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Staff Report Memorandum September 7, 2023

To: City Council via Planning Commission
From: Community Development Department
Subject: Amendment to Title 21 of the Land Development Code to the definition of a "Transitional Housing Facility" CA07282023-0006578

Public Hearing Notice: This item has been noticed on public websites, sent to affected entities and posted in three public locations at least 10 days prior to the Public Hearing.

Request

Laurie Hopkins of Shelter the Homeless, Inc., has applied to amend Title 21, *Land Development Code*, Chapter 37, *Definitions*, Section 21, "T" *Definitions*, Subsection 15, *Transitional Housing Facility*. The purpose of the code amendment is to clarify that a "Transitional Housing Facility" provides non-congregate interim housing for no more than 24 months on a referral (non-walkup) basis only, with on-site supportive services to persons experiencing homelessness. The effect of the code amendment is to draw a clear distinction between a "transitional housing facility" and a "homeless shelter," as defined by the Code. The proposed code amendment is included with this report as Exhibit "A" (redlined version) and Exhibit "B" (clean version). The applicant's submittal is included as Exhibit "C."

Public Notice

The city issued notice of the public hearing for the proposed code amendments on public websites, mailed notice to affected entities, and posted in three public locations at least 10 days prior to the Planning Commission public hearing in accordance with the Land Development Code Sec. 21-36-1 and the Utah State Code § 10-9a-205.

Analysis

"Transitional Housing Facility" is an existing defined term under [Sec. 21-37-21\(15\)](#) of the Land Development Code. The proposed code amendment would draw a clear distinction between a "transitional housing facility" and a "homeless shelter¹," as defined by the Code. As proposed, the code amendment clarifies that a "Transitional Housing Facility" provides non-congregate interim housing for no more than 24 months on a referral (non-walkup) basis only, with on-site supportive services to persons experiencing homelessness. Exhibit "A" of this report is redlined version that clearly shows the proposed amendments to the existing code language.

Currently, multiple zoning districts allow "Transitional Housing Facilities," but only with conditional use permit approval. These include the CBD, CR-PUD, RC, BC, CC, CN(HSN), and LC zoning districts (see land use matrix under [Sec. 21-](#)

¹ Homeless Shelter is defined as: "A charitable lodging or sleeping rooms provided on a daily or other temporary basis to persons lacking other safe, sanitary or affordable shelter. Homeless shelters also include a kitchen and cafeteria." (see [Sec. 21-37-9\(11\)](#))

8-2). In all other zones, a transitional housing facility is not permitted. Since the proposal is a change to the definition of a “Transitional Housing Facility,” the proposed code amendment would apply to any new transitional housing facility proposed in those zones in the future.

Non-Conforming Uses

This code amendment would not create any non-conforming situations, because there are no existing transitional housing facilities that staff is aware of in Sandy City.

Land Development Code Purpose Compliance

The Sandy City Land Development Code in 21-1-3 lists the criteria explaining the intent and purpose of the Ordinance. The purpose is:

21-1-3 Purpose

This Code is adopted to implement Sandy City’s General Plan and to promote public health, safety, convenience, aesthetics, welfare; efficient use of land; sustainable land use and building practices; transportation options and accessibility; crime prevention; timely citizen involvement in land use decision making; and efficiency in development review and land use administration. Specifically, this Code is established to promote the following purposes:

1. General

- a. To facilitate the orderly growth and development of Sandy City.*
- b. To facilitate adequate provision for transportation, water, sewage, schools, parks, and other public requirements.*
- c. To stabilize property values.*
- d. To enhance the economic well-being of Sandy City and its inhabitants.*

2. Implementation of General Plan

To coordinate and ensure the implementation of the City’s General Plan through effective execution of development review requirements, adequate facility and services review and other goals, policies, or programs contained in the General Plan.

3. Comprehensive, Consistent and Equitable Regulations

To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.

4. Efficiently and Effectively Managed Procedures

- a. To promote fair procedures that are efficient and effective in terms of time and expense.*
- b. To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed, and elected officials.*
- c. To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.*

The proposed code amendment is consistent with the purpose of the Land Development Code because the proposal promotes the public health, safety and welfare; ensures consistency and equitable standards; establishes efficiency in development review and land use administration; and is consistent with the Sandy City General Plan.

General Plan Compliance

The Sandy City General Plan encourages appropriate development standards for all uses and zoning categories within the city. The proposed code amendment furthers that goal and objective by establishing appropriate land development standards for all uses and zoning categories within Sandy City.

Recommendation

Staff recommends that the Planning Commission forward a positive recommendation to the City Council to amend Title 21, of the Sandy Municipal Code, to amend the definition of a "Transitional Housing Facility," as shown in Exhibit "A", based on the following findings:

Findings:

1. The City Council may amend land use ordinances consistent with the purposes of the Sandy Land Development Code, the Sandy City General Plan, and the Utah Code, Municipal Land Use, Development, and Management Act per Title 21 Chapter 5 of the Sandy Municipal Code.
2. The proposal is reviewed by the Planning Commission and City Council in accordance with the requirements of Title 21 Chapter 5 of the Sandy Municipal Code.
3. The proposal complies with the purpose of the Land Development Code under Section 21-1-03 by creating consistent and equitable standards and procedures for review and approval of all new development projects within Sandy City.
4. The proposal complies with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City.

Planner:



Melissa Anderson
Zoning Administrator

Exhibits:

- A. Proposed code amendments (red-lined version)
- B. Proposed code amendments (clean version)
- C. Applicant's Proposal

File Name: S:\USERS\PLN\STAFFRPT\2023\CA07282023-0006578 - CODE AMEND TO DEFINITION FOR MVP\STAFF REPORT FOR CODE AMEND\STAFF REPORT - CODE AMEND. TRANSITIONAL HOUSING FACILITY.FINAL.DOCX

Sec. 21-37-21. "T" Definitions.

...

(15) *Transitional housing facility* means a facility owned, operated, or contracted by a governmental entity or a charitable, nonprofit organization which provides ~~free temporary non-congregate interim~~ housing, on a referral (non-walkup) basis only, with on-site supportive services to ~~homeless~~ persons experiencing homelessness for no more than 30 days for a total anticipated stay of no more than 24 months while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. A transitional housing facility does not include:

- a. A homeless shelter;
- b. A detached single family dwelling unit provided to a family for its exclusive use as part of a transitional housing program for more than 30 days; ~~and/or~~
- c. A residential facility for persons with a disability.

Sec. 21-37-21. "T" Definitions.

...

- (15) *Transitional housing facility* means a facility owned, operated, or contracted by a governmental entity or a charitable, nonprofit organization which provides non-congregate interim housing, on a referral (non-walkup) basis only, with on-site supportive services to persons experiencing homelessness for a total anticipated stay of no more than 24 months while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. A transitional housing facility does not include:
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 - c. A residential facility for persons with a disability.

Exhibit "C"



August 31, 2023

Community Development
Sandy City
10000 Centennial Parkway
Sandy, UT 84070

Re: Proposed Text Amendment: Medically Vulnerable People Interim Housing Program

To Whom it May Concern,

Shelter the Homeless ("Applicant"), working in conjunction with The Road Home and Fourth Street Clinic, seeks to obtain a text amendment from the Sandy City to provide temporary transitional housing for medically vulnerable people. A cycle exists between health conditions and homelessness: health conditions and injury can cause a person to experience homelessness, and homelessness can exacerbate symptoms of chronic illness and delay injury recovery, especially amongst the aging population. To break that cycle, Applicant desires to provide temporary non-congregate housing for medically vulnerable individuals in our communities who are experiencing homelessness.

In furtherance of this goal, Applicant purchased the former Econolodge Motel located at 8955 South 255 West in Sandy, Utah (the "Property"). Applicant intends to use the Property to provide up to 165 temporary, private, and safe beds for the medically vulnerable homeless population until suitable, permanent housing can be obtained that meets their needs ("Proposed Use"). This use will fall within the definition of Transitional Housing Facility, as amended according to the proposed language set forth in the attached Exhibit A, with the understanding that participants' stay may not exceed 24 months.

In summary, with approval of the text amendment, the Property will provide a temporary non-congregate housing solution to better address the acute needs of individuals experiencing homelessness who are aging, vulnerable, medically frail, in need of recuperative care, and/or have an underlying health condition or a compromised immune system.

Sincerely,

SHELTER THE HOMELESS

A handwritten signature in black ink that reads "Laurie Hopkins". The signature is written in a cursive style with a large initial "L" and a stylized "H".

Laurie Hopkins
Executive Director

Exhibit "C"

EXHIBIT A

[Proposed Amendment to the Language of the “Transitional Housing Facility” Use]

Redline:

Section 21-37-21

- (15) *Transitional housing facility* means a facility owned, operated, or contracted by a governmental entity or a charitable, nonprofit organization which provides ~~free temporary non-congregate interim~~ housing, on a referral (non-walkup) basis only, with on-site supportive services to ~~homeless~~ persons experiencing homelessness for no more than 30 days for a total anticipated stay of no more than 24 months while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. A transitional housing facility does not include:
- a. A homeless shelter;
 - b. A detached single family dwelling unit provided to a family for its exclusive use as part of a transitional housing program for more than 30 days; ~~and/or~~
 - c. A residential facility for persons with a disability.

Clean:

Section 21-37-21

- (15) *Transitional housing facility* means a facility owned, operated, or contracted by a governmental entity or a charitable, nonprofit organization which provides non-congregate interim housing, on a referral (non-walkup) basis only, with on-site supportive services to persons experiencing homelessness for a total anticipated stay of no more than 24 months while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. A transitional housing facility does not include:
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 - c. A residential facility for persons with a disability.