

**SUMMIT COUNTY
ORDINANCE NO. 445**

**AN ORDINANCE APPROVING AND ADOPTING THE
AMENDED LAND USE AND ZONING CHART ALSO
KNOWN AS EXHIBIT B OF THE DEVELOPMENT
AGREEMENT FOR THE CANYONS SPA AS
AMENDED.**

PREAMBLE

WHEREAS, the owners and developers of The Canyons Resort and related properties applied for and received from Summit County an approved amendment to The Canyons SPA Zone District through Summit County Ordinance No. 333-A, and, 334-A; and,

WHEREAS, the owners, identified in the attached documents, of the subdivision known as Fairway Springs on the F5 parcel in the Frostwood Development Area of the Canyons SPA, have applied for and received approval to amend Exhibit B, the Land Use and Zoning chart of the Canyons Development Agreement, to reflect a change in use from multi-family residential to single family residential and a reduction in the maximum gross building area and accommodation area for the parcel from 87,500 square feet to 75,000 square feet; and,

WHEREAS, the Summit County Board of Commissioners finds that it is in the best interest of the community and citizens to allow the reduction in density and change in use, and, that a means of recording these changes for tracking purposes is necessary;

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

Section 1. The Land Use and Zoning chart, Exhibit B of the Canyons SPA Development Agreement is amended. This amendment is executed pursuant to the provisions of the Development Agreement described in recital C of the attached Amendment document and reflected in the attached, amended Exhibit B, Land Use and Zoning chart.

Section 2. The Amended and Restated Development Agreement approved under this Ordinance shall apply only to those properties named within Summit County Ordinance No. 445 and its attachments.

Section 3. This Ordinance shall take effect 15 days after passage by the Board of County Commissioners of Summit County and subsequent publication in a newspaper of general circulation in Summit County, Utah.

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ALAN SPRIGGS, SUMMIT CO RECORDER
2003 JAN 23 13:09 PM FEE \$1.00 BY DMG
REQUEST: SUMMIT COUNTY COMMISSION

APPROVED, ADOPTED, AND PASSED and ordered published
by the Summit County Board of Commissioners, this 15th day
of January, 2003.

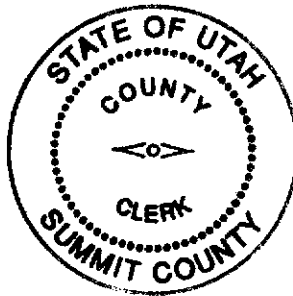
BOARD OF COUNTY COMMISSIONERS
SUMMIT COUNTY, STATE OF UTAH

By: *Thomas G. Kerr*
Chair

Commissioner Kerr voted: yea
Commissioner Richer voted: yea
Commissioner Woolstenhulme voted: yea

ATTEST:

Susan Follett
County Clerk
Summit County, Utah



APPROVED AS TO FORM:

[Signature]
Deputy County Attorney
Summit County, Utah

WHEN RECORDED PLEASE MAIL TO:

Summit Land Holdings, L.L.C.

Attn: Robert D. Fogg

3647 Brighton Point Drive

Salt Lake City, Utah 84121

AMENDMENT TO LAND USE & ZONING CHART

This Amendment to Land Use & Zoning Chart (this "Amendment") is executed pursuant to the provisions of the Development Agreement described in Recital "C" below by Summit Land Holdings, L.L.C., a Utah limited liability company ("Developer") and Summit County, a political subdivision of the State of Utah, by and through its Board of County Commissioners (the "County").

RECITALS

A. Developer holds both legal and equitable title to certain real property located in the County of Summit, State of Utah, which is described in Exhibit "A," which is attached hereto and incorporated herein by this reference (the "Parcel F5").

B. Developer desires to develop a residential planned community known as Fairway Springs at The Canyons on Parcel F5 (the "Project"). Developer intends to develop the Project to consist of sixteen (16) lots for single family use.

C. The Project will be part of a larger master planned community known as Frostwood, a Planned Community and will be subject to the terms and conditions of that certain Declaration of Covenants, Conditions, Easements and Restrictions for Frostwood, a Planned Community, as amended or supplemented from time to time, which is recorded against the Project. Frostwood is located within the Canyons Specially Planned Area Zone District and pursuant thereto is subject to the Amended and Restated Development Agreement for the Canyons Specially Planned Area (the "Development Agreement"). Exhibit "B" to the Development Agreement, which is incorporated therein by reference, sets forth the principal use and maximum gross building area for the Project (the "Land Use & Zoning Chart").

D. As depicted on the Land Use & Zoning Chart, the Project was approved in the Development Agreement for Residential-Multi Family use. A request to change the designated use within the Project from Residential-Multi Family to Residential-Single Family was reviewed and approved by the Summit County Planning Commission ("Planning Commission") in September of 2000. Subsequent to the Planning Commission's review and approval, the request was also reviewed and preliminarily accepted by the County in the fall of 2000.

E. Pursuant to Section 5.13 of the Development Agreement, the Development Agreement may be amended from time to time by mutual written consent of the County and the Developer whose property is the subject of the proposed amendment or whose property is directly impacted by such amendment. Accordingly, in order to formally ratify the Planning Commission's and the County's September 2000 approvals, Developer and the County hereby

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exercise their rights to amend the Land Use & Zoning Chart to redesignate the Project's permitted and principal use as Residential-Single Family use.

NOW THEREFORE, in consideration of the Recitals hereto and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Developer and the County hereby amend the Land Use & Zoning Chart as follows:

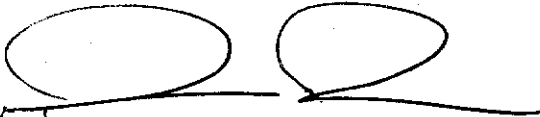
1. Principal and Permitted Use of Parcel F5. The Land Use & Zoning Chart is hereby amended to designate the principal and permitted use of Parcel F5 as Residential-Single Family, as set forth in Exhibit "B" attached hereto.

2. Development Agreement Remains in Effect. This Amendment shall be considered supplemental to the Development Agreement and shall be operative only as to those specific portions of the Development Agreement expressly subject to this Amendment. Except as expressly amended by the foregoing, the Development Agreement shall remain in full force and effect without interruption and shall not be cancelled, suspended or otherwise abrogated by the recording of this Amendment.

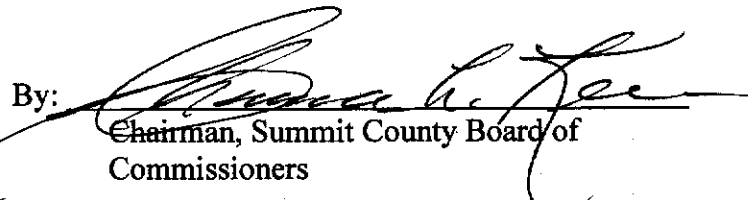
IN WITNESS WHEREOF, this Amendment is hereby executed this 15th day of January, 2003.

DEVELOPER:

SUMMIT LAND HOLDINGS, L.L.C.,
a Utah limited liability company

By: 
Its: Manager

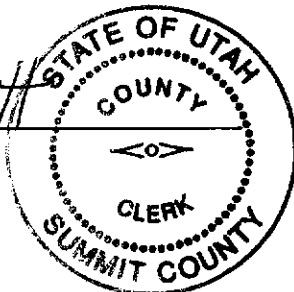
COUNTY COMMISSION APPROVAL:

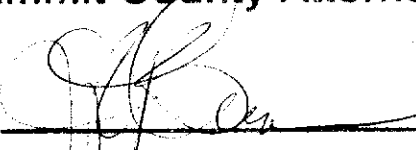
By: 
Chairman, Summit County Board of
Commissioners

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ATTEST:


Summit County Clerk



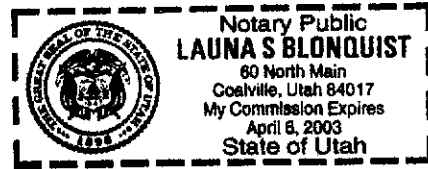
Approved as to form
Summit County Attorney
By: 

STATE OF UTAH)
)
) :ss.
COUNTY OF Summit)

On the 8th day of January, 200³, personally appeared before me
Dave Richards, who, being by me duly sworn, did say that he is the
Manager of Summit Land Holdings, L.L.C., a Utah limited liability
company.

Launa S. Blonquist
NOTARY PUBLIC

My Commission expires: April 6, 2003



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Exhibit "A"

Legal Description

Parcel F5, FROSTWOOD, a Planned Community, according to the official Master Development Plat thereof, duly recorded as Entry No. 573023, in the official records of the Recorder of the County of Summit, State of Utah.

Parcel I.D. #FRSTW-F5

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Exhibit "B"

Land Use & Zoning Chart

(Attached)

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Land Use & Zoning

PARCEL REF #	MAXIMUM BUILDING HEIGHT	MAX GROSS BUILDING AREA	ACCOMMODATION AREA	COMMERCIAL/RETAIL SUPPORT	PRINCIPLE USE
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RESORT CENTER

FROST WOOD					
F1	3 to 4	210,000	200,000	10,000	Hotel/Lodging/Retail
F2	3 to 3.5	338,000	328,000	10,000	Hotel/Lodging/Retail
F3	3	124,000	104,000	20,000	ResideMulti-Family/Hotel/Lodging
F4	2.5	48,000	48,000	-	Residential-Multi Family
F5	2.5	75,000	75,000	-	Residential-Single Family
F6	2.5	50,000	50,000	-	Residential-Multi-Family-TDR Site
		845,000	805,000	40,000	

THE COVE					
Osguthorpe 1	2	32,000	32,000	0	Hotel/Lodging Units
Osguthorpe 2	2	75,200	75,200	0	Residential-Multi Family
Osguthorpe 3	3	109,000	104,000	5,000	Hotel/Lodging Units
		216,200	211,200	5,000	

RED PINE ROAD					
Baker	2.5	100,000	100,000	0	Hotel/Lodging Units
Spoor	2.5	15,000	15,000	0	Residential-Single Family Detached
		115,000	115,000	0	

WILLOW DRAW					
W. 1 - 35	2.5	140,000	140,000	0	Residential-Single Family Detached
W. 36	3.5	165,900	165,900	0	Hotel/Lodging Units
W. 37	3	189,000	189,000	0	Residential-Multi Family
		494,900	494,900	0	

LOWER VILLAGE					
LV 1	2-3	80,000	0	80,000	Retail/Office/Gas Station/Public Parking
LV 2	2.5	75,000	75,000	0	Residential-Multi Family
LV 3	2.5	47,500	47,500	0	Residential-Multi Family
LV 4	2.5	64,500	64,500	0	Hotel/Lodging/Public Prkg
LV 5	2.5	128,700	128,700	0	Employee Housing-Multi Family
LV 6	2.5	25,000	0	25,000	Retail/Office
FS 1	2	7,500	-	7,500	Fire Station
IHC 1	3	159,825	147,425	12,200	Hotel/Lodging Units/Retail/Office/Medical
IHC 2	3	165,375	150,125	15,250	Hotel/Lodging Units/Retail/Office/Medical
IHC 3	2.5	80,000	75,000	0	Hotel/Lodging Units
SW 1	2.5	80,000	80,000	0	Residential-Multi Family
SW 2	2.5	32,500	32,500	0	Residential-Multi Family
SW 3	2.5	50,000	50,000	0	Residential-Multi Family
LV. Osg. 1	2.5	93,300	83,300	10,000	Hotel/Lodging
LV. Osg. 2	1.5	36,000	36,000	0	Residential-Single Family Detached
		1,125,000	970,050	149,950	

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Land Use & Zoning

PARCEL REF #	MAXIMUM BUILDING HEIGHT	MAX. GROSS BUILDING AREA	ACCOMMODATION AREA	COMMERCIAL/RETAIL SUPPORT	PRINCIPLE USE
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RESORT CENTER

RESORT CORE					
RC. 1	3-9	360,405	244,000	116,405	Hotel/Lodging Units
RC. 2	3-6	154,160	127,948	26,214	Hotel/Lodging Units
RC. 3	5	106,202	91,300	14,902	Hotel/Lodging Units
RC. 4	2.5	8,400	0	8,400	Retail/Office
RC. 5	2.5	8,800	0	8,800	Retail/Office
RC. 6	2-3	25,645		25,645	Retail/Skier Services
RC. 7	5-8	339,500	252,000	87,500	Hotel/Lodging Units
RC. 8	5.5	114,524	94,025	20,498	Hotel/Lodging Units
RC. 9	4.5	82,880	68,883	13,997	Hotel/Lodging Units
RC. 10	3.5	64,234	53,429	10,805	Hotel/Lodging Units
RC. 11a/b	3.5	99,451	99,331	6,120	Hotel/Lodging Units
RC. 12	2	8,700	0	8,700	Retail
RC. 14	4	65,000	60,000	5,000	Hotel/Lodging Units
RC. 15	4-5	168,941	148,941	20,000	Residential Multi-Family/Hotel/Lodging Units
RC. 16a	4-6	300,000	260,000	50,000	Hotel/Lodging Units/Convention Center
RC. 16 b	2	32,000	32,000	0	Residential-Multi Family
RC. 17	5-6	98,748	75,348	23,400	Hotel/Lodging Units/Skier Services
RC. 18	5	135,765	97,065	38,700	Hotel/Lodging Units
RC. 19	5.5	255,607	231,470	12,200	Hotel/Lodging Units
RC. 20	2-4.5	203,130	184,130	19,000	Hotel/Lodging Units
RC. 21	2-4.5	188,000	178,000	12,000	Hotel/Lodging Units
RC. 22	3-6	114,000	114,000	0	Hotel/Lodging Units
RC. 23	3	43,875	43,875	0	Hotel/Lodging Units
RC. 24	3	39,000	39,000	0	Residential-Multi Family
RC. 25	2.5	181,000	181,000	0	Residential-Multi Family
Forum Retail	1	24,000	0	24,000	Retail/Skier Services
T1	1.5	3,629	0	3,629	Service
T2	1.5	2,825	0	2,825	Service
Cox/Muller 1	2	15,200	15,200	0	Hotel/Lodging Units
Cox/Muller 2	2-5	73,500	51,000	22,500	Hotel/Lodging Units
Cox/Muller 3	3-5	173,787	113,000	60,787	Hotel/Lodging Units
Friedman 1	2-3	67,200	67,200	0	Hotel/Lodging Units
Friedman 2	2-3	52,800	52,800	0	Hotel/Lodging Units
Groutage/Jaffa 1	4.5	66,770	59,325	7,445	Hotel/Lodging Units
Groutage/Jaffa 2	2-4.5	63,230	63,230	0	Hotel/Lodging Units
Weight	2-5	175,000	137,000	38,000	Hotel/Lodging Units
		3,883,687	3,204,499	687,252	

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THE CANYONS RESORT – LAND USE AND ZONING
Notes to Density and Use Charts: Pages 1-3

1.0 DEFINITIONS SUMMARY (refer to Development Agreement for details)

- 1.1 **Building Height:** means the number of stories allowed to be built above grade measured from the finished grade at any building facade.
- 1.2 **Maximum Gross Building Area:** the maximum total area measured in sq. ft. constructed above finished grade – no exclusions except restricted employee housing (as defined by and restricted elsewhere in this Amended Agreement) may be included in and for a Project Site provided that the employee housing does not compromise the open space as generally described in Exhibit C.
- 1.3 **Accommodation Area:** that portion of the gross building area that may be used for hotel, lodging and residential uses; and associated above grade corridors, lobbies and service spaces.
- 1.4 **Commercial/Retail/Support:**
- Commercial – office use
 - Retail – shops, stores, cafes and restaurants
 - Support – skier services, meeting and conference space, health and fitness facilities
- 1.5 **Detached Single Family Residential:** means building lots upon which such accommodations will be developed. See Note 3.7 for further detail.
- 1.6 **Principle Use:** the primary use(s) allowed on a parcel. For ancillary allowed or required uses refer to the Architectural Guidelines.
- 1.7 **Multi-Family Residential:** means attached dwelling units. Subject to design review and site plan review, up to one attached garage may be allowed per unit not to exceed 600 square feet. When allowed, the garage space is in addition to the Accommodation Area.

2.0 GENERAL NOTES

- 2.1 All densities indicated are maximums, and development on each site including use is subject to The Canyons Architectural Guidelines and the Approval process outlined in the SPA Development Agreement.
- 2.2 Conversion of Commercial Uses to Accommodation Uses is prohibited.
- 2.3 Surface parking is allowed as a temporary use on vacant lots, subject to appropriate buffering and a Low Impact Permit.

3.0 SITE SPECIFIC NOTES

- 3.1 **Groutage/Jaffa Parcels 1 and 2:** – Refer to Development Agreement and Exhibit C2.1 Resort Core – Development Area Illustrative Plan & Design Conditions for the site planning requirements. Maximum density is 120,000 sq. feet, except an additional 10,000 sq. feet may be allowed for this site subject to a recommendation from the Architectural Review Committee, and review and discretionary approval of the Director and the Planning Commission.
- 3.2 All sites within the Core backing onto Red Pine Road must meet the following criteria to provide an adequate buffer to Red Pine Road:
- a) A 50-ft. setback from the Red Pine Road right-of-way, within which no building may would occur. It is required that this buffer be extensively landscaped and the landscaping must continue into the right-of-way to the back of curb of the existing Red Pine Road.
 - b) A further setback of 35 feet within which buildings cannot exceed a maximum height of 2 floors. This zone is intended to provide opportunities to create architectural interest in the buildings as they abut Red Pine Road as well as reduce scale and massing for the required "feathering" of building massing from the center of the Core.
 - c) Additionally, all buildings in these identified areas must reduce from 4.5 stories down to 2 stories in the setback area as described above.
- 3.3 Lots LV1 and LV4 – allow structured public parking as an accessory use. On these lots building height is measured from the surface of the top parking deck.

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THE CANYONS RESORT – LAND USE AND ZONING
Notes to Density and Use Charts: Pages 1-3

- 3.6 IHC: A medical facility of up to 45,000 gross square feet providing the following uses is allowed: out-patient surgery/diagnostic and treatment/clinic, and including services complementary to the resort. There shall be a minimum of 27,450 square feet of retail/office on the street fronting the transportation center.
- 3.7 On lots where detached single-family residential homes are permitted, the following conditions apply with respect to density and all square footage numbers shown below are gross square footages per home including a garage and basement for each.
1. Spoor: 3 Lots, 7,500 sq. ft./ home.
 2. Osguthorpe: 6 Lots, 8,500 sq ft / home.
 3. W – 35: 35 Lots, 6,500 sq. ft. / home.
 4. Mines Ventures: 9 Lots (including one (1) TDR lot for the County, house size and design subject to Colony Guidelines.
- 3.8 Tombstone - Osguthorpe 2 Parcel: In addition to the permitted 26,500 sq ft, two (2) single family detached dwellings are permitted with up to a maximum of 2,000 gross sq. ft. for each dwelling unit.

3.9 The Colony Lot distribution by owner:

IMA LLC	164
Ski Land LLC	45
TDR Owners	
Summit County	5
Hansen LC	16
Babcock	6
Barnard	1
Dean	1
Parkway	1
DVM	1
TOTAL	240

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