

**MINUTES OF A SPECIAL PLEASANT VIEW CITY
PLANNING COMMISSION MEETING HELD
June 25th, 2026 at 6:00 P.M.**

[Planning Commission \(youtube.com\)](https://www.youtube.com/watch?v=1330W3100N)

MEMBERS PRESENT

Andy Nef
Jeff Bolingbroke
John Morris
Dean Stokes
Manya Speelman
David Grose
Brian Gray
Nic Bennion

EXCUSED

David Gossner

STAFF PRESENT

Andrea Steiniger, City Administrator
Tammy Eveson, Planner I
Janitza Osuna, Planner Tech

VISITORS

Dan Biddulph – Petitioner Attorney
Matt Wilson – Land use Attorney

MINUTES PREPARED BY:

Janitza Osuna(with AI Assistance)

MINUTES APPROVED:

August 6th 2026

1) CALL TO ORDER

- a. Pledge of Allegiance and Opening Prayer, Reading or Expression of Thought. (Commissioner David Grose)
- b. Declaration of Conflicts of Interest. *NONE DECLARED*

2) ADMINISTRATIVE ITEMS

- a. **Conditional Use Permit:** Consideration of a tabled item from the June 4, 2026, Planning Commission meeting for a Conditional Use Permit for a Residential Facility for Persons with a Disability – Sober Living, located at 1330 West 3100 North – (Presenter: Andrea Steiniger)

The City Administrator reviewed the approval process for the proposed Sober Living Facility, stating that she wanted to clarify the process and address what she believed were areas of confusion and misinformation. She explained that the City first received a reasonable accommodation request and a business license application. Because the City does not have a formal process for evaluating reasonable accommodation requests, the matter was referred to legal counsel. She stated that the City's legal counsel and the applicant's legal counsel agreed to appoint an independent third-party hearing officer with experience in land use law to evaluate the request.

The City Administrator explained that the hearing officer reviewed extensive documentation, including more than 800 pages of supporting materials, and evaluated the request under applicable federal and state law, including the Fair Housing Act (FHA), the Americans with Disabilities Act (ADA), and relevant City ordinances. She clarified that the reasonable accommodation process is not a public process and does not include a public hearing because the decision must be based on applicable federal and state law rather than public opinion.

She stated that, following the review, the hearing officer issued a Memorandum of Decision and Order, which was provided to the applicant, the City, and legal counsel. After that decision was issued, the

applicant submitted an application for a Conditional Use Permit (CUP). She explained that all actions taken prior to the CUP application, including the reasonable accommodation determination, were made by the independent hearing officer and were not subject to review or modification by the Planning Commission.

The City Administrator stated that the Planning Commission's role is limited to considering the Conditional Use Permit. She explained that the required public hearing was held in accordance with Pleasant View City Code, and that all written correspondence received before the public hearing was provided to each Planning Commission member. She further stated that, because the public hearing was closed at the June 4 meeting, additional public comments received afterward were not forwarded to the Commission.

The City Administrator noted that the Conditional Use Permit had been tabled at the June 4 meeting and was now before the Planning Commission for further consideration. She explained that the Commission could approve the application with conditions that mitigate legitimate land use concerns, table the application, or deny the matter if additional reasonable evidence was needed. She reiterated that staff's recommendation remained unchanged and was that the application should be approved if any legitimate land use concerns could be adequately mitigated.

The City Administrator also noted that questions raised at the previous meeting regarding fire code requirements had been one of the reasons for tabling the application and invited City Attorney Matt Wilson to address those questions.

City Attorney Matt Wilson addressed questions regarding the Fire Marshal's recommendation that a fire sprinkler suppression system be installed in the residence. He stated that, in his legal opinion, requiring a fire sprinkler suppression system solely because of the proposed use would be discriminatory, as a residence occupied by a family of similar size would not be subject to the same requirement.

Attorney Wilson explained that a fire suppression system could be required if the requirement were based on generally applicable fire safety standards, such as inadequate fire hydrant access or the property's location within a designated fire hazard area. He further stated that the applicant's legal counsel had researched the applicable state fire code and identified an exception that, in his understanding, would exempt the property from such a requirement even if it would otherwise apply.

Based on his legal interpretation, Attorney Wilson concluded that it would not be lawful for the Planning Commission to require installation of a fire sprinkler suppression system as a condition of approval for the Conditional Use Permit.

Commissioner Morris asked whether the proposed facility should be classified as an R-3 or R-4 residential occupancy. Attorney Matt Wilson stated that, in his legal opinion, the proposed use qualified as an R-3 residential occupancy and would not constitute a change of use. He further noted that information brought to his attention indicated that, even if the facility were classified as an R-4 occupancy, an exception under the Utah State Fire Code could apply.

Commissioner Stokes asked who had the ultimate authority regarding fire code requirements, noting the distinction between legal counsel's opinion and the authority of fire officials. Attorney Wilson responded that the Planning Commission's decision on the Conditional Use Permit would not bind the Fire Marshal or the Fire District. He explained that if the Fire Marshal or Fire District determined additional fire safety requirements were necessary, they retained the authority to impose and enforce those requirements through their own regulatory processes.

Discussion followed regarding the licensing process through the Utah Department of Health and Human Services (DHHS). Attorney Wilson explained that the Fire Marshal or other reviewing agencies could conduct inspections or require compliance with applicable standards as part of the state licensing process, although he was uncertain whether fire inspections were specifically required by DHHS. He confirmed that the applicant would still be required to obtain all applicable approvals and licenses from the appropriate agencies.

A question was raised regarding the application requirement for a copy of a business license from the Utah Department of Health and Human Services. The City Administrator explained that the Planning Commission could impose conditions of approval requiring the applicant to obtain and maintain all required state licenses and remain in good standing.

Planning Commission Chair Andy Nef read portions of the Memorandum of Decision to remind the Commission of the scope of its review. He stated that the City had already determined that the proposed residential use, accommodating up to 14 residents, was permitted through the reasonable accommodation process. He emphasized that the Planning Commission's consideration of the Conditional Use Permit was limited to evaluating anticipated land use impacts and determining whether any such impacts could be mitigated through reasonable conditions of approval. He further noted that the Commission was not to reconsider whether the use was permitted, whether the residents qualified as persons with disabilities, or other matters that had already been decided through the reasonable accommodation process.

A Planning Commission member asked for clarification regarding the order in which City, county, state, and federal approvals and licensing requirements apply to the proposed facility. The discussion focused on whether the applicant could proceed with the project before obtaining all required approvals.

The City Administrator explained that the Utah Department of Health and Human Services (DHHS) application requires a copy of the City's business license. She stated that, as previously recommended, the Planning Commission could impose a condition of approval requiring the applicant to obtain all required state licenses before commencing operations and to maintain those licenses in good standing. She explained that such a condition would prevent the facility from operating until the Conditional Use Permit, City business license, and all required state licenses had been obtained.

A Planning Commission member asked whether the Commission could address potential additional costs or financial burdens to the City if such impacts were to occur after approval of the Conditional Use Permit. The member asked whether the matter could be revisited in the future if a financial impact became evident or whether any related language should be included as part of the current approval conditions.

Attorney Matt Wilson responded that such a provision could be included in the approval conditions and stated that it would generally be more helpful to clarify expectations at the time of approval. He noted that similar language was included in the applicant's materials and suggested that any condition should incorporate the representations made by the applicant regarding operation of the facility.

The applicant's attorney addressed the Planning Commission regarding the question of potential financial burden to the City. He explained that, as part of the reasonable accommodation review conducted by Mr. Crockett, the analysis included two considerations: whether the accommodation was necessary and whether it was reasonable. He stated that the reasonableness analysis includes consideration of whether the accommodation would create an undue financial burden on the municipality.

He explained that, based on Mr. Crockett's decision approving the reasonable accommodation request, the necessary analysis regarding reasonableness and financial burden had already been completed. He stated that federal law provides guidance regarding undue financial burden and that costs associated with administrative matters, such as holding meetings or processing paperwork, have consistently not been considered an undue burden on municipalities.

The applicant's attorney stated that, from the applicant's perspective, the issue of undue financial burden on the City had already been addressed and determined not to exist as part of the reasonable accommodation review.

The applicant's attorney addressed concerns raised through public comments and stated that the applicant did not anticipate the circumstances discussed occurring. He expressed concern that some public comments could create discriminatory bias toward individuals with disabilities and emphasized that the facility should be treated the same as any other residential use under federal and state law.

The applicant's attorney provided an example of an individual with a disability residing in a home who may require emergency medical assistance due to health conditions. He stated that a resident would not be removed from their home solely because emergency services were called multiple times, and he expressed concern that creating conditions based on potential emergency service calls would be ambiguous and difficult to enforce. He questioned where a threshold would be established if emergency service calls were used as a basis for action, noting that similar circumstances could apply to any resident in the community with medical needs. He reiterated that the applicant's position was that the facility should be treated in the same manner as any other residential use, as required by federal and state law.

The applicant's attorney addressed continued concerns regarding fire code requirements and referenced the North View Fire District report prepared by Fire Marshal Ryan Barker. He stated that the report cited International Fire Code Section 903.2.8 and identified an exception containing four requirements, including a provision requiring all resident sleeping rooms and living spaces to be located exclusively on the level of exit discharge with direct exterior access. He stated that this provision is not part of the current Utah-adopted fire code and referenced Utah Code 15A-5-204, explaining that while Utah has adopted portions of the International Fire Code, the State has adopted its own modified version. He stated that the cited provision has not been part of Utah's adopted fire code since at least 2023. He reiterated that, as previously discussed by Attorney Wilson, the applicant's position is that the proposed use is residential in nature, does not constitute a change of use, and should be treated the same as any other residential use. He referenced the extensive documentation, studies, and research submitted with the reasonable accommodation request and stated that those materials supported the necessity of the accommodation, which resulted in approval by the third-party hearing officer.

The applicant's attorney stated that the current matter before the Planning Commission was limited to consideration of the Conditional Use Permit and appropriate conditions of approval. He reiterated that Utah Code 15A-5-204(6) outlines the applicable modified exemption provisions and stated that the exit discharge requirement referenced in the Fire District report is not included in Utah's adopted code.

The applicant's attorney stated that, in his opinion, imposing such a requirement would create unnecessary barriers for individuals with disabilities who require residential group settings and could result in discriminatory treatment. He further stated that, even if the facility were considered an R-4 occupancy, the applicable exemption would allow a group R-4 fire area not exceeding 4,500 gross

square feet and not containing more than 16 residents, provided the building is equipped throughout with an approved interconnected fire alarm system receiving primary power from the building wiring and commercial power system. He stated that the proposed facility met those criteria.

Planning Commission Chair Andy Nef interrupted the discussion and stated that additional information was being introduced regarding fire code matters that had not been formally presented to the Planning Commission. He noted that the Commission had not reviewed any related letters of approval or additional documentation being referenced and requested that discussion remain limited to information properly before the Commission.

The applicant's attorney stated for the record that the Fire Marshal's report had been provided to the applicant by Pleasant View City. Chair Nef acknowledged that the report had been provided to Pleasant View City; however, he clarified that the report had not been presented to the Planning Commission as part of the materials before the Commission. Chair Nef thanked the applicant's attorney for addressing the question raised and reiterated that the Commission's discussion would be limited to the information properly before the Planning Commission.

A proposed condition of approval was discussed requiring the applicant to obtain and maintain all required licenses in good standing. It was also noted that failure to comply with the conditions of approval could result in enforcement action or other appropriate remedies.

Planning Commissioner Morris made a motion to recommend approval of the Conditional Use Permit, subject to the eleven conditions outlined in the June 4 staff memorandum. The motion did not receive a second.

Following discussion of the motion, Commissioner Morris proposed amending the conditions of approval to specifically require the applicant to obtain all required state and local licenses before commencing operations. The maker of the motion accepted the amendment as part of the original motion.

Before calling for a second to the amended motion, a Planning Commission member asked City Attorney Matt Wilson whether the Conditional Use Permit should include language stating that it was non-transferable. Attorney Wilson explained that a Conditional Use Permit runs with the property rather than the individual or business and remains in effect unless it is abandoned or revoked due to a violation. He clarified that while the Conditional Use Permit is tied to the land, a business license is separate and is not necessarily transferable.

The Chair then restated the amended motion as approval of the Conditional Use Permit, subject to the eleven conditions of approval, with the revised condition requiring the applicant to obtain all required state and local licenses prior to commencing operations.

FINAL MOTION

MOTION TO APPROVE BY COMMISSIONER BOLINGBROKE - Accepted Amendment

MOTION SECONDED BY COMMISSIONER MORRIS - with Amendment

VOTE: UNANIMOUS

CONDITIONS/AMENDMENT: *Subject to the eleven conditions of approval outlined in the memorandum presented by the City Administrator and dated June 4 and obtain all required state and local licensing prior to commencing operation*

3) ADJOURNMENT
The meeting was adjourned with no further items discussed.