

When Recorded, Please Mail To:

William Harris, Clerk/Recorder
Oakley Town
P.O. Box 282
Oakley, Utah 84055

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ALAN SPRIGGS, SUMMIT COUNTY RECORDER
1997 NOV 19 16:24 PM FEE \$.00 BY DMG
REQUEST: OAKLEY TOWN

Conditional Use Permit FOR SERENITY RANCH

Whereas, Serenity Ranch, Inc., a Utah Corporation, as owners (herein the "Owners") of Serenity Ranch Inc. are proposing to construct and operate a private, assisted living center located in the Town of Oakley (herein the "Town"), to be known as Serenity Ranch (herein the "Facility" or "Proposed Land Use"), and

Whereas, the Owners have entered into an earnest money agreement to purchase a certain parcel of real property owned by the Town of Oakley and located within the Town of Oakley upon which the proposed Facility is to be located provided certain conditions can be met, which property is more accurately described as follows:

BEGINNING AT A POINT WHICH IS NORTH 89° 51' 50" EAST, 2660.45 FEET AND NORTH, 7.41 FEET, AND NORTH 89° 51' 50" EAST, 185.31 FEET FROM THE WEST QUARTER CORNER OF SECTION 29, TOWNSHIP 1 SOUTH, RANGE 6 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE NORTH 89° 51' 50" EAST, 1072.98 FEET; THENCE NORTH 57° 23' 29" WEST, 542.30 FEET; THENCE SOUTH 78° 18' 52" WEST, 737.47 FEET; THENCE SOUTH 36° 05' 40" EAST, 179.97 FEET TO THE POINT OF BEGINNING; AND EXCEPTING ANY OTHER EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY CURRENTLY OF RECORD, and

Whereas, the Proposed Land Use requires a Conditional Use Permit from Oakley Town in order to operate pursuant to current development and zoning regulations of Oakley Town, and

Whereas, Appendix A of the 1995 Land Management and Development Code of the Town allows for a land use of this type as a professional service within the current zone as a conditional use, and

Whereas, the proposed land use complies with the current Oakley Town General Plan Goals and Objectives, and further, the associated Policies derived from these Goals are complied with, and

Whereas, the Owners have made every effort to locate the Facility in a lower-density housing area favorable to this type of land use, and

Whereas, The Facility is located in an area that can enhance the entry corridor into the Town if designed and landscaped properly and is also located on soil conducive to this type of Land Use. Further, the Facility is located on a street where traffic safety concerns are minimized and the Facility can be more readily serviced with public services, namely water, sewer, power, telephone and gas, thus minimizing the impacts and costs on public infrastructure, and

Whereas, the Facility agrees to pay for its fair share of the impacts the Facility will impose on the Town infrastructure and public facilities as per current Town Codes and Regulations, and

Whereas, in accordance with Section 1.14 of the current Land Management and Development Code (herein the "Land Code") of the Town, which states that each zone district is an attempt to segregate predominant land uses within identified residential, commercial, agricultural, and similar districts,

there will be proposals that are generally compatible in land use with other permitted uses in the zone, and

Whereas, if the proposed land use is properly and carefully planned, these uses, which are different from the predominant use, or more intensive than permitted uses in the same zone, may become compatible and appropriate for the zone in question—for example, the location and nature of the proposed use, the character of surrounding development, traffic capacities of adjacent and feeder streets, environmental factors such as drainage, erosion, and soil stability, all may dictate circumstances where a more intensive use may or may not be appropriate for the zone, and

Whereas, the conditional use procedure is intended to provide greater flexibility in land uses while at the same time, preserving neighborhood character and assuring compatibility between the conditional uses, the uses on adjoining properties, and the Town at large, and

Whereas, development of conditional uses will be subject to review by the Community Development Director or Staff, Planning Commission and Town Council, and may be allowed subject to conditions imposed for the purpose of preserving the character of the zone district, and mitigating potential adverse effects of the conditional use, and

Whereas, the Town Planning Commission and Town Council, after conducting public hearings and receiving public comment have determined that the proposed land use may be allowed in the proposed location and zoning district provided that certain conditions are imposed upon the project to assure compatibility within the zone district and community as a whole,

Now Therefore, The Town hereby grants a conditional use permit for the construction and operation of Serenity Ranch, a Private Assisted Living Center located in the Town of Oakley, Utah, subject to the following conditions:

1. The Facility will be a private assisted living center consisting of 42 assisted living units and will house people with varying physical needs.
2. The Facility will be fully licensed by the State of Utah Department of Health and the Town of Oakley as an assisted living facility and will maintain the licenses during all times of operation.
3. The Facility will not be converted to a retirement home or to a nursing home or any other type of facility without the Towns approval and would require a modification or re-issuance of this permit.
4. The Facility services will be competitively priced with similar comparable facilities in Utah.

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5. The Facility will not knowingly accept residents have psychological or psychiatric problems that pose a threat to the public, employees, or the community
6. The property upon which the Facility is constructed will not be re-subdivided into any other parcels without the Towns approval.
7. A sewer line will be extended to the project as per the Town's engineering standards and be of a capacity sufficient to meet the needs of the project in accordance with the current Oakley Town Fee and Rate Ordinance (herein the "Fee Ordinance"). Placement will be as determined by the Town Council for the best use of the Town. This extension will be installed at the sole cost of the Facility and installation and servicing shall comply with current applicable Town Ordinance(s).
8. Water and Sewer impacts on the Town will be determined by multiplying the number of maximum estimated living units by 100 gallons per day per unit. This daily total multiplied by 30 will give an average monthly use for the project. Dividing this monthly figure by 10,000 will result in a total residential equivalent for the project and this residential equivalent will be used in calculating impact fees and other fees as per the current Fee Ordinance. Fees will be due upon application for a building permit. Any future expansions of the Facility will be evaluated at that time for additional impact fees that will be required using this same methodology.
9. All right to farm provisions of the Land 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 operation to

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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 Town Planning Commission for approval prior to issuance of a building permit.
11. The State Fire Marshall and Local Fire District must approve all building plans, including access and parking for compliance with all applicable safety codes and regulations for this type of facility.
12. The Planning Commission and/or an appointed technical review committee, to assure compatibility in the adjoining neighborhood and community must approve all structural building mass, setbacks, heights, and external architecture, including any detached buildings or structures prior to the issuance of a building permit.
13. No chain link fences will be allowed in the development.
14. An outside lighting plan will be presented and approved by the Town Planning Commission prior to the issuance of a building permit.
15. 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 Town Council approval.
16. There will be provided a paved parking lot with at least 1 parking stall per 2-residence unit capacity, excluding required handicap parking stalls.
17. Because the facility requires the purchase of a parcel of land owned by the Town of Oakley that has been reserved for projects that the Town believes can bring, among other benefits, an economic benefit to the Town. The owners of the Facility agree to provide the Town Council with an acceptable financial feasibility study prepared by a licensed CPA and/or a letter of financial feasibility from ~~an~~ ~~01492883~~ ~~from~~ ~~0095~~ Pg00661

officer of the primary lending institution on the project prior to the Town executing a sales agreement with the owners.

18. 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.
19. 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 Town. In the event of an alleged violation of the terms and conditions of this permit by Serenity Ranch, the Town 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 in the future. After receiving the Facility's response, if the Town determines that the alleged violation merits further consideration, the Town Council 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 Town Council. If no appeal is filed or hearing requested, the Town Council may proceed with the proposed course of action. After a final decision by the Town Council following an appeal and hearing which results in suspension, revocation or modification of the terms and conditions of this permit,

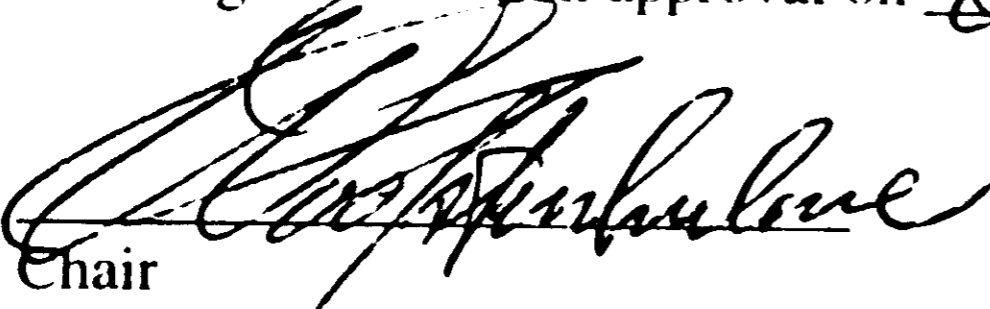
the Facility shall have thirty (30) days within which to appeal that decision to the Third District Court for Summit County, State of Utah. The District Court's review shall be limited to the record provided by the Town Council, and the court shall determine only whether the decision is arbitrary, capricious or illegal. During the pendency of any such appeal, the Facility shall be entitled to continue to operate under this Conditional Use Permit unless the District Court orders otherwise.

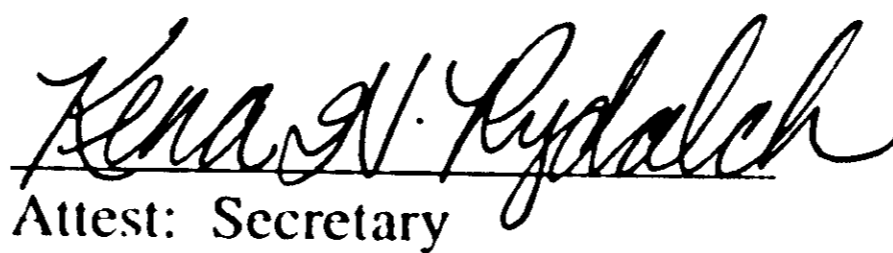
20. The Facility shall maintain in effect at all times a policy of liability insurance to protect the general public from any damages, claims and losses suffered as a result of the negligent acts of the Facility, its employees, residents or patrons.
21. The Town Council, the Planning Commission, and the Facility hereto must approve any future amendments to this permit.
22. The Facility will comply with all other applicable State, local and Town ordinances.
23. Owner, on behalf of Owner and Facility accepts and agrees to comply with the terms and conditions of this Conditional Use Permit.

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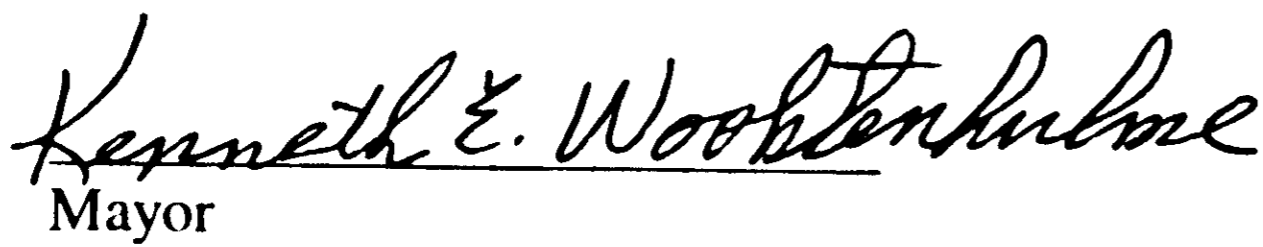
This Conditional Use Permit is hereby approved after public hearings before the Planning Commission and Town Council were held and properly noticed to the residents of the Town as per Section 1.6 of the current Town Land Management and Development Code.

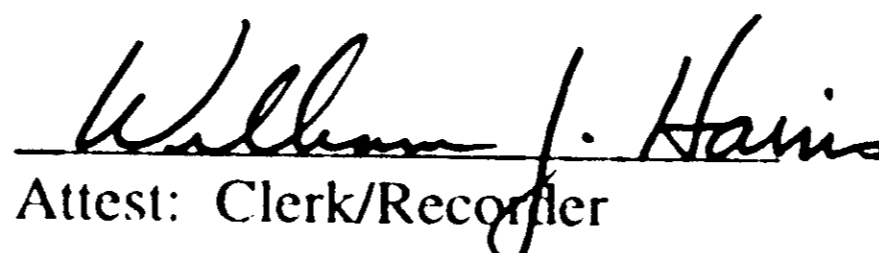
Planning Commission approval on OCTOBER 23, 1997.


Chair



Attest: Secretary

Town Council Approval on 11 NOV, 1997.


Mayor


Attest: Clerk/Recorder

Approved and Accepted on 11/7/97, 1997, by Serenity Ranch Inc.

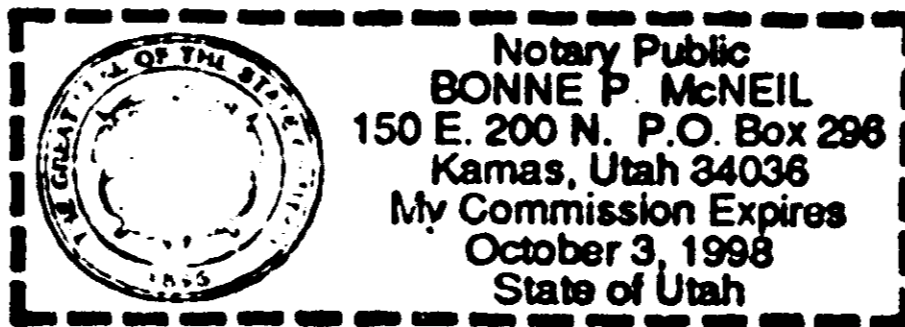
VICE PRESIDENT, SERENITY RANCH, INC.
Its
SCOTT TURNER


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STATE OF UTAH)
)
County of Summit) ss.

SUBSCRIBED, SWORN to, and ACKNOWLEDGED before me this 23rd day of October, 1997, by Jane Woolstenhulme, Chair, and Kena Rydalch, Secretary, of the Oakley Town Planning Commission.

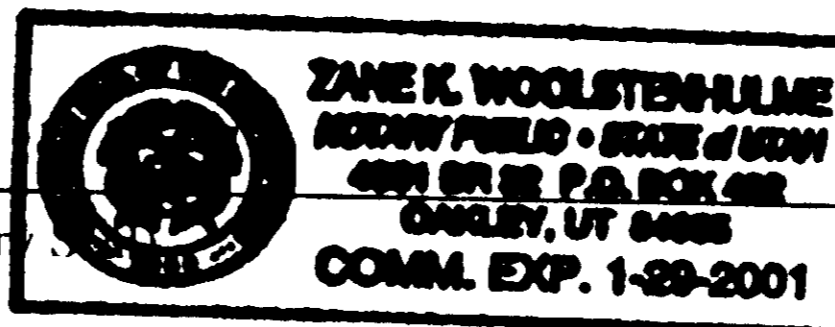
Bonne P. McNeil
NOTARY PUBLIC for the State of Utah (Notary Seal)



STATE OF UTAH)
)
County of Summit) ss.

SUBSCRIBED, SWORN to, and ACKNOWLEDGED before me this 17th day of November, 1997, by Kenneth E. Woolstenhulme, Mayor, and William J. Harris, Clerk/Recorder, of the Oakley Town Council.

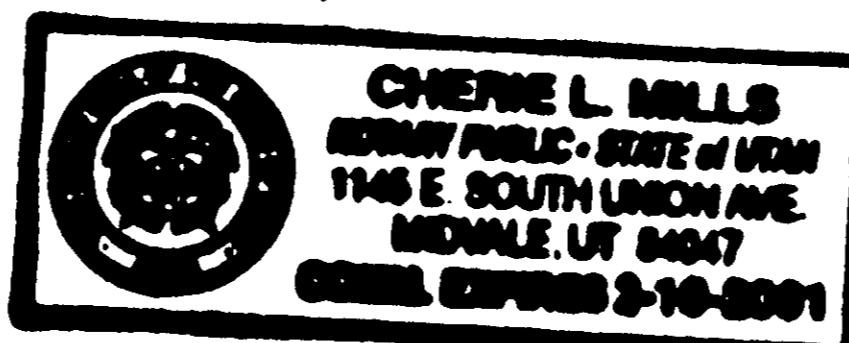
Kenneth E. Woolstenhulme
NOTARY PUBLIC for the State of Utah (Notary Seal)



STATE OF UTAH)
)
County of Summit) ss.
Salt Lake

SUBSCRIBED, SWORN to, and ACKNOWLEDGED before me this 7th day of December, 1997, by Scott Turner of Serenity Ranch Inc.

Cherie L. Mills
NOTARY PUBLIC for the State of Utah (Notary Seal)



Conditional Use Permit
SERENITY RANCH

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