



OAKLEY CITY APPEAL AUTHORITY MINUTES
ADMINISTRATIVE HEARING BROWNS VS. OAKLEY CITY

Monday, January 27, 2025

6:00 PM

Oakley City Hall

960 West Center Street, Oakley UT 84055

IN ATTENDANCE:

Appellant: Dallas and Nicole Brown

Defendant: Oakley City Legal Counsel, Joel Yellowhorse; City Recorder, Amy Rydalch; City Planner, Stephanie Woolstenhulme.

Applicant: Chateau Recovery Center, LLC Legal Counsel, Daniel J. McDonald; Executive Director, Daniel Warner; Director of Operations, Austin Pedersen.

Appeal Authority: Doug Clyde

Other Members of the Public: (In Person) Zach Beynon, Gary Beynon, Lindsay Fowers, Sam Aplanalp, Sheri Frazier, Sherri Lewis, Lora Davis, Kris Kellogg, Scott Drambell, Zane Woolstenhulme and Matt Irving

(Via Zoom) Melissa Warner, Krista Kelly, David Darcy, iPhone, iPhone, Camille iPhone, Eberhard, Melissa, Sherri's iPhone, Kendell Staples.

1. 6:00 PM Call to Order and Opening of Meeting:

After brief introductions, a statement by **City Recorder, A. Rydalch**, was given regarding the vesting of the Oakley City Appointed Appeals Authority.

Appeal Authority, D. Clyde opened the meeting by addressing all parties and explained the quasi-judicial nature of the review, emphasizing that the burden of proof is on the appellants to show that the city acted improperly. He further stated

the importance of state law and the delegation of land use decisions to cities, noting that the appeal authority must respect due process entitlements and give all parties a reasonable opportunity to present arguments. **Appeal Authority D. Clyde** clarified that during the appeal, the authority will only consider information and claims presented during the land use application process and the authority's presumption is that the final land use decision by the City's was valid.

2. Administrative Hearing: Appeal application regarding Oakley City granting of a minor amendment to a conditional use permit for Chateau Recovery Center, LLC. Parcel Numbers RVW-5-AM and RVW-9-AM:

History and Timeline of the Case:

City Planner S. Woolstenhulme provided an oral summary of the timeline of activities related to the CUP application for Chateau Recovery, beginning with the request for accommodation from Chateau Recovery LLC in August 2024, approval and recording of an amended CUP, the filing of the appeal application of said CUP and ending with the current administrative hearing.

Appeal Authority D. Clyde emphasized the focus of the hearing was to be on the existing data and documents, and any new information was to be persuasive and conclusive.

Explanation of Conditional Use Permits:

Appeal Authority D. Clyde summarized the concept of a conditional use permit (CUP) and the inherent entitlements as it pertains to land use regulations. He reviewed the City's land use regulations in Chapter 13 of the Oakley City Municipal Code regarding CUP's and specifically the language regarding minor vs. major amendments to a CUP. He stated that staff determined that the application met the criteria for a minor amendment as the change in use did not increase the square footage, increase density, nor intensity. He stated that the appellants must provide meaningful evidence that the permit as issued is not valid.

Appellant Presentation of Grounds for Appeal:

Appellant Dallas Brown presented three arguments to challenge the validity of the amended CUP for Chateau Recovery:

1. Conditional use is not inherently a vested allowable use.
2. The application did not meet the requirements for a minor amendment because the appellant believes the "intensity" inherently increases due

to the change in use from a Residential Care Facility to a Residential Treatment Facility.

3. The City violated conditions written into the original 1997 CUP for Serenity Ranch that stated any changes to the conditional use permit must go before the City Planning Commission and Town Council.

Appeal Authority D. Clyde addressed the Appellants' Basis for Argument:

1. The Appeal Authority reviewed the Chart of Allowed and Permitted Uses found in the Oakley City Code (Chapter 13.4.19). He addressed both the Residential Care Facility, and the Residential Treatment Facility uses as referred to by the Appellant. He stated that according to the Chart of Allowed and Permitted Uses, both uses are allowable uses in the Commercial Zone, but require a conditional use permit where conditions may or may not be required as per review. He emphasized that conditional uses are vested allowable uses and that the City cannot impose inequitable decisions. He discussed that the purpose of the CUP process is to allow for anticipated or known potential problems to be addressed through reasonable conditions.
2. The Appeal Authority reviewed the criteria for a minor vs. major amendment to a CUP according to the Oakley City Code (Chapter 13.5.7.G). He stated that there is no evidence of an increase in the square footage of the facility. He reviewed the increase in density requirement and spoke to the original 1997 CUP for Serenity Ranch that allowed up to 42 Units of double occupancy, which equates to 84 beds. The density approved by the City in the amended CUP for Chateau Recovery LLC allows for 56 beds, an actual decrease in density. The Appeal Authority then spoke to the argument of an increase in intensity and asked the applicant, Chateau Recovery, to respond to questions regarding operations of the treatment facility. Finding no reported increase in intensity by the applicant, the Appeal Authority asked the Appellants to provide persuasive evidence that the change in use was an increase in intensity.
3. The Appeal Authority stated that despite there being language in the original 1997 CUP for Serenity Ranch requiring the Oakley Planning Commission and Town Council to review any changes to the CUP, this language no longer applies as the City Code has been updated since that

time. He stated that law changes regularly and it is the current law or code that applies. The current City Code last updated and adopted by the City Council in 2021, vested the City Planner as the land use authority on a minor amendment to a CUP.

Appeal Authority D. Clyde reminded the appellants regarding the burden of proof and asked if they had anything further to submit for his consideration. While they conferred, **Authority D. Clyde** asked if the applicant had anything to add to the discussion.

Chateau Recovery Center, LLC Legal Counsel, Daniel McDonald stated that the applicant agreed with the Authority's statements regarding land use regulations as pertaining to Conditional Use Permits and the determination that this met the requirements of a minor amendment to a CUP.

Appeal Authority D. Clyde, although not required, asked for public comment.

Matt Irving, 4380 Concord (?) – (inaudible audio, speaker did not provide a clearly articulated physical address during his comment): Expressed sentiments that the change in use from a care facility of primarily elderly residents to a drug rehabilitation facility was inherently an increase in intensity. He understands the decrease in intensity but referred to the intensity increase being the characterization of the patients housed within the facility – an older infirm population versus younger with “psychological issues.”

General discussion regarding intensity and that a change in use is not implicitly an increase in intensity.

Receiving no further public comment, **Appeal Authority D. Clyde** closed the public comment period.

Appeal Authority Findings and Opinion:

Appeal Authority D. Clyde finding a lack of persuasive evidence by the Appellants, upheld the validity of the amended CUP and the City's decision to process the

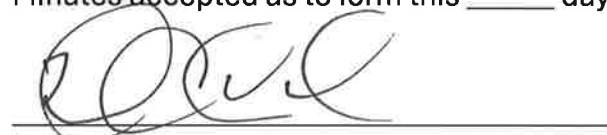
application as a minor amendment. He stated that he will finalize his decision with written findings submitted to the City for the record.

7:43 PM Hearing Adjourned.

I, Amy Rydalch, City Recorder of Oakley City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on January 27, 2025. This document constitutes the official minutes of the Appeal Authority Meeting.


Amy Rydalch, Oakley City Recorder

Minutes accepted as to form this 6 day of February 2025.


Doug Clyde, Oakley City Appeal Authority

