

**MINUTES OF A REGULAR PLEASANT VIEW CITY
PLANNING COMMISSION MEETING HELD
Thursday, June 4th, 2026 at 6:00 P.M.
[Planning Commission \(youtube.com\)](https://www.youtube.com/watch?v=1333333333)**

MEMBERS PRESENT

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

VISITORS

See Attached

MINUTES PREPARED BY:

Janitza Osuna(with AI Assistance)

MINUTES APPROVED:

October 1st, 2026

EXCUSED

STAFF PRESENT

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

1) CALL TO ORDER

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

2) APPROVAL OF MINUTES

- a. **Review and consideration of the Planning Commission meeting minutes prepared for April 16, 2026.**

- **MOTION TO RECOMMEND APPROVAL: Commissioner Stokes**
- **SECOND: Commissioner Bolingbroke**
- **VOTE: Unanimous**
- **CONDITIONS/CHANGES: N/A**

3) PLANNING COMMISSION TRAINING

- a. **Planning Commission Powers and Duties training provided by City Attorney Matt Wilson.**

Chair Nef thanked Mr. Wilson for attending and requested that his scheduled training be tabled and placed on a future agenda when the Commission has fewer items. Mr. Wilson was welcome to remain for the meeting.

4) ADMINISTRATIVE ITEMS

- a. **Conditional Use Permit: Consideration of a Conditional Use Permit for a Residential Facility for Persons with a Disability – Sober Living, located at 1330 West 3100 North – PUBLIC HEARING (Presenter: Andrea Steiniger)**

The Chair explained the public hearing procedure, noting that staff would first provide a presentation, followed by an opportunity for the petitioner to address the Commission and provide any additional information. The public hearing would then be opened for public comment.

The Chair stated that public comments would be limited to two minutes per speaker. Speakers were asked to avoid repeating comments or concerns that had already been presented and to focus their remarks on matters relevant to the item under consideration. The Chair further noted that discussion would be limited to issues within the scope of the Commission's authority for the matter.

Mr. Wilson, City Attorney, advised the Commission that a reasonable accommodation request had been submitted in connection with the application. The request included a request to waive the public hearing requirement.

Mr. Wilson explained that the City currently does not have an ordinance or established process for reviewing reasonable accommodation requests. Because Mr. Flint and Mr. Wilson represent the City, neither was deemed appropriate to make the determination on the request. Accordingly, the request was referred to a third-party hearing officer, Mr. Christopher Crockett, for review and determination.

Mr. Crockett determined, in part, that the public hearing requirement should not be waived. As a result, the public hearing was scheduled and conducted as part of the Conditional Use Permit consideration.

Mr. Wilson further explained that the City is required to comply with the hearing officer's determination pursuant to applicable federal law, including the Fair Housing Act and related anti-discrimination requirements. The hearing officer's written decision had been provided to the Planning Commission for review.

The Planning Commission Chair advised that the Commission had been provided with an order establishing conditions and limitations for the evening's hearing. The Chair read the applicable portion of the order into the record to clarify the scope of the Commission's consideration.

The order stated that the matter before the Commission was consideration of a Conditional Use Permit. The City had previously determined that the proposed use was residential in nature and that occupancy of up to 14

residents was permitted as a reasonable accommodation under the Fair Housing Act.

The Chair explained that the hearing was limited in scope. The Commission was not being asked to determine whether the proposed use was permitted, whether the residents qualified as persons with disabilities, or whether the number of residents should be reduced, as those matters had already been determined and were not before the Commission.

The purpose of the hearing was to determine whether any reasonably anticipated land-use impacts associated with the proposed use could be mitigated through reasonable conditions consistent with City ordinances.

The Chair further stated that public comment would be accepted; however, the Commission's decision must be based on substantial evidence contained in the record. Generalized concerns, speculation, or opposition based on the nature of the residents would not constitute substantial evidence upon which the Commission could rely in making its decision.

The Commission Chair thanked the residents who had submitted petitions and letters regarding the application. The Chair acknowledged that the submitted correspondence had been informative and noted that members of the Commission had taken time to review the materials. The Chair stated that the Commission takes citizen input seriously and values hearing from residents; however, the Commission is also required to follow the established requirements and limitations governing its consideration of the matter.

Staff presented the Conditional Use Permit application submitted by Rise Recovery LLC for a sober living facility to house up to 14 residents.

Staff explained that the ADA reasonable accommodation request had previously been reviewed by Mr. Christopher Crockett, the designated hearing officer, and that his decision established requirements governing the City's consideration of the application.

Staff stated that, pursuant to the decision and applicable federal and state law, the City must:

- Recognize the proposed use as a residential facility for persons with disabilities.
- Allow Rise Recovery LLC to operate at the property with up to 14 residents as a reasonable accommodation.
- Treat the proposed use as residential in nature and evaluate it in the same manner as similarly situated residential uses.

- Not reconsider, as part of the Conditional Use Permit process, whether the use is allowed, whether the residents qualify as persons with disabilities, or whether the number of residents should be reduced.
- Conduct the Conditional Use Permit review consistent with the standards outlined in the hearing officer's decision and applicable federal and state law.
- Limit the public hearing and decision-making process to objective land-use impacts and whether those impacts can be mitigated through reasonable conditions.
- Not base the decision on generalized opposition, speculation, stigma, or discriminatory concerns regarding the residents.
- Approve the Conditional Use Permit if reasonably anticipated impacts can be mitigated through appropriate conditions.

Staff further explained that any conditions imposed by the City must be specifically tied to City Code and supported by substantial evidence in the record.

Based on the hearing officer's decision and the application submitted by Rise Recovery LLC, staff recommended that the Planning Commission approve the Conditional Use Permit allowing occupancy of up to 14 residents, provided the Commission determined that reasonably anticipated land-use impacts could be mitigated through appropriate conditions.

PETITIONER

The Commission Chair invited the applicant to address the Commission and provide any additional information or matters the applicant believed should be brought to the Commission's attention.

John Cutler, attorney with Parsons Bailey, appeared via Zoom on behalf of Rise Recovery LLC. Mr. Cutler stated that he had represented the applicant in the matter along with his colleague and partner, Dan Bidd. He acknowledged that the scope of the hearing, as previously outlined, accurately reflected the matters before the Commission.

Mr. Cutler stated that, after reviewing the comments and materials submitted for the record, he believed there was no information that would prevent approval of the Conditional Use Permit as requested.

Mr. Cutler referenced the hearing officer's determination that the proposed use is residential in nature rather than an institutional use. He stated that up to 14 unrelated individuals would reside at the property as a household and that the residence would function in the same manner as other residential households in the neighborhood.

Regarding parking, Mr. Cutler stated that the property has significant on-site parking and that applicable parking regulations would be followed. He stated

that, based on the information in the record, he was not aware of evidence demonstrating a need for additional or different parking requirements.

Mr. Cutler further stated that the residence would function similarly to other residences in the area, with residents and visitors coming and going in a manner consistent with ordinary residential use and without materially greater frequency or a different impact on the character of the neighborhood.

A Commissioner asked about the staffing arrangement at the residence, specifically whether the one to three staff members expected to be on site would remain overnight and whether overnight staff would have sleeping accommodation.

Mr. Cutler responded that his understanding was that the staff members residing or staying at the property would be present to assist with maintaining house rules and ensuring that residents comply with the standards of the residential program. He clarified that the property would operate as a residence and that the staff would not be providing treatment services on site. Mr. Cutler indicated that he did not have specific information regarding the overnight sleeping arrangements and suggested that the applicant could provide additional clarification if necessary.

The Commission discussed whether questions regarding the facility's day-to-day operations, particularly matters related to the health and safety of residents, should be directed to the applicant or another regulatory authority.

Mr. Cutler indicated that he could address specific questions regarding the operation of the facility. A question was raised regarding food service and whether such matters fell within the Commission's scope of review.

Mr. Wilson explained that food service and related health and safety requirements are regulated by the Utah Department of Health and Human Services, including any applicable state licensing requirements. Mr. Wilson further explained that, pursuant to City Code, any required state licensing is a condition of the permit. Accordingly, regardless of whether the required state license had been issued at the time of the Commission's consideration, the facility would remain subject to the applicable state licensing requirements if the Conditional Use Permit were approved.

The Commission discussed the distinction between the Planning Commission's role in reviewing the Conditional Use Permit and the responsibilities of other agencies regarding inspections and licensing.

The Commission noted that City Code requires consideration of the safety and welfare of residents and the community. As an example, the Commission discussed a potential condition requiring the applicant to obtain all required licenses from the State of Utah Department of Health and Human Services prior to commencing operations.

It was clarified that the Planning Commission could include such licensing requirements as conditions of the Conditional Use Permit without assuming responsibility for conducting the inspections or issuing the licenses. The Commission discussed whether similar requirements should be incorporated as conditions as the individual items were considered.

Mr. Wilson, City Attorney, indicated that including such requirements as conditions would be an appropriate approach.

The Commission discussed the anticipated length of residents' stays, employment, transportation, and parking. Mr. Cutler explained that residency would vary by individual and their recovery program, with no fixed length of stay. He stated that residents may work and participate in normal daily activities while living at the facility, with the residence providing a supportive environment for recovery.

Regarding transportation, Mr. Cutler stated that residents may use personal vehicles, carpooling, public transportation, rideshare services, bicycles, and other available transportation options. He noted that similar facilities generally have fewer vehicles than might be expected based on the number of residents.

A Commissioner expressed concern about parking for up to 14 residents and staff, particularly during winter months when street parking may be restricted. Mr. Cutler responded that the subject property has substantial on-site parking and provides more parking capacity than is typical for a single-family residence in the neighborhood.

*OPEN FOR PUBLIC HEARING: Commissioner Bolingbroke
SECOND: Commissioner Morris*

PUBLIC COMMENTS:

- **Bradon Capener:** Submitted a petition signed by 532 residents and community members regarding the application. Mr. Capner stated that the petition was not based on opposition to individuals in recovery, but on concerns that the record did not support the extent of the requested accommodation. He questioned the fact that the hearing officer's review was based on materials submitted by the applicant and stated that residents' concerns, evidence, and perspectives had not been presented during that review. He noted that City Code limits occupancy to five unrelated individuals and stated that the requested accommodation for 14 residents was substantially higher than the City's standard. He also questioned whether the applicant's statements regarding transportation, supervision, screening, neighborhood compatibility, and operational oversight were supported by objective evidence, documented policies, or demonstrated operational experience. Mr. Capener requested that the Commission table the application and reconsider the matter rather than relying solely on the hearing officer's recommendation.
- **Tony Kahmann:** Asked whether additional time could be provided for community members who had conducted research and prepared detailed comments. The resident questioned whether unused portions of other speakers' two-minute periods could be transferred to individuals wishing to provide more detailed testimony. Attorney Wilson replied that each individual speaker would be allowed up to two

minutes to present comments and evidence. Mr. Wilson explained that the public hearing was intended for individual comments and was not structured as a back-and-forth discussion. Unused speaking time could not be transferred to another speaker.

- **Kendell Geiger:** Expressed concerns regarding the proposal to house up to 14 individuals in a single-family residence while they participate in recovery from alcohol or drug use. The commenter questioned whether the proposed staffing and supervision would be sufficient to manage potential conflicts or safety issues, particularly during nighttime hours. Based on prior experience with multifamily housing, the commenter expressed concerns about potential fighting, violence, substance-related incidents, and impacts to neighboring properties. The commenter concluded by expressing concern that the proposed staffing plan may not be adequate to supervise 14 residents.
- **Tony Pitman:** Expressed disagreement with the two-minute comment limit and requested that the item be tabled. Suggested allowing residents to indicate their support for tabling the matter.
- **Danny Cole:** Stated that the residences are designated for residential use and expressly prohibited from being used for other purposes. The commenter stated that, in their view, the proposed facility would constitute a business and that the HOA's use restrictions oppose the proposed use.
- **Jason Swift:** Identified himself as a licensed clinical psychologist with specialty training in neuropsychology and stated that he had reviewed the application and research cited. He expressed concerns that some claims in the application were inaccurate or unsupported by the cited research. He requested that the matter be tabled for an independent review of the research and additional information regarding potential psychological, safety, and community impacts associated with housing multiple unrelated individuals in a small residence. He also raised concerns regarding potential aggression, violence, crime, and relapse and requested additional opportunity for residents to provide research and supporting evidence.
- **Lisa Parker:** Requested additional time, an independent review, and an opportunity to provide more information. Raised questions about whether residents would participate in a structured program and whether staff would be present and awake overnight. She also questioned the licensing requirements and whether the proposed use would constitute a business in a residential zone. Raised concerns regarding potential health, kitchen, fire, and inspection requirements associated with the operation. She further questioned whether the property would meet applicable requirements for accommodating individuals with disabilities, including accessibility and safety features.
- **Taylor Ince:** Requested that the matter be tabled and independently reviewed to determine whether the proposed facility was feasible. Raised questions regarding the qualifications and affiliation of the listed clinical director, including information in the individual's résumé and other professional listings. Also questioned whether the required state licenses had been issued and raised concerns about potential professional and ethical issues. Finally, questioned statements in the application regarding Rise Recovery's operational history and stated that inconsistencies in the application warranted further review.
- **Bill Ashmore:** Expressed concern regarding whether individuals residing at the facility would participate voluntarily or be court-ordered. He stated that he believed there was a significant distinction between the two and expressed concern about potential impacts to the surrounding neighborhood.
- **Lloyd George:** Raised concerns regarding the City's existing limit of five unrelated individuals residing in a home and questioned how approval of the proposed accommodation for 14 residents could affect future applications on neighboring

properties. The commenter expressed concern that approval could establish a precedent for similar or higher-density uses in the area.

- **Coleen Turner:** Spoke as a mother, grandmother, and great-grandmother and expressed concern about the proposed facility being located in a neighborhood with families, children, and youth. Acknowledged that recovery facilities are needed but expressed the view that the proposed location was not appropriate. Requested that the Commission consider the potential impact on nearby families and children in its review.
- **Grace Anderson:** Stated that she has been a member of the community for 15 years and holds master's degrees in taxation and public administration. Referencing the applicant's Utah Department of Health and Human Services licensing information, she questioned whether the proposed operation should be licensed as residential treatment rather than residential support. She stated that, in her understanding, residential treatment would involve on-site counseling and 24-hour staffing, while residential support would focus more on life skills and shared residential living. She also raised questions regarding applicable occupancy and bathroom requirements, the number of bedrooms and proposed occupants, and the attached dwelling unit. Requested that the matter be tabled so the City could further review the applicable licensing, zoning, and code requirements.
- **Nina Guzetti:** Requested that the Commission table the matter for additional research and further public input. Expressed concerns about resident safety and transportation, noting that the nearest bus stop is approximately 1.5 miles away and that access would require walking or bicycling along Highway 89, where there are limited sidewalks. Also raised concerns about the lack of nearby amenities and suggested that other properties with greater access to transportation and services may be more suitable for the proposed residents..
- **Devin Shenk:** Requested that the Commission develop measurable and enforceable conditions for the Conditional Use Permit and review and discuss those conditions as a Commission before making a decision. Noted that several proposed conditions and supporting information had already been submitted to the Commission by email and encouraged the Commission to review those materials. Requested that the matter be tabled for further review.
- **Rachel Shupe:** Requested additional research and tabling of the application. Referenced concerns regarding emergency medical service calls associated with another facility and the potential impact on community resources. Also raised concerns regarding the precedent the decision could establish for similar facilities within the City.
- **Phillip Nelson:** Raised concerns regarding parking and questioned whether sufficient parking would be available for 14 residents. Stated that he did not believe the applicant had adequately answered the parking questions and requested that the matter be tabled until additional information was provided. Asked whether the Commission could require documentation or deny the Conditional Use Permit based on parking concerns.
- **Rebecca Rahimsadegan:** Acknowledged the need for individuals in recovery to have appropriate housing but expressed concern about housing up to 14 residents with recovery-related needs in one residence. Referenced the HOA's stated limit of five individuals per residence and raised questions about the applicant's criminal background screening policies. Expressed concern about the types of offenses that may be associated with prospective residents and the potential impact on the neighborhood, particularly given the number of children in the area..

- **Randall Floyd:** Expressed concern that responses provided by the applicant to Commission questions were not sufficiently specific and often began with phrases such as "I think." Requested direct and specific answers to the Commission's questions and stated that the matter should be tabled until additional information could be provided.
- **Robert Harbin:** Stated that, after reviewing the submitted materials and hearing the discussion, he believed the application had not received sufficient review. He cited concerns across multiple areas and requested that the matter be tabled for further discussion and review.
- **Amy Baesler:** Requested that the matter be tabled. Raised concerns regarding parking and suggested limiting vehicles to those accommodated in the garage and driveway. Also expressed concerns regarding the presence of the facility near children and families.
- **Vicky Johnston:** Expressed safety concerns based on experience working with children with behavioral and developmental needs. Questioned whether one to three staff members would be sufficient to support 14 residents and stated that facilities serving individuals with significant needs typically have additional staffing and security. Expressed the opinion that the proposed facility was not appropriate for a residential neighborhood.
- **Eliana Capener:** Stated that her husband had contacted City Attorney Matt Wilson regarding the hearing officer's determination and reported that he was told the determination was not binding. She stated that residents had reviewed the memorandum and developed a petition based on concerns that the City had not presented evidence during the hearing officer's review and that the decision relied solely on information provided by the applicant. She questioned whether the Conditional Use Permit process should involve additional scrutiny of the proposed use and stated that the applicant had not provided sufficient information demonstrating compatibility with the neighborhood. She raised concerns about the lack of measurable conditions, the proposed occupancy of 14 residents in a six-bedroom home with an additional sleeping area, and whether current occupancy and registration requirements were being followed. She requested that the matter be tabled for additional research and review.
- **Laurel Mock:** Raised concerns about statements made by the applicant's attorney regarding the use being residential while also indicating that staff would be present 24/7. She questioned whether continuous staffing was consistent with a typical residential use. She also requested that the Commission independently review the research cited by the applicant, including research related to appropriate occupancy and resident well-being. Stated that additional specific information and answers were needed from the applicant and through independent research and requested that the matter be tabled.
- **Denny Harbin:** Shared personal experiences with having difficult days and emphasized that managing daily challenges can be difficult even in a smaller household. Asked the Commission to consider the needs of the proposed residents, noting that individuals in recovery may have difficult days and require appropriate support. Expressed concern about placing 14 adults in one residence and encouraged the Commission to consider whether the proposed setting and level of support would provide a safe and successful environment for the residents as well as the surrounding community.
- **Kevin Wasden:** Identified himself as a former teacher and school administrator with experience working with children with disabilities and reasonable accommodations. He compared the accommodation process in education to the Commission's role and

stated that accommodation is generally determined through discussion and consideration of the needs involved. He questioned whether there was sufficient evidence to determine that housing 14 residents was a reasonable accommodation and requested that the matter be tabled for further research and consideration of the needs of the residents, home, and community.

- **Kimberly Swift:** *Stated that, based on her review of the application, some of the research cited by the applicant may not have been accurately represented. She encouraged the Commission to review the original research and consider additional research that may present differing findings. She also expressed concern that questions from the Commission had not been adequately answered. Requested that the matter be tabled to allow for a more thorough and independent review of the research and information.*
- **Commission Chair/Staff:** *Staff advised that two additional residents participating online had requested that the matter be tabled, and one additional individual had requested to speak. The Commission agreed to place the two brief requests to table on the record.*
- **Ashley Zorko (Online):** *Requested that the matter be tabled to allow additional time for research and for additional information to be provided to the Planning Commission.*
- **Matt Bosen (online):** *Requested that the matter be tabled pending further review and research.*

An online public commenter asked whether they could participate in the public hearing despite attending remotely

Commission Chair closed the public comment portion of the hearing and requested a motion.

CLOSE FOR PUBLIC HEARING: Commissioner Speelman
SECOND: Commissioner Stokes

Chair Asked City Attorney Matt Wilson to clarify whether HOA regulations were within the Planning Commission's scope of review and whether residents would need to address HOA-related concerns through the HOA.

City Attorney Matt Wilson Clarified that the City does not enforce HOA rules. Enforcement of HOA regulations is the responsibility of the HOA. The Commissioner noted for the record that HOA regulations were not an issue for the Commission to address as part of the Conditional Use Permit review.

The Commission discussed the scope and effect of the third-party hearing officer's decision. City Attorney Matt Wilson clarified that the hearing officer's determination was not a decision to approve or deny the Conditional Use Permit. Rather, certain findings in the decision are binding on the City and must be followed by the Planning Commission, while the Commission retains authority to determine whether the Conditional Use Permit should be granted.

The Commission discussed that its review should focus on applicable City ordinances and whether reasonably anticipated detrimental land-use impacts, such as parking, could be mitigated through appropriate conditions. Mr. Wilson clarified that if such

impacts can be mitigated through conditions consistent with City ordinances, the Conditional Use Permit is to be granted as provided by ordinance. If the impacts cannot be adequately mitigated, the Commission is not required to grant the permit.

The Commission discussed the order and timing of required state and local licensing. City Attorney Matt Wilson explained that the Commission could include a condition requiring the applicant to obtain all required Utah Department of Health and Human Services (DHS) licenses before commencing operations and to maintain those licenses in good standing. If included as a condition, the required state licenses would need to be in place before the Conditional Use Permit became active and valid. It was further explained that the City business license would be addressed after approval of the Conditional Use Permit and completion of the required state licensing.

A Commissioner questioned the authority granted to the independent hearing officer and whether additional evidence from the City should have been considered during that process. Discussion followed regarding the types of evidence relevant to the reasonable accommodation determination and the role of the Utah Department of Health and Human Services (DHHS) in determining state licensing requirements. City Attorney Matt Wilson clarified that the City does not make the state licensing determination and that DHHS may impose requirements or limitations as part of the licensing process. He also noted that the Commission could condition approval on obtaining and maintaining the required state license.

The Commission then discussed the qualifications of the applicant's identified clinical director and whether that information would be submitted as part of the state licensing process.

The Commission also discussed parking requirements, including whether gravel is an acceptable parking surface under City ordinances. Staff indicated that gravel parking areas are commonly used and are acceptable provided they otherwise comply with City requirements. Staff further clarified that issues involving leaking or discharge from vehicles would be addressed as stormwater violations rather than parking violations.

The Commission discussed the City's parking requirements, including the requirement that required off-street parking spaces be arranged side-by-side rather than tandem. Staff confirmed that the site plan appears to provide the required parking for the RE-15 zone. The Commission expressed concern about whether the available parking would be sufficient for the number of residents and staff.

City staff and the City Attorney clarified that the facility would be subject to the same parking requirements as other residential properties in the RE-15 zone and that the Commission could not impose additional parking requirements beyond those applicable to similarly situated residential uses. If the Conditional Use Permit were approved with a condition requiring compliance with applicable parking standards, failure to maintain those standards could potentially provide grounds for enforcement or revocation of the permit.

The Commission also discussed a condition requiring the facility to operate consistently with the representations made in the application and supporting documents, including representations regarding the number of vehicles. It was noted that a material change in the nature of the use, including an increase in the number of

residents or changes to operational characteristics, would require approval as applicable under City Code. The Commission acknowledged that these provisions would provide mechanisms to address material changes or violations of the approved conditions.

The Commission discussed the fire chief's and building consultant's recommendations, the possibility of tabling the application, and the scope of the Planning Commission's authority. Staff clarified that the Commission could require compliance with applicable fire and building codes, but any conditions or further review would need to address specific, objective land-use concerns that the Commission has authority to regulate. Staff also clarified that the reasonable accommodation determination had already been made by the hearing officer and was not before the Commission for reconsideration, although certain portions of that order were binding. The Commission discussed concerns raised during the public hearing regarding parking, fire code, and the nearby school bus stop, with one commissioner stating that additional information was needed to determine whether those concerns could be adequately mitigated. Staff advised that any requested further review should identify specific information or conditions to be addressed rather than simply requesting a general review. The Commission also discussed whether the hearing officer's determination could be appealed and was advised that certain aspects were binding, but the determination did not require the Commission to approve the conditional use permit.

The Commission discussed the fire and building code concerns and whether the appropriate standards had been applied. The applicant's attorney argued that the fire department and building consultant had applied standards for an R-4 residential care/assisted living facility, which he stated conflicted with the hearing officer's determination that the proposed use was a residential R-3 use. He argued that the only accommodation was the number of unrelated residents and that ordinary residential requirements should apply. The city attorney stated that the hearing officer had determined the use to be residential and that certain aspects of that determination were binding.

The Commission also discussed the nearby school bus stop, parking and vehicle impacts associated with 14 residents and staff, and whether these concerns could be addressed through conditions. A commissioner referenced a court case involving a sober living facility and questioned the evidence supporting the need for 14 residents. Staff emphasized that any decision to table the application should be based on specific, objective land-use concerns and should identify the information needed for further review.

Staff clarified that the Commission's options were to approve, deny, approve with conditions, or table the application with specific direction to staff; litigation was not within the Commission's authority. The Commission discussed giving the applicant an opportunity to address and mitigate identified concerns before deciding whether to table the application. A specific concern was identified regarding conflicting interpretations from the building official and fire marshal versus the applicant's attorney as to whether the property should be classified as an R-3 residential use or an R-4 residential group occupancy. The Commission discussed obtaining clarification on that issue if the application were tabled.

Staff advised that any additional information requested should be clearly identified so that all outstanding issues could be addressed before the application returned to the Commission. Staff also clarified that the 11 items identified in the hearing officer's order were examples and were not an exhaustive list of potential conditions. Several of those items were already addressed by city code and would apply to the property as they would to other residential uses.

The Commission agreed to review the 11 items in the hearing officer's order individually and identify specific questions or information it wanted staff to address before the conditional use permit returned for further consideration. Staff would take notes and compile the requested items for the next presentation. The Commission also noted that the previously raised building code concern would be included in the review.

Parking:

The Commission discussed parking requirements and the applicant's proposed parking plan. Staff clarified that the property would remain classified as a residential use and would be subject to the applicable residential parking requirements. The City Attorney explained that the Commission could hold the applicant to the parking arrangements represented in the application and could establish a limit on the number of vehicles as a condition of the conditional use permit. The Commission discussed the use of the garage and driveway and concerns regarding additional vehicles associated with residents and staff.

Maintain Residential Character / Signage

The Commission discussed maintaining the residential character of the surrounding neighborhood. Staff clarified that this requirement is addressed by existing city code, including restrictions on commercial signage. The Commission discussed whether the restriction on commercial signage would extend to decals or other markings on vehicles associated with the facility. Staff indicated that the signage provision would not apply to vehicle decals.

Public Health and Safety Standards

The Commission discussed the requirement to comply with all generally applicable public health and safety standards, including applicable fire code requirements. The Commission requested clarification regarding the differing interpretations of the applicable standards and asked that the building inspector, fire marshal, and applicant work toward a common understanding of the requirements. The Commission identified this as an item requiring further clarification before the application returns for consideration. The Commission requested that the applicable public health and safety standards, including the fire and building code concerns, be reviewed and clarified before the matter returns to the Commission.

The Commission noted that noise and lighting are addressed by existing city ordinances and did not require further review.

State Licensing

The Commission discussed the requirement that the facility obtain all required State of Utah licensing, including licensing through the Department of Health and Human Services, before commencing operations. The Commission agreed that the condition should also require all required licenses to remain current and in good standing. The

Commission discussed making failure to maintain required licensing grounds for revocation of the conditional use permit.

The Commission discussed whether the property was already being used in a manner requiring state or city licensing. A commissioner raised concerns that the residence may already be operating with more than the permitted number of unrelated occupants. Staff clarified that the property had not been issued a city business license and offered to have code enforcement investigate the current use.

The Commission further discussed whether the existing use would require a city business license even if the use is otherwise permitted without a conditional use permit. Staff stated that this would need to be reviewed under the city's business licensing code. The Commission identified this as an additional question for staff to address.

The Commission confirmed that maintaining all required licensing in good standing and keeping all licensing current should be included as a condition. The Commission also discussed the requirement that the facility operate in a manner consistent with the representations made in the application and supporting documents. While the Commission generally supported the condition, concerns were raised that the language could be too broad or open to interpretation. The Commission agreed to leave this item open for further discussion and determine whether more specific language was needed.

Changes to Use or Occupancy

The Commission discussed the requirement that any material change to the nature of the use, including an increase in the number of residents or changes to operational characteristics, must receive approval as required by applicable city code. Staff explained that the specific code requirements would depend on the type of change proposed. The Commission clarified that if the conditional use permit were approved for 14 residents, operating with more than 14 residents would constitute a violation unless the additional occupancy were properly approved.

The Commission discussed whether a dumpster could be maintained at the property. Staff explained that the residence would remain subject to residential waste collection requirements and could obtain additional residential garbage cans as needed. The Commission discussed whether a long-term dumpster would be inconsistent with the residential character of the neighborhood and concluded that the existing requirement to maintain the residential character would address that concern.

The Commission discussed whether any other objective land use standards applicable to residential uses should be addressed. The Commission discussed the nearby school bus stop, but staff clarified that bus stop locations are not regulated by the City and would be addressed by the school district. The Commission also discussed whether increased traffic or vehicle activity could conflict with the residential character of the neighborhood. Staff explained that any such restriction would need to be applied consistently to residential properties throughout the zone, but the applicant could be held to the representations made in the application regarding vehicle use.

The applicant's attorney addressed the Commission regarding parking and licensing. He stated that the parking estimates provided in the application were estimates rather

than intended limits and that the applicant would comply with all applicable city parking requirements while using available garage and driveway parking as needed. He also stated that the applicant did not object generally to the proposed conditions.

The applicant's attorney further expressed concern that certain public comments had raised issues he believed were outside the Commission's land-use authority and could implicate housing discrimination laws. He urged the Commission to make a decision rather than table the application and stated that the applicant reserved its legal rights regarding alleged delay or discrimination.

Regarding state licensing, the applicant's attorney explained that, in his view, state licensing could not be obtained until the conditional use permit and city business license were issued. He requested that the condition require the applicant to obtain and maintain the required state licenses but not make issuance of the conditional use permit or business license contingent on obtaining the state license beforehand.

The Commission then asked the applicant to address the number of people currently living at the property.

The applicant's attorney stated that, according to his client, no individuals associated with the applicant's business were currently residing at the property and that there were no current business operations at the location. He stated that any individuals currently living there were doing so under the existing residential use and that the property was not being operated as a sober living facility without the required approvals.

The Commission discussed the appropriate wording regarding state licensing and regulation. It was clarified that the condition should require the applicant to obtain and maintain all required state licensing.

It was further clarified that failure to obtain or maintain the required state licensing would constitute a violation of the Conditional Use Permit.

The discussion also referenced another condition which requires the applicant to operate in a manner consistent with the representations made in the applicable supporting documents.

A motion was made by John Morris that the Planning Commission table Item 4A, the Conditional Use Permit for a residential facility for persons with a disability (sober living), located at 1330 West 3100 North.

The motion was based on a request of staff that the following matters be reviewed and clarified:

- **Public Health and Safety Standards:** Review the generally applicable public health and safety standards to determine whether the building is subject to Standard Group R-3, single-family living/dwelling occupancy, or Residential Group R-4 occupancy.
- **Licensing:** Obtain or provide a timeline or order of obtainment for all required State of Utah licensing applicable to the facility, and clarify when such licensing must be obtained, including whether it is required prior to receiving a permit, if

applicable, prior to receiving a City business license, or prior to commencing operations.

- **MOTION TO APPROVE: Commissioner Morris**
- **SECOND: Commissioner Gray**
- **VOTE: Unanimous**
- **CONDITIONS: See above**

Commission Chair Nef commented on the tabling of the item, stating that, in his view, the Commission had not caused a delay. He congratulated the Commissioners for the work that had been done and noted the significant time spent reading and reviewing materials, including during evening and daytime hours.

He expressed appreciation for the feedback received from the public and stated that the Commission takes its responsibilities seriously and wants to ensure that, to the best of its knowledge, it understands the steps being taken in considering the matter.

He did not view the tabling of the item as a delay by the Commission, given the importance of the process before it.

He asked the Commissioners to keep in mind that the matter before them is a land use issue and that the Commission is considering land use matters. He cautioned against getting into unrelated issues or “rabbit holes” and stated that the Commission should keep the requests before it in focus, including the matters presented by both the petitioner and staff, and ensure that the Commission remains focused on the requests as they were presented that evening.

Chair Nef requested a five-minute recess for anyone who wished to leave, noting that several items remained on the agenda.

A motion was made to recess for five minutes.

- b. **Preliminary Subdivision: Consideration to approve a preliminary subdivision for the consolidation of parcels, located at approximately 3100 North 950 West. (Presenter: Tammy Eveson)**

NOTE: This is a two part item. Item 5a Rezone is attached to this item.

The majority of the property is zoned A-2. The proposed subdivision would consolidate four parcels into one lot, with an additional portion being separated and added to the applicant's existing residential lot located near 875 West. The portion being added to the residential lot currently contains a pool and an accessory building/barn.

During staff review, several requirements and comments were provided, and the applicant incorporated the requested corrections into the revised plat.

One item addressed the City's Master Plan and Road Plan, which identifies a future road extending through the property and eventually connecting to 3000 North. The applicant has shown the area on the plat as a possible future right-of-way. This would preserve the potential future road corridor if the property is sold or developed.

Until such a future road is constructed, the applicant has proposed a City-standard temporary turnaround at the current end of the road. The turnaround is required to be paved and

constructed in accordance with City standards, consistent with comments from Engineering staff.

Another item addressed a road that was previously intended to continue through the property but is no longer identified in the City's Master Plan. Staff requested that the applicant show a standard curb and gutter and driveway apron for the frontage being utilized by the existing residence. Those improvements have been included on the plat.

The revised plat also identifies the temporary turnaround, the future right-of-way, existing City easements, and the location of the proposed driveway apron and associated improvements. Staff noted that there were additional plat notes regarding building permits. The applicant made the requested corrections, with staff noting that only a few items remained to be verified.

In response to a question regarding how the property would be divided, staff clarified that the property would ultimately be consolidated into one lot and was not being subdivided into individual single-family residential lots. The property is intended for the applicant's own use. The applicant's future plans include a riding arena, and the property would remain primarily agricultural. Staff confirmed that the proposed use is permitted with the existing A-2 zoning and existing residential use.

Staff stated that, based on the review and the corrections made by the applicant, the subdivision request would clean up and consolidate the existing parcels into the appropriate lot configuration.

Staff explained that the subdivision request is associated with a rezone request. Because the portion being added to the existing residential lot is currently zoned A-2, the consolidation would otherwise result in a split-zoned lot.

The associated rezone request would change the portion being added to the residential property from A-2 to RE-15, matching the zoning of the existing residential lot. Staff characterized the rezone as a technical adjustment to prevent the resulting lot from being split-zoned.

A Commissioner asked whether the temporary turnaround would be required to be paved. Staff confirmed that the proposed turnaround on the applicant's property would be paved in accordance with City standards. Staff also clarified that another turnaround referenced during the discussion was not located on the applicant's property.

Based on the staff review, the corrections made to the plat, and the applicant's requests for both the preliminary subdivision and rezone, staff recommended approval of both items.

The petitioner, Josh Garner, was present. The Commissioners had no questions for the petitioner.

- **MOTION TO APPROVE: Commissioner Stokes**
- **SECOND: Commissioner Brian Gray**
- **VOTE: Unanimous**
- **CONDITIONS: N/A**

5) LEGISLATIVE ITEMS

- a. **Rezone:** Consideration of a Rezone and recommendation to City Council, for approximately .50 acres of land located at approximately 3019 North 875 West from A-2 (Agricultural) to RE-15 (Residential). **PUBLIC HEARING (Presenter: Tammy Eveson)**

*OPEN FOR PUBLIC HEARING: Commissioner Bolingbroke
SECOND: Commissioner Stokes*

Steve Gibson(City Mayor) - spoke in favor of the proposed property request and expressed appreciation to the Commission for its hard work, questions, and thorough efforts throughout the process.

*CLOSE FOR PUBLIC HEARING: Commissioner Bolingbroke
SECOND: Commissioner Stokes*

- **MOTION TO APPROVE: Commissioner Bolingbroke**
- **SECOND: Commissioner Morris**
- **VOTE: Unanimous**
- **CONDITIONS: N/A**

- b. **Adoption of Updated Adequate Public Facilities Ordinance:** Consideration and recommendation to City Council for the amendment of Chapter 18.70 – Adequate Public Facilities. – **PUBLIC HEARING (Presenter: Tammy Eveson)**

Staff presented proposed revisions to the City's Adequate Public Facilities Ordinance, Chapter 18.70. Staff explained that, following discussions with staff and a review of the City's development processes and procedures, the current adequate public facilities requirements were found to be unnecessarily burdensome and outdated. The current ordinance requires additional applications and work that largely duplicates reviews already completed through subdivision and other land use applications.

The proposed revisions are intended to simplify the process by eliminating an additional step while continuing to accomplish the same review through the City's existing development review procedures.

Staff noted that City Engineer Dana Schuler of Jones Associates reviewed the current Adequate Public Facilities Ordinance and prepared the proposed revisions. The revisions include:

- Incorporating the adequacy determination into the development application process rather than requiring a separate application.
- Removing determination requirements for Conditional Use Permits when those requirements are already addressed through site plan applications.
- Defining ERUs.
- Changing the approval authority to the Development Review Committee.
- Changing the appeal authority to the City Council.
- Deleting the monitoring and annual review sections.
- Streamlining the review, determination process, and procedures.
- Updating Table 18.70.101, Minimum Service Capacity Standards.

Staff explained that the proposed changes are intended to simplify the ordinance, make it easier to read and administer, and avoid duplicating work by requiring a separate adequate

public facilities application when the same review is already conducted as part of other development applications.

OPEN FOR PUBLIC HEARING: Commissioner Stokes
SECOND: Commissioner Speelman

NO PUBLIC COMMENTS

CLOSE FOR PUBLIC HEARING: Commissioner Stokes
SECOND: Commissioner Bolingbroke

- **MOTION TO RECOMMEND APPROVAL: Commissioner Bolingbroke**
- **SECOND: Commissioner Stokes**
- **VOTE: Unanimous**
- **CONDITIONS: N/A**

6) ADJOURNMENT

A Commissioner asked staff where an ordinance addressing reasonable accommodation would originate, noting that Matt had indicated the City does not currently have an ordinance addressing reasonable accommodation.

Staff explained that the ordinance would be drafted by staff and brought before the Planning Commission for a public hearing, consideration, and recommendation to the City Council.

A Commissioner asked whether the City's lack of a reasonable accommodation ordinance was the reason the Commission was unable to consider reasonable accommodation as part of its recommendation and asked what an ordinance would have provided.

Staff explained that a reasonable accommodation ordinance would generally follow the same process. Staff clarified that the matter could still be referred to a third party for evaluation, depending on how the Planning Commission and City Council ultimately adopted the ordinance. Staff explained that the proposed approach by staff and legal counsel would be to have the matter evaluated from a legal standpoint by someone with land use law expertise.

Staff noted that, while the Commissioners have extensive experience and knowledge, they are not attorneys and may not have the specialized knowledge of a land use attorney. Staff stated that it would therefore be in the City's best interest to have the request reviewed by an appropriate third party, who could evaluate the request using the City's adopted reasonable accommodation ordinance.

Staff requested that Commissioners who had not yet completed the annual Open and Public Meetings training certificate do so. Commissioners requested that the training information be resent, and staff agreed to resend it as a reminder.

Staff provided an update regarding the upcoming Founders Day parade. Commissioners and their families were invited to participate.

Following the discussion, the Commission proceeded toward adjournment.

Planning Commission - June 4, 2024

Name

Tony Kahmann
Kathy Wickam
Randall Floyd
Lisa Parker
Tammy Burnett
Rachelle Judson
Rob Judson
Tony & Sharlene Pitman
Kylie Weaver
Kendall Geiger
Jaden Roylance
Megan Roylance
Scott Parkinson
Patricia Neilson
Rachel Shupe
Parker Shupe
Melissa Price
Brenda Sprinkel
Sally cuff
Rebecca Rahimzadeh
Esrafil Rahimzadeh
~~Shelby~~
Danny Cole
Taylor Lee
Christian Contreras
Lori Nielson
Josh Garner
BRADON CAPENER

NAME

ELIANA CAPENER

Grayce Anderson

Ross Knight

Vicky Johansen

Deni Harbin

Robert Harbin

Michelle Reynolds

Ryan Bailey

Brittany Bailey

Nancy Lewis

Rob Lewis

Kelly Ward

Barney Fredrick

42

Paul Frederick

Planning Commission - June 4, 2024

Name

Ralbert Stoad

Ann Haldaway

David Holdaway

Amy Baesler

Nina Kuznetz

Kevin Wasden

Nader Mikhail

Kathy Mikhail

Carol Humball

Steve Humball

Meredith Wurm

Coleen S. Turner

Darrel Turner

Brooklin Nielsen

Sharon Burgess

Tom Burgess

Doug Sprinkel

Carol Kadden

MICHAEL ARAUC

Devin Schenk

Kristina Carpenter

Kody Mand

Blaine Kippers

Richard Langgort

RYAN MURDOCK

EDDIE DAUGHTY

Kimberly Swift

Jason Swift

-12

Chad & Courtney
Fairchild

