

**SUMMIT COUNTY
ORDINANCE NO. 370**

**AN ORDINANCE AMENDING THE CANYONS SPA REZONE
ORDINANCE AND DEVELOPMENT AGREEMENT (ORDINANCE NO.'S
333 AND 334) AND THE MOUNTAIN MEADOWS CONSENT
AGREEMENT (ORDINANCE NO. 213)**

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ALAN SPRIGGS, SUMMIT CO RECORDER
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REQUEST: SUMMIT COUNTY CLERK

PREAMBLE

WHEREAS, the Mountain Meadows Consent Agreement was approved on June 7, 1993 through Ordinance No. 213 by the Summit County Board of Commissioners; and

WHEREAS, the Mountain Meadows Consent Agreement approved the use, density and general configuration of the Meadows Reserve Estates development parcel (94 acres) for 60 single family lots; and

WHEREAS, in recent years, Summit County has been working on ways to protect key areas within the Snyderville Basin as open space, including, the area encompassing the Meadows Reserve Estates parcel; and

WHEREAS, the Canyons SPA Rezone and Development Agreement was approved on July 6, 1998 through Ordinance No.'s 333 and 334 by the Summit County Board of Commissioners; and

WHEREAS, the Canyons SPA Rezone and Development Agreement allowed 20 additional units to be transferred from specific parcels within The Canyons SPA into The Colony development in order to facilitate achievement of key objectives and planning criteria of the Resort Center Master Plan including preserving an open space buffer, protecting hillside viewsheds, as well as other objectives found within the Global Principles of the SPA; and

WHEREAS, in 1999, an opportunity arose through an anonymous buyer to purchase the development rights on the Meadows Reserve Estates parcel and transfer these rights to more appropriate development areas within the Snyderville Basin, allowing the Meadows Reserve Estates parcel to remain as open space in perpetuity; and

WHEREAS, on May 4, 1999, the Snyderville Basin Planning Commission reviewed a request to create a mechanism to transfer the development rights from the Meadows Reserve Estates parcel into The Colony development and onto the Snyderville West parcel located near The Canyons Resort, keeping the Meadow Reserve Estates parcel open; the Commission forwarded a positive recommendation to the Summit County Board of Commissioners to amend the applicable Ordinances to achieve this; and

WHEREAS, on May 24, 1999, the Summit County Board of Commissioners conducted a public hearing to consider the proposal which would: (1) amend the Mountain Meadows Consent Agreement by transferring all development rights from the Meadows Reserve Estates parcel to specific parcels more appropriate for development, leaving the Meadows Reserve Estates parcel as open space with an appropriate conservation easement; (2) amend the July 1998 Canyons SPA Rezone and Development Agreement to allow two (2) additional units to be transferred into The Colony development, for a total of 22 units; (3) include the Snyderville West parcel located near Highway 224, White Pine Canyon Road and The Canyons Resort in The Canyons SPA Zone District boundary; and (4) allow 40 multi-family units with specific development guidelines on the Snyderville West parcel; and

WHEREAS, after receiving all public comment, the Summit County Board of Commissioners approved the proposal on May 24, 1999, with appropriate ordinances and amendments to the appropriate consent and development agreements to be prepared and signed in the future;

NOW, THEREFORE, the County Legislative Body of the County of Summit, the State of Utah, ordains as follows:

Section 1. Findings.

The Board of County Commissioners, through its review and public hearing process on the creation of this Ordinance, has made the following findings:

- a. Moving density from the sending area to the proposed receiving areas is consistent with the provisions of the Snyderville Basin General Plan.
- b. The preservation of the meadow west of Old Ranch Road, including the Meadows Reserve Estates parcel (the sending area), has been identified as a crucial viewshed area to the community.
- c. The additional density in the receiving areas (The Colony and the Snyderville West parcel) is consistent with existing development approvals in The Colony and The Canyons Resort area.
- d. Within the receiving areas, all future development that will occur as a result of the density transfer will require subdivision plat approval for the lots within The Colony and final site plan approval for units on the Snyderville West parcel. The units placed on the Snyderville West parcel must also occur in a manner consistent with the Snyderville Basin General Plan, the Snyderville Basin Development Code and the Global Principles of The Canyons SPA Rezone and Development Agreement.

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- e. It is appropriate and in the public interest to eliminate the 60 single-family units identified on the Meadows Reserve Estates parcel within the Mountain Meadows Consent Agreement.

Section 2. This Ordinance specifically enacts, subject to the stated conditions of approval noted herein, the following:

1. Amends the Mountain Meadows Consent Agreement (Ordinance No. 213) to reduce the density on the Meadows Reserve Estates parcel, description included as Attachment A, from 60 single-family units to zero (0). Said Meadow Reserve Estates parcel, comprising 94 acres, has been transferred to the Swaner Memorial Foundation (a Utah non-profit public foundation and land trust) and has been restricted to open space for the benefit of education in perpetuity.
2. Amends The Canyons SPA Rezone and Development Agreement, Section 3.5.2.1 (Ordinance No.'s 333 and 334), to permit the inclusion of two (2) additional lots in The Colony. These lots shall be of similar size to other Colony lots and shall be included in the subdivision plat review process outlined in The Canyons SPA Plan. These lots are subject to all requirements of The Colony development contained in The Canyons SPA Plan.
3. Amends The Canyons SPA Zone District (Ordinance No.'s 333 and 334) to include the Snyderville West parcel, description included as Attachment B, within the boundary of this district.
4. Amends The Canyons SPA Rezone and Development Agreement (Ordinance No.'s 333 and 334) to add "Section 3.7 Snyderville West Parcel" to read as follows:

"40 multi-family dwelling units shall be permitted. Said units shall be consistent with all Global Principles of The Canyons SPA Plan, Snyderville Basin Development Code and the policies of the Snyderville Basin General Plan. The 40 units shall be as tightly clustered as possible, shall be comparable in size to other Canyons Resort accommodation units, and shall not exceed 80,000 square feet on approximately four (4) acres. The actual building area for these density transfer units shall be determined through specific site plan approval in conjunction with the comprehensive amendment to The Canyons SPA Plan that further identifies other development potential and location requirements on the Snyderville West parcel."

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Section 3. Conflict.

In the event of any conflict between this Ordinance and any other Summit County Ordinance or regulations, the provisions of this Ordinance shall be controlling.

Section 4. Savings Clause.

In the event one or more of the provision of this Ordinance shall, for any reason, be held to be unenforceable or invalid in any respect under any applicable laws, such unenforceability or invalidity shall not affect any other provision; and in such an event, this Ordinance shall be construed as if such unenforceable or invalid provision had never been contained herein.

Section 5. No Rights Created in Third Parties.

This Ordinance is not intended to, nor shall it be, construed to create any rights, claims, or causes of action in third parties.

Section 6. Effective Date.

This Ordinance shall become effective after publication of such in accordance with applicable State law.

APPROVED, ADOPTED AND PASSED and ordered published by the Summit County Board of Commissioners, this 15 day of November, 1999.

SUMMIT COUNTY BOARD OF COMMISSIONERS


SHELDON D. RICHINS, CHAIRMAN

COMMISSIONERS VOTED:

RICHINS

Aye
(AYE OR NAY)

CONE

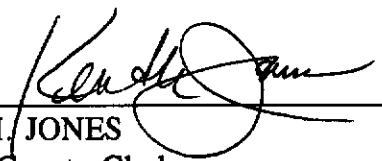
Aye
(AYE OR NAY)

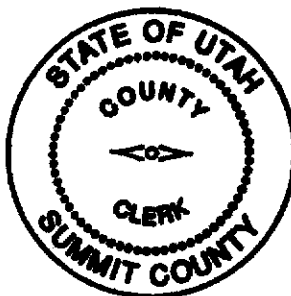
SCHIFFERLI

Aye
(AYE OR NAY)

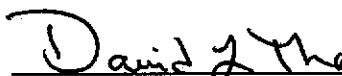
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ATTEST:


KENT H. JONES
Summit County Clerk



APPROVED AS TO FORM:


Deputy County Attorney
Summit County, Utah

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