



**SUMMIT COUNTY
ORDINANCE NO. 837**

SILVER CREEK VILLAGE CENTER SPA

PREAMBLE

WHEREAS, this matter came before the Summit County Council [hereinafter "County Council"] for consideration of a change in zone districts from Developable Lands and Sensitive Lands to a Specially Planned Area for the Silver Creek Village Center, pursuant to an application submitted by Liberty Capital Lending LLC and Gayle Larsen; and,

WHEREAS, the County Land Use Development and Management Act, U.C.A. Title 17, Chapter 27a, Part 5 (1953), as amended, as well as the Snyderville Basin Development Code (Summit County Code, Title 10) provide the County Council with the statutory authority to rezone the Silver Creek Village Center; and,

WHEREAS, Liberty Capital Lending and Gayle Larsen are the owners of the Silver Creek Village Center, a property totaling approximately 244 acres on the southeast corner of I-80 and US-40, as depicted on Exhibit A hereto; and,

WHEREAS, the rezone of the Silver Creek Village Center to a Specially Planned Area was processed according to the provisions contained in the 1998 Snyderville Basin Development Code (1998 Code) and General Plan, and;

WHEREAS, a Specially Planned Area allows the designation of 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; and,

WHEREAS, the 1998 Code, § 10-3-8 provides for the use of an appropriate form of development agreement that addresses a more detailed level of design and site plan review which is necessary to implement the Specially Planned Area Zone District; and,

WHEREAS, the Snyderville Basin Planning Commission has held extensive public hearings and work sessions to consider the Silver Creek Village Center rezone application; and,

WHEREAS, on August 24, 2010, the Snyderville Basin Planning Commission voted unanimously to recommend to the County Council approval of the change in zoning from Developable Lands and Sensitive Lands to a Specially Planned Area; and,

ENTRY NO. 01021823

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MARY ANN TRUSSELL, SUMMIT COUNTY RECORDER

FEE 0.00 BY SUMMIT COUNTY CLERK



WHEREAS, on September 14, 2011, the County Council held a public hearing to receive public comment on the rezone application for the Silver Creek Village Center; due process having been afforded to all who participated; and,

WHEREAS, on September 28, 2011, the County Council unanimously approved the rezone application for the Silver Creek Village Center from Developable Lands and Sensitive Lands to a Specially Planned Area.

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

Section 1. Silver Creek Village Center Specially Planned Area Zone Designation.

The County Council specifically finds that the Silver Creek Village Center application satisfies the requirements for a zone change under the 1998 Snyderville Basin Development Code and therefore, the Silver Creek Village Center property, as set forth in Exhibit A hereto, shall be and is hereby re-zoned from Developable Lands and Sensitive Lands to a Specially Planned Area, subject to the negotiation of an appropriate form of a development agreement consistent with this Ordinance.

Section 2. Conflict.

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

Section 3. Savings Clause.

In the event one or 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 4. 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 5. 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 Council, this 3 day of June, 2015.

SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, STATE OF UTAH

By: *L. H. H. H. H.*

Chair



Councilor Carson voted: _aye_
Councilor McMullin voted: _aye_
Councilor Armstrong voted: _aye_
Councilor Robinson voted: _aye_
Councilor Ure voted: _aye_

ATTEST:

[Signature]
County Clerk
Summit County, Utah

APPROVED AS TO FORM:

[Signature]
Deputy County Attorney
Summit County, Utah

EXHIBIT A

LEGAL DESCRIPTION

PARCEL A

A parcel of land situate in the Northwest Quarter of Section 22, the Northeast Quarter of Section 21, the Southeast Quarter of Section 16, and the Southwest Quarter of Section 15, Township 1 South, Range 4 East Salt Lake Base and Meridian being more particularly described as follows:

Beginning at the Southwest Corner of Said Section 15; thence North 00°11'30" East 1195.99 feet thence North 83°50'00" West 943.52 feet; thence Northeastly 533.24 feet along the arc of a 787.40 foot radius non-tangent curve to the right (chord bears North 09°28'57" East 523.11 feet); thence Northeastly 465.60 feet along the arc of a 991.74 foot radius non-tangent curve to the right (chord bears North 45°09'39" East 461.33 feet; thence North 59°20'07" East 790.30 feet; thence North 58°36'37" East 340.57 feet; thence North 72°22'22" East 1160.28 feet; thence North 88°42'27" East 166.45 feet; thence South 73°30'00" East 261.06 feet; thence South 68°50'00" East 349.50 feet; thence South 60°00'00" East 250.00 feet; thence South 75°35'00" East 132.00 feet; thence South 00°24'00" West 2049.87 feet; thence South 89°43'02" East 724.58 feet; thence South 00°00'00" East 1345.66 feet; thence South 38°25'15" West 600.30 feet; thence South 77°33'34" West 304.97 feet; thence South 78°22'22" West 8954.20 feet; thence North 1160.28 feet; thence Northwesterly 732.07 feet along the arc of a 1462.39 foot radius non-tangent curve to the left (chord bears North 45°39'33" West 724.45 feet); thence North 60°00'00" West 336.18 feet; thence Northwesterly 151.32 feet along the arc of a 1365.39 foot radius non-tangent curve to the right (chord bears North 56°50'04" West 151.24 feet; thence North 28°43'02" West 68.02 feet; thence South 89°39'01" East 267.29 feet to the point of beginning.

Contains 10,430,344 sq. ft., or 239.46 acres.

PARCEL B

A parcel of land situate in the Northeast Quarter of Section 21, and the Northwest Quarter of Section 22, Township 1 South, Range 4 East Salt Lake Base and Meridian being more particularly described as follows:

Beginning at a point North 89°39'01" West 207.48 feet, and South 00°00'00" East 216.17 feet from the Northeast Corner of Said Section 21; thence South 70°27'19" East 297.30 feet; thence South 60°00'00" East 92.89 feet; thence Southeastly 664.81 feet along the arc of a 1402.39 foot radius curve to the right (chord bears South 46°25'10 East 658.60 feet); thence North 89°43'02" West 468.59 feet; thence North 30°24'31" West 692.87 feet to the point of beginning.

Contains 211,890 sq. ft., or 4.864 acres more or less.

TOTAL SPA BOUNDARY - 244.324 ACRES

