

**EAGLE MOUNTAIN CITY**  
**PLANNING COMMISSION MEETING MINUTES**  
TUESDAY, MARCH 10, 2009  
CLOSED SESSION AT 5:00 P.M. – POLICY SESSION AT 6:00 P.M.  
Eagle Mountain City, 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

**5:00 P.M. CLOSED SESSION – ADMINISTRATIVE CONFERENCE ROOM**

The Planning Commission conducted a Closed Executive Session for the purpose of discussing reasonably imminent litigation pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

**Roll Call**

Tom Maher, John Linton, Karleen Bechtel, Preston Dean

**Staff Present**

Steve Mumford, Planning Director  
Mike Hadley, Senior Planner  
Jerry Kinghorn, City Attorney  
Lianne Pengra, Planning Coordinator

**6:00 P.M. POLICY SESSION – COUNCIL CHAMBERS**

Commissioner Tom Maher called the meeting to order at 6:05p.m.

**Roll Call**

Tom Maher, John Linton, Karleen Bechtel

**Staff Present**

Steve Mumford, Planning Director  
Mike Hadley, Senior Planner  
Jerry Kinghorn, City Attorney  
Lianne Pengra, Planning Coordinator

**Others Present**

Darren Boberg, The Ark of Eagle Mountain  
Gary Petersen, Lot 10 Cedar Pass Ranch  
Kent Price, Eagle Mountain Resident  
Joel Clark, Neighbor of The Ark of Eagle Mountain  
David Landon, 4682 E Silver Creek Way

**1. Pledge of Allegiance**

**2. Declaration of Conflicts of Interest**

None

**3. Status Report from City Council**

- o Public Land Disposal Ordinance
- o The Woods Subdivision

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Mr. Mumford said that the Public Land Disposal Ordinance was tabled at the last City Council Meeting to allow staff to develop a more detailed appeals process. Mr. Mumford said that Mr. Kinghorn is currently working on this.

Commissioner Linton asked Mr. Kinghorn why the parks were on the disposal map. Mr. Kinghorn said that it needed to be noted as city property but not disposable. He explained that the ordinance will offer a clear statement that certain land is not disposable and a simplified process regarding disposable land.

Mr. Mumford said that the Woods subdivision was the other item to update. Mr. Tom Wood requested that some requirements of improvements for his subdivision be reduced or deleted from the Development Agreement. His request included removing a six-foot fence along the back of the properties along Overland Trails and The Woods, and removing the 8-foot asphalt trail between Overland Trails and The Woods. The last request was to reduce the 8-foot sidewalk that connects to Waddell Street to a 4-foot sidewalk.

Mr. Mumford said that the City Council denied the request to remove the fence and trail requirements but did allow the applicant to lower the 8-foot sidewalk to a 4-foot sidewalk. He explained that this request did make sense as the sidewalks in that subdivision are four feet, not eight.

Mr. Mumford said that the City Council thought that if the Planning Commission and City Council approve a Development Agreement, an applicant can appeal immediately. They did not want people to come back years later after residents are living in the homes and request a change.

Commissioner Maher asked if a time-period for appeals or changes was set with the City Council. Mr. Kinghorn said that as long as the applicant submits the application and pays the fee, staff has to review it in good faith.

#### **4. Approval of Minutes**

##### **A. February 24, 2009 Planning Commission Meeting Minutes**

**MOTION:** *Commissioner Linton moved that the Planning Commission approve the February 24, 2009 Planning Commission Meeting Minutes.*

*Commissioner Bechtel seconded. Ayes: 3, Nays: 0. Motion Passed*

#### **5. Development Items**

##### **A. Ark of Eagle Mountain Group Home Conditional Use Permit & Business License – Public Hearing, Action Item**

Mr. Mumford said that the Planning Commission met on this item on November 25, 2008. It was tabled at that time so the applicants could review the proposed conditions with their legal

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counsel and discuss them with City staff. Mr. Mumford said that staff has spent a lot of time developing an understanding of the process of licensing the facility, and that staff met a few times with the Department of Human Services, who licenses the facility on the state level.

Mr. Mumford said that the final conditions presented tonight have been agreed upon by the applicant and they provide a reasonable accommodation for the use in the area.

Mr. Mumford showed maps of the existing homes in the subdivision, a site plan of the lot, as well as a parking plan and floor plans. He explained the layout of the home and said that males and females must be separated in living quarters.

Mr. Mumford went over the permitted uses in the Residential zone and how the City's Development Code defines Small Residential Group Homes.

Mr. Mumford said the applicant is proposing eight clients/residents in the home to be treated for mental health, behavior, and chemical addictions. The residents will be professionals over the age of eighteen. He went over some of the focuses of the group home and what professionals will be on staff.

Mr. Mumford said that on a legal side, the home falls under the protection of the Fair Housing Act and the Americans with Disabilities Act, as well as the Utah Municipal Land Use Act. He explained the type of person who is protected under these acts and those not protected. He said that the Conditional Use Permit process is needed to authorize this group home.

Mr. Mumford explained that the reasoning for the changes in the conditions from the previous Planning Commission Meeting include more information provided by the applicant, more research done on the part of City staff, the existing facility in Sandy was toured and discussions took place with the Sandy facility staff and neighbors.

Mr. Mumford said another issue was with federal and state confidentiality rights; all patient resident records will be property of the Utah Department of Human Services and they can review the records at any time. This includes the drug tests.

Mr. Mumford said that residents are not allowed to leave the premises unless approved for church services or unless they have a pass approved by the group home staff. Mr. Mumford said that the state requirements for drug testing were sufficient as the residents are in the home, supervised, for the majority of the week.

Mr. Mumford explained the role of the Utah Department of Human Services (DHS) in licensing and enforcing regulations for residential group homes. He explained that they will enforce the Ark's Policies and Procedures Manual, so City staff worked with the applicant to get as many of the City's conditions as possible written into the Ark's Policies and Procedures Manual. He explained that this relieves the City of part of the enforcement of the conditions and places it back with the DHS.

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Mr. Mumford explained the Department of Human Services' licensing process. They issue a 90-day probationary license and if the group home is still in compliance after that probationary period, they are issued a license for the remainder of the year. He explained that the group home would go through a re-licensing process every year with the state.

Mr. Mumford explained the criteria of approval as written in the City's code: it shall not create a nuisance or pose a threat, it shall receive approval of appropriate state agency, it shall provide required parking spaces onsite, and a site shall have a 60-foot frontage on the lot.

Mr. Mumford said that staff is recommending the Planning Commission approve the parking plan on a trial basis. Staff's recommendation is that after the home has all eight residents for 90 days, staff looks at the parking plan again to decide if more parking is needed. He explained that this is due to not knowing how many family members or visitors will be coming to the home, how many residents are from out of state, and other similar issues.

Mr. Mumford said that in the proposed schedule the Ark provided, visitation was noted on Wednesdays from 7:00p.m. to 8:00p.m. as a family support group, Thursdays 6:00p.m. to 9:00p.m. as a family therapy group, and visiting hours on Saturdays from 10:00a.m. to 2:30p.m. He said that another page from the Ark showed visiting hours on Thursdays from 1:00p.m. to 8:00p.m. He said that they were requesting clarification on visiting hours this evening.

Mr. Mumford said that all residences are allowed a two-square-foot name plate/address sign and the Ark would be allowed the same sign; no additional signage would be allowed.

Mr. Mumford said that the original condition required residents to not have used controlled substances for thirty days prior to entering the facility. He said that when that condition was created, staff had a different idea of what the facility would be. He explained that most residential group homes treat those who are just coming off of the substances and the state requires the residents to be medically stable and cleared for treatment; this is the condition staff included in the current list of conditions.

Mr. Mumford said that no sex offenders would be allowed in the facility. He explained that the DHS monitors what people are in the home and enforces the rules on who is and is not allowed to live there.

Mr. Mumford said that residents will not be allowed to contact people in the neighborhood except in cases of emergency or if they are cleared to attend local worship services.

Mr. Mumford said that the urinalysis testing was reduced to the state requirement of three tests per month with daily testing using other methods such as visual tests. He explained that the staff onsite at the Ark are trained in detecting substance and alcohol use.

Mr. Mumford said that staff recommends the Conditional Use Permit be revoked if the DHS license is ever revoked.

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Mr. Kinghorn said that the major shift in the conditions is due to the discovery that the DHS will be monitoring and enforcing the Policies and Procedures and their own rules and regulations for residential group homes. He said that the version of the Policies and Procedures Manual that the Ark provided to staff is much more detailed than the original version.

Mr. Darren Boberg, The Ark of Eagle Mountain. In regards to the visitor hours, Mr. Boberg said that they do a Family Group on Wednesday evenings from 6:00p.m. to 9:00p.m. He said that the current facility in Sandy has many more people than the Eagle Mountain facility will have. The Sandy facility has a 1:00p.m. to 5:00p.m. group for education and a 6:00p.m. to 9:00p.m. group for mental health workshops. He said that he doesn't think the Ark of Eagle Mountain will have that much going on since the size is so much smaller. He said that he believes it will just be a 6:00p.m. to 9:00p.m. group; he didn't want to commit to that as of now.

Commissioner Maher asked how many residents are expected to be from out of state. Mr. Boberg said that he couldn't answer that. His marketing will be through attorneys, DOPL, and the internet. He said that the Sandy facility houses approximately 50% out-of-state residents.

Mr. Boberg said that he feels staff is being more than fair with the parking plan.

Commissioner Maher asked when Mr. Boberg intended the facility to open. Mr. Bobeg said he hoped for as soon as possible, possibly April 1.

Commissioner Maher asked for clarification on the onsite security. Mr. Boberg said that during the day, two to three mental health therapists will be onsite; the psychiatrists and doctors wouldn't be onsite 24 hours a day. He said that at night, there is an employee awake and working through the night. He said that the security cameras will be onsite, but not necessarily for the protection of the citizens, but for the protection of the staff and residents. He explained situations with the Sandy site where citizens would call DHS to report issues and the Ark would provide footage to disprove the reported issue. He said that they do have alarms on the doors and other standard security systems.

*Commissioner Maher opened the Public Hearing at 6:50p.m.*

Gary Petersen, Lot 10, Cedar Pass Ranch. He said that he lived in Cedar Fort with boys' ranches and he experienced many problems. He said that he doesn't feel it is a good fit for the neighborhood.

Joel Clark, N/E neighbor. Mr. Clark asked how the code can state that types of people cannot live in the group home and then the group home will have those types of people. He said that since there is not a local police force, response times are long. He said that he had people dumping onto his property and it took a long time for the sheriff to arrive. He asked who enforces this site.

Mr. Mumford said that as far as the substance abuse, the city code is overruled by federal and state law as well as the Fair Housing Act and Americans with Disabilities Act. He said that with

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regards to enforcement, the Utah County Sheriffs would enforce any legal issues such as cars being broken into.

Mr. Kinghorn said that under federal fair housing rules and the Americans with Disabilities Act, the city cannot enforce the rules regarding those with substance abuse problems in residential group homes. He said that courts have ruled that people with substance abuse problems are considered persons with a disability and the city has to accommodate them.

Mr. Kinghorn said that in regards to law enforcement, there is a dedicated group of Utah County Sheriffs who have a station in Eagle Mountain and are here all the time. He said that the response rate would depend on the gravity of the reported offense; if a call comes in that someone is breaking into a home, a sheriff would arrive within a few minutes versus a call coming in about someone dumping on private property.

Mr. Clark said that it takes ten minutes to get from The Ranches to City Center. Mr. Kinghorn said that the officers do patrol the city; they aren't just sitting at the station. He said that they don't get complaints on the officers' response times.

Mr. Clark said that it is a bad fit for the neighborhood. He said that he has seen firsthand that they don't work. Mr. Kinghorn said that this facility is for professionals over eighteen. He said that no sentenced felony offender can be in the facility. He explained that it won't be like the Utah Boys' Ranch or places like that; it is not that type of facility. He said that if they find out that the facility is taking incorrect types of people, they can have DHS investigate and shut down the facility.

Commissioner Maher said that a professional has to do an assessment of the individual to recommend them for this kind of treatment. He said that it is a very specific list of who can write the assessment and it must be done before the resident moves into the home.

Kent Price, Eagle Mountain Resident. Mr. Price said that in the CC&Rs of the HOA he was previously the president of, there was a rule regarding non-related people living together. He asked if they could enforce the rule of non-related people living in a house. Mr. Kinghorn said that the CC&Rs are contractual and are different from the city code. He said that he is mainly conversant regarding the Fair Housing Act and the Americans with Disabilities Act. He explained that those don't apply to HOAs; they apply to governmental entities. He said that if there was a specific covenant or restriction prohibiting this type of facility, there would be stronger case. Mr. Price asked if Westview Heights has an HOA. Mr. Kinghorn said that he did not believe so.

*Inaudible comments from the audience.*

Mr. Kinghorn said that if a person purchases a piece of property knowing that there is a restriction on the type of program that he/she wishes to do, and it is contractual like CC&Rs, it is a different situation than a city trying to enforce its rules.

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Mr. Petersen asked how many Commissioners would like this next to their home. Commissioner Maher said that wasn't the issue; the facility is protected by federal law.

Mr. Petersen asked what percent of people who make it through the program don't come back.

Mr. Boberg explained that they measure success differently. A person who successfully graduates their program is considered a success after one year. He said that person may relapse through the year. Mr. Petersen asked how many people come back to the program. Mr. Boberg said that 2 out of 420 approximately. Mr. Petersen said that he knows someone with a child in rehab who said that 50% to 60% of the people return to the rehab. Mr. Boberg said that it is not children being treated at the home. He explained that the residents have to want to be at the home, where kids don't necessarily have the desire or mental capacity to work through the programs and issues that are there. He said that the older people have a much better chance.

David Landon, 4682 E Silver Creek Way. Mr. Landon asked if the residents drive, and if so, how do they fit all of the cars. Commissioner Maher clarified that the parking is for staff and visitors.

Mr. Landon asked how eight people were going to fit in four bedrooms and one group room; he didn't think they would all fit. Mr. Boberg said that the residents will have three groups a day plus homework and will be spending an inordinate amount of time together. He said that they will have one person per bedroom, so before the basement is finished, they will have only four residents.

*Commissioner Maher closed the Public Hearing at 7:07p.m.*

Commissioner Linton said that they are bound by superior law so they need to ensure the conditions fit with that law and proceed.

**MOTION: *Commissioner Linton moved that the Planning Commission recommend approval to the City Council of the Ark of Eagle Mountain Group Home Conditional Use Permit, subject to the following conditions:***

1. The Group Home which shall be located at 2950 Prairie View Drive, Eagle Mountain City, Utah, shall conform to all applicable standards and requirements of the Utah State Department of Human Services and the owner/operator ("the Licensee") shall obtain all licenses required by the State to operate the Group Home. Prior to occupancy of the Group Home or its use by the Licensee, a parking plan and improvement schedule shall be submitted to the Planning Director for approval. The plan shall include a minimum of six (6) off-street parking stalls, landscaping or fencing to screen the parking areas, and a schedule for completion of the additional parking & landscaping. Visiting and group schedules will detail visiting hours and visiting times for invited visitors as described in the Policy and Procedure Manual of the Licensee. The proposed plan shall demonstrate that traffic and parking will be managed to minimize traffic impacts.

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2. The Group Home shall conform to all State and local building, safety, health and zoning requirements applicable to similar structures. The only outdoor signage permitted is a nameplate and address sign no larger than 2 square feet, and property control signs (no parking, no trespassing, etc.).
3. The Group Home shall be occupied by no more than eight (8) residents who meet the criteria set forth below and paid, professional staff members. Occupancy by any staff member shall only be allowed if such occupancy is primarily for the purpose of serving the residents and not primarily a benefit of employment to the staff member.
4. All staff members shall be over the age of 18. The Group Home shall be occupied only by individuals over the age of 18 who meet the following criteria as individuals who are disabled or handicapped; having a physical or mental impairment that substantially limits one or more of a person's major life activities. Admission criteria may also include but is not limited to the following:
  - a. Individuals who have been diagnosed with an addiction to alcohol or a controlled substance (as defined in Utah Code Section 58-37-2, as amended) who are not currently using controlled substances and are medically stable;
  - b. Individuals who are unable to abstain from the use of alcohol or a controlled substance without the structured supportive setting offered by a Group Home; and
  - c. Individuals who have completely and voluntarily abstained from the use of alcohol and all controlled substances and are medically clear for treatment.
  - d. Persons with a disability does not include persons diagnosed with kleptomania, pyromania, transvestism, pedophilia, exhibitionism or voyeurism, or any history of sexual or physical assault, not resulting from physical impairments or other disorders.
5. The Licensee shall not allow any person to become a resident of the Group Home until the Licensee has verified compliance with the requirements of Paragraph 4 above. For purposes of verifying compliance with subsections 4a and 4b, the Licensee shall obtain written certification from a Medical Doctor (MD), Licensed Clinical Social Worker (LCSW), Licensed Professional Counselor (LPC), Licensed Psychologist, Licensed Psychiatrist, Licensed Substance Abuse Counselor (LSAC) or Nurse Practitioner (APRN) certified in mental health and substance abuse counseling, that the proposed resident meets the criteria of those subsections. For purposes of verifying compliance with subsection 4c, the Licensee shall keep current statistics, census records, clinical records and documentation of medical stability. Statistic and census records that are not protected by confidentiality may be viewed by licensing entities upon request.



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6. All residents in the home must completely abstain from using alcohol and controlled substances during the period that they are residents in the Group Home. Any resident of the Group Home who uses alcohol or a controlled substance, whether on or off the premises, shall be immediately expelled from the home and shall not be readmitted without meeting the screening criteria in Paragraph 4 above. However, nothing contained herein shall be construed to prohibit a resident from taking a prescription drug for which a resident has a valid and current prescription.
7. No, alcohol, unprescribed controlled substances or drug paraphernalia shall be allowed on the premises of the Group Home. Firearms may be carried only by private security or uniformed peace officers that hold legal permits to carry. No resident of the Group Home shall initiate any contact of any kind with residents of the neighborhood except:
  - a. In the case of notice or prevention of an emergency which may cause personal injury, death or substantial property damage.
  - b. Residents who are cleared by staff to attend local worship services will come in contact with neighbors; this is unavoidable. Spirituality and faith are major components of the Ark's recovery philosophy.
8. The Licensee (or designee) shall maintain compliance with the requirements of all conditions under their licensure (including Conditional Use Permit Conditions). In addition, upon receipt of notice of a possible violation, the Licensee (or designee) shall immediately investigate whether a violation has occurred and take appropriate enforcement action. The Licensee must comply with and assist the Utah Department of Human Services, Office of Licensing and/or the City in investigating complaints or licensing violations.
9. In order to verify ongoing abstinence from drugs and alcohol, each resident shall submit to at least three random urinalysis tests per month that test for the presence of alcohol and controlled substances. Any resident testing positive for alcohol or non-prescribed drugs, or who refuses to submit to a test, shall be immediately expelled from the Group Home. The Licensee shall maintain records of urinalysis test results. Such records are available to the Utah Department of Human Services, Office of Licensing for inspection upon request. At least one substance abuse or alcohol testing method must occur daily, including one of the following: urinalysis, blood, hair follicle, breathalyzer, visual. The Licensee tracks statistics on race, gender, relapse, and many other verifiable conditions that may be made available upon request.
10. Residency in the Group Home shall be on a strictly voluntary basis; although, forms of coercion may be used to encourage a person into treatment (employer requests, court orders, DOPL requirements, spouse ultimatums, and self-admissions). Residents seeking admission into treatment will be required to demonstrate their desire for admission through established intake screenings and assessments. As a

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measure to verify appropriate resident admissions, each resident must remain in compliance and follow through with assigned work and obey house rules. Residents found to be habitually noncompliant and unmotivated will be expelled from the program. Licensee must also document house rules as found in Policies and Procedures. Such rules shall be made available for inspection upon request to the Utah Department of Human Services, Office of Licensing. Persons subject to a commitment order from a court will not be admitted.

11. The Group Home shall not be made available to or occupied by any individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in physical damage to the property of others. An individualized written assessment of each person who is proposed to become a resident of the Group Home shall be performed to determine if such person would constitute a direct threat prior to allowing occupancy of the Group Home by such person. The assessment shall be performed and certified by an independent Medical Doctor (MD), Licensed Clinical Social Worker (LCSW), Licensed Professional Counselor (LPC), Licensed Psychologist, Licensed Psychiatrist, Licensed Substance Abuse Counselor (LSAC) or Nurse Practitioner (APRN) that is licensed and approved by the Utah Department of Professional Licensing (or other equivalent licensing board of another state) and certified in mental health and substance abuse counseling. Licensee shall not admit any person who has a history of sexual or physical violence or who may be a threat to themselves or someone else. The Licensee shall provide documentation to the Utah Department of Human Services, Office of Licensing that an individualized assessment has been performed for each resident, and no person will or does reside in the facility whose tenancy would likely constitute a direct threat to the health or safety of other individuals or whose tenancy would result in physical damage to the property of others.
12. The Group Home shall be used as a Group Home without structural or landscaping alterations that would change the structure's residential character. Landscaping shall be established and well maintained in a manner consistent with the standard of maintenance for yards and landscaping of other homes in the immediate neighborhood. Security measures will be enforced 24/7 via staff, 24-hour recorded audio and video surveillance and an active alarm system.
13. No person sentenced for a felony crime of possession with intent to distribute a controlled substance, distribution of a controlled substance, a crime involving the use of a weapon, firearm or violence, burglary, unlawful entry, or sexual crimes shall be an occupant or staff member in the Group Home.
14. The Licensee shall maintain and provide sufficient documentation and other evidence reasonably required by the Utah Department of Human Services, Office of Licensing and will be available for inspection upon request to establish compliance with the requirements of these conditions for use of the premises as a Group Home.

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Appropriate authorities and licensing entities shall have the right to inspect appropriate documentation upon request to verify compliance.

15. No professional counseling, therapy or other treatment shall be provided in the Group Home for any person other than a resident or invited guest of the resident of the Group Home.
16. Failure of the Licensee to comply with or to enforce any of the conditions herein shall result in a review of non-compliance by the Utah Department of Human Services, Office of Licensing which may result in fines, probation, and revocation of licensure. If the Utah Department of Human Services, Office of Licensing, revokes the license for this location, this Conditional Use Permit automatically expires. Conditions violated that are not enforced by the Utah Department of Human Services, Office of Licensing, may lead to violation notices and fines by the City, and eventual revocation of the business license and conditional use permit. A first violation shall result in a violation notice. A second violation occurring within any eighteen month period shall result in a fine of five hundred dollars to the Licensee. A third violation occurring within any eighteen month period shall result in a fine of two thousand dollars to the Licensee. The fines set for violation as provided herein shall be paid within ten days of receipt of the notice of the imposition of the fine. A fourth violation occurring within any eighteen month period shall result in the revocation of the license to operate the Group Home and no license shall be reissued to the Licensee, the principals of the Licensee if the Licensee is an entity, or any alter ego of the Licensee for a period of at least two years following such revocation. Eagle Mountain City shall have the right to deny a permit to any individual or entity (or their principals or alter ego) that has had more than one revocation of a permit to operate a Group Home.
17. The Licensee shall at a minimum provide the following information and shall notify the City whenever any of the following information changes:
  - a. The name, address, and telephone number of the Licensee or applicant;
  - b. The name, address, and telephone number of each person who has an interest in the ownership or operation of the Group Home whether personally or through a partnership, corporation, trust or other entity.
  - c. Any changes to the Ark of Eagle Mountain Policies and Procedures Manual (including House Rules).

Other information requested is always available through the Utah Department of Human Services, Office of Licensing.

18. The City may deny the issuance of a License to operate the Group living home to a person (including any entity) if the City reasonably finds that issuance of a License or

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permit to such person would likely create a threat to the health or safety of other individuals or would likely result in physical damage to the property of others. The City may also deny the issuance of a permit if the applicant or any person described in compliance with Paragraph 18 above has a history or has been found guilty of operating a similar facility in violation of state or local law.

19. If the Licensee incurs a penalty for a violation of the conditions herein the Licensee shall have the right to appeal such action to the City Administrator or his designee at an informal hearing to be held no later than twenty (20) business days following the City's receipt of the Licensee's notice of appeal. The notice of appeal shall be in writing and shall be delivered to the City Recorder either in person or by certified U.S. mail within ten (10) business days of the Licensee's receipt of notice of the imposition of the penalty. The notice of appeal shall identify the appellant, set forth the nature of the action that is being appealed, and state the grounds for appeal. Within ten (10) business days of the hearing, the City Administrator or a designee shall issue a decision either affirming or reversing the imposition of the penalty. Any person who is aggrieved by the City Administrator's decision may file for relief in any court of competent jurisdiction within thirty (30) days of the City Administrator's decision.
20. Rules for Residential Treatment Programs are in place Under the Utah Department of Human Services, Office of Licensing, Rule 501-19. Prior to licensing, a facility must show compliance and be verified by licensing inspectors. These inspectors check compliance by inspecting all files and records, interviewing staff, visiting with clients and their family members. Licensing Inspectors respond instantly to complaints and determine corrective measures if needed. By state law, DHS has open access to all patient records and business documentation without having to have consent of Ark residents to bypass HIPPA or CFR 42. The Ark will be open 24/7 to inspectors from this office without notice. DHS will inform Eagle Mountain if the Executive Manor at the Ark of Eagle Mountain is non-compliant. If a treatment facility is found non-compliant there are varying degrees for corrective measures from a written warning, \$10,000 fine or loss of license to operate the group home.
21. The permit and license issued pursuant to the conditions set forth herein shall be nontransferable and shall terminate if the structure is devoted to a use other than a Group Home or the structure or use fails to comply with all conditions, building, safety, health and zoning requirements of the Eagle Mountain City Code applicable to similar structures.
22. Nuisance/Threat. It shall not create a nuisance or pose a threat of danger to persons or property on existing or proposed land uses within the vicinity.
23. State Recommendation. It shall receive and maintain the approval of the appropriate Utah state agency.

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TUESDAY, MARCH 10, 2009  
CLOSED SESSION AT 5:00 P.M. – POLICY SESSION AT 6:00 P.M.  
Eagle Mountain City, 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

24. **Parking.** It shall provide required parking spaces on the site and an adequate pickup and delivery area. The Traffic Plan to be approved on a trial basis to be reviewed by Planning Staff 90 days after the Ark is fully staffed. The Ark will advise the City when they are fully staffed.
25. **Frontage.** The site shall have frontage on a street with an existing or proposed right-of-way of 60 feet or greater.
26. **All conditions subject to the Fire Department and Building Department inspections.**

***Commissioner Bechtel seconded. Ayes: 3, Nays: 0. Motion Passed***

**6. Other Business**

Mr. Mumford said that the item that was on schedule for the meeting in two weeks will most likely be requested by city administration to be tabled and reviewed more fully by city staff.

**7. Adjournment**

Commissioner Maher adjourned the meeting at 7:10p.m.