

October 16, 2026

VIA EMAIL

Pleasant View City Council
520 W Elberta Drive
Pleasant View, Utah 84414
asteiniger@pleasantviewut.gov

**Re: Response to Appeal Application Submitted by Westview Homeowners, LLC
of Site Plan / Conditional Use Approval (Existing Building)**

Property: 1330 West 3100 North, Pleasant View, UT 84414

Dear Members of the City Council:

Rise Recovery, LLC (“Rise Recovery”) submits this response in opposition to the Appeal Application filed by Westview Homeowners, LLC (“Westview”). The use Westview objects to was approved on April 21, 2026, when Christopher Crockett, the decision maker the City designated to resolve Rise Recovery’s request for reasonable accommodation under the federal Fair Housing Act (the “Act”), issued a Memorandum Decision and Order (the “Order”). The Order permits Rise Recovery to operate a residential facility for persons with a disability at the existing single-family home at 1330 West 3100 North (the “Property”) with up to fourteen residents, and directs that the use be treated as residential. Westview did not timely appeal the Order. The Order left a single, narrow question for the conditional use process: whether the reasonably anticipated land use impacts of that already-approved use could be mitigated through reasonable conditions. On June 25, 2026, the Planning Commission answered that question, approving a conditional use permit (“CUP”) subject to eleven conditions addressing parking, residential character, signage, health and safety, noise, lighting, and licensing.

Westview’s appeal, filed more than three months after the Order, is in substance an untimely attempt to relitigate it. Westview has not shown that it is entitled to bring this appeal, its challenges to the Order are not properly before the Council, and as to the June 25 decision it has not carried its burden of showing that the Planning Commission’s decision was illegal or that any of its findings are clearly erroneous. The appeal should be denied.

BACKGROUND

I. Statement of Facts

Rise Recovery will operate a residential support program, colloquially called a “sober living,” that provides stable, structured housing for adults with disabilities recovering from substance use disorders and co-occurring mental health conditions. *Declaration of Brock Howick* (“Howick Decl.”) ¶¶ 7–8. The Property will house up to fourteen adult men, all of whom will qualify as persons with disabilities under the Act and the Americans with Disabilities Act. *Id.* ¶¶ 6, 11. Admission is strictly voluntary; the program does not accept court-ordered placements and does not admit anyone who poses a direct threat to others or to property. *Id.* ¶ 9. The home will function as a substance-free household built on curbing isolation, peer support, accountability, and shared routines, with residents sharing bedrooms, meals, chores, and household responsibilities just as any other family would. *Id.* ¶¶ 8, 13, 36. Residents will occupy the Property under residential leases. Ex. D, Declaration of Jared Fredrickson (“Fredrickson Decl.”) ¶ 4.

The use is residential. Rise Recovery proposes no structural or exterior alterations that would change the residential character of the home or the neighborhood. Howick Decl. ¶ 17. Most residents do not keep vehicles—historically about one in six—so parking demand is driven mainly by staff and overnight demand is expected to be minimal. *Id.* ¶¶ 15–16. The program is not expected to increase traffic, noise, lighting, or parking beyond levels typical of a single-family residence. *Id.* ¶ 18.

II. Procedural History

On February 24, 2026, Rise Recovery submitted a business license application and, with it, a written request for reasonable accommodation under the Act, the Utah Fair Housing Act, and related law. *See* 42 U.S.C. § 3604(f)(3)(B). The request was supported by the property specific Howick Declaration and thirty-seven exhibits of research and government publications. Rise Recovery asked the City (1) to allow up to fourteen unrelated persons with disabilities to reside together at the Property notwithstanding the family definition in the Pleasant View City Municipal Code (the “Code”) and “any other provisions applied to . . . limit the number of unrelated disabled residents”; (2) to waive the conditional use permit process and its public hearing; and (3) to apply the Code’s definition of “disability” consistently with federal and state law. Reasonable Accommodation Request (“RA Request”) at 2, 19.

The Code contains no procedure for deciding reasonable accommodation requests. The City therefore consulted its legal counsel, who advised that the request be decided by an independent third-party decision maker, and the City retained Christopher K. Crockett, a land use attorney, for that purpose. Planning Commission Staff Report (June 4, 2026) (“Staff Report”) at 2; Minutes of June 25, 2026 Planning Commission Meeting (“Minutes”) at 1. The City and Rise

Recovery agreed that Mr. Crockett would decide the request on the written record. Order at 2. The City submitted no evidence either supporting or opposing the request. *Id.*

On April 21, 2026, Mr. Crockett granted the request in part and denied it in part. He found that the residents qualify as persons with disabilities, that the use is residential in nature, and that the record “more than adequately establishes that the requested accommodation is necessary and reasonable, that the requested occupancy level is supported by the evidence as essential to the functioning of the program and to providing meaningful housing opportunity.” *Id.* at 4. He therefore determined that Rise Recovery is permitted to operate a residential facility for persons with a disability at the Property “with up to fourteen residents,” and directed that the use “be treated as residential in nature and evaluated in the same manner as any other similarly situated residential use.” *Id.* at 8–9. He also determined that the use “may not be subjected to different or more burdensome standards based on the status of its residents.” *Id.* at 7.

Mr. Crockett denied Rise Recovery’s request to waive the conditional use process and its public hearing. Because the City “has adopted such a requirement by ordinance,” he concluded, “that requirement must be followed.” *Id.* at 6. He directed that the CUP proceed with a public hearing limited to whether reasonably anticipated land use impacts could be mitigated through reasonable conditions, and that the decision rest on substantial evidence rather than “generalized public opposition or speculation.” *Id.* at 5–7.

Rise Recovery then filed its application for site plan and conditional use approval on April 30, 2026. The Planning Commission held the public hearing on June 4, 2026; written comments received before the hearing were provided to each commissioner, and after varying discussions, the Commission tabled the item. Minutes at 1–2. On June 25, 2026, the Planning Commission reconvened and unanimously approved the CUP subject to eleven conditions, including a parking plan agreed upon by the City and Rise Recovery, maintenance of the residential character of the neighborhood, no commercial signage, compliance with generally applicable health, safety, noise, and lighting standards, and a requirement that Rise Recovery obtain all state and local licensing before commencing operation. *Id.* at 5; Appeal Ex. C.

Rise Recovery thereafter submitted its parking plan, which provides at least nine off-street parking spaces (a three-car garage and a driveway accommodating at least six additional vehicles), and the City approved it before issuing Rise Recovery’s business license on June 29, 2026. Ex. A (Parking Plan); Ex. B (Pleasant View City Business License No. 13300).

On July 24, 2026, Westview filed this appeal.

STANDARD OF REVIEW

Westview filed its appeal with the City Council under Code § 18.54.100, which provides that appeals of actions taken under the conditional use chapter “must be submitted . . . within 30 days of the action appealed.” Neither that section nor any other provision of the Code designates

a scope of review for factual matters. Under the Municipal Land Use, Development, and Management Act (“MLUDMA”), a municipality “may, by ordinance, designate the scope of review of factual matters,” and if it does not, “the appeal authority shall review the factual matters de novo, without deference to the land use authority’s determination of the factual matters.” Utah Code § 10-20-1107(1)–(2). Factual matters concerning the CUP are therefore reviewed de novo.

De novo review of the facts does not shift the burden. The Legislature assigned the burden on appeal according to who brings it, and for an appeal by a party other than the applicant it is specific: an adversely affected party “has the burden of proving that the land use authority’s land use decision is illegal, or that the factual findings are clearly erroneous.” Utah Code § 10-20-1105(2) (emphasis added). Section 1107(2) defines how the facts are examined; section 1105(2) defines what Westview must prove. Read together, they require Westview to demonstrate that the Planning Commission’s decision is illegal or that its findings are clearly erroneous—not merely that the evidence might be viewed differently.

On questions of law, the reviewing body “determine[s] the correctness of the land use authority’s interpretation and application of the plain meaning of the land use regulations,” and it must “interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.” Utah Code § 10-20-1107(4)(a)–(b) (emphasis added).

Finally, even a demonstrated procedural defect does not warrant reversal without prejudice. A challenger must show “a reasonable likelihood that the legal defect in the city’s process changed the outcome of the proceeding.” *Potter v. S. Salt Lake City*, 2018 UT 21, ¶ 33, 422 P.3d 803. Applying that standard, the Utah Supreme Court rejected a challenge to a land use decision because there was “no reasonable likelihood that the alleged defect . . . had any effect on the outcome of the proceedings.” *Id.* ¶ 34.

ARGUMENT

I. Westview Has Not Established That It May Bring This Appeal, and Most of Its Arguments Attack a Decision It Never Timely Challenged.

A. Westview has not shown that it is an “adversely affected party” and therefore lacks standing to appeal.

Only “[t]he land use applicant, a board or officer of the municipality, or an adversely affected party” may appeal a land use authority’s decision to the appeal authority. Utah Code § 10-20-1103(1). Westview is neither the applicant nor a board or officer of the City, so it may proceed only as an “adversely affected party.” *See id.* Standing is a “threshold jurisdictional requirement,” and the party invoking the appeal authority’s jurisdiction must establish it before its appeal may be heard. *Living Rivers v. San Juan Cnty.*, 2024 UT App 162, ¶ 11, 560 P.3d 179.

Westview bears that burden here, just as it bears the burden of proof on the merits of its appeal. See Utah Code § 10-20-1105(2).

An “adversely affected party” is a person, other than the applicant, who “owns real property adjoining the property that is the subject of a land use application or land use decision,” or who “will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.” *Id.* § 10-20-102(2). Westview satisfies neither prong.

First, Westview itself owns no adjoining property. Weber County parcel records reflect the ownership of every parcel adjoining the Property, and Westview Homeowners, LLC owns none of them. Ex. C (Weber County parcel map).¹ Westview’s appeal does not contend otherwise; it frames its asserted harms as the effects of operating a business “within the Westview Subdivision.” Appeal at 11.

Second, Westview identifies no injury distinct from that of the general community. Its asserted harms are “[i]ncreased traffic and parking demands” and the loss of the “residential character of the surrounding neighborhood.” By the appeal’s own terms, these are subdivision-wide and community-wide concerns. *Id.* “Expressions of concern, without a claim of actual or potential injury to the party, are too generalized to qualify as a distinct and palpable injury.” *Living Rivers*, 2024 UT App 162, ¶ 18.

Living Rivers is directly on point. Construing the materially identical definition of “adversely affected party” that governs county land use decisions, the Utah Court of Appeals held that an organization’s asserted harms—there, contamination and wildfire risk—were “general in nature” and not “sufficiently particularized” to confer statutory standing, because every member of the community shared them. *Id.* ¶ 19. An association may appeal on behalf of its members, but only if it “connect[s] the dots”: it must identify a member who both will suffer a particularized injury and satisfies the statute’s ownership or jurisdictional requirement. *Id.* ¶¶ 20, 22. The organization in *Living Rivers* failed that test because it never tied its one arguably particularized harm to any member who owned or occupied property affected by the decision. *Id.* ¶¶ 22–23.

Westview has done even less. It identifies no member who owns property adjoining the Property, and no member who will suffer any injury distinct from that of the community at large. Having failed to carry its burden on this threshold question, Westview is not an adversely affected party, and its appeal should be denied on that basis alone.

¹ Exhibit C shows the parcel nearest the Property to which Westview holds title.

B. Westview’s challenges to the April 21 Order are outside the scope of this appeal and untimely.

Three of Westview’s arguments—that the City could not use an independent decision maker to resolve the accommodation request, that Rise Recovery needed a separate accommodation from the Code’s “non-profit” language, and that the fourteen-resident accommodation is not “necessary” under the Act—are not challenges to the Planning Commission’s June 25 decision at all. Each attacks the April 21 Order. That Order decided the accommodation request under federal and state fair housing law; it did not arise under the conditional use chapter, and it expressly removed those questions from the later CUP hearing: “The decision maker is not reconsidering whether the use is allowed, whether the residents qualify as persons with disabilities, or whether the number of residents should be reduced. Those issues have already been decided and are not before us.” Order at 6; *see* Staff Report at 3. The Planning Commission followed that direction. Minutes at 3. An appeal from the Planning Commission’s conditional use decision is not a vehicle for relitigating questions the Commission did not decide and that the Order had already resolved.

Westview’s challenge to the April 21 Order comes far too late. Appeals “must be submitted . . . within 30 days of the action appealed.” Code § 18.54.100. The Order issued on April 21, 2026; thirty days later was May 21, 2026. The Order was also made publicly available no later than June 4, 2026, when it was attached to the publicly noticed Staff Report. Measured from either date, the period expired well before Westview filed on July 24, 2026. Utah courts treat an ordinance’s appeal period as jurisdictional. *Brendle v. City of Draper*, 937 P.2d 1044, 1047–48 (Utah Ct. App. 1997). And a later decision that implements an earlier one does not restart the clock; a party may not recharacterize later actions so as to “artificially lengthen the statutorily mandated time for challenging the land use decision.” *Foutz v. City of S. Jordan*, 2004 UT 75, ¶ 25, 100 P.3d 1171; *see Brendle*, 937 P.2d at 1047–48. Thus, Westview’s attempts to appeal the April 21 Order are untimely.

The only decision properly before the Council is the Planning Commission’s June 25, 2026 determination that the reasonably anticipated effects of the use can be mitigated by reasonable conditions. Nonetheless, without waiving its position that any attempts to appeal the April 21 Order are untimely, Rise Recovery addresses each of Westview’s arguments on the merits below.

II. Westview’s Procedural Challenge Fails, and It Shows No Prejudice.

Westview’s lead argument, which is improperly directed at the April 21 Order, is that MLUDMA prohibited the City from resolving Rise Recovery’s accommodation request through an independent decision maker because no ordinance prescribes that procedure. The argument fails for three independent reasons.

First, Westview cannot show prejudice. A procedural defect warrants relief only if there is “a reasonable likelihood that the legal defect in the city’s process changed the outcome.” *Potter*, 2018 UT 21, ¶ 33. Westview cannot make that showing. The accommodation was decided on an un rebutted record that compelled the result under federal law (see Part III), and the conditional use permit itself was decided by the Planning Commission, at public hearing, under the Code’s conditional use procedure. Code § 18.54.040. Westview asserts that interested parties were “prevented from addressing” whether the accommodation was necessary. Appeal at 5. But it has never identified any evidence it would have offered on that question—not to the Planning Commission, and not in this appeal, where the facts are reviewed de novo. Instead, Westview challenges the necessity of the accommodation with argument alone, and that argument fails against the un rebutted evidence already in the record. *See* Part III. Westview has not shown a reasonable likelihood that any different procedure would have produced a different result.

Second, Westview’s argument rests on a mistaken premise. The ordinance requirement it invokes applies to the enactment of a “land use regulation,” which MLUDMA defines as “a legislative decision.” Utah Code §§ 10-20-501(2)(a), -102(43)(a). MLUDMA separately defines a “land use decision” as “an administrative decision” regarding a particular application. *Id.* § 10-20-102(41). Legislative acts establish generally applicable rules; administrative acts apply existing law to particular facts and parties. *See Suarez v. Grand County*, 2012 UT 72, ¶ 31, 296 P.3d 688 (enacting a broad zoning ordinance is legislative, while applying it to individual property owners, as with variances and conditional use permits, is executive); *see also Krejci v. City of Saratoga Springs*, 2013 UT 74, ¶¶ 34–35, 322 P.3d 662. The Order adopted no rule and amended no ordinance. It applied existing federal and state fair housing law, and the Code’s existing family definition, to a single applicant, a single parcel, and a single record. That is an administrative act, and nothing in § 10-20-501(2)(a) required an ordinance to authorize it. Were it otherwise, every accommodation decision would require an ordinance. But responding to an accommodation request is not the enactment of a land use regulation; it is the City’s discharge of an obligation federal and state law already impose, whether or not the City has adopted a formal procedure for doing so. Resolving the request through a neutral, experienced land use attorney was a reasonable means of meeting that obligation.

Westview’s answer is that the accommodation request should instead have been folded into the conditional use application and decided by the Planning Commission under Code § 18.54.040. Appeal at 3–5. Nothing in the Code or MLUDMA requires that, and the law treats the two as distinct inquiries. The request was not part of a conditional use application: Rise Recovery submitted it on February 24, 2026, with its business license application, more than two months before it filed a conditional use application on April 30. Section 18.54.040 is a procedure for deciding conditional use permits, and the question it poses—whether the reasonably anticipated detrimental effects of a use can be mitigated—is not the question the Act asks. *See* Code § 18.54.020. The Tenth Circuit has described a reasonable accommodation claim as “yet a different sort of animal,” governed by its own standard: whether the accommodation is reasonable and may be “necessary to afford [persons with disabilities] equal opportunity to use

and enjoy a dwelling.” *Cinnamon Hills Youth Crisis Ctr., Inc. v. Saint George City*, 685 F.3d 917, 922–23 (10th Cir. 2012) (quoting 42 U.S.C. § 3604(f)(3)(B)). The two operate independently; a conditional use permit neither satisfies nor displaces the Act’s obligations, which is why a group home may challenge permit conditions under the Act “even though the home was issued a conditional use permit.” *Bangerter v. Orem City Corp.*, 46 F.3d 1491, 1498 (10th Cir. 1995); *see also Courage to Change Ranches Holding Co. v. El Paso County*, 73 F.4th 1175, 1205–06 (10th Cir. 2023) (analyzing a permit denial separately from the accommodation claim). Mr. Crockett drew exactly this line, identifying “[t]wo distinct legal inquiries”: the reasonable accommodation analysis, which “determines whether the use must be allowed and how it is classified,” and the conditional use process, which “determines whether any site-specific impacts associated with that use can be mitigated through reasonable conditions.” Order at 4. Folding the accommodation question into a conditional use permit application and a public hearing is not a procedure the law requires. Whether an accommodation must be granted depends on the residents’ disability-related needs, not on the views of their prospective neighbors. *See United States v. City of Chicago Heights*, 161 F. Supp. 2d 819, 831 (N.D. Ill. 2001) (agreeing “that community opposition is not relevant to the issue of reasonable accommodation”). Submitting that question to public comment would only invite input the City could not lawfully consider in deciding it. *See* Part III.A.

Third, Westview’s premise—that the process deprived the public of a hearing to which it was entitled—is mistaken. Westview complains that interested parties had no opportunity to address whether the accommodation was necessary or whether the occupancy level was appropriate. Appeal at 5. But no provision of the Code, MLUDMA, or federal or state fair housing law requires a public hearing on a request for reasonable accommodation, and Westview cites none. As explained above, that question turns on the residents’ disability-related needs, not on community sentiment. *See* Order at 5. A public hearing would not have made the answer more reliable. It would only have created a record of community opposition—evidence that bears not on whether an accommodation is required, but on whether a municipality acted with discriminatory intent. *See Chicago Heights*, 161 F. Supp. 2d at 831. Routing that question through public comment would invite the very risk the Act guards against, because disability-based opposition voiced at a hearing can itself support an inference of discriminatory intent. *See Chestnut Hill NY, Inc. v. City of Kingston*, No. 1:23-CV-01024 (BKS/DJS), 2026 WL 657423 (N.D.N.Y. Mar. 9, 2026). To the extent the Code provides any public hearing in this context, it is the hearing on a conditional use application. Code § 18.54.040. That hearing occurred: Rise Recovery had asked that it be waived, Mr. Crockett declined to waive it, and the Planning Commission held it on June 4, 2026, and received written and oral comments. Order at 6; Minutes at 1–2. Any interested person had the opportunity there to address the land use impacts of the use. The Order excluded from that hearing only the questions the accommodation decision had already resolved—whether the use is allowed, whether the residents are persons with disabilities, and how many may live together. Westview received every hearing to which it could claim any entitlement.

III. The Record Establishes That the Fourteen-Resident Accommodation Is Necessary and Reasonable.

Again, Westview’s necessity argument is directed at the April 21 Order and is not properly before the Council. See Part I.B. But even if the Council were to reach it, it fails. The Act requires a reasonable accommodation when it “may be necessary to afford [a person with a disability] equal opportunity to use and enjoy a dwelling.” 42 U.S.C. § 3604(f)(3)(B); *Cinnamon Hills*, 685 F.3d at 922–23. The “object of the statute’s necessity requirement is a level playing field in housing for the disabled.” *Cinnamon Hills*, 685 F.3d at 923. An accommodation is thus required when it is reasonable and necessary to afford equal opportunity to use and enjoy a dwelling. *Corp. of Episcopal Church in Utah v. W. Valley City*, 119 F. Supp. 2d 1215 (D. Utah 2000).

A. Rise Recovery seeks the same housing opportunity every family in the RE-15 zone already enjoys.

Rise Recovery asks to be treated as any other family would be. In the RE-15 zone, a single-family dwelling is a permitted use, and a “family” of persons related by blood, marriage, adoption, or guardianship may occupy it in any number. Code §§ 18.04.260, 18.09.020(A). A household of fourteen related persons needs no permit, no hearing, and no justification. Only unrelated persons are capped at five. The accommodation simply allows fourteen unrelated persons with disabilities, who live together as the functional equivalent of a family, to occupy a single-family home on the same terms as a large related household. Howick Decl. ¶¶ 36–37. That is the “level playing field” the Act requires.

Westview’s contrary argument rests on a misstatement. It asserts that “[t]he City does not allow more than fourteen unrelated individuals to live together in the RE-15 zone, whether disabled or not,” and that Rise Recovery therefore seeks an opportunity unavailable to anyone. Appeal at 9. But the relevant comparison is to the families who may occupy RE-15 homes without numerical limit. And the Code treats households of persons with disabilities *less* favorably than others, not more: any licensed residence in which more than one person with a disability lives requires a conditional use permit in the RE-15 zone, while up to five unrelated persons without disabilities may live together by right. Code §§ 18.04.260, 18.04.465, 18.09.020(A), 18.09.030(D); *see Courage to Change*, 73 F.4th at 1179 (holding that the county “violated the FHAA by imposing facially discriminatory occupancy limits on group homes for disabled persons without a legally permissible justification”); *Bangerter*, 46 F.3d at 1500–01 (ordinance that “facially single[s] out the handicapped and appl[ies] different rules to them” is intentionally discriminatory).

The authorities Westview invokes confirm the distinction. In *Cinnamon Hills*, the applicant sought to house residents on the top floor of a motel in a commercial zone where no one, disabled or not, could live—“an opportunity that isn’t available to others rather than one

that is.” 685 F.3d at 923–24. In *Courage to Change*, the Tenth Circuit applied the same limit to a request that would have provided “a better housing opportunity than what was available to others.” 73 F.4th at 1206. Rise Recovery seeks nothing of the kind. It seeks to live in a house, in a residential zone, as a family household—exactly what non-disabled families do as of right. Nor does Pleasant View offer persons with disabilities any preferential treatment that might make further accommodation unnecessary, as the city in *Etna Properties, LLC v. Holladay City* did by allowing six unrelated persons with disabilities to live together where only four unrelated persons without disabilities could. No. 2:17-cv-00980-DBB-CMR, 2020 WL 1236439 (D. Utah Mar. 13, 2020).

B. Westview’s remaining cases failed for lack of proof which is not at issue here.

Westview’s remaining authorities turned on failures of proof, not on any categorical bar. In *Recovery Landholdings, LLC v. City of South Ogden*, the operator sought to expand from twenty to thirty-two residents without offering “evidence that such treatment must occur in groups of thirty-two as opposed to twenty.” No. 1:17-CV-152 TS, 2019 WL 1489003 (D. Utah Apr. 4, 2019). In *Etna*, the applicants rested on the assertion that “their particular business model will not work” with fewer residents. 2020 WL 1236439. Courts elsewhere have denied requests on similar records—where the operator showed only that a number suited its “chosen model” or offered “self-serving, conclusory” support. *Harmony Haus Westlake, L.L.C. v. Parkstone Prop. Owners Ass’n*, 851 F. App’x 461, 466 (5th Cir. 2021); *One Love Housing, LLC v. City of Anoka*, 93 F.4th 424, 434 (8th Cir. 2024). Those same courts recognize the governing principle: for persons with disabilities who live together for mutual support, “some minimum size may be essential to the success of the venture,” and that may be shown by evidence that the number is “therapeutically meaningful.” *Harmony Haus*, 851 F. App’x at 465.

This record supplies exactly that evidence, and it rests on the residents’ disabilities, not on Rise Recovery’s finances. Brock Howick, a Licensed Clinical Social Worker with more than ten years of clinical experience treating substance use and mental health disorders, including service as a program clinical director, attested under penalty of perjury that “a minimum census of fourteen (14) residents is necessary at the Property for the effective operation of a residential support program serving individuals with substance use and co-occurring mental health disabilities.” Howick Decl. ¶¶ 2–3, 19 & Ex. A. He explained why:

- Recovery from substance use disorders is “highly vulnerable to isolation,” and a fourteen-resident household “provides sufficient peer interaction to prevent residents from being left isolated in the home,” “while avoiding the need for intrusive monitoring that would undermine the residential nature of the program.” *Id.* ¶¶ 20–21.
- Residents in early recovery share bedrooms, and a larger household is “necessary to allow compatible roommate pairings and adjustments while

accounting for trauma histories, interpersonal dynamics, and contraindications.” *Id.* ¶ 22.

- Because residents arrive and depart at different times, the census must absorb “predictable attrition” so that the supportive peer environment “remains intact despite these routine fluctuations.” *Id.* ¶¶ 23, 32.
- Under the Stable Environment Model the program applies, “[a] household census of at least fourteen (14) residents at the Property as it currently sits is necessary to achieve the interaction frequency, relationship diversity, and resilience required for SEM to function effectively.” *Id.* ¶ 26(c).
- Operating at a lower census “would materially undermine the peer-support structure, continuity, and household functioning that mitigate these disability-related barriers,” leaving housing that “is effectively inaccessible to this population.” *Id.* ¶¶ 33, 35.

The research submitted with the request corroborates that judgment. Rise Recovery’s household is what federal treatment guidance calls a “revolving membership” group: residents arrive and depart at different times rather than as a fixed cohort. Howick Decl. ¶ 32. The Substance Abuse and Mental Health Services Administration’s treatment protocol on group therapy explains that “[r]evolving membership groups can be larger than fixed membership groups,” recommends keeping such a group to “about 15 or fewer” so that members feel “a sense of connection and belonging to the group,” and identifies the point at which group interaction breaks down as a group of “more than 20.” RA Request Ex. W (Ctr. for Substance Abuse Treatment, *Substance Abuse Treatment: Group Therapy*, Treatment Improvement Protocol (TIP) Series No. 41 (2005)) at 60. A household of fourteen sits within that range. A household capped at five falls far below it.

No contrary evidence exists. The City submitted none, and Mr. Crockett found that the record “more than adequately establishes” that the accommodation is necessary and reasonable and that the occupancy level is “essential to the functioning of the program and to providing meaningful housing opportunity.” Order at 4. Westview, for its part, offers only legal argument. Even on de novo review of the facts, there is nothing in the record for the Council to weigh against this showing, and Westview cannot prove the necessity finding clearly erroneous. Utah Code § 10-20-1105(2).

The accommodation is also reasonable. It imposes no financial or administrative burden on the City and does not alter the City’s zoning scheme: the Property remains a single-family home, used as a residence, in a residential zone, subject to the same land use standards as any other residential use. RA Request at 13–16; Order at 7.

IV. The Code's "Non-Profit" Language Supplies No Basis to Deny the Permit.

Westview contends that because Rise Recovery is a for-profit limited liability company, its residents cannot occupy the Property as a "single non-profit housekeeping unit" under the family definition, and that Rise Recovery needed a separate accommodation it never obtained. Appeal at 6–7; see Code § 18.04.260. The argument misreads the law and Rise Recovery's reasonable accommodation application.² To the extent Westview contends the accommodation granted by the April 21 Order was too narrow, that is a challenge to the Order and is untimely for the reasons stated in Part I.B. Nevertheless, no further accommodation was needed, because the "non-profit" language does not reach this household.

First, the "non-profit" clause describes how the occupants live, not who owns or operates the dwelling. The family definition reaches "a group of not more than five unrelated persons living together as a single non-profit housekeeping unit, together with any incidental domestic staff who may or may not reside on the premises." Code § 18.04.260. The modifier attaches to how the persons are "living together," and the express allowance for domestic staff—who are paid, and may live on site—confirms that the exchange of money does not make a household commercial. Courts construing the identical phrase agree. See *State v. Baker*, 158 N.J. Super. 536, 386 A.2d 890 (App. Div. 1978) (occupants who shared expenses "at a fixed rate per person" formed a single non-profit housekeeping unit, because that payment is "no different than a parent accepting money from a working child for room and board"); *Concerned Citizens of Timberchase v. Morris Constr. Co.*, No. A-8300258, 1983 WL 2394 (Ohio Ct. App. Dec. 28, 1983) (rejecting argument that "the payment of compensation" and "the 'for profit' character" of the operator defeated single-housekeeping-unit status, because the "emphasis . . . should not be on the means whereby services are performed, but on the use actually being made of the building by its occupants"); *Appeal of Miller*, 511 Pa. 631, 639–40, 515 A.2d 904, 908–09 (1986).

All residents will occupy the Property as tenants under residential leases. Fredrickson Decl. ¶ 4. Courts draw the line in the same place. In *Smith & Lee Associates, Inc. v. City of Taylor*, the Sixth Circuit explained that "[w]hether a home is owned or rented does not [a]ffect whether it is being used in a profit-making or non-profit-making manner," and that unrelated persons who rent from a profit-making landlord may "rent a home and live as a 'family' . . . so long as they do not use the home in a profit-making manner." 13 F.3d 920, 926 (6th Cir. 1993). The residents here will occupy the Property as their home, and live together as "the functional equivalent of a single housekeeping unit or family," sharing bedrooms, meals, chores, and responsibilities. Howick Decl. ¶ 36. They will not operate a business among themselves. Like any family that rents its home from a landlord, they remain a household.

² Rise Recovery's reasonable accommodation application states, "For the reasons set forth above, Rise Recovery respectfully requests that the City grant a reasonable accommodation from the requirements of City Code §§ 18.04.200, 18.04.230, 18.04.250, 18.04.260, 18.09.020, 18.09.030, and 18.02.050(B) and any other provisions applied to (i) limit the number of unrelated disabled residents at the Property or (ii) require a conditional use permit and public hearing for the proposed use." RA Request at 19 (emphasis added).

Second, reading a for-profit disqualification into the family definition would violate the Act. A municipality may not treat housing for persons with disabilities differently because of its operator's tax status. *See Chicago Heights*, 161 F. Supp. 2d at 844 ("The FHAA does not require group home providers to give away their services, to operate at a loss, nor to declare a particular tax status."); *Conn. Hosp. v. City of New London*, 129 F. Supp. 2d 123, 136 (D. Conn. 2001) (declining "to withhold the protections of the Fair Housing Act from people who seek out-patient treatment in programs run by for-profit agencies" where the city "did not articulate any justification for treating group homes owned or operated by for-profit organizations differently than not-for-profit organizations"). The Order already secures that equal treatment. Order at 7–9. And to the extent any doubt remained, the Code must be interpreted "to favor a land use application unless the land use regulation plainly restricts" it. Utah Code § 10-20-1107(4)(b). Nothing in § 18.04.260 or § 18.04.465 plainly restricts this household because of its landlord's corporate form. Were Westview's argument put into practice, it would mean that every family that rents a home would be in violation of § 18.04.260.

V. Westview Has Not Shown That the Conditions Fail to Mitigate the Reasonably Anticipated Effects of the Use.

Westview's remaining argument is that the conditions do not adequately mitigate the reasonably anticipated detrimental effects of the use, and that the CUP should therefore have been denied. Appeal at 10–11. The Code requires the opposite result where, as here, those effects can be mitigated: a conditional use "shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards." Code § 18.54.020(B). Westview bears the burden of showing that the Planning Commission's findings are clearly erroneous or its decision illegal. Utah Code § 10-20-1105(2). It has shown neither.

The anticipated effects are those of a household. And the record shows that the use will not increase traffic, noise, lighting, or parking beyond levels typical of a single-family residence; that most residents do not keep vehicles; and that overnight parking demand is expected to be a few vehicles. Howick Decl. ¶¶ 15–18. No structural or exterior changes are proposed. *Id.* ¶ 17. Westview offers no evidence to the contrary—only the general assertion that "[i]ncreased traffic and parking demands are an anticipated detrimental effect of a business in a residential subdivision." Appeal at 11. That assertion is not evidence, and it mischaracterizes the use, which the Order held must be treated as residential. Order at 8–9.

Parking has been addressed. Westview calls Condition 1 "vague." Appeal at 11. But Condition 1 has already been carried out. Rise Recovery submitted a parking plan providing at least nine off-street spaces—a three-car garage and a driveway accommodating at least six more vehicles—and the City approved that plan before issuing Rise Recovery's business license on June 29, 2026, nearly a month before Westview filed this appeal. Ex. A.

The remaining conditions reflect the residential nature of the use. Westview objects that the other conditions are “broad and generic” and “merely require compliance with existing legal obligations.” Appeal at 11. That is the expected result when, as here, a use’s effects are those of an ordinary household. The Order directed that the use “be treated as residential” and “not be subjected to different or more burdensome standards based on the status of its residents.” Order at 7, 9. Conditions more onerous than those imposed on comparable residential uses would themselves raise serious concerns under the Act. The conditions the Commission imposed—no commercial signage, maintenance of the residential character of the neighborhood, compliance with generally applicable noise, lighting, health, and safety standards, state licensing before operation, operation consistent with the application, and new approval for any increase in residents or change in operations—directly address every effect Westview identifies. The licensing condition, moreover, is built into the Code’s definition of the use. Code § 18.04.465.

Generalized opposition is not evidence. A land use decision based on adverse public comment, without record evidence of actual impacts, is arbitrary and capricious. *Uintah Mountain RTC, L.L.C. v. Duchesne County*, 2005 UT App 565, ¶ 32, 127 P.3d 1270. In *Uintah Mountain*, the court set aside the denial of a conditional use permit for a residential treatment facility that rested on neighbors’ letters and news reports about other facilities, with no record evidence of actual safety issues at the proposed home. *Id.* The Order applied the same rule here, directing that “[c]omments based on generalized concerns, speculation, or opposition to the nature of the residents do not constitute substantial evidence and cannot be relied upon in making this decision.” Order at 6. Westview has identified no evidence that any reasonably anticipated effect of this household remains unmitigated.

Finally, the time to identify detrimental effects “supported by substantial evidence” and to propose conditions was the public hearing, and no one has identified any the Commission missed. *See* Order at 7. The conditional use application was set for a public hearing before the Planning Commission, and proper notice of that hearing was given. Staff Report at 4. That hearing was open to any member of the public who wished to present evidence of the use’s reasonably anticipated detrimental effects or propose conditions to mitigate them. The Planning Commission held it on June 4, 2026, and every written comment received before it was provided to each commissioner. Minutes at 2. After considering that record and hearing public comment, the Commission imposed eleven conditions addressing parking, residential character, signage, noise, lighting, health and safety, and licensing. *Id.* at 5; Appeal Ex. C. Westview now asserts, after the fact, that those conditions are inadequate. But it identifies no detrimental effect the Commission overlooked, offers no evidence that any condition fails to mitigate the effect it addresses, and proposes no additional condition the Commission should have imposed. General disagreement with conditions imposed after a noticed public hearing, unsupported by any evidence, does not show that the Commission’s findings are clearly erroneous or its decision illegal. Utah Code § 10-20-1105(2).

RESPONSE TO WESTVIEW'S OCTOBER 16 SUPPLEMENT TO APPEAL

VI. Westview's October 16 Supplement Is Untimely, and It Confirms That the Opposition Rests on Who the Residents Are, Not on Any Land Use Impact.

On October 16, 2026, Westview filed a Supplement to Appeal (the "Supplement") that, by its own description, "adds additional arguments to the Appeal." Supplement at 1. It contends that the accommodation fundamentally alters the RE-15 zone, that two sales of a nearby home have fallen through, that the Property cannot hold fourteen residents, and that the City should confirm Rise Recovery's state licensure. *Id.* at 2–4. None of these arguments is timely, and none has merit. More fundamentally, the Supplement's own exhibits show that what Westview offers as land use evidence is, in substance, opposition to the residents because of their disabilities. In other words, Westview's Supplement does nothing more than place additional evidence of discriminatory animus before this Council.

A. The Supplement's new arguments are untimely.

As stated above, appeals "must be submitted . . . within 30 days of the action appealed." Code § 18.54.100. The Planning Commission acted on June 25, 2026. Westview filed the Supplement 113 days later, nearly three months after the appeal period closed. Westview's appeal was timely, if at all, only as to the Planning Commission's June 25 decision, and the arguments in the Supplement are new. Allowing an appellant to add new grounds months after the deadline would let it do indirectly what the 30-day limit forbids directly. *Cf. Foutz*, 2004 UT 75, ¶ 25 (a party may not "artificially lengthen the statutorily mandated time for challenging the land use decision"). And the Supplement's lead argument, that the accommodation is not "reasonable," is a direct challenge to the April 21 Order, which found the accommodation "necessary and reasonable." Order at 4. That challenge is untimely for the reasons stated in Part I.B. Still, as with the arguments raised in Westview's July 24, 2026 Appeal, even if the Council were to consider the Supplement, it changes nothing.

B. The Supplement does not establish standing.

The Supplement appears designed to supply what the Appeal lacked: a property owner who claims a particularized injury. It does not. The letters concern a home at 1335 West 3100 North owned by Kody and Jennifer Mund. Supplement Ex. I. The Munds are not appellants, and neither the Supplement nor its exhibits states that they are members of Westview or that they authorized this appeal. What's more, Westview calls their home "adjacent," but the buyers' own agents describe it as "across the street" from the Property. Supplement at 2; *id.* Ex. J. An association must "connect the dots" by identifying a member who meets the statutory definition, and Westview still has not done so. *Living Rivers*, 2024 UT App 162, ¶¶ 20, 22. Under that definition, the member must either own "real property adjoining the property that is the subject of a land use application or land use decision" or "suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision." Utah

Code § 10-20-102(2). The Munds satisfy neither requirement. Their home is across the street from the Property, not adjoining it, and, as explained below, their claimed injury does not result from the decision on appeal.

Nor is the claimed injury one suffered “as a result of the land use decision” that is on appeal. Utah Code § 10-20-102(2). Both buyers reacted to the prospect of the disabled residents living nearby, a use the April 21 Order authorized, not to anything the June 25 decision did. The June 25 decision added only conditions. Whatever Westview’s grievance with the Order, it is not an injury resulting from the decision before the Council.

C. The property-value evidence reflects fear of, and animus toward, the residents’ disabilities, which the City may not act upon.

The Supplement’s central exhibits are letters from real estate agents explaining why two buyers canceled contracts on the Munds’ home. Neither buyer cited traffic, parking, noise, lighting, or any other physical effect of the use. One buyer canceled because, “[w]hile it is in a protected class,” the buyers “couldn’t risk anything that could happen with their daughters,” and they did not believe “a residential neighborhood is where 14-16 adult males should be doing it.”³ Supplement Ex. J. The other canceled after learning of “an addiction recovery facility located less than 200 yards from the home.” *Id.* Ex. K. The survey Westview’s counsel extracted drew the same sentiments: “We don’t feel comfortable having any recovering addicts that close to our family at all”; “they are coming to live here because of poor choices”; a neighborhood “with families and lots of kids” is no place for “a sober living home with multiple addicts”; and it is not “appropriate to have a sober living home that close to our church building or near children’s homes.” *Id.* Ex. M.

These are not land use impacts. They are fear-based, discriminatory animus to who the residents are: men recovering from substance use disorders, a disability the Act protects. The Act makes it unlawful to “make unavailable or deny” a dwelling “because of a handicap.” 42 U.S.C. § 3604(f)(1). Restrictions on housing for persons with disabilities “cannot be based on blanket stereotypes about the handicapped,” and “[g]eneralized perceptions about disabilities and unfounded speculations about threats to safety are specifically rejected as grounds to justify exclusion.” *Bangerter*, 46 F.3d at 1503–04 (quoting H.R. Rep. No. 100-711, at 18 (1988)). As the United States Supreme Court has explained, “mere negative attitudes, or fear, unsubstantiated by factors which are properly cognizable in a zoning proceeding, are not permissible bases” for treating a group home differently, because “[p]rivate biases may be outside the reach of the law, but the law cannot, directly or indirectly, give them effect.” *City of Cleburne v. Cleburne Living Ctr., Inc.*, 473 U.S. 432, 448 (1985) (quoting *Palmore v. Sidoti*, 466 U.S. 429, 433 (1984)).

³ Rise Recovery’s reasonable accommodation application is for 14 disabled individuals, which is inclusive of one or two live-in staff. Order at 8–9; RA Request at 3 & n.1.

The Tenth Circuit has recognized this pattern: “[s]ometimes, zoning officials might relent to housing discrimination after campaigns by neighborhood homeowners concerned that the presence of people recovering from addiction will degrade their quiet neighborhoods.” *Courage to Change*, 73 F.4th at 1179. When a decision maker faces such a campaign, the question is “whether [the] elected official is appropriately responding to legitimate concern or is unlawfully catering to and effectuating the constituent’s bigotry,” and “a decision based on unfounded fears of citizens would be discriminatory.” *Keys Youth Servs., Inc. v. City of Olathe*, 75 F. Supp. 2d 1235, 1244–45 (D. Kan. 1999). Courts have likewise treated descriptions of group homes as “encroaching” upon neighborhoods and as having a “negative effect on property values” as evidence of disability-based animus. *See Nev. Fair Hous. Ctr., Inc. v. Clark County*, 565 F. Supp. 2d 1178, 1185–86 (D. Nev. 2008). Where courts have credited neighbors’ concerns, those concerns rested on evidence of the residents’ actual conduct. *See Keys*, 75 F. Supp. 2d at 1244–45. Westview offers nothing of the kind. Its evidence is that discriminatory buyers did not want to live near people recovering from addiction.

A decline in a neighbor’s sale price that stems from buyers’ fear of the residents is not a “reasonably anticipated detrimental effect[] of the proposed use” that conditions could mitigate. Code § 18.54.020(B). The only “condition” that would answer it is the exclusion of the residents themselves, which is precisely what the Act forbids. Giving effect to that fear would also create the kind of record of disability-based opposition that courts treat as evidence of discriminatory intent. *See Chicago Heights*, 161 F. Supp. 2d at 831. Rise Recovery does not suggest that the Council shares these views. But the Council may not act on them.

The letters are also weak even on their own terms. The agent who wrote on the sellers’ behalf acknowledges that “[n]o single factor can conclusively explain buyer activity” and also refers to “changing interest-rate and market conditions.” Supplement Ex. I.

Nor does Westview’s only authority on property values help it. In *Anderson v. City of Blue Ash*, 798 F.3d 338 (6th Cir. 2015), the Sixth Circuit reversed summary judgment for the city on a reasonable accommodation claim, concluding that fact questions remained on whether the accommodation was reasonable. Nothing in *Anderson* holds that a city may deny an accommodation because prospective buyers fear the people who would live in the home.

D. Fourteen residents living as one household in an existing home does not fundamentally alter a single-family zone.

Westview’s “fundamental alteration” argument comes down to the claim that fourteen people are too many for one house. The Code answers that question for every family in the RE-15 zone: there is no limit. A family related by blood, marriage, adoption, or guardianship may occupy a single-family dwelling in any number, as a permitted use. Code §§ 18.04.260, 18.09.020(A). A family of fourteen could move into this home tomorrow without a permit, a hearing, or a survey of the neighbors. The only difference between that household and Rise

Recovery's is that Rise Recovery's residents have disabilities. An accommodation that lets them live as that family could not alter the zone. It is the equal opportunity the Act requires. *See* Part III.A.

Nor does the use change the nature of the zone. The RE-15 zone exists "to provide regulated areas for single family residential use." Code § 18.09.010. That is exactly what will occur here: an existing single-family home, with no structural or exterior changes, occupied as a residence by a single household. Order at 8–9; Howick Decl. ¶¶ 17, 36. The Code also already lists a "residential facility for persons with a disability" as a use in the RE-15 zone. Code § 18.09.030(D). A use the zone expressly contemplates, in a house that remains a house, does not fundamentally alter it.

Westview identifies no Code standard to the contrary, because there is none. The Code does not tie household size to bedrooms, bathrooms, or the "occupancy pattern" of surrounding homes. Westview offers a survey instead that asked neighbors how many residents of the sober living home they "would feel comfortable having." *Id.* Answers as low as zero, one, and "Max 3" (fewer than the five unrelated persons the Code allows any household) show that the responses measure who the residents are, not how many. *Id.* One respondent stated that "[w]e don't feel comfortable having any recovering addicts that close to our family at all." *Id.*

Westview's capacity arithmetic fares no better. The fourteen residents include the one or two live-in staff members, so Westview's claim that "as many as fifteen people could stay overnight" double counts. RA Request at 3 & n.1; Supplement at 3. Its request that the Council "make a record finding on the Home's bedroom and bathroom capacity relative to the approved occupancy," Supplement at 3, asks the Council to revisit the occupancy the Order approved for this home "as it currently sits." Howick Decl. ¶¶ 21, 33; Order at 4. Like each argument in this Part, that request challenges the Order, and it is untimely for the reasons stated in Part I.B.

E. Licensure is already a condition of approval.

Westview asks the Council to "treat valid licensure as a condition precedent to the permit." Supplement at 4. The Planning Commission already did. The conditions of approval require Rise Recovery to obtain all required state and local licensing before commencing operation. Minutes at 5; Appeal Ex. C. Westview identifies nothing further the Council could require.

CONCLUSION

The use and occupancy Westview objects to were approved by the April 21, 2026 Order, which Westview never timely challenged and which is not before the Council. The only decision on appeal is the Planning Commission's June 25, 2026 determination that the reasonably anticipated effects of that already-approved use can be mitigated through reasonable conditions. Westview has not shown that it is an adversely affected party entitled to bring this appeal. And

October 16, 2026
Page Nineteen

even if the Council reaches the merits of Westview's arguments, they fail: the process Westview attacks resulted in a public hearing on the conditional use application, and Westview shows no prejudice from it; the record establishes that the fourteen-resident accommodation is necessary to afford these residents an equal opportunity to use and enjoy a dwelling; the Code's "non-profit" language describes how a household lives, not its landlord's tax status; and the conditions, including the parking plan the City has already approved, address every reasonably anticipated effect of the use. Westview's untimely Supplement adds nothing but evidence of the very disability-based animus the City may not consider. Westview has not carried its burden of proving the Planning Commission's decision illegal or any of its findings clearly erroneous. Rise Recovery respectfully requests that the Council deny the appeal and affirm the Planning Commission's approval of the conditional use permit.

Respectfully submitted,

PARSONS BEHLE & LATIMER



Daniel Biddulph
Attorneys for Rise Recovery, LLC

DEB:kwp
Cc: Matt Wilson, mwilson@fwlawut.com

Enclosures:

- Ex. A – Parking Plan and City approval
- Ex. B – Pleasant View City Business License No. 13300 (June 29, 2026)
- Ex. C – Weber County parcel map
- Ex. D – Declaration of Jared Fredrickson

Exhibit A

Rise Recovery LLC Parking Plan for 1330 West 3100 North, Pleasant View, UT 84414

The property located at 1330 West 3100 North, Pleasant View, UT 84414 (the “**Property**”) has ample off-street parking, including a three-car garage and a driveway wide enough to park at least 6 additional vehicles, totaling at least 9 off-street parking spaces, as evidenced by the photograph below.

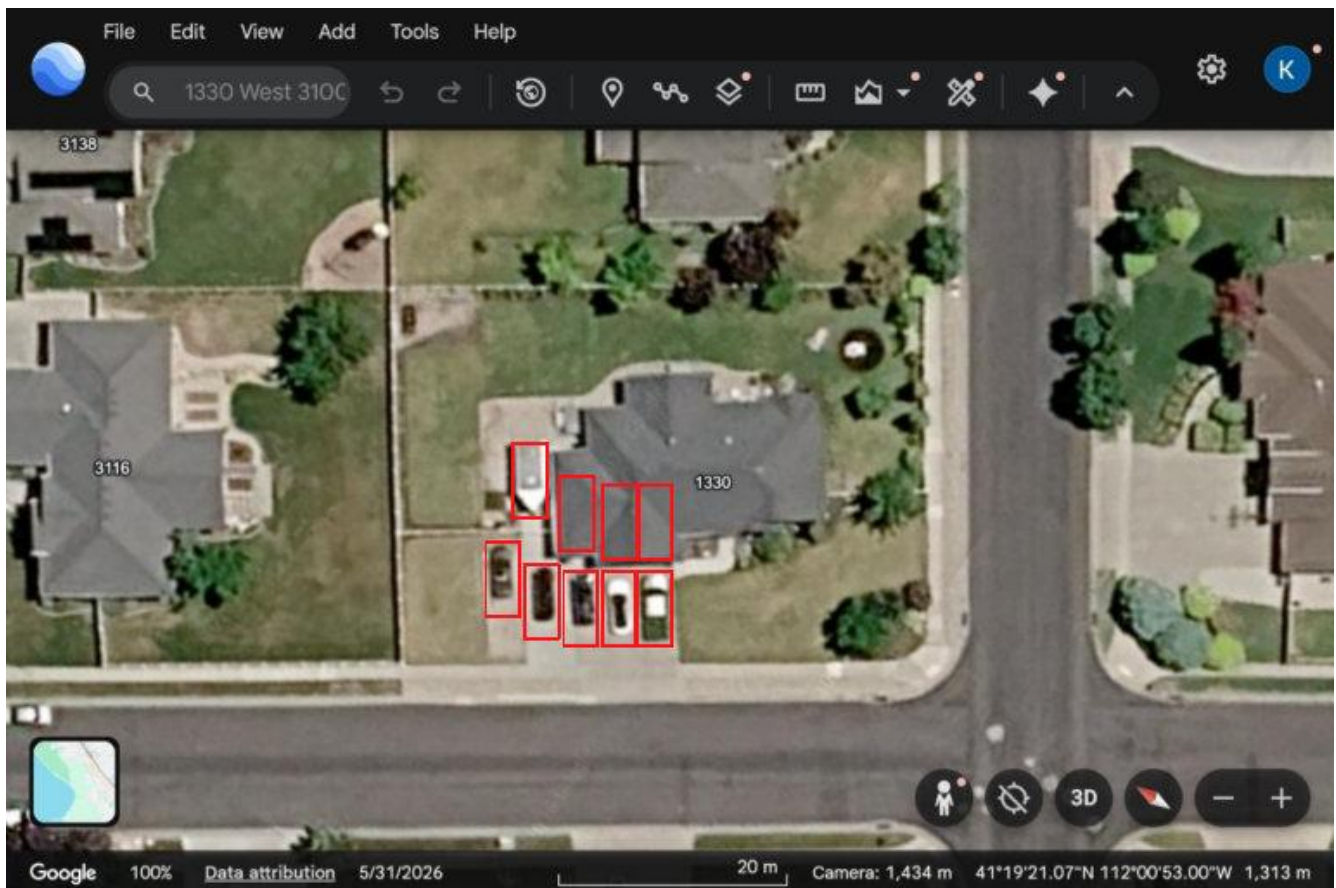


Exhibit B

NO. 13300

Pleasant View City
BUSINESS LICENSE 2026

RISE RECOVERY LLC
(Name of Business)

1330 W 3100 N, PLEASANT VIEW CITY
(Business Location)

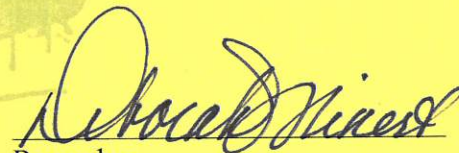
Residential facility for persons with a disability - sober living
(Type of Business)

Expires: **December 31, 2026**

Issued: **June 29, 2026**

License is currently inactive. License will be activated upon approval from DHHS.

Amount: **\$32.50**


Recorder

Post in conspicuous place – Not transferable

Exhibit C

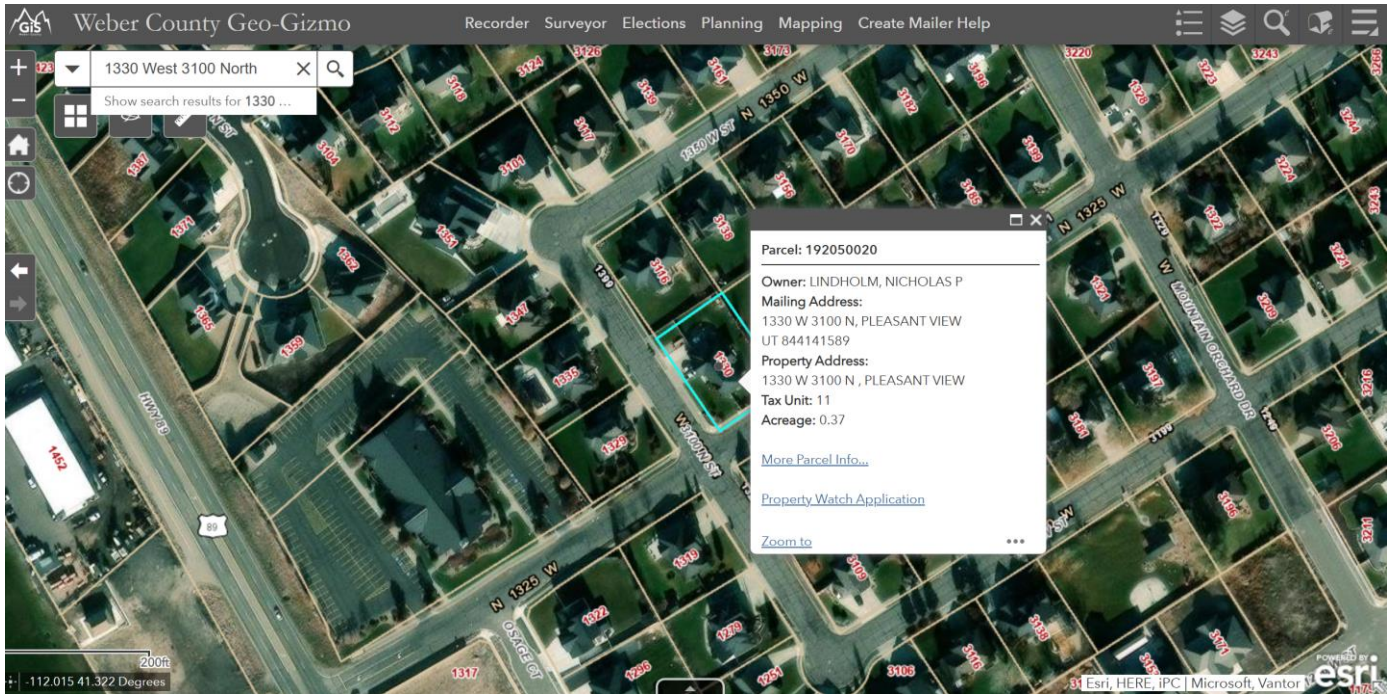
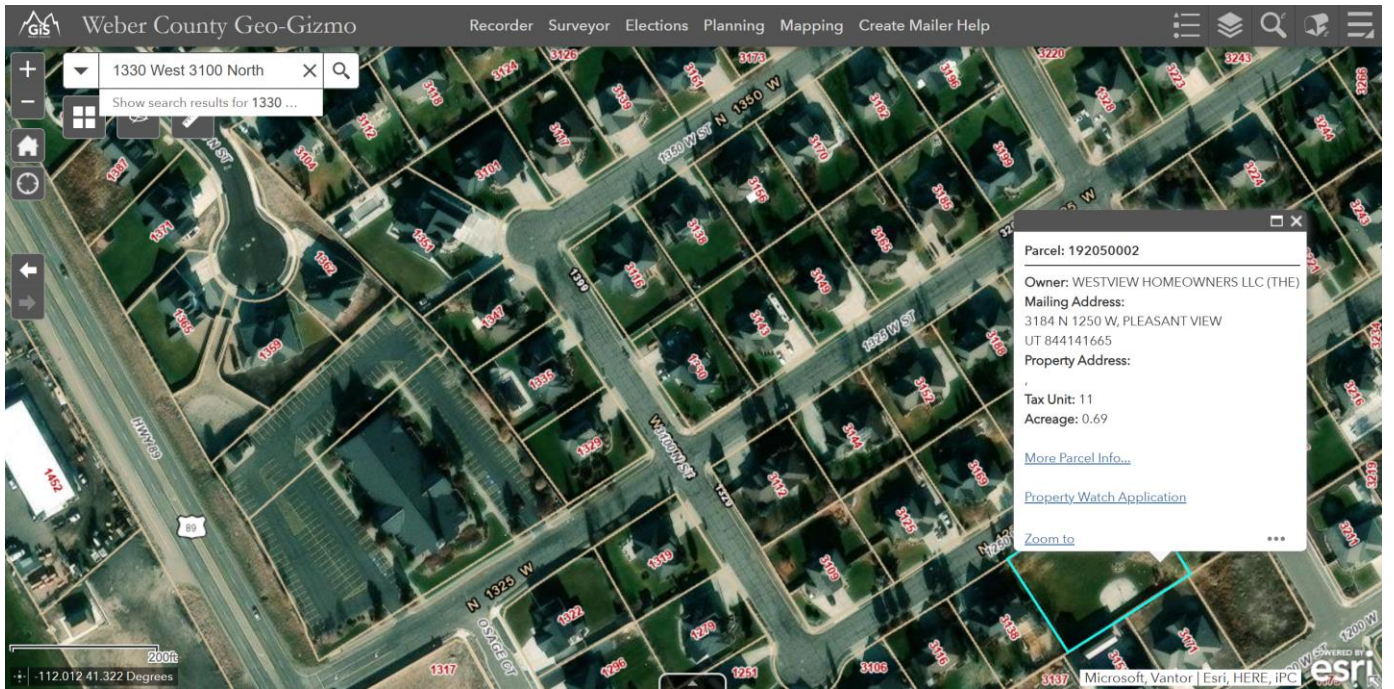


Exhibit D

IN PLEASANT VIEW CITY, STATE OF UTAH

In the Matter of the Appeal by Westview
Homeowners, LLC of Site Plan / Conditional
Use Approval – Rise Recovery LLC

(1330 W 3100 N, Pleasant View, UT 84414)

**DECLARATION
OF
JARED FREDRICKSON**

I, Jared Fredrickson, hereby declare and state as follows:

1. I am over the age of eighteen (18), am competent to testify, and have personal knowledge of the matters stated herein.

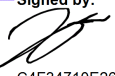
2. I am the owner of Rise Recovery LLC (“Rise Recovery”). In that role, I am responsible for Rise Recovery’s business operations, including its lease of the Property described below and the terms on which residents will occupy the Property.

3. I submit this declaration in support of Rise Recovery’s response in opposition to the Appeal Application filed by Westview Homeowners, LLC regarding the Pleasant View City Planning Commission’s June 25, 2026 approval of Rise Recovery’s site plan and conditional use application for the real property located at 1330 W 3100 N, Pleasant View, UT 84414 (the “Property”).

4. All residents will occupy the Property as tenants under written residential lease agreements.

I declare under penalty of perjury pursuant to the laws of the State of Utah that the foregoing is true and correct to the best of my knowledge, belief, and understanding.

DATED October ____, 2026.

Signed by:

C4F34710E26E4A9...

Jared Fredrickson