

**GRAND COUNTY, UTAH
ORDINANCE 599 (2019)**

**APPROVING APPLICATION OF THE HIGH DENSITY HOUSING OVERLAY
DISTRICT 35b (HDHO-35b) TO 1248 S. HIGHWAY 191, THE VIEWGATE
TERRACE HDHO MASTER PLAN AND DEVELOPMENT AGREEMENT**

WHEREAS, the *Grand County Land Use Code* was adopted by the Grand County Council on January 4, 1999 with Ordinance No. 299, Series 1999, and codified with Resolution 468 on April 15, 2008 and as amended to date, for the purpose of regulating land use, subdivision and development in Grand County in accordance with the *General Plan*,

WHEREAS, the Grand County Council adopted Ordinance 584 - High Density Housing Overlay Districts on January 15, 2019 and amended it further on June 25, 2019;

WHEREAS, View Gate Development LLC is the owner of record (the "Owner" or "Developer") of real property located in Grand County, Utah particularly described as:

Beginning at the South Quarter corner of Section 7, Township 26 South, Range 22 East, Salt Lake Base and Meridian, and running along the South Section line South 89°58'50" West 652.86 feet to a point on the Bentley & Jelsteen tract; thence along the said tract the following three calls: thence North 00°44'00" West 644.53 feet; thence North 01°25'00" West 64.80 feet; thence North 00°14'00" East 591.37 feet to a point on the Brown tract; thence North 88°41'00" East 91.11 feet; thence North 89°45'00" East 168.05 feet to the beginning of a non-tangent curve to the right having a radius of 238.00 feet; thence 43.02 feet along the arc with the radius point being South 60°21'16" East, a delta angle of 10°21'24", and a chord bearing of North 34°49'26" East 42.96 feet to a point of reverse curvature; thence 39.16 feet along the arc having a radius of 162.00 feet, a delta angle of 13°51'05", and a chord bearing of North 33°04'36" East 39.07 feet to a point on the south right-of-way of Highway 191; thence along right-of-way South 65°39'00" East 382.67 feet to the Center of Section line; thence South 00°18'57" East 1213.46 feet to the point of beginning,

containing 852,064 square feet or 19.56 acres, also known as Parcel No. 02-0007-0090 (the "Property");

WHEREAS, the Developer has requested a rezone to apply an overlay district, HDHO-35b, to a portion of the Property particularly described as follows:

Beginning at the South Quarter corner of Section 7, Township 26 South, Range 22 East, Salt Lake Base and Meridian, and running along the South Section line South 89°58'50" West 652.86 feet to a point on the Bentley & Jelsteen tract; thence along the said tract the following three calls: thence North 00°44'00" West 644.53 feet; thence North 01°24'00" West 64.80 feet; thence North 00°14'00" East 519.36 feet; thence South 65°39'00" East 236.45 feet; thence South 45°40'12" East 129.64 feet; thence South 65°38'47" East 220.58 feet; thence North 89°41'03" East 146.25 feet; thence South 00°18'57" East 950.16 feet to the point of beginning, containing an area of 694,475 square feet, 15.94 acres (the "HDHO Lot");

WHEREAS, in a public hearing on July 9, 2019 the Grand County Planning Commission considered all evidence and testimony presented with respect to the subject application and forwarded a favorable recommendation to the Grand County Council for approval of the HDHO-35b application and associated Viewgate Terrace Master Plan with a latest revision date of June 4, 2019 with the following conditions:

- Developer shall install a privacy fence along the exterior property perimeter where a boundary is shared with residentially zoned properties;
- Developer shall be restricted to 35 feet in height (that of the underlying zone district) along the eastern half of the property; and
- Developer shall designate on the proposed master plan which lots/units will be deed restricted;

WHEREAS, due notice was given that the Grand County Council would meet to hear and consider the proposed HDHO-35b application in a public hearing on August 6, 2019;

WHEREAS, the Grand County discussed revisions the to the Viewgate Terrace Master Plans in duly noticed public meetings on September 3, September 17, and October 1, 2019;

WHEREAS, the Applicant has submitted a Development Agreement using the form prepared by the County Attorney committing the Developer to the deed restriction requirements of Section 4.7, which requires that eighty percent (80%) of all Lots and Units created by the Viewgate Terrace Subdivision shall be deed restricted to primary residents who are actively employed within Grand County, which Development Agreement shall be recorded in the real property records of Grand County;

WHEREAS, the Applicant has submitted a revised Master Plan for the Viewgate Terrace Subdivision with changes dated October 3, 2019, and designated HDHO Units that would be deed restricted according to the provisions of Section 4.7, which Master Plan is attached hereto as *Exhibit A*

WHEREAS, the County Council has heard and considered all evidence and testimony presented with respect to the subject application and has determined that the adoption of this ordinance is in the best interests of the citizens of Grand County, Utah;

NOW, THEREFORE, BE IT ORDAINED by the County Council that it does hereby approve the HDHO-35b application for that portion of 1248 S. Highway 191 described herein as the HDHO Lot, the Viewgate Terrace Development Agreement, and Viewgate Terrace HDHO Master Plan dated October 3, 2019 conditioned upon the following:

1. County approval of an Easement Deed in favor of Grand County as Grantee for stormwater drainage, including the **right** to install, construct, repair, maintain, and improve a stormwater detention facility; convey stormwater drainage through, under, and over the Easement Area to downstream detention basins; and ingress and egress to the Easement Area via a 20' wide access road, which Easement Area shall be shown on the Viewgate Terrace HDHO Master Plan and which Easement Deed shall be recorded simultaneously with the Master Plan.
2. The Viewgate Terrace HDHO Master Plan shall further be updated as follows:
 - a. Additional Plan Notes:
 - i. Applicant shall improve the access road to the appropriate public road standard in effect as a condition of future preliminary plat or site plan approval (currently a Type I Local Road), at Applicant's sole cost, which includes adequate ROW dedication and clearance of buildings or other existing infrastructure within said ROW;
 - ii. Applicant shall improve the access entrance on Highway 191 as a condition of future preliminary plat or site plan approval, at Applicant's sole cost, as required by the Utah Department of Transportation; and
 - iii. All prior recorded easements shall be referenced in the plan notes by entry number and date, including those shown on the title commitment no. 10902 dated February 15, 2018, as amended, and the site plan for the Wyndham Hotel.
 - b. Cul-de-sac radius shall be 50 feet as per County Code.

PASSED, ADOPTED, AND APPROVED by the Grand County Council in open session on October 15, 2019 by the following vote:

Those voting aye. Clapper, Paxman, Wells, Hawks, Halliday, Morse, McGann

GRAND COUNTY COUNCIL


Mary McGann, Chair

ATTEST:

Quinn Hall, Clerk/Auditor 28 JUL 2020

**EXHIBIT A
MASTER PLAN**

