

MINUTES OF THE  
PUBLIC HEARING OF THE  
PLANNING COMMISSION OF  
GARDEN CITY, UT

The Garden City Planning Commission held a Public Hearing on Wednesday, April 1, 2015 at the Garden City Lakeview Building, located at 69 N. Paradise Parkway, Building C. Commission Vice Chair Susann House opened the meeting at 4:45 p.m.

Commission Members Present:

Susann House  
Jim Stone  
Jim Hanzelka  
DeWayne Gifford  
Jim DeGroot  
Pat Argyle

Excused: Lance Bourne  
Steve Arnold

Others Present:

Sharlene Millard  
Carol Hanzelka

*Draft*

ROLL CALL

Commission Vice Chair House asked for a roll call. Commission Vice Chair House, Commission Member Stone, Jim Hanzelka, Commission Member Gifford, Commission Member DeGroot, Commission Member Argyle.

ORDINANCES

#15-06

There were no comments from the audience. Commission Member DeGroot said he would prefer to have homes in the back, not the front of commercial zones. He said we need to be careful using the prime land for housing. We have limited frontage. Commission Member Argyle said when the commercial zone was set up there was a certain distance back that wasn't allowed for building for that reason. Commission Member Gifford agreed.

#15-15

There were no comments from the audience.

#15-16

There were no comments from the audience.

#15-17

There were no comments from the audience.

ADJOURNMENT

Commission Member Gifford made the motion to adjourn the meeting of April 1, 2015 for the Planning and Zoning. Commission Member Stone seconded the motion and the meeting closed at 4:52 p.m.

APPROVED:

ATTEST:

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Susann House, Vice Chair

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Sharlene Millard, Assistant Clerk

MINUTES OF THE  
MEETING OF THE  
PLANNING COMMISSION OF  
GARDEN CITY, UT

The Garden City Planning Commission held their regularly scheduled meeting on Wednesday, April 1, 2015 at the Garden City Lakeview Building, located at 69 N. Paradise Parkway, Building C. Commission Vice Chair Susann House opened the meeting at 5:00 p.m.

Commission Members Present:

Susann House  
Jim Stone  
Jim Hanzelka  
DeWayne Gifford  
Jim DeGroot  
Pat Argyle  
Lance Bourne

Excused: Steve Arnold

Others Present:

Sharlene Millard  
Carol Hanzelka  
Mike Knapp

*Draft*

ROLL CALL

Commission Vice Chair House asked for a roll call. Commission Vice Chair House, Commission Member Stone, Jim Hanzelka, Commission Member Gifford, Commission Member DeGroot, Commission Member Argyle.

MINUTES

Commission Member Gifford made the motion that we approve the minutes as written for Wednesday, March 4, for the regular planned Planning and Zoning meeting. Commission Member DeGroot seconded the motion. All in favor and the motion carried.

Public Hearing

Commission Member Gifford made the motion that we approve the minutes as written for the Public Hearing for the Planning and Zoning for March 4, 2015. Commission Member DeGroot seconded the motion. All in favor and the motion carried.

CHANGES FOR GLAMPING

Commission Chair Lance Bourne isn't here tonight and the rest of the Planning Commission doesn't know the changes to be made. After discussion Mr. Mike Knapp was asked to come.

Mr. Knapp said they have satisfied the requirements for JUB. Cache Landmark has been talking with the town engineer, and he's satisfied. Mr. Hanzelka asked what the fire chief thought of the glamping being on the west side of the canal. Mr. Knapp said everything would be considered to be a wildfire across the ditch and he should be able to reach the fire with hoses.

Mr. Knapp said they made two changes; they satisfied the engineer's requirements and they've reduced the number of fire hydrants after talking with the fire chief and what would be required by state code, to just have one by the structures. It will be by the bathhouse and the fire chief is good with that.

Mr. Hanzelka wondered how they would handle the runoff of the fire retardant if it goes into the canal. The Planning Commission said it would be like a wildfire, it would go into the canal. Commission Member Gifford said it will be up to the Environmental Protection Agency to worry about it.

The Planning Commission discussed about the different plans that were sent. Mr. Knapp tried to explain the differences.

The walking paths will be crushed pea gravel. There was discussion about the 24' bridge over the canal. Mr. Knapp disagrees that the bridge has to be 24'. Mr. Knapp left. Commission Member DeGroot explained about the approval of the road being 24' up to the footbridge. Commission Member Argyle said we need to listen to the minutes. She said she'll listen to them next week. Commission Member DeGroot said after the turn around, there's a trail, not a 24' road to the bridge.

There was discussion that the map has changed since the approval.

Commission Member DeGroot made the motion that the road has to continue to the walking bridge and be a 24' road. Motion died for lack of second.

They decided to listen to the minutes for clarification. They're concerned about the road going to the bridge being 24'. Commission Chair Bourne should be here later. They decided to wait and talk with him about this.

#### #15-06

Commission Member DeGroot asked if we want to have homes along 300 W. The frontage is very valuable there and we've spent a lot of money putting in a nice road. There was discussion about having homes along 300 W. in the C1 zone. Commission Member Stone said we've hashed this out for so many hours. We talked about having homes on the rear or top part of the building, but not along the front. The Commission members agreed.

After discussion, they feel leaving the 20' front setback in the commercial zone would be good.

There was a lot of discussion as to how they wanted to zone along 300 W. and in the industrial zone.

George Peart said we need to make a good definition of an attached residence. They could attach it to the side. Commission Member DeGroot said it could also be stated that it could be within the building and be half of the square footage. He said we should be having our attorney write our ordinances, not us. It was explained that we write our ordinances.

Mr. Hanzelka came up with a good definition. Commission Member House read it: Owners of commercial property may choose to have a single family residence as long as construction is integrated into the commercial structure and is less than 50% of the total space and is located either above or behind the commercial space.

This is for zones C1 and C2. The setbacks would remain commercial.

Commission Member Bourne said the Town Council does not want to have homes along 300 W. After more discussion, Commission Member Argyle said it is really hard for business owners to make a living a few months of the year. It would be really helpful for them to be able to have a home within their business.

Commission Member DeGroot feels it would help growth by being able to have homes within businesses.

Commission Member Gifford made the motion the we change #7 to read as follows: Owners of commercial property may choose to have a single family residence as long as construction is integrated into the commercial structure and is less than 50% of the total square footage and must be located either above or behind the commercial space. Copy that to #11C-1503-A-8 in the C2 Zone. Commission Member DeGroot seconded the motion. All in favor and the motion carried.

There was discussion about adding RV Parks in the commercial zones.

Commission Member DeGroot made the motion that a Conditional Use in all three zones for RV Parks. Commission Member Gifford seconded the motion. All in favor and the motion carried.

#### UPDATE

The Planning Commission talked with Commission Chair Bourne about the glamping road being 24' to the bridge. He agreed that that's what was required. We just need to see the new plans. They tried to explain the changes that Mr. Knapp wanted to change about the glamping. Commission Member Argyle wonders if since Mr. Knapp has talked with the fire chief, and thinks he just has to follow what he says about getting the hose up to a wild fire, not so much about what the Planning Commission requires. Commission Chair Bourne thinks the road to the bridge does need to be 24' wide. It's a safety issue. The RV Park won't be started this year.

Commission Member Stone suggested listening to the minutes and then sending a clarification letter. Commission Member DeGroot said we can to approve it tonight, and then send a letter.

Commission Member DeGroot made the motion to approve the plans with the exception that the 24' wide road has to continue to the 20' maintenance bridge. We will also get a letter from the engineer that all the items on there are satisfied and also from the fire chief and the canal companies. Commission Member Gifford seconded the motion. All in favor and the motion carried. Roll Call Vote: Commission Vice Chair House for, Commission Chair Bourne for, Commission Member Stone for, Commission Member Argyle for, Commission Member DeGroot for, Commission Member Gifford for.

#### SIGN ORDINANCE

##### #15-15

They discussed about what they all wanted to have in the sign ordinance. They think that putting pictures of signs in again would be a good idea, real estate signs and about which signs they like. Commission Chair Bourne doesn't want Short Term Rentals to be able to have signs.

Commission Member Bourne suggested adding: One 4 sq. ft. sign shall be allowed on any lot or parcel provided such sign be located entirely within the property on which it applies. For residential or commercial of 2 acres or more or where the home is not visible from the road, they would be allowed a 4' x 8' sign, which is 32 sq. ft. After the property is sold, or if the Real Estate Co. is not listing the property any more, they need to remove the sign within 7 days.

He said it's not fair to advertise selling properties that they don't have listed any more.

Commission Member Argyle said it's hard to get the signs out of the ground in the winter. Signs are getting bigger and all the real estate agents agreed to not have them at the entry ways. However, if subdivisions are locked, no one will go inside to look for a "for sale" sign.

Mr. Hanzelka feels if we show pictures of a few signs that are accepted in the sign ordinance and anything else needs to go the Planning Commission for approval would be good. There was discussion about encouraging monument signs by adding more square footage to their sign area if they have them. Commission Member DeGroot said the city should follow the same rules as they're making others follow.

There was discussion about putting a sign on short term rentals buildings.

Commission Member Gifford made the motion that we pass Ordinance #15-15 with Lance's changes. Commission Member DeGroot seconded the motion. All in favor and the motion carried.

#### #15-16

Commission Chair Bourne explained that a man in Bridgerland wanted to put up some tall windmills. He would be able to cut them down to 35' to meet the height requirement. He doesn't think it's fair to those in the area to have to look at them. He doesn't think we need windmills or turbines in town and thinks they should go on the east side. There was discussion about the effect on birds and the noise the windmills would bring.

There was discussion about solar panels and if it's even legal to prohibit them or windmills.

Commission Member Stone made the motion that we pass the new ordinance with the 20' tall and 6' width on any turbine or windmills, power-generating or not. Commission Member DeGroot seconded the motion. All in favor and the motion carried.

#### #15-17

Commission Member DeGroot made the motion that we pass #15-17 as written. Commission Member Stone seconded the motion. All in favor and the motion carried.

#### DISCUSSION OF COMMERCIAL PARKING

There was discussion about the city's parking and having business owners rent or buy spaces from the city.

Commission Member Stone disagreed and said he feels that if a business is willing to expand to improve their business, which is a struggle here, it's bringing more money into the city and helping the city, therefore they shouldn't be made to get more parking. We'll never have enough parking.

Commission Member Argyle agreed. She said businesses here really struggle and their window for making money is so small. Commission Member Stone said every time the city comes up with something unfriendly for businesses, he'll stand up for the businesses.

George Peart said if we're trying to create a walking community, why are we so worried about having so much parking? We're creating a driving community.

There was discussion about making businesses come up with more parking vs. just letting businesses come in without requiring parking. Also, having the right amount of parking, but the use changes so

**ORDINANCE #15-18**

DRAFT

**AN ORDINANCE STATING WHO APPROVES SIGNS**

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 is authorized to govern the health, safety and wellness of the citizens and visitors of the Town of Garden City; and

NOW THEREFORE, be it ordained by the Town Council, of the Town of Garden City, Rich County, State of Utah, that Ordinance #11C-600 Sign Regulations be established as follows:

**Chapter 11C-600 Sign Regulations**

11C-605 – Permits

- A. Application. Application for a sign permit shall be made with the Town of Garden City upon a form provided by the City and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the City.
- B. Approval. Approval of Signs will be the responsibility of \_\_\_\_\_.
- C. Issuance: The Town of Garden City shall issue a permit for the construction of a sign when an application therefore has been properly made and the sign complies with all appropriate laws and regulations of the City. Every permit issued by the City under the provisions of this Title shall expire and become null and void if the work authorized by such permit is not commenced within one hundred eighty (180) days from the date of issuance of such permit. Completion of the work shall not exceed one (1) year or a new permit shall first be obtained and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work. The City may at any time, in writing, suspend or revoke a permit issued under the provisions of this Title whenever the permit is issued on the basis of a material omission or misstatement of fact, or in violation of any ordinance or any of the provisions of this Title.

APPROVED, by the Garden City Town Council, Garden City, Rich County, State of Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

APPROVED:

\_\_\_\_\_  
John Spuhler, Mayor

ATTEST:

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Kathy Hislop, Town Clerk

Voting:

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

**Application for Project Review  
Garden City, Utah**

This application must be accompanied with the necessary and appropriate materials, as stated on the project checklist, before it will be accepted for processing. The date upon which the project will appear on an agenda is determined by the notification schedule required by the State of Utah. The project will be scheduled for the next meeting for which a legal notice has not yet been prepared, after an application is accepted as complete by the Town Staff.

- | Type of Application (check all that apply):                       | Ordinance Reference:                           |
|---|--|
| <input type="checkbox"/> Annexation                               | 11A-301  |
| <input type="checkbox"/> Appeal                                   | 11B-400  |
| <input type="checkbox"/> Conditional Use Permit                   | 11C-500  |
| <input type="checkbox"/> Condominium/Townhouse                    | 11E-524 or 11E-525                             |
| <input type="checkbox"/> Encumbrance                              |  |
| <input type="checkbox"/> Extension of Time                        | Subdivision 11E-503/PUD or PRUD<br>11F-107-A-2 |
| <input type="checkbox"/> Lot Split/Lot Line Adjustment            | 11E-506  |
| <input type="checkbox"/> PUD Conceptual                           | 11C-1950, 11E-100, and 11F-100                 |
| <input type="checkbox"/> PUD Phase Approval/Preliminary or Final  | 11C-1950, 11E-100, and 11F-100                 |
| <input type="checkbox"/> PRUD Conceptual                          | 11C-1950, 11E-100, and 11F-100                 |
| <input type="checkbox"/> PRUD Phase Approval/Preliminary or Final | 11C-1950, 11E-100, and 11F-100                 |
| <input type="checkbox"/> Subdivision                              | 11E-100  |
| <input type="checkbox"/> Vacation of Subdivision                  | 11E-523  |
| <input type="checkbox"/> Variance                                 | 11B-308  |
| <input type="checkbox"/> Water Transfer                           | 13A-1300                                       |
| <input type="checkbox"/> Zone Change                              |  |
| <input type="checkbox"/> Other Land Use Permit _____              |  |

Project Name: ZIPZ / CISCO Current Zone: \_\_\_\_\_ Proposed Zone: \_\_\_\_\_

Property Address: 30 W 75 N

Parcel # 41 - 21 - 40 - 011

Contact Person: STEVEN SCHENK Phone #: 435-764-8484

E-mail address: stevschenk@hotmail.com

Mailing Address: 740 E 1005, HYDE PARK, UT. 84318

Applicant (if different): HUSKINSON PROPERTIES Phone #: \_\_\_\_\_

Mailing Address: 1047 S 100 W ste 260, LOGAN, UT 84321

Property Owner of Record (if different): \_\_\_\_\_ Phone #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Project Start date: ASAP Completion date: \_\_\_\_\_

Describe the proposed project as it should be presented to the hearing body and in the public notices.

WE WOULD LIKE TO MOVE THE CISCO BUILDING TO  
A PERMANENT FOUNDATION IN THE GRASS AREA BETWEEN  
ZIPZ AND OUR PARKING LOT.

Lot Size in acres or square feet: \_\_\_\_\_ Number of dwellings or lots: \_\_\_\_\_

Non-residential building size: ZIPZ 1188 FT<sup>2</sup> / CISCO 988 FT<sup>2</sup>

I certify that the information contained in this application and supporting materials is correct and accurate.

*Steven Schenk*  
Signature of Applicant

I certify that I am the Owner of Record of the subject property and that I consent to the submittal of this application. **Owner of Record MUST sign the application prior to submitting to Garden City.**

*[Signature]*  
Signature of Owner of Record

\_\_\_\_\_  
Signature of Owner of Record

\_\_\_\_\_  
Signature of Owner of Record

Office Use Only
Date Received: _____
Fee: _____
By: _____

## Application for Project Review Garden City, Utah

This application must be accompanied with the necessary and appropriate materials, as stated on the project checklist, before it will be accepted for processing. The date upon which the project will appear on an agenda is determined by the notification schedule required by the State of Utah. The project will be scheduled for the next meeting for which a legal notice has not yet been prepared, after an application is accepted as complete by the Town Staff.

Type of Application (check all that apply):	Ordinance Reference:
<input type="checkbox"/> Annexation	11A-301
<input type="checkbox"/> Appeal	11B-400
<input checked="" type="checkbox"/> Conditional Use Permit <b>GROUP DWELLING</b>	11C-500
<input type="checkbox"/> Condominium/Townhouse	11E-524 or 11E-525
<input type="checkbox"/> Encumbrance	
<input type="checkbox"/> Extension of Time	Subdivision 11E-503/PUD or PRUD
	11F-107-A-2
<input type="checkbox"/> Lot Split/Lot Line Adjustment	11E-506
<input type="checkbox"/> PUD Conceptual	11C-1950, 11E-100, and 11F-100
<input type="checkbox"/> PUD Phase Approval/Preliminary or Final	11C-1950, 11E-100, and 11F-100
<input type="checkbox"/> PRUD Conceptual	11C-1950, 11E-100, and 11F-100
<input type="checkbox"/> PRUD Phase Approval/Preliminary or Final	11C-1950, 11E-100, and 11F-100
<input type="checkbox"/> Subdivision	11E-100
<input type="checkbox"/> Vacation of Subdivision	11E-523
<input type="checkbox"/> Variance	11B-308
<input type="checkbox"/> Water Transfer	13A-1300
<input type="checkbox"/> Zone Change	
<input type="checkbox"/> Other Land Use Permit _____	

Project Name: BEAR LAKE GUEST HOUSE Current Zone: BD Proposed Zone: \_\_\_\_\_

Property Address: 1370<sup>S</sup> BEAR LAKE BLVD

Parcel # TRACT # 5A.  
44-24-00-113

Contact Person: THOMAS LANE (ARCHITECT) Phone #: 801-560-2290

E-mail address: THOMASLANEAIA@GMAIL.COM

Mailing Address: 8375 SOUTH 830 EAST SANDY, UT, 84094

Applicant (if different): JOANNE RICH Phone #: 801-879-3759

Mailing Address: 7760 PLUM CREEK LANE, SANDY, UT 84093

Property Owner of Record (if different): SAME AS APPLICANT. Phone #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Project Start date: July 1 <sup>2015 EXPECTED</sup> Completion date: JAN 1 2016 EXPECTED.

Describe the proposed project as it should be presented to the hearing body and in the public notices.

A PRIVATE GUEST HOUSE FOR VISITING FAMILY TO BE CONSTRUCTED  
ON THE SAME LOT AS ~~EXISTING~~ EXISTING HOUSE. LOT SIZE IS 19,443 SF.  
WITH NEW GUEST HOUSE IN PLACE, LAND USE MEETS THE INTENT OF BD  
ZONE REQUIREMENTS OF ONE HOUSE PER 7,500 SF MIN. AS GROUP DWELLINGS. PLEASE CONSIDER

Lot Size in acres or square feet: .45 ACRES 19,443 SF. Number of dwellings or lots: ONE LOT  
ONE EXISTING DWELLING  
ONE NEW GUEST HOUSE.

Non-residential building size: \_\_\_\_\_

I certify that the information contained in this application and supporting materials is correct and accurate.

Joanne S. Rich  
Signature of Applicant

I certify that I am the Owner of Record of the subject property and that I consent to the submittal of this application. **Owner of Record MUST sign the application prior to submitting to Garden City.**

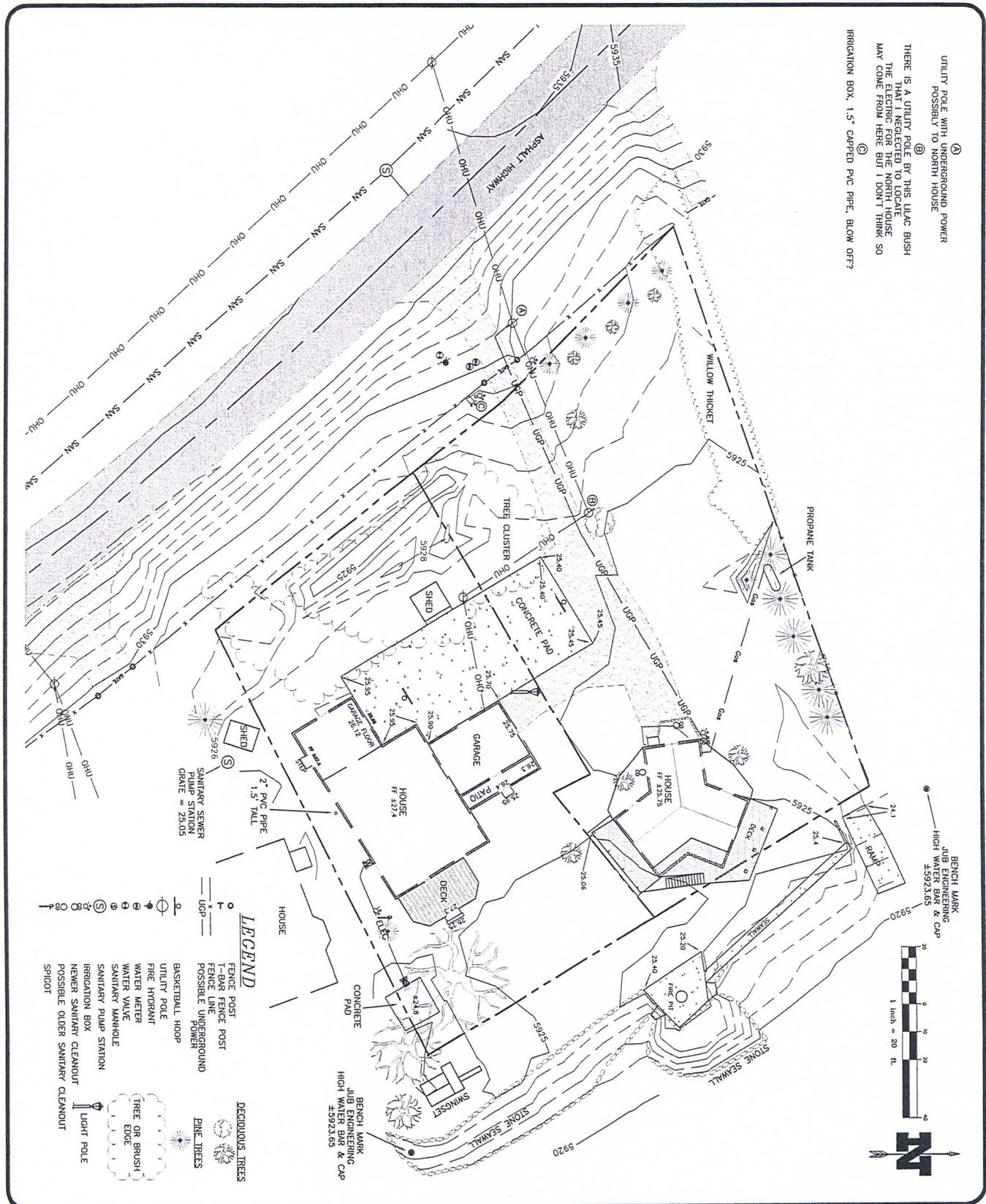
Joanne S. Rich  
Signature of Owner of Record

\_\_\_\_\_  
Signature of Owner of Record

\_\_\_\_\_  
Signature of Owner of Record

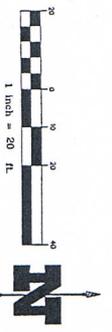
Office Use Only	
Date Received:	<u>4-22-15</u>
Fee:	<u>300.00</u>
By:	<u>SCM</u>





UTILITY POLE WITH UNDERGROUND POWER  
 POSSIBLY TO NORTH HOUSE  
 (A)  
 THERE IS A UTILITY POLE BY THIS ULAC BUSH  
 THAT I NEGLECTED TO LOCATE  
 THE ELECTRIC FOR THE NORTH HOUSE  
 MAY COME FROM HERE BUT I DON'T THINK SO  
 (B)  
 IRRIGATION BOX, 1.5" CAPPED PVC PIPE, BLOW OFF?  
 (C)

- LEGEND**
- T
  - UGP
  - HOUSE
  - SHED
  - GARAGE
  - PATIO
  - DECK
  - CONCRETE PAD
  - SWANSET
  - HIGH WATER BAR & CAP
  - BENCH MARK
  - SANITARY SEWER PUMP STATION
  - 2" PVC PIPE
  - 1.5" TALL
  - DECIDUOUS TREES
  - PINE TREES
  - BASKETBALL HOOP
  - UTILITY POLE
  - FIRE HYDRANT
  - WATER METER
  - WATER VALVE
  - SANITARY MANHOLE
  - SANITARY PUMP STATION
  - IRRIGATION BOX
  - NEWER SANITARY CLEANOUT
  - POSSIBLE OLDER SANITARY CLEANOUT
  - SPICOT
  - LIGHT POLE
  - TREE OR BRUSH
  - EDGE

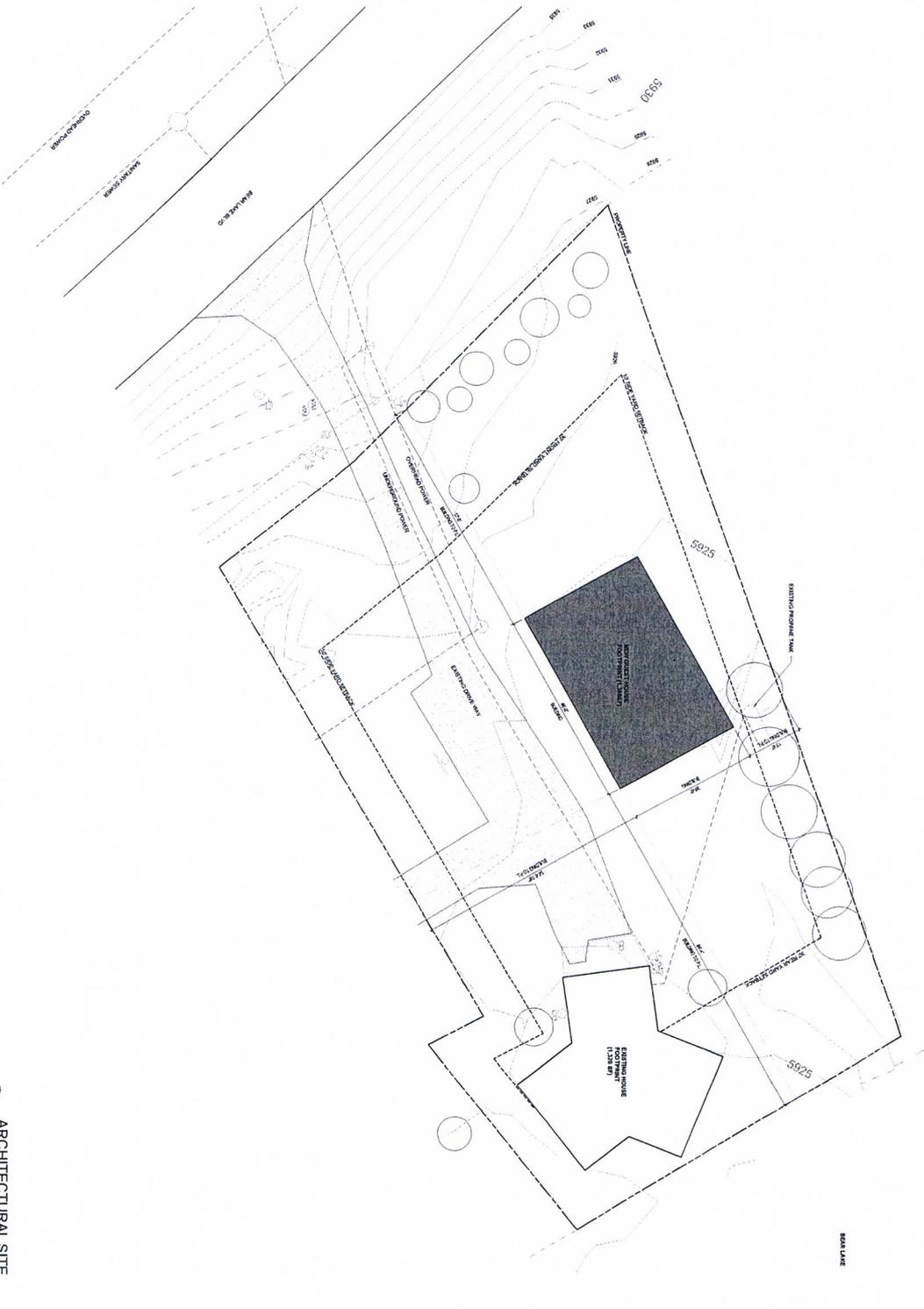


PROPERTY SURVEYS  
 SUBDIVISIONS  
 TOPOGRAPHIC SURVEYS  
 SITE PLANNING  
 CONSTRUCTION STAKING  
 WETLAND DELINEATIONS  
 CIVIL & ARCHITECTURAL  
 SURVEYING

**JSH**  
**SURVEYING & DRAFTING INC.**  
 P.O. BOX 300 • WELLSVILLE, UTAH 84339  
 (435) 245-8090 • FAX (435) 245-8669 • TOLL FREE 1-888-420-0268

**SITE SURVEY**  
**FOR**  
**JOANNE RICH**

DATE: 4/17/15  
 DRAWN BY: JSH  
 JOB NUMBER: 15-051  
 SCALE: 1" = 50'  
 SECTION: SW/4 OF SECT 28  
 TOWNSHIP 14 N RANGE: 5 E  
 OF THE SALT LAKE BASE & MERIDIAN



ARCHITECTURAL SITE  
 PLAN  
 1" = 30'-0"

**ZONE SUMMARY**  
 ZONE: RESIDENTIAL SINGLE-FAMILY  
 HEIGHT: MAXIMUM 35 FEET  
 AREA: MAXIMUM 10,000 SQ. FT.  
 SETBACKS: FRONT 25 FEET, SIDE 5 FEET, REAR 10 FEET  
 OTHER: SINGLE-FAMILY RESIDENCE

**DETAILED SUMMARY**  
 PROJECT: RICH FAMILY BEAR LAKE RESIDENCE  
 LOCATION: 1370 BEAR LAKE BLVD, GARDEN CITY, UTAH  
 ARCHITECT: THOMAS LANE A.L.A. ARCHITECT  
 DATE: 02/23/15

<b>RICH FAMILY BEAR LAKE RESIDENCE</b> GUEST HOUSE 1370 BEAR LAKE BLVD, GARDEN CITY, UTAH		THOMAS LANE A.L.A. ARCHITECT THOMASLANEA@GMAIL.COM   801.565.2290	ARCHITECTURAL SITE PLAN	PROJECT NO.: 10002	DRAWN BY: RL	DATE: 02/23/15	A0.1
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435-946-8888

206 North Bear Lake Blvd  
P.O. Box 226 • Garden City, UT 84028  
435-946-3230 fax

[www.BearLakeRealty.com](http://www.BearLakeRealty.com)

To whom it may concern and Garden City Planning and Zoning and City Council:

I, Gary McKee have been hired as the agent for Lewiston Bank to represent their interests in The Season's condo project in Garden City. They are the current owner of this project.

The Seasons condo project was approved years ago and market changed enough that did not allow further building of the whole project. The original developer has lost a substantial amount of money and has now given back to the lending institution (Lewiston State Bank) the property in a Deed in Lieu of Foreclosure. The bank is now selling the approved plat to another buyer. A contingency of the sale is that the bank must show proof that the properties in the master plan to the West owned by Cisco Holdings LLC (Roger Dahle) tax I.D. 41-21-40-268, and the North owned by Hayward and Fox (Susan Hayward and H.P. Fox) tax I.D. 41-21-40-247 will not be part of this project and be paying into the common areas assessments. They have not in the past and all parties want to make sure this is not the case in the future.

In order to accomplish this, the CCR's will need to be amended to allow for this and to clarify this. We have come to the city in order for full disclosure and make sure the City is on the same page as the attorneys handling this. We want to make sure the City is happy with the disclosure of this and make sure the city will approve of this change. The property to the West will still have a recorded easement from 300 west to 200 west as well as the Season's will have a recorded easement to 300 west.

The buyer is buying all of the approved plat that is approved for building 1 units A,B,C,D,E (physically built) and building 2 units A,B,C,D,E,F,G (not built) and building 3 units A,B,C,D,E,F,G(not built).

The problem is that with the improved areas, there are costs incurred that the undeveloped areas of this master plan will never be a part of and do not want to be included in paying these costs or tied to more condos as being the only development possibilities in these areas and this is why the CCR's are being amended.

We are coming to the Planning and Zoning and City Council just to make sure all is well with this change.

Sincerely,

Gary C. McKee, Broker

Bear Lake Realty, Inc.

*“Leading the Valley...Always”*



## SCHEDULE B

### Section 2

Order Number: T-71552

24. DEED OF TRUST  
Trustor: SEASONS PROPERTIES, LLC as to Parcel 1 & 2 and TACACON-SEASONS, INC. as to Parcel 3  
Trustee: RICH LAND TITLE COMPANY  
Beneficiary: LEWISTON STATE BANK  
Amount: \$1,200,000.00, plus interest  
Dated: January 31, 2008  
Recorded: February 15, 2008  
Entry No.: 73783  
Book/Page: N10/1662  
(Affects additional property not shown or insured herein.)

#### MODIFICATION OF TRUST DEED

Dated: December 31, 2009  
Recorded: January 5, 2010  
Entry No.: 78944  
Book/Page: Y10/14

#### MODIFICATION OF TRUST DEED

Dated: September 27, 2010  
Recorded: February 9, 2011  
Entry No.: 81199  
Book/Page: C11/48

(Subject to the effect of that certain Warranty Deed In Lieu of Foreclosure and that certain Estoppel Affidavit, which are recorded in Book N11, Page 970 and Book N11, Page 973 respectively in the office of the Recorder of Rich County, Utah.)

Exception numbered 1-9 will be eliminated in the A.L.T.A. Extended Coverage Policy.

NOTE: In the event this transaction fails to close, a minimum \$200.00 cancellation fee will be charged for services rendered in accordance with the rates that are on file with the Commissioner of Insurance of the State of Utah.

NOTICE TO APPLICANT AND/OR PROPOSED INSURED: If you require copies of any documents identified in this commitment for Title Insurance, the Company will furnish the same upon specific request, either free of charge or for the actual cost of duplication for those copies requiring payment by the Company to obtain.

NOTICE TO APPLICANT AND/OR PROPOSED INSURED: The land described in this Commitment may be serviced by services provided by cities, towns, public utility companies and other firms providing municipal type services which do not constitute liens upon the land and for which no notice of the existence of such service charges is evidenced in the Public Records. The applicant and/or proposed insured should directly contact all entities providing such services and make the necessary arrangements to insure payment for such services and continuation of services to the land.

NOTICE TO APPLICANT AND/OR PROPOSED INSURED: The policy to be issued contains an arbitration clause. Any matter in dispute between you and the Company may be subject to arbitration as an alternative to court action. You may review a copy of the arbitration rules at <http://www.alta.org>. Any decision reached by arbitration shall be binding upon both you and the Company. The arbitration award may include attorney's fees, if allowed by state law, and may be entered as a judgment in any court of proper jurisdiction.



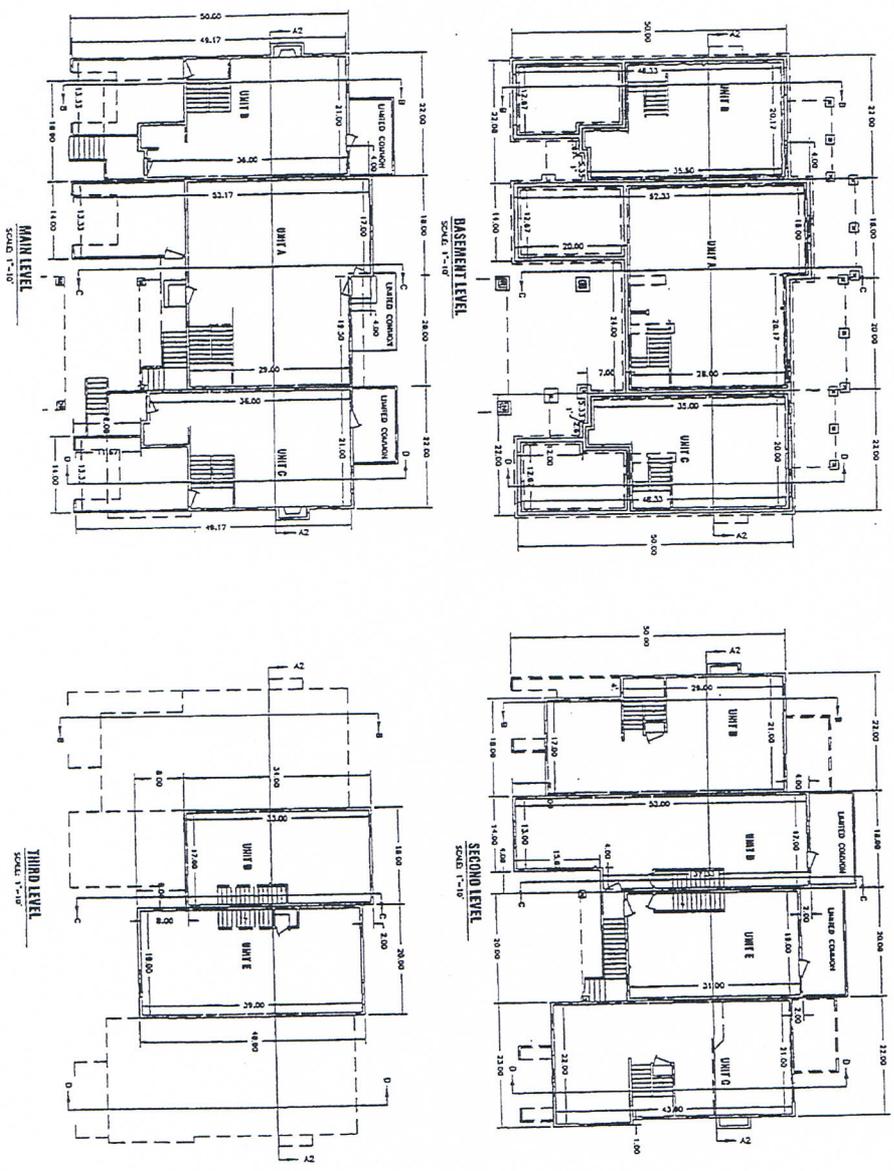
112 North Main  
Logan, UT 84321  
[www.HickmanTitle.com](http://www.HickmanTitle.com)

First American Title Insurance Company

kdt

Building 1, 5 units

THE SEASONS RESORT COMMUNITY  
 A PLANNED UNIT DEVELOPMENT  
 PART OF THE NORTHWEST QUARTER OF SECTION 21,  
 TOWNSHIP 35N, RANGE 12E,  
 SALT LAKE BASIN AND MERIDIAN  
 RICH COUNTY  
 GARDEN CITY, UTAH



This map does not represent a survey of the land or imply any representations as to the size, area or any other facts related to the land shown thereon. It is furnished strictly for the purposes of generally locating the land. The description furnished in Schedule A of the Policy should be referred to for the description of the land covered thereby.

SHEET NO. 2 OF 2	PROJECT NAME <b>THE SEASONS RESORT COMMUNITY</b> A PLANNED UNIT DEVELOPMENT PART OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 35N, RANGE 12E, SALT LAKE BASIN AND MERIDIAN RICH COUNTY, UTAH	NO. 1 REVISIONS	DATE
		PROJECT NO.	PROJECT NAME

**ALLIANCE CONSULTING ENGINEERS**  
 742 WEST 200 NORTH SUITE B  
 SALT LAKE CITY, UTAH 84119  
 (435)755-5121  
 allianceengr@comcast.net



## COMMITMENT FOR TITLE INSURANCE

ISSUED BY

Hickman Land Title Company  
112 North Main  
Logan, UT 84321  
Phone (435) 752-0582

Rich Land Title Company  
112 North Main  
Logan, Utah  
Phone (435) 752-0582



Serving Cache, Davis, Rich, Salt Lake,  
Utah and Weber Counties  
Toll Free 800-365-7720

Hickman Land Title Company  
872 W. Heritage Park Blvd., #120  
Layton, UT 84041  
Phone (801) 416-8900

Hickman Land Title Company  
5939 S. Redwood Road  
Taylorsville, UT 84123  
Phone (801) 293-7700

We agree to issue a policy to you according to the terms of this Commitment. When we show the policy amount and your name as the proposed insured in Schedule A, this Commitment becomes effective as of the Commitment Date Shown in Schedule A.

If the Requirements shown in this commitment have not been met within six months after the Commitment Date, our obligation under this Commitment will end. Also, our obligation under this Commitment will end when the Policy is issued and then our obligation to you will be under the Policy.

Our obligation under this Commitment is limited by the following:

- The Provisions in Schedule A.
- The Requirements in Schedule B-1.
- The Exceptions in Schedule B-2.
- The Conditions on the inside cover page.

The Commitment is not valid without SCHEDULE A and Sections 1 and 2 of SCHEDULE B.

***First American Title Insurance Company***



BY *Gary L. Keruett* PRESIDENT

ATTEST *Mark R. Aronson* SECRETARY

BY *Lyle D. Beantman* COUNTERSIGNED

## CONDITIONS

1. DEFINITIONS

(a) "Mortgage" means mortgage, deed of trust or other security instrument. (b) "Public Records" means title records that give constructive notice of matters affecting the title according to the state law where the land is located.

2. LATER DEFECTS

The Exceptions in Schedule B - Section 2 may be amended to show any defects, liens or encumbrances that appear for the first time in the public records or are created or attached between the Commitment Date and the date on which all of the Requirements (a) and (c) of Schedule B - Section 1 are met. We shall have no liability to you because of this amendment.

3. EXISTING DEFECTS

If any defects, liens or encumbrances existing at commitment Date are not shown in Schedule B, we may amend Schedule B to show them. If we do amend Schedule B to show these defects, liens or encumbrances, we shall be liable to you according to Paragraph 4 below unless you knew of this information and did not tell us about it in writing.

4. LIMITATION OF OUR LIABILITY

Our only obligation is to issue to you the Policy referred to in this Commitment, when you have met its requirements. If we have any liability to you for any loss you incur because of an error in this commitment, our liability will be limited to your actual loss caused by your relying on this Commitment when you acted in good faith to:

comply with the Requirements shown in Schedule B - Section 1  
or  
eliminate with our written consent any Exceptions shown in  
Schedule B - Section 2.

We shall not be liable for more than the Policy Amount shown in Schedule A of this Commitment and our liability is subject to the terms of the Policy form to be issued to you.

5. CLAIMS MUST BE BASED ON THIS COMMITMENT

Any claim, whether or not based on negligence, which you may have against us concerning the title to the land must be based on the Commitment and is subject to its terms.

## SCHEDULE A

Order Number: T-71552

Building 1, Units A, B, C, D and E, THE SEASONS RESORT COMMUNITY, a Planned Unit Development, together with all the undivided ownership interest pertaining to each unit in the common areas and facilities, as defined, described and depicted in the certain Declaration of Covenants, Conditions and Restrictions for The Seasons Resort Community, (a Residential Planned Unit Development) recorded February 21, 2008 as Filing No. 73818 in Book N10, Page 1827 and which is further depicted with rights, privileges and easements as shown by that certain plat of said The Seasons Resort Community, a Planned Unit Development recorded February 21, 2008 as Filing No. 73817 in Book N10, Page 1826, all in the office of the Recorder of Rich County, Utah.

**SUBJECT, HOWEVER TO:**

The provisions of the Utah Condominium Ownership Act.

All provisions of Declaration and Survey Map here before referred to.

All rules and regulations and agreements made and entered into pursuant to the provisions of the said Utah Condominium Ownership Act and said Declaration.



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## SCHEDULE A

Order Number: T-71552

1. Effective Date: February 19, 2015 at 2:38 PM

Policy or Policies to be issued:	Amount of Insurance	Premium
(a) A.L.T.A. 2006 Owner's Policy (Extended) Proposed Insured:	\$668,800.00	\$3,839.00

**STAN GOODELL**

(b) A.L.T.A 2006 Loan Policy (Extended)  
Proposed Insured:

(c) Leasehold Policy  
Proposed Insured:

(d) Endorsements:

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:  
Fee Simple

4. Title to the Estate or interest in said land is at the effective date hereof vested in:

**LEWISTON STATE BANK, a Utah Corporation**

5. The land referred to in this Commitment is in the State of Utah, County of Rich, and is described as follows:

**See Attached Legal Description**

We appreciate your business and thank you for choosing Hickman Land Title Company.  
Your Escrow officer will be Kylie Trauntvein, Phone (435) 752-0582 [kyliet@landtitleco.com](mailto:kyliet@landtitleco.com)  
Please call your title officer, Marilyn Adams, phone (435) 752-0582, with any questions or concerns regarding this commitment.

For informational purposes only.

The Rich County Recorder shows the address of said property to be:

110 West Seasons Lane  
Garden City, Utah 84028



112 North Main  
Logan, UT 84321  
[www.HickmanTitle.com](http://www.HickmanTitle.com)

**First American Title Insurance Company**

kdt

# Final Master Plan + Phase I

TC091307

approval

## SEASON RESORT FINAL PLAT APPROVAL. Rod Thompson

Mr. Thompson explained that they came to the Planning Commission and presented the phase 2 final plat. The Planning Commission was concerned about the amenities, the look and the layout of the buildings, and didn't want to give the final approval for phase 2 without the amenity concept. Mr. Thompson said that they aren't in the position to present the concept for the amenities at this point, because his investors are working on the new drawings for the buildings, but they want to continue the project with more buildings along with the 3, which have already been approved. They are ready to start building as fast as they can and want to start more buildings at the same time. They have the open space designated where the amenities will go and are working on the design of the buildings so they can bring them back for review and approval.

They are just requesting approval for the 4 buildings in phase 2. Mayor Hansen said that he is confused because of the motion that was made by the Planning Commission. Mr. Thompson explained that they approved phase I to be amended to include the 4 buildings, and the amenities can be added to phase 2. He explained that they talked with the County Recorder and felt that it would be confusing to amend phase I, so he is requesting approval of the 4 buildings in phase 2. It would be cleaner if they did the 4 buildings in phase 2 instead of phase I.

Mayor Hansen said that he is concerned because the motion that the Planning Commission made was to amend phase I and add the 4 buildings to that phase. That is the motion made by the Planning Commission and Commission Chair Huefner was very specific that is the way she wants it. That was the recommendation to the Town Council. Mayor Hansen said that would be very difficult to do because the plat would have to be re-recorded.

Council Member Huefner explained that she talked to Commission Chair Huefner and her reason to amend phase I is that the way Seasons was presented was in it's entirety with the amenities. If we skip and don't complete phase I and move onto phase 2, why not call it all phase I and finish phase I instead of going right to phase 2 skipping the part of the club house. She was very concerned about skipping around and not finishing and starting phase 2.

Council Member Huefner said that the Season's was marketed as a whole resort with amenities. The Planning Commission is very concerned that we are changing the concept of the Season's and that we are just going to build the units and make the income to pay for the club house.

The buildings should be included in phase I and when they are ready for the amenities they should be included in phase 2 and approved as phase 2 with the rest of the buildings.

Mr. Thompson said that the agreement with the investors is that they want the amenities but they didn't like the way they were drawn out and want to do their own layout, which they are working on. They just don't have them to present at this time and instead of slowing the project they want to be able to start on the 4 additional buildings while they are getting the concept approval on the amenities.

Mr. Thompson explained that there are no other owners in the property yet. Mayor Hansen said that then there is no one that they are beholden to there right now and that makes a difference to him.

Mr. Thompson said that they are ready to go as soon as they get the funding, which should be coming in for the entire project in the next couple of weeks. The entire project should be done by May 2010.

Mayor Hansen said that we may not have the authority to stop them from starting phase 2 until the amenity concept is approved. Mayor Hansen said that he feels that they can ask for approval for any phase at any time. He said that there is nothing in the ordinance that states that we have the authority to require them to finish one phase before they can record the next phase.

He is requesting approval for phase 2 which includes the 4 buildings. Phase 3 will include the rest of the buildings and the amenities. Originally they were requesting, from the Planning Commission, all the remaining buildings in phase 2 and then come back with the amenities. The Planning Commission didn't like that so they recommended the change to amend phase I. Mayor Hansen felt that Mr. Thompson could come in and ask for approval for the entire project if he wants.

Phase I has been recorded with the 3 buildings and it can't be changed until it is vacated and re-recorded.

The investment group wants the entire project completed by next May, all the buildings including the amenities. Mayor Hansen said that we should really consider that there is a group that wants to bring money to the community which we need during these tough times but on the other hand we have a motion from the Planning Commission contrary to what is being requested.

Mr. Thompson said that they are only about 3 weeks away from having the designs done for the amenities. It was suggested that we approve phase 2 with the 4 buildings but not issue any building permits for that phase until the design for the amenities have been approved.

Mayor Hansen said that holding up phase 2 until phase 1 is complete and the amenities done is assuming authority that is not in the ordinances. Council Member Huefner said that she is okay to hold the building permit on the phase 2 buildings until Mr. Thompson gets approval from the Planning Commission for their amenity design.

Fire Chief Kurek said that he has worked with Mr. Thompson and they are aware that the fire hydrants can't be any further than 250' from the front of any point on a structure. All the buildings will be sprinkled. The curbs need to be painted red with a sign that says "no parking, fire lane".

Mayor Hansen said that all the water roads and utilities are finished and that is what the Planning Commission can be concerned about. They shouldn't be concerned with the completion of the buildings.

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Mr. Thompson is still working on the calculation for how many water shares they will need for the project. They have transferred some of the water shares, just not enough for the entire project. They will have the water shares transferred before they have final approval on the remaining buildings.

Council Member Huefner made the motion to override the Planning Commissions approval and make a motion to accept the Season's final for phase 2 contingent on the approval and the plating and the conceptual design for the amenities before we issue a building permit. Council Member House seconded the motion with those stipulations. All in favor and the motion carried. The approval for phase 2 is just for the 4 buildings requested, not for all the rest of the buildings.

**BEAR HOLLOW APARTMENTS DISCUSSION/APPROVAL, Mr. Tony Johnson and Mr. Eric Lofthouse.**

Mr. Johnson explained that this is an economic condition driven project. He explained that 90% of this project is dealing with the funding, etc and 10% is dealing with the actual construction. He explained what they have done to get the approval for the project.

Mr. Johnson explained that the lender was concerned with building this development in a rural area. They have large financing gaps that they have had to work through. The developer has deferred his fees until the end of the project and the contractor has deferred part of their fees, and also the town has deferred their fees.

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TITLE 11 – LAND USE

TITLE 11C – LAND USE – ZONING

11C-910 Exceptions to Height Limitations. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and parapet walls, skylights, towers, steeples, flagpoles, chimneys, smoke stacks, **weather vanes**, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purpose of providing additional floor space. **All architectural decorative features on top of building are not exempt.**