

Minutes of the Western Weber Planning meeting of October 9, 2018 held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1. Ogden UT at 5:00 p.m.

Members Present: Blake Hancock-Chair
Jennifer Willener-Vice Chair
Jannette Borklund
Greg Bell
Bren Edwards
John Parke
Mark Whaley

Staff Present: Rick Grover, Planning Director; Charles Ewert, Principal Planner/Long Term Planner;
Steven Burton, Planner III; Felix Lleverino; Planner II; Tammy Aydelotte, Planner I;
Matthew Wilson, Legal Counsel; Marta Borchert, Secretary

- Pledge of Allegiance
- Roll Call

1. Approval of minutes for August 14, 2018. On page 1 paragraph 1 Mr. Hancock should be Mr. Heslop. Page 2 paragraph 2 1.2 DR 2018-10 should be 1.1 LVD061218. Page 17 the first motion should be (3-1).

MOTION: Commissioner Edwards makes a motion to approve the minutes for August 14, 2018 with noted corrections. Commissioner Willener seconds. Motion carries (6-0) Commissioner Borklund was not present for this vote.

Director Grover Explains the process of the meeting and process to make the meeting more flow more efficiently and to treat everyone fairly. Director Grover explains the criteria.

2.1 CUP# 2018-10 Consideration and action on a conditional use permit application for a residential facility for four handicapped persons. Applicant: Shannon Wilkins

Mr. Lleverino gives an overview of the proposal. Mr. Lleverino turns the time over to the Applicants Shannon Wilkins and Zachary Eskaf.

Zachary Eskaf and Shannon Wilkins 5928 Skyline Dr. states that he is the Director Quality Assurance. They are looking to have a fourth individual move in that has developmental disabilities.

Commissioner Borklund asks if they are currently operating with three individuals. Ms. Wilkins states that they are and gives the Planning Commission some background regarding their program.

Commissioner Bell asks how many staff members are onsite. Ms. Wilkins states that generally there will always be one. It depends on the ration per individual. The home in question has a 1-3 ratio. there will always be one person there.

Commissioner Bell states that his concern is regarding condition use D. the off street parking. It states that there be two parking spaces plus off street parking. One for each staff member. He asks how many parking spaces are there. Ms. Wilkins states that the driveway allows for four vehicles and there is also the garage. There would have to be more than five people parked there at a time for them to have to park on the street. Commissioner Bell asks regarding parking for the residents. Do they drive? Ms. Wilkins states that one individual has their own vehicle and

a vehicle is provided for the staff to drive. At any given time, the most vehicles that would be there is three. Commissioner Borklund asks where do visitors park. Ms. Wilkins states that they can park in the garage or the street. Commissioner Borklund asks if they are a private nonprofit or state agency. Ms. Wilkins states that they are contracted with the State of Utah.

Chair Hancock asks if there are any other questions for the applicants. There are none.

Mr. Lleverino goes over the recommendations.

Commissioner Borklund states that there are some conditions that Mr. Lleverino did not go over, she feels are important. There are some conditions that limit what they can allow with regards to a handicapped person, as opposed to housing as a halfway house or addiction recovery home. It is limiting the tenants to having a physical or mental handicap.

Chair Hancock opens for public comments.

Carla Prepejchal 2081 E 5950 S states that she lives around the corner from this facility. It has already been established. She did not receive a notice, and neither did several other neighbors. There is supposed to be a 500 ft. radius of notification. There are a lot of children in the area. She has some concerns regarding the types of disabilities the three men placed in the residence have. She states she does need to know, but she has a background in psychiatry. She is very concerned because she has four grandchildren in that area. She wants to know if the residents vetted, do they need to be on some type of registry. She states that the residents were never notified about this in the first place. It is a business, a corporation out of Princeton, New Jersey expanding and developing their company. She does not have a problem with individuals with disabilities, but she does have problem with not being notified, it being around the corner from her, and not knowing the type of individuals being placed in that home. Anyone else might feel the same way. She has concerns about something unthinkable happening one of the children in the neighborhood. She notes that she received a copy of the staff report for this item, which states that the notice requirement was met. There is a lot of people that did not receive a notice, nor were they notified that there was already three people living there. She believes that you never know when something might trigger an incident; it is true for everybody but it is additionally true for individuals with disabilities. She believes they don't necessarily think rationally. She wants to know if the residents are going to be permanent residents at this location, or if they are going to be rotated. Will ever be more than four residents? She feels the meeting just a technicality, since the license has already been established? She wants to make sure the residents are vetted, and staff is vetted. Ms. Wilkins stated that there would be staff at the residence all the time. Previously it was stated that the staff lives in the area but there are not there all the time. She would like clarification.

James Hunter 5864 S Skyline Dr. states that he is not opposed to people with disabilities being in the neighborhood. He just wants to know more. Are they required to be supervised on a 24 hour basis? What are the requirements for the supervisor, do they get special training? There is no mention of requirements for sexual offenders. He states the residents have been living there for two months. He adds that one of the residents there makes him and his family uncomfortable. He has had a security system installed, because of the people who live there now. There is a resident that lives there that stares at them continuously. He believes that the individual is fixated on his wife. There was an incident where he and his wife were planting shrubbery in the back yard and the individual had a fake phone call going on while he was staring at his wife. He does not feel comfortable exiting through the back door, not know if they are staring at him and his wife. They don't feel comfortable in their own back yard. The thing that bothers him the most is if this individual is the supervisor.

Mark Peterson 2072 E 5950 states that he is sympathetic to the organization. He would like to formally request that the Commission delay approval, because not everyone received notification and it deserves more vetting. He states that to his understanding there will not be a person permanently on site. This is concerning, given the nature of the facility. There needs to be more vetting and background, before the process proceeds.

Flora Hayes 5484 W 560 N states that she is a mother of a child that lives in a home such as this. He has three other roommates and the people there are amazing. She states that because of them she and her son have gotten their life back. He is 32 years old, and the people that run these types of place are amazing.

Gina Nielson 5925 Skyline Dr. states that a one-day notice for a meeting, that not everyone received notice of seems a bit deceptive. She states that to the organization in question if they want to be part of the community, be open and honest. She believes what they are doing is amazing, but she does not like it as a surprise. She states that she does not agree with the statement "not in my backyard" from some of the neighbors. Everyone needs to get together and vet the process more.

Timothy Foltz 5908 S Skyline Dr. states that he has been in contact with the people that live there. He assisted them when they moved in. He found them to be very nice people. He spoke to one of the Directors Steve, he is a nice fellow. Two of the gentlemen that live there he calls them by their first name. They are both very nice people. He has shared a bench at church with them on Sundays. He has large garden and likes to share with the neighbors. There was an incident where he took some produce and cookie to them. As he stood at the door, he could hear a fast rush and the door jerked open quickly, and he was quite surprised by the one of the residents that are there. He states that this frightened him. At the moment the door was pulled open, one of the caretakers inside grabbed the man by the arm and pulled him back and had to use some strength. At that moment he heard a man inside of the home say "it's not a good time" at an elevated voice. This made him very concerned about the individual. He is nervous about some of the individuals that may be living there. Also the same individual was at the church on Sunday and came around the corner quite rapidly with an individual close behind him trying to catch him. The individual can right up into Mr. Foltz face with stiff arms and frightened him again. There were some ladies in the hallway that were frightened also. There are concerns, he wants to make sure there is safety for the families in the area. He adds that he leaves his house at 5 in the morning and his wife is home alone. He wants to know that his family is safe and the children that walk down the street are safe. Regarding the parking there is room for four cars in the driveway and there is room in the street, which is ample. There isn't any use for the garage when it is filled with giant pallets inside, which is going to be used to build a mobile home to be pulled around. He adds that he is not sure if that is something they want in the neighborhood. He thanks everyone for listening and asks that they be considerate of neighbors.

Katie M 1625 South states that she doesn't have anything against anyone with mental disabilities. One of her best friend's sons is autistic. As he is getting older there are times when has gotten aggressive. She states that she worries about her children, because the home in question is right around the corner from a school. There is a lot of children that walk by there. She states that with one person it is difficult to control him and he is only thirteen. If Mr. Foltz was frightened by the incident that occurred to him, imagine how children might feel. There needs to be more than one person at this facility to watch four grown adults, especially if they are having issues with one of them already. There are children outside all the time. She adds that she is not against it but she doesn't want to be scared to have her children play outside or approached by someone that makes them uncomfortable.

Joan Tonn 2086 E 5950 S states that she agrees with the comments that have been stated. She wants to know if they can be notified when new residents are placed at the house in question. They like to know when there is somebody new in the neighborhood. She adds she would appreciate it if they could keep them informed and be more neighborly.

Valerie Hansen 4540 W 1150 S states that she has had a hard time listening to some of the comments. At the age of she began working with people with disabilities as a volunteer. She has been an interpreter for the deaf, she has worked help people get placed in homes. She has worked in the schools helping people with disabilities get jobs. She states that it is going to come down to communication, if the neighbors of the residence in question want to welcome the individuals into the neighborhood. She would like to commend facilities that do this type of work. Regarding the training for professional that work with people with disabilities, there are laws in place. Every year she had to receive special training similar to what police officers get. There is ongoing training on other matters. If

the neighbors of the home in question want to welcome the individuals into the neighborhood, it should not come down to their race, gender, disability. They should be welcomed and the doors of communication need to be opened. These types of facilities are needed and according to the law the least restrictive environment needed to be provided at any time. She has been abused by people with disabilities and has worked with severe autistic kid, she has had broken bone, bruises, but it is very rare. She has had her children around people with disabilities, it was a type of training. Her children would go into the classrooms and be taught by them. She states that they should not teach their children to be afraid of people with disabilities, or "the weird neighbors" because this will occur every day and everywhere. For the individuals that want to go against it, they need to look at the laws. The community needs to reach out not just the company.

Bruce Stratford 2285 Jennifer states he is the former owner of the home in question. When he started his career in law he worked for the department of youth corrections. He contracted for group homes. He believes that the use is needed. His concern is that the house in question is the configuration. Unless extensive remodeling has been done he is not sure the house is setup for this type of accommodation. He asks that the Commission take some time to look into it. He is also concerned that the house has been through several transactions, and it might just be an attempt to find a commercial use for a residence as opposed to a good facility that could accommodate the need. He states that the Commission need to look at the accommodations and see if it is suitable for what is being proposed.

Director Grover states that regarding the notices sent out, it could have been due to Monday being Columbus day. There was no attempt to hide anything from the residents. Also it was a curtesy notice that was sent out to people within 500 ft. He notes that the Planning Commissioners are welcome to table the item, if they feel uncomfortable with it. He states that it is important to note that in the Conditional Use Review there is a list of requirements that must be met prior to the approval of the proposed conditional use. Specifically regarding some of the concerns of the residents. "(L) No residential facility for persons with disability shall be made available to any individual whose tendency therein would constitute a direct threat to the health and safety of other individuals or would result in substantial physical damage to the property of others." Also it has been noted that the individuals can't be placed in this type of facility if they have a criminal record, or violent tendency.

Shannon Wilkins states that 5928 Skyline Dr. states that she would like to apologize to anyone who felt they were not being neighborly. She states that normally it's their practice to introduce the individuals and help them become a part of their neighborhood and neighborhood activities. As it was mention two of the individuals participate in the LDS church and a regular part of the services there. There seems to be a lot of concern by the neighbors regarding safety of both staff and the individuals that live there. There is a vetting process, that excludes individuals that are violent, have destroyed property, or abuse alcohol and drugs. Staff is required by the State to undergo a criminal background clearance that is conducted by the State and the Office of Licensing. They are not allowed to be on the premises alone until the clearance has gone through. It generally takes them three or four weeks because it is an extensive process. Mr. Eskaf states that Utah if the only state that takes that long. He has worked in over 11 states, in Utah it might take three or four weeks. In Pennsylvania they can get it in 72 hours. Ms. Wilkins states that it is not discount the safety of the individuals in the neighborhood, because they are also important, but their number one priority is to the safety of the individuals they are serving. This means that they will always have adequate staffing to ensure that they are not putting themselves in danger. She notes that regarding the Mr. Foltz incident, she believes that, it might just involve getting to know the individuals. They have never been violent and there is no real reason to conclude that level of unsafety would ever occur.

Zach Eskaf 5928 Skyline Dr. states that he would like to thank all the public for voicing their opinion, the Planning Commission for listening. The advocates, without them people with disabilities don't have a voice. He notes that the residents are permanent very rarely make adjustments if something isn't working out. If there is a lot of complaints, changes can be made. He adds that at this point they don't anticipate this being the case. The plan is to have these four individuals living in the home permanently. There will never be more than four, and as it was

stated previously they have to go through an extensive process. Regarding their supervision, they have to be within site. Staff are required to complete more than 40 hours of training annually. This includes medication training, CPR, First Aid, Restraints, a fire escape plan, along with other various trainings. With regard to the question about sexual offenders, the individuals in the neighborhood are more than welcome to look at the registry online. They won't find any in registered to the home in question. He states that as far as being good neighbors as soon as everything settles down they usually do barbeques, and other neighborhood events, to get to know everybody. People from the community and commission are welcome.

Commissioner Borklund asks how long they have been operating with three individuals. Ms. Wilkins states that they have been there since August. Commissioner Borklund asks if it is a permitted use in the zone. Ms. Wilkins states that once it goes above three people it is a different licensing requirement. Under three it is considered a family home. With the certification included in the packet, the Fire Department and the Health Department have to check for safety. A person from the Division of Services with Disabilities and the Office of Licensing who is in conjunction with the Department of Human Services go out and inspect the home. They have a rigorous inspection list that is not just for the home, but also for staff training requirements. All of these requirements have been met. Mr. Eskaf states that regarding Mr. Stratford's comments about the suitability of the home, minor accommodations are made to the home, such as handrails, nonslip surfaces on the steps, and change hardwood to carpet. He adds that the individuals who move in need to feel at home, they get to decide if the home is right for them. They visit the home to make sure they are comfortable living there. He notes that he feels confident that the home is accessible to everyone that has been placed there. If someone ever needs a wheelchair, the proper accommodations can be made. Commissioner Borklund asks if they have 24-hour staff, do they live there. Ms. Wilkins states that staff doesn't live there, but there is always someone there. There is one individual who does not require 24-hour supervision, he does not need that level of care. The shift is from 2 to 10, and then there is nobody there to need the staff from 10 to 2. Mr. Eskaf states that for anyone who nervous about this, they are encouraged contact him or staff, he will give out contact information, to anyone who wants it. They are encouraged to report anything out of the ordinary. He states that he wants the neighbors to communicate with them, and reach out to them, the State or the Department of Human Services.

Commissioner Bell asks Director Grover if a condition can be added to the conditional use permit. Director Grover states that they can, as long as it is reasonable. Commissioner Bell asks if they can add the condition that it they get the certificate for four individuals. Director Grover states that they can add this condition, since it is required by the state. Ms. Wilkins states that their license won't get approved until the business license through Weber county is approved. Commissioner Parke states that it can't be a condition of approval, because they can't get the license until it is approved.

Commissioner Borklund asks if there is any concern if it is tabled for a month, because of the notification. Ms. Wilkins states that she would like to have it be expedited, because the fourth individual is ready to move in the home. He is ready and excited to move. His family is excited to have that support. She understands that the Planning Commission only meets once a month and the application was submitted last month the day after the meeting, so there has already been a 30-day delay. Commissioner Parke asks if they can have Counsel review the notice requirement. Mr. Wilson states that State Law required 24-hour notice which can be satisfied by posting on the State website. With regards to the County Code section 106-1-6 Section B "*Public notice*. Notice of the proposed subdivision shall be mailed as a courtesy not less than seven calendar days before the planning commission's public meeting on the proposed subdivision to the record owner of each parcel within 500 feet of the property." Commissioner Borklund states that, that is for subdivision. She asks if it is different for conditional use permits. Mr. Wilson states that it is under general provisions in the Land Use Code. The mailing notice is courtesy it is not required.

Chair Hancock asks if there are any further questions from the Planning Commission. There are none.

MOTION: Commissioner Bell moves to approve item 2.1 CUP# 2018-10 Consideration and action on a conditional use permit application for a residential facility for four handicapped persons, based on the conditions that each person occupying the home will be supervised on a 24-hour bases. The landscaping and lawn care will be maintained consistent with the surrounding properties. The decision is based on the findings that the proposed use conforms to the 1970 South East Weber County Master Plan. The proposed use, if conditions are imposed, will not be detrimental to public health, safety, or welfare. The proposed use if conditions are imposed will comply with applicable County ordinances. The proposed use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses. Commissioner Edwards seconds. Motion carries (7-0)

2.2 Consideration and action on a revision to the phasing plan of Sunset Equestrian Cluster Subdivision.

Mr. Burton gives an overview of the proposal. The Planning office has received a request to make some changes to the phasing plan of the Sunset Equestrian Cluster Subdivision. The size and layout of the lots, and the size and layout of the open space of the entire subdivision was approved as a part of preliminary approval. Approval was granted on December 12, 2017. The applicant is not proposing to change the layout of the lots or the widths that will remain the same. He turns the time over to the applicant Chris Artell.

Chris Artell 1294 Santa Anita Dr.

Legislative items**a. New Business**

3.1 ZMA 2018-06: Public hearing regarding a proposal to rezone approximately 3.5 acres located at approximately 2220 E. Eastwood Drive from the RE-15 zone to the R-1-10 zone. Applicant: HCA Investments; Jeremy Jaggi (Agent)

MOTION: Commissioner Bell moves to forward a positive recommendation to the County Commission regarding item ZMA-2018-06. A proposal to rezone approximately 3.5 acres from RE-15 to R-1-10 at approximately 2220 E Eastwood Blvd. This recommendation is based on the following findings: 1. The Southeast Area Comprehensive Land Use Master Plan (The General Plan) recommends the uses and densities of the R-1-10 zone. 2. The proposed rezone will promote the health, safety and general welfare of the Weber County public by offering more affordable lot sizes than surrounding zoning. 3. The surrounding land use does not pose a conflict with the proposed zone, and the new uses of the proposed zone are anticipated to fit into the area harmoniously. Commissioner Willener seconds. Commissioner Parke votes nay. Motion carries (6-1).

3.2 Public hearing for the following items:

a. GP#2018-05: A proposal to amend the West Central Weber County General Plan to allow for more commercial acreage on property at the intersection of 4700 West and 12th Street. This general plan amendment will consider commercial acreage for property on the west side of 4700 West. Applicant: Dennis Costesso

b. ZMA 2018-07: A proposal to rezone approximately 10 acres located at approximately 4733 W 1150 S from the A-1 zone to the C-1 zone. Applicant: Dennis Costesso

MOTION: Commissioner Borklund moves to recommend approval of the General Plan amendment to make all four corners the same. According to figure 2. Commission Edwards seconds. Commissioner Borklund votes Aye. Commissioner Edwards votes Aye. Commissioner Bell votes Nay. Commissioner Hancock votes Nay. Commissioner Willener votes Nay. Commissioner Parke votes Nay. Commissioner Whaley votes Nay. Motion is denied (2-5).

MOTION: Commissioner Parke moves to recommend denial of items a. GP#2018-05: A proposal to amend the West Central Weber County General Plan to allow for more commercial acreage on property at the intersection of 4700 West and 12th Street. This general plan amendment will consider commercial acreage for property on the west side of 4700 West. b. ZMA 2018-07: A proposal to rezone approximately 10 acres located at approximately 4733 W 1150 S from the A-1 zone to the C-1 zone. Subject to a new General Plan being made. Chair Hancock seconds. Commissioner Edwards votes Nay. Motion carries (6-1).

Legal Counsel, Matthew Wilson recommends adding clear findings for the denial.

MOTION: Commissioner Parke moves to recommend denial of items a. GP#2018-05: A proposal to amend the West Central Weber County General Plan to allow for more commercial acreage on property at the intersection of 4700 West and 12th Street. This general plan amendment will consider commercial acreage for property on the west side of 4700 West. b. ZMA 2018-07: A proposal to rezone approximately 10 acres located at approximately 4733 W 1150 S from the A-1 zone to the C-1 zone. Subject to a new General Plan being made. This recommendation is based on the findings that it doesn't comply with the General Plan and the Planning Commission would like to get public input for this decision. Chair Hancock seconds. Commissioner Edwards votes Nay. Motion carries (6-1).

3.3 GP#2018-04: A public hearing regarding a proposal to change the Western Weber County Resource Management Plan and the Ogden Valley General Plan specifically related to forest firefighting management of roadless areas on Forest Service Land. This amendment is focusing on the County's limited role in offering the state and the forest service guidance as to appropriate forest management principles. Applicant: Weber County

MOTION: Commissioner Parke moves to recommend approval GP#2018-04: a proposal to change the Western Weber County Resource Management Plan and the Ogden Valley General Plan specifically related to forest firefighting management of roadless areas on Forest Service Land. This amendment is focusing on the County's limited role in offering the state and the forest service guidance as to appropriate forest management principles. This recommendation is based on the findings that 1. The amendment will offer necessary forest management guidelines for the State and Federal Government. 2. The County supports States efforts to better manage public lands. 3. The street adjacent and waterway- adjacent trails/ pathways have significant public support. 4. The changes are in the best interest of the public. Commissioner Bell Seconds. Motion carries (7-0).

DRAFT