

When recorded, please return to:

Amy Rydalch
City Administrator/Recorder
960 W. Center Street
P.O. Box 129
Oakley, Utah 84055

ENTRY NO. 01228297

11/27/2024 09:29:06 AM B: 2841 P: 0954

Permit (Recording ONLY) PAGE 1/7

RHONDA FRANCIS, SUMMIT COUNTY RECORDER

FEE 0.00 BY OAKLEY CITY



CONDITIONAL USE PERMIT

Minor Amendment

**for Chateau Recovery Center, LLC
dba Chateau Health & Wellness**

WHEREAS, a Conditional Use Permit was previously issued to Serenity Ranch, Inc. and recorded as Entry 00492888, Book 01095, Pg00658-00666 in the official records of the Summit County Recorder on or about November 19, 1997, with regard to the following property:

**LOT 5, RIVER VIEW WEST AMENDED SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE.
Parcel ID: RVW-5-AM.**

WHEREAS, that property was later subdivided and platted to become part of the River View West Amended Subdivision;

WHEREAS, that property and/or the property that is the subject of this Conditional Use Permit is situated in Oakley City, Summit County, State of Utah ("City"), and is now more particularly as follows (the "**Property**"):

Lot 5, River View West Amended Subdivision, according to the official plat thereof on file and of record in the Summit County Recorder's Office

Parcel No. RVW-5-AM;

WHEREAS, title and ownership of the Property has changed hands over the years to its current owner of record, Colina Oakley Propco, LLC;

WHEREAS, a Type II Assisted Living Facility licensed by the Utah Department of Health and Human Services ("UDHHS") for 50 beds is currently operated at the Property under the existing Conditional Use Permit, as amended;

WHEREAS, Colina Oakley Propco, LLC is under contract to sell the Property to Restitutio Holdings, LLC with Restitutio's proposed operator to be Chateau Recovery Center, LLC dba Chateau Health & Wellness ("**Chateau**") and, as of the date of this recording, Restitutio is now the record title owner of the Property;

**FEE EXEMPT
UTAH CODE ANNOTATED § 11-13-102**

WHEREAS, Chateau desires to change the use of the Property to a 56-bed residential treatment facility (with no more than 8 of those beds being used for social detoxification) primarily for first responders and military veterans suffering from drug and alcohol addictions, substance use disorders, traumas, and other disabilities, which facility will be licensed by the UDHHS (the "Facility"); Chateau has applied for a reasonable accommodation under the federal and state Fair Housing Acts, the Americans with Disabilities Act, and the Rehabilitation Act of 1973; and Chateau has applied for minor amendment to the existing Conditional Use Permit under Oakley City Code § 13-5-7.G.1;

WHEREAS, Oakley City Code § 13-5-7.G.1 provides, as of the date of this recording, as follows:

A minor amendment is defined as an amendment that does not increase the square footage, density, or intensity of a previously approved conditional use permit. A minor amendment may be approved by the City Planner. No public hearing is required.

WHEREAS, the City Planner has reviewed the application materials filed by Chateau, has determined that Chateau's application does not increase the square footage, density, or intensity of the uses previously approved under the existing conditional use permit; and has determined that good cause exists to approve the Chateau application as a minor amendment to the existing conditional use permit;

WHEREFORE, Chateau's application for minor amendment of the existing conditional use permit is hereby GRANTED, on condition of the finalization of the sale of the Property to Restitutio Holdings, LLC, the existing conditional use permit is hereby amended, supplanted and replaced by this recorded document; and the Facility is approved as a conditional use subject to the following conditions:

1. The Facility will be a private 42-unit, 56-resident facility (with no more than 8 of those beds being used for social detoxification), for adults suffering from drug and alcohol addictions, substance use disorders, traumas, and other disabilities. Handicapped or otherwise disabled persons must have adequate support staff. In addition to being licensed for residential treatment and social detoxification the Facility may also be licensed for day treatment. However, day treatment services may only be provided to live-in residents of the Facility. No outpatient services to non-residents may be provided.
2. The Facility will be fully licensed by the UDHHS or any relevant successor division or department of the State of Utah and will maintain licensure with the State of Utah during all times of operation. Owner/Operator will provide copy of current state licenses at time of annual business license renewal with Oakley City.
3. Other than the licensed uses identified in Section 1, the Facility will not be converted to any other type of facility or use, including non-resident treatment, without the City's written approval through either a minor amendment or major amendment to this conditional use permit or, if the City's amendment processes have been modified, by

whatever the City's legislatively-enacted amendment requirements are at the time conversion or modification of use is sought.

4. The Facility will operate as a private, for-profit venture.
5. The Facility will not knowingly admit clients that are a direct threat to themselves, others, or to property including registered sex offenders or persons convicted of a felony involving violence. Current illegal use of chemical substances and any criminal conduct by clients while housed at the Facility shall be prohibited. Admission to the Facility is on a strictly voluntary basis and is not part of, or in lieu of, confinement, rehabilitation or treatment in a correctional facility. The facility shall establish a reasonable policy to ensure that no illegal substances are brought onto the property and shall share the policy with the City of Oakley yearly as amended. This policy shall contain some method of surveillance either by camera or other similarly effective means.
6. The parcel upon which the Facility is constructed will not be re-subdivided into any other parcels without the City's written approval through the City's legislatively-enacted approval processes.
7. Servicing of the sewer line extension to the Property shall comply with current applicable City ordinances.
8. Due to the potential variability of occupancy, a sliding scale formula will be applied for water and sewer connection assessments on the property. The minimum assessment will be no less than 7.5 Water and 7.5 Sewer connections, (50 percent of the current 15 connections). Chateau will be required to submit an official occupancy report with each month's Oakley City Water and Sewer Statement in order to verify the stated occupancy. Once the occupancy exceeds 50 percent or 28-beds occupied, Chateau will be assessed 75 percent of the current 15 connections, or 10 connections each for water and sewer. At 75 percent of occupancy, (42 beds), Chateau will be assessed the full, 100 percent of current connections and will remain at that rate unless a future appeal is made by the owner justifying reduced connections.
9. All right to farm provisions of the City Code must be complied with. All fencing must be compatible with neighboring farm/ranching operations as well as irrigation access rights preserved and rights of adjacent farming operations to pursue their work all hours of the day. No property or agricultural stock interference by residents or employees will be allowed.
10. The Facility will present an acceptable landscaping plan to the City Planner within ninety (90) days of the date of this conditional use permit and shall maintain the Facility's landscaping in accordance with that plan. The Facility shall construct/install a fence, wall, or landscaping barrier on or near the border of the Property within one (1) year of being licensed with the Office of Licensing with the State of Utah. No chain link fences will be allowed on the Property.

11. The Facility shall comply with all applicable State Fire Marshall and Local Fire District rules and regulations and all other applicable safety codes and regulations for this type of facility.
12. Except as otherwise stated herein, Chateau shall maintain the Facility to ensure compatibility in the adjoining neighborhood and community, including structural building mass, setbacks, heights, and external architecture, including any detached buildings or structures. Chateau shall not make structural alterations to any existing building or landscaping that would change the structure's residential character or impose adverse impacts to the residential neighborhood. Chateau may make changes to the existing signage at the Property in compliance with Oakley City's Signage Code.
13. Chateau shall establish a policy to help mitigate the nuisance effect of smoking on the Property and shall establish a designated smoking area that is located within the borders of the Property as part of that policy.
14. Chateau shall maintain its outside lighting in compliance with the City Code and as necessary to maintain any security policies as mentioned in this permit.
15. Oakley City produces an annual Independence Day Celebration in which fireworks and other pyrotechnics are deployed throughout various activities and over multiple days. Oakley City expects Chateau Recovery to make needed accommodations, within their scope of business operations, for their residents that may be impacted by the deployment of fireworks and other pyrotechnics during the celebration period.
16. The Facility will not receive any tax waivers or tax incentives or enticements of any kind and, further, the Facility will not be converted to a nonprofit status at any time without the City's approval through the City's legislatively-enacted approval processes.
17. There will be provided a paved parking lot with at least one (1) parking stall per two (2) residents, excluding required handicap parking stalls. Any expansion of the current parking lot must be approved by the City through the City's legislatively-enacted approval processes, including, but not limited to, obtaining any and all required building and/or land disturbance permits and all zoning laws shall apply.
18. As part of the federally-mandated reasonable accommodation, the City waives City Code § 13-9-16.B.3 to the extent that the Facility may house more than two (2) occupants per room, provided that the such occupancy shall not cause the resident census to exceed 56 persons, total, at the Facility.
19. This conditional use permit will be recorded with the Property and will be binding and enforceable on it and it shall inure to the benefit of the parties to it and their respective heirs, legal representatives, successors, and assigns and all future owners of the Property.
20. Failure to comply with the terms and conditions of this permit may result in suspension or revocation of this permit and/or business license as well as any other administrative and/or

legal measures available to the City. In the event of an alleged violation of the terms and conditions of this permit by Chateau, the City shall serve written notice on the Facility containing specific information with respect to the date and specific nature of the alleged violation. The notice shall give the Facility thirty (30) days within which to respond. Within that 30-day time period, the Facility shall submit a written response either contesting the allegation or specifically identifying what has been done to cure the violation or what reasonable steps have been taken to prevent the violation from occurring the future. After receiving the Facility's response, if the City determines that the alleged violation merits further consideration, the City shall give the Facility written notice of its proposed action. The Facility shall thereafter have twenty (20) days within which to appeal and shall be entitled to a hearing on the allegations before the City Council. If no appeal is filed or hearing requested, the City Council may proceed with the proposed course of action. After a final decision by the City Council following an appeal and hearing which results in suspension, revocation or modification of the terms and conditions of this permit, the Facility shall have thirty (30) days within which to appeal that decision to the Third District Court for Summit County, State of Utah. The District Court's review shall be limited to the record provided by the City Council, and the court shall determine only whether the decision is arbitrary, capricious or illegal. During the pendency of any such appeal, the Facility shall be entitled to continue to operate under this permit unless the district court orders otherwise. The currently-enacted provisions of the City Code and/or state law, including, but not limited to, the Utah Land Use Development and Management Act or successor statute(s), shall control to the extent there is a conflict between those provisions and the provisions of this Section 21.

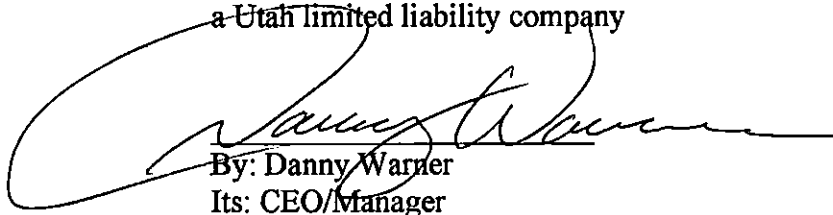
21. The Facility shall maintain in effect at all times a policy of general liability insurance insuring against damages, claims, and losses suffered as a result of the negligence of the Facility, Chateau, and/or their employees, residents, or patrons.
22. Any future amendments to this permit must be approved through the City's legislatively-enacted amendment requirements in effect at the time amendment is sought.
23. The Facility will comply with all other applicable State, local and City ordinances.
24. By signing below Chateau accepts and agrees to comply with the terms and conditions of this Conditional Use Permit.

This Conditional Use Permit Minor Amendment for Chateau Recovery Center, LLC dba Chateau Health & Wellness is hereby APPROVED by the undersigned City Planner, who is the City's land use authority pursuant to Oakley City Code § 13-5-7.G.1 (2024) and Utah Code Ann. § 10-9a-507 (2024).

Chateau Recovery Center, LLC dba Chateau Health & Wellness hereby accepts the terms and conditions of this Conditional Use Permit Minor Amendment for Chateau Recovery Center, LLC dba Chateau Health & Wellness.

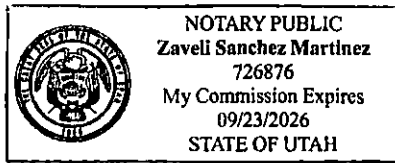
DATED this 22 day of November, 2024.


CHATEAU RECOVERY CENTER, LLC,
a Utah limited liability company


By: Danny Warner
Its: CEO/Manager

STATE OF UTAH)
):ss.
SUMMIT COUNTY)

On the 22nd day of November, 2024, Danny Warner, the signer of the foregoing document, proved on the basis of satisfactory evidence to be the persons whose names are subscribed to this instrument, personally appeared before me, a notary public in and for said State, and duly acknowledged to me that she executed the same in her capacity as the CEO/Manager of Chateau Recovery Center, LLC dba Chateau Health & Wellness, a Utah limited liability company.





NOTARY PUBLIC

