

RESOLUTION NO. R15-03

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GARDEN CITY ESTABLISHING
LAND USE FEES AND MISCELLANEOUS FEES
FOR SERVICES RENDERED AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Garden City is a town duly incorporated under the general laws of the State of Utah; and

WHEREAS, the Garden City Town Council finds it necessary to establish fees for any action taken by the Town Council and/or Planning & Zoning Commission and also services rendered, including but not limited to, permits, appeals and inspections to allow development to pay for its impacts to the Town and its residents; and

WHEREAS, this resolution does not include fees or charges for building permit fees, impact fees or water rate structures, which are established in a separate resolution or ordinance; and

WHEREAS, all previous fee schedules set by ordinance or resolution are rescinded and all fees will follow the schedule as outlined below with the exception of building permits, impact fees and water rates structures; and

NOW THEREFORE, be it resolved by the Town Council of the Town of Garden City, County of Rich, State of Utah, as follows:

The Garden City Town Council hereby establishes the following fees and charges:

Annexations	\$300 for 1 acre, and \$20 per acre for each additional acre with a maximum fee of \$1,000
Appeals	\$250
Business Licenses:	
Application Fee and remainder of 1 st year	\$50
Renewal Fee, annually	\$25
Location Fee	\$10
Location Fee Renewal	\$10
Change of Name	No additional charge
Copies	15 cents per page
GRAMA Requests	Salary of the person completing the research plus 15% for each 30 minutes or fraction thereof
Conditional Use Permits	\$300
Condominium Plats	
Preliminary Plat	\$1000 plus a \$3,000 deposit for the associated fees (eng. attorney, recording, etc.)
Final Plat	\$1000 plus a \$3,000 deposit for the associated fees (eng. attorney, recording, etc.)
Demolition Permit	\$25
Encroachment Review Fee	\$10
Encroachment Violation Fee	\$100 per incident

Encumbrance	\$250
Extension of Time	\$100
Faxes	\$1 per page to send 15 cents per page to receive
Lot Line Adjustment	\$250
Lot Split	\$250
Planned Unit Development	
Preliminary Plat	\$1000 plus \$3,000 deposit for the associated fees (eng, attny, recording, etc.)
Final Plat	\$1000 plus \$3,000 deposit for the associated fees (eng, attny, recording, etc.)
Re-Zone	\$300 for 1 acre, and \$20 per acre for each additional acre with a maximum fee of \$1,000
RV Park	\$150 plus \$5.00 per space
Short Term Rental Fee	\$130 per unit, \$100 per property owner/management company
Annual Renewal Fee	\$50 per unit
Subdivision Fees	
Preliminary Plat	\$500 per plat and \$10 per lot plus \$3,000 deposit for the associated fees (eng, attorney, recording, etc.)
Final Plat	\$500 per plat and \$10 per lot plus \$3,000 deposit for the associated fees (eng, attorney, recording, etc.)
Unencumbrance	\$250
Variances	\$250
Vacation of Subdivision	\$300
All other Zoning permits	\$50

This resolution shall take effect immediately upon approval.

DATED this 12th day of March, 2015

APPROVED:

Attest:

John Spuhler, Mayor

Kathy Hislop Town Recorder

Council Members Voting

	Aye	Nay
Huefner	___	___
Pugmire	___	___
Stocking	___	___
Warner	___	___
Spuhler, Mayor	___	___

RESOLUTINO #R15-04

AN RESOLUTION UPDATING THE
ADMINISTRATIVE CODE INFRACTION FINE SCHEDULE

WHEREAS, The Town of Garden City is a town duly incorporated under the general law of the State of Utah; and

WHEREAS, The Garden City Town council has determined that there is a need to enforce the requirements as set in the Garden City Municipal code, and in the event that there is a violation to the Garden City Municipal Code that an Infraction Fine Schedule be established to stipulate the remedy for such infractions.

NOW THEREFORE, be it resolved by the Town Council of the Town of Garden City, Rich County, State of Utah, that the Administrative Fine Schedule be updated as follows:

The fine schedule is attached in "Exhibit A". Violations may be cited as allowed in "Exhibit A", The Town of Garden City Administrative Code Infraction Fine Schedule, which is attached.

APPROVED: This resolution will become effective immediately upon approval of the Garden City Town Council.

Dated this 12th day of March, 2015.

APPROVED:

Attest:

John Spuhler, Mayor

Kathy Hislop, Town Clerk

Voting:

	Aye	Nye
Huefner	_____	_____
Pugmire	_____	_____
Stocking	_____	_____
Warner	_____	_____
Spuhler, Mayor	_____	_____

“Exhibit A”

The Town of Garden City Administrative Code Infraction Fine Schedule

INFRACTION:	FINE:	PER:
Licensing and Permitting:		
Removing posted red tag before issues are resolved	750	Day
Installing a sign in violation of Municipal Code	200	Infraction
Installing a sign before procuring sign permit	200	Infraction
Operating a business without Garden City License	750	Day
Operation of a transient or Beach Business without a GC License	500	Day
Construction without a building permit	500	Infraction/Day
Short Term Rental:		
Operation of a short term rental without Garden City License	750	Day
Occupancy beyond the specified allowed	50	Per person
Parking off premise or in excess of allowed	150	Per vehicle
Unauthorized commercial activities	750	Day
Water System:		
Turning on/off water meters	200	Infraction
Burying water meter	200	Infraction
Tampering with water meters	250	Infraction
Failing to pay standby fee	240	Per yr delinquent
Beach Use (within the Garden City General Permit Area):		
Camping on the beach	100	Infraction
Leaving Canopies, Trailers, etc. on the beach	50	Infraction
Parking outside the designated area <i>at Hodges Beach</i>	50 100	<i>Infraction</i>
Parking within 100 feet of the water's edge	50	Infraction
Driving parallel to water's edge	50	Infraction
Trespassing on Garden City General Permit area without a Valid pass	80	Infraction
Not being Quagga Mussel certified	50	Infraction
Parking:		
Standard parking infraction	80	Infraction
Parking in a Handicap parking spot	120	Infraction
Parking on the bike path	80	Infraction
Parking on town roads Nov 1 – May 1 (snow plowing)	80	Infraction
Parking in a Fire Lane	80	Infraction
Land Use:		
No correct county address posted on property	100	Infraction
Littering	80	Infraction
Camping without a required permit (per RV as defined)	100	Infraction
Installing lighting in violation of dark sky ordinance	100	Infraction
Violation of ordinance #9-500, abatement of Garbage and other Deleterious Material	200	Infraction/Per day

Animal Control: (infraction is per animal)		
Not curbing your animal/pet	25	Infraction
Animal/pet must be on a leash when on any Town owned property	25	Infraction
Animal/pet must be on a leash on any beach within the Garden City General Permit area.	25	Infraction
Household pets not contained within property area	25	Infraction
Town Property:		
Operating any type of motorized vehicle on the bike path	200	Infraction
No overnight parking or camping on town owned property	100	Infraction
Plowing snow onto town roads	100	Infraction
Encroaching onto town streets without a permit	100	Infraction
Cutting a town street without permit	750	Infraction
Destruction of Town property	500	Infraction
Prohibited Use/Activities	120	Infraction
<i>Encroachment Violation</i>	100	<i>Infraction</i>
Police and Public Offenses		
Nuisance/Disturbing the peace	100	Infraction
Urinating/Defecating in public	50	Infraction
Discharging of firearms within the Garden City Town limits	1500	Infraction
Discharging of illegal fireworks	250	Infraction
Violation to fire or firework restrictions	500	Infraction
Reckless Endangerment or Wanton Disregard	250	Infraction
Offenses Against Public Health, Safety, Welfare and Morals	100	Infraction
Miscellaneous:		
Violation of after hour noise	150	Infraction
Not collecting or paying sales and resort tax	750	Infraction
Violation of the Garden City Standards Manual Requirements	200	Infraction/Per Day
Leaving Trash Receptacle on roadside longer than 24 hours	25	Per Day
<i>Seasonal Motorized Traffic violation</i>	100	<i>Infraction</i>

Ordinance # 15-12

AN ORDINANCE ESTABLISHING MOTORIZED OR NON-MOTORIZED ACCESS BASED
ON THE GENERAL WELFARE AND PUBLIC SAFETY OF THE COMMUNITY

WHEREAS, the Town of Garden City is a town duly incorporated under the general law of the State of Utah; and

WHEREAS, the Garden City Town Council is the Governing Body for the Town of Garden City and must administer the Garden City Municipal Code; and

WHEREAS, the Garden City Town Council must be aware of the safety and welfare of all streets and public ways and must maintain and manage them for the community.

NOW THEREFORE, be it ordained by the Town Council, of the Town of Garden City, Rich County, State of Utah, that **Ordinance 10-103 Streets and Public Ways** be changed as follows:

10-103 Streets and Public Ways

A. Definitions as used in this chapter:

1. "Vehicle" ~~means any motor vehicle, trailer, off-highway vehicle, manufactured or mobile home, or farm equipment.~~ **Any device under a person's physical control propelled by an engine including but not limited to: automobiles, tractors, mopeds, motorcycles, go carts, power driven scooters, off road vehicles.**

2. "Public right of way" means the entire width between property lines of every highway, road, or street that is open to the public for purposes of vehicular traffic.

3. "Rights of way" means the width from one property line to that property line across said street.

B. It is unlawful for any person who owns or has possession, control, or custody of any vehicle to park, allow, or permit another person to park any such vehicle or equipment upon any public right of way within the Garden City town limits between the hours of four a.m. and nine a.m. from November 1st to May 1st, except as follows:

1. Physicians, emergency medical service providers, law enforcement officers, or fire department personnel during emergency calls or circumstances; or residents or their guests or invitees, when required by emergency or other unusual circumstances, who have been issued a permit for overnight parking and display a sticker issued by the Town of Garden City on a vehicle in a place which is readily visible from outside the vehicle.

2. When the removal of snow is apparent or imminent or when necessary as determined by the city.

3. Residents or their guests or invitees, when required by emergency or other unusual circumstances, may apply to the Town of Garden City for a permit for all night parking on a public street within the town limits. The Town of Garden City's code

enforcement officer, for good cause shown, may issue a permit and a sticker to the applicant.

4. A violation of this section shall be set by resolution in the Garden City Administrative Code Infraction Fine Schedule.

C. Seasonal Motorized Traffic Restrictions for Garden City Memorial Day to Labor Day. Restrictions are seasonal and will be posted at the entrance or part thereof under restriction.

1. Restrictions apply to Public access city streets 24 feet or less in width.
 - a. Includes:
 - i. City streets within corporate limits
 - ii. Unpaved roads
 - iii. Rights of Way, restrictions are seasonal and will be posted at the entrance or part thereof under restriction.
 - iv. Contractor installed subdivision streets and roads
 - b. Not included:
 - i. State of Utah roads and highways
 - ii. Rich County roads and highways
 - iii. Private rights-of way
2. The Garden City governing body will determine restrictions on city streets less than 24 feet wide based on at least one of the following criteria:
 - a. Threat to public health and safety
 - b. Pedestrian traffic load
 - c. Environmental health
 - d. Ecological preservation
 - e. Nesting or spawning areas
3. On restricted streets motorized vehicle access will be limited to:
 - a. Property owners
 - b. Property renters
 - c. Owners or renters guests
4. Exemptions to motorized vehicles used are:
 - a. Motorized wheelchairs
 - b. ADA compliant vans/busses
 - c. Vehicles displaying official handicapped stickers or cards
 - d. Construction and maintenance vehicles authorized by Garden City, Rich County or the State of Utah
5. Roads with width greater than 24 feet may have seasonal restrictions if:
 - a. Requested by an HOA within city limits
 - b. Resident adjacent to said street, (neighbor consent required)
 - c. Must be approved by Garden City Council
6. Parking on roads less than 24 feet wide is prohibited.

7. **Speed limit for authorized motor vehicles is 5 miles per hour, Memorial Day through Labor Day.**
8. **Penalties. Citations may be issued by any enforcement officer with jurisdiction in Garden City. Fine will be set by resolution.**

D. Parking restrictions. In addition to other parking restrictions in this chapter, it shall be unlawful to park any vehicle:

1. Over, above, on or across any public right of way, between the sidewalk and curbing abutting any public street, or any sidewalk or portion thereof, or to otherwise park a vehicle in such a manner so as to obstruct access upon, or use of, the entire surface of any right of way, sidewalk, or bike path;
2. Upon any street or publicly owned or controlled property or right-of-way for the principal purpose of performing maintenance or repairing such vehicle except as is necessitated by an emergency;
3. That is mechanically inoperable or cannot be lawfully operated on public streets upon any street, publicly right-of-way or publicly owned or controlled property;
4. In a manner proscribed above, or to park such an item on any public street except for the immediate loading or unloading and never longer than twenty-four (24) consecutive hours;
5. In any fire lane or to otherwise block or obstruct access to any fire apparatus;
6. On any public property other than in designated parking or obvious parking areas or as legally permissible on roadways; or
7. In any location that interferes with the delivery and monitoring of essential services, such as utilities, postal services, refuse collection and emergency services.
8. A violation of this section shall be set by resolution in the Garden City Administrative Code Infraction Fine Schedule.

E. Overnight Camping on Right of Ways.

1. No person shall camp overnight upon the street right-of-ways of the Town of Garden City, nor shall any person set up tent(s), shacks or any other temporary shelter; no park camper(s), trailer(s), or any other vehicle for the purpose of camping upon the street right-of-ways of Garden City Town.
2. A violation of this section shall be set by resolution in the Garden City Administrative Code Infraction Fine Schedule.

F. Handicap Parking.

1. It shall be unlawful for any vehicle, within the Garden City Town limits, to park in a defined handicap parking, except by a Utah State issued permit or any other valid permit issued from another state.
2. A violation of this section shall be set by resolution in the Garden City Administrative Code Infraction Fine Schedule.

G. Storage of items on right of way.

1. It shall be unlawful to store any items such as, but not limited to, building materials, vehicles, trailers, trash with the exception of trash receptacles allowable under 9-413, temporary structures, except for the purpose for loading and unloading and not for a duration longer than twenty four (24) consecutive hours.
2. A violation of this section shall be set by resolution in the Garden City Administrative Code Infraction Fine Schedule.

APPROVED, by the Garden City Town Council, Garden City, Rich County, State of Utah, this 12th day of March, 2015.

APPROVED:

Attest:

John Spuhler, Mayor

Kathy Hislop, Town Clerk

Voting:

	<u>Aye</u>	<u>Nay</u>
Huefner	___	___
Pugmire	___	___
Stocking	___	___
Warner	___	___
Spuhler, Mayor	___	___

process.

2. Application: The developer shall file with the Commission a complete application and drawings as required by this Ordinance.
 - a. One complete set to each member of the Commission.
 - b. ~~A filing and checking fee per the fee schedule adopted by the Town Council of Garden City shall be paid to the Town prior to any action by the Commission on the application.~~
 1. ~~\$150.00 plus \$5.00 per space.~~
 - b. A filing fee will be set by resolution.**
3. Review by the Commission: All recreational vehicle parks and mobile home parks are subject to review and approval by the Commission. The review shall be scheduled for the next regular meeting and held as a public hearing following receipt of complete application and provided that fifteen (15) days notice is given to adjacent property owners by the applicant. Proof of said notification shall be presented to the Commission.
4. Action Forwarded: The findings and action of the Commission shall be forwarded in writing to the applicant and the Town Council.
5. Preparation of Final Plans: Final plans for the development shall be prepared by the applicant according to the Town requirements and conditions of the Commission in such detail to provide checking of construction work. These plans shall be submitted to the Town Council along with the construction permit fee per the fee schedule adopted by the Town Council of Garden City.
6. Town Council Action: The Town Council shall at their next regularly scheduled meeting following receipt of complete final plans, review and take action on the plans and construction permit considering the following aspects:
 - a. Need for project.
 - b. Planning and Zoning Commission recommendation.
 - c. Compatibility with adjacent properties and public facilities.
 - d. Compatibility with Town's Comprehensive Plan.

C. Pre-Application

1. Contents:

- a. Pre-application form provided by the Town.
- b. Vicinity map showing the location of the project in relation to the Town and its boundaries.
- c. Narrative statement explaining the proposed size, scope, and intent of the project.

D. Application

1. Contents: Application for the construction, enlargement or alteration of a recreational vehicle park shall be made on forms provided by the Town and shall contain the following information:

- a. Names and addresses of developer and principal professional personnel involved in the plan preparation.
- b. Legal description and proof of ownership of development area.
- c. Size of proposed development in acres.
- d. Amount in acres and percent of area to be set aside for recreation or common space.
- e. Number of spaces or lots intended for development.
- f. Approximate population of development when totally occupied.
- g. Names and addresses of adjacent property owners with 300 feet of the development boundary.
- h. Recreational Vehicle Park Development Plan. A complete set of drawings of the recreational vehicle park, showing compliance with all applicable provisions of this ordinance and shall contain at least the following:
 - 1. Title, scale, North arrow and date. Vicinity map of reasonable size showing land uses of adjacent lands and all public and private roads within 300 feet of the development boundary.
 - 2. Plan drawing showing the direction of drainage with maximum contour intervals of five (5) feet.
 - 3. Dimensions and boundaries of development area.

4. Number, location and size of all spaces.
5. Typical layout and cross-section of a typical designated space showing all improvement and facilities.
6. Location and width of roadways.
7. Location and design of any structures built on permanent foundations.
8. Location, size and specific nature of recreational use area.
9. Location and size of water lines and their connecting point to the city network.
10. Such other detail as might be determined necessary and proper.

E. Final Plan.

1. Content. The final plan shall include all information of the application and development plan plus additional details of the public facilities and utilities to insure proper construction.

F. Standards for Recreational Vehicle Parks.

1. Size of Development. Each recreational vehicle park shall contain at least four (4) gross acres or at least fifteen (15) spaces or lots.
2. Density. Commercial type recreational vehicle park density shall not exceed eight (8) spaces per acre. Private or Semi-private recreational vehicle park density shall not exceed five (5) spaces per acre.
3. Minimum requirements for each recreational vehicle space:
 - a. 1500 square feet
 - b. Minimum width - 25 feet
 - c. Minimum rear setback - 15 feet from property line
 - d. Side yard setback from road: 6 feet
4. Parking: In addition to the parking at each space, additional parking at a ratio of one (1) space for every five (5) recreational vehicle space(s) in the park shall be provided.
5. Recreation and Play Areas: Recreation and common play areas for the development shall be provided equivalent to 10% of the gross

development area, and shall consist of well-kept lawns with both scattered trees and open space.

6. Water and Sewerage Facilities: These shall be provided in each recreational vehicle park with the following minimum standards:
 - a. Water outlets shall not be located further than 300 feet from a recreational vehicle space which is not equipped with individual water connections.
 - b. One recreational vehicle sanitary disposal station shall be provided for each 100 recreational vehicle spaces, or parts thereof, which are not equipped with individual sewer connections.
 - c. Personal Services Facility: Each park shall provide at least one personal service building containing the following facilities: showers, toilets, lavatories, and other necessary health facilities.
 - d. Solid waste disposal shall be provided with use of covered containers.

The above list of minimum facilities plus any other water, sewerage or sanitary facilities shall comply with local health codes or the standard promulgated in the Utah State Division of Health Code of Campers, Trailer Court, Hotel, Motel, and Resort Regulations Parks II and Part V.

Proper water connection to the Town networks shall be the responsibility of the Town. The owners of the development shall be responsible to provide the distribution line for water and connector fees as approved by the Town.

7. Utilities. The basic utilities shall be placed underground and located at depths sufficient to assure proper safety.
8. Roadways. Roads within recreational vehicle parks shall remain privately owned and maintained. To maintain the safety and convenience of park users, all roads shall meet the following standards:
 - a. Minimum Width: 24 feet, no parking permitted.
 - b. Surface Type: Graveled, according to Town standards.
 - c. Maximum Grade: 8%.

Turn arounds shall be provided for all dead end roads over 100 feet in length, and shall have a minimum radius of fifty (50) feet. Maximum length of 660 feet for dead end roads and designated at entrance.

9. Fire Protection. The recreational vehicle park shall provide fire protection according to the Garden City Fire District requirements and approved by the Town Council.
 10. Landscaping. The recreational vehicle parks shall be landscaped and maintained according to the following minimum standards and shall be maintained at all times:
 - a. One tree per each three (3) spaces in the park shall be planted.
 - b. Trees shall be at least three feet tall and healthy.
 11. Screening and Buffer Area. Each recreational vehicle park may be required to provide screening from adjacent uses, as determined by the Planning and Zoning Commission.
 12. Telephone. Each recreational vehicle park shall have available a pay telephone twenty-four (24) hours a day.
 13. Registration and Supervision. A manager or attendant shall be available at all times a recreational vehicle park is open and servicing the public. Every owner or operator of a recreational vehicle park shall maintain a register containing a record of all occupants of the spaces and times occupied. The record shall be retained for two (2) years and open to authorized inspection. The register shall contain the following information:
 - a. Names and addresses of occupants of park.
 - b. The make and license number of vehicles.
 - c. The date of arrival and departure of each vehicle.
 14. Permanent Alterations or Construction. There shall be no permanent construction to or alteration of any recreational vehicle placed in the recreational vehicle park. Skirting is not permitted and wheels may be removed for temporary repairs only.
- G. Bonding. Prior to issuance of a building permit under this section, a cash deposit or performance bond in the amount of 150% of cost of improvements shall be submitted to the Town to insure proper final construction including landscaping, roads, water and sewer.

11C-707 Administration and Enforcement

- A. Enforcement Authority. It shall be the duty of the Town Council and other such officials as may be determined by the Garden City Town Council to promulgate rules and regulations and to enforce this Ordinance.

- B. Mobile Home Park and Recreational Vehicle Park Business License Required. In addition to the building permit required by this ordinance, each operator of a mobile home and recreational vehicle park shall procure an annual business license from the city.
- C. Business License -- Suspension -- Hearing. Whenever, upon inspection of any mobile home park or recreational vehicle park, the Town finds that conditions or practices exist which are in violation of any provision of this ordinance or of any regulation adopted pursuant thereto, the Town shall give notice of such violation in writing to the person to whom the license was issued, who shall have thirty (30) days to correct said deficiency. At the end of the period for correction of said conditions or practices specified in said notice, the Town shall re-inspect such mobile home park and if such conditions or practices have not been corrected, they shall give notice in writing to the person to whom the license was issued that the license has been suspended. Upon receipt of notice of suspension, such person shall cease operation of such mobile home park.

Any person whose license has been suspended, or who has received notice from the Town that their license will be suspended unless certain conditions or practices at the mobile home park are corrected, may request and shall be granted a hearing on the matter before the Town Council, provided that a petition for such hearing has been filed within ten (10) days following the day on which such license was suspended.

- D. Inspection. The Town is authorized and directed to make inspections to determine the condition of mobile home parks or recreational vehicle parks within the Town, in order that the Town may perform its duty of safeguarding the health and safety of occupants of mobile home parks and of the general public.

It shall be the duty of every occupant of a mobile home park or recreational vehicle park to give the owner or his agent or employee access to any part of such park or its premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the ordinance.

- E. Variance. An application for variance of any of the provisions of this ordinance will be considered by the Board of Adjustments Committee of Garden City. However, no variance shall be granted, until application shows undue hardship because of the characteristic of the site and adjoining property owners have had an opportunity to be heard.

- A. Penalties. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding Two Hundred Ninety-Nine (\$299.00) Dollars or be imprisoned in the County jail for a period not exceeding thirty (30) days or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as

*see my
comments
on back
page.*

such hereunder.

Council: This is my suggestions for changes to this ordinance. Thanks Kathy.

B. Mobile Home Park and Recreational Vehicle Park Business License Required. In addition to the building permit required by this ordinance, each operator of a mobile home and recreational vehicle park shall procure an annual business license from the city.

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This is already in the ordinance + is redundant.

A. Penalties. Any person, firm or corporation violating ^{any} ~~any~~ of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof ~~shall be fined in an amount not exceeding Two Hundred Ninety-Nine (\$299.00) Dollars or be imprisoned in the County jail for a period not exceeding thirty (30) days or be both so fined and imprisoned.~~ Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as

pay a code infraction fee, which is set by resolution.

(I don't think we can send people to jail for a violation to our ordinances)

January 31, 2015

Dear Garden City Mayor & Town Board,

I am sure you are all aware of the World War II Memorial that I am doing. I am honoring all World War II Veterans that left from Garden City. I think it will be a great addition to the town. I'm hoping it will be used & enjoyed, by not only the town's people, but the many visitors that come to vacation & enjoy the area.

Many of you are aware that I grew up in Garden City & I have a love for the small town. When my father passed away, I wanted to do something with the land he left me for all to enjoy. My father was very proud that he was able to leave from Garden City to serve his country.

I was wondering if maybe the town Council would like to donate the hook up

and the water for the watering of the lawn,
trees and shrubs.

I am pleased with the way everything
has come along for the building of the
monument and the monument grounds.
Because of the mild winter, we have been
able to do so much of the work, we will
soon be able to have it completed and ready
for use. We are planning May 23rd for the
unveiling and the dedication of the project.

I would be very happy if you would
consider my request.

Thank you!

Sincerely,
Gaye Johnson

Preserving Land for Future Generations



...supporting the sustainable stewardship of our world...

A Message from our Founder:

"As our collective awareness of the interconnectedness of all things expands, "Impact Investing" opportunities are rapidly gaining in relevance over traditional investment strategies. While ordinary charitable philanthropy will always have its place, new Impact Investing models are proving their effectiveness in producing meaningful returns while generating significant positive human impact and socially supportive outcomes. At Forever Forests, we offer the needed resources, experience and expertise to expand these models, making participation in private land conservation initiatives both profitable and an environmentally rewarding experience. Explore how the power of conservation easements can enhance an asset portfolio or impact investment while producing both satisfying returns and an enduring legacy." *Nancy G. Zak*

Conservation Easement Essentials

- A conservation easement is a land preservation agreement between a landowner and a qualified land protection organization which is recorded at the courthouse and legally enforceable.
- It is private action taken on private land—no governmental approvals are required.
- Conservation easements provide for the permanent preservation of the land by restricting development, commercial and other activities on the portion of the property that is preserved.
- They are considered by the IRS under §170(h) to be a charitable donation.
- The owner of the land retains ownership and the property can be bought and sold.
- After execution and recording of the easement, use of the property is restricted by the terms of the easement agreement. These terms can include the reservation of certain rights of use which do not impair the Conservation Purposes.
- The easement must satisfy two or more of the IRS's criteria for conservation purpose to qualify. Preservation of existing natural environments, views and agricultural uses are the most prevalent objectives.
- Since the economic benefits of a land conservation program are realized through tax deductions, participants essentially self-direct their tax dollars into land conservation.

...natural untouched glory, in your backyard...

Economic Benefits = Tax Savings

- a conservation easement deduction can offset 30% to 50% of an individual's Adjusted Gross Income (AGI) from all sources, or 10% of a C-corporation's AGI;
- State Deductions are available in the majority of states, in addition to Federal deductions;
- Excess Deductions can be "Carried Forward" for five to fifteen years for individuals and five years for C-corporations;
- State Tax Credits are available in several states. These can be used in addition to Federal and State deductions;
- Property Tax Savings are typical, as permanently preserved property is commonly classified in the lowest value classification for tax assessment purposes;
- Estate Tax Benefits can be realized as well.

The Private Conservation Partnership—Tom Gardner's Story

Tom Gardner and his son purchased a 500-acre tract of land from a good friend who had in years past invited them to enjoy his hunting preserve. Soon after, a local Land Trust contacted them to encourage them to preserve the property for the sensitive natural habitats it contained. They hired Forever Forests to evaluate this opportunity and guide the process. A little more than a year later, the Gardner's executed a conservation easement on the property. A qualified appraisal was conducted based on the highest and best use of the land, determining that a sizeable donation could be justified due to the property's development potential. Mr. Gardner and his son invited their friend to partner with them and share in these deductions. The Gardner's were able to save enough on their federal and state income taxes over the next three years to more than recover their initial investment in the land. The Gardner's continue to own, use and enjoy their hunting preserve and have used their tax savings to improve the property with a hunting lodge, trails, feed plots, maintenance facilities and a caretaker's residence, all of which are allowed



The Impact Investment Offset

Conservation easements can be a highly effective strategic tool to improve the economic performance of certain impact investments. Where the socially-beneficial enterprise overlaps with the criteria for conservation purpose, such as in sustainable agriculture, the addition of a conservation component can enhance the overall benefit of the endeavor while adding a component of return to the investors by virtue of the tax benefits generated.

How is the Easement Valued?

Landowners who donate a "qualifying" conservation easement which satisfies the regulations set forth in §170(h) of the Internal Revenue Code may be eligible for a federal income tax deduction equal to the value of their donation. The value of the easement donation, as determined by a qualified appraiser, equals the difference between the fair market value of the property before and after the easement takes effect. The appraiser must consider the **highest and best use** of the property under the "before" scenario.

The "Select Reserve" Program— The Thurmond Story

Mr. Thurmond, an existing client of Forever Forests, sought to own a ranch with mountain views somewhere in Colorado. Mr. Thurmond contracted Forever Forests to assist in locating a property under our Select Reserve Program. Forever Forests identified and evaluated several viable options for Mr. Thurmond. Mr. Thurmond chose to utilize a 1031 exchange to acquire one of the identified properties, a 300-acre ranch in central Colorado. Later in the year and with

Forever Forests' guidance, he granted a conservation easement on the property and was able to use his tax savings to recover a large part of his initial investment while eliminating deferred taxes on the 1031 gains. Mr. Thurmond continues to enjoy his ranch in Colorado with its mountain views, lodge, barn, trails, and livestock.



Reserved Rights

Most donor organizations allow for additional activities and uses, called "reserved rights", on property that is subject to an easement. Activities and uses such as farms, nature trails, equestrian facilities, access easements, parks, hunting and timbering may be allowed depending on the property's characteristics. One or more home sites may be reserved for later construction. These reserved rights are negotiated between the landowner and the recipient organization, and are spelled out in the easement document. Public access is not a requirement.

...preserving the splendor of our natural environments...

The Conservation Facilitator—Ms. Ackerman's Story

The sale of Ms. Ackerman's company in January generated an ordinary income windfall profit. She contacted Forever Forests who introduced her to another of their clients, Mr. Brookshire. With the help of Forever Forests, Mr. Brookshire had earlier evaluated the possibility of permanently preserving his timber tract and a qualified appraiser had estimated the amount of federal income tax deductions that could be claimed if the property were to be conserved. Unfortunately, Mr. Brookshire was unable to utilize all of the deductions. Ms. Ackerman offered to purchase a significant share of his ownership interests in the property while agreeing that Mr. Brookshire could retain managerial control. After closing, the partners agreed to preserve the property through the grant of a conservation easement. Ms. Ackerman offset 50% of her windfall profit using her share of the tax benefits whose cash value was more than 30% in excess of her purchase price. After a few years, Mr. Brookshire repurchased Ms. Ackerman's shares and the partnership dissolved.



The Personal Conservation Easement— Dr. Stevenson's Story

Dr. Stevenson purchased a 400 - acre tract of land with a sizeable lake in the mountains of the Southeast for investment purposes several years ago. After hearing about conservation easements, Dr. Stevenson hired Forever Forests to manage his project. With Forever Forests' guidance, Dr. Stevenson executed a conservation easement on the property and received sufficient income tax savings to more than recover his basis in the property. Dr. Stevenson and his family continue to own and enjoy his mountain lake property and have improved it with a family compound, trails, and dock access to the lake, all of which were allowed under the terms of the easement.



* Names have been changed in the accompanying examples to protect privacy

...irreplaceable natural environments to be preserved forever...

Forever Forests, headquartered in the deep woods north of Atlanta, Georgia, is a nationwide leader in the structuring of conservation easements and conservation partnerships. The preservation of meaningful natural lands is economically incentivized through Federal and state tax benefits and other programs. Forever Forests is a specialist in guiding private land preservation efforts to assure their clients' compliance with regulations while allowing the realization and maximization of the associated economic benefits.

Over the years, Forever Forests has identified and cultivated a number of alternative avenues for individuals and companies to participate in and facilitate the permanent conservation of sensitive lands. Many of these strategies give the landowner the ability to continue to use and enjoy the natural environments so preserved, enhancing both their real estate portfolio and their family's heritage. The development of securitized financial instruments which result in permanent land conservation has further allowed Forever Forests to extend its land conservation efforts. Bringing this experience to the world of Impact Investing, this playbook has been expanded to include layered impact investment strategies where land conservation can play an important role in both the social benefits achieved and economic returns.

Forever Forests' principal has over 15 years of experience in land conservation, following a career in real estate development, financial management, commercial mortgage finance and architectural design. Since its inception in 2002, Forever Forests has helped to preserve tens of thousands of acres while facilitating the generation of hundreds of millions in tax benefits.

How to participate:

Individuals and corporations can choose to participate in a number of ways, including:

- ◆ Granting a conservation easement on land already owned and using the deductions to reduce overall income tax liability by 30% or more;
- ◆ Acquiring land for a family recreational estate or other personal use while offsetting the acquisition cost through a conservation easement;
- ◆ Raising capital while preserving your land by partnering with others to share in the tax deductions;
- ◆ Granting a conservation easement after a 1031 exchange to eliminate deferred taxes;
- ◆ Investing in a passive conservation partnership, which facilitates land conservation while generating a significant potential return (often 35% or more) from the tax deductions alone;
- ◆ Offsetting a portion of an investment in an impact operation, such as an organic farm, with a conservation easement, thereby reducing the level of operating returns needed.

Need For Guidance

Our team has facilitated the placing of over \$600 million in real estate assets into conservation easements, without a single deduction having been denied or diminished by the IRS. This is a credit to our expertise, and attention to detail. This is crucially important because, once granted, conservation restrictions cannot be extinguished and the property will be permanently reduced in value. The recipient organization must monitor the easement to assure its continued compliance and they hold enforcement remedies. While the granting of a conservation easement requires no governmental approval, the IRS audits a small percentage of all conservation easement donations. Care and experience are needed to be sure 1) the easement is properly structured; and 2) the deductions claimed are sound. If the IRS finds fault or error in the easement or appraisal, the deduction can be disallowed in part or in total, and penalties can be assessed.



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Forever Forests

Land Conservation Strategies

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Forever Forests, a consulting company specializing in conservation easements founded by Nancy G. Zak, provides guidance for private landowners to successfully navigate the complex process of perpetual land conservation to realize the accompanying tax deductions generated when a legal conservation easement is properly enacted. Through the use of conservation easements, valuable lands and wildlife habitats can be preserved forever, private landowners preserve their land while maintaining ownership and usage rights, and substantial tax deductions can be generated that may be used by the owner for up to sixteen years to defray up to 50% of their annual federal income tax burden.

Forever Forests helps their clients navigate the intricate regulations governing the granting of a conservation easement so that these tax benefits can be realized. Working with a team of conservation professionals, including planners, appraisers, attorneys, accountants, wealth management advisers and land trusts, Forever Forests structures conservation easements on private property while seeking to safely maximize the associated tax benefits granted under IRC 170 (h). As an advocate for the owner/donor, Forever Forests also works to assure that their clients receive maximum possible benefit and residual usage of the land once the easement is granted.

Forever Forests is also a leader in the development of conservation partnerships, a concept that has rapidly grown to become an emerging investment product. In conservation partnerships, accredited partners can share in both the tax benefits and the legacy benefits of permanently preserving and enjoying environmentally sensitive lands and wildlife habitats. In this way, individuals who do not own suitable land or who have an urgent need for tax relief can facilitate habitat preservation while receiving meaningful deductions in the current year in return for their investment in the partnership. Forever Forests has also successfully applied this concept to allow landowners who wish to preserve their property, but who cannot fully utilize the substantial deductions generated, to realize some economic benefit from that preservation.

Biographical Data for Nancy Zak of Forever Forests

Nancy G. Zak founded her consulting company, Forever Forests, in 2002 to assist individuals and companies in preserving land and structuring conservation-oriented developments and investments. Ms. Zak's extensive experience in the real estate industry included lengthy service as CFO for Big Canoe Company, an Atlanta-area developer, where she became proficient in the use of conservation easements. Her career has encompassed success in commercial real estate finance, development management and construction management. She is a registered architect, held a real estate brokers license in Texas and earned an MBA in Finance and a Masters of Architecture from the University of Michigan. With Forever Forests, she has developed a special niche in the creation of conservation partnerships, helping preserve more land by partnering those who need deductions with owners wanting to preserve valuable properties. Over the past 11 years Ms. Zak has generated hundreds of millions in deductions for her clients while permanently preserving tens of thousands of acres.



PUBLIC NOTICE

The Garden City Redevelopment Agency will hold their quarterly meeting on Thursday, March 12, 2015, immediately following the Town Council Meeting. The meeting will be located at the Garden City Lakeview Center, located at 69 N. Paradise Parkway, Building C.

AGENDA

1. **Roll Call**
2. **Approval of Minutes** – Approval of minutes for this meeting held on March 12, 2015 will be prepared and mailed or e-mailed to each member of the Redevelopment Agency Board. The Board Members will have ten days to review the minutes and submit any changes to the clerk. If after ten days there are no changes the minutes will stand approved. If there are changes, the process will be followed until all the changes are made and the Board Members are in agreement.
3. **Report of Chairman**
4. **Adjournment**

NOTE: The order of this agenda may be altered by those present if necessary.

NOTE: The Town Council may vote to go into executive session pursuant to Utah Code 52-4-5.

In compliance with the Americans with Disabilities Act, individuals needing special accommodation (including auxiliary communicative aids and services) during this meeting should notify the Garden City Office at (435) 946-2901 on Monday through Friday, at least 3 working days before the meeting. The office hours are 9:00 a.m. to 5:00 p.m.

Posted this 6th day of March, 2015