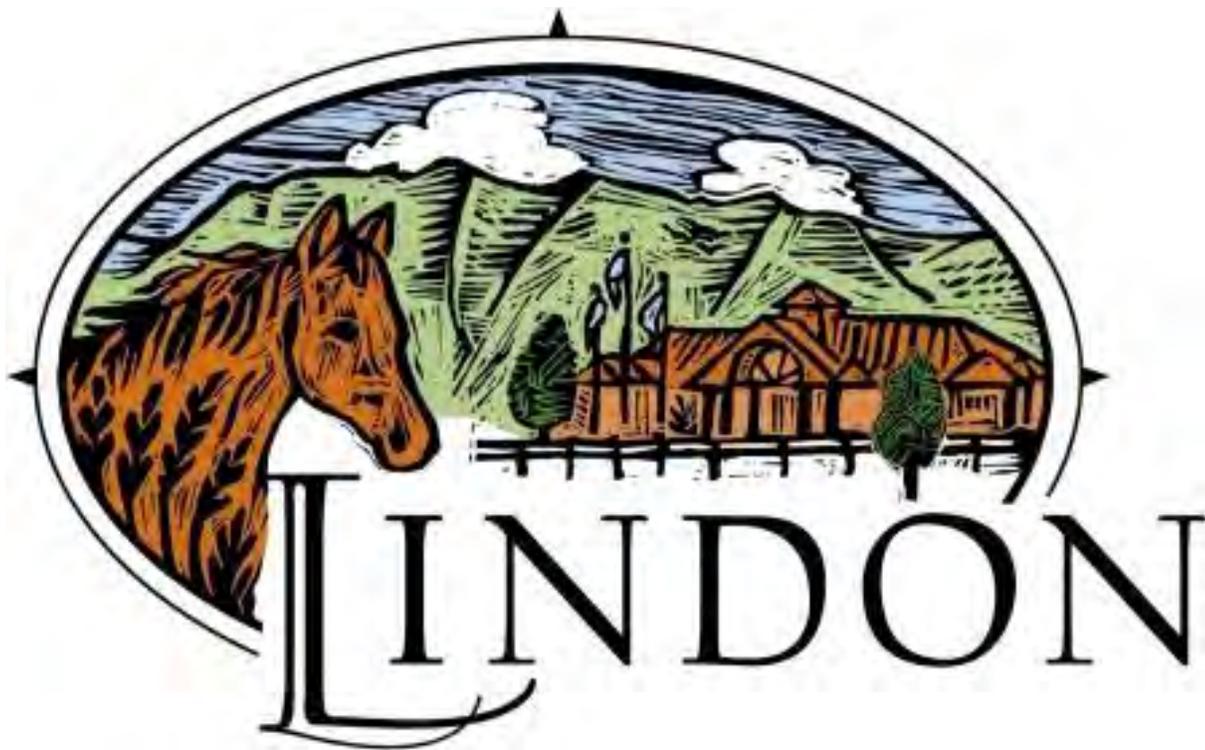


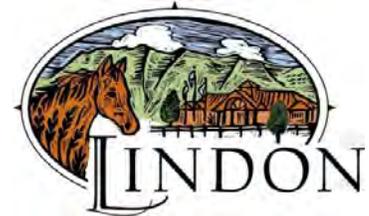
Lindon City Planning Commission Staff Report



September 23, 2014

Notice of Meeting

Lindon City Planning Commission



The Lindon City Planning Commission will hold a regularly scheduled meeting on **Tuesday, September 23, 2014** in the Council Room of Lindon City Hall, 100 North State Street, Lindon, Utah. The meeting will begin at **7:00 P.M.** This meeting may be held electronically to allow a commissioner to participate by video or teleconference. The agenda will consist of the following:

AGENDA

Invocation: By Invitation

Pledge of Allegiance: By Invitation



Scan or click here for link to download agenda & staff report materials.

1. Call to Order

2. Approval of minutes from September 9, 2014

3. Public Comment

4. Site Plan — Reflections Recovery Center, 145 South 200 East

Ron Wentz of Reflections Recovery Center seeks site plan approval for a residential substance use disorder and mental health recovery center for up to 24 residents at 145 South 200 East in the R1-20 (Single Family Residential) zone. Recommendations will be made to the City Council at their next available meeting after Planning Commission review.

*(Review times are estimates only.)
(60 minutes)*

5. Continued Public Hearing — Ordinance Amendment, LCC 17.38 Completion Bonds *(20 min)*

Lindon City requests an amendment to Lindon City Code 17.38 Bonds for Completion of Improvements to Real Property.

6. Continued Public Hearing — Ordinance Amendments, LCC 17.32 Subdivisions; LCC 17.58 Dedication of Subdivisions; LCC 17.66.020 Subdivision recordation *(20 minutes)*

Lindon City requests amendments to the Lindon City Code to make general revisions to LCC 17.32, Subdivisions; LCC 17.58, Dedication of Subdivisions; and LCC 17.66.020, Subdivision Recordation.

7. New Business (Reports by Commissioners)

8. Planning Director Report

Adjourn

Staff Reports and application materials for the agenda items above are available for review at the Lindon City Planning Department, located at 100 N. State Street, Lindon, UT. For specific questions on agenda items our Staff may be contacted directly at (801) 785-7687. City Codes and ordinances are available on the City web site found at www.lindoncity.org. The City of Lindon, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for City-sponsored public meetings, services programs or events should call Kathy Moosman at 785-5043, giving at least 24 hours notice.

Posted By: Jordan Cullimore
Time: ~12:30 pm

Date: September 19, 2014
Place: Lindon City Center, Lindon Public Works, Lindon Community Center

Item I – Call to Order

September 23, 2014 Planning Commission meeting.

Roll Call:

Ron Anderson
Sharon Call
Rob Kallas
Mike Marchbanks
Matt McDonald
Andrew Skinner
Bob Wily

Item 2 – Approval of Minutes

Planning Commission – Tuesday, September 9, 2014.

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **September 9, 2014 at 7:00 p.m.** at the Lindon City Center, City Council Chambers, 100
4 North State Street, Lindon, Utah.

6 **REGULAR SESSION** – 7:00 P.M.

8 Conducting: Mike Marchbanks, Vice Chair
9 Invocation: Rob Kallas, Commissioner
10 Pledge of Allegiance: Bob Wily, Commissioner

12 **PRESENT**
13 Mike Marchbanks, Vice Chairperson
14 Ron Anderson, Commissioner
15 Rob Kallas, Commissioner
16 Bob Wily, Commissioner
17 Matt McDonald, Commissioner
18 Andrew Skinner, Commissioner
19 Jordan Cullimore, Associate Planner
20 Kathy Moosman, City Recorder

ABSENT
Sharon Call, Chairperson
Hugh Van Wagenen, Planning Director

22 **Special Attendee:**
23 Councilmember Matt Bean

- 24 1. **CALL TO ORDER** – The meeting was called to order at 7:10 p.m.
25
26 2. **APPROVAL OF MINUTES** – The minutes of the regular meeting of August 26,
27 2014 were reviewed.

28
29 COMMISSIONER KALLAS MOVED TO APPROVE THE MINUTES OF THE
30 REGULAR MEETING OF AUGUST 26, 2014 AS WRITTEN. COMMISSIONER
31 WILY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE
32 MOTION CARRIED.

34 3. **PUBLIC COMMENT** –

35 Vice Chair Marchbanks called for comments from any audience member who
36 wished to address any issue not listed as an agenda item. There were no public
37 comments.
38

40 **CURRENT BUSINESS** –

- 42 4. **Plat Amendment** – *Bishop Corner Plat “B”*. Lindon City requests approval of a
43 Plat Amendment to Bishop Corner Plat “A” to create Bishop Corner Plat “B”. A new
44 building lot will be designated, but no new lots will be created.

45 Jordan Cullimore, Associate Planner, opened the discussion by giving a brief
46 summary of this agenda item stating Lindon City requests approval of a Plat Amendment

2 to Bishop Corner Plat "A" to create Bishop Corner Plat "B". He noted that a new
3 building lot will be designated but no new lots will be created.

4 Mr. Cullimore then gave some background and history of the "Bishop's Tithing
5 House" noting it was designated as a public area, not a residential building lot, with the
6 idea that it would be a community gathering place, which was no longer viable after the
7 purchase of the Community Center. Mr. Cullimore stated it was determined that it would
8 be to the public's best interest to turn it into a residential building lot and to sell it as
9 such. He went on to explain the Lindon City Board of Adjustment recently considered a
10 City-initiated request to reclassify Lot 2 of the subdivision known as Bishop Corner Plat
11 "A" (tithing house) from a substandard, unbuildable lot to a legal, nonconforming,
12 buildable residential lot. He noted the Board of Adjustment approved the request on July
13 2, 2014 pursuant to Lindon City Land Use Application 13-004-8 to be changed from a
14 non-conforming public area to a legal conforming buildable lot which was granted.

15 Mr. Cullimore stated this current request is an administrative request for a plat
16 amendment to Bishop Corner Plat "A" and to create Bishop Corner Plat "B" to make it a
17 legal non-conforming buildable lot. He noted the Board of Adjustment conditioned the
18 setbacks making the rear setback 40 ft. and the front setback 20 ft. as opposed to a 30/30
19 setback and will be treated as a 15,000 square ft. 1/3 acre lot. Mr. Cullimore further
20 explained that Lindon City is now requesting that the Planning Commission approve a
21 plat amendment to reflect the Board of Adjustment's variance approval. Mr. Cullimore
22 then referenced the existing subdivision plat and proposed plat amendment.

23 Commissioner Kallas asked if the LDS Church had any interest in the tithing house for
24 historical purposes. Mr. Cullimore stated that the Church did not have any interest in this
25 particular location and it is not protected by the national register. There was then some
26 additional general discussion by the Commission regarding this plat amendment.

27 Vice Chair Marchbanks called for any further discussion regarding this agenda
28 item. Hearing none he called for a motion.

29 COMMISSIONER ANDERSON MOVED TO APPROVE THE APPLICANT'S
30 REQUEST FOR APPROVAL OF A PLAT AMENDMENT WITH NO
31 CONDITIONS. COMMISSIONER KALLAS SECONDED THE MOTION. THE
32 VOTE WAS RECORDED AS FOLLOWS:

33 VICE CHAIR MARCHBANKS AYE
34 COMMISSIONER ANDERSON AYE
35 COMMISSIONER KALLAS AYE
36 COMMISSIONER WILY AYE
37 COMMISSIONER MCDONALD AYE
38 COMMISSIONER SKINNER AYE

39 THE MOTION CARRIED UNANIMOUSLY.

40
41 5. **Public Hearing** – *Ordinance Amendment, LCC 17.38 Completion Bonds*. Lindon
42 City requests an amendment to Lindon City Code 17.38 Bonds for Completion of
43 Improvement to Real Property.

44
45 COMMISSIONER KALLAS MOVED TO OPEN THE PUBLIC HEARING.
46 COMMISSIONER MCDONALD SECONDED THE MOTION. ALL PRESENT
47 VOTED IN FAVOR. THE MOTION CARRIED.

Mr. Cullimore, Associate Planner, led the discussion by explaining Lindon City requests an amendment to Lindon City Code 17.38 Bonds for Completion of Improvement to Real Property. He noted that City staff is in the process of consolidating and making necessary changes to these ordinances to reflect changes in Utah State Code.

Mr. Cullimore went on to say this has been a work in progress for some time and will continue to be. He mentioned that the ordinance before the Commission tonight is still in draft form. He also directed the Commission to take the time to read the draft and provide any feedback to staff. Mr. Cullimore then directed the Commission to continue this item at this time until a further meeting when the document is closer to its final form. Mr. Cullimore re-iterated, if there are any comments from the Commissioners or the general public, staff will be happy to receive them. Mr. Cullimore then referenced the proposed amendment.

Vice Chair Marchbanks called for any discussion from the Commission. Hearing none he called for a motion.

COMMISSIONER KALLAS MOVED TO RECOMMEND CONTINUATION OF THE PROPOSED ORDINANCE AMENDMENT TO LCC 17.38 COMPLETION BONDS AS PRESENTED. COMMISSIONER SKINNER SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

VICE CHAIR MARCHBANKS	AYE
COMMISSIONER ANDERSON	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER WILY	AYE
COMMISSIONER MCDONALD	AYE
COMMISSIONER SKINNER	AYE

THE MOTION CARRIED UNANIMOUSLY.

6. **Public Hearing** – *Ordinance Amendments, LCC 17.32 Subdivisions; LCC 17.58 Dedication of Subdivisions; LCC 17.66.020 Subdivision recordation.* Lindon City requests amendments to the Lindon City Code to make general revisions to LCC 17.32, Subdivisions; LCC 17.58, Dedication of Subdivisions; and LCC 17.66.0220, Subdivision Recordation.

Mr. Cullimore gave a brief summary of this agenda item stating Lindon City is requesting amendments to the Lindon City Code to make general revisions to LCC 17.32, Subdivisions; LCC 17.58, Dedication of Subdivisions; and LCC 17.66.020, Subdivision Recordation. He noted that City staff is in the process of consolidating and making necessary changes to these ordinances to reflect changes in Utah State Code. He went on to say this has been a work in progress for a period of time and will continue to be.

Mr. Cullimore commented that the ordinance before the Commission tonight is still in draft form. He also directed the Commission to please take the time to read the draft and provide any feedback to staff. He explained, regarding the motion for the item, that staff is requesting that the item be continued until a further meeting when the document is closer to its final form. Mr. Cullimore re-iterated, if there are any comments from the Commissioners or the public, staff will happy to receive them at this time. Mr. Cullimore then referenced the proposed amendment.

Vice Chair Marchbanks called for any discussion from the Commission. Hearing none he called for a motion.

COMMISSIONER SKINNER MOVED TO RECOMMEND CONTINUATION
OF THE PROPOSED ORDINANCE AMENDMENTS TO LCC 17.32
SUBDIVISIONS; LCC 17.58 DEDICATION OF SUBDIVISIONS; LCC 17.66.020
SUBDIVISION RECORDATION AS PRESENTED. COMMISSIONER MCDONALD
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

VICE CHAIR MARCHBANKS	AYE
COMMISSIONER ANDERSON	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER WILY	AYE
COMMISSIONER MCDONALD	AYE
COMMISSIONER SKINNER	AYE

THE MOTION CARRIED UNANIMOUSLY.

7. **Public Hearing** – *Ordinance Amendment, LCC 17.44.140 Accessory Buildings.*
Lindon City requests an amendment to Lindon City Code 17.44.140, Accessory
Buildings, to allow reduced setbacks for certain accessory structures on corner lots in
residential zones.

Mr. Cullimore led the discussion by explaining Lindon City requests an
amendment to Lindon City Code 17.44.140, Accessory Buildings, to allow reduced
setbacks for certain accessory structures on corner lots in residential zones. He noted this
action is initiated in an effort to improve the code and to find ways to add flexibility and
predictability. He mentioned one item that comes up frequently to the planning
department staff involves setback requirements for accessory buildings, specifically
corner lots. He then referenced a photos depicting a corner lots in the city. Mr. Cullimore
noted that currently accessory buildings in Lindon cannot be built on the front yard
setback of a lot.

Mr. Cullimore explained this action would allow property owners to get better use
out of their property while ensuring traffic and safety concerns are also considered. Mr.
Cullimore stated what staff is proposing in this amendment will essentially allow the
property owner to encroach or receive a setback exception, in what they would consider
their backyard, of up to 15 ft. of a front lot line. Mr. Cullimore further explained it is also
the assumption by staff if there are more flexible rules and options in place, residents will
be more inclined to obtain a permit in consideration of the safety concerns of the city. He
then referenced the proposed language of the ordinance amendment followed by some
general discussion.

Vice Chair Marchbanks called for any public comments at this time. Bill Petris,
resident in attendance, addressed the Commission at this time. Mr. Petris commented
that he feels the ordinance language is well written that will allow flexibility and will also
allow staff to scrutinize and determine, case by case, what should be allowed. Vice Chair
Marchbanks commented that he feels this ordinance amendment will encourage people to
obtain a permit the legal/right way as to be in compliance. There was then some
additional discussion by the Commission regarding heights and setbacks. Following
discussion it was determined to leave the setback at 15 ft. and to not have the building
height exceed 12 ft. Mr. Cullimore pointed out that currently the Planning Director and
City Engineer can increase the setback if they feel there are traffic or safety concerns. He
would suggest making a condition that they may also modify the height of the building or

2 even deny it based on the same concerns. Vice Chair Marchbanks called for any further
public comments. Hearing none he called for a motion to close the public hearing.

4 COMMISSIONER ANDERSON MOVED TO CLOSE THE PUBLIC
HEARING. COMMISSIONER WILY SECONDED THE MOTION. ALL PRESENT
6 VOTED IN FAVOR. THE MOTION CARRIED.

8 Vice Chair Marchbanks called for any further comments from the Commission.
Hearing none he called for a motion.

10
12 COMMISSIONER KALLAS MOVED TO RECOMMEND APPROVAL OF
THE PROPOSED ORDINANCE AMENDMENT TO 17.44.140 ACCESSORY
BUILDINGS AS PRESENTED WITH THE FOLLOWING CHANGES 1. IN SECTION
14 "AII" NOT TO EXCEED 12 FEET IN HEIGHT AND 2. IN SECTION "C" THAT THE
PLANNING DIRECTOR AND CITY ENGINEER CAN DETERMINE IF THE
16 PROPOSED SETBACK AND/OR HEIGHT DOES NOT SATISFY THE CRITERIA
LISTED IN "3B" IN SECTION C. COMMISSIONER MCDONALD SECONDED THE
18 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

20 VICE CHAIR MARCHBANKS AYE
COMMISSIONER ANDERSON AYE
COMMISSIONER KALLAS AYE
22 COMMISSIONER WILY AYE
COMMISSIONER MCDONALD AYE
24 COMMISSIONER SKINNER AYE
THE MOTION CARRIED UNANIMOUSLY.

26
28 **8. New Business (Reports by Commissioners) –**

30 Vice Chair Marchbanks called for any new business or reports from the
Commissioners. Commissioner Skinner mentioned that he has heard that an amusement
32 park may be coming near the 700 North Corridor and if the plans for this will affect the
forward thinking about the vision of the corridor. Vice Chair Marchbanks commented
34 the proposed amusement/theme park "Evermore" is actually located in Pleasant Grove
and hopefully it will be a positive addition and is done right. Mr. Cullimore stated that
36 this park is supposedly going to be a destination event location. Commissioner Kallas
asked for an update on the new Noah's building. Mr. Cullimore stated that it is moving
38 forward and almost everything is set in place; however, there is an issue with the ditch in
the area that is being worked out. Commissioner Kallas also inquired about the status of
40 the recently reviewed DR Horton Development. Mr. Cullimore stated after receiving
feedback from the Planning Commission and City Council, DR Horton feels they cannot
42 make the suggested smaller lots work in the development, so they have retracted the
application at this time.

44 **9. Planning Director Report–**

46 Mr. Cullimore had nothing to report.

2 Vice Chair Marchbanks called for any further comments or discussion. Hearing
none he called for a motion to adjourn.

4 **ADJOURN** –

6 VICE CHAIR MARCHBANKS MADE A MOTION TO ADJOURN THE
MEETING AT 8:15 P.M. COMMISSIONER SKINNER SECONDED THE MOTION.
8 ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

10 Approved – September 23, 2014

12

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Mike Marchbanks, Vice Chairperson

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18

Jordan Cullimore, Associate Planner

Item 4: Site Plan — Reflections Recovery Center, 145 South 200 East

Ron Wentz of Reflections Recovery Center seeks site plan approval for a residential substance use disorder and mental health recovery center for up to 24 residents at 145 South 200 East in the R1-20 (Single Family Residential) zone. Recommendations will be made to the City Council at their next available meeting after Planning Commission review.

<p>Applicant: Ron Wentz Presenting Staff: Hugh Van Wagenen</p> <p>General Plan: Residential Low Zone: Single Family Residential (R1-20)</p> <p>Property Owners: DAR2, LLC Address: 145 South 200 East Existing Parcel IDs: 53:208:0004 Lot Size (Proposed): 1.293 acres</p> <p>Type of Decision: Administrative Council Action Required: Yes</p>	<p><u>SUMMARY OF KEY ISSUES</u></p> <ol style="list-style-type: none">1. Whether to grant site plan approval for a residential substance use disorder and mental health recover center.2. Whether to grant a reasonable accommodation from the occupancy requirement in subsection 17.70.040(6) of the Lindon City Code and allow up to 24 occupants instead of 4. <p><u>MOTION</u></p> <p>I move to (<i>approve, deny, continue</i>) the applicant's request for site plan approval of the Reflections Recovery Center with the following conditions (if any):</p> <ol style="list-style-type: none">1.2.3.
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BACKGROUND

1. This is a site plan application for approval of a 7,822 square foot residential substance use disorder and mental health recovery center.
2. The applicant is requesting a reasonable accommodation from Lindon City Code 17.70.040(6) to allow 24 residents instead of 4.

DISCUSSION & ANALYSIS

Staff Discussion and Analysis of Lindon City Code Requirements

Applicable Lindon City Code sections addressing group homes for persons with a disability are listed below. Staff analysis is included in **bold**.

Section 17.70.020 General Definitions

1. For the purposes of this section, certain terms and words are defined and are used in this title in that defined context. Any words in this title not defined in this chapter shall be as defined in Webster's Collegiate Dictionary.
2. As used in this section, the following words shall be defined as follows:

Elderly; Elderly shall mean a person who is 60 years or older.

Group Home; When not used in specific context in relations to a particular type of facility, group home shall include a residential facility for elderly persons, a group home for persons with a disability, a juvenile group home, a transitional/treatment group home, or a transitional victim home.

Resident; Resident shall mean persons receiving the benefit of services and facilities provided by a group home, excluding staff and care providers.

Section 17.70.040 Group Home for Persons With Disabilities

1. Group homes for persons with a disability shall be a permitted use in all residential zones, and requires site plan approval by the Planning Commission.
The applicant has submitted a land use application for site plan approval of a residential treatment facility in an existing dwelling in the Single Family Residential (R1-20) zone.
2. Disabled or Disability under this section shall mean, with respect to a person, a person who has a physical or mental impairment which substantially limits one or more of that person's major life activities or has a history of having such an impairment. Disabled or Disability does not mean an impairment or limitation caused by addiction and current use of a controlled substance or alcohol. Disabled or Disability also does not mean an impairment or limitation resulting from or related to kleptomania, pyromania, or any sexually related addiction or disorder, including but not limit to, sex and pornography addictions, transvestism, transexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders (those not resulting from physical impairments), or any other sexual behavior disorder.
The applicant has indicated that the facility will only serve individuals that are considered disabled under Federal guidelines.
3. Each group home for person with a disability is subject to state licensing procedures and must provide the city proof of a valid license issued by the Utah S[t]ate Division of Licensing and compliance with Department of Human Services standards.
The applicant has passed pre-certification standards through the Utah State Division of Licensing and Department of Human Services. The facility will receive a license after final inspection. Staff recommends that the Planning Commission require, as a condition of approval, that the applicant present the license to the City upon issuance.
4. The group home shall conform to all applicable building, fire, health and safety codes and requirements for facilities of this type and for the zoning in which they are constructed.
The applicant is currently working with Building and Fire Inspection Officials to achieve compliance with this requirement. Staff recommends that the item be continued so that Building and Fire Inspection Officials have the opportunity to fully review the submitted plans, and can verify that the applicant will be able to meet applicable code requirements.
5. The structure shall be capable of use as a group home for persons with a disability, which includes being fully handicap accessible, without structural or landscaping alterations that would change the residential character of the structure. A site plan must be submitted showing any alteration of the structure or landscaping. Any alterations must be approved by the Planning Commission before a permit is issued.
The applicant has submitted plans, which are currently under review. Staff recommends that the item be continued to allow adequate time to review the plans for compliance with this requirement.

6. Occupancy of the structure shall be such that each resident is provided adequate personal space. A residential facility shall ensure that each bedroom space in the facility has a floor area, exclusive of closet space, of at least 74 square feet for initial occupant and an additional 50 square feet for each other occupant of this space, but in no case shall the group home have any more than four (4) residents at any given time.

The applicant has submitted calculations showing compliance with the bedroom floor area requirements. The applicant is requesting a reasonable accommodation from the 4 person occupancy limitation. The applicant is requesting that the facility be allowed to house up to 24 residents. The Planning Commission needs to review this request according to the standards presented by Lindon's City Attorney in the memorandum below.

- ~~7. No group home for persons with a disability shall be established or maintained within three fourths of a mile (3,960 feet) of another group home for the elderly, a group home for persons with a disability, a juvenile group home, a transitional/treatment group home, or a transitional victim home as measured in a straight line between the closest property line of the proposed group home and the closest property line of the existing group homes identified above. NO group home that has residents with disabilities related to any form of substance abuse or that have a history of past violence, sexual aggression or any offense involving a weapon or which resulted in serious bodily injury to another person shall be established within 500 feet of a licensed daycare, or public or private school as measured in a straight line between the closest property lines of the propose group home and the school/daycare lot.~~

Lindon City's Attorney has advised staff that this provision violates Federal Standards, and should not be applied.

8. The facility shall provide one off-street parking space for each sleeping room, plus adequate parking for visitors and staff. In no case shall the facility have less than three off-street parking spaces.

The applicant's floor plan identifies 7 sleeping rooms. The site plan proposes 8 stalls for visitor and handicap parking on a concrete surface in the rear yard. The applicant is proposing an additional 9 stalls for employees and overflow on compacted gravel. The Planning Commission needs to discuss whether a hard surface other than compacted gravel will be required.

9. The facility shall have six foot site obscuring fencing along the side and back yards that is constructed in a manner consistent with the residential character of the neighborhood. Such fencing shall be constructed and maintained in accordance with the Lindon City Code. The Planning Commission shall approve the style and design of any fencing before a permit is issued. A chainlink fence with slats shall not be considered site obscuring for the purposes of this section.

The proposed site plan indicates that compliant fencing will be installed. Staff has requested a sample of the fence style and design for review by the Planning Commission.

10. No portion of the facility's front and side yard setbacks shall be used to provide parking spaces as required by this section without prior approval of the Planning Commission. Any use of the yard as parking space shall not change the residential character of the property.

The proposed site plan does not identify any portion of the required front or side yard as parking area. The Planning Commission needs to determine whether the proposed parking area changes the residential character of the property.

11. The group home operator shall provide the city proof of adequate insurance for the program's vehicles, hazard insurance on the home, and liability insurance to cover residents and third party individuals.

The applicant has verified that they will provide applicable proof of insurance. Staff recommends that this requirement be included as a condition of site plan approval.

12. The group home operator shall provide proof that each of the residents admitted to the facility falls within the definition of disability as set forth in this section and that the disability substantially limits the resident in a major life fun[ction].

Staff recommends that this be required as a condition of approval.

13. The facility shall provide training or treatment programs for residents with disabilities which are in compliance with department of Human Services standards, as set forth in the Utah Administrative Code.

The applicant has indicated that they will comply with this requirement. Staff recommends that this be required as a condition of approval.

14. Any group home for person with disability that have a history of past violence, sexual aggression or any offense involving a weapon or which resulted in serious bodily injury to another person, which is constructed within 1000 feet of a school or licensed daycare, as measured in a straight line between the closest property lines of the proposed group home and the school lot, shall provide in accordance with rules established by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities;

- a. 24-hour supervision for residents; and

- b. 24-hour security measures.

The applicant has indicated that the facility will not admit persons with a history of sexual offence or violence. Staff recommends this as a condition of approval. The applicant also states that the facility is monitored continually.

15. The facility shall not accept any resident that would pose a direct threat to the health and safety of others in the facility or community or who in the past has posed a threat to the health and safety of others or whose tenancy would likely create a risk of substantial physical damage to others. The owner or operator of the facility shall conduct an individualized assessment of each person desiring to become a resident of the facility to determine if such person would constitute a threat prior to allowing occupancy of the facility by such a person. The assessment shall be conducted by a licensed psychologist, social worker or other licensed individual qualified to perform such assessments. Assessments shall include, but not be limited to, consideration for such things as past criminal histories and/or violent acts of the individual, the amounts of time that have lapsed since such acts, and treatments the individual has received. Evaluations of individuals who have committed acts of sexual aggression or criminal sex acts shall also include psycho-sexual evaluations by a licensed psychiatrist or an individual holding a PhD in psychology. No individual determined to pose a risk for commission of sexual offenses, or being classified as having predatory tendencies may be accepted as a resident.

Staff recommends that this requirement be included as a condition of approval. The applicant has indicated that individuals with a history of sexual offence or violence will not be admitted into the program.

16. Prior to the initial occupancy of a group home for person with disabilities and at least quarterly thereafter, the owner or operator of the group home for persons with disabilities shall certify, in a sworn affidavit, that individualized assessments have been performed on each resident and that each resident meets the requirements of this section. Upon request, the owner or operator of the group home for persons with disabilities shall provide documentation and records to verify compliance with this section.

Staff recommends that this requirement be included as a condition of approval

17. The facility shall comply with all applicable state and federal laws, including laws related to access.

The applicant has indicated that the facility will comply with this requirement.

Staff recommends that this requirement be included as a condition of approval.

18. To ensure the safety of the residents and surrounding community, the facility operators shall develop a safety plan demonstrating adequate supervision and control of the residents. The safety plan shall be reviewed by law enforcement officials and shall be approved by the Planning Commission.

A safety plan has been submitted to the Police Department, and is included in attachment 8 of the applicant materials portion of the staff report, for review.

Section 17.70.050 Procedure For Approval and Annual Renewal of Permit for a Group Home for Persons With Disabilities

1. At least ten (10) days before the Planning Commission hears the application for a group home for persons with disabilities, the city shall provide written notification, either in person or by first class mail, to all citizens living within or owning property within 750 feet of the proposed site of the group home as measured in a straight line between the closest property liens of the proposed group home and the neighboring lots.
2. Upon review of an application for a new group home for persons with disabilities and upon determination of compliance with all of the above requirements, the application may be approved. However, where in the opinion of the Planning Commission, the information provided by the applicant is insufficient for the group home for persons with disabilities is not in compliance with the requirements of section 17.70, the application may be denied. The city shall provide written notice of approval for the proposed group to all citizens living within or owning property within 750 feet of the proposed site of the group home as measured in a straight line between the closest property lines of the proposed group home and the neighboring lots. If the application is denied, the city shall provide the applicant written notice of the decision to deny the application. This notice of approval or denial shall be in addition to the notice required in paragraph 1 and shall be provided either in person or by first class mail within 5 days of the decision.
- ~~3. Upon receipt of approval of the Planning Commission, the operator of the group home for persons with a disability shall be eligible to secure an annual permit from the city. Said permit shall be valid for one calendar year and shall be renewed annually subject to;~~

- ~~a. The receipt of a renewal application that shall include the information and certifications required under Section 17.70 above and a certification that none of the resident pose a threat as of the date of renewal; and~~
- ~~b. at least ten (10) days before the Planning Commission hears the renewal application, the city shall provide written notification, either in person or by first class mail, to all citizens living within or owning property within 300 feet of the site of the group home.~~
- ~~c. A finding by the Planning Commission that during the preceding year the group home had been operated in compliance with the terms of section 17.70 and any other conditions of approval.~~

Lindon City's Attorney has advised staff that this provision will not apply to the present application.

- 4. A permit to operate a group home for persons with a disability shall be;
 - a. nontransferable and shall terminate if the structure is devoted to a use other than a group home for persons with disabilities or the structure fails to comply with all building, safety, health and zoning requirements of Lindon City.
 - b. Shall terminate if at any time it is demonstrated to the Planning Commission that;
 - i. The structure fails to comply with the requirements of section 17.70; or
 - ii. The program has failed to operate in accordance with the requirements of section 17.70.

Staff Recommendations

In addition to the recommendations identified in the analysis above, Staff recommends that the item be continued to the next regularly scheduled Planning Commission meeting on October 14, 2014 for the following reasons:

- 1. To allow Lindon City's Attorney adequate time to review financial statements submitted by the applicant to verify financial viability of the operation at different occupancy levels.
- 2. To allow Building and Fire Code Officials adequate time to review the submitted plans to determine whether the facility will be able to achieve building, safety, and fire code compliance.
- 3. The conclusions identified from items #2 and #3 above will assist the Planning Commission in making a determination regarding the applicant's request for reasonable accommodation.

Reasonable Accommodation Memorandum

A memorandum from Brian Haws, Lindon City's Attorney, addressing standards to follow and factors to consider when making a reasonable accommodation determination is included in the following pages.

HANSEN WRIGHT EDDY & HAWS, P.C.
ATTORNEYS

233 South Pleasant Grove Blvd., Suite 202
Pleasant Grove, Utah 84062

TELEPHONE (801) 443-2380
FACSIMILE (801) 796-0984

JAMES "TUCKER" HANSEN
KASEY L. WRIGHT
MARK D. EDDY
BRIAN K. HAWS
MELISSA K. MELLOR
TIMOTHY G. MERRILL

LARAMIE D. MERRITT
MATTHEW R. CRANE
BENJAMIN A. KEARNS

OF COUNSEL:
M. REED ADAMS

MEMORANDUM

TO: Lindon City Planning Commission

FROM: Brian Haws, Lindon City Attorney

DATE: September 19, 2014

RE: Reflections Recovery Center Request for Reasonable Accommodation

RE: Handicapped Housing Regulations and Candalight Properties

The purpose of this memorandum is to provide a legal opinion regarding the application of Reflections Recovery Center to establish a group home, its request for reasonable accommodation under the Americans with Disabilities Act, and the application of City's Development Code in dealing with the regulation of housing for persons with disabilities.

In dealing with the current application and request, it is important to understand the historical and legal background the City is obligated to consider in making its determination in deciding this matter.

LEGAL LANDSCAPE FOR REGULATING DISABILITY HOUSING

Up until May 2013, Utah state law allowed municipalities to place several unique regulations on residential facilities for persons with a disability. These regulations included reasonable dispersal requirements, occupancy limits, and security and supervision requirements. See UCA § 10-9a-520 (2005 Version). Lindon's current ordinance was drafted and adopted under these state provisions and incorporated many of these provisions in its terms and conditions.

However, since 2005 there have been numerous federal cases in which many similar provisions from other states have been successfully challenged and struck down as violating the Federal Fair Housing Act and the Americans with Disabilities Act. Recognizing these changes in federal housing discrimination laws as discussed below, the state legislature has repealed all of these allowed regulations. Now, a municipality may only regulate a residential facility for persons with a disability "to the extent allowed by: Title 57, Chapter 21, Utah Fair Housing Act,

and applicable jurisprudence; the Fair Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., and applicable jurisprudence; and Section 504, Rehabilitation Act of 1973, and applicable jurisprudence.” UCA § 10-9a-516. As discussed below these state and federal laws greatly restrict the ways in which a municipality may regulate residential facilities for persons with a disability.

FAIR HOUSING ACT OF 1988 (FHAA)

The original Fair Housing Act prohibited discrimination in housing on the basis of a person’s race, color, religion, sex, or national origin. However, in 1988 Congress amended the Act to also include prohibitions on housing discrimination based on a person’s disability or familial status. Since then, federal courts have handed down hundreds of rulings interpreting and applying the FHAA in a variety of housing contexts.

The FHAA “is intended to prohibit the application of special requirements through land-use regulations, restrictive covenants, and conditional or special use permits that have the effect of limiting the ability of the handicapped to live in the residence of their choice in the community.” *Bangerter v. Orem City Corp.*, 46 F.3d 1491, 1494 (10th Cir. 1995).

The FHAA defines a disability or a “handicap,” as “(1) a physical or mental impairment which substantially limits one or more of such person’s major life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance.” 42 USC § 3602(h). This includes persons who are recovering from alcohol and drug addiction. In the land-regulation context, the FHAA prohibits three types of discrimination: (1) disparate treatment, (2) disparate impact, and (3) failure to make reasonable accommodation. Each of these is discussed below.

1. Disparate Treatment or Intentional Discrimination

Disparate treatment occurs where a municipality treats disabled people differently than other similarly situated people who are not disabled. *Bangerter v. Orem City Corp.*, 46 F.3d at 1501. A person does not need to show that the municipality acted with malice or discriminatory animus, only that they were intentionally treated differently. *Id.* This is proved either by direct evidence or circumstantial evidence. *Cinnamon Hills Youth Crisis Center, Inc. v. Saint George City*, 685 F.3d 917, 919 (10th Cir. 2012)

Direct evidence of discriminatory intent is proved where the record shows that a city intentionally denied someone a special use permit or variance, for example, because he was handicapped. Direct evidence is also shown where a land use regulation expressly singles out disabled people for special treatment. We call this type of regulation facially discriminatory because it discriminates “on the face” of the regulation. In *Bangerter*, for example, Orem enforced a housing ordinance requiring that residents of handicapped group homes have 24-hour supervision, but no such supervision was required for non-handicapped group home residents. *Bangerter v. Orem City Corp.* at 1502. The regulation itself expressly treated the two groups differently. In contrast, St. George’s regulations prohibited all group homes from locating in certain commercial areas, not just handicapped group homes. See *Cinnamon Hills*, 685 F.3d at 917-18.

FHAA jurisprudence uses the term “discrimination” to describe when the disabled are treated differently. It is important to note, however, that the FHAA does not necessarily prohibit all discrimination against the disabled, but only *illegal* discrimination that harms disabled persons. It does not prohibit municipalities from providing special treatment to the disabled that actually benefits them, instead of harming them. *Bangerter v. Orem City Corp.* at 1504.

However, courts are wary about “accepting the justification that a particular restriction upon the handicapped really advances their housing opportunities rather than discriminates against them in housing.” *Id.* The court in *Bangerter* explained:

Restrictions that are based upon unsupported stereotypes or upon prejudice and fear stemming from ignorance or generalizations, for example, would not pass muster. However, restrictions that are narrowly tailored to the particular individuals affected could be acceptable under the FHAA if the benefit to the handicapped in their housing opportunities clearly outweigh whatever burden may result to them. *Id.* at 1504. Any restrictions must meet Congress’ underlying objective in passing the FHAA, which is to “extend the principle of equal housing opportunity to handicapped persons...and end discrimination against the handicapped in the provision of housing based on prejudice, stereotypes, and ignorance.” *Id.*

The FHAA also specifies that it does not require that a dwelling be made available to “an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others,” regardless of whether they are considered handicapped. 42 U.S.C. § 3604(9). This means that municipalities may place “reasonable restrictions on the terms or conditions of housing when justified by genuine public safety concerns.” *Bangerter v. Orem City Corp.* at 1503.

Again, however, municipalities must carefully check their motivations here. “Restrictions predicated on public safety cannot be based on blanket stereotypes about the handicapped...[and] [g]eneralized perceptions about disabilities and unfounded speculations about threats to safety are specifically rejected as grounds to justify exclusion.” *Bangerter v. Orem City Corp.* at 1503. In other words, if restrictions are imposed based upon a public safety concern, those concerns must be specifically and clearly articulated on the record, and they must not be based upon speculation or conjecture, but instead must be backed up by clear and convincing empirical evidence. If concern or increases in crime are to be cited as the reason for imposing a condition, there must be correlating studies that clearly show that the specific use has consistently lead to an increase in crime. If the concern is traffic or noise, again studies may be produced to show the use will generate inordinate amount of traffic or noise. Every condition imposed must be backed by supporting empirical evidence.

Specific Application of FHAA: Dispersal Requirements

One type of facially discriminatory regulation that has been particularly challenged under the FHAA is dispersal requirements mandating that disabled housing be separated by certain distances or otherwise dispersed throughout a municipality. The types of regulations have almost always been found to violate the FHAA.

For example, in *Montana Fair Housing, Inc. v. City of Bozeman*, 854 F.Supp.2d 832 (D. Mont. 2012), the court shot down a zoning scheme that prohibited elder care facilities in certain residential districts as facially discriminatory against the disabled in violation of the FHAA. The court also disagreed with the city's argument that the zoning scheme was justified because it was necessary to preserve the residential character of the applicable zones because the City had no evidence that the scheme benefitted the disabled in anyway. *Id.*

In *Human Resources Research & Man. Group, Inc. v. County of Suffolk*, 687 F.Supp.2d 237 (E.D.N.Y. 2010), the court shot down a local ordinance prohibiting more than four "substance abuse houses" in a two square mile area because it facially discriminated against the disabled in violation of the FHAA. The county argued that the dispersal requirements were necessary to ensure that "one neighborhood's resources and facilities are not unduly drained while other are unaffected." *Id.* at 258. The court rejected this justification because it did not benefit the disabled or respond to legitimate safety concerns raised by the specific disabled individuals. *Id.* at 259-60.

In *Nevada Fair-Housing Center, Inc. v. Clark County*, 565 F.Supp.2d 1178 (D. Nev. 2008), the court shot down an ordinance mandating a minimum 1500 foot dispersal requirement between group homes because the ordinance applied different standards to persons on the basis of their disability in violation of the FHAA. The county provided no justification for its discriminatory treatment. *Id.*

In *Larkin v. State of Michigan Dep't of Social Servs.*, 89 F.3d 285 (6th Cir. 1996), the court invalidated a 1500 foot spacing requirement for group homes. The court also rejected the state's argument that the spacing requirement integrated the disabled into the community and prevented "clustering" and "ghettoization" because the state presented no evidence to support these arguments or to show that the dispersal requirement benefitted the disabled in anyway.

Courts have also struck down dispersal requirements in the following cases for various reasons: *U.S. v. City of Chicago Heights*, 161 F.Supp.2d 819 (N.D. Ill. 2001) (striking down statute imposing 1,000-foot spacing requirement where defendant asserted an interest to "facilitate normalization" and to "preserve the residential character of the neighborhood"); *Oconomowoc Resid. Progs., Inc. v. City of Greenfield*, 23 F.Supp.2d 941 (E.D. Wisc. 1998) (finding that 2,500 foot spacing requirement as applied to group homes for the mentally disabled violated the FHAA); *Horizon House Developmental Servs., Inc. v. Twp. Of Upper Southampton*, 804 F.Supp. 683 (E.D. Pa. 1992) ("There is no evidence in the record to support the perception that group homes are a 'burden' on the neighborhood or that harm will come to the residents of the group homes by living within 1,000 feet of each other.").

In fact, we have only found one example where a court has validated a dispersal requirement for disabled housing. In *Familystyle of St. Paul, Inc. v. City of St. Paul, Minn.*, 923 F.2d 91 (8th Cir. 1991), the court found that dispersal requirements for group homes did not violate the FHAA because they furthered the government's proper interest of integrating the mentally ill into the mainstream community. However, it is important to note that in this one

case, the facts generally supported this finding because there were already 21 similar treatment homes in a one and one-half block area.

This is a very good example of how the facts will dictate the outcome. Because it was apparent in the *Family style* case that there was a clear clustering of these types of home that was altering the nature of the neighborhood and turning it into a de facto group home zone, the court found that the restriction was not discriminatory but served a legitimate public purpose of spreading the group homes out so as to help maintain more traditional family feel the home the disabled had available them the.

It also important to note another significant difference in the *Family Style* case. There the Eighth Circuit applied a lower "Rational Basis" standard when scrutinizing government's treatment of the disabled. All other circuits, including the Tenth Circuit (in which Utah is located), apply a heightened standard of "Clear and Convincing Evidence" when scrutinizing a municipality's justification for applying discriminatory housing regulations. As discussed above, in Utah, such a regulation would only be justified where it either benefits the disabled or responds to legitimate safety concerns raised by the particular individuals affected, rather than being based on stereotypes. See *Bangerter v. Orem City Corp.* at 1503-04. As shown by the cases above, this is a very tough standard to meet.

2. Disparate Impact

This is not really at issue in the current application, but it is good to understand in case such a claim is later raised.

Disparate impact is where there is no evidence of intentional discrimination, but where the effect of a regulation has a discriminatory impact on the disabled and prevents them from having equal access to housing. A person complaining of disparate impact must prove actual or predictable discrimination. See *Corporation of Episcopal Church in Utah v. West Valley City*, 119 F.Supp.2d 1215, 1219 (D. Utah 2000). "An evaluation of disparate impact requires a comparison with other similarly sized groups living together." *Id.* at 1220. The plaintiff must then show that they have been treated differently than similarly situated groups. *Id.* Once this is shown, then the burden shifts to the municipality to prove that "its actions furthered a legitimate governmental interest, and that no other, less discriminatory, alternative would serve the public interest.." *Corporation of Episcopal Church in Utah v. West Valley City* at 1219.

3. Reasonable Accommodation

"[D]iscrimination includes...a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such [disabled] person equal opportunity to use and enjoy a dwelling." 42 U.S.C. § 3604(3)(B). This requires a municipality to make an affirmative exception in an otherwise valid law or policy when necessary. In other words, a city must change "some rules that are generally applicable so as to make its burden less onerous on the handicapped individual." *Bangerter v. Orem City Corp.* at 1501-02.

A municipality is not automatically required to grant every request for accommodation made by a disabled person. Rather, it is only required to grant accommodations that are *necessary* to afford the disabled person equal opportunity to use and enjoy a residential environment. The FHAA “requires accommodations that are necessary (or indispensable or essential) to achieving the objective of equal housing opportunities between those with disabilities and those without. *Cinnamon Hills*, 685 F.3d at 923. In other words, the point of a reasonable accommodation is to provide the same opportunities that those without disabilities enjoy; it does not require municipalities to provide better opportunities for the disabled. See *Cinnamon Hills* at 923.

However, it is important to understand that the federal statutes also require that persons with disabilities be given the same scope of opportunities or choices as non-disabled persons. In other words, just because there may be another residence available, a disabled person is not forced to accept that alternative, if their preferred residence can be made available through a reasonable accommodation.

As we are dealing with a request for reasonable accommodation in the present application, it would be beneficial to outline the factors that the courts have articulated can be considered in deciding if the requested accommodation should be granted.

- **Whether the housing, which is the subject of the request, will be used for residential purposes by a person with a disability as defined under the federal statutes.**
- **Whether the requested accommodation is necessary to make specific housing available to a person with a disability as defined under the federal statutes.**
- **Whether the requested accommodation would impose an undue financial or administrative burden on the City.**
- **Whether the requested accommodation would fundamentally alter the nature of the City's zoning plan.**
- **Whether the requested accommodation or facility otherwise complies with zoning requirements such as lot size, setbacks, etc.**
- **The potential impact on surrounding areas which cannot be mitigated.**
- **Whether the physical attribute of the property and structure are consistent with the residential nature of the zoning.**
- **Whether there are reasonable alternatives to the requested accommodation that would provide an equivalent level of benefit.**
- **Whether any of the accommodated residents will pose a direct threat to public safety.** (In this application where Reflections is seeking approval of substance abuse recovery home, this has to be an evaluation of specific individual residents based on

reliable objective evidence, and not an evaluation of the general type of resident that will be allowed in the facility. Case law has consistently found that recovering addicts who are not currently abusing substances do not generally pose a direct threat to public safety.)

- **Whether the proposed accommodation complies with other building, health and safety requirements, including state building and fire codes.**
- **Whether the proposed accommodation would result in substantial risk of damage to property of others.**
- **Whether the proposed facility would provide adequate off street parking for residents and visitors.**

See *Corporation of Episcopal Church in Utah v. West Valley City*, 119 F.Supp.2d at 1221.

UTAH FAIR HOUSING ACT (UFHA)

The Utah Fair Housing Act prohibits municipalities from employing discriminatory housing practices because of a person's race, color, religion, sex, national origin, familial status, source of income, or disability. UCA § 57-21-5(1). A discriminatory housing practice includes "a refusal to make reasonable accommodations in rules, policies, practices, or services when the accommodation may be necessary to afford the person equal opportunity to use and enjoy a dwelling." UCA § 57-21-5(4)(b).

It is a defense to a claim of discrimination under the UFHA "that the complainant has a disability that, in the circumstances and even with reasonable accommodation, poses a serious threat to the health or safety of the complainant or others." UCA § 57-21-4(2).

An analysis of the legality of a land use regulation under the UFHA is essentially the same as under the FHAA.

CONCLUSION

Given the current state of the law, it really is not a question of whether or not the City must make some accommodation to its current requirements. It is clear that the City must do this. It is really a question of what is necessary to accommodate the applicants based on the service they provide to disabled persons and what is a reasonable accommodation that does not go so far as to alter the neighborhood so as to fundamentally change its residential nature.

BRIAN K HAWS
LINDON "CITY ATTORNEY"

MOTION

I move to (*approve, deny, continue*) the applicant's request for site plan approval of the Reflections Recovery Center with the following conditions (if any):

- 1.
- 2.
- 3.

ATTACHMENTS

See next page for list of attachments.

Additional Documents

1. Lindon City Letter to Applicants
2. Applicable City Code

Applicant Materials

1. Introduction & Key Questions
2. Responses to Staff Questions
3. Pictures
4. Lindon City Code with Comments
5. Evidence for Number of Clients
6. Evidence of Residential Nature
7. Conclusion
8. Safety Plan
9. Blueprints of Existing Home
10. Remodel Details
11. State Licensing Requirements
12. Reports and Studies Provided by Applicant
13. Former Property Uses

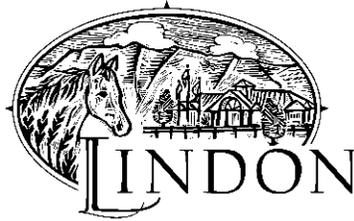
Citizen Written Comment Submittals

1. Submission from Renee Condie
2. Submission from Val Killian

Additional Documents

1. City Letter to Applicants

Lindon City
100 North State Street
Lindon, UT 84042-1808



TEL 801-785-5043
FAX 801-785-4510
www.lindoncity.org

August 29, 2014

DMDR, LLC
Ron Wentz
12117 Field Downs Drive
Riverton, UT 84065

Re: Appeal of Lindon City Business License for Reflections Recovery Center

Mr. Wentz,

This letter is being provided in response to your appeal of a business license denial for Reflections Recovery Center proposed to be located at 145 South 200 East, Lindon, Utah. On July 29, 2014 you submitted a Lindon City business license on behalf of DMDR, LLC. Upon receipt and evaluation of your business license materials Lindon City determined that your business would be classified by Lindon City Code (LCC) as a transitional/treatment group home which is regulated by LCC 17.70.080. The structure in which you propose to operate your business is located in the Single Family Residential (R1-20) zone. Transitional/treatment group homes are not permitted in the R1-20 zone, and therefore the business license application was denied on August 21, 2014. We received your appeal of the denial on August 25, 2014.

Your appeal application indicates that your proposed clients will fall within the definition of those who are disabled and protected under the federal American with Disabilities Act (ADA) and Fair Housing Amendments Act. Your appeal states that Lindon City Code does not follow these laws.

As you have stated that your clients are protected under the ADA the City is able to more accurately classify the proposed facility as a Group Home for Persons with Disabilities as regulated in LCC 17.70.040. The City is willing to make a reasonable accommodation of your facility provided that you are able to first, establish a need to operate with the number of clients you propose (18 to 22 clients, with 6 to 7 staff) by submitting specific evidence that the number of residents requested is necessary to reasonably facilitate treatment of those with disabilities in a residential environment, and second, that the high number of residents you are requesting is reasonable in that they will not alter the residential nature of the use.

LCC 17.70.040 currently limits these types of facilities to no more than four (4) unrelated individuals. All single-family households in Lindon City are also subject to this same limit of housing no more than four unrelated individuals. You have the burden to show why it is necessary for the City to make exceptions to this standard and that such an accommodation will not unreasonably alter the nature of the use and the underlying purposes of the City's residential

zoning by allowing such a high number of unrelated individuals to live together in the proposed facility.

Group Homes for Persons with Disabilities as regulated by LCC 17.70.040 are permitted uses within residential zones and require a site plan review and approval by the Lindon City Planning Commission. If you meet your burden of showing that your request is both necessary and reasonable, the City will of course follow the law in making a reasonable accommodation for the proposed use, and as such may be making exceptions to some portions of the ordinance. Therefore, the City Council will be the final land use authority for this item after receiving a recommendation from the Planning Commission (LCC 17.08.090). If the site plan application is approved by the City Council, then the City will be able to issue your business license application administratively. If approval is granted, a building permit for the proposed remodeling of the home must be submitted and approved prior to any construction.

I have included a Land Use Application which you will need to complete and sign in order to move forward with the site plan approval process. The application should be turned in at the Community Development office at the Lindon City Center. A fee for a *Miscellaneous Application* of \$150.00 is required upon submittal. You are also responsible for any engineering review fees incurred by the City, which will be billed to you upon completion of the site plan reviews. I have also included a copy of LCC 17.70.040 and LCC 17.70.050 with a line drawn through sections that you do not need to respond to. We believe all other sections of the ordinance are applicable. It may be beneficial for the Planning Commission and City Council if you respond in writing how your proposal will meet each ordinance requirement and/or why an exception to the ordinance is being requested and why it should be reasonably accommodated.

Once we receive your completed application materials the item will be scheduled for a Planning Commission meeting and then forwarded to the next available City Council meeting. Both groups typically meet twice per month. Please be aware that notices of the meeting will be sent to surrounding properties per our ordinance standards. As such, it may be beneficial for you to discuss details of your proposal and answer questions with neighbors prior to the Planning Commission and City Council meetings.

If you have questions on this letter or the approval process as outlined, please feel free to contact me at 801-785-5043 or by email at acowie@lindoncity.org.

Sincerely,



Adam Cowie
Lindon City Administrator

Attachments:

Lindon City Code Sections 17.70.020, 17.70.040, 17.70.050
Lindon City Land Use Application

Cc:

Lindon Mayor & City Council
Brian Haws, City Attorney
Hugh Van Wagenen, Planning Director

2. Applicable City Code

Lindon City Code

Section 17.70.020 General Definitions

1. For the purposes of this section, certain terms and words are defined and are used in this title in that defined context. Any words in this title not defined in this chapter shall be as defined in Webster's Collegiate Dictionary.
2. As used in this section, the following words shall be defined as follows:
 - Elderly: Elderly shall mean a person who is 60 years or older.
 - Group Home: When not used in specific context in relations to a particular type of facility, group home shall include a residential facility for elderly persons, a group home for persons with a disability, a juvenile group home, a transitional/treatment group home, or a transitional victim home.
 - Resident: Resident shall mean persons receiving the benefit of services and facilities provided by a group home, excluding staff and care providers.

Section 17.70.040 Group Home for Persons with Disabilities

1. Group homes for persons with a disability shall be a permitted use in all residential zones, and requires site plan approval by the Planning Commission.
2. Disabled or Disability under this section shall mean, with respect to a person, a person who has a physical or mental impairment which substantially limits one or more of that person's major life activities or has a history of having such impairment. Disabled or Disability does not mean an impairment or limitation caused by addiction and current use of a controlled substance or alcohol. Disabled or Disability also does not mean an impairment or limitation resulting from or related to kleptomania, pyromania, or any sexually related addiction or disorder, including but not limit to, sex and pornography addictions, transvestism, transexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders (those not resulting from physical impairments), or any other sexual behavior disorder.
3. Each group home for persons with a disability is subject to state licensing procedures and must provide the city proof of a valid license issued by the Utah State Division of Licensing and compliance with Department of Human Services standards.
4. The group home shall conform to all applicable building, fire, health and safety codes and requirements for facilities of this type and for the zoning in which they are constructed.
5. The structure shall be capable of use as a group home for persons with a disability, which includes being fully handicap accessible, without structural or landscaping alterations that would change the residential character of the structure. A site plan must be submitted showing any alteration of the structure or landscaping. Any alterations must be approved by the Planning Commission before a permit is issued.
6. Occupancy of the structure shall be such that each resident is provided adequate personal space. A residential facility shall ensure that each bedroom space in the facility has a floor area, exclusive of closet space, of at least 74 square feet for initial occupant and an additional 50 square feet for each other occupant of this space, but in no case shall the group home have any more than four (4) residents at any given time.
- ~~7. No group home for persons with a disability shall be established or maintained within three fourths of a mile (3,960 feet) of another group home for the elderly, a group home for persons with a disability, a juvenile group home, a transitional/treatment group home, or a transitional victim home as measured in a straight line between the closest property line of the proposed group home and the closest property line of the existing group homes identified above. No group home that has residents with disabilities related to any form of substance abuse or that have a history of past violence, sexual aggression or any offense involving a weapon or which resulted in serious bodily injury to another person shall be established within 500 feet of a licensed daycare, or public or private school as measured in a straight line between the closest property lines of the propose group home and the school/daycare lot.~~
8. The facility shall provide one off-street parking space for each sleeping room, plus adequate parking for visitors and staff. In no case shall the facility have less than three off-street parking spaces.
9. The facility shall have six foot site obscuring fencing along the side and back yards that is constructed in a manner consistent with the residential character of the neighborhood. Such fencing shall be constructed and maintained in accordance with the Lindon City Code. The Planning Commission shall approve the style and design of any fencing before a permit is issued. A chain link fence with slats shall not be considered site obscuring for the purposes of this section.
10. No portion of the facility's front and side yard setbacks shall be used to provide parking spaces as required by this section without prior approval of the Planning Commission. Any use of the yard as parking space shall not change the residential character of the property.
11. The group home operator shall provide the city proof of adequate insurance for the program's vehicles, hazard insurance on the home, and liability insurance to cover residents and third party individuals.
12. The group home operator shall provide proof that each of the residents admitted to the facility falls within the definition of disability as set forth in this section and that the disability substantially limits the resident in a major life function.
13. The facility shall provide training or treatment programs for residents with disabilities which are in compliance with department of Human Services standards, as set forth in the Utah Administrative Code.
14. Any group home for person with disability that have a history of past violence, sexual aggression or any offense involving a weapon or which resulted in serious bodily injury to another person, which is constructed within 1000 feet of a school or licensed daycare, as measured in a straight line between the closest property lines of the proposed group home and the

school lot, shall provide in accordance with rules established by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities;

- a. 24-hour supervision for residents; and
 - b. 24-hour security measures.
15. The facility shall not accept any resident that would pose a direct threat to the health and safety of others in the facility or community or who in the past has posed a threat to the health and safety of others or whose tenancy would likely create a risk of substantial physical damage to others. The owner or operator of the facility shall conduct an individualized assessment of each person desiring to become a resident of the facility to determine if such person would constitute a threat prior to allowing occupancy of the facility by such a person. The assessment shall be conducted by a licensed psychologist, social worker or other licensed individual qualified to perform such assessments. Assessments shall include, but not be limited to, consideration of such things as past criminal histories and/or violent acts of the individual, the amounts of time that have lapsed since such acts, and treatments the individual has received. Evaluations of individuals who have committed acts of sexual aggression or criminal sex acts shall also include psycho-sexual evaluations by a licensed psychiatrist or an individual holding a PhD in psychology. No individual determined to pose a risk for commission of sexual offenses, or being classified as having predatory tendencies may be accepted as a resident.
16. Prior to the initial occupancy of a group home for person with disabilities and at least quarterly thereafter, the owner or operator of the group home for persons with disabilities shall certify, in a sworn affidavit, that individualized assessments have been performed on each resident and that each resident meets the requirements of this section. Upon request, the owner or operator of the group home for persons with disabilities shall provide documentation and records to verify compliance with this section.
17. The facility shall comply with all applicable state and federal laws, including laws related to access.
18. To ensure the safety of the residents and surrounding community, the facility operators shall develop a safety plan demonstrating adequate supervision and control of the residents. The safety plan shall be reviewed by law enforcement officials and shall be approved by the Planning Commission.

Section 17.70.050 Procedure for Approval and Annual Renewal of Permit for a Group Home for Persons With Disabilities

1. At least ten (10) days before the Planning Commission hears the application for a group home for persons with disabilities, the city shall provide written notification, either in person or by first class mail, to all citizens living within or owning property within 750 feet of the proposed site of the group home as measured in a straight line between the closest property lines of the proposed group home and the neighboring lots.
2. Upon review of an application for a new group home for persons with disabilities and upon determination of compliance with all of the above requirements, the application may be approved. However, where in the opinion of the Planning Commission, the information provided by the applicant is insufficient for the group home for persons with disabilities is not in compliance with the requirements of section 17.70, the application may be denied. The city shall provide written notice of approval for the proposed group to all citizens living within or owning property within 750 feet of the proposed site of the group home as measured in a straight line between the closest property lines of the proposed group home and the neighboring lots. If the application is denied, the city shall provide the applicant written notice of the decision to deny the application. This notice of approval or denial shall be in addition to the notice required in paragraph 1 and shall be provided either in person or by first class mail within 5 days of the decision.
3. ~~Upon receipt of approval of the Planning Commission, the operator of the group home for persons with a disability shall be eligible to secure an annual permit from the city. Said permit shall be valid for one calendar year and shall be renewed annually subject to:~~
 - ~~a. The receipt of a renewal application that shall include the information and certifications required under Section 17.70 above and a certification that none of the resident pose a threat as of the date of renewal; and~~
 - ~~b. at least ten (10) days before the Planning Commission hears the renewal application, the city shall provide written notification, either in person or by first class mail, to all citizens living within or owning property within 300 feet of the site of the group home.~~
 - ~~c. A finding by the Planning Commission that during the preceding year the group home had been operated in compliance with the terms of section 17.70 and any other conditions of approval.~~
4. A permit to operate a group home for persons with a disability shall be;
 - a. nontransferable and shall terminate if the structure is devoted to a use other than a group home for persons with disabilities or the structure fails to comply with all building, safety, health and zoning requirements of Lindon City.
 - b. Shall terminate if at any time it is demonstrated to the Planning Commission that;
 - i. The structure fails to comply with the requirements of section 17.70; or
 - ii. The program has failed to operate in accordance with the requirements of section 17.70.

Applicant Materials

1. Introduction & Key Questions



Introduction & Key Questions



Reflections Recovery Center is a residential treatment facility, located in Lindon Utah. Specializing in substance use disorders and mental health treatment, Reflections provides services focused on recovery, healing, individual growth and re-entry into mainstream society. Reflections therapy approach centers on the client as a whole, not only the substance abuse. Treatments promote knowledge and good health in all disciplines; mental, emotional, physical, social and spiritual. Top clinicians in the industry, using the best techniques and technology available, help residents overcome disorders involving substance and alcohol abuse, smoking cessation, stress management, depression, attention disorders and anxiety while developing a solid foundation necessary to embrace a clean, sober and productive life.

Reflections clientele will be 18 and over, mixed gender with no history of sexual offence or violence, who are seeking recovery and ready to change their lives. Residents will primarily be high school graduates or above, employed in professional careers and coming from medium to high income families. This is a very motivated, predictable and safe segment of the market. Client base will include Utah and surrounding states with the majority coming from local areas and northern Utah.

Reflections Recovery Center is a closed campus, non-smoking, healing and learning center where residents receive the training and tools needed to regain control of their lives. The up-scale residential facility is monitored 24 hours a day by staff fully certified through the State of Utah. The healing and nurturing aspects of a home-like environment allows residents to gain trust in themselves and their ability to cope with life's challenges. Each resident has ample space for personal contemplation while rebuilding the skills of interacting with society. The facility functions as an extended family where residents have responsibilities to themselves and to the other members of the household. Re-learning to place trust in others while accepting the responsibility of others trusting in them, is a vital element of returning to society.

Reflections Recovery Center helps return hope, dignity and value to the lives and loved ones of those hijacked by the deception of substance use. Knowledge and compassion promote open honest growth and trust between Clients, Providers and the Community.



Key questions regarding Facility, Residents and Operations

Who is Reflections?

Reflections Recovery Center is an up-scale residential treatment facility specializing in substance use disorders and mental health. The facility is a closed campus, non-smoking, healing and learning center where residents receive the training and tools needed to regain control of their lives and develop a solid foundation necessary to embrace a clean and sober life. Reflections Recovery utilizes the best techniques, technology, and clinicians in the industry. Our evidence-based treatments and recovery-oriented systems empower residents to return to healthy productive lifestyles.

The facility operates on a totally voluntary admittance with mixed gender, males on one side and females on the other. The center is to house 20 to 24 full-time Clients/Residents, with a central security/operations area and 24/7 oversight of the Clients.

Reflections Recovery Center's goal is to return hope, dignity and value to the lives, and loved ones, of those hijacked by the deception of substance use.

Why is it needed?

The 2013 Annual Report from *dsamh.utah.gov* reports the public substance abuse treatment system is currently serving only 16% of the current need. This means 76,403 Utah adults are in need of, but not receiving, substance abuse treatment services.

1 in 10 Americans suffer from drug and/or alcohol addiction. Prescription drug abuse in the U.S. has reached epidemic proportions. Utah has the eighth highest drug overdose mortality rate in the United States. Since 2000, the number of deaths due to overdose of pain medication has risen more than 400 percent. One in ten 12th-graders report having misused a prescription pain medication.

The statistics are staggering. Possibly the most chilling fact is these numbers do not take into account the heartache and turmoil experienced by the loved ones and family members of all those persons affected. Reflections Recovery wants to help end the pain and suffering and alleviate the negative stigma associated with Substance Use Disorders.

What is the facility?

Structure - Reflections Recovery Center is a beautiful and spacious home, nestled on 1.3 acres. With over 8800 square feet of living area, including 9 bedrooms consisting of two wings for separate male and female accommodations, 6½ bathrooms and plenty of room which allows residents the comfort and personal space needed for successful therapy and recovery.

Fencing - Six foot high full privacy fencing will be installed around three sides of the property; each side yard and the back yard, in accordance with Lindon City regulations and code.

Landscaping - Reflections will keep the property manicured and maintained to the upmost standard.

Lighting - Reflections will provide adequate illumination for safety and all lighting will be kept shielded to prevent glare onto neighboring properties.

Signage - There will be no signage. Residents will be allowed privacy and respect during this healing and recovery process.

Staffing - Those working at Reflections Recovery Center will exceed the State's requirements for a residential facility. Competent staff will be on the premises 24/7 to provide supervision and direction.

Licensing - Reflections Recovery Center will be subject to Lindon City, Utah County, Utah State and U.S. Federal licensing requirements. This will include the appropriate number of licensed professional staff as well as standard policies and operational practices.

Who are the residents?

Today's abuser has become more suburban, more white, from more successful careers and has more disposable income. They are Doctors, Lawyers, Upper Management, School Principals, Peace Officers, Moms and Dads. These are people seen in the community as leaders and role models. Pride and personal standards keep them from entering the "normal" facility while their checkbook limits them from the super high end facilities. Many times the only solution they can see is to continue down the dead end road they have been traveling. Reflections will fill the needs of these clients. The facility, staff, program and overall image will allow them to start down the road of recovery while still maintaining their dignity and personal standards.

The typical resident will be over eighteen (18) years of age, of mixed gender, have a primary diagnosis of a drug and/or alcohol addiction, who are actively seeking help and recovery. The main focus will be on the professional segment, 20 to 40 years old, of middle to upper middle class. This segment is highly self-motivated to regain control of their lives, generally of a higher caliber, very predictable and extremely safe.

Are there admittance guidelines into the program?

All residents are given a thorough evaluation by a State Licensed Clinician prior to acceptance. The clients overall health, mental and emotional status as well as required level of care, are established during this assessment.

Reflections will not grant admittance to anyone with a history of violent crimes or sexually oriented offences. Reflections will accept those with minor legal issues, on an individual basis and circumstance, as long as that person is seriously motivated to receive treatment and not simply avoiding legal consequences. Those who are in need of moderate to severe detoxification will only be admitted after hospitalization and medical clearance.

Court ordered residents - Those looking to solely avoid legal consequences will not be admitted. Those who are internally motivated and seeking change, regardless of legal requirements, will be interviewed and a clinical decision whether to admit them will be determined on an individual basis.

Mental state of residents - All potential clients will undergo a therapeutic assessment. Those requiring detoxification will be referred to an appropriate facility until they are medically cleared for residential treatment. Reflections will not admit a client with a primary diagnosis other than substance abuse. Many residents may have a mild to moderate secondary diagnosis or co-morbidity. Those with sever dual diagnosis will be referred to a higher level of care and appropriate facilities.

Discharged residents - Prior to discharge, residents must first meet with clinical staff to evaluate their condition and future plans. Family members will be called to pick up the resident. If family members are not available, staff will transport the resident to their destination or to the appropriate mass transit location.

How long will residents stay at the Center?

Reflections offers 30 day, 60 day and 90 day programs. Each resident is clinically assessed to determine which program is appropriate for them. Residents usually elect to stay additional time because they are pleased with the progress they are making and want to continue the learning and personal growth. The average stay at similar programs is 60 days.

What allowed freedoms do residents have?

Reflections Recovery Center is a closed campus where residents are restricted to Reflections property at all times. Residents are prohibited from initiating conversation or contact with anyone outside the Reflections family. All residents are provided a Resident Handbook upon acceptance into the facility and required to comply with all guidelines.

Residents are monitored and supervised 24 hour per day, seven days per week. A "Therapeutic Pass" may be granted based on the level of progress the individual has accomplished and must be approved by their clinical professional. Passes are typically restricted to activities such as doctor appointments, church attendance, or time with family. The resident must be accompanied by family, facility staff, ecclesiastical leader or someone approved by clinical staff.

What is the typical daily schedule for the residents?

Residents will participate in a rigorous daily schedule. Waking as a group and starting the day with a Therapeutic Community meeting where goals are set and spiritual thoughts are shared.

Residents attend the gym for physical fitness training and return for breakfast by 8:30 am. After breakfast everyone prepares for the day and must be in group therapy by 10:00. After a break for lunch, residents return to group at 1:00. A short break separates the afternoon group which starts at 3:00. Dinner is at 5:00, followed by a 12 step support meeting from 7:30 to 9:00. Wrap up the day, prepare for tomorrow, and lights out by 10:30. Residents spend most of their day in groups that consist of psycho-education, behavior processing, spirituality and relapse prevention. Remaining time is devoted to homework, self-study and individual personal assessment.

Weekends are similarly scheduled with group activities added for social support and time allotted on Sundays for worship and family.

What safety precautions are followed?

Fire - Lindon City code requires a monitored fire panel installed in the residence. The Fire Department will regularly review the property for safety and code compliance.

Security measures - Reflections Recovery Center will be governed by State licensing requirements. There will be supervision 24/7 along with cameras monitoring the residents, facility and grounds at all times.

Reflections is located within 0.7 mile of the Lindon City Police Department and Lindon City Fire Department. Although security measures are in place, it's important to remember all residents enter Reflections by their own choice, diligently working to regain their lives.

Are Residents tested?

Residents admitted to the facility shall be highly motivated to achieve successful treatment. They will be subject to regular and frequent drug testing. Failure to conform to a drug and alcohol free environment will result in immediate discharge from the facility. Reflections Recovery Center maintains a zero tolerance policy.

Are visitors allowed at the Center?

Residents are allowed visitors after a two week observation period. This allows the resident to fully emerge into the recovery process and gives staff an opportunity to assess all of the behaviors and acclimation into the group.

Visits are only allowed on Sunday afternoon and are supervised by competent staff. Thursday night is family education and process night where some family members attend to gain knowledge and support their loved ones.

Will the Center change the feel of the neighborhood?

Reflections Recovery Center will look, act and feel just like any other residence in the neighborhood.

The facility functions just as an extended family. Each resident has responsibilities to themselves and to the other members of the household. Taking full advantage of the healing and nurturing aspects of a comforting, relaxed home-like environment allows residents to gain trust in themselves and their ability to cope with life's challenges. Every aspect of daily life at Reflections revolves around the "Family" concept. Re-learning to place trust in others while accepting the responsibility of others trusting in them, is a vital element of returning to society.

Outdoor activities will be limited to normal "backyard family activities", chores maintaining the lawn or grounds, and personal quiet contemplation. There will be no loud concerts or events on the property. Activities will be limited to a 10:00 pm curfew on weekdays, 11:00 pm on weekends and should not disturb neighboring properties.

A study conducted by Diana Antos Arens, Ph. D. looked at attitudes of the neighbors towards 5 separate residential group homes. She found a stark contrast between attitudes prior to opening and 2-3 years after opening. Prior to opening, neighbors classified themselves as 36% negative and 22% positive towards the facility. 2-3 years later the same neighbors rated themselves as 2% negative and 68% positive. When asked "Do you think the people living at the community residence are good neighbors?" 80% agreed and not one disagreed. When asked "Would you advise a friend to support a residence in their community?" 68% responded yes, 31% didn't know and only 1% said no. Surprisingly, 13% of respondents were completely unaware of the residential facility being in their close neighborhood proximity.

Dr. Arens conclusion; In the sample neighborhoods surveyed, the strong opposition to community residences was not a predictor of the subsequent widespread acceptance. After experience with a community residence in their ~backyards," the overwhelming majority of respondents were able to say that the group home residents were good neighbors; they had no problems; and the homes did not have a negative impact on their property values.

What about vehicles and parking at Reflections?

Vehicles - There will not be a noticeable difference with the number of vehicles at the facility. Residents are not allowed private vehicles at Reflections.

Parking - Parking is based on city requirements with visitor, staff and ADA parking behind the structure and privacy fence out of view.

How will traffic affect the neighborhood?

There will not be a noticeable increase in daily traffic from the Center. Reflections Recovery will in essence mimic the other households in the neighborhood with the normal trips to work, picking up groceries and running the necessary errands.

As residents are not permitted personal vehicles at the Center, Reflections will transport residents to and from extracurricular activities; outings to the local gym, outdoor hikes, matinee movies, etc., just like others in the neighborhood driving to school or soccer practice.

Access to Reflections will come from the main traffic corridors State Street and 200 S / 2000 N. Traffic along 200 East will travel less than 300 feet to reach the property, keeping neighborhood traffic to an absolute minimum.

All visitor, staff and handicapped ADA parking will be provided off-street behind the building and full privacy fencing.

How will Reflections benefit our Community?

Reflections Recovery Center places enormous emphasis on being involved in community outreach programs, service organizations, drug and alcohol prevention education and suicide prevention awareness. This not only benefits the community but also instills pride, a sense of belonging and accomplishment within the Center and its residents. Early awareness and prevention are the best solutions for this growing problem.

What will be the impact to City resources?

Pleasant Grove and Orem Police Departments report there are minimal visits to facilities which are very close in purpose to Reflections Recovery Center. Our clients are there because they want to be, not because they have to be.

How will property values be affected?

Numerous studies show there is no evidence to suggest that property values have been negatively affected by residential treatment centers.

How will crime rates be affected?

Studies show that there is no correlation between crime and the presence of substance treatment centers. Other types of businesses such as convenience stores and pawnshops tend to have more crime associated with them.

Reflections Recovery Center is happy to answer any questions, provide information or address any concerns. Please feel free to contact us at www.ReflectionsRecoveryUtah.com.

2. Responses to Staff Questions



https://mail.google.com/mail/ca/u/0/?ui=2&ik=f11ea6adfa&view=pt&search=inbox&msg=1488062ccad2e938&siml=1488062ccad2e938

Reflections Recover Center Questions

Jordan Cullimore <jcullimore@lindoncity.org>

Tue, Sep 16, 2014 at 3:33 PM

To: Ron Wentz <rwentz123@gmail.com>, Dave Cox <davercox@gmail.com>

Cc: Hugh Van Wagenen <hvanwagenen@lindoncity.org>, Adam Cowie <acowie@lindoncity.org>, Brian Haws <bhaws@centralutahlaw.com>

Ron & Dave,

We're currently in the process of reviewing your application. Could you please specifically address the following items:

1. Provide calculations showing that the proposal satisfies the area requirements identified in 17.70.040(6) of the ordinance. Specifically, show that each bedroom in the facility has a floor area, exclusive of closet space, of at least 74 square feet for the initial occupant and an additional 50 square feet for each additional occupant in the room.
2. What is the current status of your State Division of Licensing application? Please provide any documentation you currently have.
3. Provide financial statements describing the feasibility of the operation at different occupancy levels. Identify the fewest number of occupants you could serve while still maintaining financial viability.
4. Has the State Fire Marshal inspected the home for Fire Code compliance? Please provide documentation.
5. The site plan indicates that the parking lot surface will be compacted gravel, but the Code requires that parking lots be paved with asphalt, concrete, or other binder pavement. Please explain how you intend to address storm water run-off from the lot.
6. Will you need a dumpster? The plans identify trash cans, but the size of the containers is not identified and two typical residential trash cans does not seem sufficient for the number of occupants requested.
7. Will additional lighting be installed in the parking lot area, or elsewhere?
8. The application states several times that "surveys (or studies) show..." Could you please provide citations to, or even copies of, the studies that are being referenced?

Call or write if you have questions, or if you need clarification on any of the items.

Thanks,

Jordan Cullimore
Associate Planner
Lindon City Planning & Zoning
801-785-7687
jcullimore@lindoncity.org

Reflections Recovery Center
Answers to questions dated 16 Sept 2014.

1. Bedroom square footage

1.	235.39 sq ft	4.20 residents
2.	398.08 sq ft	7.48 residents
3.	212.78 sq ft	3.78 residents
4.	250.50 sq ft	4.53 residents
5.	230.25 sq ft	4.13 residents
6.	235.00 sq ft	4.22 residents
7.	255.81 sq ft	4.64 residents
Tot	1817.81 sq ft	30 residents

2. State Division of Licensing application cannot be submitted until after obtaining Lindon City business license, completing all remodeling, furnishing residence and ready for business. See attached Application and Licensing Process information.

3. As business financial statements are of a highly confidential nature, and as per our conversation Sept 17th, this information has been delivered to our counsel who will deliver them to the Lindon City Attorney.

4. We have contacted the State Fire Marshall regarding fire code compliance. Chief Coy D Porter's office has instructed us local codes have the jurisdiction. Lindon City Fire Inspectors office has been contacted to arrange an initial inspection.

5. Site plan parking was included to meet Lindon City code. As no residents are allowed private vehicles at facility, parking will only be used by staff and occasional visitors. We intend to concrete the front half of the parking to maintain the aesthetics of the site. The parking behind the back fence we choose to gravel to try and keep the residential look to the site. This parking is overflow, added only to meet code and will seldom be used. If required to solid surface the area we certainly will do so although our hope is to keep the residential look. As for storm water, the minimal concrete we intended to add should not impact the water flow. If the gravel overflow parking will work there should be no need for any adjustment. If required, we can drain to the rear of the parcel with a small

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capture basin or direct to the front road, whichever is preferred. We hope to avoid the capture basin as they tend to attract mosquitos and children.

6. We prefer to use city trash removal to maintain the residential nature. We feel four to five waste cans and recycle cans will be more than ample. If the city prefers the use of dumpsters we will gladly comply. Our hope is to avoid the commercial dumpster truck and its backup beeper.

7. As in the situations above, we prefer to avoid the commercial look of light poles. We would like to provide low voltage lighting along the fence to blend in with the residential nature and prevent light from bothering the neighborhood. Additional higher watt lights could be installed at the corners for emergency situations. Lights already installed on the house will be sufficient for any backyard activities. Again, we are open to whatever the city requires.

8. Copies of several studies showing the minimal impact a residential facility has on a neighborhood are attached.

If additional information is required or we can be of assistance, please let us know.

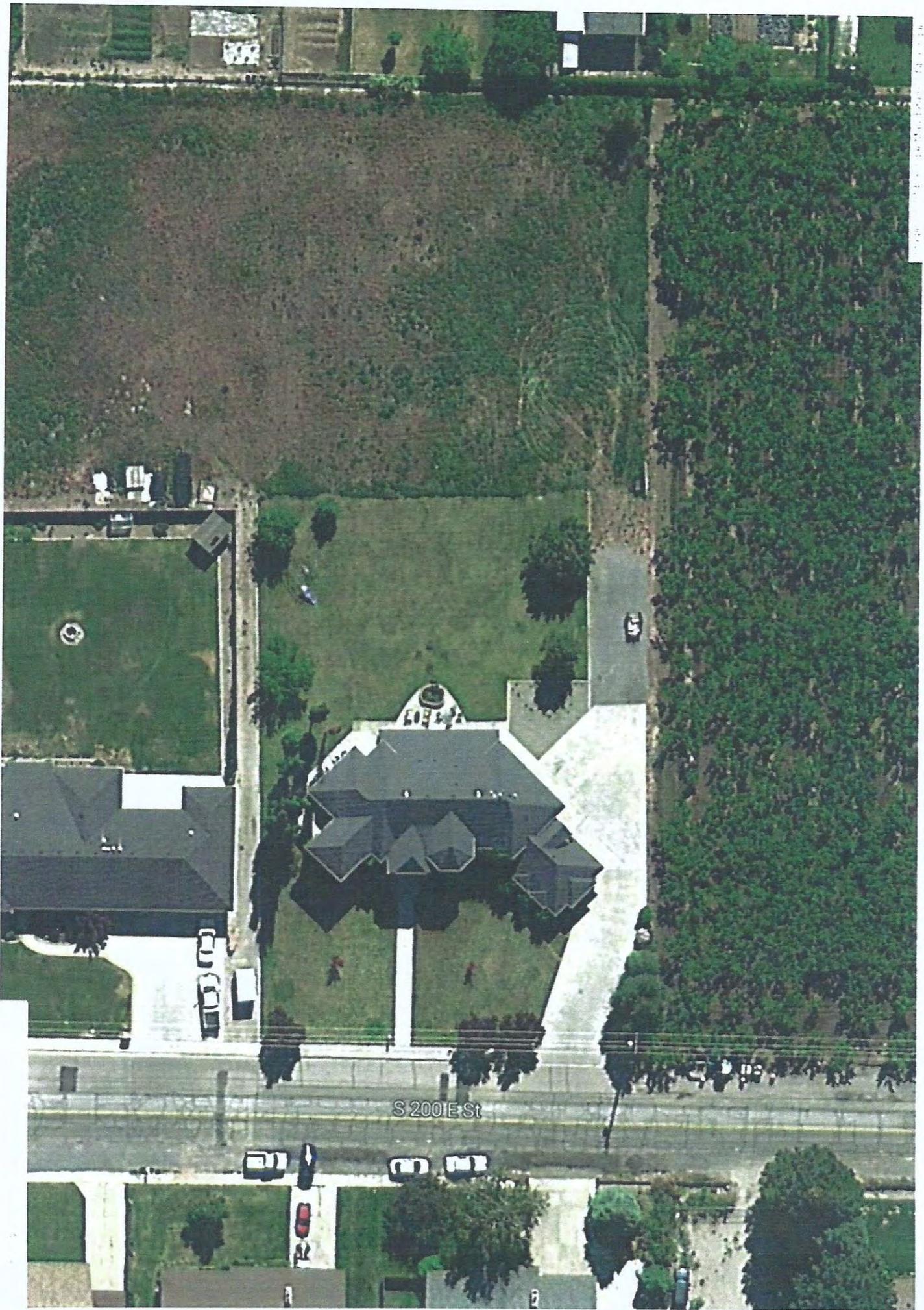
Thank you,
Ron Wentz
Reflections Recovery Center

3. Pictures



Pictures







4. Lindon City Code withComments



Lindon City Code with Comments

Lindon City Code

Section 17.70.020 General Definitions

1. For the purposes of this section, certain terms and words are defined and are used in this title in that defined context. Any words in this title not defined in this chapter shall be as defined in Webster's Collegiate Dictionary.
2. As used in this section, the following words shall be defined as follows:
Elderly: Elderly shall mean a person who is 60 years or older.
Group Home: When not used in specific context in relations to a particular type of facility, group home shall include a residential facility for elderly persons, a group home for persons with a disability, a juvenile group home, a transitional/treatment group home, or a transitional victim home.
Resident: Resident shall mean persons receiving the benefit of services and facilities provided by a group home, excluding staff and care providers.

Section 17.70.040 Group Home for Persons with Disabilities

1. Group homes for persons with a disability shall be a permitted use in all residential zones, and requires site plan approval by the Planning Commission.
Site plan and full blueprints have been delivered to Planning Commission for review.
2. Disabled or Disability under this section shall mean, with respect to a person, a person who has a physical or mental impairment which substantially limits one or more of that person's major life activities or has a history of having such impairment. Disabled or Disability does not mean an impairment or limitation caused by addiction and current use of a controlled substance or alcohol. Disabled or Disability also does not mean an impairment or limitation resulting from or related to kleptomania, pyromania, or any sexually related addiction or disorder, including but not limit to, sex and pornography addictions, transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders (those not resulting from physical impairments), or any other sexual behavior disorder.
Disability under Federal Guidelines does mean an impairment or limitation caused by addiction. Reflections Recovery clients suffer from substance use disorders and qualify under the Americans with Disabilities Act. Upon acceptance into the program, there is a zero tolerance for continued use of a controlled substance or alcohol.
3. Each group home for persons with a disability is subject to state licensing procedures and must provide the city proof of a valid license issued by the Utah State Division of Licensing and compliance with Department of Human Services standards.
Reflections Recovery Center has passed pre-certification standards through Utah State Division of Licensing and Department of Human Services standards. State licenses will be issued upon final inspection.
4. The group home shall conform to all applicable building, fire, health and safety codes and requirements for facilities of this type and for the zoning in which they are constructed.
Reflections Recovery will conform to all applicable building, fire, health and safety code requirements for Lindon City, Utah County and the State of Utah. Plans have been submitted to Lindon City detailing minor renovation to the structure. Applicable permits and inspections will be followed for any alterations.

5. The structure shall be capable of use as a group home for persons with a disability, which includes being fully handicap accessible, without structural or landscaping alterations that would change the residential character of the structure. A site plan must be submitted showing any alteration of the structure or landscaping. Any alterations must be approved by the Planning Commission before a permit is issued.

Site plan and building blueprints covering all modifications allowing for full handicap accessibility have been submitted to Lindon Planning Commission. All changes will be made within the facility itself. No structural or landscape alterations will be made affecting the residential character of the site or structure.

6. Occupancy of the structure shall be such that each resident is provided adequate personal space. A residential facility shall ensure that each bedroom space in the facility has a floor area, exclusive of closet space, of at least 74 square feet for initial occupant and an additional 50 square feet for each other occupant of this space, but in no case shall the group home have any more than four (4) residents at any given time.

The facility consists of 8800 square feet including 9 bedrooms and 6½ bathrooms allowing ample personal space for all clients exceeding city and state minimum standards. Reflections Recovery Center is requesting a variance on the maximum number of residents allowed at the facility. Evidence shows the ideal number of clients within the therapeutic group to be between 20 and 24 clients. We have provided expert opinions from many professionals explaining the dynamics of the Substance Use Therapy model.

Hazelden, a part of the Hazelden Betty Ford Foundation, is one of the largest and most respected private not-for-profit alcohol and drug addiction treatment and research centers in the world. They have found using the model of 24 clients per group provides a more through recovery process allowing clients a quicker and more thoroughly equipped return to a productive lifestyle.

Utah State Licensing Division has done a preliminary inspection of the facility and determined it meets all state criteria for licensing of up to 27 individuals. We are asking Lindon City for a variance of city code allowing 24 clients.

~~7. No group home for persons with a disability shall be established or maintained within three fourths of a mile (3,960 feet) of another group home for the elderly, a group home for persons with a disability, a juvenile group home, a transitional/treatment group home, or a transitional victim home as measured in a straight line between the closest property line of the proposed group home and the closest property line of the existing group homes identified above. No group home that has residents with disabilities related to any form of substance abuse or that have a history of past violence, sexual aggression or any offense involving a weapon or which resulted in serious bodily injury to another person shall be established within 500 feet of a licensed daycare, or public or private school as measured in a straight line between the closest property lines of the propose group home and the school/daycare lot.~~

8. The facility shall provide one off-street parking space for each sleeping room, plus adequate parking for visitors and staff. In no case shall the facility have less than three off-street parking spaces.

All off-street parking will be located at the rear of the facility behind the privacy fencing. As per city code, parking will consist of 17 stalls including an ADA Handicap site. Residents will not have personal vehicles at the facility.

9. The facility shall have six foot site obscuring fencing along the side and back yards that is constructed in a manner consistent with the residential character of the neighborhood. Such fencing shall be constructed and maintained in accordance with the Lindon City Code. The Planning Commission shall approve the style and design of any fencing before a permit is issued. A chain link fence with slats shall not be considered site obscuring for the purposes of this section.

Side and back yards will be fenced using six foot full privacy vinyl fencing. Dual ten foot full privacy swing gates will be installed at driveway access.

10. No portion of the facility's front and side yard setbacks shall be used to provide parking spaces as required by this section without prior approval of the Planning Commission. Any use of the yard as parking space shall not change the residential character of the property.

Front and side setbacks will not be used for parking. All parking will be at rear of facility obscured from street view with privacy fencing so as not to change the residential character of the property.

11. The group home operator shall provide the city proof of adequate insurance for the program's vehicles, hazard insurance on the home, and liability insurance to cover residents and third party individuals.

Reflections Recovery will provide proof of all required vehicle, hazard and liability insurance coverage policies.

12. The group home operator shall provide proof that each of the residents admitted to the facility falls within the definition of disability as set forth in this section and that the disability substantially limits the resident in a major life function.

Reflection Recovery Center's Policies and Procedures Manual mandates all incoming clients receive a complete and thorough screening to determine eligibility for admittance into the program under the Federal Americans with Disabilities Act and to establish the appropriate level of care required for each individual.

13. The facility shall provide training or treatment programs for residents with disabilities which are in compliance with department of Human Services standards, as set forth in the Utah Administrative Code.

Reflections utilizes evidence based, best practices treatment procedures as per Department of Human Services and industry standards.

14. Any group home for person with disability that have a history of past violence, sexual aggression or any offense involving a weapon or which resulted in serious bodily injury to another person, which is constructed within 1000 feet of a school or licensed daycare, as measured in a straight line between the closest property lines of the proposed group home and the school lot, shall provide in accordance with rules established by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities;

- a. 24-hour supervision for residents; and
- b. 24-hour security measures.

Reflections Recovery Center will not admit persons with a history of sexual offence or violence. The Center is constantly supervised by fully trained staff and monitored 24 hours with on-site camera systems.

15. The facility shall not accept any resident that would pose a direct threat to the health and safety of others in the facility or community or who in the past has posed a threat to the health and safety of others or whose tenancy would likely create a risk of substantial physical damage to others. The owner or operator of the facility shall conduct an individualized assessment of each person desiring to become a resident of the facility to determine if such person would constitute a threat prior to allowing occupancy of the facility by such a person. The assessment shall be conducted by a licensed psychologist, social worker or other licensed individual qualified to perform such assessments. Assessments shall include, but not be limited to, consideration of such things as past criminal histories and/or violent acts of the individual, the amounts of time that have lapsed since such acts, and treatments the individual has received. Evaluations of individuals who have committed acts of sexual aggression or criminal sex acts shall also include psycho-sexual evaluations by a licensed psychiatrist or an individual holding a PhD in psychology. No individual determined to pose a risk for commission of sexual offenses, or being classified as having predatory tendencies may be accepted as a resident.

Potential clients with a history of sexual offence or violence will not be admitted into the program. These individuals will be referred to an appropriate alternate facility.

16. Prior to the initial occupancy of a group home for person with disabilities and at least quarterly thereafter, the owner or operator of the group home for persons with disabilities shall certify, in a sworn affidavit, that individualized assessments have been performed on each resident and that each resident meets the requirements of this section. Upon request, the owner or operator of the group home for persons with disabilities shall provide documentation and records to verify compliance with this section.

All residents are thoroughly screened prior to acceptance into the program. Records and documentation are maintained on each client according to Lindon City, Utah State and Federal Government requirements.

17. The facility shall comply with all applicable state and federal laws, including laws related to access.

The facility will comply with all applicable city, county, state and federal laws.

18. To ensure the safety of the residents and surrounding community, the facility operators shall develop a safety plan demonstrating adequate supervision and control of the residents. The safety plan shall be reviewed by law enforcement officials and shall be approved by the Planning Commission.

Reflections Recovery Center is a closed campus, non-smoking, healing and learning center. Clients are admitted on a total voluntary basis where they are monitored and supervised 24 hours a day, seven days a week and are limited to Reflections campus grounds. Policies and procedures have been established following state recommendations for emergency situations. A complete safety plan has been reviewed by Lindon City Police Department and a copy has been provided to the Planning Commission.

Section 17.70.050 Procedure for Approval and Annual Renewal of Permit for a Group Home for Persons With Disabilities

1. At least ten (10) days before the Planning Commission hears the application for a group home for persons with disabilities, the city shall provide written notification, either in person or by first class mail, to all citizens living within or owning property within 750 feet of the proposed site of the group home as measured in a straight line between the closest property lines of the proposed group home and the neighboring lots.

2. Upon review of an application for a new group home for persons with disabilities and upon determination of compliance with all of the above requirements, the application may be approved. However, where in the opinion of the Planning Commission, the information provided by the applicant is insufficient for the group home for persons with disabilities is not in compliance with the requirements of section 17.70, the application may be denied. The city shall provide written notice of approval for the proposed group to all citizens living within or owning property within 750 feet of the proposed site of the group home as measured in a straight line between the closest property lines of the proposed group home and the neighboring lots. If the application is denied, the city shall provide the applicant written notice of the decision to deny the application. This notice of approval or denial shall be in addition to the notice required in paragraph 1 and shall be provided either in person or by first class mail within 5 days of the decision.

~~3. Upon receipt of approval of the Planning Commission, the operator of the group home for persons with a disability shall be eligible to secure an annual permit from the city. Said permit shall be valid for one calendar year and shall be renewed annually subject to;~~

~~— a. The receipt of a renewal application that shall include the information and certifications required under Section 17.70~~

~~above and a certification that none of the resident pose a threat as of the date of renewal; and~~

~~— b. at least ten (10) days before the Planning Commission hears the renewal application, the city shall provide written notification, either in person or by first class mail, to all citizens living within or owning property within 300 feet of the site of the group home.~~

~~— c. A finding by the Planning Commission that during the preceding year the group home had been operated in compliance with the terms of section 17.70 and any other conditions of approval.~~

4. A permit to operate a group home for persons with a disability shall be;

a. nontransferable and shall terminate if the structure is devoted to a use other than a group home for persons with disabilities or the structure fails to comply with all building, safety, health and zoning requirements of Lindon City.

b. Shall terminate if at any time it is demonstrated to the Planning Commission that;

i. The structure fails to comply with the requirements of section 17.70; or

ii. The program has failed to operate in accordance with the requirements of section 17.70.

5. Evidence for Number of Clients



**Evidence Number of
Clients is Necessary to
Facilitate Treatment**



Evidence that number of residents requested is necessary to reasonably facilitate treatment of those with disabilities in a residential environment

1. Utah State Licensing Division has made a preliminary inspection of the facility and determined it meets all state criteria for licensing of up to twenty-seven (27) individuals.
2. Due to the level of care required, Utah State Licensing required staff criteria and other financial dictators, accommodation of twenty-four (24) residents is necessary for the facility to be financially viable. In a recent Utah case, *Lewis v. Draper City*, the court found without financial viability, a residential treatment facility will, of course, not exist. Thus, some consideration of a facility's viability will be important in determining whether an accommodation is necessary.
3. Attached expert opinions stating the ideal number of clients for therapeutic benefit in group settings is 20 to 24 residents.
4. World's leading treatment and research facility, Hazelden, recommends and uses groups of 24 residents in their therapeutic model.
5. National Survey of Substance Abuse Treatment Services shows median number of residents at residential treatment facilities to be 18 to 25.

JTC Advanced Practice, LLC



JeanAnne Johnson Talbert, DHA, APRN-BC
270 S 1060 W Lindon, UT
801-669-3425 (c) 801-877-4362 (f)

Dear Lindon City,

I am writing this letter in support of Reflections Recovery Center which hopes to open its doors soon and begin benefiting so many people in our community in need of substance abuse treatment. I understand there is some opposition to the number of clients receiving treatment at one time in the facility. I ask that you reconsider this as numerous studies have shown that larger rehabilitation facilities offer more opportunities for clients to exchange positive support, better treatment outcomes and longer abstinence rates.

The Oxford house model of community based recovery has shown that individuals recovering from addictions should be surrounded by a community in which they feel they belong and are able to obtain sobriety goals. In fact, successful treatment has often been related to fellowship with similar peers and abstinent specific social support networks. These networks can add needed structure and discipline to the lives of people with substance use disorders who often enter treatment with their lives in chaos.

While no single treatment approach is effective for all persons with substance use disorders, group therapy offers the experience of closeness, sharing of painful experiences, communication of feelings and helping other who are struggling with control over substance abuse. The Substance Abuse and Mental Health Services Administration (SAMHSA), the agency within the U.S. Department of Health and Human Services provides treatment centers, providers and the general public with Treatment Improvement Protocols (TIPs) that highlight the advantages of group therapy. Multiple other studies supporting group therapy can also be provided by myself if you would like.

September is National Recovery Month, which celebrates people in recovery, emphasizes the contributions of treatment and promotes the message that recovery is possible. Reflections Recovery Center is looking forward to contributing to our community and providing a much needed service. I currently work for three different residential treatment centers, all having at least 20 clients. I have found that 20- 24 clients together is optimal for the different relationships to form and be successful. I highly recommend that Reflections is granted the ability to serve up to 24 clients. Please don't hesitate to contact me if you have further questions or need further information. Thank you very much.

Sincerely,

JeanAnne Johnson Talbert, DHA, APRN-BC, FNP, CARN-AP

Jason Webb LCSW, ASUDC

To: Whom It May Concern
Re: Number of Residential Beds

5/30/14

My name is Jason Webb LCSW, ASUDC. I am the Clinical Director of Steps Recovery Center. I have been working in the substance abuse field now for 16 years. I have been asked by Dave Cox to write my opinion about having 18 beds in a facility verses smaller numbers like 8.

The first facility I worked in we had 40 beds. The next facility we had 24. This facility I am in now we have 34. I also have experience with as few as 6 clients in a facility. I am in favor of bigger groups.

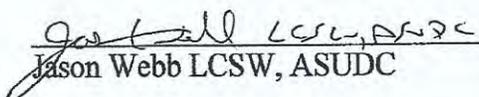
In a residential facility I depend so much upon the "older" clients to help out with the "newer" clients. Some clients enter the facility and have bad attitudes. They often times have an "us vs them" mentality and don't want to listen to the clinical team right away. The "older" clients get called to be mentors and show the "newer" clients around. They help answer their questions and settle their concerns. With people constantly coming and going this becomes a vital part of therapy.

With the natural rotation of people through a residential program, it forces the client to take on different roles while in treatment. As they get "older" in the program they lose their heroes that they once looked up to and the gantlet falls on them to take and become the mentors/heroes for the "new" clients. It is a wonderful transition to watch them make and helps prepare them for life.

In group settings, we rely on the strength of the group which includes the wisdom and experience of the many. With few clients, often times groups are quieter and clients allow the therapist to do all the talking. In big groups, it just takes one or two to get the whole group involved and participating. Most are clients are great manipulators and can manipulate one or two but as that number gets bigger it becomes incredibly difficult to manipulate the entire group especially since the group members have been there and done that.

Studies show that people forced into treatment have the same success rate as those who enter voluntarily. Part of the answer to how that can be is found in clients hearing other people's stories and relating and wishing to change themselves. It gives them hope. The more stories they hear, the more they can relate. If I had a small number of clients and everyone had stayed for a while and passed off their autobiographies, then a "new" person wouldn't hear another's autobiography before sharing his own and would be less honest and open with his story. Whereas if I have a "new" client hear several honest autobiographies then he too is more willing to share.

I can go on and on about the benefits I see from having a bigger group than smaller one. If you have any questions feel free to call me at 801-400-9526.


Jason Webb LCSW, ASUDC

September 4, 2014

To whom it may concern:

I have been asked to supply an opinion about the ideal group size for a residential treatment center. I think several things should be pointed out at the beginning of this letter. The first is that I have no financial interest in a company seeking to put a residential treatment center in the city of Lindon. I have been asked by this company to render an opinion only. I am not employed by the company nor am I being compensated for this letter. I am, however, very interested in effective and compassionate treatment of those who suffer from addictions. It is for that reason that I am writing this letter.

In an NIH-funded study of residential community-based homes, Jason et al. found that individuals recovering from addictions should be surrounded by a community in which they feel they belong and are able to obtain sobriety goals. They found having more residents allows members to learn from each other and increases opportunities for diversity. Additionally, residents of larger Houses exhibited fewer criminal and aggressive behaviors as measured by the Global Appraisal of Individual Needs-Quick Screen than residents of smaller Houses.

In the National Survey of Substance Abuse Treatment Services (N-SSATS): 2012 Data on Substance Abuse Treatment Facilities, the median number of residents at residential treatment facilities was 18 to 25. The nationally-renowned treatment facility, Hazelden, which has one of the largest campuses in the world, breaks their residents down into pods of 24.

Residents of communities who are faced with the possibility of a drug and alcohol treatment facility in their neighborhoods often fall victim to the N.I.M.B.Y. syndrome. Not in my backyard is a syndrome where residents, and sometimes even community leaders, begin to believe hype which is not based on real evidence. Community leaders invoke maximum non-related persons occupancy laws which were definitely not intended for residential-based group homes and treatment centers in the first place.

I urge the community leaders of Lindon to be open-minded on this subject. Because disability law will likely force the community to allow treatment centers in their neighborhoods, the only influence community leaders and elected officials will have will be to limit the number of clients who can receive these services. Limiting the number of clients has not been shown to benefit or protect the community in any way. It will, however, negatively affect the quality of treatment that a recovering addict or alcoholic receives. Ultimately, this could negatively affect the surrounding community. Please consider these facts.

Sincerely,

Terry Sellers, MD
Director of Substance Abuse Services
Provo Canyon Behavioral Hospital

6. Evidence of Residential Nature



**Evidence Number of
Clients Will Not Alter
Residential Nature**



Evidence the number of residents requested is reasonable in that they will not alter the residential nature of the use

1. Twenty-four (24) related, non-disabled individuals would be permitted to live in the very residence at issue without any need for a reasonable accommodation as per Lindon City code.
2. Zoning in close proximity, across the street from the residence, is currently CG (General Commercial).
3. We can see no reasonable basis for the limit of four (4) residents in a home for the disabled who need to live together due to the nature of their disability and required recovery therapy and in order to live in a residential neighborhood.
4. Attached statistics and "first hand" accounts from individuals who have experienced like programs within their neighborhood.
5. Extensive research and consideration has been taken in the selection and planning of the facility to ensure minimal disruption and little or no impact regarding traffic, parking, neighborhood characteristics and city resources.



Examples why Reflections will not alter Residential Nature excerpts from Introduction & Key Questions

What is the facility?

Structure - Reflections Recovery Center is a beautiful and spacious home, nestled on 1.3 acres. With over 8800 square feet of living area, including 9 bedrooms consisting of two wings for separate male and female accommodations, 6½ bathrooms and plenty of room which allows residents the comfort and personal space needed for successful therapy and recovery.

Fencing - Six foot high full privacy fencing will be installed around three sides of the property; each side yard and the back yard, in accordance with Lindon City regulations and code.

Landscaping - Reflections will keep the property manicured and maintained to the upmost standard.

Lighting - Reflections will provide adequate illumination for safety and all lighting will be kept shielded to prevent glare onto neighboring properties.

Signage - There will be no signage. Residents will be allowed privacy and respect during this healing and recovery process.

Staffing - Those working at Reflections Recovery Center will exceed the State's requirements for a residential facility. Competent staff will be on the premises 24/7 to provide supervision and direction.

Licensing - Reflections Recovery Center will be subject to Lindon City, Utah County, Utah State and U.S. Federal licensing requirements. This will include the appropriate number of licensed professional staff as well as standard policies and operational practices.

What is the typical daily schedule for the residents?

Residents will participate in a rigorous daily schedule. Waking as a group and starting the day with a Therapeutic Community meeting where goals are set and spiritual thoughts are shared.

Residents attend the gym for physical fitness training and return for breakfast by 8:30 am. After breakfast everyone prepares for the day and must be in group therapy by 10:00. After a break for lunch, residents return to group at 1:00. A short break separates the afternoon group which starts

at 3:00. Dinner is at 5:00, followed by a 12 step support meeting from 7:30 to 9:00. Wrap up the day, prepare for tomorrow, and lights out by 10:30. Residents spend most of their day in groups that consist of psycho-education, behavior processing, spirituality and relapse prevention. Remaining time is devoted to homework, self-study and individual personal assessment.

Weekends are similarly scheduled with group activities added for social support and time allotted on Sundays for worship and family.

Are visitors allowed at the Center?

Residents are allowed visitors after a two week observation period. This allows the resident to fully emerge into the recovery process and gives staff an opportunity to assess all of the behaviors and acclimation into the group.

Visits are only allowed on Sunday afternoon and are supervised by competent staff. Thursday night is family education and process night where some family members attend to gain knowledge and support their loved ones.

Will the Center change the feel of the neighborhood?

Reflections Recovery Center will look, act and feel just like any other residence in the neighborhood.

The facility functions just as an extended family. Each resident has responsibilities to themselves and to the other members of the household. Taking full advantage of the healing and nurturing aspects of a comforting, relaxed home-like environment allows residents to gain trust in themselves and their ability to cope with life's challenges. Every aspect of daily life at Reflections revolves around the "Family" concept. Re-learning to place trust in others while accepting the responsibility of others trusting in them, is a vital element of returning to society.

Outdoor activities will be limited to normal "backyard family activities", chores maintaining the lawn or grounds, and personal quiet contemplation. There will be no loud concerts or events on the property. Activities will be limited to a 10:00 pm curfew on weekdays, 11:00 pm on weekends and should not disturb neighboring properties.

A study conducted by Diana Antos Arens, Ph. D. looked at attitudes of the neighbors towards 5 separate residential group homes. She found a stark contrast between attitudes prior to opening and 2-3 years after opening. Prior to opening, neighbors classified themselves as 36% negative and 22% positive towards the facility. 2-3 years later the same neighbors rated themselves as 2% negative and 68% positive. When asked "Do you think the people living at the community residence are good neighbors?" 80% agreed and not one disagreed. When asked "Would you advise a friend to support a residence in their community?" 68% responded yes, 31% didn't

know and only 1% said no. Surprisingly, 13% of respondents were completely unaware of the residential facility being in their close neighborhood proximity.

Dr. Arens conclusion; In the sample neighborhoods surveyed, the strong opposition to community residences was not a predictor of the subsequent widespread acceptance. After experience with a community residence in their "backyards," the overwhelming majority of respondents were able to say that the group home residents were good neighbors; they had no problems; and the homes did not have a negative impact on their property values.

*** See accompanying article excerpts from
*Community Mental Health Journal***

What about vehicles and parking at Reflections?

Vehicles - There will not be a noticeable difference with the number of vehicles at the facility. Residents are not allowed private vehicles at Reflections.

Parking - Parking is based on city requirements with visitor, staff and ADA parking behind the structure and privacy fence out of view.

How will traffic affect the neighborhood?

There will not be a noticeable increase in daily traffic from the Center. Reflections Recovery will in essence mimic the other households in the neighborhood with the normal trips to work, picking up groceries and running the necessary errands.

As residents are not permitted personal vehicles at the Center, Reflections will transport residents to and from extracurricular activities; outings to the local gym, outdoor hikes, matinee movies, etc., just like others in the neighborhood driving to school or soccer practice.

Access to Reflections will come from the main traffic corridors State Street and 200 S / 2000 N. Traffic along 200 East will travel less than 300 feet to reach the property, keeping neighborhood traffic to an absolute minimum.

All visitor, staff and handicapped ADA parking will be provided off-street behind the building and full privacy fencing.

How will Reflections benefit our Community?

Reflections Recovery Center places enormous emphasis on being involved in community outreach programs, service organizations, drug and alcohol prevention education and suicide prevention awareness. This not only benefits the community but also instills pride, a sense of belonging and accomplishment within the Center and its residents. Early awareness and prevention are the best solutions for this growing problem.

Community Mental Health Journal
What Do the Neighbors Think Now?
Diana Antos Arens, Ph.D.

ABSTRACT: Interviews with 75 neighbors of community residences for adults assessed perceptions of impact in five suburban communities. The Not in My Backyard (NIMBY) attitude articulated during program development changed to one of acceptance over time. After a few years experience, the overwhelming majority agreed that the community residences are good neighbors; they have had no problems; and the residences had no adverse effect on property values.

INTRODUCTION

Since the inception of community residence programs for adults, more often than not, communities have voiced strong opposition to their development. Each of the community residences included in the sample was opened 2-5 years prior to the time of survey. As required by Law, before opening the residences, the agency notified appropriate municipalities of its intention and provided a description of the proposed program.

Neighborhood Awareness of the Community Residence

Of the total respondents, a substantial minority (38%) had attended the public information meetings which were held 2-3 years ago. In addition, a number had received various invitations extended by the agency to attend open house parties and neighborhood advisory committee meetings. Given the public attention, agency outreach efforts and the close proximity of respondents to the residence, it was expected that everyone would be aware of the program. The survey showed that 40% of the respondents had met people from the residence over the years (37% met staff; 44% met residents) and 33% had visited the home. A minority of respondents (28%) had attended the neighborhood advisory meetings, but when asked if they would be interested in attending in the future, many (66%) replied affirmatively. More than one year has passed since the survey was conducted, however, and attendance is sparse, with only 3-5 neighbors at any one meeting. Surprisingly, despite outreach efforts and close geographic proximity to the program site, 13% of the respondents were completely unaware of the community residence located nearby. These respondents were relative newcomers to the area and thus not in residence during the time the program was developed and widely publicized.

Impressions and Attitudes

Respondents were asked to describe their attitudes when they first heard about the group home, as 'strongly positive,' 'positive,' 'neutral,' 'negative' or 'strongly negative.' They were also asked to describe their present attitude using the same categories. Over one-third of the respondents said they held negative or strongly negative attitudes toward the community residence initially (20% and 16% respectively). A striking turnaround was evident, however, since only 2% of the respondents expressed current negative attitudes. Examination of the positive end of the attitude scale, shows 68% currently holding positive attitudes, which is a substantial increase (46%) over those who held positive attitudes initially (22%). In discussing current attitudes, many stated that they had no problems with the community residence, it was

What Do the Neighbors Think Now?

Page 2

quiet, the people were nice and no bother to anyone. One respondent commented that ~nothing like I thought it would be." Several respondents said they thought the program was great, and others took the opportunity to comment on other neighbors noting, ~they've (the community residence) been good neighbors, better than some of the other neighbors around here." Respondents who held negative attitudes initially were much more likely (46%) to have attended the public information meetings than others.

Despite their initial negative attitudes, both respondents' reported more favorable current attitudes, and attributed the change to having met the residents. One respondent commented: ~I've met the residents; they're nice people. The neighborhood meetings are good." When asked, ~Do you think people living at the community residence are good neighbors?," the response was overwhelmingly positive: no one disagreed; 80% agreed (30% strongly agreed); and the remainder had no opinion. Virtually all the respondents reported that they never had a problem with any of the residents.

When asked if they would advise a friend to support development of a community residence in their neighborhood, a majority of the respondents (68%) said 'yes'; a substantial minority (31%) said they Didn't know' or it depends'; and only one person said ~no.' When asked why they would give this advice, people responded, in order of frequency, that they had no problems with the group home, they would support a good program; they would need to find out how the program was run, and this could happen to anyone. No significant differences were found between men and women or among the community residence neighborhoods.

Property Values

None of the 75 respondents in the five neighborhoods studied was able to identify a problem selling homes in their neighborhoods because of the community residence. Moreover, more than one in ten of the neighbors in close geographical proximity were completely unaware of the community residence. This evidence of anonymity supports the claim of service providers that community residences blend into the neighborhood like any other home. At the same time it also illustrates that often potential homeowners simply do not know whether or not a community residence is in an area when they are house hunting.

Data analysis of 163 sales transactions for a sample of 7 communities reached the same conclusion. The study found no increase in the number of resales in neighborhoods in which group homes were located; sale prices were similar or greater than those in control areas; and no adverse effect upon the sale price of homes could be attributed to proximity to the residence.

Community Acceptance

In the sample neighborhoods surveyed, the strong opposition to community residences was not a predictor of the subsequent widespread acceptance. After experience with a community residence in their ~backyards," the overwhelming majority of respondents were able to say that the group home residents were good neighbors; they had no problems; and the homes did not have a negative impact on their property values.



DAVE COX <davercox@gmail.com>

Letter you requested

1 message

Kyle Cook <cookfamilymail@gmail.com>

Mon, Sep 1, 2014 at 7:18 AM

To: "davercox@gmail.com" <davercox@gmail.com>

To whom it may concern:

I am Bishop Kyle Cook and I live in Payson Utah. I have been ask to write about my experiences having a Drug Rehabilitation Center in my neighborhood and close to my home. I will admit it has been a positive experience unlike I thought it would be when they first moved in. I have come to know many of the staff as well as the clients that attend. I find they keep the neighborhood up with an attractive building and no problems with the participants that come and go.

Because of my calling as Bishop, I have made it a practice to visit the STEPS program most every week to talk with the clients and give them some encouragement on their way through a difficult program. I have often thought to myself, those who we need to worry about are those who are not working on their addiction but are in our neighborhoods trying to continue their problematic life-style.

I appreciate the opportunity I have had to affiliate with the STEPS program and have not found it to be a problem to have the program in my neighborhood.

Sincerely:
Kyle Cook

Sent from my iPad



To Whom It May Concern:

I am writing this letter in support of Dave Cox and his group in their efforts to open a residential substance abuse treatment facility here in Lindon.

I am the owner and operator of Steps Recovery Center(s) located in Payson, St George, and South Ogden. (Opening Dec. 2014) I am usually on the other side of the isle in the "not in my backyard" debate regarding these types of facilities and their effect (or lack thereof) on a neighborhood. Going thru the process of getting the various cities' approval, I have been to many town hall meetings. Concerned residents of these communities have asked me if I would want one of these in my neighborhood and my answer remains the same. Yes.

On a personal note, I met Dave Cox 8+ years ago when I admitted my daughter into a facility in SLC where he was starting his career as a substance abuse counselor. I convinced him to leave there and join Steps Recovery Center in 2010, and we parted ways earlier this year. I know Dave to be a man of integrity and can attest first hand of his love toward those he treats with the disease of addiction.

As a 15-year resident of Lindon, I stand ready to welcome them into our community and I hope that other Lindon residents will do the same.

With Gratitude,

A handwritten signature in blue ink, appearing to read "Mike Jorgensen", with a long horizontal flourish extending to the right.

Mike Jorgensen
55 S 400 E
Lindon, UT 84042



R W <boatskidive@gmail.com>

Fwd: Fw: Having Steps in our neighborhood.

1 message

DAVE COX <davercox@gmail.com>
To: Ron Wentz <boatskidive@gmail.com>

Sun, Sep 7, 2014 at 6:09 PM

----- Forwarded message -----

From: **Becca Wood** <becca_wood71@yahoo.com>
Date: Sun, Sep 7, 2014 at 5:42 PM
Subject: Fw: Having Steps in our neighborhood.
To: "davercox@gmail.com" <davercox@gmail.com>

On Sunday, September 7, 2014 2:13 PM, Becca Wood <becca_wood71@yahoo.com> wrote:

Dave-

I was asked to write a letter telling how having the Steps recovery center in our neighborhood has effected us as a community or as a family.

To begin with as a family it has been a miracle to have the program so close because we have been able to see first hand how great this program is and how it can save lives. As a community I do not think it has effected us at all I know some of the neighbors had voiced the opinion that it was going to cause the neighborhood to have more problems with crime because people automatically assume that anyone in the program will be out breaking into peoples homes causing problems. However I know first hand that it has not had any negative effect crime has not been up and people have made comments how it has not effected our neighborhood the way some assumed it would have. I am very happy that this great program has found a home in our community it saves lives and I would be happy to tell anyone that.

Thank you
Rebecca Wood
becca_wood71@yahoo.com
815 South 880 West
Payson Utah, 84651
801-380-3628



Healing House

Mon, Sep 8, 2014 at 1:01 PM

My Healing House is Now YOUR Healing House!

On March 9th 2001 my oldest son Shayne died due to a drug overdose. He was just 19 years old. I knew he smoked too much pot but I had no idea he was addicted to pain pills which is what killed him. His father carried intense guilt over our sons death because he too was an addict (alcohol and pain pills). It was just 18 months after burying my son that I buried his father. He died of an alcohol and drug overdose. He was only 41 years old!

After losing two of the most important people in my life to addiction I made a commitment to myself and to my community to somehow assist in the understanding and the healing of all addiction!

I decided to turn my home into a teaching and healing facility. I began teaching classes to ignite self empowerment, self awareness and self healing.

I am a nationally certified Reiki Master Teacher, a certified Minister of Light, and I have been a holistic healing practitioner for 25 years, I promise you that my house has been blessed with the power of light and love! Its sole purpose is to bring healing with compassion to all who are willing to take their life back from addiction.

In 2014 the time came to pass on the torch of healing light to a bigger picture. My house now belongs to "Reflections Recovery Center" for the purpose of being a safe residential haven for recovery.

If you or a loved one suffer with addiction I invite you and wish to inspire you to take advantage of the Divine Power and healing energy that has been held and maintained here in this facility since 2001. It is Divine Energy blessed with Divine Love and filled with Divine Light!

Be well. Be happy. You deserve it!
Rev Lisa Ross StarLuv RMT

7. Conclusion



Conclusion



Conclusion

Legality of residential treatment facility

- Americans with Disabilities Act
- Fair Housing Amendments Act

Need for residential treatment facilities

- Numerous statistics on current drug and alcohol abuse

Evidence that number of residents requested is necessary to reasonably facilitate treatment of those with disabilities in a residential environment

- Utah State Licensing Division has made a preliminary inspection of the facility and determined it meets all state criteria for licensing of up to twenty-seven (27) individuals.

- Accommodation of twenty-four (24) residents is necessary for the facility to be financially viable.

- Attached expert opinions stating the ideal number of clients for therapeutic benefit in group settings is 20 to 24 residents.

- World's leading treatment and research facility, Hazelden, recommends and uses groups of 24 residents in their therapeutic model.

- National Survey of Substance Abuse Treatment Services shows median number of residents at residential treatment facilities to be 18 to 25.

Evidence the high number of residents requested is reasonable in that they will not alter the residential nature of the use

- Twenty-four (24) related, non-disabled individuals would be permitted to live in the very residence at issue without any need for a reasonable accommodation as per Lindon City code.

- Zoning in close proximity, across the street from the residence, is currently CG (General Commercial).

- We can see no reasonable basis for the limit of four (4) residents in a home for the disabled who need to live together due to the nature of their disability and required recovery therapy and in order to live in a residential neighborhood.

- Attached statistics and "first hand" accounts from individuals who have experienced like programs within their neighborhood.

- Extensive research and consideration has been taken in the selection and planning of the facility to ensure minimal disruption and little or no impact regarding traffic, parking, neighborhood characteristics and city resources.

Safety of residents and facility

- Safety plan filed with law enforcement, fire department and planning department

Safety of community

- 24 hour supervision and monitoring of residents

- City and state licensing codes

- Residents admitted on voluntary basis

8. Safety Plan



Safety Plan

R501-2-11. Emergency Plans.

A. RRC's plan of action for disaster and casualties include the following:

1. Designation of authority and staff assignments (see Disaster Plan),
2. Plan for evacuation of the center are posted as required by the fire marshal in each room and primary area of occupancy.
3. Transportation will be provided by RRC staff when necessitated and relocation of clients when necessary will take place at the directive of either the Administrator On-call or local authorities.
4. Supervision of clients after evacuation or relocation will continue to take place by RRC staff members unless otherwise directed by local authority.

B. The program shall educate clients on how to respond to fire warnings and other instructions for life safety including evacuation.

C. In the event of a medical emergency, dial 9-1-1, keeping client safety first and foremost. Manager on call and Medical Director to be notified once client is stabilized or emergency personnel have arrived.

Emergency Plans Procedure:

Disaster and Emergency manuals will be placed within each area of primary use for reference during emergency and/or disaster occurrence. Once the situation is stabilized, an incident report should be completed and given to the Clinical Director for further evaluation and quality improvement.

RRCs medical care is designed to allow access to specialized and emergency care as expeditiously as possible. The Medical Director is to be informed whenever outside medical care is sought and becomes a part of the RRC treatment program.

Disaster Plan

Reflections Recovery Center (RRC) administration recognizes the need to plan for all types of disaster—natural and manmade. Using a Hazard Vulnerability Analysis (HVA), this Disaster Plan was developed to safeguard the health and safety of patients in treatment at RRC. The following disasters were identified according to probability and severity in an effort to prepare for the naturally occurring and manmade disasters: fire, severe weather, earthquake, extreme temperatures, severe power outage, tornado, flood, and terrorist attack or other manmade emergencies.

RRC staff has been defined to fulfill basic functions during the response and recovery phases of a disaster. For emergency evacuation, RRC staff should follow the Emergency Plan. For an extended emergency or disaster where evacuation is not necessary, RRC staff should follow this procedure: An emergency will be announced throughout the facility, giving instructions to evacuate to a specific safe-haven.

1. Staff will follow procedure designated for the Emergency Plan with the final safe-destination to be announced at the safe-haven area.
2. Once all staff and patients are present and roll-call is completed, RRC staff will carry out the following functions:

Chief Executive Officer

1. Coordinate with the Clinical Director and other on-site staff
2. Coordinate with the media
3. Coordinate with other organizations for special needs, such as transportation, medical needs, long- term housing, and other issues.

Program Director

1. Notify CEO, Safety Officer, and Medical Director and coordinate decision making process
2. Coordinate with regulatory and other local and state agencies, such as the Department of Licensing, and Utah Health Department.
3. Supervise efforts of the Clinical Director, Safety Officer, and on-site staff.

Clinical Director

1. Assess immediate medical needs and coordinate with emergency services
2. Assess immediate psychological needs and coordinate with emergency services.
3. Supervise therapist and psych tech staff in 1st Aid efforts and emergency contacts.

Therapists, Counselors

1. Supervise any crisis response with patients
2. Call patient's emergency contacts.
3. Evaluate any special clinical needs and report to the Clinical Director

Psych Techs

1. Help evacuate building and supervise patients
2. Assist Safety Officer in gathering materials to meet basic needs; such as food, water, and 1st Aid materials and blankets.

Safety Officer

1. Assess and manage utility systems
2. Inventory critical need items such as food, water, blankets, and medical supplies.
3. Assess building integrity.

Full mock disaster events be held at least once a year, with interaction and coordination with local EMS agencies participating. A review of this exercise is critical, to evaluate the effectiveness of the plan. Results of the mock event will be analyzed by the safety committee and recommendations will be given to the governing board for review.

R501-2-12. Safety.

Safety Policy:

- A. Fire drills shall be conducted at least quarterly and documented. Notation of inadequate response shall be documented and resolution sought.
- B. RRC shall provide access to an operable 24-hour telephone service. Telephone numbers for emergency assistance, i.e., 911 and poison control, shall be posted.
- C. RRC shall have an adequately supplied first aid kit in the facility such as recommended by the American Red Cross.

Life Safety Code

RRC's designee will assess compliance with the Life Safety Code. This entails completing the electronic Statement of Conditions (E-SOC), maintaining a current E-SOC, and managing the resolution of deficiencies. When RRC identifies Life Safety Code deficiencies that cannot be immediately corrected or during periods of construction, the organization does the following: Inspects and tests temporary systems monthly. The completion date of the tests is documented. *The organization determines when these inspections and tests are needed.*

Fire Watch

RRC will notify the fire department (or other emergency response group) and initiate a fire watch when a fire alarm or sprinkler system is out of service more than 4 hours in a 24-hour period in an occupied building. Notification and fire watch times are documented in the Environment of Care/ Disaster Manual.

Utility Emergency

In the event of prolonged time with no utilities, staff and patients shall use the emergency water located at the facility for drinking and culinary needs. They should also use the emergency food storage at the facility.

Utility disruption – In the event that any utility systems are shut down (water, power, gas), staff will access the main control valves for the utilities and shut them down for safety reasons. Administration will be notified and a staff member will be designated to contact the utility company and city, report the disruption, and be a contact person for information and action, if needed. All patients and staff will be gathered to the group room to discuss the situation. Depending on the nature and length of the disruption, plans will be made to either accommodate the needs of the patients during the disruption, or evacuate the premises to a more secure site.

R501-2-13. Transportation.

Transportation Policy:

A. In each program or staff vehicle used to transport clients, there shall be emergency information which includes at a minimum: the name, address and phone number of the program and an emergency telephone number.

B. The program shall have means, or make arrangement for, transportation in case of emergency.

D. Drivers of vehicles shall have a valid driver's license and follow safety requirements of the State of Utah.

E. Each vehicle shall be equipped with an adequately supplied first aid kit such as recommended by American Red Cross.

Transportation & Procedure:

Employees' job requirement may include transporting clients as necessary to and from medical appointments, meetings, therapeutic activities, or other offsite outings defined as client activities. When transporting, employees or volunteers will be expected to comply with the following requirements at all times:

1. Drive cautiously, obeying speed limits and other state laws and regulations.
2. Use only designated company vehicles to transport clients except in extreme emergency situations. Personal vehicles will be allowed for transporting only with facility administration and/or supervisor approval and with proof of insurance coverage.
3. Company vehicles are not to be used for personal errands or to transport persons other than company staff, clients, parents, or other clients.
4. Headlights are to be turned "on" at all times when the vehicle is in motion.

5. Staff and clients are not allowed to eat or smoke within any company vehicles. Drinking of clear liquids only is to be allowed. Alcoholic beverages may not be consumed or transported within company vehicles at any time.
6. The number of passengers must not exceed the number of functioning seat-belts and all passengers are to be asked to wear seat belts at all times when traveling in company vehicles.
7. Only approved drivers with a valid driver's license with no major or capitol motor vehicle violations and no more than one "at fault" accident of any type within the last two years and no pending "failures to appear" will be allowed to transport clients or other clients. Employees are required to notify the facility management of any changes in the status of their license or DMV record accordingly. DMV records will be furnished by all new employees and verified prior to driver approval and annually thereafter.
8. Drivers are to follow RRC policy and procedure for access and use of Company vehicles
9. Drivers should be knowledgeable about the clients they are transporting, the potential transportation issues involved for those clients, and be capable of addressing crisis situations that may arise.
10. Drivers and accompanying staff are to observe the basic "Behavior Management" guidelines as outlined in the Employee Handbook at all times when transporting clients.
11. In the event of an emergency situation during transport, drivers shall stop the vehicle, assess the physical condition of all passengers, administer first aid if needed and seek medical assistance, notify the appropriate law enforcement authorities, and notify the facility administration (clinical and administrator on-call). Keep all clients inside the vehicle unless doing so would further endanger their safety or would complicate the administration of first aid to injuries of those at risk.
12. Staff are advised not to make any statement(s) assuming responsibility for the accident. Sign affidavits and reports, but do not fill out any descriptions of the occurrence until having been informed by RRC's legal representatives of your responsibility and rights.

Utah Public Code

R501-19-1. Authority.

Pursuant to Section 62A-2-101 et seq., the Office of Licensing, Reflections Recovery Center (RRC) has met all necessitated requirements and is licensed as a residential treatment program. Operations of RRC will be in accordance with the following rules.

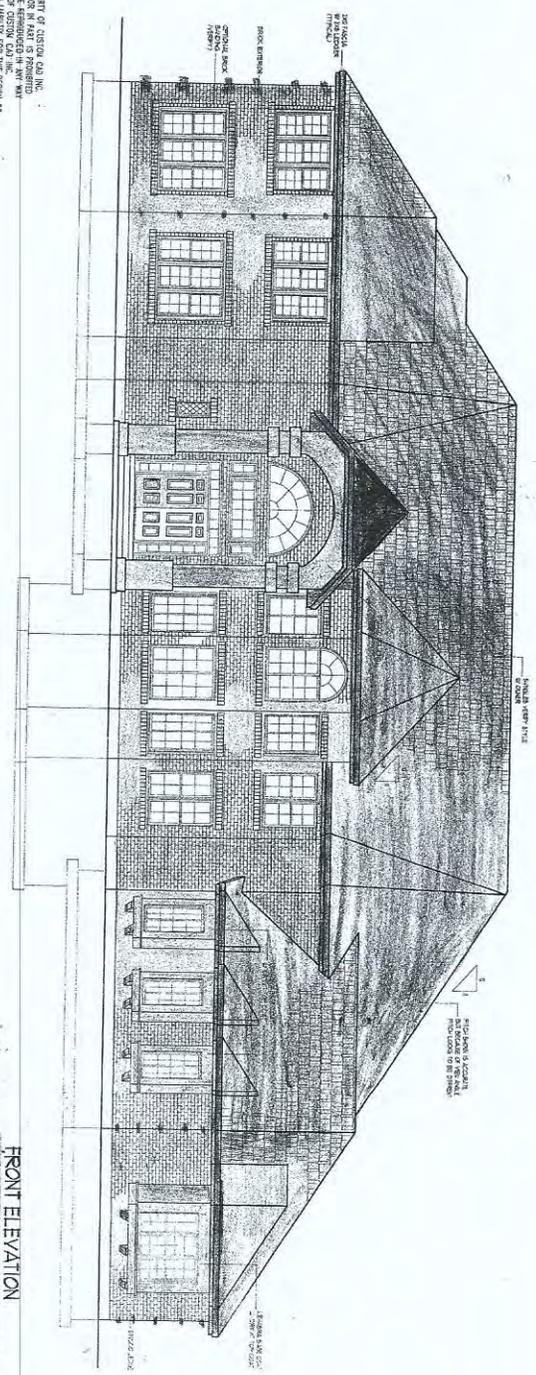
R501-19-2. Purpose.

9. Blueprints of Existing Home

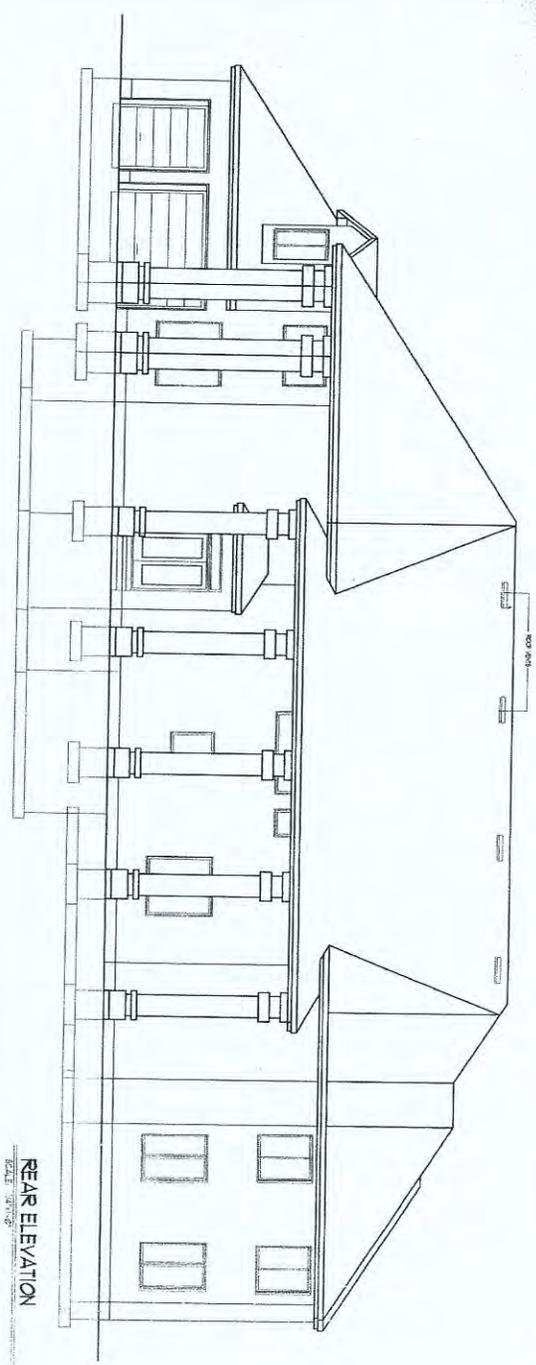


Blueprints

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 OR BY THE ARCHITECTS, CONTRACTORS
 OR BY THE ARCHITECTS, CONTRACTORS



FRONT ELEVATION
 SCALE: 1/8"



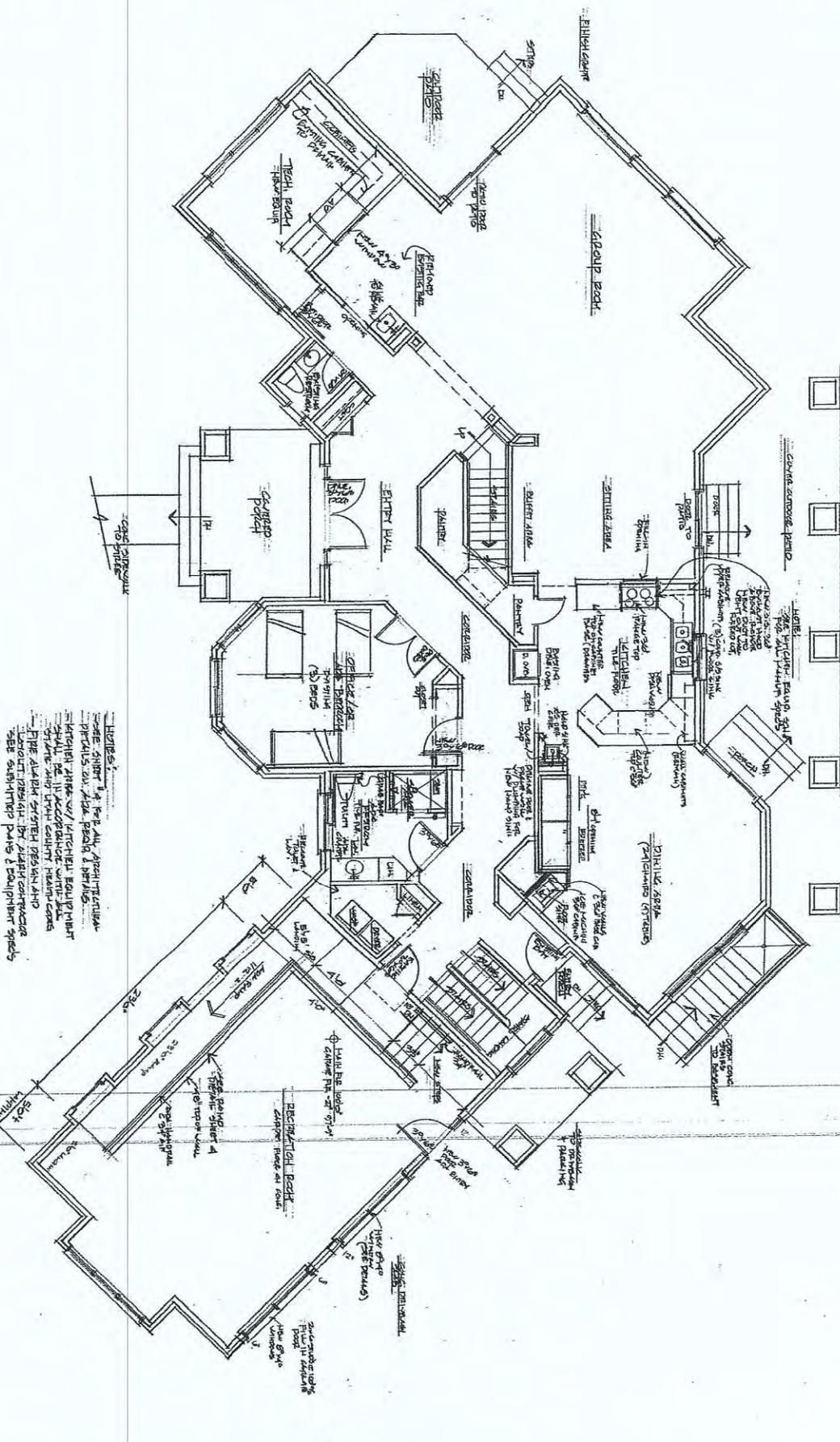
REAR ELEVATION
 SCALE: 1/8"

A-1

CUSTOM CAD
 ARCHITECTURAL CAD
 MICHAEL ZAGORSKI
 1000 W. 10TH ST. #100
 DENVER, CO 80202
 (303) 733-8000

NEW RESIDENCE FOR
 MR & MRS WA...

**NEW REMODELING PLAN
MAIN FLOOR PLAN**



NOTES:
 - SEE SHEET 2 OF THE NEW ARCHITECTURAL
 DETAILS ON THE FIRST & SECOND
 FLOORS FOR THE KITCHEN EQUIPMENT
 AND THE ACCORDION CURTAINS.
 - THE ALUMINUM STORES (SEE SHEET 2)
 ARE TO BE INSTALLED BY THE CONTRACTOR
 SEE ARCHITECTURAL DETAILS FOR SPECIFICATIONS



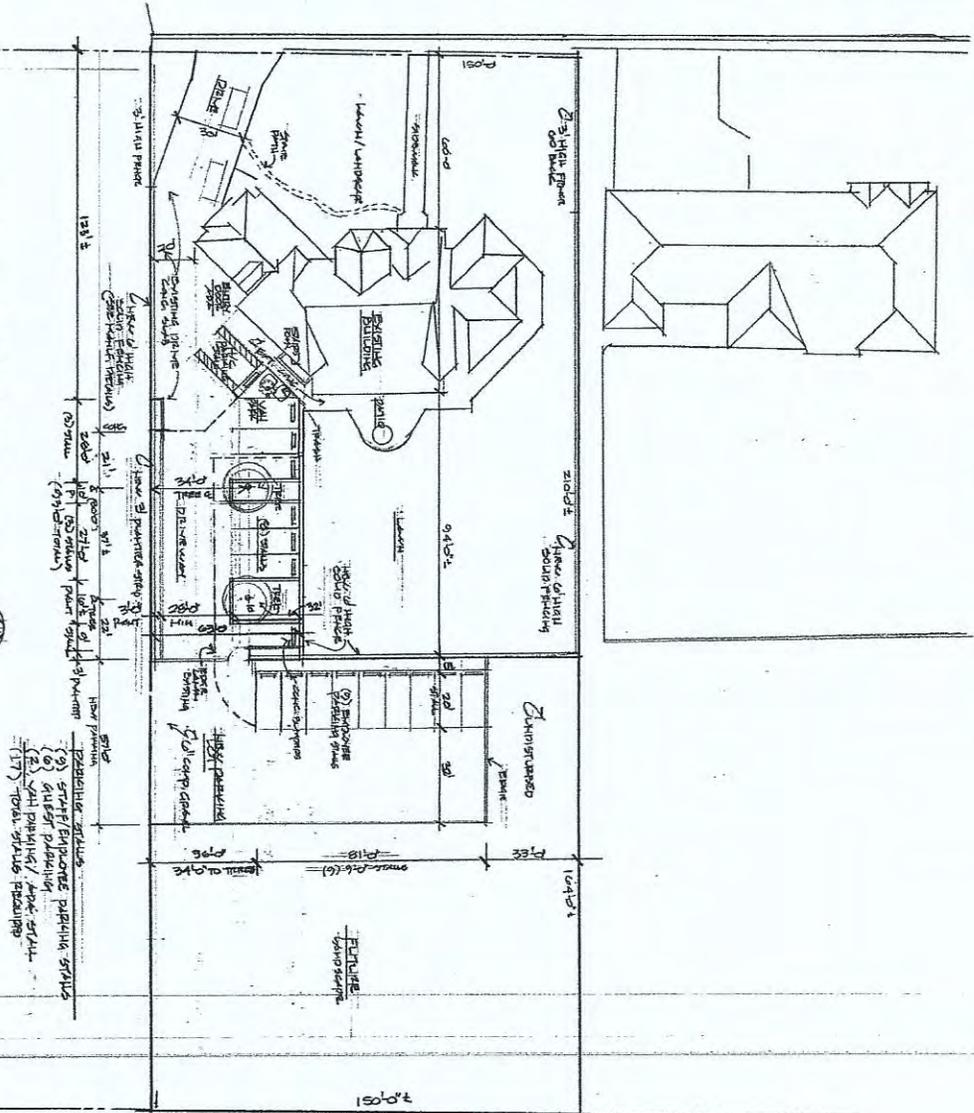
BRICK THIS ROOM (2)
 TOTAL BRICK (22)
 SQUARE FOOTAGE MAIN FLOOR:
 2,192.00 SQ. FT.
 TOTAL BUILDING SQUARE
 FOOTAGE: 5,970.00
 UPPER FLOOR: 3,778.00
 BASEMENT: 1,400.00
 GARAGE: 702.00 SQ. FT.

**PROPOSED REMODELING PLAN FOR
REFLECTIONS RECOVERY CENTER**

**MAIN FLOOR PLAN
REMODELING PLAN**

SCALE: 1/4" = 1'-0"
 DRAWN BY: C. P. G. S. LOTT
 DATE: AUG 13, 2014

SITE PLAN
SCALE: 1"=20'-0"

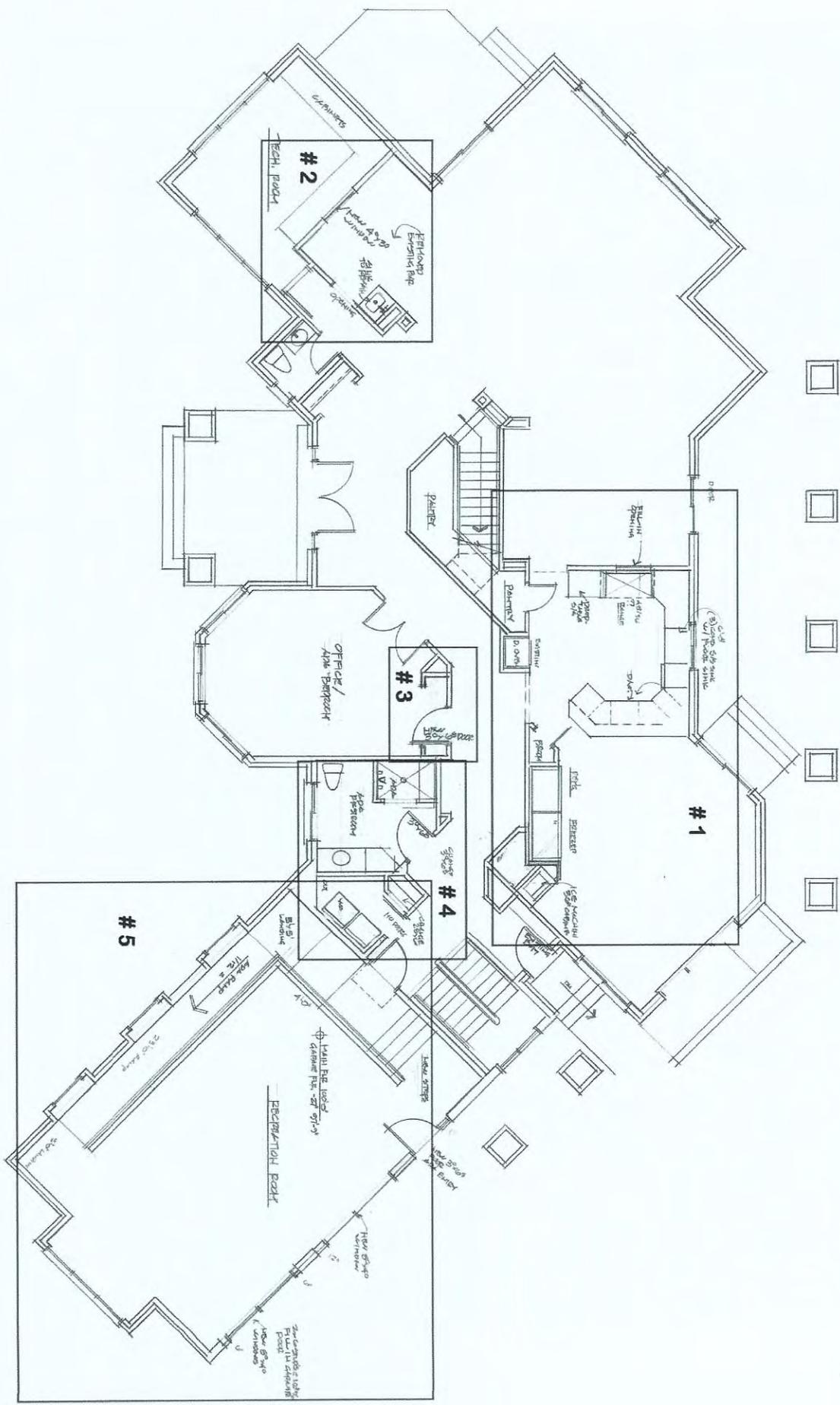


- (1) STAFF/EMPLOYEE PARKING STRIPS
- (2) GUEST PARKING/ WALK STRIP
- (3) NEW PARKING/ WALK STRIP
- (4) TOTAL STRIPS RECALCULATED

10. Remodel Details



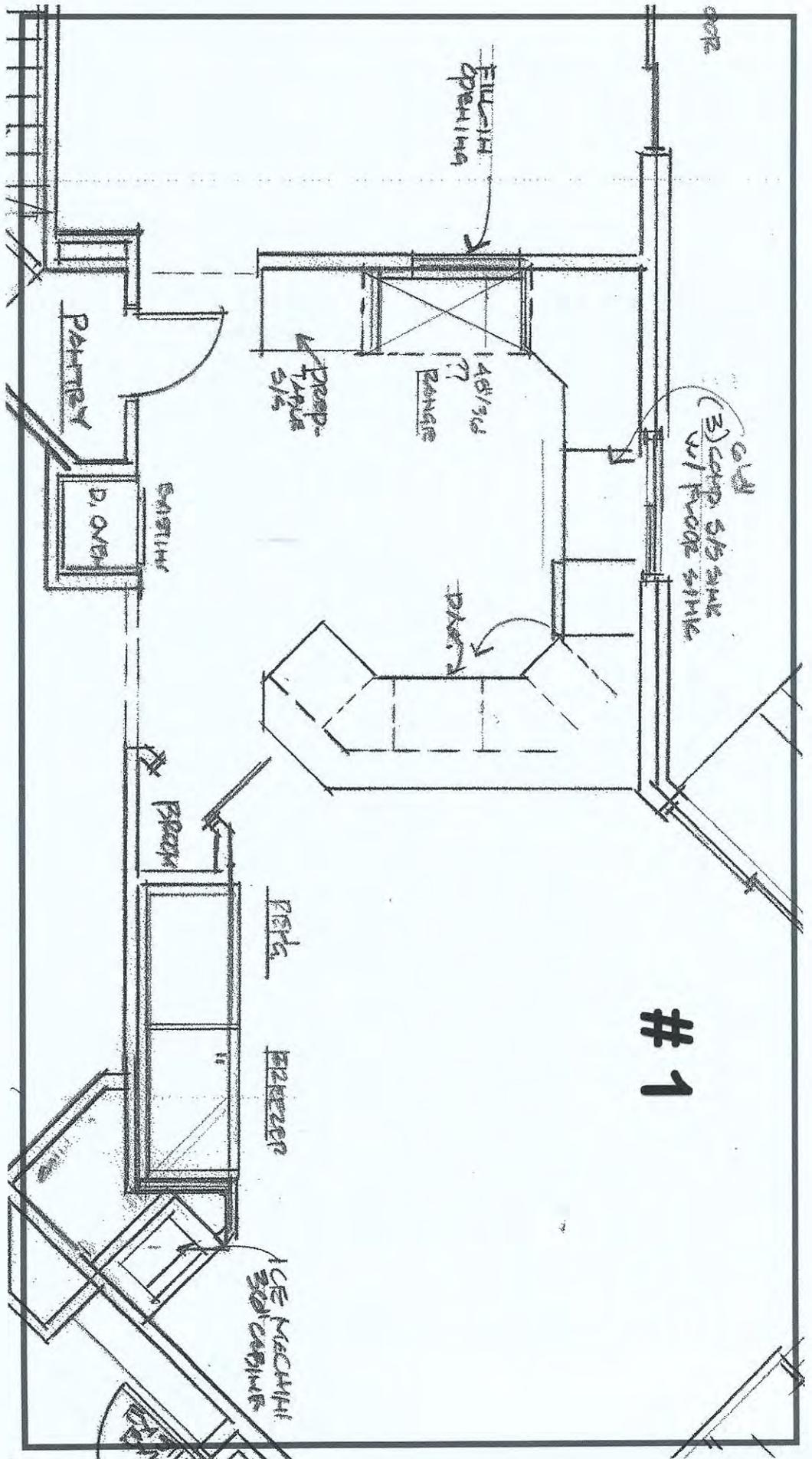
Remodel Details



NEW REMODELING PLAN,
 MAIN FLOOR PLAN
 SCALE: 1/8" = 1'-0"



SQUARE FOOTAGE: 1,140 SQ. FT.



0012

FILL-IN
OPENING

(3) OLD
S/S SINK
S/I FLOOR SINK

48 1/2

RANGE

DRAIN-
TYPE
S/S

PARKET

D. OVEN

EXISTING

DISHWASHER

BRK

PSG

BRK

ICE MACHINE
S/I CABINET

1

2

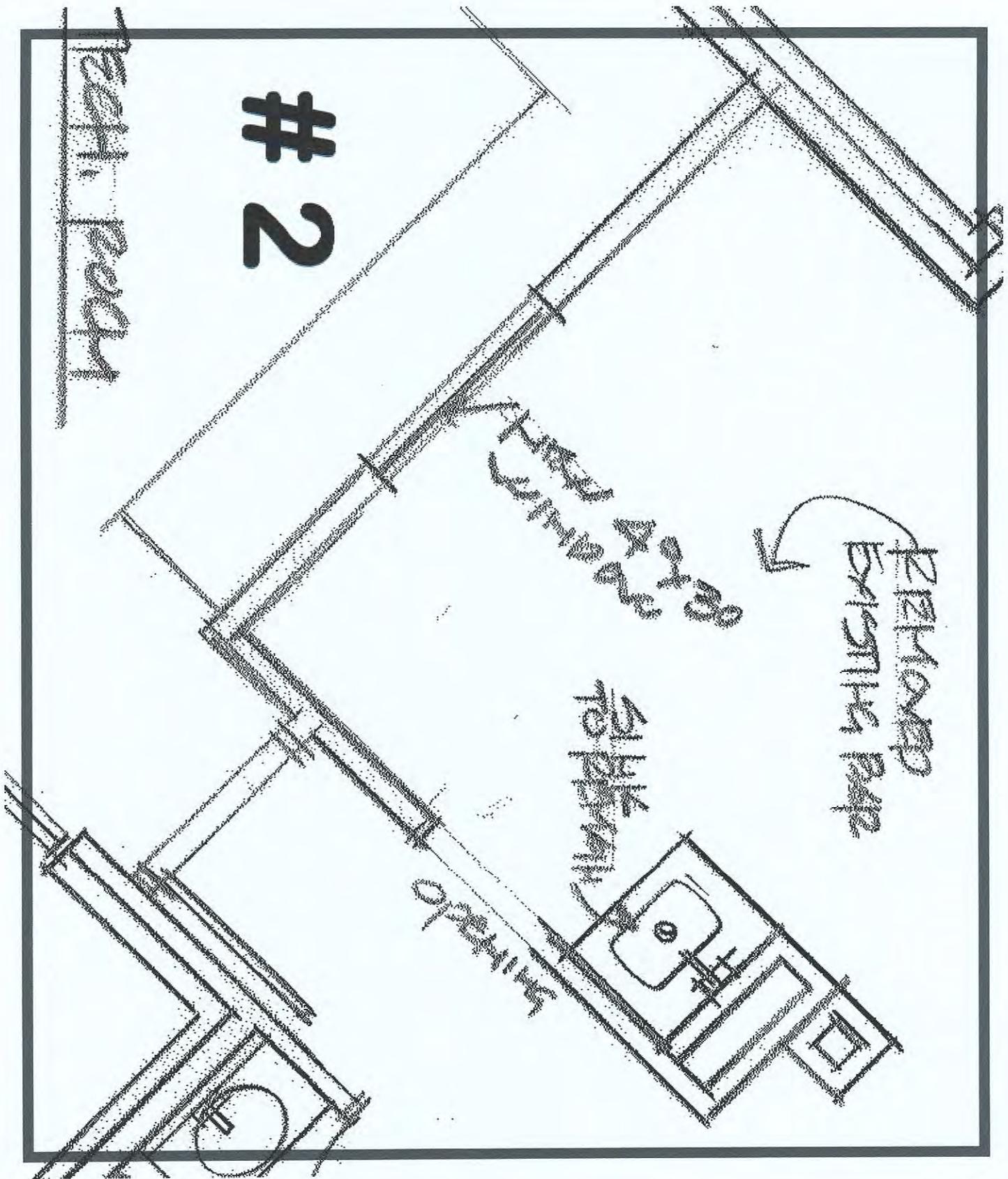
FEEL: 10004

REWORK
EXISTING BAR

TRAILING
CUMULATIVE

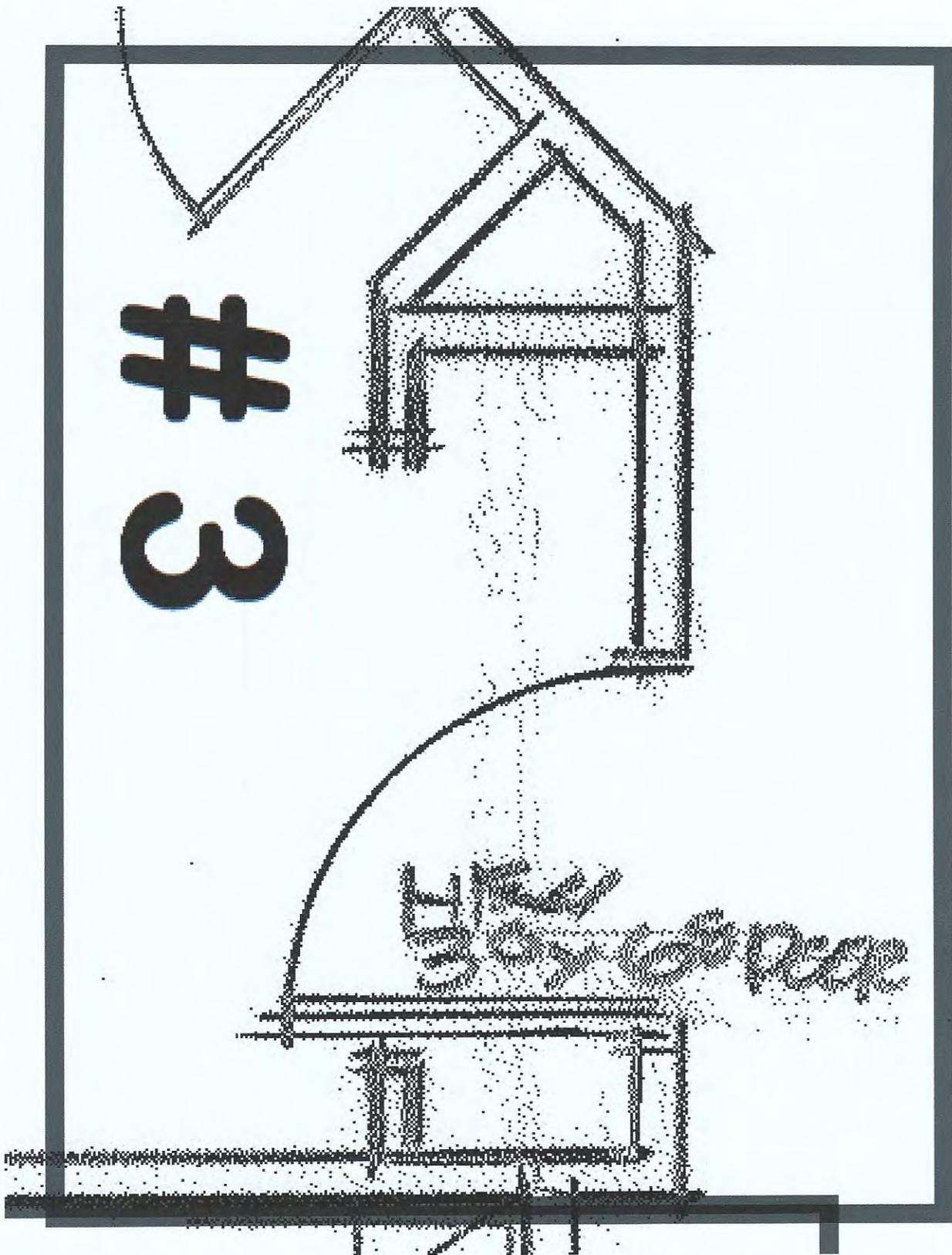
31/11/2011

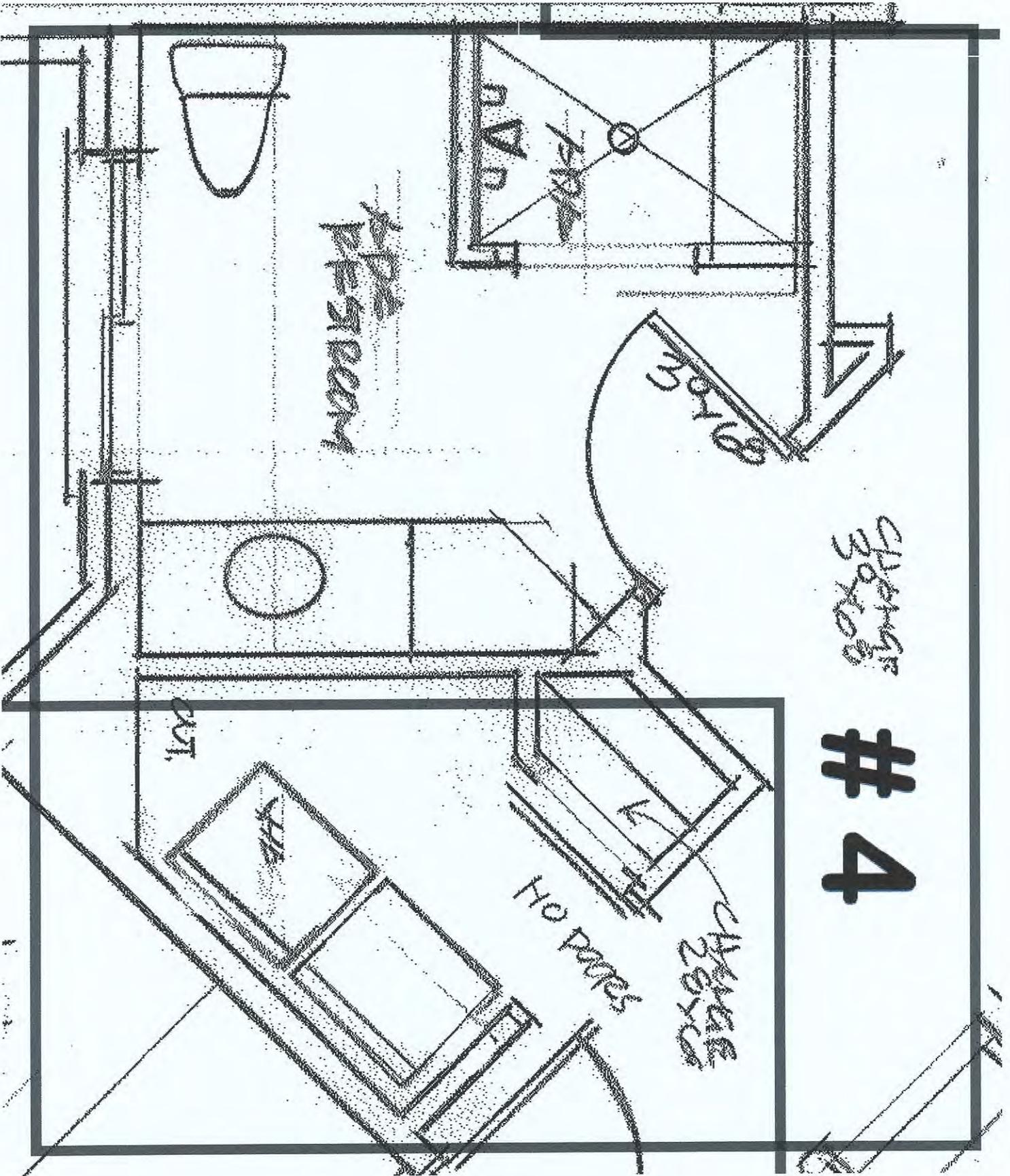
OPENING



#

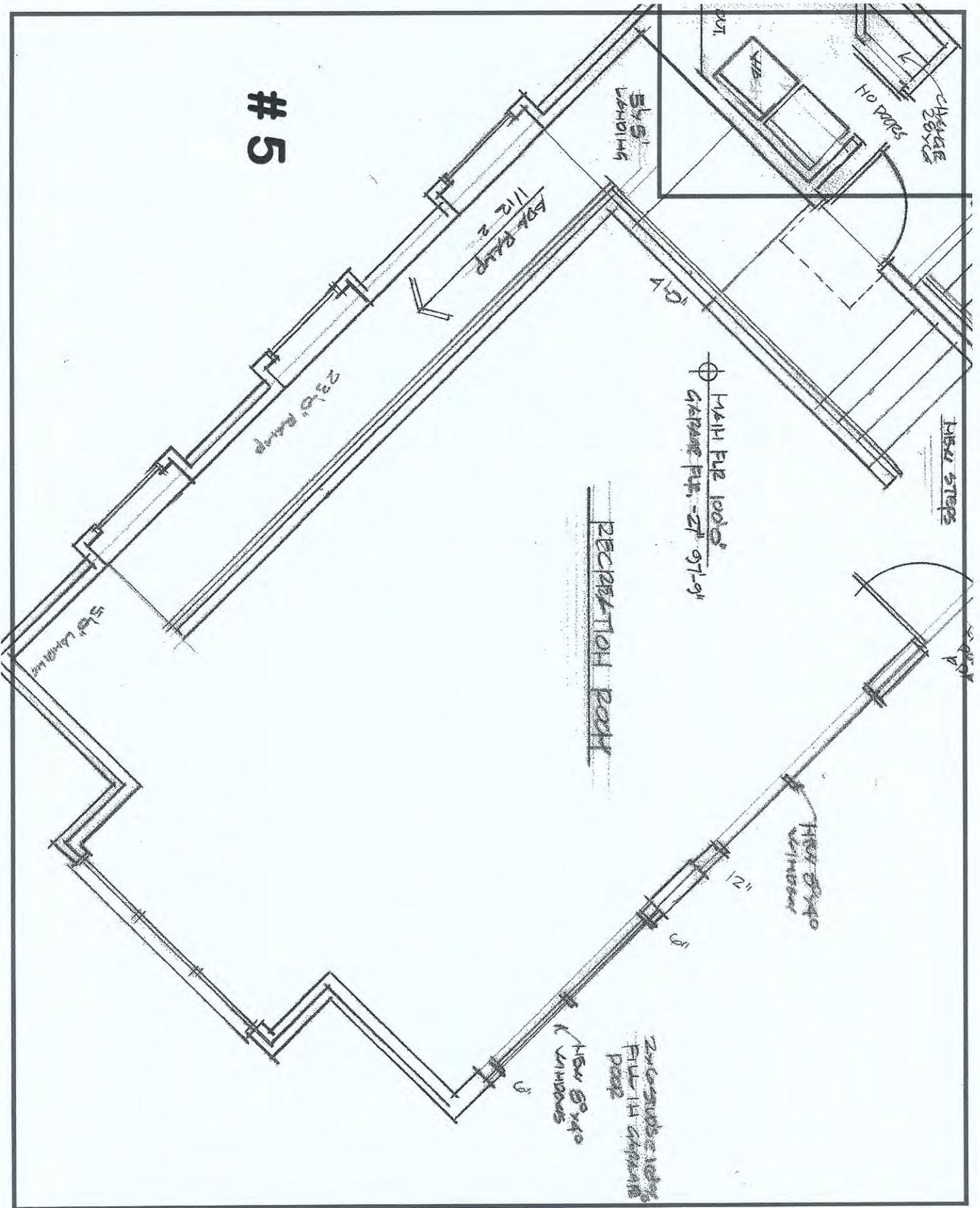
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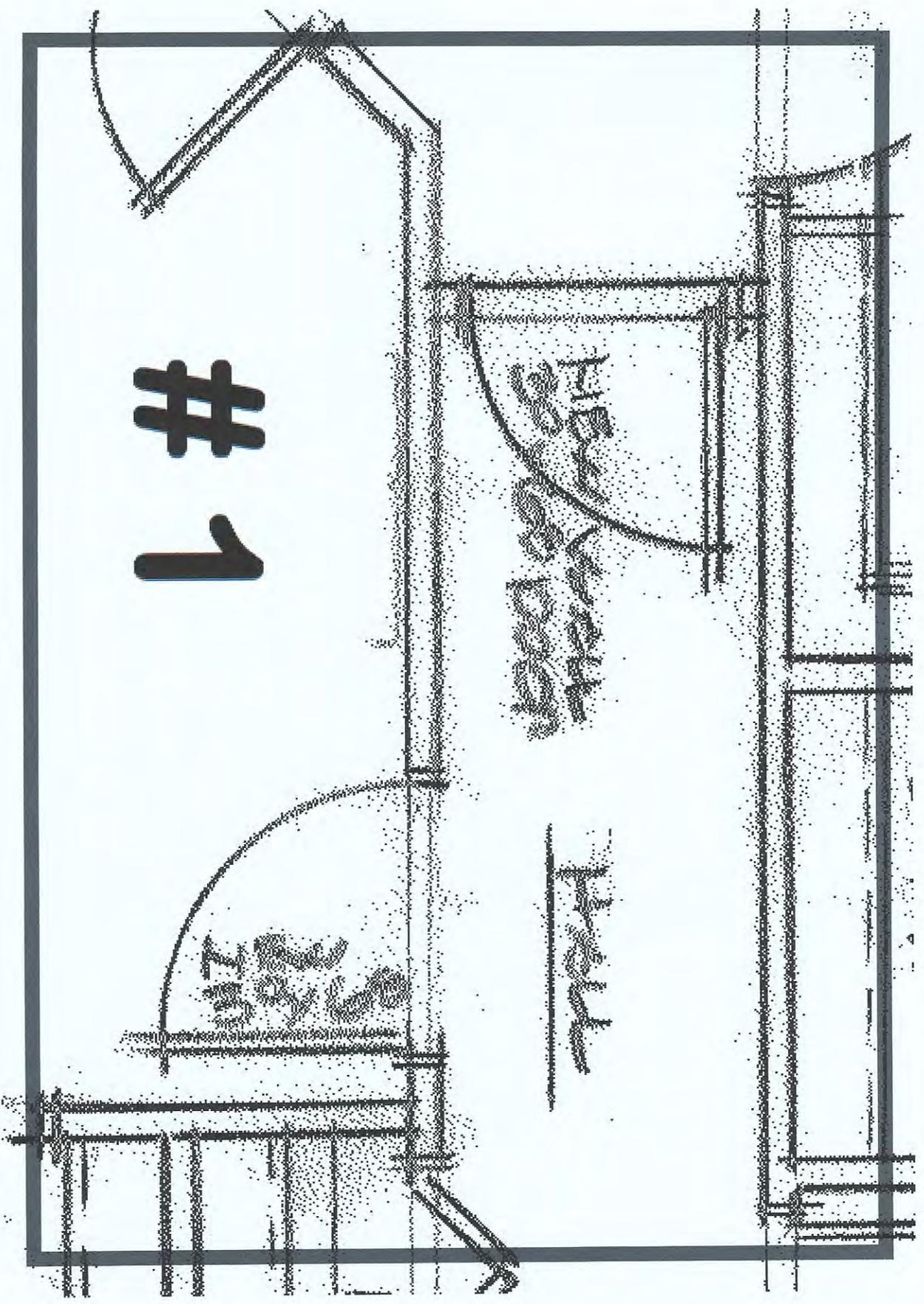


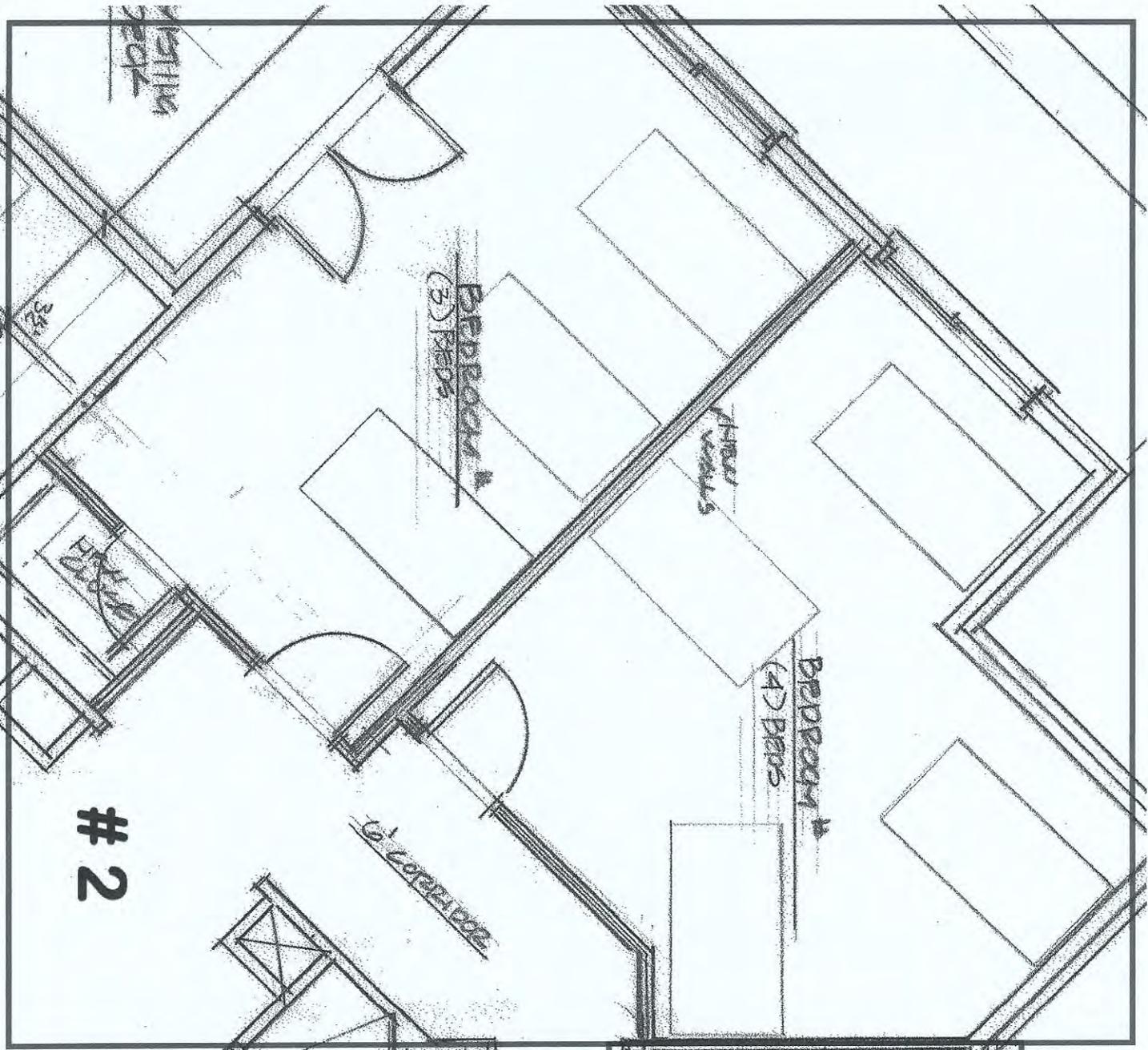
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5

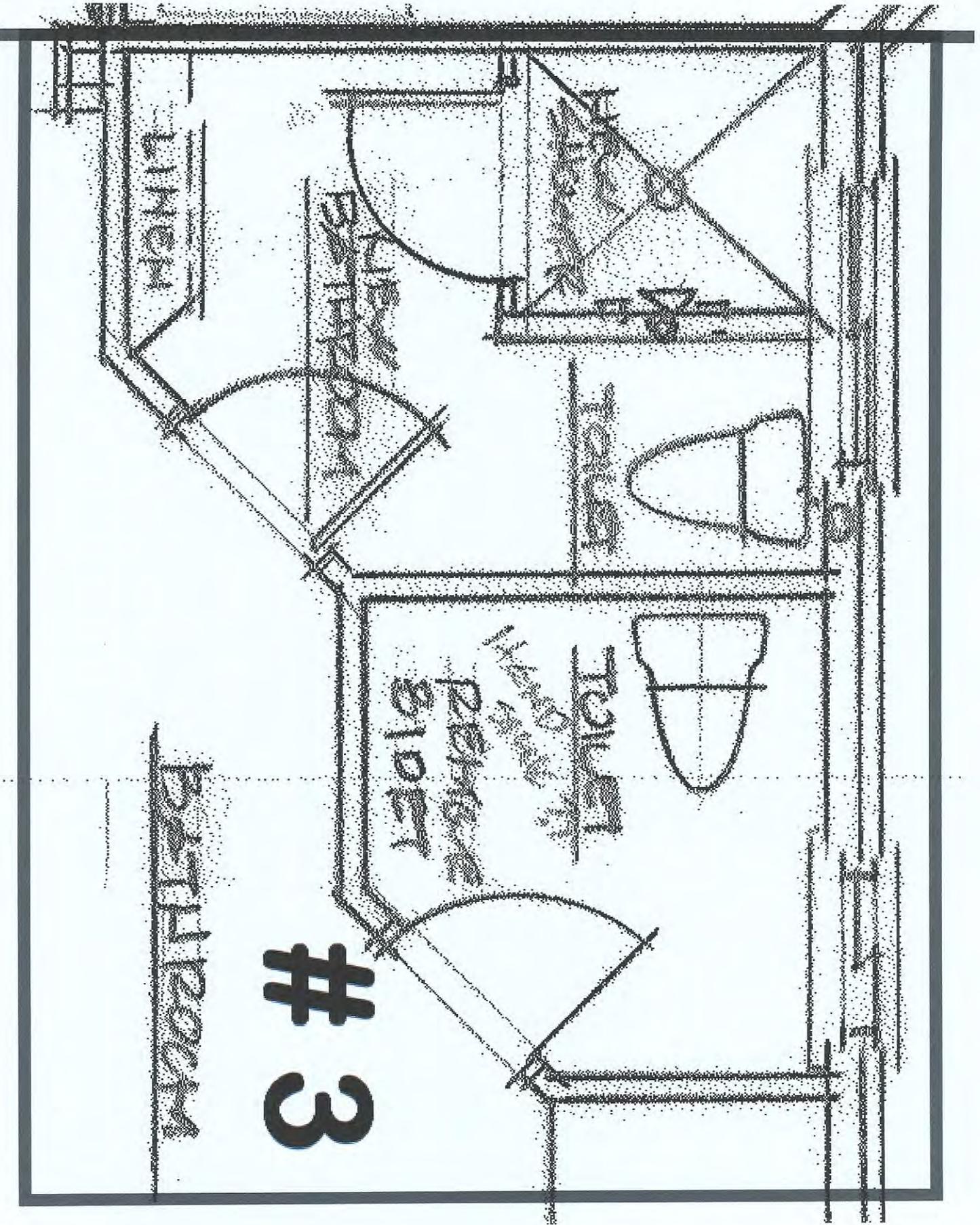


#1





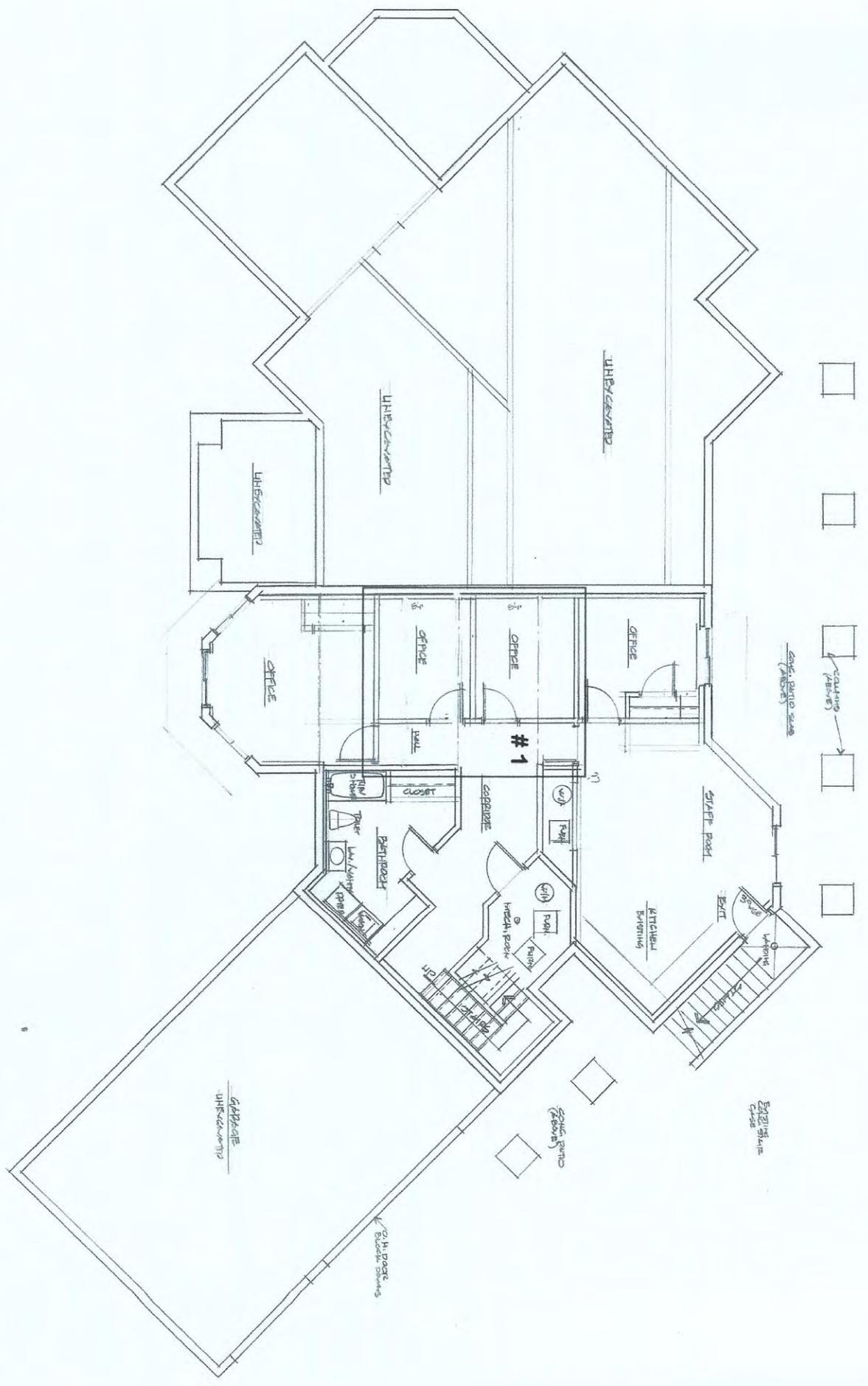
2

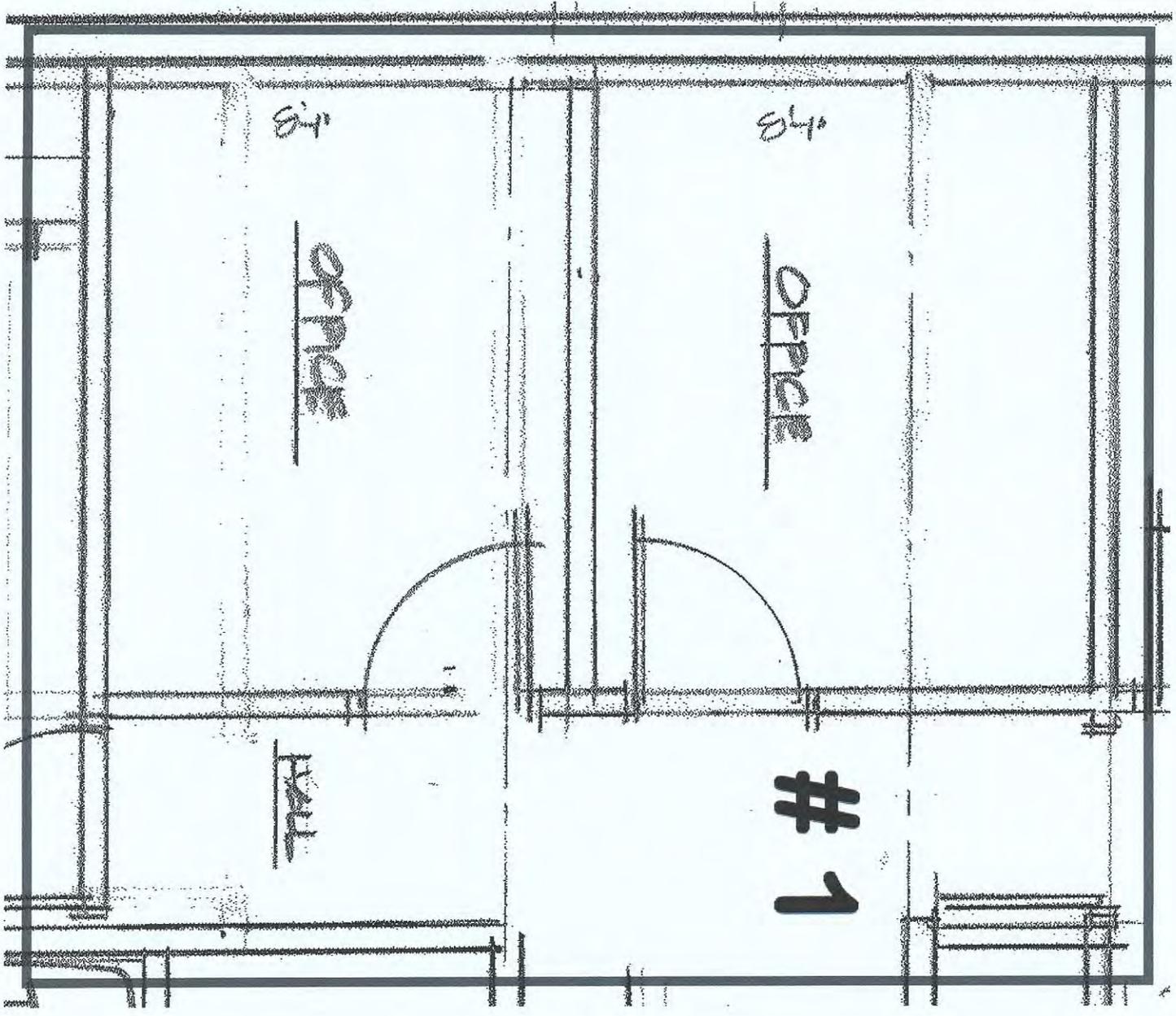


NEW REMODELING PLAN:
LOWER / BASEMENT FLOOR PLAN
SCALE: 1/4" = 1'-0"



SQUARE FOOTAGE: LOWER FLOOR





Sip

Sip

OFFICE

OFFICE

HALL

1

11. State Licensing Requirements

Licensing Process for
Day Treatment, Intermediate Secure Care, Outdoor Youth programs, Outpatient Treatment, Residential Support, Residential Treatment, Social Detoxification, and Therapeutic Schools

1. Submit application, fee, and an electronic copy of your Policy and Procedure manual to the Office of licensing. Office management will assign a licensor. The Policy and Procedure Manual must address the specifics of how the program will comply with the Core Rules (R501-2) and with the Categorical Rules for the applicable category of service to be provided. The manual must be reviewed and approved by the assigned licensor. Be sure to include program statement of purpose; description for services to be provided; description of clients to be served.
2. Submit Office of Licensing Background Screening Application forms on all employees 18 years or older who will have direct access to clients (Adult only Substance Abuse programs are exempt from this). An Office of Licensing background screen must be completed annually.
3. Prepare the following documents:
 - Business license / zoning approval
 - Fire Inspection Clearance (not required for Outdoor Youth Program)
 - Health Inspection Clearance (not required for Outpatient Treatment or Outdoor Youth Program)
 - Evidence of Insurance (General Liability with fire, Professional Liability, Vehicle, and Worker's Compensation)
 - Evidence of Business Registration with the Department of Commerce
 - Sole Proprietorship = Registration
 - Partnership = Partnership Agreement
 - Limited Partnership = Certificate of Limited Partnership
 - Corporation = Articles of Incorporation
 - Limited Liability Company = Articles of Organization
 - List of members of the program's Governing Body
 - Organization Chart
 - School Accreditation Certificate for programs serving clients under age 18 (not required for Outpatient Treatment or Social Detoxification).
 - Completed Youth Education Coordinating Form for programs serving clients under age 18 (not required for Outpatient Treatment or Social Detoxification).
 - For Residential Treatment - evidence of notification provided to the Governing Body of the local government having jurisdiction, in accordance with 62A-2-108.2(3)
 - Any other licenses/inspections required by the city, county or other state agency
4. Licensor will contact you to complete a site inspection.

Community Development
Lindon City

SEP 18 2014

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COMPLIANCE REQUIREMENTS R501-19	Y E S	N O	N / A	CONT RACT	COMMENTS
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<p>3. Children and Youth</p> <ul style="list-style-type: none"> a. a licensed physician, or consulting licensed physician, b. a licensed psychologist, or consulting licensed psychologist, and c. a licensed mental health therapist, or consulting licensed mental health therapist, to provide a minimum of one hour of service to the program per week per consumer enrolled. d. A licensed medical practitioner, by written agreement, is available to provide, as needed, a minimum of one hour of service per week for every two consumers enrolled. e. Other staff trained to work with emotionally and behaviorally disturbed, or conduct disordered children and youth are under the supervision of a licensed clinical professional. f. A minimum of two staff on duty and, a staff ratio of no less than one staff to every four consumers exists at all times, except nighttime sleeping hours when staff ratios may be reduced. g. A mixed gender population has at least one male and one female staff on duty at all times. <p>4. Services for People with Disabilities programs have a staff person responsible for program supervision and operation of the facility. Staff person is adequately trained to provide the services and treatment stated in the consumer plan.</p>				* * * * * * * *	
<p>R501-19-6. Direct Service. Treatment plans are reviewed and signed by the clinical supervisor, or other qualified individuals for DSPD services. Plans are reviewed and signed as noted in the treatment plan.</p>				*	
<p>R501-19-7. Physical Facilities.</p> <p>A. Program provides written documentation of compliance with the following items as applicable:</p> <ul style="list-style-type: none"> 1. local zoning ordinances, 2. local business license requirements, 3. local building codes, 4. local fire safety regulations, 5. local health codes, and 6. local approval from the appropriate government agency for new program services or increased consumer capacity. 					
<p>B. Building and Grounds</p> <ul style="list-style-type: none"> 1. Program ensures that the appearance and cleanliness of the building and grounds are maintained. 2. Program takes reasonable measures to ensure a safe physical environment for consumers and staff. 					
<p>R501-19-8. Physical Environment.</p> <p>A. Live-in staff have separate living space with a private bathroom.</p>					
<p>B. Program has space to serve as an administrative office for records, secretarial work and bookkeeping.</p>					
<p>C. Indoor space for free and informal activities of consumers is available.</p>					
<p>D. provision is made for consumer privacy.</p>					
<p>E. Space is provided for private and group counseling sessions.</p>					

COMPLIANCE REQUIREMENTS R501-19	Y E S	N O	N / A	CONT RACT	COMMENTS
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<p>F. Sleeping Space</p> <ol style="list-style-type: none"> 1. No more than four persons, or two for DSPD programs, are housed in a single bedroom. 2. A minimum of 60 square feet per consumer is provided in a multiple occupant bedroom. Storage space is not counted. 3. A minimum of 80 square feet per individual is provided in a single occupant bedroom. Storage space is not counted. 4. Sleeping areas have a source of natural light, and are ventilated by mechanical means or equipped with a screened window that opens. 5. Each bed, none of which are portable, is solidly constructed, and is provided with clean linens after each consumer stay and at least weekly. 6. Sleeping quarters serving male and female residents is structurally separated. 7. Consumers are allowed to decorate and personalize bedrooms with respect for other residents and property. 					
<p>G. Bathrooms</p> <ol style="list-style-type: none"> 1. Program has separate bathrooms for males and females. These are maintained in good operating order and in a clean and safe condition. 2. Bathrooms accommodate consumers with physical disabilities as required. 3. Bathrooms are properly equipped with toilet paper, towels, soap, and other items required for personal hygiene. 4. Bathrooms are ventilated by mechanical means or equipped with a screened window that opens. 5. Bathrooms meet a minimum ratio of one toilet, one lavatory, and one tub or shower for each six residents. 6. There are toilets and baths or showers that allow for individual privacy. 7. There are mirrors secured to the walls at convenient heights. 8. Bathrooms are located to allow access without disturbing other residents during sleeping hours. 					
<p>H. Furniture and equipment is of sufficient quantity, variety, and quality to meet program and consumer needs.</p>					
<p>I. All furniture and equipment is of sufficient quantity, variety, and quality to meet program and consumer needs.</p>					
<p>J. If program permits individuals to do their own laundry they provide equipment and supplies for washing, drying, and ironing.</p>					
<p>K. If program provides for common laundry of linens and clothing, they provide containers for soiled laundry separate from storage for clean linens and clothing.</p>					
<p>L. Laundry appliances are maintained in a clean and safe condition.</p>					
<p>R501-19-9. Food Service.</p>					
<p>A. One staff is responsible for food service. If this person is not a professionally qualified dietitian, regularly scheduled consultation with a professionally qualified dietitian is obtained. Meals are served from dietitian-approved menus.</p>					
<p>B. Staff responsible for food service maintain a current list of consumers with special nutritional needs and record in the consumer's service record information relating to special nutritional needs and provide for nutrition counseling where indicated.</p>					
<p>C. Program establishes and posts kitchen rules and privileges according to consumer needs.</p>					
<p>D. Consumers present in the facility for four or more consecutive hours are provided nutritious food.</p>					
<p>E. meals may be prepared at the facility or catered.</p>					
<p>F. Kitchens have clean, operational equipment for the preparation, storage, serving, and clean up of all meals.</p>					
<p>G. Adequate dining space is provided for consumers. Dining space is maintained in a clean and safe condition.</p>					
<p>H. If meals are prepared by consumers there is a written policy to include the following:</p>					

COMPLIANCE REQUIREMENTS R501-19	Y E S	N O	N / A	CONT RACT	COMMENTS
1. rules of kitchen privileges, menu planning and procedures, 2. nutritional and sanitation requirements, and 3. schedule of responsibilities.					
R501-19-10. Medication.					
A. Program has locked storage for medications.					
B. Program has locked storage for hazardous chemicals and materials, according to the direction of the local fire authorities.					
C. Prescriptive medication is provided as prescribed by a qualified person, according to the Medical Practices Act.					
D. Program has designated qualified staff, who is responsible to: 1. administer medication, 2. supervise self-medication, 3. record medication, including time and dosage, according to prescription, and 4. record effects of medication.					
R501-19-11. Specialized Services for Substance Abuse.					
A. Program does not admit anyone who is currently experiencing convulsions, in shock, delirium tremens, in a coma, or unconscious.					
B. At a minimum the program documents that direct service staff complete standard first aid and CPR training within six months of being hired. Training is updated as required by the certifying agency.					
C. Before admission, consumers are tested for Tuberculosis. Both consumers and staff are tested annually or as directed by local health authority.					
R501-19-12. Specialized Services for Programs Serving Children and Youth.					
A. Provisions are available for adolescents to continue their education with a curriculum approved by the State Office of Education.					
B. If program provides their own school it is recognized by an educational accreditation organization, i.e., State Board of Education or the National School Accreditation Board.					
C. Individual, group, couple, and family counseling sessions or other appropriate treatment, including skills development, is conducted at least weekly, or more often if defined by the treatment plan. The consumer's record documents the time and date of the service provided with signature of the counselor.					
D. An accurate record is kept of all funds deposited and withdrawn with the residential facility for use by a consumer. Consumer purchases of over \$20.00 per item, are substantiated by receipts signed by consumer and appropriate staff.					
R501-19-13. Specialized Services for Division of Services for People with Disabilities.					
A. Rules governing the daily operation and activities of the facility are available to all consumers and visitors, and applies to family members, consumers, and staff that come into the facility.					
B. Program has policy specifying the amount of time family or friends may stay as overnight guests.					
C. All consumers have an individual plan that addresses appropriate day treatment.					
D. A monthly schedule of activities is shared with the consumer and available on request. Schedules are filed and maintained for review.					
E. Record of income, earned, unearned, and consumer service fees, is maintained by the provider.					
F. Facility is located where school, church, recreation, and other community facilities are available.					
G. An accurate record is kept of all funds deposited with the facility for use by a consumer. The record contains a list of deposits and withdrawals. Consumer purchases of over \$20.00 per item, is substantiated by receipts signed by consumer and professional staff. A record is kept of consumer petty cash funds.					
H. Program, in conjunction, with parent or guardian and DSPD support coordinator, applies for unearned income benefits for which a consumer is entitled.					

12. Reports, Studies Provided by Applicant

CRB



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California Research Bureau
500 N. Street, Suite 200
Riverside, CA 92501
951-517-7500
www.calib.org

Residential Care Facilities in the Neighborhood: Federal, State, and Local Requirements

By Lisa K. Foster, M.S.W., M.P.A.

*Prepared at the Request of
Senator Charles S. Poochigian*

DECEMBER 2002

CRB-02-018

C A L I F O R N I A R E S E A R C H

Community Development
Bureau
London City

SEP 18 2014

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Executive Summary

During the past decade, local governments have expressed ongoing concerns about the impact of federal and state laws on land use decisions affecting residential care facilities (including group homes). It is widely accepted that persons with physical and mental disabilities, and other special needs, deserve to live in the community – in contrast to an institution – and that facilities located in residential neighborhoods allow them to participate in, and become a part of, that community. However, local governments face concern from homeowners that these residential facilities will have a negative impact on their neighborhoods.

The right of individuals with special needs to live in the community versus the right of neighbors to preserve the integrity of their neighborhood results in the longstanding conflict between federal, state, and local government requirements that affect land use regulation. This report identifies these requirements and their impact on the placement of residential care facilities in communities.

DIFFERENT POSITIONS

Community members generally agree that persons with disabilities and other special needs deserve to live in a community setting like a residential care or treatment facility instead of being isolated and institutionalized. But, it is a common reaction to feel uneasy, concerned, or fearful when a facility moves in next door or down the street.

Advocates and facility licensees point out that care and treatment facilities have to be put in *someone's* neighborhood. They argue that neighbors' fear is largely unfounded; they point to examples of facilities peacefully coexisting with neighbors and studies that conclude that residential care facilities do not have a negative affect on neighborhood safety and property values. In addition, advocates find that neighbors are often uninformed about the facility program and residents, which leads to misconceptions.

However, communities do experience problems with facilities. Seventy-two cities responding to a 1999 League of California Cities survey had received one or more complaints ranging from increased traffic, noise, and other neighborhood disturbances – to code violations – to criminal activities such as assaults and burglaries. The majority of complaints involved facilities that serve youth, individuals with mental illness, and individuals with alcohol or drug addictions. 15,045 licensed facilities with 235,724 residents

BACKGROUND

1 complaint per 212 facilities mainly generated from facilities poorly managed & low-income neighborhoods

In 1977, the Lanterman Developmental Disabilities Act established the right of Californians with developmental and physical disabilities to receive treatment and live in “the least restrictive environment.” This means that, instead of being institutionalized, persons with special needs are entitled to live in normal residential surroundings where they can experience maximum independence and participate in community life while

LOCAL REQUIREMENTS AND RESPONSIBILITIES

Cities and counties have authority to adopt local land use and related regulations, such as zoning and permit requirements. Unlike small facilities, large residential care facilities (those with seven or more residents) are subject to local land use regulations and other restrictions such as special permit requirements (for example, having to obtain a local health department permit for central food service). Local governments may impose notification and public hearing requirements. However, the requirements must not apply exclusively to residential care facilities, and local governments must follow state-mandated procedural requirements such as holding hearings for zoning decisions.

Local government entities are required to make reasonable accommodations for programs serving individuals with disabilities. In some instances, accommodation may include exceptions to zoning ordinances for large facilities with seven or more residents.

Public safety is a major issue related to residential care facilities in the community. Service providers contend that the safety issue is often used as a smokescreen by neighbors and local governments for taking discriminatory actions that are based on fear. However, some neighbors have experienced problems that impact neighborhood safety (such as assaults, threats and other actions by facility residents as described in the League of California Cities survey). When public safety issues occur, federal and state laws do not pre-empt local authority or responsibility to deal with it. Local rules that are enacted and enforced to provide for the community's safety are not prohibited under federal or state law as long as they are applied to all community members and groups.

“Elected officials and neighbors have a duty to welcome group homes and other community residences, and to educate themselves and their colleagues about the need for such housing options, and the requirements of the FHA and the ADA, just as providers and residents have a duty to be good neighbors and to respond to breaches of that duty with corrective action.”

League of California Cities, 2002

PUBLIC POLICY ISSUES

The overarching public policy issue continues to be that of balancing the rights of individuals with special needs to live and participate in the community with the rights of the communities and individuals to protect the welfare of their families and neighborhoods. This issue sometimes plays out as a conflict between state (and federal) requirements to protect individuals from discrimination and local governments' right and responsibility to exercise control over its communities.

The League of California Cities and a coalition of advocates for community care residents suggest that three issues need to be addressed to reconcile residential care facilities and community concerns. The first is a comprehensive plan to be used as a tool to address community needs while integrating residential care facilities into neighborhoods. The second is uniform standards and universal licensing of facilities for children and youth to protect residents and the community. The third issue is adequate and affordable housing for residential care facilities.

A related policy issue is an equitable distribution of facilities among communities. Neighborhoods with densely clustered facilities do not provide a “normal” community

distributed to group homes and alcohol and drug facilities. (See Appendix D for a description of bills related to facility siting.)

PROPOSITION 36 – SUBSTANCE ABUSE AND CRIME PREVENTION ACT

The Substance Abuse and Crime Prevention Act (SACPA) brought new attention to the siting issue. Effective January 2001, non-violent adult offenders charged with simple drug possession or drug use offenses complete treatment in the community instead of a jail or prison term.³⁰ Prior to its passage, local governments expressed concern about the proliferation of new recovery or treatment facilities that would be established to meet the demand created by the new act. In addition, fears were heightened because the residents would be convicted drug offenders.

The Department of Alcohol and Drug Abuse Prevention reports that the treatment capacity across the state has expanded significantly as a result of SACPA (including a 17% increase in licensed residential programs).³¹ Much of the increase in community treatment/recovery beds is from expanding facilities that are already established in neighborhoods, not from new facilities. And, the “new” drug offender population generally consists of the same persons who have previously been in established facilities – they are just entering treatment programs via a new mechanism.

The Department reports that cooperation among state and local government entities in implementing SACPA has been positive. However, some communities are experiencing conflicts between neighbors and facilities. For example, some neighbors oppose expanding facilities, and advocates point to long waiting lists for treatment that result from this opposition.³²

COMPLICATED ISSUES, NO EASY RESOLUTIONS

In conclusion, there are no easy resolutions to the complicated ongoing issues around siting residential care facilities in the community. Some goals conflict, like local control and federal/state protections. In addition some “quality” issues are hard to legislate. For example, what are the best strategies for making marginal licensed facilities (those that generate the greatest number of concerns and complaints) into quality facilities and good neighbors? A related issue concerns both quality and capacity. Should marginal facilities be tolerated in areas where there are not enough quality facilities to meet the demand? Resolutions that address and balance the needs of neighbors, the needs of residents needing services, and the needs of local government are difficult to identify and achieve.

**Review of Literature Discussing Crime Patterns
and Substance Abuse Treatment Programs**

Summary

Studies cited show that there is not a correlation between crime and the presence of substance abuse treatment centers. Other types of businesses such as convenience stores, pawnshops and beer establishments¹ tend to have more crime associated with them.

Steps Taken to Research Topic

The following steps were done in the research of this topic:

Contacted:

- American Association for the Treatment of Opioid Dependence (AATOD);
- National Criminal Justice Reference Service (NCJRS);
- National Institutes of Health/National Institute on Drug Abuse (NIH/NIDA);
- UCLA Integrated Substance Abuse Programs;
- Substance Abuse and Mental Health Services Administration (SAMHSA), and
- Other researchers publishing in this field.

Researched publications at:

- National Institutes of Health/National Library of Medicine (NLM), including PubMed and MEDLINE;
- Google, and
- Reviewed bibliographies of published studies to identify additional relevant studies.

Opening Comments

The relationship between crime and substance abuse treatment centers is a hard topic to study since it requires a quantitative methodology and a technology for precisely mapping crime incidents. An example of the difficulty of this work is the RAND retraction of its September 2011 study of crime and medical marijuana dispensaries in the Los Angeles area.² It is also an infrequently studied topic since other drug and crime related topics are more generally studied such as prevalence of specific drug use and before and after crime patterns by persons receiving substance abuse treatment.

¹ "Beer establishments" is the term used in the research literature.

² See RAND retraction of 8-10-2011 retrieved on 8-16-2012 from <http://www.rand.org/news/press/2014/10/24.html>

The authors of the articles mentioned below tend to have both a publication history of studying crime locations in general and a developed expertise in the mathematics and technology of geo-spatial mapping. The result is that while there are infrequent studies of the topic, the studies that are done are authoritative and reliable. The most frequently studied programs are methadone treatment centers which are ambulatory outpatient programs.³

The research results do not support the belief that substance abuse treatment centers are associated with higher crime rates or neighborhood risk. The major factor affecting crime rates is general socio-economic conditions.⁴ There are higher crime rates around some specific locations. These include pawnshops and convenience stores where money is obtainable, bars where alcohol and persons meet, and preferred crime locations like areas around subway stations. Because methadone treatment centers have been located in lower socio-economic locations, the centers have become publically associated with the higher crime rates in such areas even though the centers are not a source of the crime.

Moreover, these studies usually use methadone treatment programs. A residential detoxification program is substantively different from a methadone program. Detoxification treatment programs are not associated with money or alcohol, have staff that monitor local surroundings, have clients whose criminal behavior, if they had any, has declined because they are in treatment, and typically provide medications that impact the addiction so that persons attending the treatment center have lower motivation to undertake illegal activities while receiving treatment there.

In general there is a substantial body of literature that shows that persons attending treatment programs commit fewer crime. These persons may have previously committed crimes, however, while attending treatment they are not found to be a crime-prone population.^{5,6}

Despite the data showing a lack of relationship, there is widespread perception that “drug treatment” programs are accompanied by higher crime rates.⁷ The following material briefly

³ One reason there is more information about methadone clinics is because there are many methadone clinics. According to data from the Substance Abuse and Mental Health Services Administration (SAMHSA) there were 1,137 methadone maintenance programs on March 31, 2010. See retrieved on 8-16-2012 from <http://www.samhsa.gov/data/DASIS/2k10nssats/NSSATS2010Tb12.3.htm>

⁴ For example, Andresen concluded that “In particular, high unemployment (social disorganization theory) and the presence of young populations (routine activity theory) are the strongest predictors of criminal activity.” See Andresen, M. A. (2006). *A spatial analysis of crime in Vancouver, British Columbia: A synthesis of social disorganization and routine activity*, *Canadian Geographer*, Vol. 50, Issue 4: pp. 487–502. Retrieved on 8-16-2012 from <http://onlinelibrary.wiley.com/doi/10.1111/j.1541-0064.2006.00159.x/abstract> Can be purchased from journal.

⁵ Justice Policy Institute (2008 January), *Substance Abuse Treatment and Public Safety* Washington, D.C. Retrieved on 8-16-2012 from <http://www.justicepolicy.org/research/1949>

⁶ See, for example, retrieved on 8-16-2012 from <http://international.drugabuse.gov/educational-opportunities/certificate-programs/methadone-research-web-guide/part-b/question-4-does-m>

comments on the articles in the bibliography. For readers that wish more information, the bibliography is annotated containing abstracts and other text from the article.

Comments on Articles Found

July 2012 work on medical marijuana dispensaries by UCLA

Funded by the National Institute on Drug Abuse (NIDA), the 2012 University of California at Los Angeles (UCLA) study of crime around medical marijuana dispensaries found “Consistent with previous work, variables measuring routine activities at the ecological level were related to crime. There were no observed cross-sectional associations between the density of medical marijuana dispensaries and either violent or property crime rates in this study.” In other words, the usual factors causing crime were found and the presence of a medical marijuana dispensing program was unrelated to crime.

2012 analysis by T&M Protection Resources

An unpublished report from the T&M Protection Resources studied crime incidents and the local impact associated with two residential substance abuse detoxification programs, one in Florida and one in New Jersey. No impact on local neighborhoods was found.

2012 article by Boyd et. al.

Funded by the Robert Wood Johnson Foundation, the work directly addresses crime and methadone treatment programs. Considered an authoritative study, it was been the subject of newspaper articles website postings.⁸ The study collected data on methadone treatment centers (MTCs) in Baltimore and crime patterns around MTCs were compared with crime patterns around 13 convenience stores, 12 residential points and 10 general medical hospitals. A precise GPS mapping methodology was used and the frequency of crimes within a set of 25 meter circles from these sites was measured.

Boyd simply lays out the possible relationships between crime and treatment centers.

“Three possible relationships could exist, and plausible theories support each relationship. MTCs could decrease neighborhood crime by treating opiate users who live nearby, thereby decreasing their risk of criminal behavior. MTCs could increase crime if they attract untreated or partially treated users into the neighborhood, thereby increasing the local density of people likely to commit crimes. Finally, MTCs could have no crime impact if neighborhood crime relates largely to other factors.”

⁸ For example, see Baltimore Sun story of May 4, 2012. Retrieved on 8-16-2012 from http://articles.baltimoresun.com/2012-05-04/news/bs-ed-methadone-20120504_1_methadone-clinics-fewer-crimes-fbi-uniform-crime-reports

After analyzing the Baltimore data, Boyd reported “There was no significant change in crime counts with increasing distance from MTCs or hospitals as indicated by non-significant values for parameter estimates of crime slopes. In contrast, there was a significant decrease in crime counts with increasing distance from convenience stores during both daytime and night-time.” In other words, crime decreased the farther the distance from the convenience store indicating that crime originated around convenience stores. In contrast, crime did not decrease around methadone treatment clinics, residential areas, or hospitals as distance from them increased, indicating they were not centers of crime. Boyd and her colleagues concluded that “Overall, our data show that MTCs are not a geographic focus of crime, thus providing both strong evidence to alleviate neighborhood concerns about the establishment and operation of MTCs and quantitative information to combat the stigma of methadone substitution treatment.”

2011 Taniguchi and Salvatore

This 2011 work in Philadelphia also directly studied the relationship between crime and treatment centers and found no connection between treatment programs and crime. They found that controlling for the socio-economic status (SES) of the area removed much of the assumed correlation of treatment centers and crime. Their residual statistical effects were hard to interpret since after the effect of SES was controlled for there was still a positive residual association between crime and treatment centers in high SES areas but a negative residual association in lower SES areas.

The opening of their conclusion states, “Drug and alcohol treatment facilities are widely thought to have negative impacts on the community in which they are located. That is, it is assumed that these facilities bring crime to the areas surrounding their location. The empirical basis for this assertion is tenuous at best. This analysis has not found a definitive relationship between treatment centers and crime.”

2011 study of Montreal and Vancouver

This 2011 Canadian study is reported on in separate articles by Ally and Lasnier. It found that there were no negative impacts on local neighborhoods.

2011 Salem Patch

This is a newspaper story about a zoning board hearing in Peabody, Massachusetts. Comments by police officers and the facts cited about calls for police services are similar to those made in the T&M Protection Resources study. The lead paragraph in the article states: “In the wake of a decision to appeal the methadone clinic decision, Salem Police Chief Paul Tucker and Peabody Police Chief Robert Champagne said methadone clinics don't risk public safety.”

It is probably the case that a review of newspaper accounts of zoning board hearings about substance abuse treatment centers would yield additional comments from local law enforcement officers.⁹

2007 Philadelphia work of McCord and Lassiter

McCord and Lassiter concluded that crime incidence was a two-factor process. First, the large background variable with a pervasive impact was the amount of “social disorganization” in an area and then, second, there were opportunity points such as bars, pawnshops and subway stations where more drug-related arrests took place. In McCord and Lassiter’s perspective, the general characteristics of the local region have a dominant effect on the incidence of crime in the region.

McCord and Lassiter studied ten specific places where crime occurred. The results in the following table show that crimes around inpatient residential substance abuse treatment centers were the lowest of the ten types of places studied.

Table 1: Places in Philadelphia where Crime Occurred and how Frequently Crimes Occurred in Relation to Distance from the Location, 2007.

Facility	Number of Crimes	0-400 ft	400-800 ft	800-1200 ft	1200-1600 ft
Pawnshop	30	7.19	4.71	3.32	2.26
Beer establishment	146	6.77	3.36	2.35	1.67
Halfway house	41	5.22	6.09	4.08	4.10
Cheque-cashing store	96	4.92	3.67	2.79	2.17
Subway station	49	4.58	2.47	1.86	1.48
Drug-treatment centres (outpatient)	20	3.61	4.72	4.93	3.21
Drug-treatment centres (combined)	34	2.77	3.59	4.13	3.15
Homeless shelter	39	2.51	2.83	2.92	2.31
State liquor store	53	2.50	1.89	1.82	1.88
Drug-treatment centres (residential)	14	1.32	1.74	2.63	2.26

Source: Table 2 McCord et. al. (2007), *Microspatial Analysis of Drug Markets...*

Note: For each facility, the table shows the number of that facility in Philadelphia, as well as the location quotient values for four concentric buffers expanding from the facility at 400 ft intervals. Values greater than 1 indicate a greater density of drug arrests than would be expected from a uniform distribution across the city. Values of 2, for example, indicate that the density of drug arrests is twice the uniform city rate. Drug treatment centres, both residential and outpatient, were combined in the ZIP model analysis. All three location quotient values (residential, outpatient, and combined) are shown here.

⁹ While not as extensive as the comments by Massachusetts police, a similar comment that “Calgary police say that methadone clinics within the city do not influence crime rates either up or down” can be found at, retrieved on 8-16-2012 from http://www.heroin-detox.org/calgary_methadone.htm

Crime around outpatient substance abuse centers was lower than crimes at five other sites: pawnshops, beer establishments, halfway houses, cheque-cashing stores, and subway stations.

The logic used by McCord and Lassiter is similar to the logic used in the 2012 Boyd *et. al.* study. This logic is at the heart of the conclusion that treatment centers are not a source of crime. The general problem is how to study crime at a particular location within a high crime area. The methodology to solve this question relies on precise measurements of the location of each crime occurring near the particular location. For example, 25 meters away, 25 to 50 meters away, 75 to 100 meters away etc.

The theoretical reasoning is that if crime rates are high next to the location and drop off as distance from the location increases, then the location is a crime center. If crime rates remain constant or increase as distance from the location increases, then location is not a crime center. The precise measurement of crime around a location is way of controlling for the fact that all locations may be in or near areas with high crime rates.

The necessity for this measurement also indicates why such studies are infrequent. Easier to do studies of crime using data from zip codes, census tracts, or even block- level data are not precise enough.

In the Table above, the data for the top five places: pawnshops, beer establishments, halfway houses, cheque-cashing stores, and subway stations; shows that crime drops off the farther you go from one of these five location types indicating the location itself is a crime center. In contrast, crime increases the farther you go from an outpatient substance abuse center indicating the center is not a source of the crime.

As shown in the table, a residential treatment program had the lowest crime rates of any of the locations studied.

Below is an annotated bibliography of relevant studies found. The articles are presented in order of publication with the most recent ones appearing first. Summary or illustrative information is quoted from each article so readers have the article's major conclusions in the authors' own words.

**Annotated Bibliography relating to Crime around
Substance Abuse Treatment Centers**

Kepple, N. J., & Freisthler, B. (2012, July), *Exploring the ecological association between crime and medical marijuana dispensaries*. Journal of Studies on Alcohol and Drugs, 73(4), 523-530. Abstract Retrieved on 8-16-2012 from [http://www.jsad.com/jsad/article/Exploring the Ecological Association Between Crime and Medical Marijuana Di/4705.html](http://www.jsad.com/jsad/article/Exploring%20the%20Ecological%20Association%20Between%20Crime%20and%20Medical%20Marijuana%20Di/4705.html). Can be purchased from journal.

“Methods: An ecological, cross-sectional design was used to explore the spatial relationship between density of medical marijuana dispensaries and two types of crime rates (violent crime and property crime) in 95 census tracts in Sacramento, CA, during 2009. Spatial error regression methods were used to determine associations between crime rates and density of medical marijuana dispensaries, controlling for neighborhood characteristics associated with routine activities.

Results: Violent and property crime rates were positively associated with percentage of commercially zoned areas, percentage of one-person households, and unemployment rate. Higher violent crime rates were associated with concentrated disadvantage. Property crime rates were positively associated with the percentage of population 15–24 years of age. Density of medical marijuana dispensaries was not associated with violent or property crime rates.

Conclusions: Consistent with previous work, variables measuring routine activities at the ecological level were related to crime. There were no observed cross-sectional associations between the density of medical marijuana dispensaries and either violent or property crime rates in this study.”

T&M Protection Resources, (2012, February 10), *Public Safety Impact Assessment*, A Report prepared for Cuddy & Feder LLP, 230 Park Avenue, Suite 440, New York, NY 10169. Not available on the internet.

T&M Protection Resources studied crime incidents and the local impact associated with two residential substance abuse detoxification programs, one in Florida and one in New Jersey, and reviewed records of local agencies through conducting interviews with local officials and studying local records.

For example, the local records studied included:

- A sampling of internal incident reports from both the Lake Worth and Stirling facilities;

- An Event Summary of calls for service to the Palm Beach County Sheriff's Office for the 3 year time frame beginning on September 1, 2008 and ending August 31, 2011, that gives the incident location as the Lake Worth Sunrise facility (3185 Boutwell Rd.);
- Twenty-five (25) police reports prepared by the Palm Beach County Sheriff's Office as generated by the above calls for service;
- A summary of the total number of calls for service to the Palm Beach County Fire Rescue for the 3 year time frame beginning on September 1, 2008 and ending August 31, 2011, that gives the incident location as the Lake Worth Sunrise facility (3185 Boutwell Rd.);
- A summary of the calls for service to the Long Hill Township Police Department for the time frame beginning on September 1, 2009 and ending November 15, 2011, that gives the incident location as the Stirling facility (1272 Long Hill Rd.);
- Seventy-six (76) police general complaint reports prepared by the Longhill Township Police Department as generated by the above calls for service;
- A summary of the calls for service to the White Plains emergency response agencies that gives the incident location as the former Nathan Miller Nursing Home site located at 37 DeKalb Avenue, and
- Letters from neighboring community members

T&M Protection Resources concluded:

“None of the public safety officials interviewed by T&M identified Sunrise [the detoxification center studied] as a drain on municipal resources that would diminish the capabilities of their agencies to provide necessary services to other locations within the community.

The statements by each public safety official interviewed indicating that the existing Sunrise facilities are not a source of crime or disorderly behavior in the communities in which they exist or a drain on municipal resources are supported by the calls for service data and available police reports we reviewed and analyzed.

The neighbors interviewed and the letters reviewed by T&M provided an image of Sunrise Detox Centers as good, quiet neighbors. One neighboring couple in Stirling (adjoining property) told us they considered Sunrise to be “great neighbors” and that other than staff coming and going, they don't see or hear anyone from the facility. Another neighbor in Stirling indicated that the Sunrise facility is self-contained and has not impacted negatively on community public safety. This neighbor offered he would “rather have them (Sunrise) as a neighbor

than a school.” These statements are strong evidence that the Sunrise facility is not a source of crime or disorderly behavior. “

Boyd, S. et. al. (2012), *Use of a ‘microecological technique’ to study crime incidents around methadone maintenance treatment centers*, *Addiction*, Article first published online: 30 APR 2012. Also published in Vol. 107, Issue 9, pp. 1632–1638, September 2012. Abstract available at, retrieved on 8-15-2012 from, <http://onlinelibrary.wiley.com/doi/10.1111/j.1360-0443.2012.03872.x/abstract> Can be purchased from journal.

“Aims Concern about crime is a significant barrier to the establishment of methadone treatment centers (MTCs). Methadone maintenance reduces crime among those treated, but the relationship between MTCs and neighborhood crime is unknown. We evaluated crime around MTCs.

Setting Baltimore City, MD, USA.

Participants We evaluated crime around 13 MTCs and three types of control locations: 13 convenience stores (stores), 13 residential points and 10 general medical hospitals.

Measures We collected reports of Part 1 crimes from 1 January 1999 to 31 December 2001 from the Baltimore City Police Department.

Design Crimes and residential point locations were mapped electronically by street address (geocoded), and MTCs, hospitals and stores were mapped by visiting the sites with a global positioning satellite (GPS) locator. Concentric circular ‘buffers’ were drawn at 25-m intervals up to 300m around each site. We used Poisson regression to assess the relationship between crime counts (incidents per unit area) and distance from the site.

Findings There was no significant geographic relationship between crime counts and MTCs or hospitals. A significant negative relationship ... existed around stores in the daytime (7 am–7 pm), indicating higher crime counts closer to the stores. We found a significant positive relationship around residential points during daytime ... and at night ... indicating higher crime counts further away.

Conclusions Methadone treatment centers, in contrast to convenience stores, are not associated geographically with crime.”

Taniguchi T., & Salvatore, C. (2011, May), *Exploring the relationship between drug and alcohol treatment facilities and violent and property crime: A socioeconomic contingent relationship*. *Security Journal* advance online publication, 2 May 2011; doi: 10.1057/sj.2011.8. Abstract available at, retrieved on 8-15-2012 from <http://www.palgrave-journals.com/sj/journal/v25/n2/abs/sj20118a.html> Can be purchased from journal.

“Siting of drug and alcohol treatment facilities is often met with negative reactions because of the assumption that these facilities increase crime by attracting drug users (and possibly dealers) to an area. This assumption, however, rests on weak empirical footings that have not been subjected to strong empirical analyses. Using census block groups from Philadelphia, PA, it was found that the criminogenic impact of treatment facilities in and near a neighborhood on its violent and property crime rates may be contingent on the socioeconomic status (SES) of the neighborhood.

Paying attention to both the density and proximity of facilities in and around neighborhoods, results showed that the criminogenic impact of treatment facilities depended largely on neighborhood SES. Under some conditions more treatment facilities nearby was associated with lower crime. Reasons why the presumed criminogenic impact of treatment facilities appears only under some conditions were suggested.” Taniguchi and Salvatore also have an informative three-page bibliography.

Zorabedian, J. (2011, January 1), *Area Police Chiefs — Meth Clinics Don't Increase Crime Salem Patch*, Retrieved on 8-16-2012 from <http://salem.patch.com/articles/area-police-chiefs-meth-clinics-dont-up-crime>

“Salem Police Chief Paul Tucker and Peabody Police Chief Robert Champagne said methadone clinics don't risk public safety...Salem Chief of Police Paul Tucker said Monday there is no evidence that methadone clinics increase crime, despite objections by some members of the community to the contrary... Beyond that, Tucker said he is aware of no evidence of increased crime surrounding clinic operations in nearby communities.

A survey of police departments that interact with methadone clinics in Lynn and Chelsea showed "a few minor police related issues, but most said there were no problems associated with the clinic operations," according to Tucker's letter.

Tucker told Salem Patch there is no appreciable threat to children from patients at methadone clinics.

"I don't have any information about kids being grabbed or approached," Tucker said. "In limited research, we didn't see any of that."

A record of police calls to a clinic operated by CSAC in Chelsea, and two methadone clinics operated in Lynn by other outfits, appears to back up the contention that the clinics don't increase crime.”

Ally M.A, et. al. (2011, May-June), *The impact of opening a heroin-assisted treatment clinic on the surrounding neighborhood*, Can J Public Health, 102(3):183-7. Abstract available at, retrieved on 8-15-2012 from <http://www.ncbi.nlm.nih.gov/pubmed/21717665> Can be purchased from journal.

Lasnier, B. et. al. (2010), *A heroin prescription trial: Case studies from Montreal and Vancouver on crime and disorder in the surrounding neighbourhoods*. The International Journal of Drug Policy, 21(1), 28-35. Abstract available at, retrieved on 8-15-2012 from [http://www.ijdp.org/article/S0955-3959\(09\)00063-2/abstract](http://www.ijdp.org/article/S0955-3959(09)00063-2/abstract) Can be purchased from journal.

“This study evaluates whether the instauration of a heroin prescription trial ('NAOMI') generated an impact on the occurrence of crime and disorder in surrounding areas. The clinical trial was initiated in Vancouver and Montreal in 2005, with the aim of assessing the benefits of heroin-assisted treatment (HAT) in Canada. While experiences from other jurisdictions where HAT trials have been implemented clearly demonstrate substantial crime reduction effects for trial participants, there is overall concern that HAT clinics - similar to other interventions aiming at problematic street drug users - may induce a 'honeypot' effect, leading to increases in crime and/or disorder problems in the vicinity of interventions. It has been argued that HAT clinics will attract undesirable behaviour associated with cultures of street drug use and thereby produce negative impacts on the community.

This study examined the incidence of crime and disorder in the Vancouver and Montreal sites before and during the NAOMI trial (2002-2006), using police calls for service and arrest data.

Data were analysed by autoregression analyses. The analysis suggested that most indicators remained stable during the pre- and implementation phase of the NAOMI trial in both sites.

While the attribution of observed crime and disorder trends to the specific clinical interventions in Montreal and Vancouver is difficult and many extrinsic factors may play a role, this study has not generated any clear evidence from institutional police data to suggest increases or decreases in community-based problems associated with HAT programs in Canada.

McCord, E. and Ratcliffe, J. (2007), *A Micro-Spatial Analysis of the Demographic and Criminogenic Environment of Drug Markets in Philadelphia*, The Australian And New Zealand Journal of Criminology, Vol. 40, No. 1 pp. 43–63. Abstract available at, retrieved on 8-15-2012 from, <http://anj.sagepub.com/content/40/1/43.abstract> Can be purchased from journal.

“One of the different features of this study was the combination of social demographic and opportunity-related facilities to predict the location and size of drug markets. When explored at the city level, the social disorganisation variables appeared to respond more in the manner expected from theory. Yet we know from the location quotient analysis that there is clustering around opportunity-related, criminogenic locations. The spatial lag variable reinforces the notion from the location quotient analysis that drug arrests cluster in Philadelphia. The significance and high z value for this variable indicates that areas with high numbers of drug arrests are likely to be surrounded by other high drug arrest areas. The most likely explanation is that not all opportunity facilities within a category are as bad as each other.

When aggregated to the city level, facilities such as beer establishments, pawnshops, and subway stations show evidence of drug arrest clustering. In reality, it is likely that there are good and bad liquor establishments, good and bad pawnshops, and subway stations that are located in areas unlikely to have drug markets. When concurrently analysed within the ZIP regression model, the influence of criminogenic locations (except beer establishments) is overshadowed by the greater consistency of demographic variables as predictors of drug market arrests across the city. The strength and importance of social disorganisation as the driving mechanism for the development of drug markets has been reinforced by this study.”

Boyd, S. et. al. (2007, Summer), *Use of a “Microecologic Technique” to Study Crime Around Substance Abuse Treatment Centers*, *Social Science Computer Review*, Vol. 25 No. 2. pp. 163–173. Abstract available at, retrieved on 8-15-2012 from, <http://ssc.sagepub.com/content/25/2/163.abstract?rss=1> Can be purchased from journal.

This is a methodological article and describes the general techniques later used in the Boyd *et. al.* 2012 article. This 2007 document does not contain research findings resulting from an application of the geocoding methodology.

“Whether substance abuse treatment centers affect neighborhood crime is hotly debated. Empirical evidence on this issue is lacking because of the difficulty of distinguishing the crime effect of treatment centers in high-crime areas, the inability to make before-and-after comparisons for clinics founded before computerized crime data, and the need for appropriate control sites. The authors present an innovative method (without an actual data analysis) to overcome these challenges. Clinic addresses and crime data are geocoded by street address. Crimes are counted within concentric-circular, 25-meter “buffers” around the clinics. Regression analyses are used to calculate the “crime slope” β among the buffers. A negative β indicates more crimes closer to the site. A similar process is used to evaluate crimes around control sites: convenience stores, hospitals, and residential points. This innovative technique provides valid empirical evidence on crime around substance abuse treatment centers.”

2003 PricewaterhouseCoopers report for City of Oshawa, Canada

There are multiple newspaper accounts that in 2003 PricewaterhouseCooper did a report for the City of Oshawa studying crime around 11 methadone treatment clinics in Ontario and “found they had no impact on the surrounding crime rate. Unknown to neighbours, many Ontario pharmacies already dispense vast quantities of methadone but don't offer the counselling services that might mitigate its effects.” See new article retrieved on 8-16-2012 from <http://www.theglobeandmail.com/news/toronto/whats-wrong-with-a-new-methadone-clinic-on-a-quiet-toronto-street/article585418/>

A copy of the report is difficult to obtain since it is not on the City of Oshawa and PricewaterhouseCooper websites.

A Representative Sample of the 50+ Studies on the Impacts of Group Homes and Halfway Houses

Over 50 scientific studies have been conducted to determine if the presence of a group home or halfway house has any effect on property values, neighborhood turnover, or neighborhood safety. No matter which methodology has been used, every study has concluded that group homes not clustered on the same block have no effect on property values, even for the houses next door, nor on the marketability of nearby homes, neighborhood safety, neighborhood character, parking, traffic, public utilities, nor municipal services. The following studies constitute a representative sample. Few studies have been conducted recently simply because this issue has been studied so exhaustively and the findings have been so consistent that they generate no negative impacts.

D. Lauber, *Impacts on the Surrounding Neighborhood of Group Homes for Persons With Developmental Disabilities*, (Governor's Planning Council on Developmental Disabilities, Springfield, Illinois, Sept. 1986) (found no effect on property values or turnover due to any of 14 group homes for up to eight residents; also found crime rate among group home residents to be, at most, 16 percent of that for the general population).

Christopher Wagner and Christine Mitchell, *Non-Effect of Group Homes on Neighboring Residential Property Values in Franklin County* (Metropolitan Human Services Commission, Columbus, Ohio, Aug. 1979) (halfway house for persons with mental illness; group homes for neglected, unruly male wards of the county, 12-18 years old).

Eric Knowles and Ronald Baba, *The Social Impact of Group Homes: a study of small residential service programs in first residential areas* (Green Bay, Wisconsin Plan Commission June 1973) (disadvantaged children from urban areas, teenage boys and girls under court commitment, infants and children with severe medical problems requiring nursing care, convicts in work release or study release programs).

Minnesota Developmental Disabilities Program, *Analysis of Minnesota Property Values of Community Intermediate Care Facilities for Mentally Retarded (ICF-MRs)* (Dept. of Energy, Planning and Development 1982) (no difference in property values and turnover rates in 14 neighborhoods with group homes during the two years before and after homes opened, as compared to 14 comparable control neighborhoods without group homes).

Dirk Wiener, Ronald Anderson, and John Nietupski, *Impact of Community-Based Residential Facilities for Mentally Retarded Adults on Surrounding Property Values Using Realtor Analysis Methods*, 17

Education and Training of the Mentally Retarded 278 (Dec. 1982) (used realtors' "comparable market analysis" method to examine neighborhoods surrounding eight group homes in two medium-sized Iowa communities; found property values in six subject neighborhoods comparable to those in control areas; found property values higher in two subject neighborhoods than in control areas).

Montgomery County Board of Mental Retardation and Developmental Disabilities, *Property Sales Study of the Impact of Group Homes in Montgomery County* (1981) (property appraiser from Magin Realty Company examined neighborhoods surrounding seven group homes; found no difference in property values and turnover rates between group home neighborhoods and control neighborhoods without any group homes).

Martin Lindauer, Pauline Tung, and Frank O'Donnell, *Effect of Community Residences for the Mentally Retarded on Real-Estate Values in the Neighborhoods in Which They are Located* (State University College at Brockport, N.Y. 1980) (examined neighborhoods around seven group homes opened between 1967 and 1980 and two control neighborhoods; found no effect on prices; found a selling wave just before group homes opened, but no decline in selling prices and no difficulty in selling houses; selling wave ended after homes opened; no decline in property values or increase in turnover after homes opened).

L. Dolan and J. Wolpert, *Long Term Neighborhood Property Impacts of Group Homes for Mentally Retarded People*, (Woodrow Wilson School Discussion Paper Series, Princeton University, Nov. 1982) (examined long-term effects on neighborhoods surrounding 32 group homes for five years after the

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homes were opened and found same results as in Wolpert, *infra*).

Julian Wolpert, *Group Homes for the Mentally Retarded: An Investigation of Neighborhood Property Impacts* (New York State Office of Mental Retardation and Developmental Disabilities Aug. 31, 1978) (most thorough study of all; covered 1570 transactions in neighborhoods of ten New York municipalities surrounding 42 group homes; compared neighborhoods surrounding group homes and comparable control neighborhoods without any group homes; found no effect on property values; proximity to group home had no effect on turnover or sales price; no effect on property value or turnover of houses adjacent to group homes).

Burleigh Gardner and Albert Robles, *The Neighbors and the Small Group Homes for the Handicapped: A Survey* (Illinois Association for Retarded Citizens Sept. 1979) (real estate brokers and neighbors of existing group homes for the retarded, reported that group homes had no effect on property values or ability to sell a house; unlike all the other studies noted here, this is based solely on opinions of real estate agents and neighbors; because no objective statistical research was undertaken, this study is of limited value).

Zack Cauklins, John Noak and Bobby Wilkerson, *Impact of Residential Care Facilities in Decatur* (Macon County Community Mental Health Board Dec. 9, 1976) (examined neighborhoods surrounding one group home and four intermediate care facilities for 60 to 117 persons with mental disabilities; members of Decatur Board of Realtors report no effect on housing values or turnover).

Suffolk Community Council, Inc., *Impact of Community Residences Upon Neighborhood Property Values* (July 1984) (compared sales 18 months before and after group homes opened in seven neighborhoods and comparable control neighborhoods without group homes; found no difference in property values or turnover between group home and control neighborhoods).

Metropolitan Human Services Commission, *Group Homes and Property Values: A Second Look* (Aug. 1980) (Columbus, Ohio) (halfway house for persons

with mental illness; group homes for neglected, unruly male wards of the county, 12–18 years old).

Tom Goodale and Sherry Wickware, *Group Homes and Property Values in Residential Areas*, 19 Plan Canada 154–163 (June 1979) (group homes for children, prison pre-parolees).

City of Lansing Planning Department, *Influence of Halfway Houses and Foster Care Facilities Upon Property Values* (Lansing, Mich. Oct. 1976) (No adverse impacts on property values due to halfway houses and group homes for adult ex-offenders, youth offenders, alcoholics).

Michael Dear and S. Martin Taylor, *Not on Our Street*, 133–144 (1982) (group homes for persons with mental illness have no effect on property values or turnover).

John Boeckh, Michael Dear, and S. Martin Taylor, *Property Values and Mental Health Facilities in Metropolitan Toronto*, 24 The Canadian Geographer 270 (Fall 1980) (residential mental health facilities have no effect on the volume of sales activities or property values; distance from the facility and type of facility had no significant effect on price).

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Compiled by Daniel Lauber, AICP, Planner/Attorney

Planning/Communications

7215 Oak Avenue ☞ River Forest, IL 60305 ☎ 708/366–5200
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Counteracting 'Not in My Backyard': The Positive Effects of Greater Occupancy within Mutual-help Recovery Homes

Leonard A. Jason, David R. Groh, Megan Durocher, Josefina Alvarez, Darrin M. Aase, and Joseph R. Ferrari
DePaul University

Abstract

Group homes sometimes face significant neighborhood opposition, and municipalities frequently use maximum occupancy laws to close down these homes. This study examined how the number of residents in Oxford House recovery homes impacted residents' outcomes. Larger homes (i.e., 8 or more residents) may reduce the cost per person and offer more opportunities to exchange positive social support, thus, it was predicted that larger Oxford Houses would exhibit improved outcomes compared to smaller homes. Regression analyses using data from 643 residents from 154 U.S. Oxford Houses indicated that larger House size predicted less criminal and aggressive behavior; additionally, length of abstinence was a partial mediator in these relationships. These findings have been used in court cases to argue against closing down larger Oxford Houses. 125 words

Keywords

Oxford Houses; group homes; 'Not in My Backyard'; substance abuse recovery

Group Homes and 'NIMBY'

Since the 1960's, many institutional settings have been replaced with community-based programs for persons with mental illnesses, developmental disabilities, and substance abuse disorders (Michelson & Tepperman, 2003). An example of a community-based, mutual-aid recovery home for individuals dealing with substance abuse problems is Oxford House (OH; Jason, Ferrari, Davis, & Olson, 2006a). Oxford House has grown since 1975 to over 1,200 homes across the U.S., 30 in Canada, and eight in Australia. All homes are single-sex (i.e., men or women-only), and some women Houses allow residents' minor children. Individuals are typically referred to Oxford Houses by treatment facilities or through word of mouth, and new residents are admitted based on an 80% House vote. Regarding the operation and maintenance of Oxford Houses, no professional staff is involved, enabling residents to create their own rules for communal governance (Oxford House, 2002). Residents are held accountable to abstain from substance use or disruptive behavior; find and maintain a job; complete chores; and pay for rent, food, and utilities. Failure to comply with these rules along with any disruptive/criminal behavior or substance use is grounds for expulsion, and all rules are enforced by the house residents; as long as rules are followed, residents are allowed to stay indefinitely. In addition, residents are required to hold house positions (e.g., president or treasurer) elected for six-month intervals by 80% majority vote. A randomized study found that at two-year follow up, the Oxford House participants had lower substance use (31% vs. 65%, respectively), higher monthly income (\$989 vs. \$440), and lower

Address correspondence to the first author Leonard A. Jason at the Center for Community Research, 990 W. Fullerton Ave, Suite 3100, DePaul University, Chicago, IL, USA, 60614. Phone: 773-325-2018. Fax: 773-325-4923. ljason@depaul.edu.

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incarceration rates (3% vs. 9%) compared to usual-aftercare participants (Jason, Olson, Ferrari, & Lo Sasso, 2006b).

There are numerous theoretical reasons why group homes such as Oxford Houses should be located in residential areas (Seymour, no date). For example, group homes in residential communities may allow for community integration, an active ingredient in the treatment of substance abuse and many other disorders. Group homes might also serve to educate the community about stigmatized populations (e.g., people with substance abuse problems, developmental disabilities, or mental illnesses). Finally, group homes can be a deterrent to crime because residents are generally required to maintain positive behaviors (e.g., sobriety) and are often vigilant. The Oxford House national organization dictates that new Houses be established in safe, low crime, economically stable neighborhoods with minimal opportunities for relapse (Oxford House, 2002). Regardless of geographic location, Oxford Houses are typically situated in low-drug, low-crime communities in which residents have access to resources and amenities that enable autonomy and substance-free lifestyles (Ferrari, Jason, Blake, Davis, & Olson; 2006a; Ferrari, Groh, Jason, & Olson, 2007).

Nonetheless, group homes in residential areas sometimes face significant opposition (Zippay, 1997), with neighbors' concerns relating to property values, traffic, noise, inappropriate behavior (Cook, 1997), and safety (Schwartz & Rabinovitz, 2001; Solomon & Davis, 1984). This phenomenon is commonly referred to as the 'Not in My Backyard' syndrome (NIMBY; e.g., Dear, 1992; Kim, 2000; Low, 1993). Oxford Houses are certainly not immune to NIMBY; for instance, a North Carolina Oxford House was protested and vandalized by neighbors before it opened. In addition to neighborhood opposition, municipalities employ several techniques to legally regulate, restrict, or even close down group homes (Gathe, 1997). To start out with, cities sometimes decline to provide the required license to prevent the opening of a recovery home. Other regulatory tactics involve density limitations, which may include the Fair Housing Act and Landlord-Tenant Laws (e.g., group homes cannot remove substance-using or disruptive residents without a court order), prohibiting more than one recovery home within a certain radius, and maximum occupancy rules, the focus of the current investigation (i.e., too many unrelated people living in the same dwelling).

Despite the resistance faced by these homes, group homes actually have very little impact on their surrounding neighborhoods and generally blend into the community (Cook, 1997). Community members frequently expect to have more problems with group homes than really occur (Cook; McConkey et al., 1993), and residential facilities do not tend to negatively affect public safety (Center for Community Corrections, 2002). In fact, contrary to popular fears, literature reviews suggest that these settings may actually increase property values in their neighborhoods (Aamodt & Chiglinksy, 1989; Center for Community Corrections). Similar patterns have been demonstrated for Oxford House recovery homes. Local communities reported Oxford House residents blended well into the neighborhood and made good neighbors (Jason, Roberts, & Olson, 2005). The majority of Oxford House neighbors interviewed had either gained resources, friendships, or a greater sense of security following contact with the Oxford House residents. Furthermore, no evidence of property devaluation was found for neighborhoods containing Oxford Houses; community members who knew of the Oxford House actually saw an increase in property value over an average of 3 years.

Several studies investigated factors that influence the reception of group homes in residential areas. The Center for Community Corrections (2002) interviewed community members and found that neighbor acceptance of community justice facilities and halfway homes was enhanced by an engaged public, a well-run program with access to substance

abuse treatment and job development, community input and continuing involvement, discernible contributions to the community, and a careful assessment of the community prior to entry. Additionally, the more a facility resembles the neighborhood in which it resides and the more autonomous the facility residents, the more likely residents will integrate into the community (Makas, 1993). Further, research indicates that closer proximity (Gale, Ng, & Rosenblood, 1988) and increased contact (Butterfield, 1983) between community members and group home residents has a positive effect on the reception of the homes. Jason and colleagues (2005) revealed that residents who lived adjacent to an Oxford House, as opposed to a block away, had significantly more positive attitudes towards the need to provide a supportive community environment for those in recovery, allow substance abusers in a residential community, and the willingness to have a self-run home on their block.

In attempt to reduce the amount and level of concern related to Oxford Houses and other group homes, educational efforts might be developed such as documenting the effects of group homes on property values, having facility residents maintain friendly rapport with neighbors, and residents becoming more familiar with their surroundings in order to address neighbors' fears (Cook, 1997). For example, staff at a residential facility implemented educational measures to inform the neighborhood about the opening of the home (Schwartz & Rabinovitz, 2001). Significant interactions were found between neighbors visiting these facilities and decreases in dissatisfaction. Finally, it has been suggested that researchers should focus on developing ways that the public can become more familiar with halfway houses and other group homes (Center for Community Corrections, 2002).

Group Home Size

In order to implement educational efforts, this research study focused on one NIMBY threat to group homes: house size. While very little research exists on this topic, one study (Segal & Darwin, 1996) found that within sheltered care facilities for individuals with mental illness, although home size did not relate to levels of management, larger homes were less restrictive in their rules and procedures. Larger homes also spent more on program activities for their residents, and their residents were more involved in facility-based activities. It is possible that these greater occupancy facilities were able to provide more of an opportunity for residents to develop a sense of community. However, this type of sheltered care facility is fairly different from Oxford House recovery homes.

It is suggested that a sufficient number of residents in each home might be a necessary component in the effectiveness of Oxford House through the mechanism of social support. Individuals recovering from addictions should be surrounded by a community in which they feel they belong and are able to obtain sobriety goals (Jason & Kobayashi, 1995). Oxford House residents rated "fellowship with similar peers" the most important aspect of living in an Oxford House (Jason, Ferrari, Dvorchak, Groessl, & Malloy, 1997). The Oxford House experience also provides residents with abstinence-specific social support networks consisting of other residents in recovery (Flynn, Alvarez, Jason, Olson, Ferrari, & Davis, 2006). Individuals who spent more time in an Oxford House had a greater sense of community with others in recovery, less support for substance use (Davis & Jason, 2005), and more support for abstinence (Majer, Jason, Ferrari, Venable, & Olson, 2002). Oxford Houses with more residents might have greater opportunities for members to provide and receive these vital social resources. It is believed that larger Houses will promote recovery through their ability to promote larger (Zywiak, Longabaugh, & Wirtz, 2002), more supportive social networks (MacDonald, 1987) that include sober others in recovery (Hawkins & Fraser, 1987; Zywiak et al.), constructs linked to sober living.

In addition to increased levels of social support, there are other hypothesized benefits to larger Oxford Houses. For instance, rent may be lower in larger homes because residents can

split the costs. Additionally, having more residents allows members to learn from each other and increases opportunities for diversity. In this study, we examined the effects of House size on criminal and aggressive behaviors among Oxford House residents, two areas of significant concern to communities containing group homes (Cook; Schwartz & Rabinovitz, 2001; Solomon & Davis, 1984). Oxford House has been found to promote positive outcomes regarding both criminal activity (Jason et al., 2006b; Jason, Davis, Ferrari, & Anderson, 2007a; Jason, Olson, Ferrari, Majer, Alvarez, & Stout, 2007b) and self-regulation (Jason et al., 2007b), which relates to aggression. Therefore, it was hypothesized in the present study that residents of larger Houses (with 8 or more members) would exhibit fewer criminal and aggressive behaviors as measured by the *Global Appraisal of Individual Needs-Quick Screen* than residents of smaller Houses.

Method

Procedure

Data included in the present study were from the baseline data collection (completed between December 2001 and April 2002) of a community evaluation of residents living in one of 213 U.S. Oxford Houses (see Jason et al., 2007a for details). Participants from this Institutional Review Board-approved study were recruited and surveyed using two strategies. The majority of participants ($n = 797$) were recruited through an announcement published in the monthly Oxford House newsletter that provided contact information for the study. We then contacted Oxford Houses via letters to House Presidents, conducted follow-up phone calls to the Houses, and where possible, members of the research team arranged to visit Houses. Of the 189 Oxford Houses that were approached, 169 (89.4%) had at least one individual who agreed to participate in the study, and the average number of individuals per House choosing to participate in the study was 4.7. For the second method, 100 individuals were randomly selected to fill out the baseline questionnaires at an annual Oxford House Convention attended by 300. Analyses revealed no difference in demographic or outcome variables between the two recruitment groups.

In each case, the nature, purpose, and goals of the study were explained to the potential participants. As part of the consent process, staff members explained that participation was entirely voluntary and that withdrawal from the study was possible at any time. Fifteen dollar payments were made to participants following the survey. These data were gathered by research staff who primarily administered questionnaires in person to the participants. Some data were collected by telephone, which was often the case for those who had left Oxford House. No significant differences were found based on data collection method.

In addition, an environmental survey (assessing House size) was mailed to the House Presidents of all 213 Oxford Houses. No identifiable information about any House resident was requested, and confidentially was maintained for all data. Most often the survey was completed by the House President (60.2%) or another House officer (31.6%), such as the Secretary or Treasurer. The survey then was returned by mail, and a small package of coffee was subsequently sent to the House for participation. Pilot testing indicated that it would take less than 20 minutes to complete and mail the survey, which were collected over a four month period.

Participants

For this investigation, we only included participants from the 154 Houses for which we had data on House size, representing 72.3% of Houses in the larger study. On average, Houses had about 7 total members ($M = 7.1$, $SD = 2.0$, $Median = 7$), and Houses in this study ranged in size from 3–18 residents. Regarding geographic region within the U.S., 27.7% of Houses

were located in the West, 18.4% were in the Midwest and Texas, 28.3% were in the Northeast, and 25.7% were in the Southeast.

This present baseline sample consisted of 643 Oxford House residents, including 227 females (35.3%) and 416 males (64.7%). The sample was ethnically diverse, with 62.5% European American, 29.2% African American, 3.9% Hispanic/Latino, and 4.4% others. At baseline, the average age of the sample was 38.3 ($SD = 9.2$), and the average education level was 12.7 years ($SD = 2.0$). Regarding marital status, 50.4% were single or never married, 45.4% were divorced/widowed/separated, and 4.2% were married. With respect to employment, 67.4% reported being employed full-time, 14.2% part-time, 13.3% unemployed, and 5.1% retired or disabled, and the average monthly income of the sample was \$965 ($SD = 840$). The average participant had stayed in an Oxford House for 1.0 years ($SD = 1.4$). The mean length of sobriety was 1.7 years ($SD = 2.4$) for alcohol and 1.9 years ($SD = 3.2$) for illicit drugs. Regarding recent substance use, participants on average consumed alcohol on 2.3 days ($SD = 9.1$) and drugs on 5.1 days ($SD = 18.3$) in the past 90 days. Concerning legal status, 30% of participants were currently on probation, and 14% claimed that their entry into OH was prompted by the law. Regarding lifetime data, the average participant was charged with a crime 9.9 times ($SD = 14.0$) and were incarcerated a total of 15.9 months ($SD = 36.8$).

Measures

Baseline demographic information (e.g., gender, race, substance disorder typology) was obtained from items on the 5th Edition of the *Addiction Severity Index-lite* (*ASI*; McLellan et al., 1992). The *ASI* assesses common problems related to substance abuse: medical status, drug use, alcohol use, illegal activity, family relations, and psychiatric condition. The *ASI* has been used in a number of alcohol and drug use studies over the past 15 years and has been shown to have excellent predictive and concurrent validity (McLellan et al.).

The *Form-90* (Miller & Del Boca, 1994) was administered to obtain a continuous record of alcohol and drug consumption and intensity within a 90-day time span. This measure gathers information related to employment, health care utilization, incarceration, and alcohol and other drug use over a 90-day retrospective (which provides a reliable time frame for abstinence assessment; Miller & Del Boca).

The number of residents per Oxford House was determined using a brief version of a reliable environmental audit developed and utilized by Ferrari and colleagues (Ferrari et al., 2006a; Ferrari, Jason, Davis, Olson, & Alvarez, 2004; Ferrari, Jason, Sasser, Davis, & Olson, 2006b) for use with group recovery settings. This survey requested responses to forced choice and frequency items in a number of domains, including information about the House setting such as the percentage of residents in recovery from alcohol, drugs, and poly-substances, along with the number of inhabitants within a House. Other sections of this audit gathered information on the interior and immediate exterior House characteristics, amenities found within a 2-block radius of the House, and characteristics of the surrounding neighborhood.

The *Global Appraisal of Individual Needs-Quick Screen* (*GAIN-QS*; Dennis & Titus, 2000) is a self-report, clinical screening tool examining whether or not a psychological or substance abuse symptom has occurred in the past 12 months similar to the DMV-IV Axis I criteria. While the *GAIN-QS* is not a diagnostic tool, it has been utilized within clinical screening contexts to identify problem areas and psychological symptoms that warrant further explanation. For the purposes of this study, 2 indices from the *GAIN-QS* were used as the outcome variables measuring aggressive and criminal behaviors: *Conduct Disorder/*

Aggression Index (6 items; *Cronbach's alpha* = .78, *Mean Score* = 1.34) and *General Crime Index* (4 items; *Cronbach's alpha* = .69; *Mean Score* = .29).

Results

House Size and GAIN-QS Subscales

The average House size in this study was about 7 members ($M = 7.1$, *median* = 7), and because a pending court case attempted to make it illegal for Oxford Houses to house 8 or more residents, we decided to compare 7 or fewer members in a House (i.e., smaller Houses) with 8 or more residents of an Oxford House (i.e., larger Houses). *Regression analyses*¹ determined that this dichotomized House size variable significantly predicted the *GAIN-QS* subscales of *Conduct Disorder/Aggression*, $\beta = -.10$, $t(632) = -2.52$, $p = .01$, and *General Crime Index*, $\beta = -.10$, $t(634) = -2.44$, $p = .02$. House size accounted for 0.8% of the variance in *General Crime Index* scores and 1.9% of the variance in *Conduct Disorder/Aggression* scores. Larger Houses had fewer problems related to conduct disorder/aggression, and criminal activity. Smaller Houses had a *General Crime Index* mean score of 0.34 and a *Conduct Disorder/Aggression Index* mean score of 1.43, whereas the respective scores for larger Houses were 0.21 and 1.16 (lower scores indicate fewer problem symptoms in each area).

House Size and Demographic Analyses

Next, *one-way ANOVA* and *chi-square* analyses were run to determine whether large and small Houses (7 or less vs. 8 or more) differed on demographic variables. Results indicated that the groups only differed on one key demographic variable: larger House residents had been abstinent from drugs and alcohol longer than individual from smaller Houses, $F(1,637) = 4.42$, $p = .04$. Residents in smaller Houses had 298.1 ($SD = 458.6$) cumulative days of abstinence on average, compared to 379.5 ($SD = 476.5$) days for residents of larger Houses. This indicates that individual living in larger Houses maintained abstinence for about 81 days longer. Since larger Houses had significantly longer lengths of cumulative abstinence, we ran correlations to determine if this variable also related to the *GAIN-QS* subscale scores. Among participants for whom we have House size data, cumulative days sober did significantly and negatively correlate with the *GAIN-QS* subscales of *Conduct Disorder/Aggression*, $r(633) = -.26$, $p = .000$, and *General Crime Index*, $r(631) = -.30$, $p = .000$.

Mediational Analyses

We next examined whether the variables in the House size and *GAIN-QS* subscore regression analyses were only significant because individuals in larger Houses had been sober for longer periods of time. In order to evaluate this possibility, we utilized Baron & Kenny's (1986) framework for testing of mediation. In Baron & Kenny's model, the influence of variable A (the initial variable) on variable B (the outcome) may be explained by a third variable known as variable C (the process variable). Complete mediation occurs when variable A no longer affects B after C has been controlled. Partial mediation occurs when the path from variables A to B (the total effect) is diminished in total size but still different from zero after the mediating variable is controlled. The mediational model is a causal one; therefore, the mediator is presumed to bring about the outcome and not vice versa.

¹Although participants were nested within Oxford Houses, we decided not to focus on Hierarchical Linear Modeling results because we wanted to test for mediation, which can be done using regression but not HLM. However, we did run HLM analyses and found that House size (as a level 2 group variable) significantly predicted individually-assessed level 1 *General Crime Index* scores ($t[144] = -2.18$, $p = .03$) but not level 1 *Conduct Disorder/Aggression* scores ($t[144] = -1.17$, $p = .25$).

We used Baron & Kenney's (1986) framework to determine whether cumulative days sober mediated the relationship between House size and *Conduct Disorder/Aggression* (A = House size [7 or less vs. 8 or more], B = cumulative days sober, and C = *Conduct Disorder/Aggression*). As demonstrated earlier with linear regression analyses, House size significantly predicted *Conduct Disorder/Aggression*. House size also significantly predicted cumulative days sober (A→B; $\beta = .08$, $t[637] = 2.10$, $p = .04$; $r^2 = .007$), and cumulative days sober predicted *Conduct Disorder/Aggression* (B→C; $\beta = -.30$, $t[630] = -7.86$, $p = .000$; $r^2 = .089$). Finally, when both House size and cumulative days sober were put in the model predicting *Conduct Disorder/Aggression* (A and B→C), House size maintained significance, but less than earlier (House size: $\beta = -.08$, $t[628] = -2.11$, $p = .04$; cumulative days sober: $\beta = -.29$, $t[628] = -7.69$, $p = .000$; $r^2 = .096$). Therefore, House size is related to *Conduct Disorder/Aggression*, and cumulative abstinence is a partial mediator in this association. These two variables (i.e., House size and cumulative abstinence) explained almost 10% of the variance in *Conduct Disorder/Aggression* scores.

We again employed Baron & Kenney's (1986) framework to determine whether cumulative days sober mediated the relation between House size and *General Crime Index* (A = House size [7 or less vs. 8 or more], B = cumulative days sober, and C = *General Crime Index*). As reported earlier, House Size was a significant predictor of *General Crime Index*, and House Size significantly predicted cumulative days sober. Regarding new analyses, cumulative days sober predicted *General Crime Index* (B→C; $\beta = -.26$, $t[631] = -6.77$, $p = .000$; $r^2 = .068$). Finally, with both House size and cumulative days sober as predictors of *General Crime Index* (A and B→C), House size retained significance but less so than before (House Size: $\beta = -.08$, $t[630] = -2.04$, $p = .04$; cumulative days sober: $\beta = -.25$, $t[630] = -6.60$, $p = .000$; $r^2 = .074$). Thus, House size is related to *General Crime Index* scores, and cumulative sobriety is a partial mediator in this relationship. These two variables (i.e., House size and cumulative abstinence) explained more than 7% of the variance in *General Crime Index* scores.

Discussion

The objective of the present investigation was to examine how the number of residents in an Oxford House impacted outcomes related to aggression and crime among residents. Regression analyses supported our hypotheses that larger House size (i.e., 8 or more residents) would predict less criminal and aggressive behavior. However, an unexpected result was that length of abstinence was a significant mediator in these relationships. House size lost a fair amount of significance when the mediator of cumulative days sober was entered into the models predicting *GAIN* subscale scores, and the addition of cumulative sobriety to the models greatly increased the amount of variance explained. Cumulative sobriety partially explained the relationships between House size and *General Crime Index* and House size and *Conduct Disorder/Aggression*. Thus, greater House size leads to greater cumulative abstinence, which in turn leads to less criminal activity and aggression; however, House size does have some independent impact of its own on these outcomes. It is clear that having more residents in a House is beneficial to residents' recovery from alcohol and drug abuse.

These findings have important policy implications regarding the future of recovery homes. It is argued that local governments allow Oxford Houses immunity from maximum occupancy regulations due to the great need in many communities for these settings. It is very difficult for individuals lacking stable living environments to maintain a sober lifestyle following residential treatment (Milby, Schumacher, Wallace, Feedman, & Vuchinich, 1996). As the cost of housing continues to rise, many individuals leaving inpatient facilities are unable to find affordable housing. Without Oxford House or other recovery home options, former

addicts frequently have no choice but to return to their old negative environments and fall back into their pre-treatment habits, which frequently include antisocial activities such as substance use and criminal activity. Regardless of how successful a client has been in treatment, this progress can be reversed through residence in an environment that promotes crime and drug use (Polcin, Galloway, Taylor & Benowitz-Fredericks, 2004). As demonstrated in this study, a sufficient number of House residents is a factor in the ability of Oxford House to promote these outcomes that benefit local communities.

Furthermore, it is suggested that maximum occupancy regulations that apply to recovery homes are often based on false beliefs and fears. Neighbors often oppose recovery homes because they fear increased crime and violence (Cook, 1997; Schwartz & Rabinovitz, 2001; Solomon & Davis, 1984; Zippay, 1997), and in order to appease these residents, cities frequently use maximum occupancy laws to close the group homes (Gathe, 1997). This pattern is quite ironic given that the Houses being closed (i.e., larger homes) should actually give neighbors less reason for concern. It seems obvious that laws based on these misconceptions should be eliminated. Overall, Oxford Houses have positive (not negative) effects on local communities (Jason et al., 2005), and residents of larger Houses appear to be highly desirable community members (i.e., who engage in less criminal and aggressive behaviors).

This investigation provides one more step in the movement to improve the reception of Oxford Houses and other group homes in local communities. While second-order change alters the systems that cause the problems (Dalton, Elias, & Wanderman, 2001), 'Not in My Backyard' typically serves to inhibit this type of change. Changing the attitudes of mental health professionals, community members, and policy makers may break down the barriers to second-order change (Olson et al., 2002). Educational efforts along with successes in the court room may promote a more positive social climate and set legal precedents. Finally, researchers have argued that social scientists should explore ways that the public can become more familiar with residential facilities (Center for Community Corrections, 2002). We hope that these efforts and the efforts of other researchers, individuals in recovery, treatment providers, lawyers, and political activists are successful in reducing the opposition to group homes in residential areas.

Concerning limitations, our findings might not apply to other group homes or residential facilities, which can vary greatly in focus, procedures, setting, and size. For instance, a "large" Oxford House setting (i.e., greater than 7 members) might be very small in comparison to other residential settings, which may accommodate several dozen residents. It is actually possible in these cases that somewhat smaller settings are more effective. In addition, we were typically not able to collect data from all members within a House; thus, some Houses have more representation than others in this sample. Future studies in this area should acquire information from all members of a House if possible. Furthermore, data analyzed in this study were self-report; therefore, it may have been useful to obtain House size estimates using data from other sources such as Oxford House Inc., the national body that oversees Oxford Houses. Also, alcohol and drug use had little variability within this sample because all participants were recruited from Oxford Houses instead of treatment or detoxification centers (suggesting a later stage in recovery), and because residents caught using can be evicted. Perhaps future research assessing occupancy levels of recovery homes should consider a sample with more variability with regards to substance use. A final limitation is our use of regression analyses as opposed to Hierarchical Linear Modeling due to the tested nature of the data; however, we wanted to test the mediational model, which can be done using regression but not HLM. Nonetheless, future researchers assessing group home size may want to seriously consider the use of HLM.

In order to improve the reception of Oxford Houses in local communities and counteract the NIMBY syndrome, the Oxford House Research Team has provided expert testimony in court cases, sent information to legislators, disseminated research findings with policy implications, collaborated with community partners and state-level agencies, and worked with the media to change the image of recovery homes (see Jason, Davis, Ferrari, & Bishop, 2001). In particular, the DePaul University research team has been involved in several court cases over past several years on the behalf of Oxford Houses. Most recently, municipalities located in Kansas, Iowa, and North Carolina have attempted to close down Oxford Houses or similar recovery homes due to too many unrelated individuals living in one dwelling. Findings from the present study were used in these court cases, and at the present time, the Oxford House organization has won every court case.

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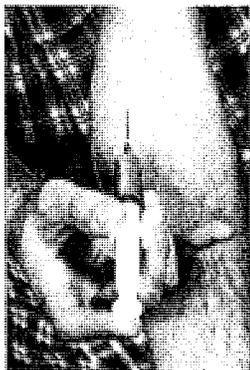
Former Property Uses

Heroin Users Are Older, Whiter, More Suburban Than in the Past: Study

/BY JOIN TOGETHER STAFF

May 29th, 2014

/



Heroin users are much more likely to be older, whiter and suburban compared with 50 years ago, a new study concludes. They are almost evenly split between men and women, [The Washington Post](#) reports. Fifty years ago, 83 percent of those seeking treatment for heroin use were men.

In 2010, three-quarters of people who used heroin did so after abusing prescription opioids, the researchers wrote in [JAMA Psychiatry](#). In the 1960s, more than 80 percent of people seeking treatment said heroin was the first opioid they had used. The findings come from a survey of patients in 150 treatment programs around the nation.

The study found 90 percent of people seeking treatment for heroin use in 2010 were white, compared with just over 40 percent in the 1960s. The average age increased from 16.5 years old 50 years ago, to 22.9 years old in 2010.

Among those who said they started with an opioid painkiller and switched to heroin, 98 percent said they preferred the high heroin gave them, and 94 percent said heroin was cheaper and easier to get.

“In the past, heroin was a drug that introduced people to narcotics,” lead researcher Theodore J. Cicero, PhD, of Washington University School of Medicine in St. Louis said in [a news release](#). “But what we’re seeing now is that most people using heroin begin with prescription painkillers such as OxyContin, Percocet or Vicodin, and only switch to heroin when their prescription drug habits get too expensive.”

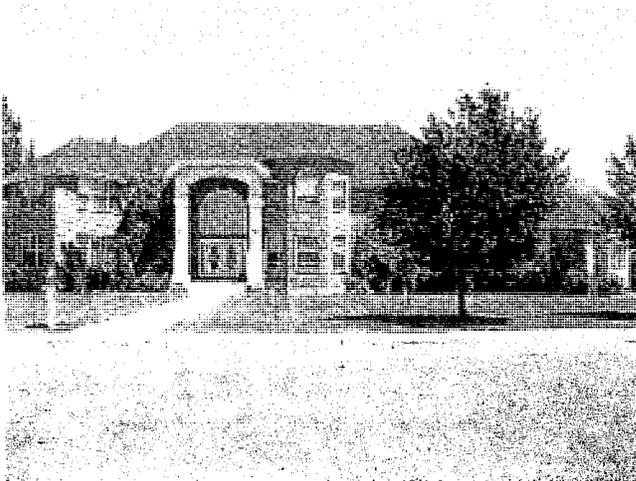
OxyContin was reformulated in 2010 to make it more difficult to crush or dissolve, leading some people to switch from abusing the drug to heroin, Cicero said. “If you make abuse-deterrent formulations of these drugs and make it harder to get high, these people aren’t just going to stop using drugs,” he noted. “As we made it more difficult to use one drug, people simply migrated to another. Policymakers weren’t ready for that, and we certainly didn’t anticipate a shift to heroin.”

Community Development
Lindon City

SEP 18 2014

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Camelot Vacation Home



Healing Light Reiki Center is also available to rent as your own private "Camelot Vacation Home".
Perfect for:

- Family Vacations
- Teachers Needing Workshop Facilities
- Corporate Meetings
- Girls Getaway
- Couples Getaway

Bring your friends and family for a fun filled vacation in Utah Valley. We sleep 22 people in a spacious 6,000 sq. ft. home sitting on 1.3 acres. We offer beautiful, fully furnished, private home accommodations.

- \$450 per night. (plus sales tax)
- 2 night minimum stay.
- \$150 non-refundable cleaning fee.
- \$69 non-refundable property damage insurance fee. (in lieu of large deposit)

We are in the perfect location to easily access year around activities! To see more photos and all the amenities that Camelot offers, and to reserve your vacation dates please log onto <http://www.homeaway.com/vacation-rental/p3484116>

For a listing of "Things To Do and See" in Utah Valley please click on <http://www.utahvalley.com/things-to-do/default.aspx>

Retreats and Girls Getaways

Community Development
Lindon City

SEP 18 2014

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Directions - From I-15 take freeway exit #273. Turn East and drive 1.3 miles to State Street. Turn left, driving north .06 mile to 2000 North (lighted intersection). Turn right and drive 1 block. Take first left. "**Healing Light Home**" is first house on the right. (Large pinkish brick home with chandelier window.)



Private Sessions - If you would like to experience a private Reiki treatment with Lisa please call or text her 801-360-6909 to reserve your appointment time. Treatment fee is \$80 and could include Crystal Therapy, Aromatherapy, Massage Therapy, Sound Therapy, Cord Cutting, Spiritual Channeling, Life Coaching, Guided Visualization, Aura Clearing, and Chakra Balancing. Each treatment is unique and based upon the personal needs of the client.



Continuing Support For Reiki Students

Students of *Healing Light Reiki Center* are appreciated and supported. I offer to my students continuing support on their "Reiki Journey" by making Reiki easy to learn and easy to access. This is why I created a "Reiki Refresher" opportunity. After you certify in Reiki VIII training through *Healing Light Reiki Center*, you will be able to come back and refresh your knowledge and skills by reviewing the Reiki VIII training for half price! **You pay only \$175!**

Reviewing a Reiki Class Has Many Benefits:

- *You are given the opportunity to brush up on your Reiki skills.*
- *Repetition is a great learning tool.*
- *You hear new thoughts and ideas about Reiki, and possible new ways of using Reiki.*
- *You meet new friends and get to hang out with like minded people.*
- *You are given another Attunement.....which is empowering and a good way to "boost" your Reiki energy!*
- *You enter into a powerful healing space for 2 full days soaking up the high frequency of Reiki energy which gives you the opportunity to heal, relax, and rejuvenate your mind-body-soul!*

Lisa's Gratitude Gift To You – After your first refresher you can attend Reiki VIII **FREE FREE FREE** as many times as you would like to! Reiki Refreshers are a fun way to connect with like minded people. Repetition is a great learning tool and each class is unique.

Location - Drum Healing Workshop is held in Lisa's "**Healing Light Home**" *specifically* built to create a fun and nurturing learning environment for students. The address is 145 South 200 East, Lindon Utah, 84042.



Directions - From I-15 take freeway exit #273. Turn East and drive 1.3 miles to State Street. Turn left, driving north .06 mile to 2000 North (lighted intersection). Turn right and drive 1 block. Take first left. "**Healing Light Home**" is first house on the right. (Large pinkish brick home with chandelier window.)

Register Now for Drum Healing

Are You A Reiki Practitioner? If so, please inform us on your registration form to insure you receive the student manual written specifically for Reiki Practitioners!



Private Sessions - If you are interested in experiencing a personal 90 minute Drum Healing Session with Lisa, please call or text her at 801-360-6909 to reserve your appointment time. Treatment fee is \$80 and could include Reiki, Drumming, Crystal Therapy, Aromatherapy, Massage Therapy, Cord Cutting, Spiritual Channeling, Guided Visualization, and Life Coaching. Each treatment is unique and is based on the personal needs of the client.

Hotel Accommodations – 2 very nice hotels just 2.2 miles southwest of Healing Light Reiki Training.

give yourself and others a powerful Reiki healing treatment! **If you are already a Reiki practitioner, this course will most certainly enhance your previous Reiki training & add to your Reiki tool box!**

Continuing Education Credits available for Massage Therapists and Nurses.

Class size is limited to 10 students with the intention of getting all questions answered and allowing necessary time for practice of all techniques taught.

Tuition - \$350

Reiki Refresher Tuition – \$175 (for previous students of Healing Light Reiki Center who want to review)

Deposit - \$150 will reserve your space and the remaining balance is due by the 1st day of class, or you may prefer to pay the full balance when you register. Deposits are non refundable and may be transferred to future classes within 1 year. Sign up now to reserve your space.

Class times - Check-In starts at 8:45am. Class begins promptly at 9:00am. We are complete by 6:00pm.

Lunch - A one-hour lunch break is given at approximately 12:30pm. We have many nearby fast-food options, nice restaurants and natural health food stores within 10 minutes driving distance. Or bring your own sack lunch and simply relax during the break.

Dress – Casual and comfy, and please bring a water bottle. Also, wear warm socks! The classroom wood floor tends to get cold.

Location – Reiki I/II training is held in Lisa's "**Healing Light Home**" specifically built to create a fun and nurturing learning environment for students. The address is 145 South 200 East, Lindon Utah, 84042. See exact directions below.



the beat of your drum can literally break up dense, stuck energy that is clogging your energy pathway. Drumming directly into each chakra can cleanse and energize your chakra anatomy. The health benefits are numerous because your chakras relate to all aspects of your life physically, emotionally, mentally, and spiritually.

Drumming as Experienced by Lisa

- As a Holistic Healing Facilitator I utilize Drumming in every single treatment I give!
- I have personally witnessed the power of the drum to relax tense, high stressed individuals.
- I have seen the emotionally wounded finally release their pain and feel many times lighter.
- I have observed the hand drum's amazing and consistent ability to create states of euphoria that my clients refer to as "comatose" and they LOVE it!
- I have drummed many tired, sick, and exhausted individuals, who exclaim afterwards "I feel like a new person!" They leave with renewed energy and a refreshed outlook on life.
- I have seen Drumming instantly relieve cravings and ease addictions to substance abuse.
- I drummed a person who was in the middle of a horrible anxiety attack and watched her completely calm down within 3 minutes!
- Drumming promotes play energy, I find that workaholics and people who suffer with depression are inspired to create more fun in their lives.

Register Now for Drum Healing

Join Us May 3rd for a POWERFUL, FUN, HEALING Day of Drumming!

Pre-requisite – *NONE!* Moms, Dads, Kids, Friends, Husbands & Wives, Professionals and Non-Professionals are all invited to learn how to heal with the amazing hand drum!

Tuition – \$225 includes your own drum with student manual and lots of hands on experience! This is a wonderful opportunity to expand your spiritual wisdom and power!

Deposit - \$100 must be paid in advance to get your drum ordered. The remaining balance is due by the 1st day of class or you may choose to pay the full tuition at time of registration. Deposits are non refundable and may be transferred to future classes within 1 year. *Notice will be posted here when May 3rd Class reaches full capacity.*

Tuition for Drum Healing Refresher - 50% off regular tuition price for all students of Healing Light Reiki Center to come back and review this Drum Healing Course! (Does NOT include a second drum.....so be sure to bring your drum from previous class)

Class Times – Check-in starts at 9:15am. Class begins promptly at 9:30am. We drum till 5:30pm! Fun stuff!

Lunch – A one-hour break is given at approximately 12:30pm. We have many nearby fast-food options, nice restaurants, and natural health food stores within 10 minutes driving time. Or bring your own sack lunch and simply *relax* during the break.

Dress – Casual and comfy. Please bring a water bottle. Wear warm socks! Classroom wood floor can get chilly.

Citizen Written Submittals

1. Renee Condie Submission

Sept. 2014

We the undersigned wish to register our opposition to Reflections Recovery Center (RRC) at 145 South 200 East Lindon, Utah, because of the numerous Lindon City Code violations: (the following are all found under Section 17.70.040 of Lindon City code)

1. Code -#6 reads: "...in no case shall the group home have any more than four **(4)** residents at any given time." RRC has requested a **22** beds facility, a **550%** increase over what is legally acceptable by code.

They may argue that they need more people for a therapeutic group discussion but when UVRMC was asked what the optimal number of patients for their drug rehab groups are, they said 5 to 10 people.

2. Code #7 reads: "No group home...shall be established or maintained within $\frac{3}{4}$ of a mile of another group home." There is already one group home, within three fourths of a mile of that proposed facility, located at 365 East 400 North, in Lindon. There is also a second home within $1\frac{1}{4}$ miles, located at 791 North 400 West.

3. Code #7 reads: "NO group home that has residents with disabilities related to any form of substance abuse... shall be established within 500 feet of a licensed daycare, or public or private school." Timpanogos Academy is approx. 495 ft away from this proposed facility. If this proposal is against city code, why do we need to grant an exception for our city laws? We ask you to stick to the code that applies to everyone instead of making exceptions for a limited few!

4. Code #18 reads: "...the facility operators shall develop a safety plan demonstrating adequate supervision and control of residents." According to our knowledge no person will be living in the home full time to supervise the residents but there will be continuous shifts, of usually 2 people, throughout the day. Two people do not seem sufficient for the 22 residents involved.

5. Residential Character of the neighborhood will not be maintained - In the pamphlet sent to us by RRC page 7, it reads; "RRC will look, act and feel like any other residence in the neighborhood." How can this possibly be if they propose 17+ parking stalls at the facility? It will look like a business, act like a business and feel like a business. Maybe they need to find a larger area for their facility

We acknowledge the need and benefit of substance abuse facilities to help those with addiction recovery problems, but we are suggesting that the proposed location at 145 S. 220 E will not work because of the many code violations. The excessive number of residents and the proximity to schools in the area suggest that another location would serve the needs of the community better. Thank you for your time!

Residential Care Facilities
in the Neighborhood:
Federal, State, and Local Requirements
By Lisa K. Foster, M.S.W., M.P.A.

California Research Bureau
900 N Street Suite 300
Sacramento CA
Dec.2002

“Community members generally agree that persons with disabilities and other special needs deserve to live in a community setting like a residential care or treatment facility instead of being isolated and institutionalized. But, it is a common reaction to feel uneasy, concerned, or fearful when a facility moves in next door or down the street.

Advocates and facility licensees point out that care and treatment facilities have to be put in someone’s neighborhood. They argue that neighbors’ fear is largely unfounded; they point to examples of facilities peacefully coexisting with neighbors and studies that conclude that residential care facilities do not have a negative affect on neighborhood safety and property values. In addition, advocates find that neighbors are often uninformed about the facility program and residents, which leads to misconceptions.

However, communities do experience problems with facilities. Seventy-two cities responding to a 1999 League of California Cities survey had received one or more complaints ranging from increased traffic, noise, and other neighborhood disturbances – to code violations – to criminal activities such as assaults and burglaries. The majority of complaints involved facilities that serve youth, individuals with mental illness, and individuals with alcohol or drug addictions.”

2. Val Killian Submission

Concept Analysis of Reflection Recovery Center.

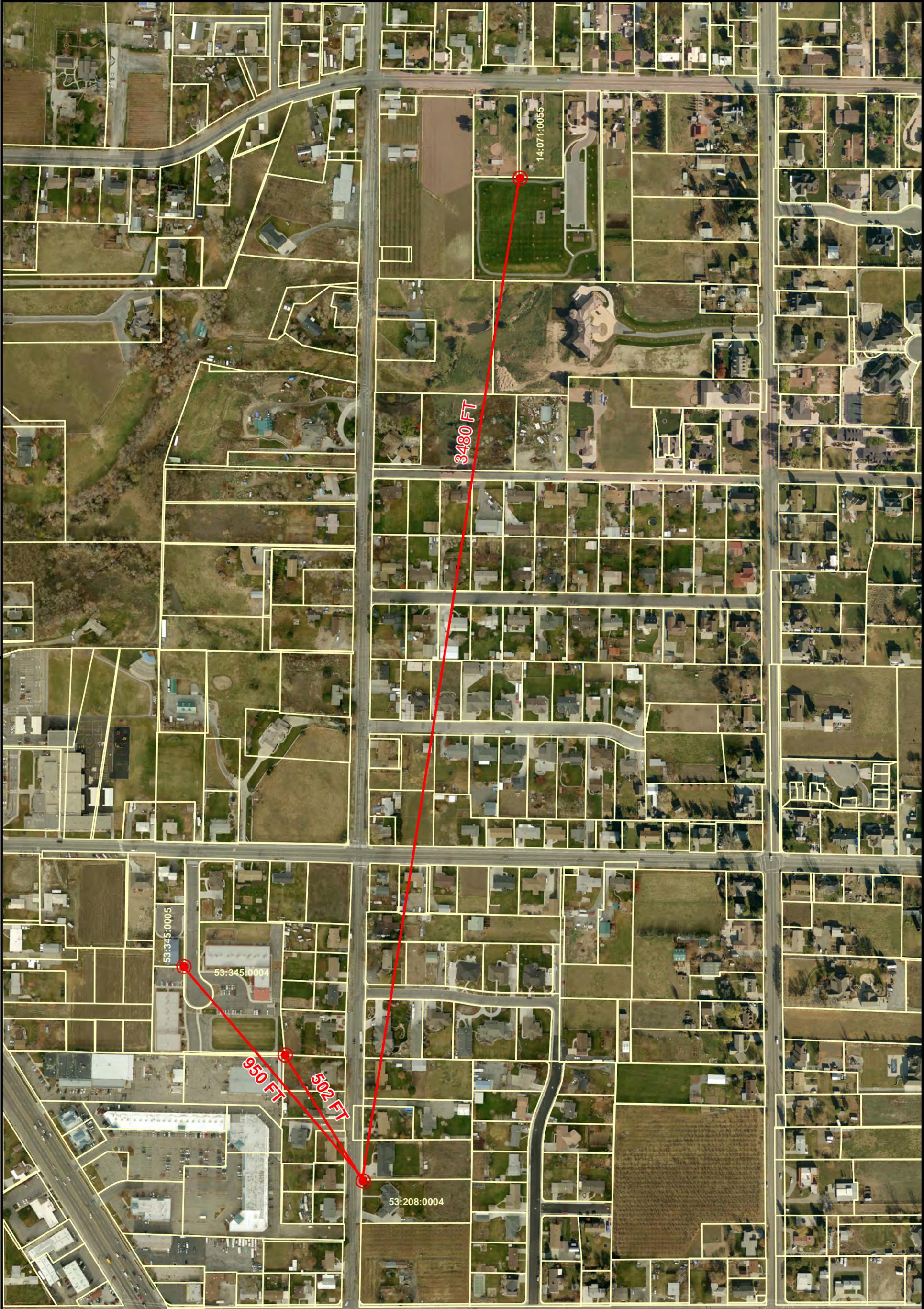
- Residential Build out vs. Commercial Build out.
- IRC pg. 15 Defines Residence as A.1 or A.2 occupancy
- ~~then~~ occupancy of a typical Residence is Not more than (3) 2 Non related people living in the same home. (Planning Definition)
- With Non related people (more than 2) the structure becomes I-1 occupancy. (Commercial)
- Commercial Codes re: Life Safety are Federally enforced.
 - building would be required to be fire sprinkled
 - Any building over 1 story and larger than 1500 sq ft requires Elevator Access to All levels.
 - All Restrooms/Bathing Rooms must meet ADA Standards.
 - Kitchen must meet commercial standards hood w/ Fire suppression, 3 compartment sink w/ separate hand wash sink
 - Ramps from all doors off main floor
 - Stairs that meet all commercial codes. Exterior, No winding stairs etc.
 - All doors to every room must meet ADA Standards
 - Plans must be prepared by a licensed Professional.
 - 2 Approved Exits from 2nd level & basement.

Community Development
Lindon City

SEP 18 2014

RECEIVED

Val



LINDON

**2011
Aerial Photo**



1:3,600
1 inch = 300 feet

Utah County
HEART of UTAH

Map is copyrighted by Utah
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warranty for its accuracy.
Utah County Public Works
- Mapping Division
2855 South State Street
Provo, UT 84606
(801) 851-8626

Printed on Mar 10, 2011 by Melanie

Item 5: Continued Public Hearing — Ordinance Amendment, LCC 17.38 Completion Bonds

Presenting Staff: *Jordan Cullimore*

SUMMARY

Lindon City requests an amendment to Lindon City Code 17.38 Bonds for Completion of Improvements to Real Property.

City staff is in the process of consolidating and making necessary changes to these ordinances to reflect changes in Utah State Code. This has been a work in progress for a long time and will continue to be so. The ordinance before you tonight is still in draft form. Please take the time to read it and provide any feedback you may have to staff.

Regarding the motion for the item, staff requests that the item be continued until a further meeting when the document is closer to its final form. Again, if there are any comments from the Commissioners or the public, staff is happy to receive them at this time.

MOTION

I move to recommend **(continuation)** of the proposed ordinance amendment to 17.38 Completion Bonds (*as presented, with changes*).

ATTACHMENTS

1. Proposed amendment

1 Chapter 17.38

2
3 BONDS FOR COMPLETION OF IMPROVEMENTS TO REAL PROPERTY

4
5 Sections:

6 17.38.010	Improvement completion bonds <u>and warranty bonds</u> generally
7 17.38.015	<u>Definitions</u>
8 17.38.020	Bond for off-site improvements
9 17.38.030	Bond for on-site improvements
10 17.38.040	Required Forms

11
12 Section 17.38.010 Improvement completion bonds and warranty bonds generally

13 Any person or entity subdividing, improving, building upon or otherwise developing real property
14 (hereinafter "developer") shall post for the benefit of Lindon City an improvement completion
15 bond and warranty bond in such amount and of adequate security, as set forth hereinafter,
16 ~~insuring~~ ensuring the timely and proper completion of all improvements required by the Lindon City
17 Code, the Lindon City Development Review Committee ("DRC"), and all applicable building
18 codes, standards, and specifications. Such bonds shall be posted prior to any plat recordation
19 or development activity within the public right of way. (Ord. 2000-2, Amended, 10/04/2000)

20
21
22 Section 17.38.015 Definitions

23 1. Improvement Completion Bond means an irrevocable letter of credit, escrow bond, cash bond,
24 or combination bond posted by a developer to guarantee the proper completion of required
25 improvements as required by City Code, prior to any plat recordation or development activity
26 with the public right of way.

27 2. Warranty Bond means a an irrevocable letter of credit, escrow bond, cash bond, or
28 combination bond posted by a developer to unconditionally warrant that accepted improvement
29 work complies with the municipality's written standards for design, materials, and workmanship
30 and will not fail in any material respect, as a result of poor workmanship or materials, within the
31 improvement warranty period.

32
33 Section 17.38.020 Bond for off-site improvements

34 1. Prior to, and as a condition for obtaining approval of a subdivision plat, building permit, or
35 conditional use permit, any developer making "Off-Site Improvements," as defined below, to
36 real property shall post an ~~Improvement e~~Improvement ~~Completion b~~Bond for the proper and timely
37 installation and completion of all such Off-Site Improvements. The Improvement Completion
38 Bond shall be executed by agreement between the City and the developer, with the City
39 Administrator, or other designated City representative, having authority to enter into said
40 agreement.

41 2. For the purposes of this ordinance, Off- Site improvements shall include:

- 42 a. Utility installations, including piping of culinary and irrigation water, sanitary sewer
43 connections, storm drainage, and other required utilities as established by Lindon City;
- 44 b. Roads, grading, curb, gutter, sidewalks, street lights, grading, and erosion control, and
45 related items;
- 46 c. Any other improvement that may or may not appertain to an individual lot being
47 developed but which benefits the property or that the DRC reasonably deems necessary
48 to the development of the property and any improvements required by or promised to the

49 City; required by ordinance or statute; shown on preliminary ~~plats~~ plans, final plats and
50 construction drawings approved by the City; or required by the eCity eEngineer or the
51 DRC as part of the plat ~~approval~~ development process.

52 3. The Improvement Completion Bond shall guarantee that all required improvements will:
53 a. Be constructed in accordance with the City's construction standards and specifications and
54 as represented in the construction drawing approved by the eCity eEngineer.
55 b. Be completed and pass city inspection within one (1) year of the date that the final plat is
56 recorded or building permit is issued, except that required improvements for plats
57 recorded or building permits ~~recorded~~ issued between October 1 and March 31 must be
58 completed by the next October 1. For example, the required improvements for a plat
59 recorded on February 6, 1990 must be completed by October 1, 1990. The purpose of
60 this requirement is to give the City an opportunity to collect on the bond and complete
61 required asphalt ~~and concrete~~ improvements before the asphalt batch plants close for the
62 winter and before the weather prohibits the completion of the improvements. The City
63 may retain and use the Improvement Completion Bond for work not timely completed
64 where no extension was granted to the developer. The developer may request extensions
65 from the DRC and such extensions shall be granted for good cause shown.

66 ~~54.~~ The Improvement Completion Bond guaranteeing the timely and proper installation of
67 required improvements shall be equal in value to at least one hundred ~~and ten~~ percent
68 ~~(110%)~~ of the cost of what it would cost the City to have the required improvements
69 constructed the required improvements, as estimated by the City Engineer. The City may
70 require additional bond amounts above one hundred percent (100%) of the cost of the
71 required improvements in order to reimburse the City for engineering costs, inspection costs,
72 administrative costs, and collection costs, including court costs and attorney's fees. The
73 purpose of the bond is to enable the City to make or complete the required improvements in
74 a timely manner in the event of the developer's inability or failure to do so. The City need not
75 complete the required improvements before collecting on the bond. The City may, in its
76 sole discretion, delay taking action on the bond and allow the developer to complete the
77 improvements if it receives adequate assurances that the improvements will be completed in
78 a timely and proper manner. ~~The additional ten percent (10%) will be used to make up any~~
79 ~~deficiencies in the bond amount and will reimburse the City for administrative costs and~~
80 ~~collection costs, including court costs and attorney's fees.~~ The Improvement Completion
81 Bond shall not be fully released until a certificate of final acceptance of required
82 improvements has been issued by the Lindon City Public Works Department or, in the event
83 that the Warranty Bond is posted subsequent to the completion of the required
84 improvements, until the requirements of 17.32.020(5)(d) are met.

85 5. The Warranty Bond is required and:
86 ea. Shall guarantee that all required improvements will ~~Remain~~ free from defects for a period
87 of ~~two~~ one (21) years following the date that a certificate of final acceptance of required
88 improvements has been issued by the Lindon City Public Works Department. ~~all~~
89 ~~improvements pass City inspection, or until April 15th of the following year, whichever~~
90 ~~time period is longer. The purpose of this warranty is to assure that the improvements will~~
91 ~~last through at least two (2) full winters.~~ The developer shall repair or replace any
92 improvements which are or become defective during this time period. Subdivision public
93 improvements shall remain free from defects for a period of ~~two~~ one (21) years
94 following the date that all improvements pass City inspection.

95 i. The DRC may require a warranty period beyond one (1) year in order to protect the
96 public health, safety, and welfare if there is substantial recorded evidence:
97 A. of prior poor performance by the developer; or
98 B. that the area upon which the infrastructure will be constructed contains suspect
99 soil and the City has not otherwise required the developer to mitigate the suspect
100 soil.

101 b. Shall be in the amount of ten percent (10%) of the lesser of the:
102 i. City Engineer's original estimated cost of completion of required improvements; or
103 ii. developer's reasonable proven cost of completion of required improvements.
104 c. May be posted at the time of posting the Improvement Completion Bond; or
105 d. May be posted subsequent to completion and acceptance of the required improvements. If
106 the developer chooses this option the following must be completed before the
107 Improvement Completion Bond will be released:
108 i. The Warranty Bond is posted for the amount required in 17.38.020(4)(b); and
109 ii. Public Works issues a certificate of final acceptance of all required improvements; and
110 iii. Record drawings for the improvements are submitted.
111 e. Shall be executed by agreement between the City and the developer, with the City
112 Administrator, or other designated City representative, authorized to enter into said
113 agreement.

114 46. Further, the ~~Improvement Completion~~ Warranty Bond will guarantee that all repairs to, or
115 replacements of, the required improvements will be made to the satisfaction of the DRC, the
116 Public Works Department, and the eCity eEngineer. The DRC may require the developer to
117 guarantee and warrant that any repairs will remain free of defects for a period of six (6)
118 months following the date that the repairs pass City inspection, or until April 15th of the
119 following year, whichever time period is longer. The City may retain the ~~Improvement~~
120 ~~Completion Warranty~~ Bond until the repairs have lasted through the warranty period, and may
121 take action against the bond if necessary to properly complete the repairs. The ~~Improvement~~
122 ~~Completion Warranty~~ Bond shall not be released until the DRC has certified in writing that
123 the promised performance is completed and the warranty period has expired. Site plans shall
124 be released at the end of the warranty period.

Comment [HWV1]: Should this be Public Works Director/rep?

Comment [HWV2]: Should this be Public Works Director/rep?

Comment [HWV3]: What does releasing a site plan mean?

125 67. The bond shall be an irrevocable letter of credit, escrow bond, cash bond or combination
126 bond in favor of the City. The requirements relating to each of these types of bonds are
127 detailed below in the approved bond form as maintained by Development Review Committee.
128 The City must approve any bond submitted pursuant to this section. The City reserves the
129 right to reject any of the bond types if it has a rational basis for doing so. Letters of credit
130 shall be ~~form~~ from a federally insured bank or financial institution and shall be submitted on
131 one of the forms set forth in this section. Escrow bonds shall be held by a federally insured
132 bank, credit union, or similar financial institution or a title insurance underwriter authorized
133 to do business in the State of Utah.

134 78. The City shall have the sole right to enforce the Improvement Completion and Warranty
135 Bond. Private parties shall not be third- party beneficiaries of the Improvement Completion
136 or Warranty Bond.

137 (Ord. 2000-2, Amended, 10/04/2000)

138
139
140 Section 17.38.030 Bond for on-site improvements

141 1. Any developer making on-site improvements to real property that are not completed at the

142 time of application for an occupancy permit shall post an Improvement Completion Bond
143 for the proper and timely installation of all such on-site improvements. The Improvement
144 Completion Bond shall be executed by agreement between the City and the developer, with
145 the City Administrator, or other designated City representative, having authority to enter into
146 said agreement. The term "on-site improvements" means and includes:

147 a. Parking, storm-drain, landscaping, fencing.
148 b. Any other improvement on the property or that was promised to the City, required by
149 City ordinances, shown on preliminary plats, final plats and construction, site plans,
150 drawings approved by the City, or that was required by the DRC or city engineer as part
151 of the plat ~~approval~~ development process.

152 2. The Improvement Completion Bond shall guarantee that all required improvements will:
153 a. Be constructed in accordance with the eCity's construction standards and specifications and
154 the construction drawings approved by the City Engineer.

155 b. Be completed and pass City inspection within one (1) year of the date that the occupancy
156 permit is issued. Improvements required between November 1 and March 31 must be
157 completed by the next October 1. For example, the required improvements for an
158 occupancy permit issued on February 6, 1990 must be completed by October 1, 1990.
159 The purpose of this requirement is to give the City an opportunity to collect on the Bond
160 and complete any required asphalt ~~and concrete~~ improvements before the asphalt batch
161 plants close for the winter and before the weather prohibits the completion of the
162 improvements. The City may retain and use the Improvement Completion Bond for
163 work not timely completed where no extension was granted to the developer. The
164 developer may request extensions from the DRC and such extensions shall be granted for
165 good cause shown.

166 ~~e. Remain free from defects for a period of one (1) year following the date that all~~
167 ~~improvements pass City inspection, or until April 15th of the following year, whichever~~
168 ~~time period is longer. The purpose of this warranty is to assure that the improvements~~
169 ~~will last through at least one (1) full winter. The developer shall repair or replace any~~
170 ~~improvements that are or become defective during this time period. Public improvements~~
171 ~~in subdivisions shall remain free from defects for a period of two (2) years following the~~
172 ~~date that all improvements pass City inspection.~~

173 ~~d. All repairs or replacements shall be made to the satisfaction of the DRC. The DRC may~~
174 ~~require the developer to guarantee and warrant that any repairs remain free from defects for~~
175 ~~a period of six (6) months following the date that the repairs pass City inspection, or until~~
176 ~~April 15th of the following year, whichever time period is longer. The DRC may retain the~~
177 ~~Improvement Completion Bond until the repairs have lasted through the warranty period,~~
178 ~~and may take action on the bond if necessary to properly complete the repairs. The~~
179 ~~Improvement Completion Bond shall not be released until the DRC has certified in writing~~
180 ~~that the promised performance is completed and the warranty period has expired.~~

181 3. The City is not responsible for poor workmanship or defects in materials for on-site
182 improvements. Any failure in materials or workmanship of an on-site improvement after the
183 item passes inspection is not the responsibility of the City. The City's review and concern
184 for on-site improvements is that they pass inspection if specific code requirements apply to
185 the item, and/or the improvements meet substantial conformance with an approved plan at
186 the time of inspection.

- 187 ~~34.~~ The Improvement Completion Bond guaranteeing the timely and proper installation of
188 required improvements shall be equal in value to at least one hundred percent (100%) of the
189 cost of ~~what it would cost the City to have the required improvements constructed the~~
190 ~~required improvements~~, as estimated by the City Engineer. The City may require additional
191 bond amounts above one hundred percent (100%) of the cost of the required improvements in
192 order to reimburse the City for engineering costs, inspection costs, administrative costs, and
193 collection costs, including court costs and attorney's fees. The purpose of the bond is to
194 enable the City to make or complete the required improvements in a timely manner in the
195 event of the developer's inability or failure to do so. The City need not complete the
196 required improvements before collecting from or foreclosing on the bond. The City may, in
197 its sole discretion, delay taking action on the bond and allow the developer to complete the
198 improvements if it received adequate assurances that the improvements will be completed in a
199 timely and proper manner.
- 200 4. The bond shall be an irrevocable letter of credit, escrow bond, cash bond or combination bond
201 in favor of the City. The requirements relating to each of these types of bonds are detailed in
202 the approved bond form as maintained by Development Review Committee. The City must
203 approve any bond submitted pursuant to this section. The City reserves the right to reject any
204 of the bond types if it has a rational basis for doing so. Letters of credit shall be from a
205 federally insured bank or financial institution and shall be submitted on one (1) of the forms
206 set forth in this section. Escrow bonds shall be held by a federally insured bank, credit union,
207 or similar financial institution or a title insurance underwriter authorized to do business in
208 the State of Utah.
- 209 5. The City shall have the sole right to enforce the Improvement Completion Bond. Private
210 parties shall not be third- party beneficiaries of the Improvement Completion Bond.
211 (Ord. 2000-2, Add, 10/04/2000)

212
213
214 Section 17.38.040 Required Forms

- 215 1. Any person posting an Improvement Completion Bond shall use the original stamped forms
216 listed below and maintained by the DRC. No copies or facsimile reproduction ~~is~~
217 acceptable:
- 218 a. DRC Form #1 — Improvement Completion Bond Agreement Form.
 - 219 b. DRC Form #2 — Warranty Bond Agreement Form
 - 220 b. DRC Form #~~2~~3 — Irrevocable Letter of Credit Form.
- 221 2. The DRC shall have power to create, maintain, and amend such forms as necessary to fulfill
222 the purposes of this ordinance.
223 (Ord. 2000-2, Add, 10/04/2000)
224

Item 6: Contintued Ordinance Amendments, LCC 17.32 Subdivisions; LCC 17.58 Dedication of Subdivisions; LCC 17.66.020 Subdivision recordation

Presenting Staff: *Jordan Cullimore*

SUMMARY

Lindon City requests amendments to the Lindon City Code to make general revisions to LCC 17.32, Subdivisions; LCC 17.58, Dedication of Subdivisions; and LCC 17.66.020, Subdivision Recordation.

City staff is in the process of consolidating and making necessary changes to these ordinances to reflect changes in Utah State Code. This has been a work in progress for a long time and will continue to be so. The ordinance before you tonight is still in draft form. Please take the time to read it and provide any feedback you may have to staff.

Regarding the motion for the item, staff requests that the item be continued until a further meeting when the document is closer to its final form. Again, if there are any comments from the Commissioners or the public, staff is happy to receive them at this time.

MOTION

I move to recommend **(continuation)** of the proposed ordinance amendments to LCC 17.32 Subdivisions; LCC 17.58 Dedication of Subdivisions; LCC 17.66.020 Subdivision recordation (*as presented, with changes*).

ATTACHMENTS

1. Proposed amendment

- 49 17.32.180 Blocks.
- 50 17.32.190 Pedestrian crosswalks.
- 51 17.32.200 Lot sizes.
- 52 17.32.210 Easements.
- 53 17.32.220 Utility undergrounding.
- 54 17.32.230 Alleys.
- 55 17.32.240 Sanitary sewage disposal--Generally.
- 56 17.32.250 Sanitary sewer mains, laterals and house connections.
- 57 17.32.260 Sanitary sewers--Test procedures.
- 58 17.32.270 Water--Subdivider obligation to provide sufficient quantity.
- 59 17.32.280 Water--Culinary system--Storage facility.
- 60 17.32.290 Irrigation system.
- 61 17.32.300 Conditional use permit - Required.
- 62 17.32.310 Storm drainage and flood plains.
- 63 17.32.320 Flag lots.
- 64 17.32.330 Subdivision application expiration.
- 65 17.32.340 Phased Subdivisions
- 66 17.32.350 Public Utility Lots

67

68 Section 17.32.010 Scope.

- 69 1. This chapter is applicable to subdivisions in all zones within the city – both residential and non-
 70 residential. No person shall subdivide any tract of land which is located wholly or in part within
 71 Lindon City except in compliance with ~~this division~~ Lindon City Code, and with the following
 72 subdivision regulations adopted by the City Council. It shall be unlawful for any person to subdivide
 73 any tract of land or to sell, exchange or offer for sale, or purchase ~~or offer to purchase~~ any parcel of
 74 land ~~which is any part of a subdivision or a larger tract of land~~ where the transaction would result in
 75 the subdivision of land, unless such subdivision has been created pursuant to and in accordance with
 76 the provisions of ~~this division, local,~~ Lindon City Code and state code regulations; provided, that this
 77 ~~division~~ chapter shall not apply to any lot or lots forming a part of a subdivision plat created and
 78 recorded according to then applicable law prior to the effective date of the ordinance codified in this
 79 ~~division~~ title, except as provided in subsection 2 of this section. This ~~division~~ chapter shall apply,
 80 however, to lots created prior to adoption of the ordinance codified in this ~~division~~ chapter and not in
 81 compliance with then applicable law.
- 82 2. As required by this chapter and LCC Section 17.33, No lot within a subdivision plat created and
 83 recorded prior to the effective date of the ordinance codified in this ~~division~~ chapter or approved by
 84 the ~~Planning Commission and City Council~~ Land Use Authority and recorded in the county recorder's
 85 office under the provisions of this ~~division~~ chapter shall be further divided, rearranged, added to or
 86 reduced in area, nor shall any boundaries of any lot be altered in any manner so as to create more lots
 87 than initially recorded, or any nonconforming lot, without first obtaining the approval of the ~~Planning~~
 88 ~~Commission and the City Council~~ Land Use Authority. (Ord. no. 2001-8, 2001; No. 111 §1(part),
 89 1985; prior code §12-107-7(A).)

90

91 Section 17.32.020 Intent and purpose.

92 The purpose of this chapter and the intent of the local jurisdiction in adoption of the ordinance codified in
 93 this ~~division~~ title is to promote the health, safety, convenience, and general welfare of the present and
 94 future inhabitants of Lindon City by following established development standards and procedures.

95 This chapter will accomplish this purpose by:

- 96 1. Providing policies, standards, requirements, and procedures to regulate and control the design and
 97 improvement of all subdivisions;
- 98 2. Assisting in the implementation of the objectives, policies, and programs of the ~~master plan~~ General
 99 Plan by ensuring that all proposed subdivisions, together with provisions for their design and

- 100 improvement, are consistent with the ~~master plan~~ General Plan and all applicable specific plans,
101 maps, and development policies;
- 102 3. Preserving and protecting, to the maximum extent possible, unique and valuable natural resources and
103 amenities, including topographic and geologic features, beaches and natural watercourses, fish and
104 wildlife habitats, historical and cultural places, and scenic vistas and attractions; and improving the
105 public's access to and enjoyment of such resources and amenities through the dedication or
106 continuance of appropriate public easements thereto;
 - 107 4. Preserving and protecting the special environmental quality and aesthetic character of all hillside and
108 mountainous areas; preventing detrimental impacts on the soil mantle, vegetative cover, and other
109 environmental factors; reducing the hazards to life and property from fire, flood, erosion,
110 sedimentation and soil slippage; and relating the amount of grading within a subdivision to the slope
111 of the natural terrain;
 - 112 5. Consider the clustering (consideration of density as opposed to lot size) of housing developments
113 where subdivisions are permitted in hillside and mountainous areas, minimizing grading, preserving
114 the natural terrain, and enlarging the open space;
 - 115 6. Relating land use intensity and population density to existing developments, street capacity and traffic
116 access, the slope of the natural terrain, the availability and capacity of public facilities and utilities,
117 and open spaces;
 - 118 7. Providing lots of sufficient size and appropriate design for the purposes for which they are to be used;
 - 119 8. Providing streets of adequate capacity and design for the traffic that will utilize them, and ensuring
120 maximum safety for pedestrians and users of vehicles;
 - 121 9. Ensuring adequate access to each building site;
 - 122 10. Providing sidewalks, pedestrian walkways, and multi-use trails for the safety, convenience, and
123 enjoyment of residents of new developments;
 - 124 11. Providing adequate systems of water supply, sanitary sewage disposal, storm drainage, street lighting,
125 and other utilities needed for public health, safety, and convenience;
 - 126 12. Providing adequate sites for public facilities needed to serve residents of new developments;
 - 127 13. Ensuring that costs and fees of providing land for streets, alleys, pedestrian walkways, easements, and
128 other rights-of-way and for the improvements therein needed to serve new developments, including
129 the costs incurred by the city for review of such developments, are borne by the subdivider(s) /
130 developer;
 - 131 14. Preventing land which is actually or potentially dangerous by reason of flood hazard, inundation,
132 inadequate access, inadequate water supply or fire protection, insufficient sewerage facilities, or
133 hazardous geological conditions from being subdivided for any use or in any manner tending to create
134 an increased detriment to the public health, safety, or welfare;
 - 135 15. Ensuring that, insofar as possible, land is subdivided in a manner that will promote the public health,
136 safety, convenience, and general welfare and the physical, social and economic development of the
137 area in conformance with the ~~master plan~~ General Plan. (Ord. No. 2001-8, 2001; No. 111 §1(part),
138 1985; prior code §12-107-7(B).)

139
140 Section 17.32.025 Definitions

141 As used in this chapter and title:

- 142 1) “Certified Plat” means a plat that has been approved by the City Engineer and Staff as having met
143 all requirements necessary in order to be recorded by Utah County.
- 144 2) “Flood plain” means land that:
 - 145 a. Is within the 100-year flood plain designated by the Federal Emergency Management
146 Agency (FEMA); or;
 - 147 b. Has not been studied or designated by FEMA but, as determined by Lindon City, presents
148 a likelihood of experiencing chronic flooding or a catastrophic flood event because the
149 land has characteristics that are similar to those of a 100-year flood plain designated by
150 FEMA.

- 151 3) “Plat” (or ‘subdivision plat’) means a map, survey, or other graphical representation of lands
 152 being laid out and described as lots, parcels, units, or other divisions of land and which is
 153 prepared in accordance with Utah Municipal Code.
- 154 4) “Street” means a public or private right-of-way, including a highway, avenue, boulevard,
 155 parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, vehicular easement, vehicular
 156 thoroughfare, or other similar right-of-way.
- 157 5) “Stub Street” means a partially constructed street that is master planned to continue beyond the
 158 current point of development, typically necessitating a temporary cul-de-sac or turn-around.
- 159 6) “Subdivision” means any land that is divided, re-subdivided or proposed to be divided into two or
 160 more lots, parcels, sites, units, plats, or other division of land for the purpose, whether immediate
 161 or future, for offer, sale, lease, or development either on the installment plan or upon any and all
 162 other plans, terms, and conditions. A ‘subdivision’ occurs whenever a lot, parcel, plat, or unit of
 163 land is bisected or divided by any other lot, parcel, plat boundary, property line, street, alley, road
 164 or other means which has the effect of dividing a single unit of land into two units of land.
- 165 a. “Subdivision” includes:
- 166 i. the division or development of land whether by deed, metes and bounds
 167 description, devise and testacy, map, plat, or other recorded instrument; and
- 168 ii. division of land for residential and nonresidential uses, including land used or to
 169 be used for commercial, agricultural, and industrial purposes.
- 170 b. “Subdivision” does not include:
- 171 i. a bona fide division or partition of agricultural land for the purpose of joining one
 172 of the resulting separate parcels to a contiguous parcel of unsubdivided
 173 agricultural land, if neither the resulting combined parcel nor the parcel
 174 remaining from the division or partition violates an applicable land use
 175 ordinance;
- 176 ii. a recorded agreement between owners of adjoining unsubdivided properties
 177 adjusting their mutual boundary if:
- 178 a. no new lot is created; and
- 179 b. the adjustment does not violate applicable land use ordinances;
- 180 iii. a recorded document, executed by the owner of record that revises the legal
 181 description of more than one contiguous unsubdivided parcel of property into one
 182 legal description encompassing all such parcels of property; or
- 183 iv. a recorded agreement between owners of adjoining subdivided properties
 184 adjusting their mutual boundary if:
- 185 a. no new dwelling lot or housing unit will result from the
 186 adjustment; and
- 187 b. the adjustment will not violate any applicable land use ordinance;
- 188 v. a parcel boundary adjustment;
- 189 vi. the joining of a subdivided parcel of property to another parcel of property that has not been
 190 subdivided does not constitute a subdivision under this definition as to the unsubdivided parcel of
 191 property. This does not subject the unsubdivided parcel to the requirements of this Title.

193 Section 17.32.030 ~~Exemptions–~~Variances, Exceptions, and Waiver of Standards

194 ~~Any land divided for any purpose into three or more parts after the passage of the ordinance codified in~~
 195 ~~this division shall be subject to the provisions and regulations herein, except the following, which are~~
 196 ~~exempt therefrom:~~

- 197 1. ~~Land divided into parcels, the smallest of which equals or exceeds one quarter of a standard section,~~
 198 ~~the boundaries of such parcels to coincide with standard boundaries for the division of sections, i.e.,~~
 199 ~~one quarter sectional boundaries;~~
- 200 2. ~~Land divisions which are bona fide divisions or partitions of agricultural land for agricultural~~
 201 ~~purposes, and defined herein. (Ord No. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-~~

202 7(C.)
203

204 The Board of Adjustment, upon application and payment of the appropriate fee by the property owner or
205 agent, may grant variances, exceptions and waivers of standards from the terms of this Title.
206 Variances, exceptions and waivers of standards may be granted only if the literal enforcement of this
207 Title would cause an unreasonable hardship for the applicant that is not necessary to carry out the
208 general purpose of this Title. The variance shall not nullify the purpose and intent of this Title. Before
209 any variance, exceptions or waiver of standards may be granted, findings justifying such shall be
210 made by the Board of Adjustment as outlined in Lindon City Code 17.10 — Board of Adjustments.
211

212 Section 17.32.035 Conformance to General Plan / Capital Facilities Plans

213 Any developments or subdivisions constructed within Lindon City shall conform to the currently adopted
214 Lindon City General Plan and associated maps and/or currently adopted Capital Facilities Plans, adhering
215 to the design and layout of master planned streets, parks, trails, utilities, and all other master planned
216 improvements or infrastructure as listed in the General Plan and/or associated Capital Facilities Plans.

- 217 1. Installation of master planned improvements (streets, trails, parks, utilities, etc.) adjacent to or within
218 the developing property shall be the responsibility of the applicant.
- 219 2. Installation of off-site master planned improvements that are determined by the City to be necessary
220 for development of the property are also the responsibility of the applicant (i.e., extension of streets,
221 utilities, trails, etc.).
- 222 3. On a case-by-case basis, and as determined by the City Council after recommendation by staff, costs
223 for master planned improvements or utility up-sizing not necessitated by the specific development
224 may be eligible for reimbursement or other negotiated means of assistance for accommodating the
225 improvements.

226
227 Section 17.32.040 Final plat recordation.

228 The Planning Director, or his/her authorized agent, shall record the final plat with the county clerk and
229 recorder after approval of the final certified plat by the Development Review Committee or the Lindon
230 City Council, whichever is required the City Engineer and Staff. The subdivider shall pay the expense of
231 such recording. (Ord. No. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(D).)
232

233 Section 17.32.050 Subdivision Approval Procedure.

- 234 1. ~~A person may not submit a plat of a subdivision to the County Recorder's Office for filing or~~
235 ~~recording unless a recommendation has been received from the Planning Commission and the plat has~~
236 ~~been approved by the City Council or other City Officers as designated by the City Council.~~
- 237 2. Subdivision requests and applications shall follow application requirements as established in Lindon
238 City Code Section 17.12.- Document Submission and Review, and LCC 17.14 - Noticing. (Ord. No.
239 2001-8, 2001)

240
241 Section 17.32.060 Exemption from plat requirements.

242 ~~For~~ For subdivisions of less than 3 of no more than two lots, where the property is not within an existing
243 platted subdivision, land may be sold by metes and bounds, without the necessity of recording a plat if:

- 244 1. A recommendation of approval has been received from the Planning Commission Land Use
245 Authority;
- 246 2. The deed ~~contains a stamp or other mark~~ is recorded with a letter from the City indicating that the
247 subdivision has been approved by the City Council or other City Officers as designated by the City
248 Council;
- 249 3. The subdivision is not traversed by mapped lines of a proposed street as shown in the Lindon City
250 General Plan and does not required the dedication of any land for street or other public purposes;
- 251 4. The subdivision is located in a zoned area, and each lot in the subdivision meets the frontage, width,

- 252 and area requirements of the zoning ordinance or has been granted a variance from those
253 requirements by the Board of Adjustment.
- 254 5. The subdivided parcels and any remainder parcels are two (2) acres or larger in size.
 - 255 6. The applicant has submitted to the City, detailed boundary descriptions of the new lots shown on
256 surveys and/or deeds and has paid an application and fee for a minor subdivision.
 - 257 7. The subdivided parcels will be used for legitimate farming or agricultural purposes. (Ord. No. 2001-8,
258 2001)

259
260 Section 17.32.070 Amending a recorded subdivision plat.

261 Applications to amend, vacate or change a subdivision plat shall follow procedure as established in ~~Title~~
262 ~~10-9-808 of the Utah State Code~~ LCC 17.33. (Ord. No. 2001-8, 2001; No. 111 §1(part), 1985; prior code
263 §12-107-7(F).)

264
265 Section 17.32.080 File of recorded subdivisions.

266 Lindon City shall maintain a filing system of all subdivisions, which includes copies of all maps, data,
267 and official subdivision action; ~~also master location map (or maps) referenced to the filing system,~~ for
268 public use and examination. (Ord. No. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(G).)

269
270 ~~Section 17.32.090 Design Standards Generally.~~

271 ~~All subdivisions shall comply with the following standards unless a variance from one or more provisions~~
272 ~~of this section is approved by the City Council in accordance with the variance procedure of this division.~~
273 ~~(Ord. No. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(part).)~~

274
275 Section 17.32.100 General Standards

- 276 1. The design and development of subdivisions shall preserve insofar as possible the natural terrain,
277 natural drainage, existing topsoil, and trees.
- 278 2. Land subject to hazardous conditions such as slides, mud-flows, rock-falls, snow avalanches, possible
279 mine subsidence, shallow water table, open quarries, floods, and polluted or nonpotable water supply
280 shall be identified and shall not be subdivided until the hazards have been eliminated or will be
281 ~~eliminated~~ mitigated by the subdivision and construction plans.
- 282 3. No lot containing five acres or less shall be created which is more than three times as long as it is
283 wide. ~~The Planning Commission~~ Land Use Authority and City Council may approve up to a 20%
284 increase in the depth of a lot if they determine that the proposed development is the best use of the
285 property and in the best interest to the City and surrounding properties.

286 (Ord. 2007-2, amended 02/06/2007 Ord. no. 2001-8, 2001: No. 111 §1(part), 1985; prior code §12-107-
287 7(H)(1).)

288
289 Section 17.32.110 Lots.

- 290 1. No single lot shall be bisected or divided by a municipal or county boundary line.
- 291 2. A lot shall not be bisected or divided by a road, alley, subdivision plat boundary, or other lot.
- 292 3. No ~~wedge-shaped~~ lot shall be less than thirty twenty (20) feet in width at the front property line, or
293 the lot frontage required in the zoning district, whichever is larger.
- 294 4. Side lot lines shall be at right angles or radial to street lines, except where justified by the subdivider
295 and approved by the ~~Planning Commission and/or City Council~~ Land Use Authority.
- 296 5. All residential lots in subdivisions shall front on a public street. Required frontage shall not be
297 considered to be provided if vehicular access across the street line is prohibited. Double frontage lots
298 are prohibited unless approved by the ~~Planning Commission~~ Land Use Authority for reasons of
299 topography or other circumstance in which no reasonable outcome for single-frontage appears
300 feasible.

301 (Ord. no. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(2).)

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Section 17.32.120 Streets.

1. The street layout shall conform to the ~~master plan~~ Lindon City Street Master Plan Map as found in the current Lindon City General Plan or as modified by the City Council and official map adopted by the Planning Commission and City Council.
2. Minor streets shall be laid out to ~~discourage through traffic~~ create connectivity in order to create strong residential neighborhoods.
3. Stub streets shall be provided where needed to connect to adjacent undeveloped land and new streets must be provided where needed to connect to existing stub streets in adjacent subdivisions.
4. Intersections of minor streets with major streets shall be kept to a minimum.
5. Minimum right-of-way widths for public streets shall be determined by ~~resolution of the City Council~~ for various categories of streets, but shall in no case be less than the following; and shall typically have the following right-of-way widths;
 - a. Use Street Category Minimum Right-of-way Width (in feet)
 - b. Major street – ~~82'~~ to be determined on a case-by-case basis
 - c. Collector street -- 66'
 - d. Minor street -- 50'
6. Public streets shall have roadway widths as approved by the City Council, but shall in no case be less than the following and meet the following requirements:
 - a. Major street, ~~fifty-six feet (56');~~ to be determined on a case-by-case basis;
 - b. Collector street, forty-four feet (44');
 - c. Minor street or frontage road, twenty-eight feet (28').
 - d. Minimum roadway widths for private streets shall be determined by ~~use~~ functional classification, and shall meet corresponding public street standards.
 - e. The Lindon City *Standard Street Cross Sections and Utility Locations* (Drawing 2a - Lindon City Policies, Standard Specifications and Drawings Manual) and *Street & Trail Cross Sections and Utility Locations* (Drawing 2b - Lindon City Policies, Standard Specifications and Drawings Manual) may be amended, changed, altered, and/or revised by the Lindon City Council for new development and/or reconstruction of existing improvements when deemed in the best interest of the general public to resolve or assist in resolving present or anticipated future conflicts with storm drainage improvements, trail and/or pathway access, aesthetics of the community, public safety, and/or other reasons when clearly identified by the City Council. Before such time as the City Council amends, revises, alters, or changes the above mentioned cross sections they shall receive a recommendation from the Development Review Committee (DRC) and if deemed necessary by the DRC and/or the City Council, the ~~Planning Commission~~ Land Use Authority shall also made a recommendation.
 - f. No partial width streets are permitted, except if required to complete a partial width street already existing or unless the City Council, after review by the ~~Planning Commission~~ Land Use Authority, determines a partial width street is necessary to resolve problems with future road alignments of streets and/or intersections, or future development.
 - g. Stub streets shall be permitted or required by the ~~Planning Commission~~ Land Use Authority and City Council only to provide future road access to adjoining property where such access would serve as a future second access. The ~~Planning Commission~~ Land Use Authority and City Council shall determine if stubbed streets, existing or proposed, have through access to planned future or existing public streets before such streets shall be extended or approved for construction.
7. Permanent cul-de-sac streets serving no more than fourteen (14) lots, and not more than six hundred fifty (650) feet long, whichever is more restrictive, may be permitted and shall be provided with a right-of-way at the turnaround of fifty (50) feet radius or more.
8. No more than four (4) streets shall enter an intersection.
9. Streets shall intersect at ninety (90) degrees, except where otherwise approved as necessary by the ~~Planning Commission~~ Land Use Authority.

353 10. The centerline of two subordinate streets meeting a through street from opposite sides shall extend as
354 a continuous line, or the centerline shall be offset at least one hundred fifty (150) feet.

355 **11. Connection of streets with trails?**

356 (Ord. No. 2002-8, 4/16/2002; Ord. No. 2001-8, 2001; No. 2000-11, 2000; No. 99-18, 1999; No. 111
357 §1(part), 1985; prior code §12-107-7(H)(3))

358
359 Section 17.32.130 Street numbers and names.
360 Street numbers shall always be preferred over street names. Streets signs for new roads and intersections
361 shall be paid for by the developer and installed by the City, and shall be posted at each intersection with
362 shall have the numbers and/or names of all existing or proposed streets which are in alignment. There
363 shall be no duplication of street numbers and/or names within the area. All street numbers ~~and/or names~~
364 must be approved by the ~~Planning Commission, and opportunity shall be given the local recorder for~~
365 ~~review and recommendations prior to the approval of street names by the Planning Commission~~ City
366 Engineer and Planning Department staff. All street names shall be approved by the City Council. (Ord.
367 no. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(4).)

368
369 Section 17.32.140 Subdivision construction standards.
370 Public improvements associated with any subdivision shall be constructed according to provisions
371 established in the Lindon City Land Development Policies, Standard Specifications and Drawings Manual
372 (Development Manual). (Ord. No. 2001-8, 2001)

373
374 Section 17.32.150 Major street frontage.
375 Where a residential subdivision abuts a major street, frontage roads may be required. (Ord. No. 2001-8,
376 2001; No. 111 §1(part), 1985; prior code §12-107-7(H) (6).)

377
378 Section 17.32.160 Street Grades.
379 All street grades shall be designed as follows:
380 1. Major and collector streets shall be limited to a maximum grade of ten percent (10%). Sustained
381 grades (600 feet or more) shall be limited to seven percent (7%).
382 2. Minor streets shall be limited to maximum grade of twelve percent (12%). Sustained grades (600 feet
383 or more) shall be limited to nine percent (9%).
384 3. Cul-de-sacs with a negative grade progressing toward the turnaround shall be limited to a maximum
385 grade of six percent (6%). The cul-de-sac shall terminate with a grade not to exceed three percent
386 (3%) for the last one hundred feet (100') of traveled surface. The cul-de-sac shall be limited to a
387 maximum length of six hundred fifty feet (650') and have adequate easement for drainage.
388 4. Street intersections shall have a vertical alignment such that the centerline grade shall not exceed
389 three percent (3%) for a minimum distance of fifty feet (50') each way from the centerline of the
390 intersection.
391 5. Maximum grades shall be approved only when accompanied by changes to a lesser grade, and where
392 length of that portion of that road at maximum grade is less than six hundred feet (600').
393 6. All changes in vertical alignment shall be made by vertical curves with minimum length of one
394 hundred feet (100') for minor streets and three hundred feet (300') for major streets. Actual vertical
395 curve length shall be a function of design speed.
396 7. Streets in mountainous terrain shall be designed at less than maximum allowable grade in order that
397 they can be safely negotiated and that snow can be removed during winter.

398 The City Council shall have the authority to make minor modifications to street grade requirements when
399 a recommendation has been given by the Development Review Committee and the ~~Planning Commission~~
400 Land Use Authority and one or more of the following conditions apply:

- 401 1. To facilitate the construction of essential and vital public infrastructure;
402 2. To facilitate the development of private property when street grade requirements would render the

403 property undevelopable because of topographic conditions, and conditions are present or measures are
404 proposed that would acceptably mitigate the negative effects of the steeper grades.
405 Street grade modifications shall be limited to single instances. Multiple street grade modification requests
406 to allow the development of large private development projects shall not meet the purpose and intent of
407 this section. Financial hardships associated with private development requests shall not be justification
408 for a street grade modification. (Ord. no. 2001-9, 2001; No. 111 §1(part), 1985; prior code §12-107-
409 7(H)(8).)

411 Section 17.32.170 ~~Pathways~~ Trails, sidewalks, curbs and gutters.
412 Sidewalks, curbs and gutters shall be provided on both sides of all streets to be dedicated to the public,
413 except as provided for in 17.32.120(6)(e) and in industrial subdivisions west of Geneva Road where
414 solely curb and gutter shall be required. ~~Right of ways identified as part of the Lindon City Pathways and~~
415 ~~Trails System shall be improved with sidewalks, pathways, planter strips, multi use trails, equestrian~~
416 ~~pathways, and trails as per the Parks, Pathways and Trails Element of the Lindon City General Plan and~~
417 ~~Chapter 17.74. Pathways and Trails of the Lindon City Code.~~ Trails as shown on the Lindon City Parks
418 and Trails Master Plan Map in the General Plan shall be installed. Sidewalks, curbs and gutters may be
419 required by the ~~City Council~~ Land Use Authority on existing streets bordering the subdivision or as
420 necessary to connect adequate pedestrian uses or to transmit storm drainage. (Ord. no. 2001-9, 2001; No.
421 111 §1(part), 1985; prior code §12-107-7 (H)(9).)

422
423 Section 17.32.180 ~~Blocks.~~
424 ~~Block lengths shall be reasonable as approved by the Planning Commission, and in total design shall~~
425 ~~provide for convenient access and circulation for emergency vehicles. (Ord. no. 2001-9, 2001; No. 111~~
426 ~~§1(part), 1985; prior code §12-107-7(H)(10).)~~

427
428 Section 17.32.190 Pedestrian crosswalks.
429 Where blocks exceed one thousand feet (1000') in length, pedestrian rights-of-way of not less than ten
430 feet (10') in width may be required by the ~~Planning Commission~~ Land Use Authority through blocks
431 where needed for adequate pedestrian circulation. Walk improvements (paving) of not less than five feet
432 in width shall be placed within the rights-of-way, when required by the ~~Planning Commission~~ Land Use
433 Authority. (Ord. no. 2001-8, 2001; No. 111 §1 (part), 1985; prior code §12-107-7(H)(11).)

434
435 Section 17.32.200 ~~Lot sizes.~~
436 ~~Where no zoning regulations are in effect, density standards or minimum lot size requirements may be~~
437 ~~specified by the Planning Commission, based on interpretations made from the Lindon City General Plan,~~
438 ~~and other available information. All lots shall conform to area requirements of any existing zoning~~
439 ~~ordinance. (Ord. no. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(12).)~~

440
441 Section 17.32.210 Easements.
442 1. Easements shall follow rear and side lot lines whenever practical and shall have a minimum total
443 width of ~~fifteen feet (15')~~ 20', apportioned equally in abutting properties.
444 2. Where front-line easements are required, a minimum of ~~seven feet and one half feet (7 1/2')~~ 10' shall
445 be allocated as a utility easement. Perimeter easements shall be not less than ~~fifteen feet (15')~~ 20' in
446 width, extending throughout the peripheral area of the development, if required by the ~~Planning~~
447 ~~Commission~~ Land Use Authority.
448 3. All easements shall be designed so as to provide efficient installation of utilities or street planting.
449 Special guying easements at corners may be required if any utilities are to be overhead. Public utility
450 installations shall be so located as to permit multiple installations within the easements. The
451 developer shall establish final utility grades prior to utility installations. (Ord. no. 2001-8, 2001; No.
452 111 §1 (part), 1985; prior code §12-107-7(H)(13).)

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Section 17.32.220 Utility undergrounding.

Unless the ~~Planning Commission and City Council~~ Land Use Authority determines, upon application by the subdivider, supported by recommendations of the City Engineer, that it is not feasible to do so, all power lines, telephone lines, and other normally overhead utility lines shall be placed underground by the subdivider. (Ord. no. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(14).)

Section 17.32.230 Alleys.

The ~~Planning Commission~~ Land Use Authority may approve service access alleys to the interior of blocks where deemed to be in the public interest, ~~in which case such alleys must be indicated in the preliminary design plans and on the final plat.~~ (Ord. no. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(15).)

Section 17.32.240 Sanitary sewage disposal--Generally.

1. Except as otherwise provided in this section, the subdivider shall provide, or have provided, a piped sanitary sewerage system to the property line of every lot in the subdivision. The sewerage system shall meet the minimum standards and requirements of the local health officer, the State Division of Environmental Health, and this division.
2. Septic tanks and/or sealed vaults will be approved only when an existing sanitary sewer system is more than one-half (½) mile from boundary of the subdivision and shall be disapproved in any case unless approved in writing by the local health officer and the State Division of Health. In order to determine the adequacy of the soil involved to properly absorb sewage effluent and to determine the minimum lot area required for such installations, an interpretive map based on the National Cooperative Soil Survey showing the suitability of the soil for septic tank fields or pits shall be submitted, along with the results of percolation tests. The results of this data will be reviewed by the local health officer and the State Division of Health, in addition to any other information available to them, for recommendation to the ~~Planning Commission~~ Land Use Authority. The following requirements shall be met:
 - a. Land made, altered, or filled with non-earth materials within the last ten (10) years shall not be divided into building sites which are to be served by soil absorption waste disposal systems.
 - b. Each subdivided lot to be served by an on-site soil absorption sewage disposal system shall contain an adequate site for such system. An adequate site requires a minimum depth of eight feet (8') from the surface of the ground to impermeable bedrock, and a minimum depth of six feet (6') from the surface of the ground to the groundwater surface (based on annual high water level). Each site must also be at least one thousand five hundred feet (1500') from any shallow water supply well and one hundred feet (100') from any stream or water course, and at least two hundred feet (200') from any major live stream; and at least ten feet (10') from any dwelling or property line.
 - c. Soils having a percolation rate slower than or faster than standards allowed by the local health officer or the State Division of Environmental Health shall not be divided into building sites to be served by soil absorption sewage disposal systems.
 - d. Land rated as having severe limitations for septic tank absorption fields as defined by the county soil survey, US Department of Agriculture, Soil Conservation Service shall not be divided into building sites to be serviced by soil absorption sewage disposal systems unless each such building site contains not less than twenty thousand (20,000) square feet of other soils rated suitable for building construction and installation of an on-site soils absorption sewage disposal system.
3. An applicant desiring to install soil absorption sewage disposal facilities on the soils having severe limitations, as determined in the preliminary plan review, shall: have additional on-site investigations made, including percolation tests; obtain the certification of a soils scientist that specific areas lying within these soils are suitable for the proposed soil absorption sewage disposal system; and meet local

503 health officer and Utah State Division of Health standards and regulations. In addition, the local
504 health officer shall find that the proposed corrective measures have overcome or will overcome the
505 severe soil limitations.

506 4. Other applicable standards adopted by the City Council and local and state health departments. (Ord.
507 no. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(16).)

508
509 **Section 17.32.250 Sanitary sewer mains, laterals and house connections.**

510 Where local, county and regional master plans indicate that construction or extension of sanitary sewers
511 may serve the subdivision area within a reasonable time, the ~~Planning Commission~~ Land Use Authority
512 may require the installation and capping of sanitary sewer mains and house connections by the subdivider,
513 in addition to the installation of temporary individual on-lot sanitary sewage disposal systems by the
514 subdivider or lot purchaser. Whenever individual on-lot sanitary sewage disposal systems are proposed,
515 the subdivider shall either install such facilities or require by deed restrictions or otherwise as a condition
516 of the sale of each lot or parcel within such subdivision that on-lot sanitary sewage disposal facilities be
517 installed by the purchaser of said lot at the time the principal building is constructed, and no building
518 permit shall be issued until such installation is assured. In all other cases, sanitary disposal facilities for
519 sewage shall be provided for every lot or parcel by a complete community or public sanitary system. All
520 sewer mains shall be a minimum of eight inches in diameter. (Ord. no. 2001-8, 2001; No. 111 §1(part),
521 1985; prior code §12-107-7(H)(17).)

522
523 **Section 17.32.260 Sanitary sewers--Test procedures.**

524 Tests of sanitary sewer mains, laterals, and house connections shall be conducted in accordance with US
525 Public Health Service Publication No. 526, 1963 Edition, and with other local and state health
526 requirements. (Ord. no. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(18).)

527
528 **Section 17.32.270 Water--Subdivider obligation to provide sufficient quantity.**

529 The procurement of water shall be the responsibility of the subdivider; and water shall be provided for the
530 exclusive use of Lindon City according to LCC Section 17.66. In residential zones one share of North
531 Union Water or its equivalent per net acre shall be submitted (rounded to the nearest tenth share per acre)
532 and in non-residential zones one half (½) share of North Union Water or its equivalent per net acre shall
533 be submitted (rounded to the nearest tenth share per acre). Water shares other than North Union shall be
534 accepted as per the Lindon City Fee Schedule and LCC section 17.66. (Ord 2007-8, amended 06/19/2007,
535 Ord. no. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(19).)

536
537 **Section 17.32.280 Water--Culinary system--Storage facility.**

538 The culinary water storage facility shall extend to the property line of every lot and shall be capable of
539 delivering the flows required by the ~~Uniform~~ International Fire Code as adopted by Lindon City. (Ord.
540 no. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(21).)

541
542 **Section 17.32.290 Irrigation System.**

543 1. Where an existing irrigation system consisting of open ditches is located on or adjacent to or within
544 one hundred feet (100') of a proposed subdivision, complete plans for relocation or covering or other
545 safety precautions shall be submitted with an application for preliminary approval of a plat.
546 2. All pressure irrigation systems in or within one hundred feet (100') of a proposed subdivision shall be
547 identified and otherwise color-coded as to pipe and valve color to meet state standards and
548 regulations.
549 (Ord. no. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(22).)

550
551 ~~Section 17.32.300 Conditional use permit Required.~~

552 ~~A conditional use permit shall be required for the development of any subdivision. Final plat approval~~

553 shall constitute such conditional use permit for any subdivision. (Ord. no. 2001-8, 2001; No. 111
554 §1(part), 1985; prior code §12-107-7(H)(23).)

555

556 **Section 17.32.310 Storm drainage and flood plans.**

557 1. Complete drainage systems for the entire subdivision area shall be designed by a professional
558 engineer, licensed in the ~~state~~ State of Utah and qualified to perform such work, and shall be shown
559 graphically. All existing drainage features which are to be incorporated in the design shall be so
560 identified. If the final plat is to be presented in sections, a general drainage plan for the entire area
561 shall be presented with the first section, and appropriate development stages for the drainage system
562 for each section indicated.

563 2. The drainage and flood plan systems shall be designed to:

564 a. Permit the unimpeded flow of natural water courses;

565 b. Ensure adequate drainage of all low points;

566 c. Ensure applications of the following regulations regarding development in designated flood-
567 plains:

568 i. Construction of buildings shall not be permitted in a designated flood-way with a return
569 frequency more often than a one-hundred-year storm,

570 ii. Building construction may occur in that portion of the designated flood-way where the return
571 frequency is between a one-hundred-year and a maximum probable storm, provided all usable
572 floor space is constructed above the designated maximum probable flood level,

573 iii. Where flood-way velocities are generally determined to be under five feet per second and
574 maximum flood depth will not exceed three feet, such uses as cultivated agriculture,
575 nurseries, parks and recreation facilities and accessory parking may be permitted,

576 iv. Any use of land is prohibited where flooding would create a public health hazard or problem.
577 This includes shallow wells, encased deep wells, sanitary landfills, septic tank and on-lot
578 sewage disposal systems, water treatment plants, and also sewage disposal systems not
579 completely protected from inundation,

580 d. Any contemplated flood plain encroachment or channeling shall be thoroughly analyzed and its
581 effect on stream flow determined before such encroachment is undertaken. Any construction,
582 dumping, and filling operations in a designated flood-way constitute an encroachment and must
583 be approved by the ~~Planning Commission~~ Land Use Authority before accomplishment,

584 e. No lot one acre or less in area shall include flood-lands. All lots more than one acre shall contain
585 not less than forty thousand square feet of land which is at an elevation at least two feet above the
586 elevation of the one-hundred-year recurrence interval flood, or, where such data is not available,
587 five feet above the elevation of the maximum flood record;

588 f. Consider the drainage basin as a whole and shall accommodate not only runoff from the
589 subdivision area but also, where applicable, the system shall be designed to accommodate the
590 runoff from those areas adjacent to and "upstream" from the subdivision itself, as well as its
591 effects on lands downstream;

592 g. All proposed surface drainage structures shall be indicated on the plans;

593 h. All appropriate designs, details, and dimensions needed to clearly explain proposed construction
594 materials and elevations shall be included in the drainage plans. (Ord. no. 2001-8, 2001; No. 111
595 §1(part), 1985; prior code §12-107-7(I).)

596

597 Section 17.32.320 - Flag Lots

598 1. Purpose: Flag lots are intended to allow reasonable utilization of property that has sufficient acreage
599 for development, but lacks the required street frontage. Flag lots may be considered on parcels
600 where the extension of public streets cannot *or should not* be extended due to disruption of
601 sensitive lands & natural features, or potential of significant impacts to the surrounding
602 neighborhood that would be caused by a public street. Although standard frontage requirements
603 and public roadways are encouraged, the intent of this ordinance is to allow flag lots if the

604 development is the most harmonious to the existing subdivision layout and/or is the least
605 disruptive configuration for the neighborhood. Additionally, flag lots may be considered for
606 properties that have topographic constraints, odd lot configuration, constraints caused by the built
607 environment, etc. for which access by a public road is not feasible. It is not the intent of this
608 ordinance to promote flag lots in order to merely ‘maximize’ the number of potential lots within a
609 subdivision or to alleviate subdividing hardships that are self imposed.

610 2. Flag lots are only permitted when one of the following two circumstances exist:

611 a. *At the time of application, development using standard public streets is not possible.*

612 The property has specific constraints that limit access, public street frontage, and/or
613 construction of a standard public roadway. These abnormal constraints may be restrictive
614 topography, constraints caused by the built environment, irregular lot configuration,
615 ownership limitations, environmental constraints such as wetlands, springs, ditches, or
616 canals, etc.

617 b. *Development using standard public streets is possible, but not in the best interest of the*
618 *public.*

619 In order to demonstrate that this circumstance exists, the applicant shall provide
620 conceptual development plans showing the development *with* and *without* the proposed
621 flag lot that demonstrates that each of the following characteristics is present:

622 i. The design of the flag lot is harmonious and compatible with the configuration of
623 the overall subdivision and/or neighborhood and will not adversely affect the
624 living environment of the surrounding area;

625 ii. Standard public street construction would cause disruption to the neighborhood
626 in a significant physical or aesthetic manner, therefore making the flag lot access
627 preferable to a public street;

628 iii. Development of the flag lot will decrease public infrastructure while still
629 providing infill development and efficient use of the land that is compatible with
630 Lindon City development standards.

631 3. Assuming an application meets the criteria in #2 above, no more than one flag lot shall be permitted
632 at the time of an initial subdivision application unless, at their sole discretion, the ~~Planning~~
633 ~~Commission~~ Land Use Authority and City Council determine that additional flag lots within a
634 development provide for the most compatible overall design within a neighborhood. As stated in
635 the ‘purpose’ of this ordinance, it is not the intent of the City to promote flag lots in order for
636 developers to merely ‘maximize’ the number of potential lots within a subdivision.

637 4. A flag lot must be a minimum of 20,000 square feet and the remaining parcel from which the flag lot
638 was created must meet or exceed the minimum lot area requirements of the zone in which it is
639 located. The square footage calculation of such lots shall not include the area of any driveway
640 access (flag pole) for the flag lot.

641 5. Frontage, driveway and development procedures apply as follows:

642 i. The lot shall have at least 25 feet of frontage on a dedicated public street, which frontage serves
643 as access only to the subject lot. The 25’ lot width shall be maintained for the full length of the
644 ‘flag pole’ portion of the platted lot.

645 ii. Prior to recording the subdivision plat, the developer shall post a bond with the City to cover
646 installation of the driveway and utilities to the end of the ‘flag pole’ portion of the lot.

647 iii. Prior to issuance of a building permit for a dwelling on the flag lot, installation of road base for
648 the driveway and utilities shall be installed to at least the end of the ‘flag pole’ portion of the
649 lot.

650 iv. The driveway serving the flag lot must have a surface traversable by a fire truck that is at least
651 20 feet wide, of which 16 feet must be paved with a hard surface prior to the issuance of a
652 Certificate of Occupancy for the proposed dwelling. Where a fire hydrant is located along the
653 ‘flag pole’ portion of the lot, rather than along the public street, a 40 foot long segment of the
654 ‘flag pole’ portion of the lot adjacent to the fire hydrant must be 31 feet wide (rather than 25

655 feet wide), and the surface traversable by a fire truck must be at least 26 feet wide (rather than
656 20 feet wide).

657 v. Prior to issuance of a Certificate of Occupancy for a dwelling on the flag lot, the edges of the
658 driveway area (flag pole) that are not paved shall be landscaped and properly maintained. Such
659 landscaping shall not hinder emergency vehicle access to the property.

660 vi. An adequate emergency vehicle turn-around at the end of the driveway shall be constructed as
661 approved by the Fire Chief. An accessible fire hydrant shall be located within 200 feet of any
662 dwelling on the flag lot. Possible adverse impacts of excessive driveway lengths shall be
663 considered by the ~~Planning Commission, City Council~~ Land Use Authority and emergency
664 services.

665 vii. No parking or storage of any kind shall be allowed on the designated driveway.

666 viii. A flag lot driveway shall not serve more than one lot and shall have no more than one dwelling
667 unit and an accessory apartment per lot. Two parking stalls shall be provided for any accessory
668 apartment on a flag lot. Other than accessory apartments, R2 Overlay projects are not permitted
669 on flag lots.

670 ix. Adjoining lots shall not be permitted to have access from a flag lot driveway.

671 6. Construction of residences and accessory buildings on flag lots shall be limited to a maximum
672 building height of 25 feet from finished grade. Building height restrictions shall be noted on the
673 subdivision plat.

674 7. In order to further regulate the height of proposed structures, fill at the perimeter of buildings on the
675 flag lot shall be limited to no more than 4 feet above the street grade from which the property has
676 access. Properties that have a pre-existing grade that is higher than 4 feet above the street level are
677 exempted from this fill limitation. The Planning Director and City Engineer may waive or modify
678 the 4 foot 'fill limitation' in specific instances where the fill limitation is found to be overly
679 burdensome to the property owner (ex., the limited fill would prohibit utility connections to the
680 dwelling, or the limited fill creates drainage problems that can't be reasonably mitigated, etc.).

681 8. The address of the dwelling on the flag lot shall be clearly displayed and visible from the public road
682 and shall be maintained in a way to differentiate the flag lot from any adjacent properties.

683 9. Setbacks for the residence on a flag lot shall be defined as follows: Front yard setback shall be 30
684 feet, rear yard setback shall be 50 feet, and side yard setbacks shall be 20 feet on each side yard of
685 the dwelling unit. Minimum setbacks shall be noted on the subdivision plat.

686 10. For purposes of determining the setbacks of a flag lot, the front property line shall be the nearest line
687 that is most parallel with the street from which the driveway accesses. Orientation of the dwelling is
688 not regulated.

689 11. Accessory structures for flag lots may be permitted in accordance with applicable sections of the
690 Lindon City Code, but shall be limited to 25' maximum height. No accessory buildings shall be
691 permitted on the 'flag pole' portion or driveway of the flag lot.

692 12. Flag lots shall only be permitted in the R1-12 and R1-20 zones.

693 13. Unless otherwise approved by the ~~Planning Commission and City Council~~ Land Use Authority, all
694 flag lot driveway access points on a public road must have at least two legal parcels located
695 between any other flag lot driveway on the same side of the street. Flag lots may only be adjacent to
696 each other if the flag lots are accessed from different roadways or at least two legal parcels are
697 located between any other flag lot driveway on the same side of the street.

698 14. In addition to the minimum requirements above, the ~~Planning Commission and City Council~~ Land
699 Use Authority may impose additional conditions on flag lots including, but not limited to the
700 following:

701 a. Fencing and screening requirements;

702 b. Installation of one or more fire hydrants or other safety related items;

703 c. Installation of curb and/or gutter along private drives.

704 d. Other conditions that increase the compatibility of the proposed project with existing conditions
705 and surroundings.

706 15. Due to the typical nature of flag lots being created from long, deep parcels, flag lots are exempted
707 from any width-to-depth ratio requirements.

708 Ord 2008-2, amended 02/21/2008, (Ord 2007-10, amended 10.02/2007, Ordinance 2006-8, adopted
709 10/05/2006, Ord. 2002-12, 05/07/2002; Ord. 2001-8, 2001; Prior No. 99-14, 2000)

710
711 17.32.330 Subdivision application expiration.

712 Subdivision applications shall not be considered for processing and/or approval after such time as no new
713 submittals are received by Lindon City for a period of ~~six (6)~~ 12 months. Resubmitted subdivision
714 applications related to an expired application shall conform to current zoning and subdivision standards at
715 the time of resubmittal. (Ord. No. 2001-8, 2001)

716
717 17.32.340 Phased Subdivisions

718 1. Purpose. The intent of this section is to allow for incremental recordation of final plats and
719 posting of public improvement bonds. By allowing these steps in the subdividing process to
720 be phased, Lindon City can approve a subdivision's master plan while relieving the applicant
721 of the requirement of coming before the Land Use Authority for each proposed phase. This
722 also reduces application processing time, resulting in cost savings for the city. Additionally,
723 phasing may grant opportunity for traditional up-front costs of subdividing to be spread out
724 over time, thus granting an applicant a greater ability to see a project through to completion.

725
726 2. This section provides the steps required for phased subdivisions but is not intended to contain
727 a comprehensive listing of all requirements of the Lindon City Code.

728
729 3. If the applicant is proposing phasing a subdivision into two or more sections for purposes of
730 recording final plats, such information must be included as a part of the preliminary plat
731 submission.

732
733 a. A phasing plan describing each phase, anticipated number of lots and associated
734 improvements of each phase, the order of phasing and the projected time for recording
735 and development of each phase shall be submitted.

736
737 b. The entire project, with all phases, shall be represented on the Preliminary Plat and be
738 subject to the application submittal requirements for preliminary subdivision plans as
739 outlined in the Land Development Policies, Standard Specifications and Drawings
740 manual.

741
742 4. Upon preliminary approval and starting with phase one (1), final improvement and plat
743 drawings for each phase may be submitted independently, according to the original project-
744 phasing plan. Submittals shall be subject to the application submittal requirements for final
745 plat and final improvement drawings as outlined in the Land Development Policies, Standard
746 Specifications and Drawings manual.

747
748 a. Phase one (1) final plat and final improvement drawings must be submitted within one
749 (1) year of preliminary approval.

750
751 b. Subsequent phases must submit final plat and final improvement drawings within one (1)
752 year of recording the previous phase plat.

753
754 c. The Design Review Committee (DRC) shall have final approval authority in determining
755 which infrastructure improvements are required in each phase.

756

- 757 d. Failure to reach submittal deadlines as outlined in a. and b. above shall result in the
758 expiration of the preliminary plan approval and a new application shall be required.
759
- 760 5. Bonding requirements as found in LCC 17.38 shall apply to phased subdivisions. However,
761 bonding for public improvements may be posted with Lindon City phase by phase with
762 specific details regarding the improvements requiring bonding to be finalized by the Design
763 Review Committee.
764
- 765 6. Additional fees according to the Lindon City Fee Schedule may be required for bond reviews,
766 final plat reviews, and final improvement drawing reviews associated with phased
767 subdivisions.
768

769 17.32.350 Public Utility Lots

- 770 1. Public Utility Lot is defined as a lot or parcel used for public utility facilities, including but not limited
771 to Lindon City facilities, and may contain facilities or uses such as natural gas pressure regulating
772 stations, power substations, communications antennae, power or telecommunication pedestals, water
773 wells, water reservoirs/tanks, storm drainage facilities, pump stations, trails or pedestrian ways and
774 related support facilities, and other similar uses. Public Utility Lots shall not be considered buildable lots
775 for the purpose of constructing habitable buildings or structures intended for occupancy. Construction of
776 non-habitable structures for the purpose of housing utility equipment or other similar uses is permitted.
777
- 778 2. Public Utility Lots shall be exempt from the following:
779 a. Minimum lot size requirements.
780 b. Minimum lot frontage requirements provided easement documents are recorded ensuring perpetual
781 access to the lot.
782
- 783 3. Notwithstanding section 2 above, all other standards of the underlying zone may be imposed, subject to
784 review and consideration by the Planning Commission of whether or not the standard or condition is
785 necessary in order to protect the public health, safety, welfare, and aesthetics of the area, or is otherwise
786 in the public interest.
787
- 788 4. Regulation of uses shall apply as listed in the Standard Land Use Table (LCC, Appendix A). This
789 chapter is not intended to allow uses otherwise identified in the Standard Land Use Table as not being
790 permitted within a specific zone.
791
- 792 5. Site plans for installation of public utility facilities are subject to Planning Commission approval as a
793 Conditional Use.
794

795 **Chapter 17.58 Dedications of Subdivisions**

796 Sections:

- 797 17.58.010 Final plat approval conditions.
798 17.58.020 Improvements required.
799 17.58.030 Master plan preparation costs.
800 17.58.040 Public improvements on developed parcels.
801 17.58.050 Percentage of dedication or fee.
802 17.58.060 Considerations in determination of fee payment or construction required.
803 17.58.070 Finality of decision.
804 17.58.080 Fee--Use.
805 17.58.090 Fee--Computation.
806 17.58.100 Fee--Payment not to relieve developer of on-site improvement responsibilities.
807

808 Section 17.58.010 Final plat approval conditions.
809 As a condition of approval of a final subdivision plat, for the subdivision the developer or property
810 owner(s) shall dedicate land, pay a fee in lieu thereof, or provide off-site improvements in accordance
811 with the city master plan for such required public improvements. The city shall retain the option to require
812 either land, payment of a fee or construction of the required improvements. Proposed subdivisions which
813 have not received approval of a preliminary plat as of the date of the ordinance codified in this chapter
814 shall be subject to the provisions hereof. (Ord. no. 81 §1, 1980.)
815

816 Section 17.58.020 Improvements required.
817 Improvements include, but are not expressly limited to, sidewalks, street paving and other improvements,
818 traffic-control devices, flood control structures, bridges, parks and recreation facilities, public safety and
819 fire fighting equipment, structures and facilities. (Ord. no. 81 §2, 1980.)
820

821 Section 17.58.030 Master plan preparation costs.
822 The city council finds that the cost of preparation of the requirements set out in Sections 17.58.010 and
823 17.58.020 referred to master plan for public improvements shall be paid from fees collected pursuant to
824 this chapter. (Ord. no. 81 §3, 1980.)
825

826 Section 17.58.040 Public improvements on developed parcels.
827 The city council finds that developed parcels of land create a need for public improvements in excess of
828 the need for such improvements generated by undeveloped parcels of land. (Ord. no. 81 §4, 1980.)
829

830 Section 17.58.050 Percentage of dedication or fee.
831 A developer, builder or individual developing property shall be required to dedicate eight percent of the
832 land area of the proposed development or subdivision, or pay a fee equal to the residential land value of
833 the portion of the land area representing either percent of the proposed development. (Ord. no. 81 §5,
834 1980.)
835

836 Section 17.58.060 Considerations in determination of fee payment or construction required.
837 Whether the city determines to accept dedication of land or elects to require payment of the fee or require
838 construction of off-site improvements in lieu thereof, or some combination of the requirements set out in
839

840 Sections 17.58.010 through 17.58.050, shall be determined by a consideration of the following:

- 841 1. Application of the city's master plan for public improvements;
- 842 2. Topography, geology, access and location of the land in the subdivision available for dedication;
- 843 3. Size and shape of the land available for dedication;
- 844 4. Feasibility of dedication;
- 845 5. Coordination of construction of such improvements necessitated by such development with other
846 developments in the same general area. (Ord. no. 81 §6, 1980.)
847

848 Section 17.58.070 Finality of decision.
849 The determination of the city as to whether land shall be dedicated, whether a fee shall be charged, or
850 whether off-site improvements shall be constructed or a combination thereof, shall be final and
851 conclusive. (Ord. no. 81 §7, 1980.)
852

853 Section 17.58.080 Fee--Use.
854 Fees collected hereunder shall be used exclusively for construction of off-site improvements reasonably
855 related to serving the needs of the subdivision or development and improvements required by such
856 development. (Ord. no. 81 §8, 1980.)
857

858 Section 17.58.090 Fee--Computation.

859 Where a fee is required to be paid in lieu of land dedication, the amount of such fee shall be based upon
860 the average estimated fair market residential land value being subdivided or developed. The fair market
861 value shall be as estimated by the city at the time of final plat submittal or, in the case of an individual
862 building a home or other structure, building permit application. If the developer objects to the fair market
863 value determination, the developer may request the city to obtain an appraisal of the property by a
864 qualified real estate appraiser mutually agreed upon by the city and the developer, which appraisal will be
865 considered by the city in determining the fair market value. All costs of such appraisal shall be borne by
866 the developer. (Ord. no. 81 §9, 1980.)

867
868 Section 17.58.100 Fee--Payment not to relieve developer of onsite improvement responsibilities.
869 Payment of the fee hereunder shall not relieve the developer of the responsibility to provide for required
870 on-site improvements, including required retention of storm drainage waters generated by the
871 development. (Ord. no. 81 §10, 1980.)

872
873
874 ~~**Section 17.66.020 Subdivision recordation and approval required.**~~

875 ~~No person shall record a subdivision in the office of the county recorder until such subdivision has been~~
876 ~~approved by the city, and no person shall erect or construct a building within the limits of the city without~~
877 ~~first having obtained a building permit from the city. (Ord. no. 2 §2, 1957.)~~

878
879
880
881
882 ***** Add section to allow for condominium plats according to state code. Each unit and/or common area**
883 **described on the plat as a separate lot or parcel shall be counted towards the total number of lots when**
884 **determining the land use application fee.**

885
886
887 **SECTION II:** Provisions of other ordinances in conflict with this ordinance and the provisions
888 adopted or incorporated by reference are hereby repealed or amended as provided herein.

889
890 **SECTION III:** The provisions of this ordinance and the provisions adopted or incorporated by
891 reference are severable. If any provision of this ordinance is found to be invalid, unlawful, or
892 unconstitutional by a court of competent jurisdiction, the balance of the ordinance shall
893 nevertheless be unaffected and continue in full force and effect.

894
895 **SECTION IV:** This ordinance shall take effect immediately upon its passage and posting as
896 provide by law.

897
898 PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City,
899 Utah, this _____ day of _____, 2014.

900
901
902
903
904 _____
905 Jeff Acerson, Mayor
906
907

908 ATTEST:

909

910 _____

911 Kathryn Moosman,
912 Lindon City Recorder

913

914

915

SEAL

DRAFT

Item 3 – Public Comment

1 - Subject _____
Discussion

2 - Subject _____
Discussion

3 - Subject _____
Discussion

Item 7: New Business (Planning Commissioner Reports)

Item 1 – Subject _____
Discussion

Item 2 – Subject _____
Discussion

Item 3 – Subject _____
Discussion

Item 8: Planning Director Report

Ivory Homes Proposal

Adjourn