

# Exhibit 1

Staff Report to the Ogden Valley Planning Commission for Design Review



## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Action on a request for Design Review approval of the Green Valley Academy a private Educational Institution.  
**Agenda Date:** Tuesday, January 25, 2011  
**Applicant:** Jared Balmer; Agent, representing the Green Valley Academy  
**File Number:** DR 2010-09

#### Property Information

**Approximate Address:** 9091 East 100 South  
**Project Area:** 8 acres  
**Zoning:** Agricultural Valley-3 (AV-3)  
**Existing Land Use:** Agricultural  
**Proposed Land Use:** Educational Institution (private)  
**Parcel ID:** 21-025-0012  
**Township, Range, Section:** T6N R2E Section 16

#### Staff Information

**Report Presenter:** Ben Hatfield  
bhatfield@co.weber.ut.us  
801-399-8766  
**Report Reviewer:** RS

### Applicable Ordinances

- Weber County Zoning Ordinance Chapter 5B (AV-3 Zone)
- Weber County Zoning Ordinance Chapter 18C (Ogden Valley Architectural, Landscape, and Screening Standards)
- Weber County Zoning Ordinance Chapter 24 (Parking)
- Weber County Zoning Ordinance Chapter 32B (Ogden Valley Signs)
- Weber County Zoning Ordinance Chapter 36 (Design Review)
- Weber County Zoning Ordinance Chapter 39 (Ogden Valley Lighting)

### Background

The applicant is requesting approval of a site plan for the Green Valley Academy on property located at 9091 East 100 South on Highway 39 east of Huntsville. This 8 acre property is located in the Agricultural Valley - 3 (AV-3) zone which requires a minimum lot area of 3 acres and a minimum lot width of 150 feet. The AV-3 zone lists a private education institution having a curriculum similar to that ordinarily given in public schools as a permitted use.

Chapter 1 of the Zoning Ordinance defines a private education institution as:

**SCHOOL:** A public elementary or secondary school, charter, seminary, parochial school, or private educational institution having a curriculum similar to that ordinarily given in grades one through twelve in the public school system. The term "education institution" for the purpose of this Ordinance does not include post high school educational facilities.

Other definitions in chapter 1 that the Planning Commission may find relevant with this application are:

**USE:** An activity conducted on a parcel.

**USE, PERMITTED:** Any use lawfully occupying land or buildings as authorized in the zone regulations and for which no Conditional Use Permit is required.

**USE, MAIN:** The principal use of land or structures, as distinguished from an accessory use. Dwellings on parcels meeting the definition of an "Agricultural Parcel" shall be the main use.

**USE, ACCESSORY:** A use incidental to and on the same lot as a main use; customarily found in connection with a main building or use; is subordinate in area, extent or purpose to the main building or main use served.



The Green Valley Academy is a private specialty school which will serve students with specific needs in the areas of learning, depression, anxiety, and pervasive developmental problems. The applicant has provided a narrative (exhibit C) describing different aspects of the school. A letter from the Utah State Office of Education addressing the school's academic curriculum and accreditation (exhibit A) and a letter from the Utah Department of Human Services Office of Licensing addressing licensing requirements (exhibit B) has also been provided. Staff has determined that the main activity which will occur on this property will be the education and instruction of students, as indicated in the applicant's narrative. Although additional training, therapy, and counseling may also be provided to students, this training is ancillary and subordinate to the main use served. Staff also has determined that the proposed use meets the qualifications as a private educational institution as defined in the Weber County Zoning Ordinance.

The school site consists of three buildings. The main building is 6,090 square feet and will have the classrooms for instruction and administrative offices. The second building is 6,040 square feet and will be the dormitory for up to 36 students. The third building in the rear will be a storage/maintenance building to store equipment needed for the school and the site. The exterior of the buildings will be cultured stone and cedar siding. All materials including window trim, roofing, and finishes will be of a natural brown or black color as shown in image 2 and the materials list in exhibit H, D and F. The architectural style, colors, and materials are in conformance with Chapter 18C.

- **Parking:** The school has proposed five parking areas consisting of 44 parking spaces which surround the grass field on the front portion of the lot. A parking area for two handicapped parking spaces closer to the building is also provided. Since students attending this school typically will not have their own vehicles it is anticipated that these 44 parking spaces will be more than sufficient. Additional area is available if in the future more parking is needed. 4 light poles meeting the requirements of the Ogden Valley Lighting ordinance (chapter 39) are shown on sheet 3 of exhibit E.
- **Landscaping:** The landscape plan is attached as exhibit G. This plan covers 82% of the project area and meets the requirements of Chapter 18C. The plan also provides over 85 trees (evergreens and aspens) along the east, west, and north boundary of the property to help screen the project from adjacent residences and the road. Bedding plants and shrubs surround the dormitory and administration buildings, while a decorative pond will be placed between them. West of the site is a home which will have adequate screening from the school from the various trees to be planted along the property line. A 2 foot by 5 foot landscaping berm will be built down the property line and into the retention pond to prevent storm runoff to the adjacent property. A berm installed along the front property line within the landscaping will help screen the school from traffic on the highway.
- **Signs:** A sign near the entrance has been shown in the landscaping plan consisting of boulders in which the school's name will be engraved which meet the requirements of Chapter 32B.
- **Water and Wastewater:** The Weber Morgan Health Department has provided a letter of feasibility for a conventional septic system. Prior to land use and building permits being issued, the septic system design for the project must be approved by the Weber Morgan Health Department for a Wastewater Disposal permit. The applicant is working with the State Division of Drinking Water and the Weber Morgan Health Department to develop a public water company for culinary and irrigation water for this site.
- **Building Inspections and Weber Fire District:** The Weber County Building Division still will need to review all building plans. The Weber Fire District requires that fire sprinkles are installed in lieu of fire hydrants.

### **Summary of Planning Commission Considerations**

- Is the project layout and building design consistent with applicable Weber County Ordinances?
- Is the proposed use consistent with the list of land uses in the Weber County Zoning Ordinances?

### **Conformance to the General Plan**

This site plan conforms to the General Plan by meeting the outline of permitted land uses and requirements and the requirements of the zone in which it is located.

### **Conditions of Approval**

- Requirements of the Weber County Engineering Division



- Requirements of the Weber County Building Inspection Department
- Requirements of the Weber Fire District
- Requirements of the Weber County Health Department
- Requirements of the Utah Department of Transportation
- Construction must follow the approved site plan exactly
- Staff will inspect the site to ensure compliance to approvals prior to the issuance of occupancy

### **Staff Recommendation**

Staff recommends approval of the site plan for the Green Valley Academy subject to staff and other review agency requirements. This recommendation is based on the project being in compliance with applicable County Ordinances.

### **Exhibits**

- A. Letter regarding accreditation from the Utah Office of Education
- B. Letter regarding licensing from the Utah Department of Human Services Division of Licensure
- C. Applicant's Narrative describing the Green Valley Academy
- D. Rendering of the main building and dormitory
- E. Site Plan Sheets
- F. Building elevations
- G. Landscape plan
- H. Materials list



## Map

### Adjacent Land Use

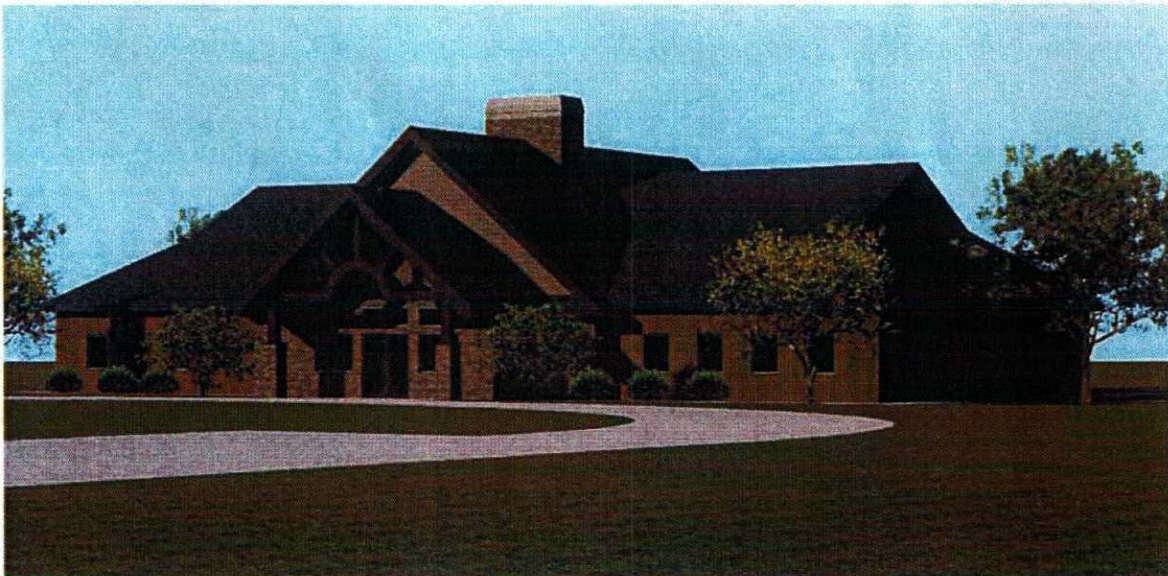
**North:** Residential  
**East:** Agricultural

**South:** Agricultural  
**West:** Residential/Agricultural

**Image 1: Approximate location of the Green Valley Academy located at 9091 East & 100 South**



**Image 2: Proposed Administrative Building for the Green Valley Academy**







**State of Utah**

GARY R. HERBERT  
*Governor*

GREG BELL  
*Lieutenant Governor*

**Department of Human Services**

PALMER DePAULIS  
*Executive Director*

**Office of Licensing**

KENNETH D. STETTLE  
*Director*

Weber County Planning Division  
2380 Washington Blvd., Suite 240  
Ogden, Utah 84401

August 23, 2010

**To Whom It May Concern:**

I am writing at the request of the owners of a newly proposed residential school going by the name of Green Valley Academy, which is planned to be located in the Ogden Valley near Huntsville. The purpose of this letter is to simply inform you that because this school will be serving students with anxiety and depressive disorders that it will need to be licensed by the Utah Department of Human Services, Office of Licensing.

This office has had experience working with these owners in the past, and finds them to be persons of integrity and citizens in good standing within the communities where they have previously operated. We have known them to be responsive to the requirements set forth in both the Utah Code and the Utah Administrative Code, and anticipate that they will continue to do the same in this case as well. As they make progress toward the licensure of this new facility, we will be working closely with them in ensuring their compliance to all applicable rules and regulations.

In the meantime, if we can be of any assistance to the County during this process, please feel free to contact my office at the number or address listed on our letterhead.

Sincerely,

Ken Stettler, Director

*Exhibit A*

September 1, 2010

Weber County Planning Commission

Re: Green Valley Academy

To Whom It May Concern:

Our office has been asked to respond to concerns regarding private schools, their education program, curriculum and accreditation particularly relating to the proposed Green Valley Academy.

Public high schools in Utah are required by law and State Board of Education rule (R277-410) to be accredited by the Northwest Accreditation Commission (Northwest). Northwest is one of six recognized regional accrediting agencies in the United States. Accreditation requires schools of all types, both public and private, to meet rigorous standards regarding all aspects of their educational program. Most private secondary schools in Utah seek Northwest accreditation to ensure that students' credits and diplomas are accepted by other secondary schools, colleges and universities.

Northwest accreditation requires schools, public and non-public, to "meet or exceed" the requirements of the state in which they are located. In Utah this has been interpreted to mean that an accredited school, public or private, must:

- 1) Offer an educational program that meets or exceeds the requirements of the Utah State Core Curriculum standards as to course offerings, content and assessment.
- 2) Guarantee that all professional personnel hold a valid Utah Educator License and be properly endorse for their assignment(s).
- 3) Are compliant with all other requirements for accreditation by the Northwest Accreditation Commission.

The principals involved with the proposed Green Valley Academy have owned and run successful private schools in the past. These facilities were in compliance with all Utah laws and Northwest accreditation.

If additional information is necessary, please contact our office.

Sincerely,



Georgia Loutensock  
Education Specialist, Accreditation  
Utah State Director, Northwest Accreditation Commission  
Phone: (801) 538-7789, Fax: (801) 538-7769  
Email: georgia.loutensock@schools.utah.gov



## Green Valley Academy

Green Valley Academy is a private, non-public Specialty School serving students with specific needs in the areas of learning, depression, anxiety, and pervasive developmental problems.

### 1. Accreditation

Green Valley Academy will be fully accredited as a non-public school through the Utah Department of Education (see Exhibit A).

In addition, the Academy will be accredited by the North-West Association of Schools and Colleges (this accreditation allows for the transfer of credits to any public schools within the U.S.).

### 2. Curriculum

The curriculum will meet the guidelines for public high-school graduation requirements (i.e. students will have the ability to obtain a high school diploma and graduate from the Academy).

### 3. Staff

Green Valley Academy will provide its own Faculty staff consisting of:

- Principal
- Registrar
- Teachers, Artists
- Learning Specialist
- Teacher's aide
- Librarian
- Counselors (see Counseling/Therapy)
- Secretary and other Support Staff

### 4. Time Spend in Curriculum Activities

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Classroom	5.5	5.5	5.5	5.5	5.5		
Adaptive. P.E.	1	1	1	1	1	4	4
Study Hall	1	1	1	1	1		1

Total Hours of Formal Credit Seeking Academics (not including Study Hall)	40.5
---	------



## **5. *Adaptive Physical Education***

An important part of the education provided at GVA will be the experiential P.E. program. We believe that simply talking about problems is not enough to bring about lasting change. Physical education provides students with opportunities to develop new skills and challenge themselves in healthy ways. Students will be given instruction in a variety of activities to promote good health, self esteem, positive relationships, and confidence.

Those activities include, but are not limited to the following:

- Mountain Biking
- Hiking/Trekking
- Skiing
- Fishing
- Boating
- Canoeing
- Kayaking

## **6. *Activities for Daily Living as an Adjunct to the Educational Curriculum***

Students dealing with emotional disabilities are often ill equipped to deal effectively with the demands of the world. Due to the extent of student difficulties, parents have spent significant time adapting the world to meet their child's special needs. However, in order to be successful, these kids must develop skills that allow them to adapt to the demands of the world and become self reliant. To help facilitate this transition, GVA provides a life skills curriculum. Hence, the residential aspect of the Academy is an ideal platform to teach and model such Life skills as:

- Shopping for Food
- Organization
- Cooking and Meal Preparation
- Keeping and maintaining a Bank Account
- Hygiene, self-care, etc.

## **7. *Other Schools with a similar Profiles, Missions, and Curriculums***

- a) The Utah School for the Deaf and Blind (USDB) in Ogden.
- USDB provides specialized services to the disabled not found in traditional schools.
  - USDB Student enrollment is from a large catchment area throughout the state. Out-of-state students may attend, but must pay tuition.
  - As a way of providing additional support and learning opportunities, the USDB also serves as a Boarding School (Independent Residential Life Steps Program) to some of its students.

- The Independent Residential Life Steps Program curriculum includes activities for daily living (ADL) and life skills that are effectively taught and modeled by skilled staff in a residential setting.
  - P.E. credits are given via Adaptive P.E.
  - Open enrollment.
- b) Alternative Schools: Washington High School in Ogden
- The school provides specialized services not found in traditional schools.
  - Students are often referred to Washington High School due to credit deficiencies. These deficiencies are generally related to behavioral, family, and/or emotional issues.
  - Washington High School (WHS) takes a much broader range of students than the student GVA will serve (i.e. history of aggression, felony, possible drug dependency, pregnancy, etc). However, WHS was included as an example to demonstrate the wide range of issues which prevent students from being able to attend a traditional classroom setting.
  - The curriculum includes Life skill classes such as Project Success, taught by counselors.
  - P.E. credits are given via Adaptive P.E.
  - Open enrollment.
- c) Daniels Academy in Heber, UT
- Daniels Academy provides specialized services for students dealing with learning disorders.
  - Student enrollment is from a large catchment area.
  - Because of the above factors, many students reside on site.
  - The curriculum includes certain activities for daily living (ADL) that are best taught in residential settings.
  - P.E. credits are given via Adaptive P.E.
  - Open enrollment.

## **BENEFITS OF BOARDING SCHOOLS**

*The U.S Dept. of State identified some of the following benefits associated with boarding schools: <http://www.state.gov/m/dghr/flo/c24032.htm>*

- The student's self-reliance and independence are bolstered.
- Students are provided with regular supervised study periods.
- The community atmosphere fosters relationships between students and faculty/staff and among students, beyond day school activities.
- Students can be academically challenged through extensive course offerings, high achievement standards, and a favorable faculty/student ratio.



- A variety of extracurricular and athletic programs allow choices which suit individual tastes.
- Rules and regulations provide a defined frame of reference for the student to adapt to away-from-home living before encountering the relative freedom of most college campuses.
- Community and school service programs provide students with volunteer and work opportunities

Additional opportunities for students and families have been identified as: specialized services to meet special needs related to either a physical, emotional or learning disability that can't be as effectively met in the home or social environment, small class sizes, individualized attention, a holistic education, diverse opportunities, and self reliance.

#### **8. *Student Population at Green Valley Academy***

- The Academy will provide services to a highly specialized student population (ages 14-18) with Learning and/or emotional/psychological challenges. Many students are credit deficient due to the magnitude of their difficulties. Our enrollment requirements are specific in the type of students who attend our school. We focus exclusively in the areas of learning, mood, anxiety, and developmental disorders. These issues require specialized, multi-disciplinary licensed staff, who provide education, counseling, therapy, and therapeutic recreation.
- Because of the highly specialized care provided by the Academy, students will come from both within and outside the state of Utah. Because of the distances from their homes, students will be housed in a dorm setting, thus making the Academy a boarding school (similar to parents enrolling their child in the Independent Residential Life Steps Program at USDB).
- Students who are inappropriate for GVA enrollment include: felons, aggressive history, drug dependency as a primary problem, sex offenders, fire starters, or having a known diagnosis that poses a threat to students, staff, and community.

#### **9. *Counseling/Therapy***

Students with emotional needs or disabilities require specialized therapeutic services by licensed professionals beyond the basic counseling services "conventional" schools provide. Trained support staff will act as mentors, and will assist students in integrating components addressed in weekly therapy, into daily aspects of residential life. These same skills will ultimately transfer to the student's world away from the school, resulting in decreased symptoms, emotional

resiliency, and an improved quality of life. The Academy, in addition to being accredited as a non-public high school, will be dually licensed by the Utah Department of Human Services, Division of Licensure (see Exhibit B).

*Hours Spend per Week in Formal Therapy*

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Individ. Tx		1		1			
Group Tx	1		1		1		
Family Tx		1					
Total hours of formal therapy						6	

## 10. Environment

The Ogden Valley and the proposed property provide a highly desirable environment for a private school and are particularly suited for the emotional healing of adolescents who suffer from anxiety and depressive problems. The location will significantly enhance the Academy's efforts to connect students to the natural beauty and healing environment found in Ogden Valley. Hence, some of the activities incorporated within the curriculum will include:

- Learning to grow and maintain a student garden/green house for enhanced diet
- Bee keeping
- Building a solar panel and conducting "green" experiments
- Learning to preserve fruits and vegetables
- Creating individual and collaborative art
- Mapping and compass orienteering
- Journaling and book making
- Equestrian therapy
- Community Service and volunteerism

Green Valley Academy is committed to serving the specialized needs of our unique student population in the best manner and environment possible. Our mission is to provide these students with opportunities and skills to reach their individual and collective potentials and become productive, compassionate citizens of the world.



# Exhibit 2

Staff Report to Ogden Valley Planning Commission for Zoning Change



## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

*previous  
FV3 wrong thing*

### Synopsis

#### Application Information

**Application Request:** Consideration and or action on Zoning Ordinance Text Amendment #03-2010, an amendment to the Weber County Zoning Ordinance (Chapter 12B) by adding a "Residential Treatment Academy" as a Conditional Use to the FV-3 Zone. This amendment is also to include adding a definition for a Residential Treatment Academy to Chapter 1 General Provisions Section 6 Definitions and to add qualifying requirements to Chapter 23 Supplementary and Qualifying Regulations for a Residential Treatment Academy.

**Agenda Date:** Tuesday, May 25, 2010

**Applicant:** Green Valley Academy (Jared Balmer, agent)

**File Number:** ZO 03-2010

#### Property Information

**Approximate Address:** NA

**Project Area:** NA

**Zoning:** FV-3

**Existing Land Use:** NA

**Proposed Land Use:** Residential Treatment Academy

**Parcel ID:** NA

**Township, Range, Section:** NA

#### Staff Information

**Report Presenter:** Ben Hatfield  
bhatfield@co.weber.ut.us  
801-399-8766

**Report Reviewer:** RS

### Applicable Ordinances

- Zoning Ordinance Chapter 1 General Provisions
- Zoning Ordinance Chapter 12B Forest Valley Zone FV-3
- Zoning Ordinance Chapter 23 Supplementary and Qualifying Regulations

### Background

The petitioner's request is to amend the Weber County Zoning Ordinance (Chapter 12B) by adding a Residential Treatment Academy as a conditional use in the FV-3 Zone. The purpose of the Residential Treatment Academy is to promote an individuals emotional, social, and academic development, while providing a nurturing and therapeutic environment in a natural and rural residential setting. The petitioner has provided in Exhibit A and B an overview of their proposal and an explanation of the nature of their program. Additionally, in Exhibit C they have also provided comments from residents surrounding their facilities in other jurisdictions.

The following is a summary of facts to consider that may relate to this proposal. A more detailed reference of these Acts, Laws and Ordinances are found in Exhibit D:

- **Federal Law:** The Federal Fair Housing Act requires that residential facilities for disabled persons be a permitted use in any zone, where similar residential dwellings that are not residential facilities for persons with a disability are allowed.
- **State Code:** Utah State Law requires that such facilities also be permitted. However, the law does allow for flexibility and variation in regards to the spacing of facilities, and their maximum number of clients. Also, that if a facility would likely create a fundamental change in the character of a residential neighborhood then it may be excluded from a zone.  
Utah State Law does dictate that such facilities which are substance abuse facilities are not to be located within 500 feet of a school. A facility must obtain applicable health and building permits. Entities also must be licensed or certified by the Department of Human Services.



- **Weber County's** relating zoning ordinances: Such types of facilities are defined in chapter 1 of the zoning ordinance as Residential Facilities for Troubled Youth and Residential Facilities for Disabled Persons. These facilities are limited in use to only 8 clients per single family dwelling. Chapter 23 of the zoning ordinance then applies requirements for these facilities. Many of the zones do permit these facilities, although some only allow them through a Conditional Use Permit.

Please review model ordinances for Residential Facilities for disabled persons which have been included in the packet as Exhibit E. Consider these for ideas of what could be included in an ordinance for Weber County.

Some facts differentiating between these uses and the proposal are listed as follows:

**Residential Treatment Academy**

Allowed only in the FV-3 Zone as a Conditional Use  
 Allowed on parcel 7 or 9 acres or greater  
 Physical, psychological, and social problems are treated  
 Client occupancy maximum 36

**Residential Facilities for Disabled/Handicapped Persons and Troubled Youth**

Allowed in any zone permitting single family dwellings  
 Allowed on any legal lot of any size  
 Substance abuse treatment maybe offered  
 Client occupancy maximum 8

The character and objectives for the FV-3 zone are somewhat broad in the intent for this zone. It states "The purpose of the Forest Valley Zone, FV-3 is to provide area for residential development in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development." The proposed use should also be compared for compatibility to the other uses in the FV-3 zone, particularly noting the potential impacts of the other uses in regard to transient traffic, parking, mass and number of structures.

**Residential Treatment Academy**

Density of 36 client plus addition staff  
 Additional structures for instruction and housing

**FV-3 Uses**

Recreational Lodge with staff and 16 guest sleeping rooms  
Educational Institution with possible multiple buildings  
Private Campgrounds or Recreation Area and Grounds for Schools, Churches and other private ownership with multiple buildings and parking needs  
Bed and Breakfast Inn with staff and 7 guest sleeping rooms  
Conference/Education Center  
Ski resorts, including summer skate board activities

The following list is the petitioners proposed text/language. Suggested additions, comments and proposed eliminations by staff are in red italics and underlined.

**Chapter 1 General Provisions section 6 Definitions-**

**Residential Treatment Academy:**

A residential facility, not to be considered as single family dwelling, wherein a 24-hour congregate or group living environment providing support for up to 36 individuals unrelated to the owners or providers. A residential treatment academy facility provides continuous supervision and support to youth/students by a trained faculty. Students admitted to this type of environment have a treatable diagnosis. The special treatable needs of these students include physical and psychological disabilities, depression, anxiety, poor social skills, autistic symptoms, relationship problems, learning challenges, and family dysfunction.

Within the residential treatment Academy, persons with a history of criminal or assaultive behaviors will not be accepted. Additionally, students who have been diagnosed with conduct disorders, alcohol or drug dependency, sexual perpetrators, or students who might pose a known risk to the community will not be accepted for enrollment. The purpose of the program is to provide a nurturing and therapeutic environment that will promote emotional, social, and academic development.

The Residential Treatment Academy and faculty must be approved by the Utah State Department of Social Services Office of Licensing which provides, at a minimum, annual site reviews following initial approval and be:

A. Licensed or certified by the department of human services under title 62A, chapter 2, of the Utah code, licensure of programs and facilities; or

B. Licensed or certified by the department of health under title 26, chapter 21, of the Utah code health care facility licensing and inspection act.



## Chapter 23-?

### Residential Treatment Academy- Facility Requirements:

- 1) A Residential Treatment Academy for youth with emotional disability Shall:
  - a) be owned or leased by qualified professionals licensed through the state of Utah
    - A. Licensed or certified by the department of human services under title 62A, chapter 2, of the Utah code, licensure of programs and facilities; or
    - B. Licensed or certified by the department of health under title 26, chapter 21, of the Utah code health care facility licensing and inspection act.
  - b) be consistent with existing zoning of the desired location
  - c) be occupied on a 24 hour basis by no more than thirty-six (36) qualified youth in a family structure type arrangement, which does not imply qualifications for single family dwellings
  - d) conform with applicable standards as determined by the State Department of Human Services and be inspected and licensed by that department eliminate
- 2) The facility shall meet all applicable building, safety, zoning, and health codes and ordinances applicable to similar uses and dwellings.
- 3) The Academy shall be capable of use as a residential facility for emotionally disabled youth without structural or landscaping alterations that would change the structure's residential character, and the structure shall not be used as a lock-down facility for the incarceration of the youth it houses.
- 4) Emotionally Disabled youth who qualify for placement in the facility shall:
  - a) All be of the same gender within sleeping/living areas of the facility
  - b) Be no less than 13 years of age and no more than 17.9 years of age
  - c) Not be convicted of or charged with any sexual offense, arson, or aggravated assault
  - d) Meet the requirements of emotional disability as diagnosed by a licensed professional
  - e) Not be individuals with such severe psychiatric problems that they present a danger to themselves or others
  - f) Attend on-site accredited schooling
- 5) No Residential Treatment Academy shall house adolescents whose respective ages span more than five years. For instance, if the home houses adolescents thirteen years of age, the oldest adolescent in the home can be no more than 17.9 years of age.
- 6) The land use permit, and any other license granted in accordance with the provisions of this ordinance, terminates if the structure is devoted to a use other than as a Residential Treatment Academy facility or if the structure fails to comply with the County's building, safety, and health codes or the requirements of this ordinance.
- 7) No residential facility shall occupy an area less than 7 acres. Should this be greater, such as 9 or 10 acres?
- 8) A minimum of two off street parking spaces plus one off street parking space for each staff member other than the resident manager or house parents shall be provided.
- 9) A Residential Treatment Academy may have additional structures, which shall comply with all zoning requirements, for the instruction, housing, maintenance, and storage needs associated with this use. Such structures may include classrooms, administrative offices, and dormitory/ congregate housing facilities, garages or barns as accessory to this use.
- 10) Placement in a residential treatment academy shall be on a strictly voluntary basis and not a part of or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.
- 11) The facility shall be permanently occupied by qualified state licensed staff who will serve as house parents to the youth who reside therein. Their duties will be as follows:
  - a) To supervise the orderly functioning of the household
  - b) To assist in meal preparation for the youth who occupy the home
  - c) To assign the duties, chores, and other tasks to each of the youth who occupy the home
  - d) Supervise the preparation of homework and studies each of the youth is required to complete for their education in the accredited, on-site school
  - e) To immediately report to the appropriate State Agency as required by State of Utah licensing standards any difficulties, problems, breaches of the peace, or violations of law engaged in by any of the youth under their care
  - f) To also report the same conduct to the organization who employs them directly.
- 12) The house parents living within the home must meet the standards of the Department of Human Services and obtain all licenses, permits, or clearance required by the State of Utah before undertaking their duties as house parents.
- 13) In the event that the house parents terminate their employment without first training suitable replacements, the facility must replace them with trained house parents within 40 days or the program must cease operating.



- 14) In all instances, the program must adhere to State of Utah licensing standards related to staff to student ratios.

#### **Chapter 12B FV-3 Zone**

##### 12B-3-20 Residential Treatment Academy meeting the requirements of Chapter 23-? of this Ordinance

#### **Summary of Planning Commission Considerations**

The Ogden Valley Planning Commission is making a legislative policy recommendation to the Weber County Commission. The proposal is an ordinance amendment in regards to allowing a Residential Treatment Academies as a Conditional Use in the FV-3 zone. The following questions address the potential issues in regards to the proposal:

- Should a Residential Treatment Academy be allowed as a Conditional Use in the FV-3 Zone? If so, should additional specific regulations be listed? What should those be? Is the proposed language sufficient? Should other regulations be made in regard to campus size? Or the number, size, and style of the buildings?
- Is the term Academy appropriate or should it be a Residential Treatment Center or Institution? Does this petition only fit this applicants needs or should it be broadened to target a particular market or expertise? Are the differences in use between a Residential Treatment Academy and a Residential Facility for Disabled Persons distinct and significantly different?
- Weber County has rarely addressed these uses. The frequency of inquiries regarding these facilities has increased. Should this use take the place of "Residential Facility for Troubled Youth" in Chapter 23? Should a new ordinance be created to better address these and other similar facilities and uses as have other jurisdictions, e.g. a Group Living Facilities ordinance, or an Institutional Care Overlay Zone?
- Are the impacts of a Residential Treatment Academy compatible with the other comparable uses in the zone e.g. campgrounds, ski resorts, recreational lodges, Bed and Breakfast Inns, or Conference Centers and Educational Institutions? At what point does a group home or residential facility become an academy or institutional? With Federal and State law mandating that these facilities be permitted in residential areas, should some reasonable accommodations be made to allow an increase to Weber County's current standards (8 clients) or future standards (36 clients)?
- What standards should be imposed to be compatible with the neighborhood? Should additional acreage or an area requirement be required? If so, how much is sufficient? If the standard of 8 clients to 3 acres is permitted then could the standard of 36 clients to 9 or 10 acres be equivalent? How many buildings can be allowed? Should there be guidelines for the campus layout and style of the buildings? Are the setbacks for an academy? Should they match the existing zones requirements or should they be greater? What happens to the site and buildings if the use leaves? What kind of parking standard should there be for clients, guests and staff? How about signage for these facilities?

#### **Conformance to the General Plan**

Although the General Plan makes specific recommendations towards Commercial Developments and Uses, it typically leaves residential development of single family dwellings up to the individual land owner in regards to layout design and style of structures.

One Goal is to "Require that development be compatible with the Valley's Rural Character and natural setting." The Plan then states that ordinances are to "Determine the types of residential and commercial building materials and design that are compatible with the Valley's rural character." The Plan also states that there should be "sufficient flexibility in zoning ordinances for creative solutions to development conflicts."

The Zoning Ordinance does address the purpose of zoning and reasons for separating uses, "The Ordinance is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare."

With the other similar uses permitted in this zone and the surrounding area the proposed use does conform to the Goals and Policies set forth in the Ogden Valley General Plan.

### **Staff Recommendation**

Staff recommends that if the Planning Commission is comfortable with the draft amendment, then the Planning Commission should recommend that the County Commission add residential treatment academies to the FV-3 Zone as a conditional use.

If there are other aspects of neighborhood compatibility, e.g. requirements for area, maximum occupancy, setbacks, and campus layout and design, that need to be further addressed, then the Planning Commission should identify those specific items for the petitioner to further address and continue this item.

### **Exhibits**

- A. An overview of the Green Valley Academy and their proposed ordinance text
- B. An overview of the Green Valley Academy's goals and potential impacts to the Ogden Valley community
- C. Residents comments supporting the proposal
- D. Federal and State Laws and Weber County Ordinances for similar uses
- E. Model ordinances from other jurisdictions



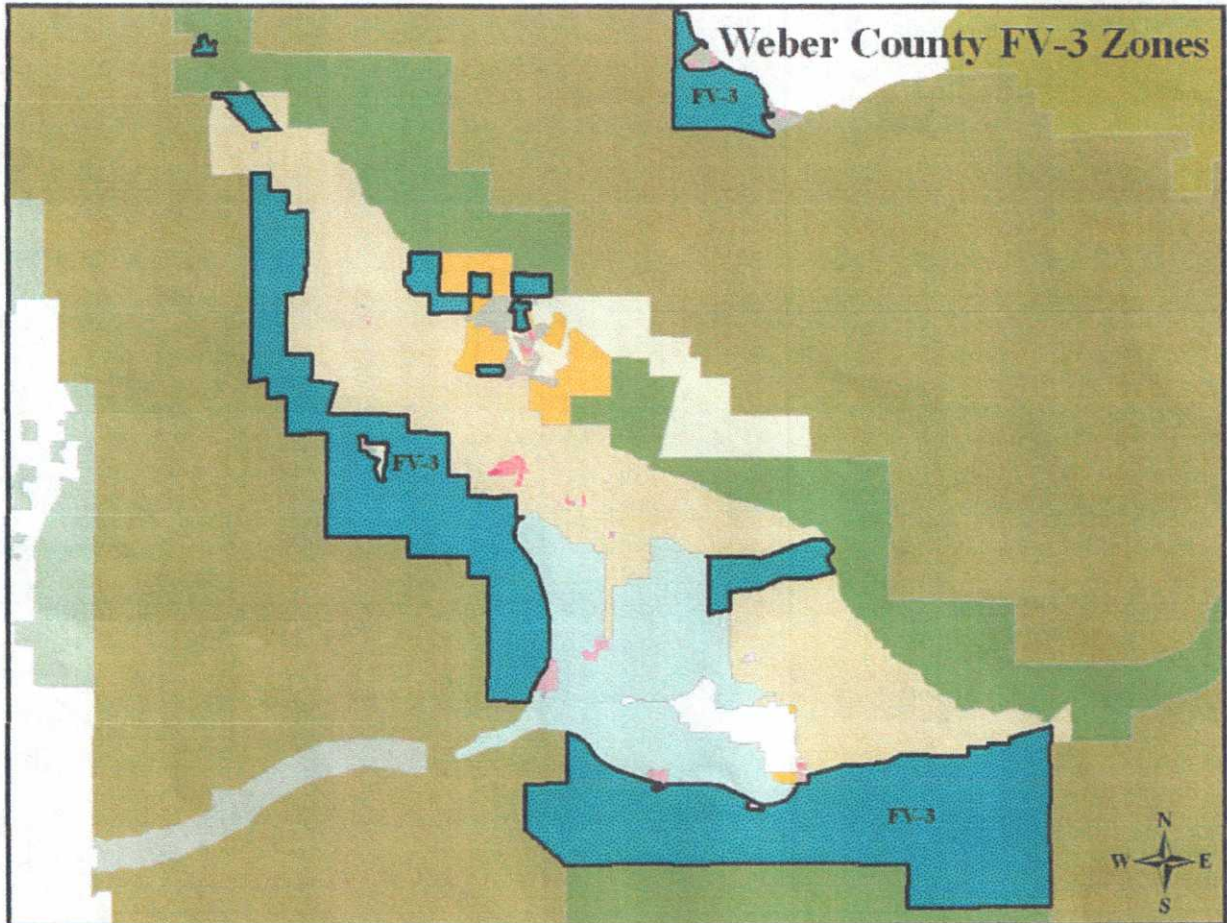
## Maps

### Adjacent Land Use

North: NA  
East: NA

South: NA  
West: NA

### Map 1



# Exhibit 3

Letter requesting addition of Residential Treatment Academy as Use



To: Weber County Planning Commission

As the owners of Green Valley Academy, we are formally requesting an amendment to the existing ordinance by which to add "Residential Treatment Academy" as a conditional use option within FV-3 Zoning. Currently permitted within this zoning is a similar option for "Residential Facility for Handicapped Persons." While our clients will meet the definition of handicapped persons, the term, "Residential Treatment Academy" more closely reflects our program mission and client population.

We are also requesting the opportunity to meet with the Commission on 5/25/2010, to present our request and preliminary plans for the Academy, the opportunities the Academy may provide for the local community, as well as discuss strategies that ensure minimal disruption or impact upon the local community. Below, please find information as to the types of services and the nature of the students we plan to serve that may function as a template from which to construct the proposed amendment:

#### **Residential Treatment Academy**

A residential facility wherein a 24-hour group living environment providing support for up to 36 individuals unrelated to the owners or providers. A residential facility provides continuous supervision and support to students by a trained faculty. Students admitted to this type of environment have a treatable diagnosis. The special needs of these students include depression, anxiety, poor social skills, autistic symptoms, relationship problems, learning challenges, and family dysfunction.

Within the Academy, persons with a history of criminal or assaultive behaviors will not be accepted. Additionally, students who have been diagnosed with conduct disorders, alcohol or drug dependency, sexual perpetrators, or students who might pose a known risk to the community will not be accepted for enrollment. The purpose of the program is to provide a nurturing and therapeutic environment that will promote emotional, social, and academic development.

The Residential Treatment Academy must be approved by the Utah State Department of Social Services Office of Licensing which provides, at a minimum, annual site reviews following initial approval.

#### **Residential Treatment Academy- Facility Requirements**

1. A Residential Treatment Academy for youth with emotional disability Shall:
  1. be owned or leased by qualified professionals licensed through the state of Utah
  2. be consistent with existing zoning of the desired location
  3. be occupied on a 24 hour basis by no more than thirty-six (36) qualified youth in a family type arrangement
  4. conform with applicable standards as determined by the State Department of Human Services and be inspected and licensed by that department

2. The facility shall meet all applicable building, safety, zoning, and health codes and ordinances applicable to similar dwellings.
3. The Academy shall be capable of use as a residential facility for emotionally disabled youth without structural or landscaping alterations that would change the structure's residential character, and the structure shall not be used as a lock-down facility for the incarceration of the youth it houses.
4. Emotionally Disabled youth who qualify for placement in the facility shall:
  1. All be of the same gender within sleeping/living areas of the facility
  2. Be no less than 13 years of age and no more than 17.9 years of age
  3. Not be convicted of or charged with any sexual offense, arson, or aggravated assault
  4. Meet the requirements of emotional disability as diagnosed by a licensed professional
  5. Not be individuals with such severe psychiatric problems that they present a danger to themselves or others
  6. Attend on-site accredited schooling
5. No Residential Treatment Academy shall house adolescents whose respective ages span more than five years. For instance, if the home houses adolescents thirteen years of age, the oldest adolescent in the home can be no more than 17.9 years of age.
6. The land use permit, and any other license granted in accordance with the provisions of this ordinance, terminates if the structure is devoted to a use other than as a Residential Treatment facility or if the structure fails to comply with the County's building, safety, and health codes or the requirements of this ordinance.
7. No residential facility shall occupy an area less than 7 acres.
8. The facility shall be permanently occupied by qualified staff who will serve as house parents to the youth who reside therein. Their duties will be as follows:
  1. To supervise the orderly functioning of the household
  2. To assist in meal preparation for the youth who occupy the home
  3. To assign the duties, chores, and other tasks to each of the youth who occupy the home
  4. Supervise the preparation of homework and studies each of the youth is required to complete for their education in the accredited, on-site school
  5. To immediately report to the appropriate State Agency as required by State of Utah licensing standards any difficulties, problems, breaches of the peace, or violations of law engaged in by any of the youth under their care
  6. To also report the same conduct to the organization who employs them directly.



9. The house parents living within the home must meet the standards of the Department of Human Services and obtain all licenses, permits, or clearance required by the State of Utah before undertaking their duties as house parents.
10. In the event that the house parents terminate their employment without first training suitable replacements, the facility must replace them with trained house parents within 40 days or the program must cease operating.
11. In all instances, the program must adhere to State of Utah licensing standards related to staff to student ratios.

**The following, provides language as to nature of our program:**

- Green Valley Residential Treatment Academy is a 36 bed facility for students ages 13-17.9.
- The purpose is to provide residence and treatment for students whose development has been affected by social, emotional, and/or relationship issues, as well as by family discord.
- The purpose of the Academy is to provide a nurturing and therapeutic environment that will promote emotional, social, and academic development.
- The special needs of these students are brought about by issues with depression, anxiety, poor social skills, relationship problems, and family dysfunction.
- Criminal, assaultive, conduct disorders, a primary diagnosis of alcohol and drug dependent, sexual perpetrators or cases that might pose a known risk to the community will not be accepted into the Academy.
- The students enrolled in the Academy will be expected to perform at least 4 hours of community service per month.
- The Academy will emphasize physical fitness by taking advantage of the areas numerous recreational opportunities. The Academy will provide accredited schooling of a high caliber with an emphasis on college preparation.
- The student's families will, in general, be responsible to make regular visits to the Academy for family support and meetings. During these visits, most will stay within the local area, patronize local eateries and attractions, as well as lodging. The families who are able to enroll students at the Academy will typically be in a secure financial position and will provide economic benefit to the community.
- An emphasis of the Academy will be to provide a tasteful and attractive facility that will be seen as an asset to the community.

- Landscaping and facility development will emphasize the maintenance of the rural nature of the area and minimize the impact on surrounding neighbors.
- It is planned that the construction and the staffing the Academy will rely on the services of local contractors and employees, thus providing an economic benefit to the community. We hope to employ local citizens in full-time, part-time, and contractual roles as needed.
- The Academy will be placed on at least 7 acres and preferably on more than 20 to allow for reasonable levels of privacy and recreational opportunities.
- The facility will have approval from the fire marshal, health department, and state licensing.

### Conclusion

We appreciate your interest in our proposal and look forward to meeting with you. If there are questions that we may answer prior to a more formal meeting, please feel free to contact us. We can be reached primarily through contact with Dr. Jared Balmer cell # 801-698-7702. Mailing address: 1166 Sunset Drive, Kaysville, Utah 84037.