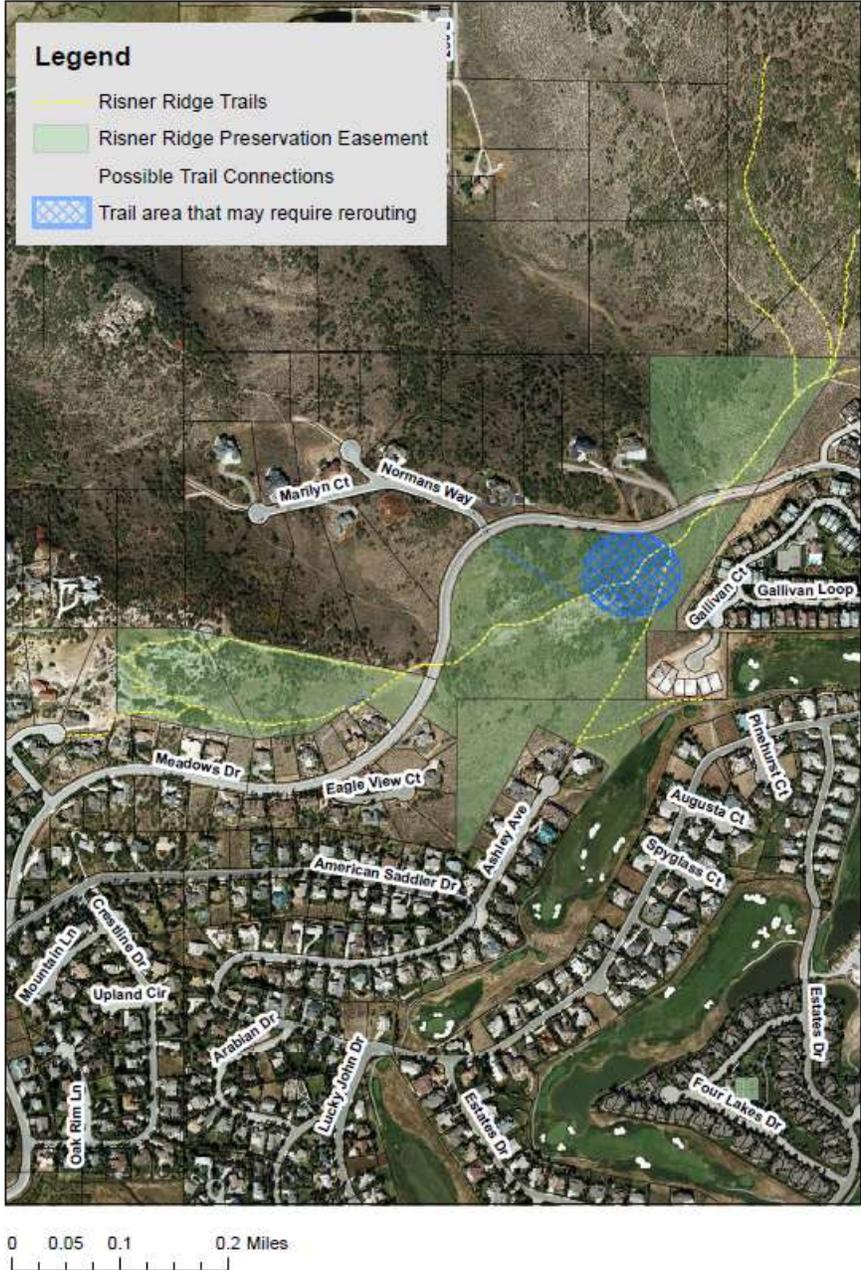
24. DESTRUCTION OF NATIVE VEGETATION. The removal, cutting or destruction of native vegetation is prohibited except as reasonably incident to permitted

activities or as otherwise permitted by this Exhibit C, for disease or insect control or to prevent property damage or personal injury.

**EXHIBIT D
TO
EASEMENT**

MASTER TRAILS PLAN

Risner Ridge Trails Master Plan



**EXHIBIT E
TO
EASEMENT**

COVE TRAILHEAD AMENITIES PLAN

Cove Trailhead Restroom Exhibit

