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October 16, 2026

VIA EMAIL:

Pleasant View City Council
520 W Elberta Drive
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RE: Westview Homeowners, LLC Supplement to Appeal

Members of the Pleasant View City Council,

This firm represents Westview Homeowners, LLC (“Westview”) in its pending appeal of the Planning Commission’s approval of a conditional use permit (the “Conditional Use Permit”) allowing Rise Recovery, LLC (“Rise Recovery”) to operate a sober living facility with up to fourteen residents at 1330 West 3100 North (the “Property”). This letter supplements, and is submitted in support of, Westview’s appeal dated July 24, 2026 (the “Appeal”). Westview submits the additional evidence and argument below.

This Supplement does not repeat the Appeal. Westview preserves and incorporates each argument already presented, including that the delegation of decision-making to a third party violated MLUDMA and the Municipal Code; that the appeal period has not commenced; that Rise Recovery, as a for-profit entity, never obtained the separate accommodation required from the Code’s non-profit housekeeping-unit requirement; that fourteen residents are not necessary to afford equal housing opportunity; and that the approved conditions do not mitigate the reasonably anticipated detrimental effects of the use. This Supplement adds additional arguments to the Appeal and presents new, concrete evidence that has emerged since the Appeal was filed.

I. SUPPLEMENTAL EXHIBITS

- Letter of Diane Albrechtsen (eXp Realty) re: 1335 W 3100 N, dated September 16, 2026 - Exhibit I
- Letter of Stephanie Dickson (EXIT Realty Advantage) - Exhibit J
- Letter of Bill Frandsen (Berkshire Hathaway HomeServices Utah Properties) - Exhibit K
- 1335 W 3100 N Property information from Zillow – Exhibit L
- Westview Neighborhood Occupancy Survey - Exhibit M

II. SUPPLEMENTAL FACTUAL BACKGROUND

Since the Appeal was filed, the use authorized by the Conditional Use Permit has caused documented, measurable harm to a neighboring property and produced new record evidence that bears directly on whether the requested accommodation is reasonable and necessary.

The owners of the adjacent home at 1335 W 3100 N have now lost two buyers, each represented by a different agent, and each agent attributed the cancellation to the proposed facility. *See* Exhibits I, J, and K. The first buyer, who offered \$1,050,000 on June 12, 2026, canceled; that buyer’s agent confirmed, “This was the only reason that they canceled the contract.” *See* Exhibit I. The second buyer placed the home under contract on August 6, 2026, for \$975,000 and completed inspection and appraisal, but canceled after learning of the facility, forfeiting more than \$1,400 in costs. *See id.* Since then, the owners have cut their asking price by approximately \$150,000, to \$950,000, and have had no showings. *See Id.*

On information and belief, the home on the Property (the “Home”) has six bedrooms and four bathrooms. *See* Exhibit L. Responses to survey sent to homes near the Property (the “Survey”), shows that the surrounding neighborhood is occupied overwhelmingly at one to two persons per bedroom. *See* Exhibit M. A fourteen-resident use of the Home would fundamentally alter the RE-15 Zone.

III. SUPPLEMENTAL ARGUMENT

- a. **Independent of necessity, the fourteen-resident accommodation fails the Fair Housing Act’s separate reasonableness requirement because it fundamentally alters the single-family character of the RE-15 zone.**

As discussed in the Appeal, “a reasonable accommodation is required whenever it ‘may be necessary to afford [a disabled] person equal opportunity to use and enjoy a dwelling.’” *Cinnamon Hills Youth Crisis Ctr., Inc. v. Saint George City*, 685 F.3d 923 (10th Cir. 2012) (quoting 42 U.S.C. § 3604(f)(3)(B)). The Appeal established that Rise Recovery failed to show that the accommodation is “necessary.” In addition to necessity, the Fair Housing Act imposes a second,

independent requirement: the accommodation must also be “reasonable.” 42 U.S.C. § 3604(f)(3)(B). The claimant bears the burden of establishing that the requested accommodation is reasonable. *See Courage to Change Ranches Holding Co. v. El Paso Cnty., Colorado*, 73 F.4th 1204 (10th Cir. 2023). The burden therefore rests on Rise Recovery, not Pleasant View, to prove that the fourteen-resident accommodation is reasonable. And “[a]n accommodation isn't reasonable if it requires a ‘fundamental alteration in the nature of [a government] program’ or imposes ‘undue financial and administrative burdens’ on the government.” *Id.*

The RE-15 zone exists “to provide regulated areas for single family residential use.” Pleasant View City Municipal Code § 18.09.010. Permitting fourteen unrelated adults plus staff to occupy a single dwelling is incompatible with that purpose and would fundamentally alter it. The neighborhood’s actual occupancy confirms the point. According to the Survey, neighboring households report occupancy of roughly one to two people per bedroom and household sizes consistent with the Code’s five-unrelated-person limit. *See* Exhibit M.

The Home’s own capacity points the same way. On information and belief, the Home has six bedrooms and four bathrooms. *See* Exhibit L. In its Reasonable Accommodation Request, Rise Recovery states that it “*seeks* to use the Property as a fourteen (14)-bed residential facility for persons with disabilities.” *See* Exhibit D. It further states that “[s]taff-to-resident ratios are generally 1:7 during normal business hours and 1:14 on evening/graveyards and weekends.” *Id.* It also states that “[t]here may be as many as 3 staff members present during peak daylight hours,” and that “[t]he 14 disabled residents include one or two disabled live-in staff.” *Id.* Rise Recovery does not say how many staff will stay overnight. At its stated overnight ratio of one staff member for every fourteen residents, as many as fifteen people could stay overnight in the Home. Yet even at two people per bedroom, the Home’s six bedrooms accommodate only twelve residents, not fourteen.

Housing fourteen residents plus staff, all sharing four bathrooms, in a home configured for far fewer people is inconsistent with the occupancy pattern of the surrounding neighborhood and with the single-family density the RE-15 zone protects. Westview therefore requests that the City Council make a record finding on the Home’s bedroom and bathroom capacity relative to the approved occupancy.

b. The documented collapse of two neighboring sales and a \$150,000 price reduction are cognizable harms that confirm the use’s detrimental effects and weigh against reasonableness.

The Appeal argued that the approved conditions fail to mitigate the use’s reasonably anticipated detrimental effects. The new evidence makes that harm concrete rather than hypothetical. In *Anderson v. City of Blue Ash*, the City argued that the “requested accommodation is unreasonable and would fundamentally alter its zoning scheme because the City’s legitimate interests in the health, aesthetics, and property values of its residential neighborhoods are effectuated through enforcement of its zoning codes.” *Anderson v. City of Blue Ash*, 798 F.3d 362–63 (6th Cir. 2015). The court held that, “[w]hile protecting public health and property values are central to the City’s

interests...[claimant] has produced evidence that the ...[requested accommodation] will not create unsanitary conditions or devalue her neighbors' property, supported not only by her own testimony but by signed letters of support from her current neighbors.” *Id.*

Granting Rise Recovery’s requested accommodation will fundamentally alter Pleasant View’s zoning scheme. Like the City in Anderson, Pleasant View has a legitimate interest in the health, aesthetics, and property values of its neighborhoods. If the Conditional Use Permit is upheld, neighboring property values will be harmed, and that harm is documented, not speculative. Two qualified buyers canceled signed contracts on the adjacent property, each attributing the decision solely to the proposed facility. See Exhibits I, J, and K. The sellers have since cut their asking price by roughly \$150,000 and have drawn no showings since. *See* Exhibit I.

Additionally, under the City Code, a conditional use “shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects,” and “may be denied” if they cannot. Pleasant View City Municipal Code § 18.54.020. None of the approved conditions addresses the diminution in neighboring property values and marketability this use has already caused. Because that detrimental effect cannot be mitigated by the conditions imposed, the permit should be denied.

c. The City should confirm Rise Recovery’s state licensure as a predicate to any residential-facility conditional use.

The RE-15 zone permits a “[r]esidential facility for persons with a disability.” Pleasant View City Municipal Code § 18.09.030(D). The Code defines “Residential facility for persons with a Disability” to require a residence “licensed or certified by either the Utah State Department of Health ...or the Utah State Department of Human Services.” *Id.* § 18.04.465. State licensure is thus a definitional predicate. A facility that is not licensed or certified does not qualify as a “residential facility for persons with a disability” eligible for the conditional use it was granted. The record does not establish that Rise Recovery holds the required licensure, and neighboring parties have asked the City to confirm it. Westview requests that the City Council confirm Rise Recovery’s current state licensing or certification status and treat valid licensure as a condition precedent to the permit.

IV. CONCLUSION

For the reasons stated in the Appeal and in this Supplement, Westview respectfully requests that the City Council grant the Appeal and deny the conditional use permit. Beyond the procedural and necessity grounds in the Appeal, the record now shows that the fourteen-resident accommodation independently fails the Fair Housing Act’s reasonableness requirement because it fundamentally alters the single-family character of the RE-15 zone; that the use has already caused documented, unmitigated harm to neighboring property values and marketability; that the Home’s physical capacity supports no more than twelve residents and raises overcrowding concerns; and that Rise Recovery’s required state licensure remains unconfirmed.

Sincerely,

SMITH KNOWLES, PLLC

/s/ Blake D. Johnson

Blake D. Johnson
Attorney at Law

/s/ Kennedy Kawaguchi

Kennedy Kawaguchi
Attorney at Law

Exhibit I

Email letter received by Tony Kahmann, September 16, 2026, 2:05pm

Diane Albrechtsen

Dear Mayor, Pleasant View City Council Members, Planning Commission Members, and City Administration:

I am writing on behalf of my clients, **Kody and Jennifer Mund**, owners of [1335 W 3100 N](#) in Pleasant View, regarding the significant and now measurable impact the Rise Recovery, LLC land-use decision has had on the sale and marketability of their property.

My clients have now experienced **two failed sales involving two separate buyers and two separate real estate agents, both connecting the buyers' cancellations to the proposed sober-living/group home.**

This is no longer a hypothetical concern about what *might* happen to neighboring homeowners. **We now have documented evidence of what has actually happened.**

TWO FAILED TRANSACTIONS

On June 12, 2026, buyers submitted an offer of **\$1,050,000**. Their agent, Stephanie Dickson of EXIT Realty Advantage, confirmed that her buyers loved the home and neighborhood but canceled after learning about the proposed sober-living home, stating:

“This was the only reason that they canceled the contract.”

On August 6, 2026, another set of qualified buyers placed the home under contract for **\$975,000**. They completed their inspection and appraisal and were moving toward closing.

After receiving the required HOA information and learning of the proposed facility, they also canceled. Their Realtor, Bill Frandsen with Berkshire Hathaway, confirmed the circumstances and stated that his buyers had already spent more than \$1,400 on inspection and appraisal costs and **“loved the home and wanted to purchase it.”**

Two buyers. Two contracts. Two independent real estate professionals. Two cancellations connected to the same issue.

Their complete written statements are attached.

MEASURABLE FINANCIAL HARM

Kody and Jennifer have reduced their asking price by approximately **\$150,000**, while continuing to incur carrying costs in changing interest-rate and market conditions.

The home is now offered at **\$950,000**, which we believe positions it as one of the strongest values in its market segment. Yet, even after this substantial reduction, **the property has received no showings since the price was lowered to \$950,000.**

No single factor can conclusively explain buyer activity. However, when this lack of showing activity is considered together with **two previous buyers who independently terminated their contracts**

after learning about the proposed Rise Recovery, LLC use, it raises a serious and legitimate concern that buyer perception surrounding this property and its immediate location is now negatively affecting its marketability.

These Pleasant View homeowners have already experienced significant financial and market consequences.

THE CENTRAL QUESTION: WHY FOURTEEN?

We recognize that individuals recovering from addiction may qualify for protections under federal law. **We are not asking Pleasant View City to disregard those protections, nor are we questioning the right of individuals in recovery to live in our community.**

We are asking whether the evidence actually established that this specific accommodation—**allowing up to fourteen residents—was both necessary and reasonable.**

Paragraph 33 of the Declaration of Brock Howick submitted in support of Rise Recovery, LLC states that fourteen residents represent the “**minimum necessary**” accommodation and that a lower census would materially undermine peer support and household functioning.

We understand that the property has already been housing a smaller number of individuals in recovery. That raises a straightforward and important question:

What objective evidence established that fourteen—not six, eight, ten, twelve, or another number—is the minimum necessary accommodation?

Was clinical, professional, or other evidence presented demonstrating why a lower occupancy would be insufficient? Were lower occupancy levels considered?

And importantly, **did the City distinguish between what is necessary because of the disability-related housing needs of the residents and what may be desirable or necessary for Rise Recovery, LLC's operational or economic business model?**

Operating a recovery residence as a business does not make an accommodation improper. But **the financial viability or preferred operating model of a business is not necessarily the same as establishing that a particular occupancy is necessary because of the residents' disabilities.**

If fourteen truly represents the minimum necessary accommodation, the evidence supporting that conclusion should be clearly identifiable in the City's record.

THE CITY'S RESPONSIBILITY

Our concern is that the possibility of litigation appears to have played a significant role in this process.

A threat of litigation deserves competent legal counsel—but **avoiding a possible lawsuit should not replace the City's responsibility to examine the evidence, follow applicable procedures, administer its ordinances, and determine whether the specific accommodation requested satisfies the applicable legal requirements.**

We also ask the City to clarify whether Rise Recovery, LLC has obtained all state licensing and governmental approvals necessary to legally operate the proposed facility.

REQUEST FOR ACCOUNTABILITY AND REVIEW

I respectfully ask each person involved in this decision to consider the **Golden Rule: treat others as you would want to be treated.**

If this were your home, your family's investment, and your financial future—and you had lost two buyers and reduced your asking price by approximately \$150,000—**what level of diligence, scrutiny, and responsiveness would you hope to receive from your City?**

For Kody and Jennifer, this is not an abstract zoning debate. **It is their home, their investment, and their financial future.**

We respectfully request that Pleasant View City and its legal counsel promptly review the record and provide a written response addressing:

- What evidence established **fourteen residents as the “minimum necessary” accommodation;**
- Whether lower occupancy levels were considered and why they were determined to be inadequate;
- Whether the City distinguished disability-related necessity from Rise Recovery, LLC's operational or economic considerations;
- Whether the applicable requirements and procedures of Title 18 were followed;
- The status of Rise Recovery, LLC's required state and governmental licensing; and
- What legal or administrative mechanisms remain available to reconsider, review, or modify the decision if the required evidence, procedures, or findings were incomplete.

We are asking Pleasant View City to review what happened—not out of fear of litigation from either side, but out of its responsibility to examine the evidence, apply the law fairly, follow its ordinances, and serve all of the citizens who call Pleasant View home.

Every additional month matters to these homeowners.

We respectfully request a timely written response and prompt action.

Sincerely,

Diane Albrechtsen

Professional Licensed Realtor – eXp Realty

On behalf of Kody and Jennifer Mund

[1335 W 3100 N](#)

[Pleasant View, Utah 84414](#)

Diane Albrechtsen

Realtor

📞 801-710-1411

🌐 simplifyutahliving.com

✉ simplifyutahliving@gmail.com

📍 240 N E Promontory 200 Suite 200,
Farmington, UT 84025



Exhibit J

To Whom It May Concern:

I represent a buyer who put in an offer for the home located at 1335 W 3100 N Pleasant View, UT

My buyers were very excited for the house as this was in the neighborhood that they have wanted to be in for a long time and the house checked all the boxes. My buyers ended up canceling their contract because they found out about the sober living house that is across the street.

My buyers went to Pleasant View City's meeting they had for this and talked with the Mayor. While it is in a protected class they decided they couldn't risk anything that could happen with their daughters and canceled the contract. This was the only reason that they canceled the contract.

They are not against anyone trying to better themselves at all, they do not feel that a residential neighborhood is where 14-16 adult males should be doing it.

Sincerely,

Stephanie Dickson

EXIT Realty Advantage

Exhibit K

To whom it may concern,

I have been helping some buyers from Florida who are pursuing a home purchase in the Pleasant View/North Ogden area. I showed them a home that is listed in Pleasant View located at [1335 W 3100 N](#). We submitted an offer on the home and, after some short negotiations, we went under contract. We got through our inspections and even the appraisal with no problems. However, a few days before our due diligence deadline, the listing agent - as required by law - emailed me the last HOA minutes from their most recent meeting. Upon review, my buyer's noticed that there were discussions about an addiction recovery facility located less than 200 yards from the home they were planning on purchasing. This was something that my buyer's felt strongly enough about that they canceled the contract. Between the inspection (\$550) and the appraisal (\$860), this issue cost my buyer's over \$1400. Needless to say, they were very upset especially because they loved the home and wanted to purchase it.

I question how local government decision makers could allow such a drastic change in zoning in single family zoned area? How can this approval by the city be reasonable and necessary?



Bill Frandsen

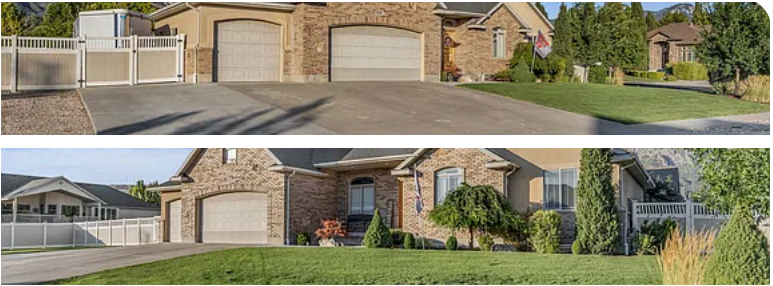
Realtor

Berkshire Hathaway HomeServices Utah Properties

Ph: [801.814.0909](tel:801.814.0909)

Email: bill.frandsen@bhhsutah.com

Exhibit L



See all 46 photos

Zestimate

\$730,500

1330 W 3100 N, Pleasant View, UT 84414

Est. refi payment: \$4,650/mo Refinance your loan

SingleFamily

Built in 2007

0.37 Acres Lot

\$730,500 Zestimate

\$200/sqft

\$3,376 Estimated rent

Home value

Zestimate

\$730,500

Estimated sales range

\$694,000 - \$767,000

Rent Zestimate

\$3,376/mo

Get a cash offer in 3 minutes

Find out how much your home could sell for in as little as 3 minutes with a no-obligation cash offer.

Estimated market value

\$730,500

What is this number?

Start now

Claim home

Exhibit M

Timestamp	What is your address?	How many bedrooms are in your home?	How many people live in your home? (including children)	How many of the people living in your home are over the age of 18?	How many adults (over 18) live in your home that are UNRELATED to your family?	How many occupants are there per bedroom?	Are you a member of the Westview HCAP?	If a number of adults living in the Soder Living Home at 1201 West 110 North is requested, what number would you feel comfortable having live in the home?	Any additional comments or explanations you feel would be important to share with Smith and Knowles?
9/8/2026 23:06:59	3221 N 1250 W, Pleasant View, UT 84414	6	5	3	0	2 in the master, 1 per child's room	Yes	8	Thank you.
9/8/2026 23:07:24	1249 W Osaage Ct Pleasant View	5	7	2	0	2	No	6	
9/8/2026 23:56:41	3360 N 1325 W, Pleasant View	6	2 Adults. I also have granddaughter several days a week.	2	None	Me and my husband in one bedroom and my granddaughter has a room for when she is here	Yes	Max 3	
9/9/2026 1:10:52	1296 Osaage Ct	6	4	2	0	1,2	No	8+staff. No more than 10 total people	
9/9/2026 6:25:04	3990 N 1325 W, Pleasant View	5	0	2	0		Yes	0	
9/9/2026 6:09:05	1359 W 3073 N	6	2	2	0	Some have no occupants. Master has 2	No	Follow pleasant view zoning - 5 unrelated adults	
9/9/2026 6:55:39	1329 W 3100 N	6	3	3	0	1,2	Yes	5	We live across the street from the home and haven't had any issues with the home so far. The host that up to five residents is reasonable and manageable for the home and this neighborhood.
9/9/2026 6:58:39	3138 N 1350 W Pleasant View UT 84414	5	7	2	0	1 to 2	Yes	5	We don't feel comfortable having any recovering addicts that close to our family at all. But if we had to compromise, Shaw Recovery's attorney said that this clients just want to be treated for anything else, and the area is zoned for single families or up to 5-unrelated adults. So that would be equal and fair treatment.
9/9/2026 7:30:10	3111 N 1375 W, Pleasant View	6	6	2	0	1	No	1	
9/9/2026 7:37:19	3182 N 1350 W	5	3	2	0	0.6	Yes	4 to 5	
9/9/2026 7:55:55	3161 n 1350 w pleasant view	6	6	2	0	1	Yes	8-10	
9/9/2026 9:28:55	1320 W 3300 N	5	5	3	None	1	Yes	8 with 2 of those being supervisors	I don't think that a neighborhood with families and lots of kids should be a place where a sober living home with multiple addicts should be unless it's very well managed. Having the sale of a home fall through because a sober living home is in the neighborhood is also a concern
9/9/2026 9:35:27	3298 N 1250 W	5	6	2	0		Yes		
9/9/2026 9:38:35	1347 W 3100 N	5	8	2	0	3 bedrooms with 1 person, 2 bedrooms with 2 people	Yes	6	We made significant sacrifices to get into this neighborhood. I would not have made the substantial financial commitment to live here if I knew I would be living next to a place like Soder Living. Nothing against those struggling with addiction, but they are coming to live here because of poor choices. I came to the here because of great choices. I don't make sense. Our HOA prohibits short term rentals and things of this nature. How is having temporary residents not short term?
9/9/2026 9:44:11	3098 N 1250 W Pleasant View	7	5	4	0	Less than 1	Yes	5	
9/9/2026 9:46:12	3221 N 1250 W pleasant view UT	6	5	3	0	1	Yes	5	
9/9/2026 10:40:57	1322 W Osaage Ct	6	5	2	0	0.83	No	5 or 6	
9/9/2026 10:52:18	3106 N 1250 W	5	2	2	0	2 in master, 0 in the rest	Yes	4-5	
9/9/2026 12:27:25	3278 N 1325 W	6	7	2	0	1 bedroom 3 & 5 bedrooms 1	Yes	5	
9/9/2026 12:52:22	85 N 1325 W, Pleasant View, L	6	6	2	0	1	Yes	2-3	None
9/9/2026 13:25:15	3196 n 1250 w	5	6	4	0	1	Yes	5	
9/9/2026 14:44:55	1322 w 3300 n	6	4	4	0	2	Yes	5	
9/9/2026 14:47:16	W 3300 N, Pleasant View, UT 8	6	5	2	0	Besides the parents, 1 person per room.	Yes		
9/9/2026 18:09:06	1271 W 3300 N	5	5	0	0	4 bedrooms 1/1, 1 bedroom - 2 people	Yes	1 individual per bedroom	
9/9/2026 18:03:02	3340 N 1325 W, Pleasant View	6	4	2	0	1 and 2	Yes	5	
9/10/2026 6:27:23	3185 N 1325 W	3	2	2	0	2 in one bedroom	Yes	1 per bedroom	no
9/10/2026 7:41:13	45 N 1325 W Pleasant View, U	5	5	2	0	1	Yes	5	Our youngest is 10 yrs old. Bordering neighbors to the home are 2yrs-12. LOTS of TRV's drive over the fence and across the street killy corner. Thanks for your help with this.
9/10/2026 12:54:00	3285 North 1350 West, Pleasant View	4	2	2	0	2	Yes	6	
9/10/2026 12:56:42	3172 N 1325 W Pleasant View, UT 84414	5	6	2	0	1 person in 4 of the bedrooms and 2 people in 1 bedroom	No	6	
9/10/2026 13:03:43	3114 N 1300 W	6	5	2	None	1-2	No	4-5	
9/10/2026 13:04:38	3225 N 1350 W	6	3	2	0	1	Yes	8	
9/10/2026 13:29:09	3214 N 1325 W	5	3	3	0	2	Yes	4	
9/10/2026 14:10:38	3199 N 1325 W	6	7	5	1	1-2	Yes	5-6	
9/10/2026 16:31:50	1251 W 3100 N Pleasant View	3	5	2	0	1 or 2	Yes	5	
9/10/2026 16:59:38	3143 Jacob's Mill Rd W	6	4	3	0	1-2	Yes	I am not certain the number of bedrooms/bathrooms to answer. 3 adults per bedroom max.	No more than 2 adults per bedroom seems reasonable based on sizes of bedrooms in other homes in the area. Also, 3 adults per available full bathroom (to include any roommates of others.)
9/10/2026 17:17:30	3195n 1350w	5	4	2	0	1	Yes	4	I have 3 bedrooms and 2 full baths and 2 1/2 baths in my home and feel it would be recommended to have 12 related individuals living in my home. 14 unrelated individuals plus staff seems excessive even in my own home.
9/10/2026 22:32:00	3330 N 1350 W	6	5	3	0	1	Yes	Less occupants the better more like a regular home	Having a business does impact a family community.
9/11/2026 12:24:49	1254 w 3300 n	6	3	3	0	0.5	Yes	8	
9/11/2026 19:08:18	3265 n 1325 w	5	3	3	0	Less than 1 per bedroom	Yes	1 per bedroom	
9/15/2026 13:07:55	1522 West 3125 North	5	6	2 none	1-2		No		4 I don't think it is appropriate to have a sober living home that close to our church
9/16/2026 13:47:26	3243 N 1325 W	3	1	1	0		Yes	6	