

SUMMIT COUNTY
ORDINANCE NO. 366

THE REDSTONE SPA

PREAMBLE

00590621 Bk01375 Pg00519-00527

ALAN SPRIGGS, SUMMIT CO RECORDER
2001 JUN 05 15:51 PM FEE \$.00 BY DMG
REQUEST: SUMMIT COUNTY CLERK

WHEREAS, this matter came before the Summit County Board of Commissioners (hereinafter "County Commission") for consideration of a rezone to a Specially Planned Area (hereinafter "SPA") for a project known as "Redstone" pursuant to an development application submitted by The Boyer Company; and

WHEREAS, the County Land Use Development and Management Act, U.C.A. 17-27-401, 403, and 405 (1953), as amended, as well as the Snyderville Basin Development Code provide the County Commission with the statutory authority to rezone the subject property; and

WHEREAS, The Boyer Company is the owner of record of the area to be rezoned, a property which totals 37.83 acres southeast of the SR 224 - Uinta Boulevard intersection in the Snyderville Basin of Summit County; and

WHEREAS, Redstone is currently zoned Sensitive Land (SL) and Developable Land (DL), and is designated on the Snyderville Basin Land Use Maps as a Town Center; and

WHEREAS, the opportunity for a rezone of the property to an SPA Zone District, which designates uses, residential densities, and development locations, and has as its purpose the allowance, at the discretion of Summit County, of flexibility in the use of land, densities, site layout, and project design based upon the best interest of the general health, safety, and welfare of county residents, is provided for in Summit County Ordinance 323; and

WHEREAS, an appropriate form of Development Agreement which addresses a more detailed level of design plat and site plan review is necessary to implement the SPA Zoning District; and

WHEREAS, the Snyderville Basin Planning Commission held a public hearing and work sessions to consider The Boyer Company application on April 14, 1998, April 28, 1998, May 12, 1998, May 26, 1998, June 23, 1998 (public hearing), August 11, 1998, and August 25, 1998. And made a positive recommendation to the County Commission on August 25, 1998; and

WHEREAS, work sessions and a public hearing was held to receive public comment and allow for The Boyer Company and the planning staff to make presentation to the public and County Commission in regard to the application on November 9, 1998, November 16, 1998, November 30, 1998, December 14, 1998, December 21, 1998 (public hearing), June 28, 1999, and September 13, 1999; due process having been afforded to all who participated.

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

Section 1. SPA Zone Designation - The Redstone SPA Zone District.

The County Commission specifically finds that The Boyer Company proposal satisfies the requirements for an SPA designation and zone district under the Snyderville Basin Development Code, as amended; and therefore, the Redstone properties, as described in the attached exhibit, and as depicted on Exhibit 1 of the Redstone SPA Plan Book of Exhibits, shall be and is hereby rezoned from SL and DL to "Specially Planned Area" (SPA), subject to the negotiation of an appropriate form of a Development Agreement consistent with this Ordinance.

The rezoning to the SPA designation allows for an appropriate level of flexibility on the part of The Boyer Company, so long as the development authorized hereunder is undertaken in a manner that is consistent with community goals and objectives while providing benefits to the public in exchange for appropriate increases in commercial and residential densities and intensities of uses. As such, the County Commission specifically finds that the provisions of the Snyderville Basin Development Potential Matrix for the uses and densities herein provided are satisfied.

Section 2. Development Agreement.

The SPA Zone District shall be implemented through an appropriate form of a Development Agreement with The Boyer Company to specifically define the terms and conditions for the development of the property. The Agreement shall encompass the appropriate land use and densities for each area of the property, and specifically define site layout requirements, infrastructure design standards, primary road pattern, concurrency requirements, public facilities and amenities required to meet the needs of future residents of the project and ensure the completion of these improvements, phasing, and other related matters indicated in this Ordinance, so long as the provisions of the Development Agreement are consistent with this Ordinance and is in accordance with other applicable and appropriate provisions of the Snyderville Basin Development Code, General Plan, and other policies and ordinances of Summit County.

Section 3. Phasing.

All development phases which are specifically identified in the Development Agreement shall be reviewed for construction drawings and final site plan, final subdivision plat, and condominium plat approval in accordance with applicable provisions of the Snyderville Basin Development Code in effect at the time of completed plat, construction drawings or site plan application, or as specifically provided for by said Development Agreement.

Section 4. Development Locations.

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The general development locations shall be as depicted herein and in the Redstone SPA Plan Book of Exhibits. The specific details as to the type and location of specific development, as

well as related design issues shall be worked out through an appropriate form of Development Agreement.

Section 5. Permitted Uses and Densities

- A. Commercial
 - Phase I
 - Retail 190,000 square feet
 - Office 30,000 square feet
 - Phase II
 - Retail/Office 100,000 square feet

- B. Parking
 - Phase I
 - Up to 900 surface parking spaces
 - Associated residential surface and enclosed parking
 - Phase II
 - Structured parking garages of up to 2 levels above grade

- C. Residential
 - Multi-family dwelling units 302
 - Rental 104
 - Market rate sale 168
 - Restricted affordable sale 30

- D. Permitted Uses
 - General Commercial Retail
 - Second floor office
 - Theater
 - Multi-family residential
 - Residential rental office and associated recreational amenities
 - Residential over retail
 - Open space
 - Public trails
 - Parks
 - Associated parking

Section 6. Conflict.

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

Section 7. Savings Clause.

In the event one of more of the provisions 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 8. 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 9. Effective Date.

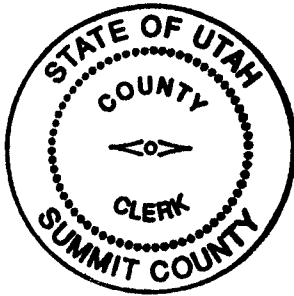
This Ordinance shall become effective after publication of such in accordance with applicable State Law.

APPROVED, ADOPTED, AND PASSED and ordered published by the Summit County Board of Commissioners, this 20th day of September, 1999.

Board of County Commissioners
Summit County, State of Utah

By: *Sheldon O. Richins*
Chairman

Commissioner Richins voted: *Aye*
Commissioner Schifferli voted: *Aye*
Commissioner Cone voted: *Aye*



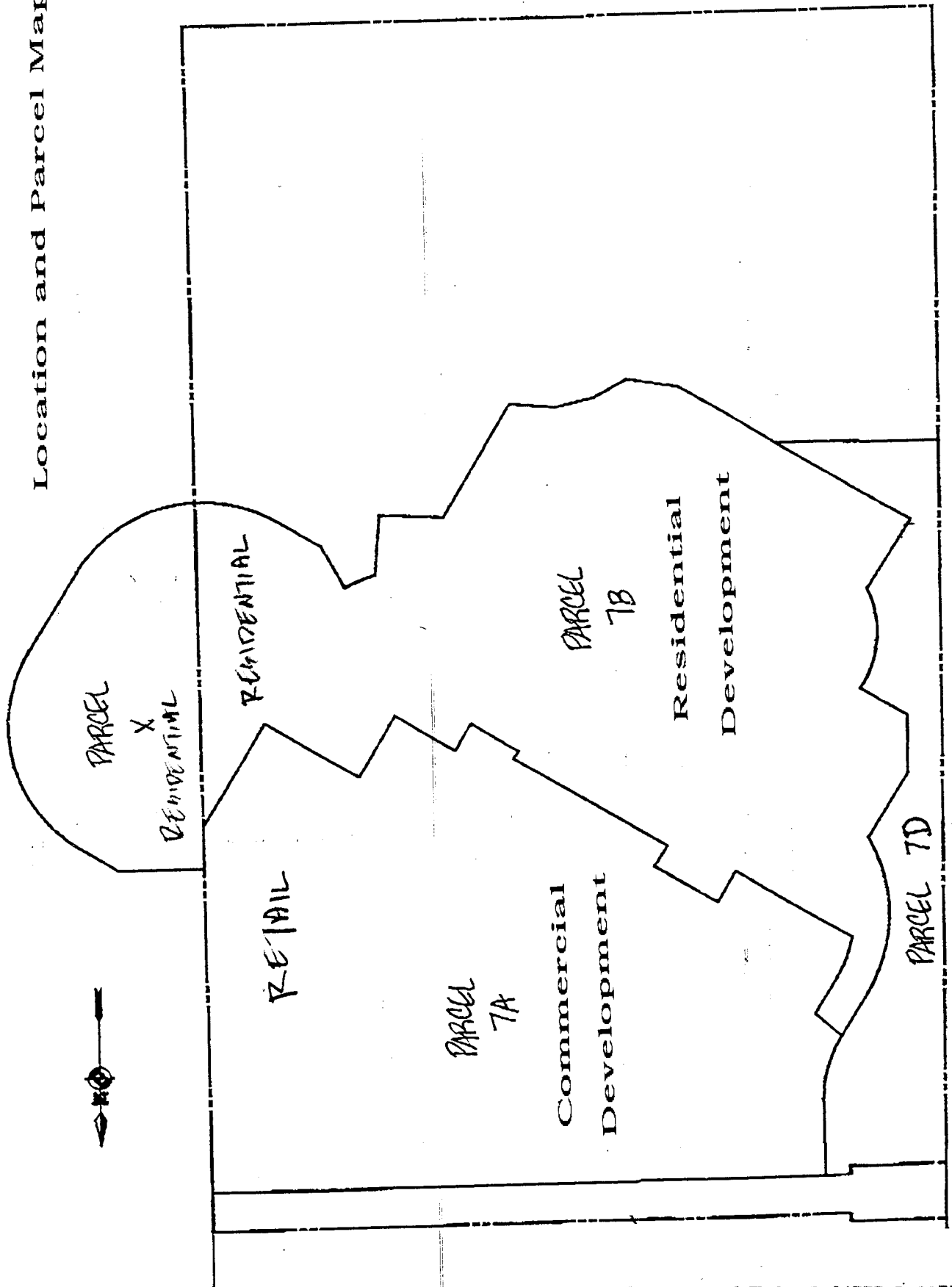
Attest:

Kenneth D. [Signature]
County Clerk
Summit County, Utah

Approved as to Form:

David L. Thomas
Deputy County Attorney
Summit County, Utah

General Development
Location and Parcel Map



DESCRIPTION PARCEL 7A

COMMENCING AT THE NORTHWEST CORNER OF SECTION 19,
TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN,
SUMMIT COUNTY UTAH; THENCE SOUTH 89°46'57" EAST 2667.41 FEET,
SAID POINT BEING THE NORTH QUARTER CORNER OF SECTION 19,
TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN,
SUMMIT COUNTY UTAH; THENCE SOUTH 00°16'14" EAST 1927.05 FEET
ALONG CENTER SECTION LINE OF SECTION 19, TO THE POINT OF
BEGINNING; THENCE SOUTH 00°16'14" EAST 649.41 FEET; THENCE SOUTH
31°24'52" WEST 211.92 FEET; THENCE NORTH 58°35'08" WEST 191.00 FEET;
THENCE SOUTH 31°24'52" WEST 125.95 FEET; THENCE NORTH 58°35'08" WEST
122.40 FEET; THENCE SOUTH 31°24'52" WEST 55.00 FEET; THENCE NORTH
58°35'08" WEST 97.00 FEET; THENCE NORTH 31°24'52" EAST 15.69 FEET;
THENCE NORTH 58°35'08" WEST 306.80 FEET; THENCE NORTH 31°24'52" EAST
42.29 FEET; THENCE NORTH 58°35'08" WEST 125.00 FEET; THENCE SOUTH
31°24'52" WEST 63.05 FEET; THENCE NORTH 58°35'08" WEST 236.89 FEET, TO
A POINT OF NON-TANGENCY; THENCE NORTHEASTERLY ALONG A CURVE
TO THE RIGHT, HAVING A RADIUS OF 220.00 FEET, AND A CENTRAL ANGLE
OF 19°53'27", A DISTANCE OF 76.37 FEET, (CHORD BEARS NORTH 21°28'17",
EAST A DISTANCE OF 75.99 FEET); THENCE NORTH 31°25'00" WEST 75.00
FEET; THENCE NORTH 47°06'29.59" WEST 61.22 FEET, TO A POINT OF NON-
TANGENCY; THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT
HAVING A RADIUS OF 220.00 FEET, AND A CENTRAL ANGLE OF 31°41'14" A
DISTANCE OF 121.67 FEET (CHORD BEARS NORTH 15°34'23" EAST, A
DISTANCE OF 120.13 FEET); THENCE NORTH 00°16'14" WEST 129.40 FEET;
THENCE NORTH 89°43'46" EAST 1071.58 FEET, TO THE POINT OF BEGINNING;

CONTAINING 17.042 ACRES, MORE OR LESS.

DESCRIPTION OF PARCEL 7B

COMMENCING AT THE NORTHWEST CORNER OF SECTION 19, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY UTAH; THENCE SOUTH 89°46'57" EAST 2667.41 FEET. SAID POINT BEING THE NORTH QUARTER CORNER OF SECTION 19, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY UTAH; THENCE SOUTH 00°16'14" EAST 2576.46 FEET ALONG CENTER SECTION LINE OF SECTION 19, TO THE POINT OF BEGINNING; THENCE SOUTH 00°16'14" EAST 572.78 FEET; TO A POINT OF TANGENCY THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 255.36 FEET, AND A CENTRAL ANGLE OF 34°19'03" A DISTANCE OF 152.95 FEET (CHORD BEARS NORTH 75°19'23" WEST A DISTANCE OF 150.67 FEET); THENCE NORTH 58°34'49" WEST 84.21 FEET; THENCE NORTH 28°26'06" WEST 87.19 FEET; TO A POINT OF NON-TANGENCY THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 230.0 FEET; AND A CENTRAL ANGLE OF 14°02'41" A DISTANCE OF 56.38 FEET (CHORD BEARS SOUTH 68°35'14" WEST A DISTANCE OF 56.24 FEET); THENCE SOUTH 4°45'15" WEST 108.79 FEET; THENCE NORTH 86°54'45" WEST 113.60 FEET; THENCE SOUTH 31°25'15" WEST 229.80 FEET; THENCE NORTH 84°19'57" WEST 79.75 FEET; THENCE SOUTH 77°01'03" WEST 67.95 FEET; THENCE SOUTH 61°39'03" WEST 65.10 FEET; THENCE NORTH 81°18'31" WEST 91.20 FEET; THENCE NORTH 58°34'48" WEST 466.33 FEET; THENCE NORTH 31°49'12" EAST 144.16 FEET; TO A POINT OF NON-TANGENCY THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 180.00 FEET; AND A CENTRAL ANGLE OF 55°55'22" A DISTANCE OF 175.69 FEET (CHORD BEARS NORTH 3°27'20" EAST A DISTANCE OF 168.80 FEET); THENCE NORTH 31°25'01" EAST 8.48 FEET; THENCE NORTH 58°34'59" WEST 91.75 FEET; THENCE NORTH 00°27'01" EAST 102.37 FEET; THENCE NORTH 31°25'01" EAST 132.51 FEET; TO A POINT OF NON-TANGENCY THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 280.00 FEET; AND A CENTRAL ANGLE OF 59°29'23" A DISTANCE OF 290.72 FEET (CHORD BEARS NORTH 1°40'18" EAST A DISTANCE OF 277.84 FEET); THENCE NORTH 31°25'00" EAST 87.18 FEET; THENCE SOUTH 47°06'30" EAST 61.22 FEET; THENCE SOUTH 31°25'00" WEST 75.00 FEET; TO A POINT OF NON-TANGENCY THENCE SOUTHWESTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 220.0 FEET; AND A CENTRAL ANGLE OF 19°53'27" A DISTANCE OF 76.37 FEET (CHORD BEARS SOUTH 21°28'17" WEST A DISTANCE OF 75.99 FEET); THENCE SOUTH 58°35'08" EAST 236.89 FEET; THENCE NORTH 31°24'52" EAST 63.05 FEET; THENCE SOUTH 58°35'08" EAST 125.00 FEET; THENCE SOUTH 31°24'52" WEST 42.29 FEET; THENCE SOUTH 58°35'08" EAST 306.80 FEET; THENCE SOUTH 31°24'52" WEST 15.69 FEET; THENCE SOUTH 58°35'08" EAST 97.00 FEET; THENCE NORTH 31°24'52" EAST 55.00 FEET; THENCE SOUTH 58°35'08" EAST 122.40 FEET; THENCE NORTH 31°24'52" EAST 125.95 FEET; THENCE SOUTH 58°35'08" EAST 191.00 FEET; THENCE NORTH 31°24'52" EAST 211.92 FEET; TO THE POINT OF BEGINNING;

CONTAINING 17.009 ACRES. MORE OR LESS.

DESCRIPTION OF PARCEL 7D

COMMENCING AT THE NORTHWEST CORNER OF SECTION 19, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY UTAH; THENCE SOUTH $89^{\circ}46'57''$ EAST, 2667.41 FEET, SAID POINT BEING THE NORTH QUARTER CORNER OF SECTION 19, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY UTAH; THENCE SOUTH $00^{\circ}16'14''$ EAST, 1927.05 FEET ALONG THE NORTH-SOUTH CENTER LINE OF SECTION 19, THENCE SOUTH $89^{\circ}43'46''$ WEST, 1071.58 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH $0^{\circ}16'14''$ EAST, 129.40 FEET TO A POINT OF TANGENCY; THENCE SOUTHWESTERLY, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 220.00 FEET, THROUGH A CENTRAL ANGLE OF $31^{\circ}41'14''$ A DISTANCE OF 121.67 FEET TO A POINT OF TANGENCY; THENCE SOUTH $31^{\circ}25'00''$ WEST, 87.18 FEET TO A POINT OF TANGENCY; THENCE SOUTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 280.00 FEET, THROUGH A CENTRAL ANGLE OF $59^{\circ}29'23''$, A DISTANCE OF 290.72 FEET TO A POINT OF NON-TANGENCY (CHORD BEARS S $1^{\circ}40'18''$ W, 277.84'); THENCE SOUTH $31^{\circ}25'01''$ WEST, 132.51 FEET; THENCE SOUTH $0^{\circ}27'00''$ WEST, 102.37 FEET; THENCE SOUTH $58^{\circ}34'59''$ EAST, 91.75 FEET; THENCE SOUTH $31^{\circ}25'01''$ WEST, 8.48 FEET TO A POINT OF TANGENCY; THENCE SOUTHERLY, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 180.00 FEET THROUGH A CENTRAL ANGLE OF $55^{\circ}55'22''$, A DISTANCE OF 175.69 FEET TO A POINT OF NON-TANGENCY (CHORD BEARS S $3^{\circ}27'20''$ W, 168.80'); THENCE SOUTH $31^{\circ}49'12''$ WEST, 144.16 FEET; THENCE SOUTH $58^{\circ}34'48''$ EAST, 267.94 FEET; THENCE NORTH $89^{\circ}33'00''$ WEST, 280.07 FEET TO THE EASTERLY BOUNDARY OF HIGHWAY U-224; THENCE ALONG SAID BOUNDARY, NORTH $0^{\circ}27'00''$ EAST, 1282.34 FEET; THENCE SOUTH $89^{\circ}33'00''$ EAST, 165.00 FEET; THENCE NORTH $0^{\circ}27'00''$ EAST, 15.00 FEET; THENCE NORTH $89^{\circ}43'46''$ EAST 43.61 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.780 ACRES, MORE OR LESS.

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DESCRIPTION OF PARCEL X

COMMENCING AT THE NORTHWEST CORNER OF SECTION 19, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY UTAH; THENCE SOUTH $89^{\circ}46'57''$ EAST 2667.41 FEET, SAID POINT BEING THE NORTH QUARTER CORNER OF SECTION 19, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY UTAH; THENCE SOUTH $00^{\circ}16'14''$ EAST 2502.36 FEET ALONG CENTER SECTION LINE OF SECTION 19, TO THE POINT OF BEGINNING;
THENCE NORTH $89^{\circ}43'46''$ EAST 145.34 FEET, THENCE SOUTH $58^{\circ}34'44''$ EAST, 73.56 FEET, TO A POINT OF TANGENCY; THENCE SOUTHERLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 256.68 FEET AND A CENTRAL ANGLE OF $90^{\circ}24'53''$, A DISTANCE OF 405.05 FEET; THENCE SOUTH $31^{\circ}50'09''$ WEST 158.15 FEET, TO A POINT OF TANGENCY; THENCE SOUTHWESTERLY, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 255.36 FEET AND A CENTRAL ANGLE OF $55^{\circ}40'57''$, A DISTANCE OF 248.17 FEET, TO A POINT OF NON-TANGENCY, (CHORD BEARS SOUTH $59^{\circ}40'37''$ WEST, A DISTANCE OF 238.52 FEET); THENCE NORTH $00^{\circ}16'14''$ WEST 646.88 FEET, TO THE POINT OF BEGINNING;

CONTAINING 3.780 ACRES, MORE OR LESS.