

February 7, 2013
(continued from November 1, 2012)

**REPORT FROM THE ZONING ADMINISTRATOR TO THE
UTAH COUNTY BOARD OF ADJUSTMENT
FOR APPEAL NO. 1522**

I. APPLICATION:

A. APPLICANT	-	Snowbird Ski & Summer Resort
B. REQUEST	-	Conditional use for accessory mountain resort facilities
C. LOCATION	-	Sections 15 through 30, T3S R3E, American Fork Canyon area of Utah County
D. ZONING	-	CE-1, Critical Environment Zone
E. ACREAGE	-	Approximately 1,673.49 acres

II. ZONING ADMINISTRATOR'S REVIEW:

Parcel Information

The subject property consists of property and mining claims owned by Snowbird LTD and others in the American Fork Canyon area of Utah County. Much of the property is used as accessory ski lifts to the Snowbird Ski and Summer Resort located in Salt Lake County. These accessory ski lifts were approved by the Utah County Planning Commission as a conditional use on October 21, 1997. Permits issued associated with this conditional use include the following: #98-186, #98-315, #99-084, #00-210, #01-121, #01-146, #01-190, #01-191, and #05-266.

The property lies within the Urban Wildland Interface area of Utah County.

Parcel's Status in Present CE-1 Zone

The property is presently in the Critical Environmental (CE-1) Zone and would appear to be eligible for all permitted and conditional uses in the CE-1 Zone, subject to meeting all applicable requirements for a given use.

Applicant's Request

As mentioned above, the applicants received approval for a conditional use in 1997 for "accessory ski lifts and associated facilities" that were accessory to an existing resort (located in Salt Lake County). In an effort to gain approval for more year-round activities, the applicant submitted an application to amend the Utah County Land Use Ordinance to allow more year-round "mountain resort facilities" in areas in the CE-1 Zone that are adjacent to existing resorts.

The Utah County Land Use Ordinance was amended October 4, 2011 by the Utah County Commission to allow certain ancillary mountain resort facilities as a permitted conditional use in the CE-1 Zone, which would allow the applicant (and others) to get approval of a number of permitted facilities associated with an existing ski resort subject to meeting applicable requirements. The applicant has submitted this application to utilize that recent amendment.

The application indicates the proposed mountain resort facilities include: horseback riding trails and concessions, snow-cat skiing trails, cross-country skiing trails, hiking and mountain biking trails, skier warming facilities, snowmobiling, ATV riding trails, and pre-cooked food and beverage facilities. These activities/facilities are proposed to be seasonal in nature, and generally operated 7 days a week during daylight hours. The application also included an "Operations Disclosure Statement" and a site plan showing the general locations of the proposed activities/facilities.

In summary, the applicant is requesting a conditional use for various mountain resort facilities in the CE-1 Zone of Utah County*.

***Update (February 7, 2013):** The Utah County Land Use Ordinance was further amended January 8, 2013 by the Utah County Commission to allow zoning lots that do not abut a recorded recreational resort plat or an existing ski resort in an adjoining county to be utilized for accessory ski lifts and associated mountain resort facilities, provided there exists an authorized connection between zoning lots abutting the resort plat or ski resort and the outlying zoning lots.

The applicant received approval of a conditional use for various mountain resort facilities by the Board on November 1, 2012 for property that qualified under a previous ordinance that limited approval of such facilities on a zoning lot abutting a resort plat or existing resort in an adjoining county only. The purpose of this application is to seek approval on other resort parcels that do not abut the existing resort in Salt Lake County by utilizing the above-referenced ordinance amendment.

Applicable Ordinances and Laws

The following are ordinances and laws pertaining to this appeal:

1. **Section 5-5-C-7** of the Utah County Land Use Ordinance lists "accessory ski lifts and associated mountain resort facilities" as a conditional use in the CE-1 Zone, subject to

approval by the Board of Adjustment.

2. **Section 3-47** lists the standards and conditions required for accessory ski lifts and associated mountain resort facilities (see attached copy for reference).
3. **Section 7-20** contains the rules for hearing and deciding appeals for conditional uses (see attached copy for reference).

III. STAFF FINDINGS:

1. **Section 5-5-C-7** of the Utah County Land Use Ordinance lists accessory ski lifts and associated mountain resort facilities as a permitted conditional use in the CE-1 Zone, subject to approval by the Board of Adjustment as a conditional use according to the provisions of Section 7-20.
2. An application was submitted October 2, 2012 as per **Section 7-20-A**, and continued until no later than March 7, 2013 by the Board on November 1, 2012 for a portion of the property.
3. The application is for a conditional use which the Board is empowered to approve as per **Section 7-20-B**.
4. The application appears to meet the requirements of **Section 7-20-C-1**, which requires the proposed conditional use to not degrade the public health, safety, or welfare. It would not appear to have any obvious negative effects on the public health, safety, or welfare. Mitigation measures such as management and operation plans, limits of operation, etc., for any inherent concerns can be accomplished through conditions attached to any approval of this application.
5. The application appears to meet the requirements of **Section 7-20-C-2**, which requires the proposed conditional use to meet the general purposes and intent of the ordinance, as specified in Section 1-2. Specifically, it would foster industry (tourism) and create conditions favorable to recreational opportunities as listed in Section 1-2-D and 1-2-J.
6. The application appears to meet the requirements of **Section 7-20-C-3**, which requires the proposed conditional use to be consistent with the "characteristics and purposes" stated for the zoning district involved and the adopted general plan. This conditional use would appear to provide a recreation area that could be developed to help meet the demand for mountain/rural recreation activities (Policy D, Objective 9, Chapter 1, Utah County General Plan, 2006).
7. The application appears to meet the requirements of **Section 7-20-C-4**, which requires the proposed conditional use be compatible with the public interest and with the characteristics of the surrounding area. Adjacent uses to the property include ski resorts

and recreational land, and federal forest land, both of which would appear to be compatible and similar uses. The application also would appear to provide a use that would provide outdoor recreational activities in a managed and supervised manner, which would appear to be beneficial to the public's interest.

8. The application appears to meet the requirements of Section 7-20-C-5, which requires the proposed conditional use to be shown to not adversely affect local property values. There appears to be no evidence this conditional use would adversely affect local property values due to the general compatibility with the adjacent properties and their uses, as stated above. In addition, the proposed uses would appear to have a minimal visual impact on the area. **However, the application did not include any appraisals or other professional statements regarding property values. The Board may want to take this into consideration.**
9. The application appears to meet the requirements of Section 7-20-C-6, which requires the proposed conditional use to comply with all of the terms and requirements of the ordinance. Analysis of each applicable section of the ordinance are as follows:

Section 3-47 lists the standards and conditions required for accessory ski lifts and associated mountain resort facilities. **Each requirement is analyzed as follows:**

Section 3-47-C lists the permitted facilities allowed under this Section. All of the applicant's proposed uses/facilities are listed as permitted. **The application appears to meet this section.**

Section 3-47-D requires the applicant to submit a site plan of the proposed mountain resort facilities that shows all existing and proposed structures, roads, runs, restrooms, shelters, etc. A site plan was submitted by the applicant that appears to show the required items. **The application appears to meet this section.**

Section 3-47-E requires the application to include an operations disclosure statement for the proposal which includes the scope and purpose of the application, ownership information, provisions of essential services, and management and operations procedures. The application included an operations disclosure statement that **appears to meet this requirement.**

Section 3-47-F requires the application to include a developmental impact report which analyzes the impacts of the proposed use(s). The application included a statement indicating the relatively low-impact of the proposed uses and lack of any substantial structures associated with the uses will have a negligible impact on the area. **The Board will need to determine if this statement is sufficient to satisfy this requirement.**

Section 3-47-G requires the application include a fiscal impact report detailing the anticipated impacts relative to government services and revenue sources, including impacts during construction, phases, etc. The application included a statement indicating there will be no additional impacts due to the low-impacts of the uses, lack of any

substantial structures associated with the uses, and existing services being extended from Snowbird's base resort in Salt Lake County. **The Board will need to determine if this statement is sufficient to satisfy this requirement.**

Section 3-47-H-1 requires the land on which the facilities lie be located in CE-1 Zone on a zoning lot which abuts an existing ski resort in an adjoining county, or on zoning lots that do not abut a recorded recreational resort plat or an existing ski resort in an adjoining county, but are connected through an authorized connection between zoning lots abutting the resort plat or ski resort and the outlying zoning lots. The property does lie within the CE-1 Zone and either abuts the existing Snowbird Resort in Salt Lake County, or are connected through an authorized connection (United States Forest Service Special Use Permits, Forest Service roads NF-70007 and NF-70111). **The application appears to meet this section, subject to the review of the special use permits.**

Section 3-47-H-2 requires the land on which the facilities are located, along with the land on which the existing ski resort is located, to be in the same ownership. It appears much of the subject property in Utah County, and the existing resort in Salt Lake County, are all in the name of "Snowbird Ltd.". However, many of the mining claims are under different ownership names, which the applicant has indicated all fall within the Snowbird ownership "umbrella". **The Board will need to determine if this requirement/section is met.**

Section 3-47-H-3 requires the Board to find that neither flooding, water quality, nor other aspects of the environment will be unreasonably diminished by approval of the application, and that conditions of approval can be attached which can reasonably be expected to mitigate any environmental impacts. The applicant indicates this requirement is met due to the relatively low impact of the proposed uses and lack of any substantial structures associated with the uses. The applicant suggests "best management practices", which the resort has adopted as part of their existing operations, should be sufficient to mitigate any environmental impacts. The proposed activities/facilities of the application appear to have minimal environmental impacts and can be mitigated through a condition attached to any potential approval of this application.

Section 3-47-H-4 requires the Board to find that the costs of providing governmental services generated by the proposal have been considered. **The application appears to meet this requirement, as discussed above.**

Section 3-47-H-5 requires the Board to find the facilities will have a safe design, and the risks associated with avalanches, rock fall, and other natural hazards have been addressed. The applicant indicates this requirement is met due to the lack of permanent structures, other than minimal storage buildings, associated with the proposed uses. In addition, such hazards are currently addressed through the resorts existing operations, which experience and practice will be extended to the proposed area. **The application appears to meet this requirement.**

Section 3-47-H-6 requires the Board to find the facilities will not significantly reduce property values of adjacent parcels of land. **The application appears to meet this requirement, as discussed above.**

Section 3-47-H-7 requires the Board to find the facilities are harmonious with the alpine setting, unobtrusive as reasonably possible, environmentally sensitive, esthetically acceptable, and adequately integrated into the existing resort. As mentioned above, the proposal is for low-impact uses that generally utilize the existing environment and that are existing on adjacent public lands. **The application appears to meet this requirement.**

Section 3-47-H-8 requires the Board to find that adequate parking, patron access, and other public facilities exist for the increase in utilization of the existing resort. The existing Snowbird Resort in Salt Lake County appears to have significant existing parking, transit, and other public facilities to handle the proposed activities. In addition, the applicant indicates the patrons of the proposed facilities are anticipated to be guests already staying or visiting Snowbird for other events or activities. **The application appears to meet this requirement.**

Section 3-47-H-9 requires that all access to the proposed facilities be exclusively through the existing ski resort to which the facilities are appurtenant. The application indicates all access will be through the existing Snowbird base area in Salt Lake County utilizing the existing tram, lifts, road, and trails. **The application appears to meet this requirement.**

10. The application appears to meet the requirements of **Section 7-20-C-7**, which requires the proposed conditional use to be shown to **not** result in a situation which is cost ineffective, administratively infeasible, or unduly difficult for the provision of essential services. Those services appear to be presently available due to the existing resorts and uses in the area.

IV. ZONING ADMINISTRATOR'S POSITION:

That the Utah County Board of Adjustment consider **approval** of the request for a conditional use for various accessory mountain resort facilities in the CE-1 Zone on the applicant's "eastern block" of property as depicted on the site map submitted at the November 1, 2012 meeting, subject to the following minimum conditions:

1. That the application meet all the criteria for approving a conditional use as per Section 7-20-C(1) through (7) of the Utah County Land Use Ordinance, to the extent required in Section 7-20-D;
2. That all applicable permits be issued for any structures and uses associated with the proposed accessory mountain resort facilities to be constructed or utilized on the property that meet all applicable building, zoning, health, and fire-safety requirements. Development and construction shall be consistent with "best management practices" as referenced in the

submitted application;

3. That all requirements and standards of Section 3-47 for accessory mountain resort facilities be met;
4. That the applicant provide legal descriptions for all parcels/property that constitute the "eastern block" of property as depicted on the site map submitted at the November 1, 2012 meeting of the Board of Adjustment. This legal description shall constitute a zoning lot or zoning lots as defined in Section 2-2-B-61-c, and shall be provided to the Board's secretary no later than 15 days after a decision has been reached by the Board on this appeal;
5. That the applicant provide verification that all of the subject zoning lots are connected, or will be connected, to the existing ski resort in Salt Lake County by an authorized connection, including future authorized connections, as required in Section 3-47-H-1. Existing connections include U. S. Forest Service Special Use Permits dated January 9, 2009 and January 22, 2009, and U. S. Forest Service roads NF-70007 and NF-70111;
6. That the applicant provide verification that all of the subject zoning lots are in the same ownership as the resort to which they are appurtenant.

2/7/13

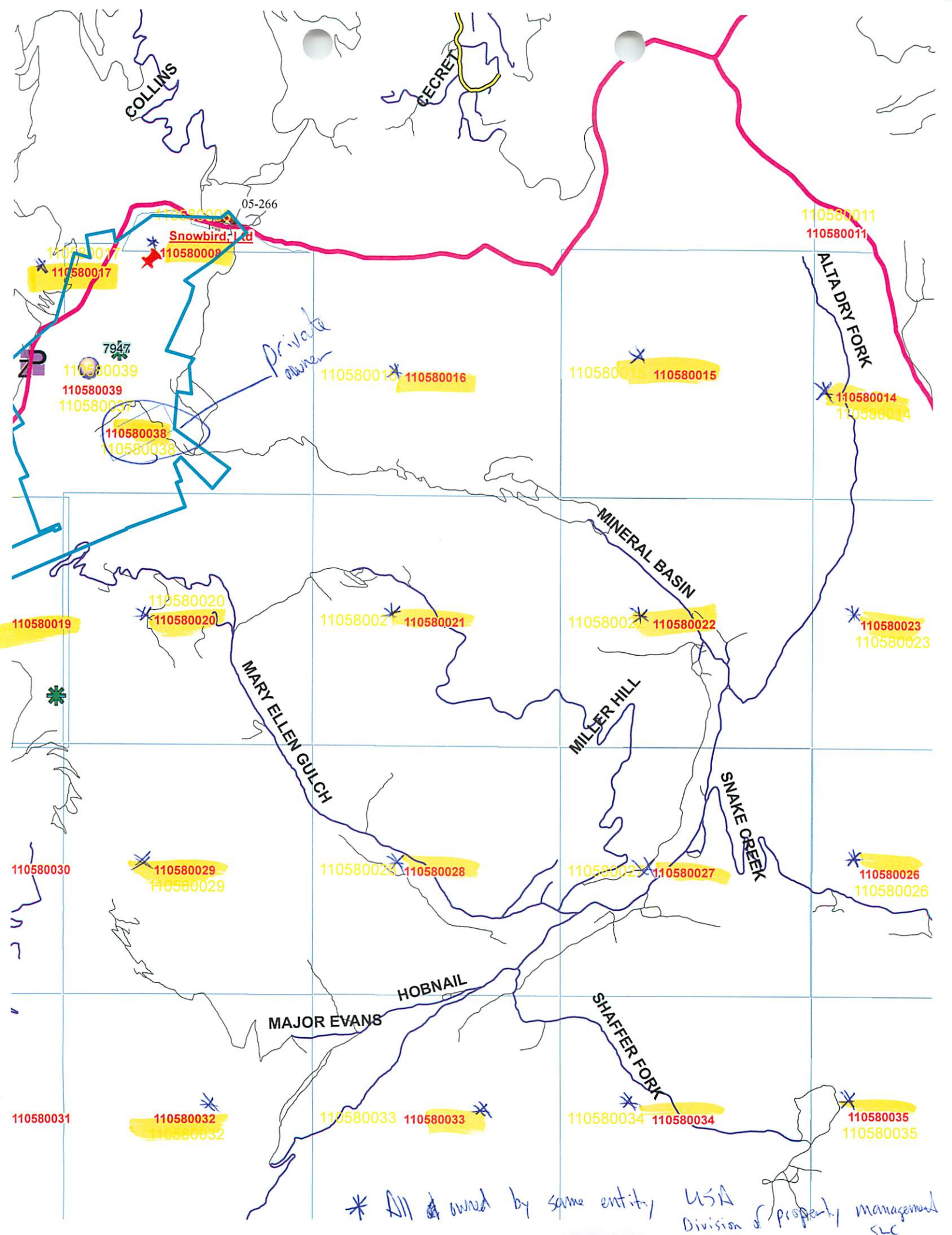
→ #4 AMENDED AT MEETING AS REQUESTED BY APPLICANT
(SEE AMENDED RECOMMENDATION)

RECOMMENDED RECOMMENDATION
2/7/13

IV. ZONING ADMINISTRATOR'S POSITION:

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1. That the application meet all the criteria for approving a conditional use as per Section 7-20-C(1) through (7) of the Utah County Land Use Ordinance, to the extent required in Section 7-20-D;
2. That all applicable permits be issued for any structures and uses associated with the proposed accessory mountain resort facilities to be constructed or utilized on the property that meet all applicable building, zoning, health, and fire-safety requirements. Development and construction shall be consistent with "best management practices" as referenced in the submitted application;
3. That all requirements and standards of Section 3-47 for accessory mountain resort facilities be met;
4. That the applicant provide a legal description or descriptions encompassing all parcels/property that constitute the "eastern block" of property as depicted on the site map submitted at the November 1, 2012 meeting of the Board of Adjustment. Said legal description or descriptions shall describe a zoning lot or zoning lots as defined in Section 2-2-B-61-c, and shall be provided to the Board's secretary no later than 15 days after a decision has been reached by the Board on this appeal;
5. That the applicant provide verification that all of the subject zoning lots are connected, or will be connected, to the existing ski resort in Salt Lake County by an authorized connection, including future authorized connections, as required in Section 3-47-H-1. Existing connections include U. S. Forest Service Special Use Permits dated January 9, 2009 and January 22, 2009, and U. S. Forest Service roads NF-70007 and NF-70111;
6. That the applicant provide verification that all of the subject zoning lots are in the same ownership as the resort to which they are appurtenant.



SNOWBIRD "EASTERN BLOCK" AREA BOUNDARY DESCRIPTION
February 22, 2013

Beginning at Corner No. 4, Russler Claim, Mineral Survey No. 47, and running thence North 1500.00 feet to Corner No. 1 of said Russler Claim; thence North 37°28'16" East 329.65 feet, more or less, to Corner No. 2, Lady Annie Millsite, Mineral Survey No. 63B; thence East 1278.89 feet to Corner No. 2, Borussia Millsite, M.S. No. 99B; thence North 21°36'09" East 3870.14 feet, more or less, to Corner No. 3, Hudson Claim, M.S. No. 40; thence North 27°00'00" East 1200.00 feet to Corner No. 2 of said Hudson Claim; thence North 85°46'53" East 617.21 feet, more or less, to Corner No. 4, War Eagle Claim B, Mineral Survey No. 42; thence South 68°19'15" East 1515.49 feet, more or less, to Corner No. 1, Pittsburg No. 4 Claim, Mineral Survey No. 5832; thence South 23°04'00" East 680.20 feet to Corner No. 2 of said Pittsburg No. 4; thence South 64°04'00" East 615.50 feet to Corner No. 2, Pittsburg No. 5 Claim, Mineral Survey No. 5832; thence South 38°50'00" West 1494.70 feet to Corner No. 3 of said Pittsburg No. 5; thence South 25°56'00" West 600.00 feet to Corner No. 4, Little Rock No. 2 Claim, Mineral Survey No. 5832; thence South 40°50'36" East 5590.28 feet, more or less, to Corner No. 3, Blue Rock No. 6 Claim, Mineral Survey No. 6139; thence South 36°17'00" East 587.80 feet to Corner No. 4 of said Blue Rock No. 6; thence South 80°46'15" East 893.23 feet, more or less, to Corner No. 2, Osborn Claim, Mineral Survey No. 6521; thence North 74°55'00" East 1403.50 feet to Corner No. 3 of said Osborn; thence North 02°05'00" West 600.00 feet to Corner No. 2, Osborn Lode No. 4 Claim, Mineral Survey No. 6521; thence North 74°55'00" East 1500.00 feet to Corner No. 3 of said Osborn Lode No. 4; thence South 02°05'00" East 600.00 feet to Corner No. 4 of said Osborn Lode No. 4; thence South 74°55'00" West 1500.00 feet to Corner No. 1 of said Osborn Lode No. 4; thence South 02°05'00" East 1200.00 feet to Corner No. 4, Osborn Lode No. 2 Claim, Mineral Survey No. 6521; thence South 74°55'00" West 1403.50 feet to Corner No. 1 of said Osborn Lode No. 2; thence South 46°30'36" West 381.82 feet, more or less, to Corner No. 3, Blue Rock No. 4 Claim, Mineral Survey No. 5861; thence South 02°40'45" East 114.82 feet, more or less, to Corner No. 3, Scotchman Claim, Mineral Survey No. 6097; thence South 08°12'43" West 1270.35 feet, more or less, to Corner No. 3, Scotchman No. 2 Claim, Mineral Survey No. 6097; thence South 11°20'00" West 573.80 feet to Corner No. 4 of said Scotchman No. 2; thence North 84°43'00" West 348.14 feet to Corner No. 3, Scotchman No. 4 Claim, Mineral Survey No. 6097; thence South 05°17'00" West 585.51 feet; thence South 48°38'00" East 168.25 feet to Corner No. 3, Alice Mine Claim, Mineral Survey No. 6097; thence South 56°33'00" West 174.31 feet; thence South 05°17'00" West 572.13 feet to Corner No. 2 of said Scotchman No. 4; thence North 84°43'00" West 600.00 feet to Corner No. 1 of said Scotchman No. 4; thence South 79°58'29" West 300.53 feet, more or less, to Corner No. 2, Lucky Deal Claim, Mineral Survey No. 6102; thence North 64°24'00" West 384.81 feet along the southerly line of said Lucky Deal Claim to the easterly line of the New Idea Claim, Mineral Survey No. 5866; thence South 40°00'00" West 1362.24 feet to Corner No. 3 of said New Idea; thence North 50°00'00" West 600.00 feet to Corner No. 2 of said New Idea; thence South 40°00'00" West 658.00 feet to Corner No. 3, Wild Dutchman Claim, Mineral Survey No. 68; thence North 50°00'00" West 200.00 feet to Corner No. 4 of said Wild Dutchman; thence South 55°08'51" West 1769.97 feet, more or less, to Corner No. 2, Silver Bell Millsite, Claim No. 69B; thence South 43°00'00" West 300.00 feet to Corner No. 3 of said Silver Bell Millsite; thence North 47°00'00" West 726.00 feet to Corner No. 4 of said Silver Bell Millsite; thence North 40°25'29" West 6103.77 feet, more or less, to Corner No. 3, Red Cloud Millsite, Claim No. 71B; thence North 20°00'00" West 726.00 feet to Corner No. 4 of said Red Cloud Millsite; thence North 29°49'53" East 703.42 feet, more or less, to Corner No. 3, Vivian Claim, Mineral Survey No. 5863; thence North 49°45'00" East 1500.00 feet to Corner No. 2 of Said Vivian; thence North 44°33'35" West 1329.11 feet, more or less; to the point of beginning.

RUSSELL CAMPBELL, PLS
BASELINE SURVEYING
801-209-2152

1 0 5 8 E a s t 2 1 0 0 S o u t h
S a l t L a k e C i t y U T 8 4 1 0 6
P 8 0 1 . 2 0 9 . 2 1 5 2 F 8 0 1 . 4 8 7 . 6 0 0 9

Chris Sutton - Urgent: Snowbird on February BoA Agenda (Application to Amend Ordinance has been approved by County Commission)

From: "Banks, Martin K." <MKBANKS@stoel.com>
To: "christis@utahcounty.gov" <christis@utahcounty.gov>
Date: 1/8/2013 11:57 AM
Subject: Urgent: Snowbird on February BoA Agenda (Application to Amend Ordinance has been approved by County Commission)
CC: "brycea@utah.gov" <brycea@utah.gov>, "Moore, Alex" <AMoore@dwpv.com>

Hello Ms. Sutton: On 11/1/12, the Utah County Board of Adjustment approved Snowbird's Conditional Use Application (Appeal No. 1522, Conditional use for accessory mountain resort facilities) as to a portion of the proposed uses (the western block of Snowbird's parcels in American Fork Canyon), but continued its consideration of the remaining portion of the proposed uses (the eastern block of parcels). The purpose of the continuation was to give Snowbird the opportunity to get Section 3-47-H-1 of the Zoning Ordinance amended. Earlier this morning the Utah County Commission approved that Ordinance amendment.

Accordingly, please place Snowbird's Conditional Use Application on the agenda for the February 2013 hearing. As I understand today is the deadline for placing this matter on the February agenda, may I please ask that you confirm your receipt of this email and confirm that you have everything you need to place this item on the February agenda.

Appreciatively,

Marty Banks
Stoel Rives LLP

RECEIVED
2013 JAN - 8 P 12:46
UTAH COUNTY
COMMUNITY DEVELOPMENT

When recorded
return to:

Robert G. Pruitt III

P.O. Box 11551

Salt Lake City, UT 84147-0551

Affidavit

ENT 146460; 2004 PG 1 of 3
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2004 Dec 30 4:44 pm FEE 14.00 BY SS
RECORDED FOR PRUITT, ROBERT G III

14
3
Comes now, **Robert G. Pruitt III**, who being first duly sworn under oath,
hereby states:

1. I am an attorney for Snowbird, Ltd., a Utah limited partnership and holder of that perpetual easement and right of first refusal contained in that certain Easement Agreement I recorded on April 21, 1998 as Entry No. 38920 at Book 4607, Pages 229 to 333 in the Utah County Records pertaining to the **Flora Lode Patented Mining Claim**, Mineral Survey Lot 98, comprising 20.66 acres in the SW $\frac{1}{4}$ of Section 17, Township 3 South, Range 3 East, SLB&M in the American Fork Mining District of Utah County, Utah (hereinafter referred to as the "Flora Lode").
2. The Flora Lode covered by the Easement Agreement is the same Flora Lode covered by the Quit Claim Deed dated April 17, 1998 and recorded by Douglas Durbano on April 21, 1998 as Entry No. 38919 at Book 4607, Page 328 in the Utah County Records.
3. The Flora Lode surveyed on September 25, 1884 as Mineral Survey Lot 98 by William Bredemeyer on the claim of Worthy Nash and tied to U.S. Mineral Monument No. 3 is the same Flora Lode described in Paragraphs 1 and 2 above.
4. The metes and bounds description of the Flora Lode in the attached Exhibit A is tied to a government section corner ^{and} is the same Flora Lode described in Paragraphs 1, 2, and 3 above. ^{it is}
5. I verily believe the current owners and property taxpayers of the Flora Lode to be Alta A. Nash, Sandra M. Nash, and Michael E. Nash, as joint tenants, who hold fee title to the Flora, subject only to the perpetual easement and right of first refusal held by Snowbird, Ltd. described in Paragraph 1 which shall exist for all time and eternity subject to the terms and conditions of said Easement Agreement.

From: Darlene Batatian <dbatatian@gmail.com>
To: Bryce Armstrong <BRYCEA@utahcounty.gov>
Date: 11/2/2012 10:29 AM
Subject: Quitclaim Deed & Parcel Map

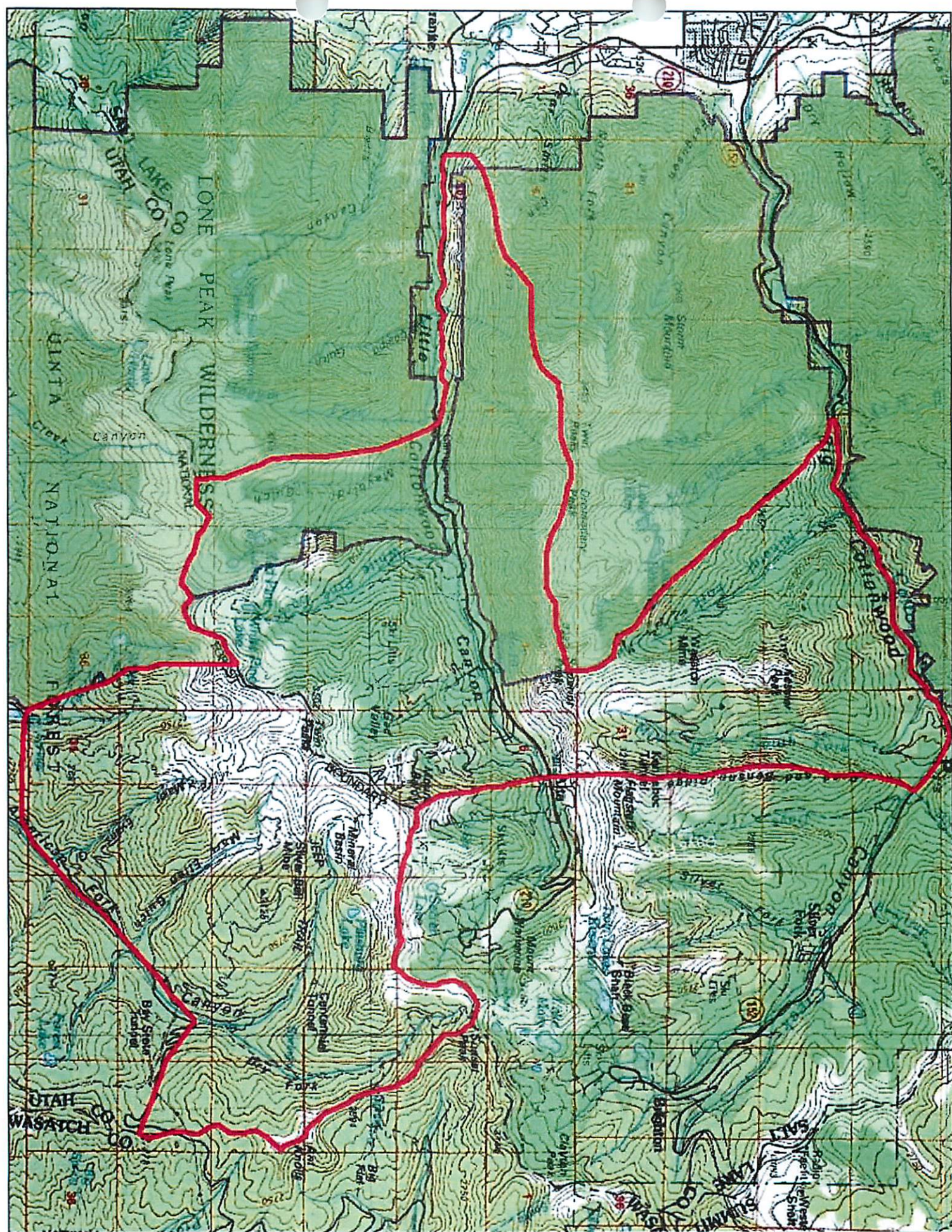
Bryce,

Thanks again for navigating this appeal to a reasonable solution last night. Snowbird will be happy to get their cat skiing operation going in Mary Ellen Gulch.

Could you send me a scanned copy of the quitclaim deed that Rob Moore had, and also the aerial map you included in your Staff presentation that was on an aerial photo & showed the parcels? I am thinking that if the ownership is all clear, we can do a simple lot line adjustment and expand parcel 39 to include the Mary Ellen area.

What do you think?

Darlene Batatian
MOUNTAIN LAND DEVELOPMENT SERVICES
dbatatian@gmail.com
801.550.0611



Authorization ID: SLC409704
Contact ID: SNBRD MT CENTER
Expiration Date: 07/31/2016
Use Code: 153

FS-2700-4 (03/06)
OMB 0596-0082

U.S. DEPARTMENT OF AGRICULTURE
Forest Service
SPECIAL USE PERMIT
AUTHORITY:

FEDERAL LANDS RECREATION ENHANCEMENT ACT, TITLE VIII, DIV. J, OF PL 108-447 December 8,
2004

SNOWBIRD MOUNTAINEERING CENTER of Snowbird Corporation, P.O. BOX 929000, SNOWBIRD, UT 84092-9000 (hereinafter called the Holder) is hereby authorized to use or occupy National Forest System lands, to use subject to the conditions set out below, on the Uinta-Wasatch-Cache National Forest or Salt Lake Ranger District unit of the National Forest System.

This permit covers approximately 13,000 acres and is described as: T. 2 S., R. 2 E., sec 13, 14, 22-26, 36, T. 3 S., R. 2 E., sec 1-14, 23-26, 36, T. 2 S., R. 3 E., sec 18, 19, 30, 31, T. 3 S., R. 3 E., sec 6, 7, 10, 14-23, 26-33, SLM, as shown on the location map (Exhibit A) attached to and made a part of this permit, and is issued for the purpose of:

Guided rock climbing, hiking, mountain biking, ski mountaineering, and mountain picnics. Group size in designated Wilderness will be limited to 10 persons. Guided mountain biking will be allowed outside of the resort permit boundary but not in the Wilderness. Use days and/or numbers of people may be limited if conflicts occur with other users. ** This permit does not authorize the use of helicopters for any of the above mentioned uses or opportunities. This permit is for National Forest System Lands only. This permit does not give explicit or implicit permission to use private lands; it is the permittee's responsibility to negotiate the use of any private lands. Priority use is authorized and will be assigned as service days or people-at-one-time (PAOT), per year and will be 2200.

The fees for this permit are collected in conjunction with the fees for the Snowbird Ski Area permit.

The above described or defined area shall be referred to herein as the "permit area".

TERMS AND CONDITIONS

I. AUTHORITY AND GENERAL TERMS OF THE PERMIT

A. Authority. This permit is issued pursuant to the authorities enumerated at Title 36, Code of Federal Regulations, Section 251 Subpart B, as amended. This permit, and the activities or use authorized, shall be subject to the terms and conditions of the Secretary's regulations and any subsequent amendment to them.

B. Authorized Officer. The authorized officer is the Forest Supervisor or a delegated subordinate officer.

C. License. This permit is a license for the use of federally owned land and does not grant any permanent, possessory interest in real property, nor shall this permit constitute a contract for purposes of the Contract Disputes Act of 1978 (41 U.S.C. 611). Loss of the privileges granted by this permit by revocation, termination, or suspension is not compensable to the holder.

D. Amendment. This permit may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to incorporate new terms, conditions, and stipulations as may be required by law, regulation, land management plans, or other management decisions.

Snowbird Ltd.
Mineral Basin & Mary Ellen Mining Claims
External Boundary Legal Description

Commencing from Corner 1 of the Missouri Claim, Lot No.82, the true Point of Beginning, said point being N 41°00'28" E, 1103.09' from the North Quarter Corner of Section 17, Township 3 South, Range 3 East, Salt Lake Base & Meridian, and running thence:

- 1) S 41°19'27" E, along line 1-2 of said Missouri Claim, 591.68' to Corner 2 of said Missouri Claim;
- 2) thence S 50°16'44" W, along line 2-3 of said Missouri Claim, 331.60' to Corner 1 of Estella, MS 5321;
- 3) thence S 50°16'44" W, along line 2-3 of said Missouri Claim, 623.40' to Corner 3 of said Missouri Claim, Corner 2 of said Estella Claim and Corner 1 of Triangle, MS 5321;
- 4) thence S 54°31'44" W, along line 3-4 of said Missouri Claim, 500.00' to Corner 4 of said Missouri Claim;
- 5) thence S 54°31'44" W, along line 1-4 of said Triangle Claim, 202.70' to Corner 4 of said Triangle Claim;
- 6) thence S 55°10'02" E, along line 4-3 of said Triangle Claim, 226.82' to Corner 3 of said Triangle Claim and Corner 2 of Diehl, Lot No. 93;
- 7) thence S 15°36'46" W, along line 2-3 of said Diehl Claim, 300.48' to Corner 3 of said Diehl Claim;
- 8) thence S 24°11'46" W, along line 3-4 of said Diehl Claim, 1176.79' to Corner 4 of said Diehl Claim;
- 9) thence S 74°23'14" E, along line 4-5 of said Diehl Claim, 605.37' to Corner 5 of said Diehl Claim and Corner 4 of Anna, Lot No.78;
- 10) thence S 74°47'11" E, along line 4-5 of said Anna Claim, 1.33' to the intersection with line 2-1 of Big Emma Fraction, MS 5834;
- 11) thence S 33°11'12" W, along line 2-1 of said Big Emma Fraction Claim, 175.80' to Corner 2 of Big Emma, MS 5834;
- 12) thence S 05°00'48" E, along line 2-1 of said Big Emma Claim, 600.00' to Corner 1 of said Big Emma Claim;
- 13) thence N 81°51'48" W, along line 1-4 of said Big Emma Claim, 309.95' to the intersection with line 4-1 of Niagara, MS 5838;
- 14) thence S 04°03'44" W, along line 4-1 of said Niagara Claim, 783.89' to the intersection with line 3-4 of Raabe, MS 6414;

- 15) thence S 54°32'43" E, along line 3-4 of said Raabe Claim, 1439.53' to Corner 4 of said Raabe Claim;
- 16) thence S 40°38'25" W, along line 4-1 of said Raabe Claim, 557.66' to the intersection with line 3-2 of Amaryllis, Lot No.81;
- 17) thence N 45°36'13" W, along line 3-2 of said Amaryllis Claim, 941.01' to Corner 2 of said Amaryllis Claim;
- 18) thence S 43°18'47" W, along line 2-1 of said Amaryllis Claim, 195.63' to the intersection with line 2-3 of Henrietta, Lot No.72;
- 19) thence S 22°28'33" E, along line 2-3 of said Henrietta Claim, 390.74' to Corner 3 of said Henrietta Claim;
- 20) thence S 69°25'43" W, along line 3-4 of said Henrietta Claim, 113.39' to the intersection with the extension of line 3-2 of Mono Lode, Lot No. 70A;
- 21) thence S 20°16'40" E, along the extension of line 3-2 of said Mono Lode Claim, 2.65' to Corner 2 of said Mono Lode Claim;
- 22) thence S 20°16'40" E, along line 2-3 of said Mono Lode Claim, 542.82' to Corner 3 of said Mono Lode Claim; said point being S 38°00'06" W, 242.57' from the South Quarter Corner of Section 17, Township 3 South, Range 3 East, Salt Lake Base & Meridian;
- 23) thence S 69°51'36" W, along line 3-4 of said Mono Lode Claim, 910.10' to the intersection of line 4-3 of Lavaun No.4, MS 6735;
- 24) thence S 55°08'35" W, along line 4-3 of said Lavaun No.4 Claim, 75.97' to Corner 3 of said Lavaun No.4 Claim;
- 25) thence S 45°13'25" E, along line 3-2 of said Lavaun No.4 Claim, 601.22' to Corner 2 of said Lavaun No.4 Claim, Corner 3 of Lavaun No.1, MS 6735, Corner 1 of Horseshoe, MS 7036, Corner 1 of Horseshoe No.3, MS 7036 and Corner 1 of Horseshoe No.1, MS 7036;
- 26) thence S 45°22'28" E, along line 3-2 of said Lavaun No.1 Claim and line 1-2 of said Horseshoe No.1 Claim, 1501.99' to Corner 2 of said Lavaun No.1 Claim and Corner 2 of said Horseshoe No.1 Claim;
- 27) thence S 10°37'14" W, along line 2-3 of said Horseshoe No.1 Claim, 536.74' to the intersection with line 4-3 of Powers Lode, Lot 96;
- 28) thence N 86°16'00" E, along line 4-3 of said Powers Claim, 114.57' to Corner 3 of said Powers Claim;
- 29) thence S 19°25'00" W, along line 3-2 of said Powers Claim, 226.51' to the intersection with line 2-3 of Mary Ellen Lode, Lot 57;
- 30) thence S 78°03'24" E, along line 2-3 of said Mary Ellen Claim, 653.00' to Corner 3 of said Mary Ellen Claim;
- 31) thence S 11°56'36" W, along line 3-4 of said Mary Ellen Claim, 200.00' to Corner 4 of said

Mary Ellen Claim;

- 32) thence N 78°03'24" W, along line 4-1 of said Mary Ellen Claim, 536.59' to the intersection with line 2-3 of Quartzite Lode, Lot 97;
- 33) thence S 00°33'37" E, along line 2-3 of said Quartzite Claim, 1436.99' to Corner 3 of said Quartzite Claim and Corner 1 of Quartzite Extension, MS 7035;
- 34) thence S 00°08'21" E, along line 1-2 of said Quartzite Extension Claim, 1343.81' to Corner 2 of said Quartzite Extension Claim;
- 35) thence N 87°09'06" W, along line 2-3 of said Quartzite Extension Claim, 581.02' to Corner 3 of said Quartzite Extension Claim and Corner 4 of Silver Wave Extension, MS 7035;
- 36) thence N 86°47'22" W, along line 4-3 of said Silver Wave Extension Claim, 337.50' to the intersection with line 2-1 of C.D.H. Lode, MS 5859;
- 37) thence N 13°58'33" W, along line 2-1 of said C.D.H. Claim, 661.89' to Corner 1 of said C.D.H. Claim;
- 38) thence S 28°39'27" W, along line 1-4 of said C.D.H. Claim, 39.73' to the intersection with line 3-4 of said Silver Wave Extension Claim;
- 39) thence N 00°15'55" E, along line 3-4 of said Silver Wave Extension Claim, 743.57' to Corner 4 of said Silver Wave Extension Claim and Corner 3 of Silver Wave Lode, Lot 89;
- 40) thence N 00°27'00" E, along line 3-4 of said Silver Wave Claim, 720.79' to the intersection with line 3-4 of Plume Lode, Lot 94;
- 41) thence S 08°39'09" W, along line 3-4 of said Plume Claim, 257.82' to Corner 4 of said Plume Claim;
- 42) thence S 68°07'00" W, along line 4-5 of said Plume Claim, 492.50' to Corner 5 of said Plume Claim;
- 43) thence N 00°14'00" W, along line 5-1 of said Plume Claim, 599.69' to the intersection with line 1-2 of Big C Lode, MS 5917;
- 44) thence N 67°47'17" E, along line 1-2 of said Big C Claim, 111.46' to Corner 2 of said Big C Claim;
- 45) thence S 00°18'18" W, along line 2-3 of said Big C Claim, 728.50' to the intersection with line 4-1 of Flush Lode, MS 5917;
- 46) thence N 29°25'15" W, along line 4-1 of said Flush Claim, 352.28' to Corner 1 of said Flush Claim;
- 47) thence S 28°39'27" W, along line 1-2 of said Flush Claim, 705.42' to Corner 2 of said Flush Claim;
- 48) thence S 29°25'15" E, along line 2-3 of said Flush Claim, 999.50' to Corner 2 of Show Down Lode, MS 5917;

- 49) thence S 49°09'45" W, along line 2-3 of said Show Down Claim, 161.43' to the intersection with line 3-4 of Globe No.8, MS 6831;
- 50) thence N 78°45'42" W, along line 3-4 of said Globe No.8 Claim, 137.09' to the intersection with line 4-3 of Lowell Lode, MS 6623;
- 51) thence N 32°46'42" E, along line 4-3 of said Lowell Claim, 101.31' to Corner 3 of said Lowell Claim;
- 52) thence N 57°13'18" W, along line 3-2 of said Lowell Claim, 1500.00' to Corner 2 of said Lowell Claim;
- 53) thence S 32°46'42" W, along line 2-1 of said Lowell Claim, 129.91' to the intersection with line 3-4 of Globe No.4, MS 6831;
- 54) thence N 78°45'42" W, along line 3-4 of said Globe No.4 Claim, 129.34' to Corner 4 of said Globe No.4 Claim on line 1-4 Austin Lode, Lot 61;
- 55) thence N 08°23'57" W, along line 1-4 of said Austin Claim and line 4-1 of said Globe No.4 Claim, 634.66' to Corner 1 of said Globe No.4 Claim;
- 56) thence N 08°23'57" W, along line 1-4 of said Austin Claim, 495.67' to Corner 4 of said Austin Claim;
- 57) thence S 81°30'26" W, along line 4-3 of said Austin Claim, 600' to Corner 3 of said Austin Claim and Corner 3 of Bluebird Lode, MS 6758;
- 58) thence S 81°30'26" W, along line 3-2 of said Bluebird Claim, 352.92' to the intersection with line 1-2 Globe No.5, MS 6831;
- 59) thence N 00°02'22" E, along line 1-2 of said Globe No.5 Claim, 458.49' to Corner 2 of said Globe No.5 Claim and Corner 1 of Globe No.6, MS 6831;
- 60) thence N 00°05'08" E, along line 1-2 of said Globe No.6 Claim, 599.22' to Corner 2 of said Globe No.6 Claim and Corner 1 of Globe No.7, MS 6831;
- 61) thence N 00°05'08" E, along line 1-2 of said Globe No.7 Claim, 551.84' to Corner 2 of said Globe No.7 Claim and Corner 2 of Horseshoe No.4, MS 7036;
- 62) thence N 00°07'35" W, along line 2-3 of said Horseshoe No.4 Claim, 262.68' to Corner 3 of said Horseshoe No.4 Claim;
- 63) thence N 66°51'11" E, along line 3-4 of said Horseshoe No.4 Claim, 423.87' to Corner 4 of said Horseshoe No.4 Claim and Corner 3 of Horseshoe No.2, MS 7036;
- 64) thence N 66°59'29" E, along line 3-4 of said Horseshoe No.2 Claim, 723.16' to the intersection with line 1-2 Red Cloud Lode, Lot 71A;
- 65) thence S 67°31'27" W, along line 1-2 of said Red Cloud Lode Claim, 1257.59' to Corner 2 of said Red Cloud Lode Claim;
- 66) thence N 22°28'33" W, along line 2-3 of said Red Cloud Lode Claim, 600.00' to Corner 3 of said Red Cloud Lode Claim;

- 67) thence N 67°31'27" E, along line 3-4 of said Red Cloud Lode Claim, 1500.00' to Corner 4 of said Red Cloud Lode Claim;
- 68) thence S 22°28'33" E, along line 4-1 of said Red Cloud Lode Claim, 49.14' to Corner 4 of Silver Bell Lode, Lot No.69A;
- 69) thence N 68°12'34" E, along line 4-1 of said Silver Bell Lode Claim, 135.29' to Corner 3 of Eudora, Lot No.73;
- 70) thence N 22°28'33" W, along line 3-2 of said Eudora Claim, 98.55' to the intersection with line 1-2 of Patrick Henry No.2, Lot No.88;
- 71) thence S 68°20'00" W, along line 1-2 of said Patrick Henry No.2 Claim, 459.28' to Corner 2 of said Patrick Henry No.2 Claim;
- 72) thence N 21°14'00" W, along line 2-3 of said Patrick Henry No.2 Claim, 397.00' to Corner 3 of said Patrick Henry No.2 Claim;
- 73) thence N 21°40'00" W, along line 3-4 of said Patrick Henry No.2 Claim, 800.00' to Corner 4 of said Patrick Henry No.2 Claim;
- 74) thence N 68°20'00" E, along line 4-5 of said Patrick Henry No.2 Claim, 189.90' to the intersection with line 4-3 of Sadie, MS 6044;
- 75) thence N 27°08'44" W, along line 4-3 of said Sadie Claim, 559.23' to Corner 3 of said Sadie Claim and Corner 4 of Anna, MS 6044;
- 76) thence N 15°18'55" W, along line 4-3 of said Anna Claim, 470.56' to Corner 3 of said Anna Claim;
- 77) thence N 60°31'12" E, along line 3-2 of said Anna Claim, 313.28' to the intersection with line 2-3 of Jack, MS 6044;
- 78) thence N 33°37'01" W, along line 2-3 of said Jack Claim, 1246.27' to Corner 3 of said Jack Claim;
- 79) thence N 51°49'12" E, along line 3-4 of said Jack Claim, 442.90' to Corner 4 of said Jack Claim and Corner 3 of Tom Boy, MS 6044;
- 80) thence N 51°49'12" E, along line 3-4 of said Tom Boy Claim, 209.32' to the intersection with line 2-3 of Japan No.1, MS 6044;
- 81) thence N 49°57'47" E, along line 2-3 of said Japan No.1 Claim, 1149.06' to the intersection with line 4-1 of Iron Blossam No.5, MS 6974;
- 82) thence N 15°53'17" E, along line 4-1 of said Iron Blossam No.5 Claim, 86.21' to Corner 3 of Alaska, MS 5589;
- 83) thence N 15°53'17" E, along line 3-4 of said Alaska Claim and line 4-1 of said Iron Blossam No.5 Claim, 1407.32' to Corner 4 of said Alaska Claim and Corner 1 of said Iron Blossam No.5 Claim;
- 84) thence S 74°04'42" E, along line 4-1 of said Alaska Claim, 358.46' to the intersection with line 3-2 of Dryburgh Fraction, MS 6044;

- 85) thence N 11°18'11" W, along line 3-2 of said Dryburgh Fraction Claim, 480.84' to Corner 2 of said Dryburgh Fraction Claim;
- 86) thence N 78°41'12" E, along line 2-1 of said Dryburgh Fraction Claim, 600.00' to Corner 1 of said Dryburgh Fraction Claim;
- 87) thence S 11°18'11" E, along line 1-4 of said Dryburgh Fraction Claim, 256.23' to the intersection with line 4-1 of Dryburgh No.4, MS 6044;
- 88) thence N 53°45'10" E, along line 4-1 of said Dryburgh No.4 Claim, 967.56' to Corner 1 of said Dryburgh No.4 Claim;
- 89) thence S 88°28'48" E, along line 1-2 of said Dryburgh No.4 Claim, 749.90' to Corner 2 of said Dryburgh No.4 Claim and Corner 1 of Dryburgh No.3, MS 6044;
- 90) thence S 88°28'48" E, along line 1-2 of said Dryburgh No.3 Claim, 705.70' to the intersection with line 6-1 of said Missouri Claim;
- 91) thence N 50°16'44" E, along line 6-1 of said Missouri Claim, 199.89' to Corner 1 of said Missouri Claim, the true Point of Beginning;
containing 872.6 acres, more or less.

Less and excepting there from the Flora Lode, Lot No.98, with an area of 20.66 acres, more or less; leaving a total area of 852 acres, more or less.

Basis of Bearing: N 00°04'26" E, Geodetic Bearing, from the South Quarter Corner to the North Quarter Corner of Section 17, Township 3 South, Range 3 East, Salt Lake Base & Meridian, from the GPS location of said Corners by the Utah County Surveyors Office.

Included in the description are all the Claims listed on the Mineral Basin Plat plus the following in the Mary Ellen and Major Evans drainages:

Belorophan	Lot No.60	Miller Hill LLC
Echo	Lot No.95	Miller Hill LLC
Glacier Lode	MS 7036	Miller Hill LLC
Horseshoe	MS 7036	Miller Hill LLC
Horseshoe No.1	MS 7036	Miller Hill LLC
Horseshoe No.2	MS 7036	Miller Hill LLC
Horseshoe No.3	MS 7036	Miller Hill LLC
Horseshoe No.4	MS 7036	Miller Hill LLC
Live Yankee & 1 st Westerly		
Extention of Live Yankee	Lot No.55	Miller Hill LLC
Mary Ellen	Lot No.57	Miller Hill LLC
Mineral Springs	MS 7036	Miller Hill LLC
Plume	Lot No.94	Miller Hill LLC
Quartzite Extention	MS 7035	Miller Hill LLC
Silver Wave Extention	MS 7035	Miller Hill LLC
Powers	Lot No.96	Silver Dipper LLC
Quartzite	Lot No.97	Silver Dipper LLC
Silver Wave	Lot No.89	Silver Dipper LLC
Globe No.1	MS 6831	Snowbird LTD
Globe No.2	MS 6831	Snowbird LTD
Globe No.3	MS 6831	Snowbird LTD
Globe No.4	MS 6831	Snowbird LTD
Globe No.5	MS 6831	Snowbird LTD
Globe No.6	MS 6831	Snowbird LTD
Globe No.7	MS 6831	Snowbird LTD
Globe No.8	MS 6831	Snowbird LTD

Excepting there from:

Flora Lode	Lot No.98	Nash, Alta A & Sandra M
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