



153 North 100 East
Lehi, UT 84043
(801) 768-7100

Minutes of the **Pre Council and Regular Session** of the **Lehi City Council** held Tuesday, **April 14, 2020**, online at www.lehi-ut.gov.

Members Present: Mark Johnson, Mayor
Paige Albrecht, Council Member
Chris Condie, Council Member
Paul Hancock, Council Member
Katie Koivisto, Council Member
Mike Southwick, Council Member

Others Present: Jason Walker, City Administrator; Cameron Boyle, Assistant City Administrator; Beau Thomas, Assistant to the City Administrator; Ryan Wood, City Attorney; Kim Struthers, Community Development Director; Lorin Powell, City Engineer; Dean Lundell, Finance Director; Shaye Ruitenbeek, Management Analyst; Melanie Hansen, Events Coordinator; and Teisha Wilson, City Recorder.

Pre-Council, 5:30 p.m.

1. Welcome and Prayer

Mayor Johnson welcomed everyone and noted that all Councilmembers were present. Councilor Hancock offered the prayer.

2. Presentations and Reports

2.1 Community Development Block Grant (CDBG) Funding Recommendations

Jessica DeLora, with Mountainland Association of Governments, stated that she wanted to give an update on where they are at. She said they had two applications this year. One from Engineering to update infrastructure downtown and one for the Children's Justice Center. They are the two projects that they recommended funding for this year. Councilor Albrecht stated that she was surprised because she thought their top priority was Historic Preservation based on a survey in June of last year. Ms. DeLora said that they promoted the program but didn't receive any applications that met that priority. She said they are pursuing those priorities that they identified in that session so hopefully they can see more of those applications in the future. She said the Chamber sent notices to local business, but they could do more targeted marketing in the future if the Council wants. Councilor Albrecht would like a more targeted approach, especially for businesses on main Street. Ms. DeLora stated that the City has also received additional funding through the CARES Act and that has to be used in response to or prevention for the COVID-19 pandemic. There was discussion regarding possible uses for these funds which included rent or utility assistance.

2.2 Presentation and Discussion of the Hutchings Museum Concept Plan

Dave Harris was representing the Museum. He stated that the purpose of the presentation is to confirm with the city the direction they are going with the placement of the Museum expansion. He would like the Council to authorize Daniela Larsen to move forward with fundraising. Mr. Walker stated that the approval for the addition would still need to go through the development

process for approvals, but the Council can in general state if they like the direction of the Museum. He also stated that the museum is free to pursue fundraising without the Council's approval. Councilor Southwick stated that they need approval of the building so they can proceed with showing the building to investors for fundraising. Mr. Harris stated that the Museum would like to reduce their risk as they proceed with fundraising and they understand they need to go through the development process once funding is in place. They would like feedback and direction with what they are doing.

Mr. Harris stated that they are proposing a very modern building that will contrast nicely with the current Museum and buildings in downtown Lehi. He also showed a parking garage that would be adjacent to the new building. There was discussion about who would pay for the parking garage. Councilor Koivisto stated that she would like to have the parking garage in place before construction and the Museum needs to raise enough money to pay for the parking structure to be built in conjunction with the Museum. She also would like this building to be more self-sustaining rather than relying on donations from the city. Mr. Harris stated that Ms. Larsen is working on a business plan that she can show the Council to demonstrate their financial strategy from fundraising to future maintenance. Councilor Koivisto stated that she would prefer that the Museum raise the entire amount themselves and not rely on the city to supplement any of the construction or future maintenance. Councilor Southwick stated that the Museum was planning to raise the full amount on their own. Councilor Hancock stated the he is concerned with parking and that would need to be addressed, but he appreciates the Museum seeking feedback and likes the images.

Mr. Harris requested that the Council provide a letter of intent moving forward for the investors.

Mr. Struthers stated that staff has reviewed the plans and has some concerns that the Council should consider as they look at the plan. There were concerns with the location of the expansion area and the historic nature of the surrounding area. The Mayor stated that he felt the modern in conjunction with the historical would probably be an acceptable design. Mr. Struthers stated that staff wasn't sure that this is the focus they want to see in the area based on the historic nature of the downtown. Staff still feels it's too modern for the historic downtown. He said that parking is a concern and they would need the parking garage to support this. He stated that there are safety issues with the drop off area on the south side of the Legacy Center and they are trying to expand that for better access, but this concept would limit that. He said there are some concerns with utilities that would need to be relocated and upgraded. Councilor Koivisto expressed the same concerns as Mr. Struthers and would like to see that addressed before giving any type of approval.

Councilor Hancock stated that he likes the architecture as it highlights the historic building. There was discussion about looking at other places for the new building. Mr. Walker stated that there are probably other pieces of ground, but none that are as attractive as the current location. Mayor Johnson stated that the new building has a potential for being a focus to downtown Lehi and bring a lot of people to downtown. It may overshadow the current area, but it could encourage development improvements on Main Street. He also stated that it would need to go through a public process which could be difficult. Mayor Johnson wanted to make it clear that this is not an approval, but there is an opportunity for them to move forward.

There was discussion about creating a letter of intent for the Museum that they could use in the fundraising material. The Mayor stated that they could clarify some things in the letter that could address some issues and define who is responsible for what. Ryan Wood stated that they could use a letter that was similar to what was used for the Curtis Center. They agreed that Mr. Wood would draft a letter of intent that would then be voted on by the Council.

3. Agenda Questions

Mr. Walker clarified that the approval of the tentative budget is only an acknowledgement that the Council has received the proposed budget. He said there will be a work session in May where the Council can discuss it further before giving a final approval.

4. Administrative Report

Mr. Walker stated that he was on a conference call with the Lt. Governor and he said they need to do more testing for COVID-19. He said they are also working on antibody testing that would allow people to go back to work. The Lt. Governor said that mass gathering will be the last thing that would be allowed.

5. Mayor and Council Reports

Councilor Koivisto inquired if there was anything the city could do to help and support the Senior class of 2020 like organizing a parade with the Fire and Police Departments. Mayor Johnson stated that they will look at that.

The meeting recessed at approximately 6:50 p.m.

The meeting reconvened at approximately 7:00 p.m.

Regular Session, 7:00 p.m.

1. Welcome, Roll Call, Pledge of Allegiance

Mayor Johnson welcomed everyone and noted that all Councilmembers were present. Councilor Koivisto led the Pledge.

2. Consent Agenda

2.1. Approve Minutes from the March 31, 2020 Council Meeting.

2.2 Re-approve Ordinance #08-2020, the Saratoga Spring Boundary Adjustment.

Motion: Councilor Condie moved to approve the consent agenda items. Councilor Southwick seconded the motion.

Roll Call Vote: Councilor Albrecht, Yes; Councilor Condie, Yes; Councilor Southwick, Yes; Councilor Hancock, Yes; and Councilor Koivisto, Yes. The motion passed unanimously.

3. Consideration of Resolution #2020-24, adopting a Tentative Budget for Lehi City for Fiscal Year 2021.

Dean Lundell stated that the Council received the tentative budget for their review and they will go into more detail at the May work session meeting. He stated that there are concerns with revenues, but they have really good reserves right now, and they can draw money from projects that can be held off. He said they have traditionally budgeted conservatively for

revenues and they could take a good hit economically and still be in a good spot. Councilor Albrecht asked that Mr. Lundell provide a statement of confidence to the residents so they know where the City stands financially and how they plan to sustain services during the pandemic. Councilor Condie stated that that would also be beneficial for employees to know. Councilor Koivisto inquired about payments to TSSD. Mr. Lundell stated that he and Dave Norman are conducting research to better understand how TSSD is doing their assessments.

Motion: Councilor Southwick moved to approve Resolution #2020-24, adopting a Tentative Budget for Lehi City for Fiscal Year 2021. Councilor Condie seconded the motion.

Roll Call Vote: Councilor Albrecht, Yes; Councilor Condie, Yes; Councilor Southwick, Yes; Councilor Hancock, Yes; and Councilor Koivisto, Yes. The motion passed unanimously.

4. Consideration of Preliminary subdivision approval for Sunset Farms Phase 2, a 9-lot residential development located at 1900 South Bridle Path Loop.

Mitch McCuistion was representing the applicant. Councilor Southwick inquired about Dale Willis ensuring that he will still have access to his irrigation. Mr. McCuistion stated that he will do whatever is necessary.

Motion: Councilor Albrecht moved to grant Preliminary subdivision approval for Sunset Farms Phase 2, a 9-lot residential development located at 1900 South Bridle Path Loop; subject to the completion of all Development Review Committee and Planning Commission comments. Councilor Southwick seconded the motion.

Roll Call Vote: Councilor Albrecht, Yes; Councilor Condie, Yes; Councilor Southwick, Yes; Councilor Hancock, Yes; and Councilor Koivisto, Yes. The motion passed unanimously.

5. Consideration of Ordinance #23-2020, approval of a Development Code amendment to Chapter 12, changing the exception for group homes to allow up to 16 residents.

Duane Nelson was representing the applicant. Mr. Nelsen stated that group homes can be located in a residential area. Mr. Struthers stated that the current cap of residents is at 8 people. There was discussion about concerns with parking. Mr. Struthers stated that the current parking standards for group homes is 1 space for every 4 residents and 1 space for every 2 employees. Councilor Hancock expressed concerns with added traffic and parking needs. Councilor Koivisto stated that a group home needs to blend in with the residential area, and she believes this would add more people and parking spaces which would make it more ambiguous. Councilor Albrecht saw a significant number of cars there from pictures submitted by residents. Councilor Southwick stated that the neighbors do not want this increase. Mr. Nelson stated that there's a conception that there would be major criminals in group homes, but their home appeals to a higher class usually people with prescription drug addictions. Mr. Nelson stated that the residents do not have a vehicle. He said there is a benefit to have more than 8 residents in these facilities that help those residents progress in their treatment. Councilor Southwick stated that the neighbors were concerned with the amount of people in the home and felt that 16 was significant.

Motion: Councilor Koivisto moved to deny Ordinance #23-2020. Councilor Hancock seconded the motion.

Councilor Hancock suggested adding the findings of fact that the denial is because of traffic and parking, specifically the parking, and the concern of having more people in the home.

Amended Motion: Councilor Koivisto amended her motion to include Councilor Hancock's comments. Councilor Hancock seconded the motion.

Roll Call Vote: Councilor Albrecht, Yes; Councilor Condie, Yes; Councilor Southwick, Yes; Councilor Hancock, Yes; and Councilor Koivisto, Yes. The motion to deny was passed unanimously.

6. General Plan amendment from Low Density Residential to Commercial on 1.4 acres located at approximately 400 West Bull River Road.

a. Consideration to untable the General Plan amendment. (Tabled from the March 31, 2020 meeting.)

Motion: Councilor Condie moved to untable the General plan amendment at 400 West Bull River Road. Councilor Southwick seconded the motion.

Roll Call Vote: Councilor Albrecht, Yes; Councilor Condie, Yes; Councilor Southwick, Yes; Councilor Hancock, Yes; and Councilor Koivisto, Yes. The motion passed unanimously.

b. Consideration of Resolution #2020-22, a Development Agreement for the Creative Learning Academy.

Jessica Lloyd was the applicant. She stated that she worked with a civil engineer to ensure they could accomplish what the Council was requesting. She was also agreeable to the conditions of the Development Agreement.

There was discussion about which item should be first for approval, the Development Agreement or the Ordinance. Mr. Wood stated that there is a provision in the agreement that makes it conditional on the approval of the Ordinance.

Colby Anderson was the engineer for this project. He said that the building will be by the road, and there would be a walkout basement, so that would drop the elevation on the back side.

There was discussion regarding storm drain concerns that would need to be resolved. Brad Kenison stated that they would be required to widen and improve their portion of Bull River Road. He also noted that this is not intended to be a major road. He also stated that they could require a traffic study.

Councilor Hancock stated that he was concerned with people trying to turn left going east onto Bull River Road from SR92, because the traffic there gets so backed up during commute times and this would just exacerbate that. This could also increase traffic through residential areas.

Councilor Condie stated that Commercial just doesn't fit here and it seems too intrusive on the neighborhood and the roads aren't designed to support a commercial project here.

Motion: Councilor Condie moved to deny the Development Agreement with Creative Academy. Councilor Southwick seconded the motion.

Councilor Hancock suggested that the Council may want to approve the development agreement not knowing where the Council stands in regard to the Ordinance.

Councilor Codie asked to rescind his motion.

Motion: Councilor Hancock moved to approve the Development Agreement. Councilor Condie seconded the motion.

Roll Call Vote: Councilor Albrecht, Yes; Councilor Condie, Yes; Councilor Southwick, Yes; Councilor Hancock, Yes; and Councilor Koivisto, Yes. The motion passed unanimously.

c. Consideration of Ordinance #15-2020, approving a General Plan amendment from Low Density Residential to Commercial on 1.4 acres located at approximately 400 West Bull River Road.

Motion: Councilor Condie moved to deny Ordinance #15-2020, with the findings that the local infrastructure particularly Bull River road is not designed to handle the increased traffic load that this project will bring, and that traffic will be exasperated with people coming from SR92 and Center; and that Commercial in general is not is not a good fit with the surrounding area. Councilor Southwick seconded the motion.

Roll Call Vote: Councilor Albrecht, Yes; Councilor Condie, Yes; Councilor Southwick, Yes; Councilor Hancock, Yes; and Councilor Koivisto, Yes. The motion to deny was passed unanimously.

7. General Plan Amendment on approximately 30-acres of property changing the land use designation on the Lehi Block property from Industrial to Commercial.

a. Consideration of Resolution #2020-23, approval of a Development Agreement for the Lehi Block property.

Ryan Simmons, Adam Lanford and Mark Murdock were representing the applicant, who presented on the project and the exception to the architecture. He said their materials are still high quality and modern.

Councilor Koivisto inquired about the sewer capacity. She asked that the applicant reach out to TSSD and get a positive recommendation from them.

Mr. Struthers stated that they will be approving exceptions such as allowing residential in this specific commercial zone. He said they are also asking for an architectural exception.

Councilor Hancock stated that the applicant originally proposed a TOD here, but has now proposed some residential to be mixed in with the commercial. He appreciates their willingness to work with the city on this. He believes this is a good application.

There was discussion about the timing of the light rail construction and how that could support this project. Councilor Hancock stated that he was comfortable allowing 250 residential units without the light rail in place. Even if it takes a long time for the transit to arrive that area can handle that amount of density.

Mayor Johnson expressed concerns with the increased requests for density in this area. There was discussion regarding the infrastructure in the area and the nearby TOD and some of the improvements that will need to be made. There was discussion about the traffic study conducted by Hales Engineering.

Councilor Albrecht stated that we need more housing options and this is going to appeal to a lot of people.

Councilor Koivisto stated that she has concerns with the infrastructure. Councilor Hancock stated that this is an ideal location for this type of project being just off the freeway.

Motion: Councilor Hancock moved to approve Resolution #2020-23, approval of a Development Agreement for the Lehi Block property. Councilor Condie seconded the motion.

Councilor Koivisto suggested adding to the motion that the applicant reach out to TSSD for a positive recommendation on the sewer capacity.

Amended Motion: Councilor Hancock amended his motion to include Councilor Koivisto's comments. The amendment was seconded by Councilor Condie

Roll Call Vote: Councilor Albrecht, Yes; Councilor Condie, Yes; Councilor Southwick, Yes; Councilor Hancock, Yes; and Councilor Koivisto, No. The motion passed 4-1.

b. Consideration of Ordinance #24-2020, a General Plan Amendment on approximately 30-acres of property changing the land use designation on the Lehi Block property from Industrial to Commercial.

Motion: Councilor Hancock moved to approve Ordinance #24-2020, a General Plan Amendment on approximately 30-acres of property changing the land use designation on the Lehi Block property from Industrial to Commercial, subject to the completion of all Development Review Committee and Planning Commission comments, with the findings that the traffic study indicated that the infrastructure is adequate for the additional traffic, and based on the reduced number of residential and commercial units from the first application, and the I-15 project will meet the needs of this development. Councilor Southwick seconded the motion.

Roll Call Vote: Councilor Albrecht, Yes; Councilor Condie, Yes; Councilor Southwick, Yes; Councilor Hancock, Yes; and Councilor Koivisto, No. The motion passed 4-1.

8. Consideration of a Road Dedication Plat approval for the Micron Middle School, dedicating three roads to Lehi City.

Mark Babbitt was representing the applicant.

Motion: Councilor Southwick moved to approve the Road Dedication Plat for the Micron Middle School, dedicating three roads to Lehi City; subject to the completion of all Development Review Committee and Planning Commission comments. Councilor Condie seconded the motion.

Roll Call Vote: Councilor Albrecht, Yes; Councilor Condie, Yes; Councilor Southwick, Yes; Councilor Hancock, Yes; and Councilor Koivisto, Yes. The motion passed unanimously.

9. Consideration of Resolution #2020-27, requiring the installation of pressurized irrigation meters under section 9-2B-15 of the Lehi City Code.

Motion: Councilor Condie moved to approve Resolution #2020-27, requiring the installation of pressurized irrigation meters under section 9-2B-15 of the Lehi City Code. Councilor Southwick seconded the motion.

Roll Call Vote: Councilor Albrecht, Yes; Councilor Condie, Yes; Councilor Southwick, Yes; Councilor Hancock, Yes; and Councilor Koivisto, Yes. The motion passed unanimously.

10. Consideration of Resolution #2020-25, approving the second amended Interlocal Agreement for Joint and Cooperative Action of Central Utah 911.

Motion: Councilor Condie moved to Resolution #2020-25, approving the second amended Interlocal Agreement for Joint and Cooperative Action of Central Utah 911. Councilor Southwick seconded the motion.

Roll Call Vote: Councilor Albrecht, Yes; Councilor Condie, Yes; Councilor Southwick, Yes; Councilor Hancock, Yes; and Councilor Koivisto, Yes. The motion passed unanimously.

11. Consideration of Consideration of Resolution #2020-26, appointing Committee Members to the Parks, Trails and Trees Advisory Committee.

Motion: Councilor Condie moved to Consideration of Resolution #2020-26, appointing Committee Members to the Parks, Trails and Trees Advisory Committee. Councilor Koivisto seconded the motion.

Roll Call Vote: Councilor Albrecht, Yes; Councilor Condie, Yes; Councilor Southwick, Yes; Councilor Hancock, Yes; and Councilor Koivisto, Yes. The motion passed unanimously.

The Mayor asked that the Council adjourn into an Executive Closed Session to discuss pending or reasonably imminent litigation.

Motion: Councilor Southwick moved to adjourn into a Closed Session to discuss pending or reasonably imminent litigation. Councilor Hancock seconded the motion.

Roll Call Vote: Councilor Albrecht, Yes; Councilor Condie, Yes; Councilor Southwick, Yes; Councilor Hancock, Yes; and Councilor Koivisto, Yes. The motion passed unanimously.

21. Adjournment

With no further business to come before the City Council at this time, Councilor Condie moved to adjourn the meeting. Councilor Southwick seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 9:30 p.m.

Approved: April 28, 2020

Attest:

Mark Johnson, Mayor

Teisha Wilson, City Recorder

From: [Dallin McCartney](#)
To: [Teisha Wilson](#)
Cc: [Mayor](#)
Subject: Proposed Bull River Zoning Change
Date: Thursday, April 9, 2020 2:42:28 PM

Hello,

I recently purchased a home on Bull River Road and was made aware of a potential zoning change just down the road at 400 W.

I was sad to hear that it might be switched to commercial land so that some sort of learning academy could be built there. It made me sad as I love how quiet and peaceful it has been here in the area so far. Yes Timp highway is just up the hill, but between the family filled neighborhood and the Murdock Canal trail across the street, it is nice to see the quiet and safe area that it is.

I am from Utah County originally and just moved to this house from Salt Lake County. When people have asked which county I like better, I without hesitation say Utah County. Yes I am biased because it is my home, but what I like about it is how good of a job the county/cities have done of keeping businesses in commercial areas and keeping neighborhoods and living areas separate. In Salt Lake County, it seems like you cant go more than a couple blocks before hitting a major road or commercial area. Utah County and Lehi included has great big suburban areas where you dont see the two mixed much. I love that about Bull River Road and this area in general.

I would like to voice my opposition to the change in zoning for 400 W Bull River Road. The road is narrow as it is and adding all the cars and business of an academy will disturb the peaceful nature of this nice neighborhood. I'm confused why this area in particular is being selected for this academy as just 4 blocks east on Center Street and closer to the highway is a big plot of commercial land that has a sign advertising it's use.

Please keep the zoning as residential. I dont want the area I just moved into to become like the area I just left.

Regards,
Dallin McCartney

From: [Marcie Sachs](#)
To: [Teisha Wilson](#)
Cc: [Mayor](#); [Paige Albrecht](#); [Chris Condie](#); [Paul Hancock](#); [Katie Koivisto](#); msouthwick@lehi-ut.gov
Subject: Public Comment on the Proposed Rezoning of Bull River Road
Date: Friday, April 10, 2020 11:14:58 AM

Good morning,

I hope this email finds you well and healthy!

My name is Marcie Larson and I recently moved to Lehi from Herriman. A neighbor recently [hesitantly] knocked on my door to tell me about a rezoning proposal of a low-density residential property to commercial. My heart sank with a sharp pit in my stomach to accompany it- I'll explain why. I full-heartedly believe that citizens need to be part of the public process of planning their communities. That the citizens should have a voice and that local government takes their citizens wants into consideration above developers. With that said, moving to Lehi from Herriman I've lost hope in local leaders as I saw again and again the needs and wants of the Herriman citizens be ignored and leaders caring more about money and its developers than their constituents.

I think there was a city council meeting recently where the developer proposed the plan via a virtual meeting due to the COVID-19 pandemic, and because of that, it didn't allow a normal public comment period. I'd like to listen to the meeting, where can I find the recording and review minutes?

Rezoning is something that happened in Herriman time after time after time. There is hardly any low-density residential left in Herriman- let alone SLCO- and Lehi isn't too far behind, these residential zones are critical to the community, especially where this property is. It's not too far from SLC, Provo and other major metropolitan areas and just right up the street from the silicon slopes- a huge part of the workforce in Lehi City. With that all said, I left my SLCO home where I've lived my entire life to Utah County- where honestly, I swore I'd never live because- ya know. ;) #GoUtes! But because of the way things were planned out I honestly saw a huge benefit in moving here.

I think it's important to mention that there is still plenty of commercial property for sale/lease in our area that the business that is proposing this rezone could easily meet their interests without interfering in an otherwise beautiful neighborhood. My understanding of the proposed plan is for a school academy (which from looking at it I don't think the property is big enough for what its needs are...). It will surely decrease the enjoyment of the Murdock Canal Trail and the other many wonderful things about this neighborhood. I believe that this location for commercial use would also impair the safety of the neighborhood children, and recreation.

Being new to Lehi, my questions for you are... Is Lehi City the same as Herriman City when it comes to how things have been done? Does the mayor and city council care about the needs and wants of their constituents? Is being an active participant in the democratic public process a completely lost cause? Would I be putting my time and energy into something that's already been agreed to behind closed doors? When is this going to the planning commission and/or city council?

I hope that this email doesn't come across like I hate growth. I don't. I know that growth is inevitable. It's how the growth and expansion happen that will either make the city an example

that leads the way in city planning or the joke— like to Herriman residents, it's a joke and I hope that's not how it is here in Lehi.

Thank you for your time and consideration. I look forward to hearing from you.

Kind regards,
Marcie Larson

Agenda Item #5 Concerns:

Consideration of Ordinance #23-2020, approval of a Development Code amendment to Chapter 12, changing the exception for group homes to allow up to 16 residents.

Petitioner: Avante Recovery Center

To: City of Lehi

I object to approving this petition by Avante. I share similar concerns to those of our neighbors and believe that it will significantly change the character of our neighborhood, increase traffic, negatively affect already limited street parking, and affect the safety and welfare of those on our street. I was not notified of the Planning Commission's hearing and couldn't present my arguments to them.

Avante is not a secure facility and patients are free to leave at any time. Doubling the number of residents doubles the risk to the community. While they say current policy is to not allow the patient to return if they leave, what assurances do we have that they won't make exceptions or change the policy in future?

I am not convinced that Avante has proved that it is reasonable or necessary to increase the number of residents allowed from 8 to 16, nor in the public and community interest.

In Lindon, a similar request was made for a home of similar square footage as Avante. They were denied their request for 16 residents. (Address 1422 E 155 S, Lindon, UT 84042). The facility owner then tried to sue the city. Homeowners banded together and formed Fair Care Lindon LLC and joined as Defendant in Intervention with the city to fight the owner's suit. I am no lawyer, but my understanding is that the owner seeing he was unlikely to prevail at this time, asked for a motion for Voluntary Dismissal without prejudice, which was granted. I talked with a Lindon resident part of Fair Care Lindon LLC, who says they are appealing this, as they have invested heavily in legal fees, and want a definite ruling so the facility owner can't come back and start the process all over again, thus costing them more.

1. <https://www.leagle.com/decision/infco20190522e86>
2. <https://casetext.com/case/harper-v-lindon-city-1>
3. <https://casetext.com/case/harper-v-lindon-city-2>

Avante's claim in one letter that more residents are needed for group therapy to be effective is just one person's opinion. We've not seen any real evidence based data or stats to support this. In weblink#2 above, Fair Care Lindon was able to find their own expert on addiction and recovery in residential settings, Dr John Majer, who questioned the increased number of patients was therapeutically necessary.

Is changing the ordinance to allow more than 8 unrelated disabled persons based on square footage of the residence in a single family zoned neighborhood setting precedence? The city currently allows 4 non-disabled unrelated persons in a single family dwelling. What benefit would be given to non-disabled homes with similar square footage? Will you double it to 8? **Single family is single family, despite the square footage of the home.** Avante is already getting special treatment with the existing ordinance allowing for 8 disabled residents. I believe that increasing the number to 16 based on home square footage only benefits Avante. There is not a similar benefit for the non-disabled home. I argue it is not reasonable nor in our community's best interest. Existing code is sufficient. In the same weblink#2 above it quotes:

The Eighth Circuit has previously resolved a case with issues similar to the case at bar. *Oxford House-C v. City of St. Louis*, 77 F.3d 249 (8th Cir. 1996). In Oxford House, the city code at issue allowed only three unrelated and non-handicapped individuals to live together in a single family zone. *Id.* at 252. The city code, however, allowed up to eight unrelated and handicapped individuals to live together in a single family dwelling. *Id.* at 251. The plaintiff challenged the eight-person accommodation under the FHA. *Id.* at 251-52. The Eighth Circuit rejected the plaintiff's challenge and held that "[r]ather

than discriminating against Oxford House residents, the City's zoning code favors them on its face. The zoning code allows only three unrelated, nonhandicapped people to reside together in a single family zone, but allows group homes to have up to eight handicapped residents." Id.

Avante says in their petition point #5 that "Adding a provision to parking that recognizes a policy where a client cannot have a vehicle on the premises will ensure the nature and character of the neighborhood will not be disturbed."

I don't believe this provision alone ensures keeping the nature and character of the neighborhood undisturbed. While the 16 residents might not have a vehicle on the premises, their visiting family members who come for weekly family counseling will have vehicles. Also employees, staff and providers giving care to those 16 residents will each bring a vehicle into the neighborhood. Essentially doubling traffic and the vehicles needing parking. Recently I saw their offsite parking lot crammed with more than 8 vehicles plus another 5 parked on the street in front. Current code only requiring 1 spot for every 2 employees is inadequate.

The petitioner claims their offsite parking includes 6 garage stalls plus room for 8 additional vehicles for staff and visitors. While you may be able to cram 14 vehicles on the property, there is not enough room for them to each safely back out or turn around to get out. If vehicles are parked in the garages, there isn't enough room to back out if there are more than just a couple of vehicles in their parking lot. I doubt they even intend to park vehicles in the garages. They park in front of them all the time. Also, we were told at their open house that they would have exercise equipment in the outer garage. I doubt there is even room for 8 vehicles to park in the offsite parking lot area and each be able to get out safely independently, without other vehicles behind being moved first. It is more likely 4.

Street parking in front of homes at the end of our cul-de-sac is extremely limited. Avante has the most curb space in front of their residence. I thought they were supposed to have their staff park off site. However, frequently 1 or 2 staff vehicles will be seen parked on the street, even when there is only a couple of cars parked in the offsite area.

One morning I answered my door and was asked by Avante to move a minivan with an empty trailer hitched to it that had been parked in front of Avante overnight. I told them I couldn't as it wasn't my mine. I noticed it was not blocking their entrance or mailboxes, and there was lots of room behind it for a few additional vehicles. Also, there were only a couple of vehicles parked in Avante's offsite parking lot area at the time. I found out later that it was my next door neighbor's vehicle, and they were asked to move it. That neighbor has a very steep driveway making it difficult to park a vehicle with a hitched trailer. They also don't have a strip of curb long enough in front of their house to park a minivan with the trailer hitched. Why couldn't they park it across the street for a day or 2 where there was plenty of room?

This shows me they are unwilling to work with the street parking needs of its neighbors, and question that the facility has enough parking for its own needs. Daily I have my neighbors' vehicles park in front of my house, but we try to work together to accommodate all our street parking needs.

Thus I feel Avante currently is disturbing the nature and character of our neighborhood, and increasing to 16 residents will disturb it more. The existing code allowing 8 residents is sufficient. Please do not pass this petition to change the existing ordinance.

Sincerely,

Collette Bailey
847 E 1450 N, Lehi, UT

April 13, 2020
828 E. 1475 N.
Lehi, Utah

Lehi City Council Members,

It has come to our attention that the group home (Advante Recovery Center) on 1475 North has petitioned Lehi City for an increase in the number of residents that are allowed to be treated at their facility from 8 to 16. As neighbors this raises several concerns.

Parking is already an issue. We live directly west of the facility, and have been impacted on a few occasions by the lack of parking. Advante needs parking for employees, service and maintenance vehicles, cleaning/maid services, outpatient visits, residents and their visitors. There simply isn't parking to accommodate their need. Parking often overflows to the front of our home. If the number of residents is doubled this will impact both traffic and parking in the neighborhood.

Security is a great concern. On two occasions we have heard shouting coming from the group home. This is not a secure facility. Residents are allowed to come and go as they wish. At times, there have been large numbers of visitors "hanging out in the street." Doubling the number of residents increases this risk.

When Advante first came into the neighborhood the owners made an attempt to reach out to the neighbors to help us to understand what they were trying to do. At this time several promises were made about the type, number, and sex of the patients they would be treating. So far, all their assurances have been false. The owners have operated in a deceitful way and have alienated themselves from the neighbors.

Based on these issues and concerns, we request that the City Council deny the petition by Advante to increase the number of residents from 8 to 16.

Sincerely,

Paul and Amanda Ellsworth
paulells@gmail.com
801-900-0590

Lehi City Planning and Zoning Department

RE: Requested changes to Lehi City Municipal Code for group homes

To the Planning and Zoning Dept. and Planning Commission:

RE: Avante Recovery Center, LLC request for additional residential clients, and addition of outpatient services.

As a 15 year resident of my home, across the street at the end of a cul de sac, I was already forced to endure a substantial property devaluation after the announcement of the facility. Now this enhanced use of the treatment facility will further impact not only our homes values, but more importantly their useability.

No one disagrees that the "stated" goal of Avante (to help persons with addictive or other unhealthy behaviors to master their affliction) however, there is inherently a difference between an 8 person facility with in house treatment and no vehicular traffic from the residents or participants or patients; and a facility with double or more residents and the added influx of repeated visitation from additional treatment seekers coming and going with outpatient services.

In addition, they have a stated desire to offer couples, family therapy-education and family group recreational activities. How can this increase in offered services not substantially increase the traffic and greatly increase the street parking as there is already inadequate parking for the employees.

The reason many of us chose this cul de sac was the safety it offers for our children, that will be further eroded once more traffic daily is assured due to the facility's increased service offerings. In addition, there have already been incidents of arguing and disruption noticeable to those of us living in close proximity. As it currently stands, there are as many as 15 cars on the street from Avante from time to time, that will only increase.

This was presented to us in 2 ways at the onset, 1) we had no way to stop it because it was a federally protected pursuit. And 2) it would not affect our daily lives and provided a service the community needed and desired. While I could disagree wholeheartedly, and I have been proven right on numerous occasions, this enhanced use of the facility will indeed impact our daily lives use and enjoyment of our long time homes, but also restrict our ability to sell or otherwise take advantage of equity or good faith built up in our homes.

If the city views this extended use of a residential property with its increase of vehicular and foot traffic, as a "good" thing, then shouldn't the city be prepared to purchase the surrounding properties at the values (plus 13% as good will and a forced eminent domain issue) stated just prior to the opening of such a facility? The city that makes this determination, can only see this

as a great investment opportunity and should be most assured that they will be able to make a substantial profit for their constituents.

None of us are saying we want the Avante home closed, as we have no standing to do so, however, it is indeed our right as long time residents to request that our lives be considered too.

The plan from the beginning was that Avante would offer 8 clients a special experience using our neighborhood as a backdrop for recovery and convalescence. Now they want to change the entire makeup of our neighborhood to that of a strip mall with more traffic and constant interruption of the peace.

Lehi has been known to make mistakes in planning in the past. They spent millions to build a beautiful state of the art sports facility, but cannot EVER turn on the lights because they forgot that MINKS have the right to a secure and safe environment. If this extension of service amendment is granted, then the City of Lehi is not only agreeing, but emphatically stating that they believe MINKS (a member of the weasle family) indeed have more value than do tax paying homeowners, as they have more say in their neighborhood than do those tax paying residents.

To protect not merely our investments but the sanctity of our homes, we the residents of the 1475 n cul de sac are prepared to pursue several courses of action available one being the statutes of the Public Duty Doctrine. In previous causes of action there were rulings in both directions, however in this instance we are proven to be without the deficiencies as 1) by purchasing our homes on a cul de sac, we do not fall under the theory that urban sprawl lends an expectation of increase of traffic, as we do not have an egress either direction to a through fare. 2) We the closest residents to the facility have already experienced a marked decrease in property value at a rate greater than that of the surrounding area.

Thank you for your consideration of our heartfelt request to deny the extension of business activities as requested by Avante et al.

Phillip Young
(801)722-5800
853 E 1475 N
Lehi Ut 84043

PS: The initial presentation of an in treatment facility has already exceeded the proposed impact on the neighborhood in numerous ways. This is a for profit venture, it is by no means some altruistic endeavor, as such... if they have a business plan to grow their profitability, perhaps the city can help them procure a second property specifically for the out treatment and group services they wish to provide. This way the limited number of resident won't have to endure the constant onslaught of people coming and going, which would only make their recovery more difficult. And maintain the atmosphere Avante initially sought.

Comments on Agenda Item 5 - Lehi City Council Meeting 4/14/20

Ellie Bodily, MSN, RN- Current resident in this neighborhood for 20 years

Please see my concerns and comments on the proposed change in the number of residents allowed in the Avante Recovery Center, which resides in our cul-de-sac. The concerns mentioned below are taken from the minutes of the Planning and Zoning Committee meeting on 3/26/20.

2.3. Public hearing and recommendation of Avante Recovery Center's request for review of a Development Code amendment to Chapter 12 changing the exception for group homes to allow up to 16 residents.

6. The gain to the public health, safety and welfare from the existing classification to the proposed amendment; and

- *Adding additional residents to this facility is not a gain to the public health, safety and welfare of our neighborhood. It actually adds an increase in the safety concern for residents who live in our neighborhood. Allowing the number of residents housed at this facility to be doubled will directly affect the number of cars coming into the cul-de-sac. Physicians, clinicians, healthcare workers as well as visitors for 16 residents will double the amount of traffic than was originally proposed by Avante.*

7. The overall community benefit of the proposed amendment.

- *I see no positive benefit to the community by increasing the number of residents allowed at this facility.*

Report Analysis

The applicant requests review and recommendation of the Development Code Amendment to Chapter 12 changing the exception for maximum occupancy from eight to sixteen. They also propose to change Table 37.070 Off-Street parking requirements to reduce parking requirements for group homes that do not allow residents to bring their own car.

Currently the Development Code only allows for four unrelated individuals in the same group home. However, an exception to provide reasonable accommodation allows for up to eight. The proposed amendment will increase the exception up to 16 and proposes additional requirements to receive the exception. The applicant originally proposed 18 as the maximum number. DRC members clarified that the International Building Code(IBC) only allows up to 16 residents without upgrading to an institutional designation.

The applicant supports DRC's recommendation for the maximum exception at 16. Table 37.070 currently requires 1 stall per 4 residents and 1 stall for every 2 employees. The applicant proposes to reduce this for group homes where the residents cannot bring their own vehicles. The proposed reduction would change the requirement to 1 stall per 8 residents and 1 stall for every 2 employees.

- *The obvious issue with increasing the number of residents in this facility is directly related to the parking requests listed above. 1 stall per 4 residents equals 4 stalls to be available at all times for anyone who is at the facility to visit or care for said residents. On street parking only allows for 2-3 cars, without blocking any mailboxes, and on-site parking is limited to the same amount or less. There is also a concern for enough space for cars to either turn around in the parking lot to exit back onto the street and/or backing out onto the street. Being that this facility is in a "cul-de-sac" highly increases the risk for injury due to the absence of a thru street. This is a direct safety issue to any children or residents of the neighborhood who may be nearby.*

Qualifications for Exceptions

Currently a reasonable accommodation exception can be made allowing up to 8 individuals in a group home. The Development Code also lists requirements for granting the exception. *The requirements include not altering the character of the neighborhood including impacts on traffic, parking, noise, utility use, etc.- This is clearly an issue in any cul-de-sac!*

The applicant also proposes a minimum of 60 square feet per resident in a multi-occupant room. DRC commented that the IBC requires a minimum of 120 square feet per bedroom. This number represents total requirement for the room, not per occupant.

- *The bedrooms in this facility are not large enough to be considered for a “multi-occupant” status. The privacy allowed residents in a “multi-occupant” room will not be conducive for optimal rehabilitation. There is also the question of whether the “cost” of treatment for each resident will decrease due to a shared bedroom? If Avante reduces treatment costs per resident, so they can house 16 people, will the “high end” clientele, they promised the neighborhood, participating in their rehab facility decline?*

DRC Comments

2. Planning Commission will determine whether or not this maintains the neighborhood feel similar to other structures in the zone.
 - *The “feel” in our neighborhood will be directly affected by the addition of 8 more residents and service providers!*
3. Add an additional sentence to the code amendment stating that: No outpatient service can be allowed as part of a group home with person’s with disability.
 - *Avante handed out pamphlets at the “neighborhood open house” which clearly stated that they will be offering various types of “outpatient” services including “Partial Hospitalization” (20 hours per week), “Intensive Outpatient” (9-19 hours per week) and “General Outpatient” (1-8 hours per week).*
 - *Where will all these people be parking? All of these “outpatient” services will additional neighborhood traffic as well as parking issues to the already limited space.*
 - *“Disability” is not clearly defined in this section. This may lead to many exceptions being made by the facility to accommodate any residents they wish to accept.*

Planning Division Recommendation- Justification for Greater Occupancy

The applicant provided evidence that the proposed amendment to the Development Code may enhance a group home’s effectiveness.

- *Our neighborhood has not been provided with any data or statistics which validate the claim that that research exists showing group therapy is more effective with more individuals in the home. This claim needs to be backed up with more evidence-based data than just “1 letter from 1 individual” who may very well be a stakeholder in this facility.*

Closing remarks

I've been a resident in Lehi for over 27 years and have lived in 3 different areas of this city. I have also been a Registered Nurse for 15 years working in the area of Public Health. I take the health and safety of all individuals very seriously. Having this facility in my neighborhood is not the optimal choice for me but I do see the great need for rehabilitation services in our state.

I've worked in the Long-Term Care setting and watched facility owners admit many residents that did not meet facility applicant requirements. This was done to increase the income of the facility when actual qualified applicants were not available.

The owners of Avante have promised our neighborhood that they will only admit residents that would be considered "high end clientele" yet that is a very subjective term. If the number of residents is increased from 8 to 16, it opens the door to all kinds of rule bending that may happen to keep beds occupied and the facility making profits. The bottom line here is all about the money and income this facility will provide for the owners, not the actual rehabilitation of its residents.

I petition you to uphold the initial accommodations that were approved for The Avante Recovery Center and help to maintain as much normalcy as possible in our neighborhood.

Thank you all so much for your service to Lehi City and its residents. It's been a wonderful place to live and raise our family. Please feel free to contact me with any questions or concerns you may have concerning this issue.

Sincerely,

Ellie Bodily, MSN, RN
814 E 1475 N
Lehi, Utah
801-472-6869

From: [David Wilkey](#)
To: [Teisha Wilson](#)
Subject: neighborhood impact of the Avante Recovery Center proposal
Date: Friday, April 10, 2020 6:29:42 PM

April 10, 2020

To Lehi City Council and Lehi Mayor:

We write in regards to the Avante Recovery Center, 848 East 1475 North, and their intent to double the number of residents in their facility. There are concerns to us as their neighbors.

We understand in their original application there was no intent to double the number of residents but to serve the eight filed for without intent to grow beyond facility and neighborhood capacity. It seems from point of sale to now, there has been dubious full disclosure, from seller of the property to neighbors. We do not support a facility that grows taller than its roots. In any event, we oppose the proposal from Avante to double residents and double its impact on this neighborhood.

There are concerns with what obviously will be increased traffic to an already busy area with the Lehi Junior High, both auto and pedestrian. Adding to mixture of Recovery Center traffic and students is not prudent. The related issue of expanded need for parking does not affect us, but it certainly does those neighbors in the circle who purchased homes with the expectation there would be adequate surface street parking. It's challenged even now.

We understand from the Avante brochure that support is offered for families of patients including family and couple therapy; we are concerned that this support expanded to 16 rather than the agreed upon 8 residents is also equal to increased traffic and parking needs in an already over-crowded area in addition to increased numbers of people creating not just noise but impact on a quiet family neighborhood.

We have also read in the Avante site that the residents within the treatment home "can be fully isolated from prying eyes of public, acquaintances, friends and/or family." Although the home itself is large, it is situated on a relatively small yard with neighbors completely surrounding the facility. Doubling the number of residents will not only jeopardize this claim but also will jeopardize the privacy of those whose homes surround the facility.

As neighbors who live within easy sight of Avante we do have concerns with the sight lines which are impacted. We have put up solid vinyl fence and planted trees to maintain some privacy. Doubling the number of residents doubles the number of eyes that peer into what formerly was a very private yard. That's why we built here. That has already been compromised. We respectfully request you deny the doubling as requested.

Thank you for your consideration. On issues such as this you face challenges that border on very difficult, if not impossible. We appreciate what you do.

David and Loralee Wilkey
951 East Cedar Hollow Road
385-277-9221, or 385-277-9220
davidwilkey@gmail.com
loraleefwilkey@gmail.com

From: [richard thurman](#)
To: [Teisha Wilson](#)
Subject: Avante Recovery Center
Date: Monday, April 13, 2020 2:44:53 PM

It has been brought to my attention that the Avante Recovery Center located at 848 E 1475 N in Lehi has recently requested an amendment to the city code to double the capacity of their facility. Considering the location of the Center at the end of a cul de sac and the local residential neighborhood, I have serious concerns about the Planning Commission's positive recommendations to the City council too approve this request which is on the agenda for the April 14th meeting.

I believe there would be a significant adverse reaction to the neighborhood by increasing the patient load from its current level of 8 to 16 people. Even now there is inadequate parking in the area and the noise level for the outside activities such as pool activities once the weather warms up could be very disruptive to the community. Considering the increased number of ancillary staff needed to support this number of patients, It seems more likely that the request to double the number is motivated more for Avante's financial benefit than the stated therapeutic benefits for the patients.

This is not a locked facility and there a quite a few young children in the area.

I am quite concerned.

It is my hope that his request would be denied by the City Council considering the known and potential problems spawned by doubling the capacity of this facility.

Richard Thurman MD
913 E Cedar Hollow Rd, Lehi (common boundary with the facility)

April 13, 2020
823 E 1475 N
Lehi, UT 84843

Dear City Council Members:

We, as concerned neighbors, are writing in regard to the petition by Avante Recovery Center to change the exception for group homes to allow up to 16 residents, which is item #5 on the Agenda for the meeting on Tuesday April 14th. The doubling of the number of residents will certainly alter the character of the neighborhood by greatly increasing traffic and street parking, as well as an increased risk to the neighborhood. Our concerns are summarized below and detailed in the pages that follow:

- **Increased Traffic**
 - The employees are not counted as residents, and thus the total number of people at the Center will be significantly greater than 16.
 - They emphasize that they provide a “higher level of care” and that they will have “more therapists and medical personnel,” which suggests a high number of employees on-site at any given time.
 - Their brochure states that they offer (presumably on-site) support for the families of the patients including couple’s therapy, family therapy, family education and family recreation options.
- **Inadequate Parking**
 - There are currently inadequate requirements of only one parking stall for every on-site two employees.
 - There are currently no parking stalls identified outside of the garages (e.g., in the driveway).
 - Vehicles associated with the Center are already routinely parked on the street.
- **Increased Security Risk**
 - It is not a secure facility and the patients are free to leave at any time. Thus the risk to the neighborhood at least doubles with twice the number of residents.
 - If they leave, patients are currently locked out of the Center. This poses an additional security risk if they leave then interact with neighbors, especially if frustrated by their inability to return.
- **Pattern of Deceitful Practices**
 - There has been a history of broken promises to the neighbors about the type of patients, the gender of patients, the use of the center, and now the number of patients.
 - The center currently advertises out-patient treatments, which they are not approved for.
 - The letter from Dr. Talbert “documenting” the benefit to the community is woefully inadequate to support the claims made.

A major concern of the neighbors is that doubling the number of residents will certainly alter the character of our neighborhood. The alteration will be due, among other things, to the related issues of increased traffic and the need for parking.

Because employees are not counted as residents, the number of people at the Center will often be significantly greater than 16. In his letter to the Planning Commission, Dwayne Nielson states that they will “provide a more complete treatment: Avante will have more therapists and medical personnel.” It is hard to guess the number of employees and staff, but the Center promotes themselves on their website as having a “higher level of care with programs focused on life skills training, addiction treatment, and educational training as well as extensive therapy.” Their extensive therapy, in addition to the usual therapies (such as CBT, DBT and MDR) includes “experiential therapeutic activities such as music therapy, sensory deprivation tank and structured physical activity” and “alternative treatments such as yoga therapy, meditation.” In order to provide all these services, they will need a large staff, which significantly increases traffic and parking requirements. Furthermore, their brochure states that they offer support for the families of the patients including “couple’s therapy, family therapy, family education and family recreation options.” All of these family members coming and going to the Center will also significantly increase traffic and parking requirements.

We are also concerned about the requirement that there needs to be only one parking stall for every two employees who are on-site at any given time (e.g., only 10 parking stalls if there were 20 people working the same shift). It seems obvious to us that essentially every employee will be driving their own vehicle. In fact, we recently counted nine vehicles leaving the Center in a short period of time, each with only the driver. If there is only one stall for every two employees, where are the other half of the employees going to park? It seems only reasonable that there should be off street parking for all of their employees, therapists, and other staff and workers. This is especially concerning, as the Center is on a cul-de-sac, not a through street. This inherently limits the number of cars that can be parked by private residents.

In his letter to the Planning Commission, Dwayne Nielson states that “We have garages for up to 6 cars and off-street parking for another 8 cars.” To us, this seems woefully inadequate, even if it is true, considering the scope of their plans. In addition, in their brochure they advertise that they have an “Exercise Facility”, which we were told would be in the outer garage, which will further limit their off-street parking.

In reference to Group Homes, the City Code requires “1 stall per each...” Currently Avante has no identified stalls (other than garage parking), and just park cars seemingly at random in their driveway, as noted in the picture that was taken on April 2, 2020 at 9:28 am. At this time there was at least one vehicle associated with Avante parked on the street. In fact, vehicles associated with Avante are routinely parked on the street currently, and we are fearful of what will happen if they are allowed to double the number of patients at the Center. In his letter to the Planning Commission, Dwayne Nielson states that the Center “will not give the indication to the public that a large gathering is occurring.” This picture, among other things, shows that this assurance is false.



Off-street parking at Avante

Avante has claimed that they want to be good neighbors, but their behavior has proven otherwise. In December 2019 a few weeks before the Center admitted their first patients, they held an open house for the neighbors to promote “good will.” They even gave gift baskets to most of the neighbors. This was very much appreciated. On the other hand, they have repeatedly given us assurances that have turned out to be false.

When Dwayne Nielson purchased the home in 2019, he gave no indication that the use was to be other than a family residence. Later in the fall when it was discovered that it would be a rehab center, there was much concern about what kind of a rehab facility it would be, and we were assured that it was only for rich women with an opioid addiction. At the open house, we were told it would now be opened for both men and women, and for any addiction, but were reassured that there would be a maximum of 8 patients. In spite of this assurance, they now want to increase the number to 16. This history of broken promises to the neighborhood has shown us that we can’t trust what they say.

In preparation for this City Council meeting I emailed a list of 5 simple questions to Maren Mather, the “Administrative Manager” of the Center and the daughter of Dwayne Nielson. When the email bounced, I walked over to the Center to get a correct email address. I was told that she no longer worked there. I asked who was filling that function and was told “several people.” When I asked for email addresses, I was told that “It is against our policy to give out employee email addresses.” Eventually we got in contact with Dwayne Nielson about our questions, and instead of providing answers, he directed me to “send your questions to the city council.” Clearly, Avante has no interest in being open and working with the neighbors.

We are concerned about the increased risk to the neighborhood resulting from a doubling of the number of patients. It is not a secure facility and the patients are free to leave at any time. Thus the risk to the neighborhood at least doubles with twice the number of patients. We have been told that their policy is that if a patient leaves, s/he will not be allowed to return. But what is to prevent them from changing that policy or from making exceptions? And what will the patient do in the neighborhood, if they are locked out of the Center?

In their request to the Planning Commission, Avante included a single, short letter from a Dr. Talbert which was supposed to document the benefit to the community of increasing the number of patients from 8 to 16. In his letter, Dwayne Nielson asserts that “Numerous studies have concluded group therapy is most effective with groups larger than 8 people.” Dr. Talbert’s letter does not support this claim.

In the first paragraph, Dr. Talbert says that bigger is better, but there is no indication if 8 is better than 4 or if 16 is better than 8, or if 32 is better than 16.

The second paragraph states that individuals recovering from an addiction are helped by fellowship with similar peers, but gives no indication of the number of peers.

The third paragraph reviews the advantages of group therapy, but again is silent on the size of the groups.

In the fourth paragraph, Dr. Talbert gives her personal opinion that 16-18 patients is the optimal number, but no other evidence is given.

In her concluding sentence, Dr. Talbert offers further information upon contacting her. I did email her with the request for some references to the numerous studies which have shown that a group size of 16 as compared to a group size of 8 results in “better treatment outcomes and longer abstinence rates.” I requested references to scientific valid comparison studies rather than anecdotal reports. After my second attempt to contact her, she replied that she is a consultant and responds to inquires only

when she is compensated for her time. When I asked her what level of compensation she required, she chose not to respond. Thus, no valid scientific evidence has been presented to the Council support the claim of significantly better treatment outcomes with 16 vs 8 patients.

Finally, we have attached copies of Avante's brochures which advertises outpatient treatments of various kinds and intensities. It is our understanding that they are approved only for residential treatment, although they claim to be providing outpatient services.

Based on these numerous concerns, we respectfully request that the City Council deny the petition by Avante Recovery Center to change the exception for group homes to allow up to 16 residents.

Sincerely,

David and Elaine Bylund
dbbylund@gmail.com
385-268-9491

WE BELIEVE IN RECOVERY.

Our mission is to provide each person entering our program with the highest level of personalized treatment. We will consistently show love and compassion while using direct, respectful, honest communication.

We provide comprehensive services designed to address all aspects of the disease of addiction and mental health, from initial assessment and social detox to therapies and support groups, and then finally, throughout aftercare.

Clients are counseled with multiple evidence-based approaches, each having been shown clinically to fight addiction from a variety of angles.

Upon discharge, we are committed to helping our clients for life. We will offer to stay in touch and invite them to webinars and alumni counseling. This level of care provides the tools and confidence they need to maintain sobriety and regain control of their lives.

WE BELIEVE IN FAMILY.

Avante Recovery Center believes in providing support to the whole family. We offer couples therapy, family therapy, family education and family recreation options.

Our goal is to help all members of a family improve their wellbeing and understand the best ways to support their loved one.



Avante is a Spanish word that translates to **“moving forward,”** and that is our primary goal at Avante Recovery Center. We help people move forward. You don't have to have it all figured out because we are here to help you make the first steps toward recovery so you can clearly see the path ahead.



848 East 1475 North
Lehi, Utah 84043
(801) 341-0009

www.avanterecoverycenter.com



AMENITIES



- 24/7 Care
- On Site CNA
- On Site Counseling
- Float Tank
- Library
- Exercise Facility
- Swimming Pool
- Billiard/Game Room
- Theater Room



SERVICES



- Social Detoxification
- Residential Treatment
- Outpatient Treatment
- Individual Therapy
- Family Education and Therapy
- Float Therapy

24 hour CNA support staff

TREATMENT MODALITIES/ SERVICE SPECIFICS



- Cognitive Behavioral Therapy (CBT)
- Dialectical Behavioral Therapy (DBT)
- Existential Psychotherapy
- Eye Movement Desensitization and Reprocessing (EMDR)
- Interactive Journaling
- Prolonged Exposure Therapy
- Nutrition Education
- Mindfulness-Based Approaches and Skill Groups
- Music Therapy
- Health Promotion
- Family Counseling

