

UTAH COUNTY BOARD OF ADJUSTMENT
Minutes

February 4, 2010

Present: James Brady, Chair
Randy Christiansen, Vice-Chair
Rose Blakelock, Member
Ernie Parkin, Member

Excused: Don Olsen, Member
Mark Brady, Alternate

Bryce Armstrong: Utah County Community Development
Rob Moore: Deputy County Attorney
Christina Sutton: Secretary

OTHERS PRESENT: Peggy Kelsey, Brandon Larsen, John Ewing, Community Development Department; Vern Meyer, Josh Richards, Jeremy Call, Dave Peris, Pierce Andrews, Sara Meg Nielson

The meeting was called to order at 5:25 p.m. by James Brady, Chair of the Utah County Board of Adjustment, at 100 East Center Street in Room 1400 of the Utah County Administration Building, Provo, Utah, with four members present. The following is an account of that proceeding:

James Brady welcomed everyone, and outlined the procedure for the meeting.

APPEAL #1486 - JOSH RICHARDS - who is requesting a conditional use for a boarding school in the Residential Agricultural (RA-5) Zone located at 19864 S. Highway 89, Sec. 12, T11S R3E, in the Birdseye area of Utah County

Bryce Armstrong read the definition for a boarding school from the Land Use Ordinance and presented slides of the subject property. The application does not indicate the number of students or give an indication of the number of on-site staff members. It also does not address parking areas for staff, students, or visitors; nor were any appraisals given for surrounding property values. The structure was previously built as a single family dwelling and could be upgraded to potentially meet approvals for fire and occupancy codes. Staff recommended denial of the submitted application.

Rose Blakelock asked for clarification on the definition of therapeutic needs.

Randy Christiansen inquired about previous uses of the property and meeting codes for a school.

Ernie Parkin inquired about potential students.

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Jim Brady asked if the county had a standard for required staff, and who was actually going to operate the boarding school.

Bryce Armstrong replied that the school would need to be licensed and accredited by the State of Utah and that process should verify any special needs being addressed. Additional information is needed about the training and capability of staff to handle any problems that might arise.

Josh Richards, applicant, talked about upgrades to the structure, and beginning with 22 students based on the current capacity of the septic system. He would like to eventually enroll 50 male students between the ages of 18 to 26. The vision for this boarding school is a highly academic college prep living environment for boys that have not graduated from high school. There would be a entrepreneurial theme and students would have an opportunity to start/run a business. Mr. Richards feels this would appeal to a niche market; a boy who has lost out on an academic opportunity and needs help in an atmosphere with little distraction.

Randy Christiansen inquired about state requirements for the number of staff relative to the number of residents.

Ernie Parkin inquired about Mr. Richards experience with the Weber Basin Job Corp and if Mr. Richards operates other schools of this type.

Rose Blakelock questioned why a young man would want to choose this type of boarding school.

Josh Richards replied that he thought about 8 staff members would be needed for 22 students. Classes would be on and off location with a regimented schedule. The students would be adults who have chosen to be there on their own and they will not have cars.

Randy Christiansen inquired about the impact on surrounding property values.

Jim Brady inquired about the number of people at the school and was concerned about providing adequate parking as well as the applicant meeting all building and fire codes.

Bryce Armstrong suggested that the number of residents could be stipulated as a condition on this application. All building and fire codes should be met before obtaining a building permit. More information is needed to establish parking needs for the school.

Josh Richards commented that the health department's determination is for 22 students and 4 staff members at all times, and up to 8 staff members who are non-residential persons.

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Motion: Ernie Parkin

Second: Randy Christiansen

Motion to accept the letter into the record from Mr. Brad Neufeld who is consulting with Mr. Richards to establish requirements for the new school. The motion passed by the following vote: “Aye”, Jim Brady, Randy Christiansen, Rose Blakelock, Ernie Parkin; “Nay”, none.

Vern Meyer, Utah State certified appraiser, anticipated negligible impact on property values, and little impact on traffic patterns since the residents would not have cars.

Ernie Parkin inquired about the school application.

Randy Christiansen asked about the exclusion of students with learning disabilities.

Rose Blakelock asked about funding, tuition and similar schools.

Josh Richards replied that the school would do a background check; and he did have a web site, www.fireriverschool.com. Mr. Richards explained that this would be a second chance school, and tuition would be by the month, likely \$6,500 to \$7,500. He said they would be accepting students that are academically capable, but would not have therapeutic counselors. Other schools do not accept students 18 and above, so this would be a unique program.

Jeremy Call, architect, said that parking is adequate for meeting the current zoning requirements and the square footage can accommodate the number of students and staff desired. Utah state code requires physical maintenance of the school.

Bryce Armstrong said he felt the appraiser had given enough verbal information to support impact on property values. It would be helpful to have a plan of operation from the applicant to detail staff ratios and the expectation of no student vehicles. Department staff has prepared a minimum set of conditions, should the board want to consider them.

Discussion

The board talked about concerns pertaining to possible discipline problems, obtaining trained and qualified staff to meet any arising situations, the need/or not for therapeutic treatment, the desire to see and contemplate a plan of operations including specifics about the type and number of students and staff, and who would monitor behavior issues that might take place in violation of our ordinances.

Bryce Armstrong responded that accreditation would come through the State and the school would need on-going accreditation to obtain a yearly business license from the county. It is anticipated that accreditation requires some sort of monitoring by the State.

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Josh Richards noted that he had spoken to some of the neighbors and since they were not at the meeting, he assumed they were not opposed to the school. He is willing to provide a plan of operations, and is confident that students will enroll in this school.

Rob Moore talked about LUO Section 7-20-C-6, that the proposal comply with all of the terms and requirements of the ordinance, and Section 2-2-B-86-e, which says students who do not require therapeutic treatment of any kind. There is not a requirement to show a public need for this facility.

Randy Christiansen mentioned that it would be helpful in determining if the applicant meets the requirements to have a plan of operations to review so that the board could define specifics as they relate to standards for residents, therapeutic treatment, daily operations, and number of staff.

Motion: Randy Christiansen

Second: Ernie Parkin

Motion to **continue** Appeal #1486 until the next meeting on March 4, 2010, to give the applicant the opportunity to submit additional information to clarify issues as they relate to specifics of the plan of operations and address health, safety, and welfare issues, and impact to surrounding property values. The motion passed by the following vote: "Aye", James Brady, Randy Christiansen, Rose Blakelock, Ernie Parkin; "Nay", none.

APPROVAL OF MINUTES - Meeting held on January 7, 2010

Motion: Rose Blakelock

Second: Randy Christiansen

Motion to **approve** the minutes of the January 7, 2010, meeting of the Utah County Board of Adjustment. The motion passed by the following vote: "Aye", James Brady, Randy Christiansen, Rose Blakelock, Ernie Parkin; "Nay", none.

ADJOURN

Motion: Randy Christiansen

Motion that the meeting adjourn. The motion passed by the following vote: "Aye", James Brady, Randy Christiansen, Rose Blakelock, Ernie Parkin; "Nay", none. The meeting adjourned at 7:08 p.m.

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Minutes respectfully submitted by:

Christina Sutton, Secretary

APPROVED BY:

JAMES BRADY, CHAIR

ROSE BLAKELOCK, MEMBER

RANDY CHRISTIANSEN, VICE-CHAIR

ERNIE PARKIN, MEMBER