

**City of Taylorsville
Planning Commission Meeting Minutes
January 14, 2025
Pre-meeting – 6:00 p.m. / Regular Session – 6:30 p.m.
2600 West Taylorsville Blvd – Council Chambers**

Attendance-

Planning Commission

Cindy Wilkey (Chair)
Don Russell (Vice Chair)
Marc McElreath
Lynette Wendel
Gordon Willardson
David Wright
David Young (Alternate)

Community Development Staff

Jim Spung – Senior Planner
Terryne Bergeson - Planner
Jamie Brooks – City Recorder

Excused: Commissioner Don Quigley

Others Present: Ernest Burgess and Bob Knudsen

BRIEFING SESSION – 6:00 P.M.

Chair Wilkey called the meeting to order at 6:00 p.m. and turned the time over to Mayor Overson who had requested a few minutes. The mayor explained that HomeTowne Suites which had been a problem for the police department for many years had been purchased by the city. It had then been demolished, and the land was to be sold to Intermountain Health in the next week. All expenses related to the purchase of the hotel, the legal fees, and the years of constant enforcement efforts were fully recovered.

1. Planner Terryne Bergeson then outlined Agenda Item #7. She explained that this item involved a request for a reasonable accommodation for a Recovery Residence at 5257 South 3600 West. When Cold Spring Real Estate Holding, LLC acquired the property and applied for a rental license, they were informed of various pertinent city codes, one of which defined “family” in terms of the number of unrelated adults who could legally reside together in a single-family home.
2. Mr. Spung reviewed the Planning Commission meeting schedule for 2025.
3. He then outlined the plan for attendance at the City Council meeting for the year.

There was a brief discussion regarding the need for a chair and vice chair for the coming year.

GENERAL MEETING – 6:30 P.M.

Chair Wilkey opened the regular meeting at 6:30 p.m. and read the welcome statement.

CONSENT AGENDA

- 4-5. Review/Approval of the Minutes for the December 3, 2024 Special Work Session and the December 10, 2024 Regular Planning Commission meeting.

MOTION: Commissioner Russell moved to approve the minutes of the December 3rd Special Work Session. The motion was seconded by Commissioner Willardson. It passed unanimously, although Commissioner Wright recused himself as he had not been present at that meeting.

MOTION: Commissioner Russell moved to approve the minutes of the December 10th meeting. The motion was seconded by Commissioner Wright and passed unanimously, with Chair Wilkey recusing herself because she had not been present at the meeting.

SPECIAL ITEM

6. Election of new Planning Commission Chair and Vice-Chair for 2025



Chair Wilkey thanked the Commission for the support over the past year.

Commissioner Wendel nominated Commissioner Russell for Chair and Commissioner McElreath for Vice Chair. There were no other nominations offered. Ballots were filled out and collected. Beginning with the *next* meeting, the Chair would be Don Russell, and the Vice Chair would be Marc McElreath.

REASONABLE ACCOMMODATION REQUEST – (Administrative Action)

7. Consideration of a Reasonable Accommodation Request for a Recovery Residence at 5257 South 3600 West in Taylorsville, Utah; File No: 3SI-24-SI-RA-000498-2024; Applicant: Cate Ockey; Presenter: Terryne Bergeson, Planner



Ms. Bergeson explained that the applicant represented Cold Spring Real Estate Holding, LLC which owned the single-family residence in question. A rental license was issued for the home in June 2023. At that time, the applicant was informed that a single-family home could house one family of related individuals, or up to four (4) unrelated adults. The applicant informed staff that she was working with the Department of Health

and Human Services to certify the home as a recovery residence in order to provide support and housing to persons recovering from substance use disorder. Substance use disorder was recognized as a disability and therefore was subject to standards for residential facilities for persons with a disability in Taylorsville Municipal Code §13.11.070. The applicant had submitted the required documents with a reasonable accommodation request that the limit of unrelated individuals residing in the home be increased from four (4) to nine (9). Staff recommended that number be reduced by one to eight (8).

The subject property was surrounded by single-family residence zoning R-1-8 on the south and east sides, R-1-7 on the west side, and single-family rental R-1-8 on the north. The application did not have a requirement for a public notice or public hearing.

Ms. Bergeson mentioned that there were some current code enforcement issues on the property which would need to be addressed before a business license could be issued.

Chair Wilkey asked if the home had already been operating as a recovery residence. Ms. Bergeson indicated the applicant could address that but that she was aware that at times since the home was purchased in 2023, there had been more than four adults living there.

The Chair then asked if there had been a history of emergency services responding to the property and Ms. Bergeson responded that there was a record of only one police call (a fight) at the home.

Commissioner Willardson felt the neighbors had the right to weigh in on the application. Ms. Bergeson pointed out that public hearings weren't typically required when nondisabled individuals moved into a home.

Commissioner Young wondered if the 8-9 residents would each have a vehicle; he also asked how the city would enforce the number of residents. Ms. Bergeson indicated that residents could have a car as anyone could although they were likely to reside there on a more short-term basis. Enforcement issues would be up to the code enforcement division, but the state would be doing regular inspections as well.

Mr. Spung interjected that the City would have the option of revoking the business license if the number of occupants was not adhered to.

Chair Wilkey invited the applicant to step forward and address the Commission.

Cate Ockey introduced herself and said she would welcome regular inspections to satisfy the city that no more than the approved number of residents were living in the home. She explained that she had very strict guidelines for who was eligible to reside at this facility. They had to have one year of sobriety and be employed. The residents received help learning how to handle things that they were typically not taught how to do earlier in life whether it's personal hygiene, paying back taxes, obtaining a driver license, cooking a meal—basic “adulting” skills.

Commissioner Russell: Asked if both males and females would reside in the home and if there was an age requirement. Ms. Ockey responded that this was a male-only facility, and all residents had to be 18 or over—able to legally enter into a rental contract.

Commissioner Wright inquired about the success rate for her facility. Commissioner Willardson commented that he had heard that drug rehabilitation facilities only a less than 40% success rate. Ms. Ockey explained that it completely depended upon the individual program. A sober living program would have a different rate than a transitional housing program, for example, but both fell under the umbrella of a “recovery residence.”

Commissioner Willardson asked Ms. Ockey if she wanted to allow more people to increase cash flow or if it was for good will. She responded, “both.” He expressed concern that many of the residents would need to park their cars on the street.

Commissioner Wendel wished to focus on what Ms. Ockey was attempting to accomplish. She said, “We certainly want to elevate the lives of everyone in our community” and we’re not doing that if they come out of a treatment program and end up on the Jordan River Pkwy because there is nowhere else for them to go. Substance abuse existed in each and every neighborhood, and for us to deny that or think that everyone is getting the help they need is wrong. She also pointed out that we do not get to pick our neighbors. Housing laws do not allow us to discriminate. She preferred to give people an opportunity to be successful and felt that we as a community have an obligation to do that. Based on the available square footage, she felt eight people was more reasonable than nine. She would even be willing to talk about one person per bedroom in the home.

In response to the question about her success rate, Ms. Ockey said that of 24 people she had helped in 2.5 years (including at other locations), three had relapsed.

Commissioner Russell was interested in the cost to rent a single bedroom in this particular home. She responded that it was \$675 for a shared bedroom, or \$800 for a single. The State pays more if she were to accept vouchers but then she would have to accept anyone/everyone, and she prefers to be more selective.

Commissioner Willardson asked if there were windows in each bedroom. Ms. Ockey responded in the affirmative.

Commissioner Wright asked Ms. Ockey to address how state and federal guidelines influenced her program. She explained that she was regulated by both the Department of Health and Human Services and Housing and Urban Development. She said her only dealings with the federal government involved a stream of federal parolees and the rules and regulations at that level were much stricter.

Ms. Ockey explained that one of her requirements was that her residents give back to the community. She therefore required that they did community service and had done so in Taylorsville. They also had responsibilities at the home which rotated monthly.

Commissioner Wright asked Ms. Ockey about the inoperable vehicle reported by code enforcement. She explained that although it ran, the owner needed to get some lug nuts before he could replace the tires.

Commissioner Wright noted on Google Earth that it appeared there were young children living in the neighborhood. He wondered how that worked with these residents. She responded that some of her residents also had children and even though they could not reside at the home, they were allowed to visit. The children of one resident played regularly with children in the neighborhood. He was looking for other accommodations so that his kids could live with him since he had partial custody. The residents looked rough around the edges but had big hearts and loved their families very much.

Like Commissioner Willardson, Chair Wilkey was concerned that there would not be sufficient parking for all the residents. Ms. Ockey said there were plans for RV parking which, when finished, would allow an additional three vehicles to be parked on the property. She also pointed out that at any given time, there were typically two residents who did not have cars.

In response to an inquiry about men living in such close quarters, Ms. Ockey said she had zero tolerance for fighting. It did not matter who started it or who finished it. If you were in a fight, you could no longer live there. Regarding the police call mentioned earlier by Ms. Bergeson, Ms. Ockey was the one who had called the police.

Commissioner Russell asked about the lease agreement and Ms. Ockey explained that the minimum stay was a 90-day lease with a month-to-month option thereafter. One exception is a gentleman who was 15 years sober, and he had been there quite a bit longer. She had promised Ms. Bergeson that as residents moved out, she would not fill their spots unless/until she had approval from the city. But she was not willing to put anyone out on the street.

Commissioner McElreath commented that it appeared that according to city code, they were required to allow eight occupants unless they had good justification to decide otherwise. Commissioner Wendel said she believed that was based on the square footage and the Fair Housing Act. Mr. Spung explained there was a great deal of case law that put the number in the 6–8-person range for a single-family dwelling but it all depended on the specific circumstances. Staff recommended a maximum of eight. He described some of the reasoning behind the FHA.

Commissioner McElreath was comfortable with staff's recommendation of eight residents, but he wished someone from the legal department was present to consult. Commissioner Wendel agreed.

Commissioner Willardson did not feel the property was suitable for that many people and he felt the request was based on a desire to increase profits.

MOTION: Commissioner McElreath moved to approve File #3SI24-SI-RA-000498-2024, the request for a reasonable accommodation for a recovery residence at 5257 South 3600 West to increase the number of unrelated adults allowed to occupy a residence from four (4) to eight (8). The motion was seconded by Commissioner Russell.

Commissioner Willardson: No
Commissioner Russell: Aye
Commissioner McElreath: Aye
Commissioner Wright: Aye
Chair Wilkey: Aye
Commissioner Wendel: Aye
Commissioner Young: Aye

Motion passed 6-1

CITY COUNCIL MEETING DISCUSSIONS

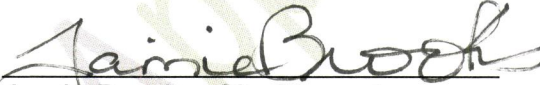
Commissioner McElreath to report on the City Council meeting held January 8, 2025

Commissioner McElreath had been unable to attend the meeting. Commissioner Young was scheduled to attend the City Council meeting scheduled for January 22, 2025.

Commissioner McElreath understood that it might not be necessary for legal to attend every Planning Commission meeting, but for agenda items such as this one, he felt it would be very helpful, even if it was just online. Commissioner Young agreed, saying he was a bit alarmed that the Commission had been "left in the dark."

ADJOURNMENT

MOTION: Commissioner Wright moved to adjourn. The motion was seconded by Commissioner Wendel and Chair Wilkey declared the meeting adjourned at 7:49 p.m.


Jamie Brooks, City Recorder

