
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: January 23, 2009

SUBJECT: Petition PLNPCM2008-00641 - Zoning Text Amendment
Community Correctional Facilities (Halfway Homes) General
Commercial CG and Light Manufacturing M-1 Zoning Districts

AFFECTED COUNCIL DISTRICTS: If the ordinance is adopted the Zoning Ordinance text
amendment would affect Council Districts citywide

STAFF REPORT BY: Janice Jardine, Land Use Policy Analyst

**ADMINISTRATIVE DEPT.
AND CONTACT PERSON:** Community Development Department, Planning Division
Everett Joyce, Senior Planner

The ordinance establishing temporary zoning regulations relating to this issue will expire on February 18, 2009. A public hearing has been advertised for Tuesday, February 3rd to allow public comment and Council action prior to the expiration date.

ATTACHMENTS

The following attachments are included at the end of this staff report for additional background purposes.

- A. Salt Lake Police Department, Impact study of a 522 bed residential assessment and treatment center: A Community Education Center Facility, Executive Summary.
- B. Letter dated August 12, 2008 and response to Planning staff questions regarding proposed residential treatment facility from Mr. Brent Butcher, Division Director, Adult Probation & Parole, State Department of Corrections.

KEY ELEMENTS:

- A. The proposed zoning text amendments are intended to address action taken by the Council in August 2008 enacting citywide temporary land use regulations for halfway homes in excess of six (6) residents. (Ord. 70 of 2008) This action was taken in order to allow the Administration an opportunity to:
 - Respond to a conditional use application for a proposed halfway house facility with more than 300 residents (and potentially up to 522 residents) to be located at approximately 1000 South 500 West in a General Commercial Zoning District (CG).
 - Reevaluate the City's zoning regulations and provide additional standards and location criteria for such facilities. (The City's current regulations for halfway homes do not adequately address the size, concentration or potential impacts of large halfway home facilities on adjacent or surrounding properties.)

B. An ordinance has been prepared for Council consideration that would amend the text of the Zoning Ordinance relating to halfway houses. Key elements of the proposed amendments are summarized below. (Please refer to the draft ordinance for details.)

- Halfway houses would be reclassified and defined as Community Correctional Facilities.
- The proposed amendments establish two types of facilities, small and large.
 1. Large Community Correctional Facility – provides temporary occupancy for more than thirty (30) individuals exclusive of staff, would be allowed within the Light Industrial M-1 Zoning District as a conditional use.
 2. Small Community Correctional Facility – provides temporary occupancy for up to thirty (30) individuals exclusive of staff would be allowed in the General Commercial CG Zoning District and Light Industrial M-1 as a conditional use.
- **Definitions**
 1. **“Community Correctional Facility”** means an institutional facility licensed by or contracted by the State of Utah to provide temporary occupancy for previously incarcerated persons or parole violators, which assists such persons in making a transition from a correctional institution environment to independent living. Such facility may also provide ancillary, temporary occupancy for individuals placed as part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution. A community correctional facility may include a halfway house, work release center or any other domiciliary facility for persons released from any penal or correctional facility but still in the custody of the city, county or public agency and youth care centers or other facilities authorized to accept youth offenders. A community correctional facility includes a facility for the judicially required detention or incarceration of people who are under 24-hour supervision by sworn officers except when on an approved leave, confinement of offenders where force may be used to restrain them if they attempt to leave the institution without authorization, 24-hour supervision and confinement for youth offenders committed to the Division for custody and rehabilitation, or services for parole violating offenders and/or non compliant probationers.
 2. **“Jail”** means a place for lawful confinement of persons. For the purpose of this title, a jail shall not include ~~halfway homes~~ community correctional facilities and mental hospitals. A jail includes a facility for the judicially required detention or incarceration of people who are under 24-hour supervision by sworn officers, and confinement of offenders where force may be used to restrain them if they attempt to leave the institution without authorization.
- **Community Correctional Facility (Sec. 21A.36.110)**
 1. **Purpose** – the purpose of this section is to permit the establishment of a Community correctional facility as defined subject to the provisions of this section that provide a community involvement process, comply to site selection criteria and address health and safety for the community including neighboring properties and facility residents
 2. **State License and City Registration required** - No community correctional facility shall be established, operated or maintained within the City without a valid license or operating contract issued by the Utah State Division of Licensing or Department of Corrections or other appropriate State agency, and without Salt Lake City licensing as a community correctional facility. For types of uses that do not require a State license, the applicant shall provide evidence from the State of Utah indicating that the State does not require a license for the particular facility. If the facility is not licensed by the State, the applicant must provide a detailed description of the operations of the facility, with the amount of information and clarity of information satisfactory to Planning Director, which clearly indicate that the facility will operate as a community correctional facility; as defined in chapter 21A.62.
 3. **Site Selection Standards.**
 - a. A small community correctional facility shall not be located within one half mile (1/2 mile) of any residential zoning district boundary.

- b. A large community correctional facility shall only be located within an M-1 Light Industrial Zoning District and be located west of Interstate 215. A large community correctional facility shall not be located within one half mile (1/2 mile) of any residential zoning district boundary.
 - c. Each community correctional facility shall be on its own lot or lots and shall not be closer than one half mile (1/2 mile) from any other community correctional facility.
 - d. No community correctional facility shall be located within one half mile (1/2 mile) of any public or private K-12 school, place of worship, public library, nursery school as a principal not ancillary or accessory use or children's day care center as a principal not ancillary or accessory use, publicly owned playground or park, measured in a straight line from the subject property line. The establishment of such land uses within the specified spacing criteria after the occupancy of a community correctional facility shall not create nonconformity or be the sole cause for denial of a conditional use permit for the expansion of an existing authorized facility.
4. **Site Design Standards.**
- a. The applicant shall provide site plan and conditional use application information that evidences that adequate setbacks and buffers between the property lines and any structures or fenced compounds enclosing usable areas of the facility are provided.
 - b. Additional setbacks and buffer areas may be established by the Planning Commission to mitigate any determined potential impacts.
 - c. Additional setback for buffer areas may include visitor parking, landscaping, storm drain detention basins exclusive of required landscaped setbacks.
 - d. Any required fencing or walls as a condition of approval must be non-climbable fencing or walls of a design approved as part of the conditional use approval.
5. **Conditions of Approval.**
- a. An applicant's failure to comply with the conditions of the conditional use approval or with any standards provided herein shall be grounds for revocation, suspension or modification of the conditions or the approval by the Planning Commission.
 - b. Following the Planning Commission approval of a community correctional facility, the applicant shall submit to the Planning Director a written report every twelve (12) months. The report shall describe the community correctional facility's operation, specifically detailing complaints and problem areas, strategies to address problem areas, successes, challenges and any anticipated changes in operations.
6. **Authority To Modify Regulations**
- a. In approving any community correctional facility, the planning commission may change, alter, modify or waive any provisions of Section 21A.36.110 as they apply to the proposed development.
 - b. No such change, alteration, modification or waiver shall be approved unless the planning commission finds that the proposed development: Will support the reconstruction and reuse of an existing structure and site in a manner that will not violate the purposes of the standards for which a community correctional facility may be approved pursuant to this section.
- C. The Planning staff report notes that the City Police Department conducted an impact study of the proposed 522 bed residential assessment and treatment center that would be managed and operated by Community Education Centers, Inc. The Police Department notes "In summary, the findings indicate that these facilities (specifically run by Community Education Centers, Inc. - CEC) have no negative measurable effect on services. The CEC facilities addressed, unlike halfway houses, are treatment and assessment centers that do not allow for the coming and going of the patients." (Please see Attachment A at the end of this staff report for details.)

- D. The public process included a Planning Division sponsored Open House and written notification of the Planning Commission hearing to Community Council Chairs and the Planning Division electronic list serve. Notice was also posted on the City's website. The Administration's transmittal notes the following:
1. There were eight attendees at the Open House.
 2. Comments were received from the State Department of Corrections representatives and were incorporated within the proposed text where appropriate.
- E. The Planning staff report provides the findings for the Zoning Ordinance Section 21A.50.050 - Standards for General Amendments. The standards were evaluated in the Planning staff report and considered by the Planning Commission. (Discussion and findings for the standards are found on pages 3-4 of the Planning staff report.)
- F. The City's Departments and Divisions have reviewed the request.
- Any proposed community correctional facility will be required to comply with City regulations and standards and demonstrate that there are adequate services to meet the needs of the project.
 - All development would be reviewed for appropriateness and compliance with conditional use standards, general provision requirements, and the standards of the General Commercial CG and Manufacturing M-1 Zoning Districts.
- G. On November 12, 2008, the Planning Commission held a public hearing and voted to forward a positive recommendation to the City Council to adopt the proposed Zoning Ordinance text amendments.

MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR THE ADMINISTRATION:

- A. The State budget situation has changed significantly since the initial review of this issue by the Administration and Planning Commission and may dictate the housing of traditional prisoners in less expensive settings. Council Members may wish to discuss with the Administration whether the draft ordinance would assure that the type of client housed in these facilities would include those that were originally described by the applicant or whether the ordinance would allow for more serious offenders to be housed in this community setting. Does the Administration feel that the ½ mile spacing requirement proposed for the General Commercial CG and Light manufacturing M-1 zoning districts is adequate to balance the number of facilities that potentially could be located in the City should the need arise for more such facilities due to the State budget situation or other unforeseen considerations. Would the proposed regulations adequately address the possibility that there may be a proliferation of these facilities?
- B. Council Members may wish to ask for clarification as to the degree to which clients will be coming and going from community correctional facilities. Does the Administration feel that the proposed regulations and the conditional use standards and process adequately address this issue? (Please see Attachments A and B for additional details.)
1. The Planning staff report notes that the City Police Department conducted an impact study of the proposed 522 bed residential assessment and treatment center that would be managed and operated by Community Education Centers, Inc. The Police Department notes "In summary, the findings indicate that these facilities (specifically run by CEC) have no negative measurable effect on services. One item to note is that the CEC facilities addressed, unlike halfway houses, are treatment and assessment centers that do not allow for the coming and going of the patients."

2. Information provided to the City in August 2008 by the State Department of Corrections, Adult Probation and Parole Division includes the following information.
 - a. Residents will be expected to transition through four phases: orientation/admission, treatment, work release and transition/reentry.
 - b. Residents with work-release privileges will be required to abide by stringent accountability procedures that ensure the safety of the community and adhere to UDC standards.
 - c. During the first two of four phases of this program, orientation/admission and treatment, residents are not free to come and go outside of the facility.
 - d. They (residents) will have unrestricted movement within the facility during daytime and evenings for treatment and education requirements.
 - e. During the last two phases, work release and transition/reentry, residents will be allowed with UDC approval and CEC supervision to work outside the facility as well as begin to transition to outside treatment opportunities.
 - f. The program's sign-out policy and procedure ensures community safety, as well as the facility's adherence to UDC's guidelines regarding resident location.
 - g. All residents must call the facility and request authorization for any deviation from the information initially indicated on the sign-out sheet.
 - h. CEC will also randomly call the employer to make sure the resident is at work.

- C. Council Members may wish to ask for clarification as to the requirements for State and City licensing. The title of Sec. 21A.36.110.B references State license and City registration. Text of that section indicates that State and City licensing are required. It may be helpful to clarify when a city license is required, when City registration is required, what type of license is required (such as a business license and/or another type of City license) and if a license is not required by the State, whether a City license or registration would be required. (Please see the following proposed text language for details.)
 - **Sec. 21A.36.110.B - State License and City Registration required** - No community correctional facility shall be established, operated or maintained within the City without a valid license or operating contract issued by the Utah State Division of Licensing or Department of Corrections or other appropriate State agency, and without Salt Lake City licensing as a community correctional facility. For types of uses that do not require a State license, the applicant shall provide evidence from the State of Utah indicating that the State does not require a license for the particular facility. If the facility is not licensed by the State, the applicant must provide a detailed description of the operations of the facility, with the amount of information and clarity of information satisfactory to the Planning Director, which clearly indicate that the facility will operate as a community correctional facility; as defined in chapter 21A.62.

MASTER PLAN AND POLICY CONSIDERATIONS:

- A. The Administration's transmittal letter and the Planning staff report note the following with regard to master plan policies.
 1. The community master plan land use policies generally define neighborhood, community and regional land use locations and characteristics. They do not specifically address the level of detail that a specific land use addresses.
 2. In Salt Lake City, the Zoning Ordinance has been the main tool used to implement the goals and objectives of the adopted land use planning documents.
 3. The proposed changes to the text, as outlined, are intended to mitigate potential impacts of larger halfway homes or community correction centers, which would further advance the purposes, goals, objectives and policies of the adopted general plan of Salt Lake City.

4. The proposed changes do not alter the various purpose statements included in the Zoning Ordinance.
 5. The proposed amendments will help insure compatibility with the adopted master plans of the City.
 6. The proposed regulations are consistent with the City's land use policies.
- B. The City's Strategic Plan and the Futures Commission Report express concepts such as maintaining a prominent sustainable city, ensuring the City is designed to the highest aesthetic standards and is pedestrian friendly, convenient, and inviting, but not at the expense of minimizing environmental stewardship or neighborhood vitality. The Plans emphasize placing a high priority on maintaining and developing new affordable residential housing in attractive, friendly, safe environments and creating attractive conditions for business expansion including retention and attraction of large and small businesses.
- C. The Council's growth policy notes that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:
1. Is aesthetically pleasing;
 2. Contributes to a livable community environment;
 3. Yields no negative net fiscal impact unless an overriding public purpose is served; and
 4. Forestalls negative impacts associated with inactivity.
- D. The City's 1990 Urban Design Element includes statements that emphasize preserving the City's image, neighborhood character and maintaining livability while being sensitive to social and economic realities.
- E. The City's Transportation Master Plan includes general policy statements summarized below:
1. Focus on ways to transport people, not on moving vehicles at the expense of neighborhoods.
 2. Support transportation decisions that increase the quality of life, not necessarily the quantity of development.
 3. Support the creation of linkages (provisions and incentives) to foster appropriate growth in currently defined growth centers.
 4. Support public/private partnerships in which all who benefit from capital improvements participate in funding those improvements.
 5. Consider impacts on neighborhoods on an equal basis with impacts on transportation systems.
 6. Give all neighborhoods equal consideration in transportation decisions.

CHRONOLOGY:

The Administration's transmittal provides a chronology of events relating to the proposed rezoning and master plan amendment. Key dates are listed below. Please refer to the Administration's chronology for details.

- August 12, 2008 Ordinance 70 of 2008 adopted by the City Council enacting temporary land use regulations for halfway homes
- October 16, 2008 Planning Division Open House to obtain public comment
- November 12, 2008 Planning Commission hearing
- November 17, 2008 Ordinance requested from City Attorney's office
- November 19, 2008 Planning Commission minutes ratified by the Planning Commission
- December 31, 2008 Transmittal paperwork received in the Council office

cc: David Everitt, Karen Hale, Holly Hilton, Lyn Creswell, Ed Rutan, Lynn Pace, Paul Nielson, Simarjit Gill, Chris Burbank, Tom Shannon, Jeff Neirmeyer, Tom Ward, Rick Graham, Frank Gray, Mary De La Mare-Schafer, Wilf Sommerkorn, Pat Comarell, Cheri Coffey, Joel Paterson, Craig Spangenberg, Randy Isbell, Everett Joyce, Orion Goff, Les Koch, Larry Butcher, Russell Weeks, Jennifer Bruno, City Council Liaisons, Community Affairs Specialists, Gail Meakins

File Location: Community and Economic Development Dept., Planning Division, Zoning Text Amendment – Halfway Homes/Community Correctional Facilities

ATTACHMENT A



SALT LAKE CITY POLICE DEPARTMENT

October 21, 2008

Impact study of a 522 bed residential assessment and treatment center: A Community Education Center Facility.

George F Bowse

Intelligence Specialist, Salt Lake City Police Department

Fusion Division

315 East 200 South, P.O. BOX 145497, SALT LAKE CITY, UTAH 84114-5497

TELEPHONE: 801-799-3000 FAX: 801-799-3557

Impact study of a 522 bed residential assessment and treatment center: A Community Education Center Facility

Executive Summary

Salt Lake City Police Department was tasked with completing an impact study on the criminogenic effect of having a 522 bed residential assessment and treatment center physically located at approximately 1000 South 500 West in Salt Lake City. This residential assessment and treatment center would be owned and operated by a private corporation, Community Education Centers, Inc heretoforth be referred to as CEC, and would perform contract work for the Utah Department of Corrections. CEC owns and operates approximately 135 facilities in 22 States. Approximately 50% of these facilities are attached to correctional facilities with the remainder being community based operations.

A sample of community based facilities, owned and operated by CEC, was taken and analyzed.

Criterion:

- Population of the facility would be between 200 and 600 clients
- Community based
- Similar urban environments

A sampling of ten facilities was located throughout the United States. Local police and sheriff's departments were contacted and asked to give their assessments as to the impact these CEC facilities had on the surrounding neighborhoods, as well as the overall criminogenic effect these facilities had within their jurisdictions. 100% responded that there was no measurable impact on services. 80% stated that the CEC facility's clients had, neutral effect on crime in the surrounding neighborhoods and 20% stated that the CEC facility's clients had a positive effect on the surrounding neighborhoods, (these jurisdictions assumed this positive effect was a result of CEC's treatment model, as well as the lower than normal recidivism rates for CEC clients.)

CEC's treatment model was then examined and assessed using the following guidelines and industry standards for community based corrections programs:

1. Should articulate the organizations goals, mission and treatment philosophy.
2. Clearly indicate the specific goals and objectives of the program and should describe specific interventions and strategies in accomplishing the goals and objectives.
3. Should specify methods and activities that address each goal.
4. Should specify performance indicators that should reflect the organizations values and long-term improvement plans.
5. The treatment model must involve assessment, individual contact, group interventions, experiential workshops and lectures as part of the treatment curriculum.
6. Frequent random testing for drugs and alcohol.
7. Regularly scheduled clinical team meetings.
8. Progress should equal performance and behavior.
9. Must be reward based.
10. Must have concrete alternatives to anti-social styles of thinking, feeling and acting; should be introduced and reinforced.

CEC's treatment model meets or exceeds these performance standards.

Joyce, Everett

Police

From: Brede, Richard
Sent: Tuesday, November 04, 2008 9:42 AM
To: Joyce, Everett
Cc: Bowse, George
Subject: RE: Request for review and comments on Zoning Ordinance text changes - Halfway Houses or Community Correction Facilities
Attachments: SALT LAKE CITY POLICE DEPARTMENT522impact.doc

Everett,

Here are the findings from the study conducted by our analyst George Bowse (cc'd). The attached summary points to a much larger document that he maintains here at the police department. In summary, the findings indicate that these facilities (specifically run by CEC) have no negative measurable effect on services. I just wanted to make sure that this was taken into consideration.

One item to note is that the CEC facilities addressed, unlike halfway houses, are treatment and assessment centers that don't allow for the coming and going of the patients.

Thanks you,

Lt Rich Brede

From: Joyce, Everett
Sent: Tuesday, November 04, 2008 9:14 AM
To: Brede, Richard
Subject: RE: Request for review and comments on Zoning Ordinance text changes - Halfway Houses or Community Correction Facilities
Importance: High

Richard,

Regarding your information on halfway houses, I will be completing my staff report to the Planning Commission on Wednesday morning November 5th. If you have a summary report that I can include in the staff report for the Planning Commission it would be helpful. If you need longer, then the report would have to be made available to the Planning Commission with a brief memo from the Planning Staff summarizes the issues.

The proposed text changes will be presented to the Planning Commission at a public hearing on November 12th. The Planning Division will then forward the Planning Commission's recommendation to the City Council office for processing, with briefings and a public hearing before the City Council for final decision.

Everett L. Joyce, AICP
Senior Planner
801-535-7930
Salt Lake City Planning Division
451 South State Street, Rm 406
PO Box 145480
Salt Lake City, UT 84114-5480

From: Brede, Richard
Sent: Wednesday, October 15, 2008 9:22 AM
To: Joyce, Everett
Subject: RE: Request for review and comments on Zoning Ordinance text changes - Halfway Houses or

Community Correction Facilities

Everett,

The police department will weigh in on this issue very soon. An executive summary is being prepared on research related to these facilities and will be completed tomorrow.

Thanks for inviting our input,

Lt Rich Brede

From: Joyce, Everett

Sent: Tuesday, October 14, 2008 7:16 PM

To: Walsh, Barry; Smith, Craig; Garcia, Peggy; Itchon, Edward; Butcher, Larry; Brede, Richard; Burbank, Chris

Cc: Harpst, Tim; Peterson, Max; Niermeyer, Jeff; Goff, Orion; Burbank, Chris; Coffey, Cheri

Subject: Request for review and comments on Zoning Ordinance text changes - Halfway Houses or Community Correction Facilities

All,

Attached is a request for review and comment on proposed zoning ordinance text changes related to Halfway Homes, which will be reclassified as Community Correction Facilities.

Thank you for your assistance on this matter.

Everett L. Joyce, AICP

Senior Planner

801-535-7930

Salt Lake City Planning Division

451 South State Street, Rm 406

PO Box 145480

Salt Lake City, UT 84114-5480



State of Utah

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

Department of Corrections
Division of Adult Probation and Parole

THOMAS E. PATTERSON
Executive Director

MIKE HADDON
Deputy Director Administration

ROBYN WILLIAMS
Deputy Director Operations

BRENT BUTCHER
Adult Probation and Parole Director

GERI A. MILLER
Adult Probation and Parole Deputy Director

ATTACHMENT B

August 12, 2008

Dear Salt Lake City Council Members:

This letter pertains to a Salt Lake City Council meeting to be held on August 12, 2008 regarding a possible moratorium on Community Treatment Centers (halfway homes) permitted in Salt Lake City.

The Utah Department of Corrections has been, and is presently, working with Community Education Centers (CEC) to develop a privatized Parole Assessment and Treatment Center. This project started several years ago and is based on the Department's long-term projections of offender treatment needs. The Department's relationship specifically with CEC is a result of a Request for Proposal that was released by the Division of State Purchasing in the spring of 2007, in which CEC was the successful bidder. During the last legislative session, the funding of \$7.6 million was allocated to the Department for this facility.

In addition to offender treatment needs, the Department also wishes to help offenders integrate into society upon parole. Occasionally, offenders who have been paroled need aid in their successful participation in the community. The program being developed for this facility will enable a person on parole to have a structured environment and receive needed tools/treatment to continue working towards positive community involvement. The Department's realization of this facility will aid the community in better accomplishing this goal.

The Department of Corrections supports the efforts of the Salt Lake City Council and CEC in making this project a reality.

Sincerely,

Brent Butcher, Division Director
Adult Probation & Parole

**ANSWERS TO QUESTIONS ABOUT COMMUNITY EDUCATION CENTERS PROPOSED
UTAH RESIDENTIAL TREATMENT FACILITY POSED BY SALT LAKE CITY PLANNING
STAFF ON JULY 17, 2008**

Community Education Centers (CEC) has developed an assessment and treatment model that is successful in breaking the cycle of recidivism and relapse in reentry populations. The efficacy of CEC's programs is highlighted in an outcome research study published in 2004, which demonstrated that participation in one of CEC's programs resulted in a 30% reduction in the rate of recidivism at one year post-incarceration, as compared to release from prison without treatment.

CEC was awarded a contract by the Utah Department of Corrections, Division of Adult Probation and Parole (UDC), for the establishment of a residential assessment and treatment center for community-oriented offenders who have violated certain conditions of parole.

Resident Profile

A person in the proposed residential assessment and treatment center (Reentry Facility) is a person who has served a sentence for a crime in the State of Utah at a facility under the jurisdiction of UDC and has had their case heard by the Utah State Board of Pardons and Parole (Board). The Board has held a hearing and has released the offender with specific conditions relating to his parole. Adult Probation and Parole supervises the offender when placed in the community and is responsible for the enforcement of any conditions that the Board has placed on the offender. If during this period of supervision the offender fails to comply with the conditions of parole, the Parole Officer can recommend to the Board that the offender needs additional supervision and treatment. If the Board concurs, the offender could be placed in the Reentry Facility.

The Reentry Facility will provide a continuum of care – from assessment to aftercare – to approximately 300 male residents referred by UDC. The objective of the facility is to provide assessment, programming, and treatment services for offenders who have violated the technical conditions of parole (e.g., the offender has not maintained a job, has tested positive for drugs, etc.). The Reentry Facility will serve as a short-term placement for the resident, usually a 90-day length of stay. CEC's program focuses on the provision of treatment, education, and services needed to empower individuals to assume an active role in developing pro-social lifestyles. Treatment will be delivered in a structured environment comprised of multiple phases. Prior to phase advancement, residents will be required to meet specific competency based criteria. Residents will be expected to transition through four phases: orientation/admission, treatment, work release, and transition/reentry.

The treatment phase, lasting approximately 60 days, will constitute the majority of each resident's anticipated 90-day stay. This phase will consist of the following components; treatment planning, individual and/or group counseling, substance abuse booster treatment, mental health booster treatment, gender specific programming, cognitive behavioral interventions, life skills, family services, aftercare planning, and an alumni association. In addition, a full and challenging academic program, which meets the needs of illiterate through GED-level students, will be provided to residents in the center. Upon completion of the treatment phase, residents who have received UDC authorization, and have been assessed as appropriate by a comprehensive screening process will be eligible to seek employment within the community. Residents with work-release privileges will be required to abide by stringent

accountability procedures that ensure the safety of the community and adhere to UDC standards. As a resident's release date approaches, CEC staff will work with UDC personnel to ensure that residents are provided with referrals and linkages to appropriate aftercare opportunities.

What level of supervision are the residents of the halfway house subject to?

Supervision of the residents at the Parole Violator's Center begins with frequent and direct observation. There is a direct view count completed at 0600, 1100, 1600, 2000, then every two hours until 0600 hours. In addition there is a facility walk-through at random intervals not more than 30 minutes apart. During the daytime and evening hours, the residents have unrestricted access to move throughout the facility while attending treatment and educational programs. There is access to exercise areas both inside and outside the facility. Access to jobs and healthcare will be defined on an individual basis by UDC. Nighttime movement is restricted to the dormitory style rooms and there can only be movement as approved by the administrative head. There are no conjugal visits. There are at all times, cameras placed throughout the facility providing direct supervision of the residents.

Are the residents free to come and go during the day?

During the first two of four phases of this program, orientation/admission and treatment, residents are not free to come and go outside of the facility. They will have unrestricted movement within the facility during daytime and evenings for treatment and education requirements. In most cases it is anticipated that these phases will take approximately 60 days. During the last two phases, work release and transition/reentry, residents will be allowed with UDC approval and CEC supervision, to work outside the facility as well as begin to transition to outside treatment opportunities.

Does the Utah Department of Corrections have standards of operation for this type of facility?

CEC has developed its own standards of operation utilizing its extensive experience outlined in the RFP issued by UDC. All standards must be approved by UDC and there will be a representative from UDC on the premises to monitor and ensure that all standards are being met.

Who can visit the facility?

Because of the nature of the treatment programs to be provided at the Reentry Facility, it may be necessary for families of the residents to participate in classes and treatment sessions. However, UDC determines who can visit each resident, and only those approved will be allowed.

Do the residents participate in a work program?

Upon successful completion of the first two phases of treatment, a resident may be eligible for work release. Residents begin their job searches immediately upon entering the Reentry Facility, and throughout their stay are required to participate in classes focusing on employment issues. Once a resident has been approved for participation in the work-release component of the program, he is expected to obtain and maintain satisfactory employment in a full-time position. CEC will identify necessary skills for the resident and enhance his employability by providing instruction and resources. Residents will complete detailed itineraries of each job search and will be required to call when they arrive at the

prospective job site and when the leave. CEC staff will verify a resident's job search with a follow-up call to the potential employment site.

If a resident is offered employment, he will be required to complete an Employment Verification Form and to submit this form to the appropriate personnel for verification. Thereafter, a staff member contacts the employer to verify the information provided by the resident on the form. After the initial employment verification, the Facility Director or designee reviews the form and determines if the employment is legitimate and if the nature of the employment is acceptable. The types of employment that may be found unacceptable include, but are not limited to, the following: employment at a bar, tavern, or nightclub; employment in a position that pays by commission or tips; employment with a relative or friend; or employment that cannot be easily verified.

The program's sign-out policy and procedure ensures community safety, as well as the facility's adherence to UDC's guidelines regarding resident location. All residents are required to account for their whereabouts by entering pertinent accountability information on the Resident Sign In/Out Sheet whenever leaving or entering the facility. The Sign-In/Out Sheet is considered a legal document and protective in nature for both residents and staff. It is accessible to facility staff at all times and continuously monitored by on-duty operations staff to ensure security. All residents must call the facility and request authorization for any deviation from the information initially indicated on the sign-out sheet. Sign-out sheets are additionally reviewed for discrepancies with pay stubs and/or alternative documentation.

CEC will call the employer to verify initial employment of a resident prior to the resident starting work and once each week thereafter. CEC will also randomly call the employer to make sure the resident is at work. In addition, CEC will contact the employer and ask for feedback about the resident's performance.

What is the purpose of the 15 foot tall fence?

A fence is placed around the facility to control movement into and off of the property. Residents may not leave the facility while completing their initial phases of treatment and only family members or relatives of residents who are pre-approved by DOC may visit the facility and only at designated times. In addition, the fence keeps debris from entering the property. Last, there are two rail lines, one behind the facility to the west and one in front of the property to the northeast. The fence helps keep people from crossing the property line on to these rail lines.

DEC 31 2008
DEC 31 2008

SALT LAKE CITY CORPORATION

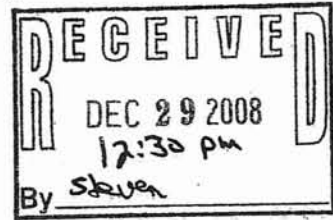
RALPH BECKER
MAYOR

FRANK B. GRAY
DIRECTOR

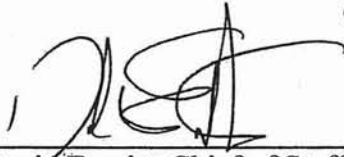
DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
OFFICE OF THE DIRECTOR

MARY DE LA MARE-SCHAEFER
DEPUTY DIRECTOR

ROBERT FARRINGTON, JR.
DEPUTY DIRECTOR



CITY COUNCIL TRANSMITTAL



David Everitt, Chief of Staff

Date Received: 12/29/2008

Date Sent to City Council: 12/31/2008

TO: Salt Lake City Council
Jill Remington-Love, Chair

DATE: December 23, 2008

FROM: Frank Gray, Community & Economic
Development Department Director



RE: Petition PLNPCM2008-00641 – Community Correctional Facilities (Halfway
Houses)

STAFF CONTACTS: Everett Joyce, Senior Planner, at 535-7930 or
everett.joyce@slcgov.com

RECOMMENDATION: That the City Council hold a briefing and schedule a Public
Hearing

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION:

Issue Origin: The Salt Lake City Council requested the administration evaluate the existing Halfway Home regulations of the Zoning Ordinance through the adoption of temporary regulations in Ordinance 70 of 2008. The temporary ordinance recognizes the current regulations for Halfway Houses do not adequately address the size and the potential impacts of such facilities. The Salt Lake Planning Division processed adjustments to the Salt Lake City code related to Community Correctional Facilities (Halfway Homes). The temporary regulations ordinance for Halfway Homes expires on February 18, 2009.

Analysis: The proposed text changes reclassify Halfway Homes as Community Correctional Facilities. The amendments include two levels of such facilities: small and large. Both sized

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facilities would be allowed as conditional uses only. Small Community Correctional Facilities will be allowed in the General Commercial (CG) Zoning District and Light Industrial (M-1) Zoning Districts. Large Community Correctional Facilities will be allowed within M-1 Zoning District.

Community Correctional Facilities are also subject to the general provision requirements of Chapter 21A.36.110 Community Correctional Facilities. Additional site selection standards within Chapter 36 General Provisions, limit the spacing and location of Community Correctional Facilities.

Site Selection Standards.

- a. A small community correctional facility shall not be located within one half mile (1/2 mile) of any residential zoning district boundary.
- b. A large community correctional facility shall not be located within one half mile (1/2 mile) of any residential zoning district boundary and must be located within an M-1 Zoning District located west of Interstate 215.
- c. Each community correctional facility shall be on its own lot and shall not be closer than one half mile (1/2 mile) from any other community correctional facility.
- d. No community correctional facility shall be located within one half mile (1/2 mile) of any public or private K-12 school, place of worship, public library, nursery school, children's day care center, public playground or park, measured in a straight line from the subject property line. The establishment of such land uses within the specified spacing criteria after the occupancy of a community correctional facility shall not create nonconformity or be the sole cause for denial of a conditional use permit for the expansion of an existing authorized facility.

A small Community Correctional Facility means a Community Correctional Facility that provides temporary occupancy for up to thirty (30) individuals exclusive of staff. A large Community Correctional Facility means a Community Correctional Facility that provides temporary occupancy for more than thirty (30) individuals exclusive of staff.

Master Plan Considerations: The community master plan land use policies generally define neighborhood, community and regional land use locations and characteristics. They do not specifically address the level of detail that a specific land use addresses.

In Salt Lake City, the Zoning Ordinance has been the main tool used to implement the goals and objectives of the adopted land use planning documents. The proposed changes to the text, as outlined, are intended to mitigate potential impacts of Community Correctional Facilities, which would further advance the purposes, goals, objectives and policies of the adopted general plan of Salt Lake City. The proposed changes do not alter the various purpose statements included in the Zoning Ordinance. The proposed amendments will help insure compatibility with the adopted master plans of the City.

PUBLIC PROCESS:

Community Councils: An Open House was held on October 16, 2008. Notice of the Open House was sent to Community Council chairs and those whose names and Business Groups who are on the Planning Divisions List serve. Notice was also posted on the City's website. There were eight attendees to the Open House. Comments were received from State Department of Corrections representatives, which were incorporated within the proposed text where appropriate.

Planning Commission: On November 12, 2008, the Planning Commission, based on the comments, analysis and findings of fact listed in the staff report, unanimously passed a motion to forward a positive recommendation to the City Council to adopt the proposed text amendments.

RELEVANT ORDINANCES:

Amendments to the Zoning Ordinance are authorized under Section 21A.50 of the Salt Lake City Zoning Ordinance, as detailed in Section 21A.50.050: "A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard." It does, however, list five standards, which should be analyzed prior to rezoning property (Section 21A.50.050 A-E). The five standards are discussed in detail starting on pages 3 of the Planning Commission Staff Report.

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5. Original Petition

- i. Petition PLNPCM2008-00461

Exhibit 1
Chronology

Chronology

- August 12, 2008 Salt Lake City adopted Ordinance No. 70 of 2008 (An Ordinance Enacting Temporary Land Use Regulations for Halfway Homes In Excess of Six Residents Throughout the City)
- August 18, 2008 Petition assigned to Everett Joyce
- October 14, 2008 Requested City departmental review of petition request
- October 16, 2008 Open House held to obtain Citizen comment
- October 29, 2008 Posted the Planning Commission agenda on the City's web site and sent agenda to the names on the Planning Division list serve
- November 5, 2008 Staff report posted on web page
- November 12, 2008 Planning Commission public hearing
- November 17, 2008 Ordinance request sent to City Attorney's Office
- November 19, 2008 Planning Commission ratified minutes of the November 12, 2008 meeting

Exhibit 2
Ordinance

SALT LAKE CITY ORDINANCE
No. _____ of 2008
(An Ordinance Amending Provisions of Title 21A (Zoning) of the
Salt Lake City Code Pertaining to Community Correctional Facilities)

An ordinance amending provisions of Title 21A (Zoning) of the *Salt Lake City Code* pertaining to Community Correctional Facilities pursuant to petition no. PLNPCM2008-00641.

WHEREAS, the Salt Lake City Planning Commission (“Planning Commission”) held a public hearing on November 12, 2008 to consider a request made by the Salt Lake City Council (“City Council”) (petition no. PLNPCM2008-00641) to amend the text of Title 21A (Zoning) of the *Salt Lake City Code* to omit the term “Halfway Home” and to replace that term with “Community Correctional Facility” and to revise the requirements and standards associated with such use; and

WHEREAS, at its November 12, 2008 hearing, the Planning Commission voted in favor of recommending to the City Council that the City Council amend the sections Title 21A of the *Salt Lake City Code* identified herein; and

WHEREAS, after a public hearing on this matter the City Council has determined that the following ordinance is in the City’s best interests,

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending text of Salt Lake City Code section 21A.36.110. That section 21A.36.110 of the Salt Lake City Code (Halfway Homes), shall be, and hereby is, amended to read as follows:

21A.36.110 Halfway Homes:

~~A "halfway home", as either a principal or accessory use, as defined in part VI, chapter 21A.62 of this title, may be allowed as a conditional use pursuant to the provisions of part V, chapter 21A.54 of this title, in the CG district provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part, all other requirements of this title, and provided:~~

~~A. No halfway home shall be located within eight hundred feet (800') of another halfway home, residential substance abuse treatment home, transitional victim home or transitional treatment home.~~

21A.36.110 Community Correctional Facility

A. Purpose Statement: The purpose of this section is to permit the establishment of a Community Correctional Facility as defined in chapter 21A.62 of this title, subject to the provisions of this section that provide a community involvement process, comply to site selection criteria and address health and safety of the community including neighboring properties and facility residents.

B. State License and City Registration Required: No Community Correctional Facility shall be established, operated or maintained within the City without a valid license or operating contract issued by the Utah State Division of Licensing or Department of Corrections or other appropriate State agency, and without Salt Lake City licensing as a Community Corrections Facility. For types of uses that do not require a State license, the applicant shall provide evidence from the State of Utah indicating that the State does not require a license for the particular facility. If the facility is not licensed by the State, the applicant must provide a detailed description of the operations of the facility, with the amount of information and clarity of information satisfactory to Planning Director, which clearly indicate that the facility will operate as a Community Correctional Facility; as defined in chapter 21A.62.

C. Small Community Correctional Facility Authorized as Conditional Uses: A small Community Correctional Facility means a Community Correctional Facility as defined in chapter 21A.62 of this title that provides temporary occupancy for up to thirty (30) individuals exclusive of staff. Small Community Correctional Facilities, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of chapter 21A.54 of this title, pursuant to subsections B, E and F of this section and pursuant to sections 21A.26.080 and 21A.28.040 of this title.

D. Large Community Correctional Facility: A large Community Correctional Facility means a Community Correctional Facility as defined in chapter 21A.62 of this title that provides temporary occupancy for more than thirty (30) individuals exclusive of staff. Large Community Correctional Facilities, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of chapter 21A.54 of this title, pursuant to subsections B, E and F of this section and pursuant to section 21A.28.040 of this title.

E. Community Correctional Facility - Authorized as Conditional Uses: Community Correctional Facilities, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of chapter 21A.54 of this title, pursuant to subsections B, C, E and F of this section, and pursuant to sections 21A.26.080 and 21A.28.040 of this title provided:

1. **Site Selection Standards.**
 - a. A small community correctional facility shall not be located within one half mile (1/2 mile) of any residential zoning district boundary.
 - b. A large community correctional facility shall only be located within an M-1 Light Industrial Zoning District and be located west of Interstate 215. A large community correctional facility shall not be located within one half mile (1/2 mile) of any residential zoning district boundary.
 - c. Each community correctional facility shall be on its own lot or lots and shall not be closer than one half mile (1/2 mile) from any other community correctional facility.
 - d. No community correctional facility shall be located within one half mile (1/2 mile) of any public or private K-12 school, place of worship, public library, nursery school as a principal not ancillary or accessory use or children's day care center as a principal not ancillary or accessory use, publicly owned playground or park, measured in a straight line from the subject property line. The establishment of such land uses within the specified spacing criteria after the occupancy of a community correctional facility shall not create nonconformity or be the sole cause for denial of a conditional use permit for the expansion of an existing authorized facility.
2. **Site Design Standards.** The applicant shall provide site plan and conditional use application information that evidences that adequate setbacks and buffers between the property lines and any structures or fenced compounds enclosing usable areas of the facility are provided. Additional setbacks and buffer areas may be established by the Planning Commission to mitigate any determined potential impacts. Additional setback for buffer areas may include visitor parking, landscaping, storm drain detention basins exclusive of required landscaped setbacks. Any required fencing or walls as a condition of approval must be non-climbable fencing or walls of a design approved as part of the conditional use approval.

F. Conditions of Approval. An applicant's failure to comply with the conditions of the conditional use approval or with any standards provided herein shall be grounds for revocation, suspension or modification of the conditions or the approval by the Planning Commission.

Following the Planning Commission approval of a community correctional facility, the applicant shall submit to the Planning Director a written report every twelve (12) months. The report shall describe the community correctional facility's operation, specifically detailing complaints and problem areas, strategies to address problem areas, successes, challenges and any anticipated changes in operations.

G. Authority To Modify Regulations: In approving any community correctional facility, the planning commission may change, alter, modify or waive any provisions of Section 21A.36.110 as they apply to the proposed development. No such change, alteration, modification or waiver shall be approved unless the planning commission finds that the proposed development:

1. Will support the reconstruction and reuse of an existing structure and site in a manner that will not violate the purposes of the standards for which a community correctional facility may be approved pursuant to this section.

SECTION 2. Amending text of Salt Lake City Code section 21A.26.080. That the table, titled “Table of Permitted and Conditional Uses For Commercial Districts”, which is located at section 21A.26.080 of the Salt Lake City Code, shall be, and hereby is, amended to add to that table the categories of “Community Correctional Facility, Large” and “Community Correctional Facility, Small” to be listed alphabetically under the category of “Residential” uses in that table, with a corresponding qualifying provision such that the inserted provisions shall appear and read as follows:

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT COMMERCIAL DISTRICTS						
C = Conditional Use P = Permitted Use							
USE	CN	CB	CC	CS ¹	CSHBD ¹	CG	TC-75
Community Correctional Facility, Large (see section 21A.36.110 of this title)							
Community Correctional Facility, Small (see section 21A.36.110 of this title)						C*	
Halfway homes (see section 21A.36.110 of this title)						€	

Qualifying Provisions: * A Community Correctional Facility is considered an institutional use and any such facility located within an Airport Noise Overlay Zone is subject to the land use and sound attenuation standards for institutional uses of the applicable Airport Overlay Zone within section 21A.34 of this title.

SECTION 3. Amending text of Salt Lake City Code section 21A.28.040. That the table, titled “Table of Permitted and Conditional Uses For Manufacturing Districts”, which is located at section 21A.28.040 of the Salt Lake City Code, shall be, and hereby is, amended to add to that table the categories of “Community Correctional Facility, Large” and “Community Correctional Facility, Small”, which categories shall be listed alphabetically under the category of

“Residential” uses in that table, with a corresponding qualifying provision such that the inserted provisions shall appear and read as follows:

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT MANUFACTURING DISTRICTS	
C = Conditional Use P = Permitted Use		
Use	M-1	M-2
Institutional Uses (Sites < 2 Acres)		
Community Correctional Facility, Large (see section 21A.36.110 of this title)	C*	
Community Correctional Facility, Small (see section 21A.36.110 of this title)	C*	

Qualifying Provisions: * A Community Correctional Facility is considered an institutional use and any such facility located within an Airport Noise Overlay Zone is subject to the land use and sound attenuation standards for institutional uses of the applicable Airport Overlay Zone within section 21A.34 of this title.

SECTION 4. Amending text of Salt Lake City Code section 21A.62.020. That section 21A.62.020 of the Salt Lake City Code (Definitions), shall be, and hereby is, amended to remove from that section the definition of “halfway home”.

SECTION 5. Amending text of Salt Lake City Code section 21A.62.040. That section 21A.62.040 of the Salt Lake City Code (Definitions), shall be, and hereby is, amended to include a definition of “Community Correctional Facility”, to be inserted in alphabetical order, which definition shall read as follows:

“Community Correctional Facility” means an institutional facility licensed by or contracted by the State of Utah to provide temporary occupancy for previously incarcerated persons or parole violators, which assists such persons in making a transition from a correctional institution environment to independent living. Such facility may also provide ancillary, temporary occupancy for individuals placed as part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution. A community correctional facility may include a halfway house, work release center or any other domiciliary facility for persons released from any penal or correctional facility but still in the custody of the city, county or public agency and youth care centers or other facilities authorized to accept youth offenders. A community correctional facility includes a facility for the judicially required detention or incarceration of people who are under 24-hour supervision by sworn officers except when on an approved leave, confinement of

offenders where force may be used to restrain them if they attempt to leave the institution without authorization, 24-hour supervision and confinement for youth offenders committed to the Division for custody and rehabilitation, or services for parole violating offenders and/or non compliant probationers.

SECTION 6. Amending text of Salt Lake City Code section 21A.62.040. That section 21A.62.040 of the Salt Lake City Code (Definitions), shall be, and hereby is, amended to include a definition of “Jail”, to be inserted in alphabetical order, which definition shall read as follows:

“Jail” means a place for lawful confinement of persons. For the purpose of this title, a jail shall not include ~~halfway homes~~ community correctional facilities and mental hospitals. A jail includes a facility for the judicially required detention or incarceration of people who are under 24-hour supervision by sworn officers, and confinement of offenders where force may be used to restrain them if they attempt to leave the institution without authorization.

SECTION 7. Amending text of Salt Lake City Code section 21A.31.050. That the table, titled “Table of Permitted and Conditional Uses In The Gateway District”, which is located at section 21A.31.050 of the Salt Lake City Code, shall be, and hereby is, amended to remove from that table the use category of “Halfway homes”.

SECTION 8. Amending text of Salt Lake City Code section 21A.36.080. That section 21A.36.080 of the Salt Lake City Code (Transitional Victim Homes), shall be, and hereby is, amended to read as follows:

- A. **Purpose Statement:** The purpose of this section is to permit the establishment of transitional victim homes for the physically abused as defined in part VI, chapter 21A.62 of this title, subject to licensing procedures and, where appropriate, conditional use standards.
- B. **License Required:** No transitional victim home for the physically abused shall be established, operated or maintained within the city without a valid license issued by the Utah state division of licensing, department of human services, and without a valid business license issued by the Salt Lake City business license office.
- C. **Small Transitional Victim Homes:** Authorized As Permitted Uses: Small transitional victim homes shall be permitted as either principal or accessory uses pursuant to subsection B of this section in the RMF-75, R-MU and RO districts provided:

1. No small transitional victim home shall be located within eight hundred feet (800') of another transitional victim home, residential substance abuse treatment home, or transitional treatment home ~~or halfway home~~.
2. Small transitional victim homes established in RO districts shall be located above the ground floor.

D. Small Transitional Victim Homes - Authorized As Conditional Uses: Small transitional victim homes, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-35, RMF-45, R-MU-35, R-MU-45, CC, CG, D-2, D-3, and G-MU districts provided:

1. No small transitional victim home shall be located within eight hundred feet (800') of another transitional victim home, residential substance abuse treatment home, or transitional treatment home ~~or halfway home~~.

E. Large Transitional Victim Home: Authorized As Conditional Uses: Large transitional victim homes, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-45, RMF-75, R-MU-45, R-MU, RO, CC, CG, D-2, D-3, and G-MU districts provided:

1. No large transitional victim home shall be located within eight hundred feet (800') of another transitional victim home, residential substance abuse treatment home, transitional treatment home or community correctional facility ~~halfway home~~; and
2. Large transitional victim homes established in RO districts shall be located above the ground floor.

SECTION 9. Amending text of Salt Lake City Code section 21A.36.090. That section 21A.36.090 of the Salt Lake City Code (Transitional Treatment Homes), shall be, and hereby is, amended to read as follows:

- A. **Purpose Statement:** The purpose of this section is to permit the establishment of transitional treatment homes for "persons with disabilities" as defined in part VI, chapter 21A.62 of this title, subject to licensing procedures and, where appropriate, conditional use standards.
- B. **License Required:** No transitional treatment home for persons with disabilities shall be established, operated or maintained within the city without a valid license issued by the Utah state division of licensing, department of human services, and without a valid business license issued by the Salt Lake City business licensing office.

C. **Small Transitional Treatment Homes- Authorized As Conditional Uses:** Small transitional treatment homes, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, RO, CC, CG, D-2, D-3, and G-MU districts provided:

1. No small transitional treatment home shall be located within eight hundred feet (800') of another transitional treatment home, residential substance abuse treatment home, transitional victim home or community correctional facility halfway home; and
2. A small transitional treatment home established in the RO district shall be located above the ground floor.

D. **Large Transitional Treatment Homes- Authorized As Conditional Uses:** Large transitional treatment homes may be allowed as either principal or accessory uses, as a conditional use pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-45, RMF-75, R-MU-45, R-MU, RO, CC, CG, D-2, D-3, and G-MU districts provided:

1. No large transitional treatment home shall be located within eight hundred feet (800') of another transitional treatment home, residential substance abuse treatment home, transitional victim home or community correctional facility halfway home; and
2. A large transitional treatment home established in the RO district shall be located above the ground floor.

SECTION 10. Amending text of Salt Lake City Code section 21A.36.100. That section 21A.36.100 of the Salt Lake City Code (Residential Substance Abuse Treatment Homes), shall be, and hereby is, amended to read as follows:

- A. **Purpose Statement:** The purpose of this section is to permit the establishment of residential substance abuse treatment homes for the addicted as defined in part VI, chapter 21A.62 of this title, subject to licensing procedures and, where appropriate, conditional use standards.
- B. **License Required:** No transitional treatment home for persons with disabilities shall be established, operated or maintained within the city without a valid license issued by the Utah state division of licensing, department of human services, and without a valid business license issued by the Salt Lake City business licensing office.
- C. **Small Residential Substance Abuse Treatment Homes - Authorized As Permitted Uses:** Small residential substance abuse treatment homes shall be

permitted as either principal or accessory uses pursuant to subsection B of this section in the RMF-75, R-MU-35, R-MU-45, R-MU and RO districts provided:

1. No small residential substance abuse treatment home shall be located within eight hundred feet (800') of another residential substance abuse treatment home, transitional victim home, or transitional treatment home ~~or halfway home~~; and
2. A small residential substance abuse treatment home established in RO districts shall be located above the ground floor.

D. Small Residential Substance Abuse Treatment Homes - Authorized As

Conditional Uses: Small residential substance abuse treatment homes, as either principal or accessory uses, may be allowed as a conditional use pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-35, RMF-45, CC, CG, D-2, D-3 and G-MU districts provided:

1. No small residential substance abuse treatment home shall be located within eight hundred feet (800') of another residential substance abuse treatment home, transitional victim home, transitional treatment home or community correctional facility ~~halfway home~~.

E. Large Residential Substance Abuse Treatment Homes- Authorized As

Conditional Uses: Large residential substance abuse treatment homes, as either principal or accessory uses, may be allowed as a conditional use pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-45, RMF-75, R-MU-45, R-MU, RO, CC, CG, D-2, D-3, and G-MU districts provided:

1. No large residential substance abuse treatment home shall be located within eight hundred feet (800') of another residential substance abuse treatment home, transitional victim home, transitional treatment home or community correctional facility ~~halfway home~~; and
2. A small residential substance abuse treatment home established in RO districts shall be located above the ground floor.

SECTION 11. Amending text of Salt Lake City Code section 21A.44.060F. That the table, titled "SCHEDULE OF MINIMUM OFF STREET PARKING REQUIREMENTS", which is located at section 21A.44.060F of the Salt Lake City Code, shall be, and hereby is, amended to remove from that table the term "halfway house" and replace it with "Community

Correctional Facility” such that only the amended provision of such table shall appear and read as follows:

Table 21A.44.060F SCHEDULE OF MINIMUM OFF STREET PARKING REQUIREMENTS	
Each principal building or use shall have the following minimum number of parking spaces:	
Transitional treatment home/ halfway house or Community Correctional Facility	1 parking space for each 4 residents and 1 parking space for every 2 support staff present during the most busy shift

SECTION 12. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2008.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2008.

Published: _____.

HB_ATT#6347-v1-Ordinance_-_Community_Correctional_Facilities

SALT LAKE CITY ORDINANCE
No. _____ of 2008
(An Ordinance Amending Provisions of Title 21A (Zoning) of the
Salt Lake City Code Pertaining to Community Correctional Facilities)

An ordinance amending provisions of Title 21A (Zoning) of the *Salt Lake City Code* pertaining to Community Correctional Facilities pursuant to petition no. PLNPCM2008-00641.

WHEREAS, the Salt Lake City Planning Commission (“Planning Commission”) held a public hearing on November 12, 2008 to consider a request made by the Salt Lake City Council (“City Council”) (petition no. PLNPCM2008-00641) to amend the text of Title 21A (Zoning) of the *Salt Lake City Code* to omit the term “Halfway Home” and to replace that term with “Community Correctional Facility” and to revise the requirements and standards associated with such use; and

WHEREAS, at its November 12, 2008 hearing, the Planning Commission voted in favor of recommending to the City Council that the City Council amend the sections Title 21A of the *Salt Lake City Code* identified herein; and

WHEREAS, after a public hearing on this matter the City Council has determined that the following ordinance is in the City’s best interests,

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending text of Salt Lake City Code section 21A.36.110. That section 21A.36.110 of the Salt Lake City Code (Halfway Homes), shall be, and hereby is, amended to read as follows:

21A.36.110 Community Correctional Facility

A. Purpose Statement: The purpose of this section is to permit the establishment of a Community Correctional Facility as defined in chapter 21A.62 of this title, subject to the provisions of this section that provide a community involvement process, comply to site selection criteria and address health and safety of the community including neighboring properties and facility residents.

B. State License and City Registration Required: No Community Correctional Facility shall be established, operated or maintained within the City without a valid license or operating contract issued by the Utah State Division of Licensing or Department of Corrections or other appropriate State agency, and without Salt Lake City licensing as a Community Corrections Facility. For types of uses that do not require a State license, the applicant shall provide evidence from the State of Utah indicating that the State does not require a license for the particular facility. If the facility is not licensed by the State, the applicant must provide a detailed description of the operations of the facility, with the amount of information and clarity of information satisfactory to Planning Director, which clearly indicate that the facility will operate as a Community Correctional Facility; as defined in chapter 21A.62.

C. Small Community Correctional Facility Authorized as Conditional Uses: A small Community Correctional Facility means a Community Correctional Facility as defined in chapter 21A.62 of this title that provides temporary occupancy for up to thirty (30) individuals exclusive of staff. Small Community Correctional Facilities, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of chapter 21A.54 of this title, pursuant to subsections B, E and F of this section and pursuant to sections 21A.26.080 and 21A.28.040 of this title.

D. Large Community Correctional Facility: A large Community Correctional Facility means a Community Correctional Facility as defined in chapter 21A.62 of this title that provides temporary occupancy for more than thirty (30) individuals exclusive of staff. Large Community Correctional Facilities, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of chapter 21A.54 of this title, pursuant to subsections B, E and F of this section and pursuant to section 21A.28.040 of this title.

E. Community Correctional Facility - Authorized as Conditional Uses: Community Correctional Facilities, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of chapter 21A.54 of this title, pursuant to subsections B, C, E and F of this section, and pursuant to sections 21A.26.080 and 21A.28.040 of this title provided:

1. Site Selection Standards.

- a. A small community correctional facility shall not be located within one half mile (1/2 mile) of any residential zoning district boundary.
- b. A large community correctional facility shall only be located within an M-1 Light Industrial Zoning District and be located west of Interstate 215. A large community correctional facility shall not be located within one half mile (1/2 mile) of any residential zoning district boundary.
- c. Each community correctional facility shall be on its own lot or lots and shall not be closer than one half mile (1/2 mile) from any other community correctional facility.
- d. No community correctional facility shall be located within one half mile (1/2 mile) of any public or private K-12 school, place of worship, public library,

nursery school as a principal not ancillary or accessory use or children's day care center as a principal not ancillary or accessory use, publicly owned playground or park, measured in a straight line from the subject property line. The establishment of such land uses within the specified spacing criteria after the occupancy of a community correctional facility shall not create nonconformity or be the sole cause for denial of a conditional use permit for the expansion of an existing authorized facility.

2. **Site Design Standards.** The applicant shall provide site plan and conditional use application information that evidences that adequate setbacks and buffers between the property lines and any structures or fenced compounds enclosing usable areas of the facility are provided. Additional setbacks and buffer areas may be established by the Planning Commission to mitigate any determined potential impacts. Additional setback for buffer areas may include visitor parking, landscaping, storm drain detention basins exclusive of required landscaped setbacks. Any required fencing or walls as a condition of approval must be non-climbable fencing or walls of a design approved as part of the conditional use approval.

F. Conditions of Approval. An applicant's failure to comply with the conditions of the conditional use approval or with any standards provided herein shall be grounds for revocation, suspension or modification of the conditions or the approval by the Planning Commission.

Following the Planning Commission approval of a community correctional facility, the applicant shall submit to the Planning Director a written report every twelve (12) months. The report shall describe the community correctional facility's operation, specifically detailing complaints and problem areas, strategies to address problem areas, successes, challenges and any anticipated changes in operations.

G. Authority To Modify Regulations: In approving any community correctional facility, the planning commission may change, alter, modify or waive any provisions of Section 21A.36.110 as they apply to the proposed development. No such change, alteration, modification or waiver shall be approved unless the planning commission finds that the proposed development:

1. Will support the reconstruction and reuse of an existing structure and site in a manner that will not violate the purposes of the standards for which a community correctional facility may be approved pursuant to this section.

SECTION 2. Amending text of Salt Lake City Code section 21A.26.080. That the table, titled "Table of Permitted and Conditional Uses For Commercial Districts", which is located at section 21A.26.080 of the Salt Lake City Code, shall be, and hereby is, amended to add to that table the categories of "Community Correctional Facility, Large" and "Community Correctional

Facility, Small” to be listed alphabetically under the category of “Residential” uses in that table, with a corresponding qualifying provision such that the inserted provisions shall read as follows with the asterisks (*) to be replaced by the codifier with the appropriate number:

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT COMMERCIAL DISTRICTS						
C = Conditional Use P = Permitted Use							
USE	CN	CB	CC	CS ¹	CSHBD ¹	CG	TC-75
Community Correctional Facility, Large (see section 21A.36.110 of this title)							
Community Correctional Facility, Small (see section 21A.36.110 of this title)						C*	

Qualifying Provisions: * A Community Correctional Facility is considered an institutional use and any such facility located within an Airport Noise Overlay Zone is subject to the land use and sound attenuation standards for institutional uses of the applicable Airport Overlay Zone within section 21A.34 of this title.

SECTION 3. Amending text of Salt Lake City Code section 21A.28.040. That the table, titled “Table of Permitted and Conditional Uses For Manufacturing Districts”, which is located at section 21A.28.040 of the Salt Lake City Code, shall be, and hereby is, amended to add to that table the categories of “Community Correctional Facility, Large” and “Community Correctional Facility, Small”, which categories shall be listed alphabetically under the category of “Residential” uses in that table, with a corresponding qualifying provision such that the inserted provisions shall read as follows with the asterisks (*) to be replaced by the codifier with the appropriate number:

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT MANUFACTURING DISTRICTS	
C = Conditional Use P = Permitted Use		
Use	M-1	M-2

Institutional Uses		
Community Correctional Facility, Large (see section 21A.36.110 of this title)	C*	
Community Correctional Facility, Small (see section 21A.36.110 of this title)	C*	

Qualifying Provisions: * A Community Correctional Facility is considered an institutional use and any such facility located within an Airport Noise Overlay Zone is subject to the land use and sound attenuation standards for institutional uses of the applicable Airport Overlay Zone within section 21A.34 of this title.

SECTION 4. Amending text of Salt Lake City Code section 21A.62.020. That section 21A.62.020 of the Salt Lake City Code (Definitions), shall be, and hereby is, amended to remove from that section the definition of “halfway home”.

SECTION 5. Amending text of Salt Lake City Code section 21A.62.040. That section 21A.62.040 of the Salt Lake City Code (Definitions), shall be, and hereby is, amended to include a definition of “Community Correctional Facility”, to be inserted in alphabetical order, which definition shall read as follows:

“Community Correctional Facility” means an institutional facility licensed by or contracted by the State of Utah to provide temporary occupancy for previously incarcerated persons or parole violators, which assists such persons in making a transition from a correctional institution environment to independent living. Such facility may also provide ancillary, temporary occupancy for individuals placed as part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution. A community correctional facility may include a halfway house, work release center or any other domiciliary facility for persons released from any penal or correctional facility but still in the custody of the city, county or public agency and youth care centers or other facilities authorized to accept youth offenders. A community correctional facility includes a facility for the judicially required detention or incarceration of people who are under 24-hour supervision by sworn officers except when on an approved leave, confinement of offenders where force may be used to restrain them if they attempt to leave the institution without authorization, 24-hour supervision and confinement for youth offenders committed to the Division for custody and rehabilitation, or services for parole violating offenders and/or non compliant probationers.

SECTION 6. Amending text of Salt Lake City Code section 21A.62.040. That section 21A.62.040 of the Salt Lake City Code (Definitions), shall be, and hereby is, amended to include a definition of “Jail”, to be inserted in alphabetical order, which definition shall read as follows:

“Jail” means a place for lawful confinement of persons. For the purpose of this title, a jail shall not include community correctional facilities and mental hospitals. A jail includes a facility for the judicially required detention or incarceration of people who are under 24-hour supervision by sworn officers, and confinement of offenders where force may be used to restrain them if they attempt to leave the institution without authorization.

SECTION 7. Amending text of Salt Lake City Code section 21A.31.050. That the table, titled “Table of Permitted and Conditional Uses In The Gateway District”, which is located at section 21A.31.050 of the Salt Lake City Code, shall be, and hereby is, amended to remove from that table the use category of “Halfway homes”.

SECTION 8. Amending text of Salt Lake City Code section 21A.36.080. That section 21A.36.080 of the Salt Lake City Code (Transitional Victim Homes), shall be, and hereby is, amended to read as follows:

- A. **Purpose Statement:** The purpose of this section is to permit the establishment of transitional victim homes for the physically abused as defined in part VI, chapter 21A.62 of this title, subject to licensing procedures and, where appropriate, conditional use standards.
- B. **License Required:** No transitional victim home for the physically abused shall be established, operated or maintained within the city without a valid license issued by the Utah state division of licensing, department of human services, and without a valid business license issued by the Salt Lake City business license office.
- C. **Small Transitional Victim Homes:** Authorized As Permitted Uses: Small transitional victim homes shall be permitted as either principal or accessory uses pursuant to subsection B of this section in the RMF-75, R-MU and RO districts provided:
 - 1. No small transitional victim home shall be located within eight hundred feet (800') of another transitional victim home, residential substance abuse treatment home, or transitional treatment home.
 - 2. Small transitional victim homes established in RO districts shall be located above the ground floor.
- D. **Small Transitional Victim Homes - Authorized As Conditional Uses:** Small transitional victim homes, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of part V, chapter 21A.54 of this title, and

pursuant to subsection B of this section in the RMF-35, RMF-45, R-MU-35, R-MU-45, CC, CG, D-2, D-3, and G-MU districts provided:

1. No small transitional victim home shall be located within eight hundred feet (800') of another transitional victim home, residential substance abuse treatment home, or transitional treatment home.

E. Large Transitional Victim Home: Authorized As Conditional Uses: Large transitional victim homes, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-45, RMF-75, R-MU-45, R-MU, RO, CC, CG, D-2, D-3, and G-MU districts provided:

1. No large transitional victim home shall be located within eight hundred feet (800') of another transitional victim home, residential substance abuse treatment home, transitional treatment home or community correctional facility; and
2. Large transitional victim homes established in RO districts shall be located above the ground floor.

SECTION 9. Amending text of Salt Lake City Code section 21A.36.090. That section 21A.36.090 of the Salt Lake City Code (Transitional Treatment Homes), shall be, and hereby is, amended to read as follows:

- A. **Purpose Statement:** The purpose of this section is to permit the establishment of transitional treatment homes for "persons with disabilities" as defined in part VI, chapter 21A.62 of this title, subject to licensing procedures and, where appropriate, conditional use standards.
- B. **License Required:** No transitional treatment home for persons with disabilities shall be established, operated or maintained within the city without a valid license issued by the Utah state division of licensing, department of human services, and without a valid business license issued by the Salt Lake City business licensing office.
- C. **Small Transitional Treatment Homes- Authorized As Conditional Uses:** Small transitional treatment homes, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, RO, CC, CG, D-2, D-3, and G-MU districts provided:
 1. No small transitional treatment home shall be located within eight hundred feet (800') of another transitional treatment home, residential substance abuse treatment home, transitional victim home or community correctional facility; and

2. A small transitional treatment home established in the RO district shall be located above the ground floor.

D. Large Transitional Treatment Homes- Authorized As Conditional Uses: Large transitional treatment homes may be allowed as either principal or accessory uses, as a conditional use pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-45, RMF-75, R-MU-45, R-MU, RO, CC, CG, D-2, D-3, and G-MU districts provided:

1. No large transitional treatment home shall be located within eight hundred feet (800') of another transitional treatment home, residential substance abuse treatment home, transitional victim home or community correctional facility; and

2. A large transitional treatment home established in the RO district shall be located above the ground floor.

SECTION 10. Amending text of Salt Lake City Code section 21A.36.100. That section 21A.36.100 of the Salt Lake City Code (Residential Substance Abuse Treatment Homes), shall be, and hereby is, amended to read as follows:

A. Purpose Statement: The purpose of this section is to permit the establishment of residential substance abuse treatment homes for the addicted as defined in part VI, chapter 21A.62 of this title, subject to licensing procedures and, where appropriate, conditional use standards.

B. License Required: No transitional treatment home for persons with disabilities shall be established, operated or maintained within the city without a valid license issued by the Utah state division of licensing, department of human services, and without a valid business license issued by the Salt Lake City business licensing office.

C. Small Residential Substance Abuse Treatment Homes - Authorized As Permitted Uses: Small residential substance abuse treatment homes shall be permitted as either principal or accessory uses pursuant to subsection B of this section in the RMF-75, R-MU-35, R-MU-45, R-MU and RO districts provided:

1. No small residential substance abuse treatment home shall be located within eight hundred feet (800') of another residential substance abuse treatment home, transitional victim home or transitional treatment home; and

2. A small residential substance abuse treatment home established in RO districts shall be located above the ground floor.

D. Small Residential Substance Abuse Treatment Homes - Authorized As Conditional Uses: Small residential substance abuse treatment homes, as either

principal or accessory uses, may be allowed as a conditional use pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-35, RMF-45, CC, CG, D-2, D-3 and G-MU districts provided:

1. No small residential substance abuse treatment home shall be located within eight hundred feet (800') of another residential substance abuse treatment home, transitional victim home, transitional treatment home or community correctional facility.

E. Large Residential Substance Abuse Treatment Homes- Authorized As

Conditional Uses: Large residential substance abuse treatment homes, as either principal or accessory uses, may be allowed as a conditional use pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-45, RMF-75, R-MU-45, R-MU, RO, CC, CG, D-2, D-3, and G-MU districts provided:

1. No large residential substance abuse treatment home shall be located within eight hundred feet (800') of another residential substance abuse treatment home, transitional victim home, transitional treatment home or community correctional facility; and
2. A small residential substance abuse treatment home established in RO districts shall be located above the ground floor.

SECTION 11. Amending text of Salt Lake City Code section 21A.44.060F. That the table, titled “SCHEDULE OF MINIMUM OFF STREET PARKING REQUIREMENTS”, which is located at section 21A.44.060F of the Salt Lake City Code, shall be, and hereby is, amended to remove from that table the term “halfway house” and replace it with “Community Correctional Facility” such that only the amended provision of such table shall appear and read as follows:

Table 21A.44.060F	
SCHEDULE OF MINIMUM OFF STREET PARKING REQUIREMENTS	
Each principal building or use shall have the following minimum number of parking spaces:	
Transitional treatment home or community correctional facility	1 parking space for each 4 residents and 1 parking space for every 2 support staff present during the most busy shift

SECTION 12. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2008.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date DECEMBER 3, 2008
By [Signature]
Paul C. Nielson, SR. CITY ATTORNEY

(SEAL)

Bill No. _____ of 2008.

Published: _____.

HB_ATTYY-#6347-v1-Ordinance_-_Community_Correctional_Facilities

Exhibit 3
City Council Notice
and Mailing List

Exhibit 3i
City Council Hearing Notice

NOTICE OF PUBLIC HEARING

The Salt Lake City Council will review **Petition PLNPCM2008-00641** initiated by the City Council. The petition requests the administration to evaluate the existing Halfway Home regulations of the Zoning Ordinance through the adoption of temporary regulations in Ordinance 70 of 2008. The Salt Lake City Planning Division processed proposed adjustments to the Salt Lake City code related to Community Correctional Facilities (halfway homes). The proposed amendments relate to the number of occupants, zoning districts the use is allowed in and spacing requirements.

As part of this request, the City Council is holding an advertised public hearing to receive comments regarding this request. During this hearing, the Planning staff may present information on the petition and anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE:

TIME: 7:00 P.M.

PLACE: City Council Chambers
Room 315
City and County Building
451 South State Street
Salt Lake City

If you have any questions relating to this proposal, or would like to review the file, please contact Everett L. Joyce at 535-7930 or at everett.joyce@slcgov.com.

People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this City Council Public Hearing. Accommodations may include alternate formats, interpreters and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the ADA coordinator at 535-7971; TDD 535-6220.

Exhibit 3ii
Mailing List



LESLIE REYNOLDS-BENNS, PHD
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ROSE PARK CHAIR
1441 WEST SUNSET DR
SALT LAKE CITY UT 84116

ANGIE VORHER
JORDAN MEADOWS CHAIR
1988 SIR JAMES DRIVE
SALT LAKE CITY UT 84116

VICKY ORME
FAIRPARK CHAIR
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SALT LAKE CITY UT 84116

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SALT LAKE CITY UT 84104

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GLENDALE CHAIR
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SALT LAKE CITY UT 84103

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SALT LAKE CITY UT 84103

D. CHRISTIAN HARRISON
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SALT LAKE CITY UT 84101

BILL DAVIS
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CENTRAL CITY CHAIR
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MICHAEL AKERLOW
FOOTHILL/SUNNYSIDE CHAIR
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SALT LAKE CITY UT 84108

~~MARIELLA SIRA/MARGARET
BRADY
EAST LIBERTY PARK CO CHAIRS
EMAIL ONLY, SEE CITY COUNCIL SITE~~

ARCADIA HEIGHTS/BENCHMARK
CHAIR
Vacant

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OAK HILLS CHAIR
Vacant

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SUNSET OAKS CHAIR
Vacant

INDIAN HILLS CHAIR
Vacant

ST. MARY'S CHAIR
Vacant

LAST UPDATED 10/30/2008 CZ



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175 East 400 South #100
Salt Lake City, UT 84111

S.L. Chamber of Commerce
175 East 400 South, Suite #100
Salt Lake City, UT 84111

Attn: Carol Dibblee
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Sugar House Merchant's Assn.
C/o Barbara Green
Smith-Crown
2000 South 1100 East
Salt Lake City, UT 84106

Hispanic Chamber of Commerce
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Salt Lake City, UT 84110

Vest Pocket Business Coalition
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Salt Lake City, UT 85125-1357

Westside Alliance
C/o Neighborhood Housing Svcs.
Maria Garcia
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Shawn McMillen
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Brent Butcher
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Matt Mateus
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SLC, UT 84101

Everett Joyce
SLC Planning
PO Box 145480
SLC UT 84111

Petition PLNPCM2008-00641
Community Correction Facilities

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PO Box 145480
SLC UT 84111

Exhibit 4
Planning Commission

**Public Hearing Notice/Postmark/Agenda
Staff Report**

Exhibit 4i
Public Hearing Notice/Postmark/Agenda

1:00 PM + 1:30 PM + 2:00 PM + 2:30 PM + 3:00 PM + 3:30 PM + 4:00 PM + 4:30 PM + 5:00 PM + 5:30 PM + 6:00 PM + 6:30 PM + 7:00 PM + 7:30 PM + 8:00 PM + 8:30 PM + 9:00 PM + 9:30 PM + 10:00 PM + 10:30 PM + 11:00 PM + 11:30 PM + 12:00 AM

PUBLIC HEARING NOTICE

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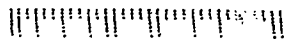


Salt Lake City Planning Division
451 South State Street, Room 406
PO Box 145480
Salt Lake City UT 84111

1. Fill out registration card and indicate if you wish to speak and which agenda item you will address.
2. After the staff and petitioner presentations, hearings will be opened for public comment. Community Councils will present their comments at the beginning of the hearing
3. In order to be considerate of everyone attending the meeting, public comments are limited to two (2) minutes per person, per item. A spokesperson who has already been asked by a group to summarize their concerns will be allowed five (5) minutes to speak. Written comments are welcome and will be provided to the Planning Commission in advance of the meeting if they are submitted to the Planning Division prior to noon the day before the meeting.
Written comments should be sent to:

Salt Lake City Planning Commission
451 South State Street, Room 406
Salt Lake City UT 84111

4. Speakers will be called by the Chair.
5. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
6. Speakers should address their comments to the Chair. Planning Commission members may have questions for the speaker. Speakers may not debate with other meeting attendees.
7. Speakers should focus their comments on the agenda item. Extraneous and repetitive comments should be avoided.
8. After those registered have spoken, the Chair will invite other comments. Prior speakers may be allowed to supplement their previous comments at this time.
9. After the hearing is closed, the discussion will be limited among Planning Commissioners and Staff. Under unique circumstances, the Planning Commission may choose to reopen the hearing to obtain additional information.
10. The Salt Lake City Corporation complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this meeting. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the Planning Office at 535-7757; TDD 535-6220.



**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING**
In Room 326 of the City & County Building at 451 South State Street
Wednesday, November 12, 2008 at 5:45 p.m.

The work session is scheduled to begin at 4:00 p.m. in Room 126. The Planning Commission may discuss project updates and other minor administrative matters, including Petition PLNPCM2008-0021—Red Mountain Retail Group/Granite Furniture Block Redesign Plans, and Petition PLNSUB2008-00464, proposed improvements to a Rocky Mountain Power substation located at approximately 136,144, and 148 South and 1100 East. This portion of the meeting is open to the public for observation. **The Planning Commission will break for dinner at 5:00 p.m.**

APPROVAL OF MINUTES FROM WEDNESDAY, October 22, 2008.

REPORT OF THE CHAIR AND VICE CHAIR

REPORT OF THE DIRECTOR

BRIEFING

1. **Conditional Use Project- Issues for Further Study, Part II**—The Planning Staff will review and discuss with the Planning Commission the proposed responses to issues that were raised during the City Council's recent review of conditional use regulations. The City Council requested further study of issues that were not addressed prior to the July 22, 2008 adoption of amendments to the Zoning Ordinance relating to conditional and permitted uses. The Planning Staff is requesting comment and direction from the Planning Commission prior to submitting the responses to the City Council for its review.

PUBLIC HEARING

2. **2421 E. Parley's Way Master Plan and Zoning Map Amendment**—a request by Lisa Sieg, applicant, for a master plan and zoning map amendment for the property located at approximately 2421 East Parley's Way. The subject property is the current location of the business known as "The Language of Flowers". The property is located in City Council District Seven, represented by Søren Simonsen (Staff contact: Lex Traughber at 535-6184 or lex.traughber@slcgov.com):
 - a. **Petition 400-08-22 or PLNPCM208-00238, 2421 East Parley's Way Zoning Map Amendment**—a request to amend the Salt Lake City Zoning Map for the subject property (parcels 16-22-203-018 & 034) from R-1-5,000 (Single Family Residential District) to CB (Community Business District).
 - b. **Petition 400-08-23 or PLNPCM2008-00239, 2421 East Parley's Way Master Plan Amendment**—a request to amend the East Bench Community Future Land Use Map for the subject property (parcels 16-22-203-018 & 034) from "Low Density Residential" to "Neighborhood Business".
3. **Petition 400-08-17, 1150 E. Downington Avenue Partial Street Closure**—a request by Jared and Louise Millington that a portion of Downington Avenue, located at approximately 1150 East Downington and adjacent to their residential property, be declared surplus by the City, closed, and sold. Downington Avenue at this location is a dead end street and unimproved. The purpose of the request is to incorporate a portion of this street into the Millington's residential parcel in order to improve the property. The property is located in City Council District Seven, represented by Søren Simonsen (Staff contact: Lex Traughber at 535-6184 or lex.traughber@slcgov.com).
4. **PLNPCM2008-00361 Linh Cao minor auto repair** — a request by Linh Cao for conditional use approval for an automobile repair (minor) business to operate on property located at 1255 West 400 South in a CN (Neighborhood Commercial) zoning district. The subject property and buildings have been used for automobile repair in the past. The property is located in City Council District Two, represented by Van Turner (Staff contact: Casey Stewart at 535-6260 or casey.stewart@slcgov.com).
5. **Amendment to Petition 410-329 pursuant to Petition 400-04-25**—a request by the Boyer Company to create a sign package for an open air mall (Gateway). The proposed action is an amendment to the planned development approval of the Gateway mixed-use complex to adopt a sign package for the open-air mall portion of the development. The Gateway is generally located at between 400 and 500 West from North Temple to 200 South. Petition 400-04-25, which was approved by the Planning Commission and City Council, allows open air malls to create their own internal signage package when included as part of a planned development. The Boyer Company is requesting an amendment to the original planned development approval (410-329) to include a signage package. The property is located in City Council District Four, represented by Luke Garrott (Staff contact: Doug Dansie at 535-6182 or doug.dansie@slcgov.com).
- * 6. **Petition No. PLNPCM2008-00641, Zoning Text Amendment for Community Correction Facilities (Halfway Homes) in the General Commercial (CG) and Light Manufacturing (M-1) Zoning Districts**—a request by the Salt Lake City Council to analyze current regulations for Halfway Homes, which do not adequately address the size and concentration or the potential impacts of large halfway home facilities on adjacent properties. These text changes are Citywide (Staff contact: Everett Joyce at 535-7930 or everett.joyce@slcgov.com).
7. **Petition No. PLNPCM2008-00640, Salt Lake City Code Maintenance; Fine Tuning text amendments**—a request by Salt Lake City Mayor Becker to analyze the feasibility of amending the City Zoning Ordinance to provide for clarity and efficiency of use as part of an ongoing process of code maintenance. The following issues are being considered:
 - a. Chapter 21A.46.110 Signs. Clarify the extension limits for projecting signs within the Downtown D-1 and D-4 Zoning Districts.
 - b. 21A.46 Yard Sale Signs. Provide consistent display period requirements between sign and business license ordinance.
 - c. 21A.52.090A. Special Exceptions. Provide an extension of time requirement consistent with the General Applications and Procedures section of the Zoning Ordinance.
 - d. 21A.32 Special Purpose Districts. Clean up remnant floor area ratio text references for the RP, BP Institutional Districts text.
 - e. 21A.24 Interior Side Yard and Corner Yard setbacks. Provide setback requirements for nonresidential uses in multifamily zoning districts.
 - f. 21A.24 RMF-30 and RMF-35 Maximum building coverage. Define the building coverage area for nonresidential uses in multifamily zones.
 - g. 21A.08.030, Zoning Certificates. Clarify that zoning certificates are required for principal use and not accessory uses.
 - h. 21A.22 Zoning Districts, Map And Boundaries. Clarify how lots of record that are split by multiple zoning districts affect Zoning District boundaries.
 - i. 21A.52.030G Special Exceptions. Circular driveways that meet the zoning standards should be allowed as a permitted use.These text changes are Citywide (Staff contact: Everett Joyce at 535-7930 or everett.joyce@slcgov.com).

Visit the Planning and Zoning Enforcement Division's website at www.slcgov.com/CED/planning for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission.

Exhibit 4ii
Staff Report

PLANNING COMMISSION STAFF REPORT

Petition No. PLNPCM2008-00641
Zoning Text Amendment for Community
Correction Facilities (Halfway Homes) in the
General Commercial (CG) and Light
Manufacturing (M-1) Zoning Districts
November 12, 2008



Planning Division
Department of Community and
Economic Development

Applicant: Salt Lake City Council

Staff: Everett Joyce 535-7930
everett.joyce@slcgov.com

Master Plan Designation:
City-wide

Council District: City-wide

Applicable Land Use Regulations:

Review Standards: 21A.50.050
Standards for General Amendments

Affected Text:

21A.26 Commercial Districts
21A.28 Manufacturing Districts
21A.36 General Provisions

Notification

- Notice mailed on October 28,
2008

Attachments:

- Proposed Ordinance Text
Amendments
- Zoning Location Map
- Department Comments

REQUEST

The Salt Lake City Council initiated action for the administration to evaluate the existing Halfway Home regulations of the Zoning Ordinance. The Salt Lake Planning Division is processing adjustments to the Salt Lake City code related to Community Correction Facilities (halfway homes). The City's current regulations for Halfway Homes do not adequately address the size and concentration or the potential impacts of large halfway home facilities on adjacent properties. Therefore, further regulations and standards relating to large sized facilities and the potential impacts that such facilities create is necessary.

STAFF RECOMMENDATION:

Based on the comments, analysis and findings of fact listed in the staff report, Planning Staff recommends the Planning Commission transmit a favorable recommendation to the City Council to adopt the proposed text amendments.

Background/ Project Description

Salt Lake City received a conditional use application for a halfway house in the CG Zoning District for a facility with more than 300 residents and potentially up to 522 residents. The existing regulations did not adequately address a facility of this scale. The City Council adopted a temporary regulation prohibiting halfway houses until adequate regulations could be adopted. The temporary ordinance expires on February 18, 2009.

Summary of Proposed Code Changes. The Salt Lake Planning Division is processing adjustments to the Salt Lake City code related to Community Correction Facilities (halfway homes). Presently the City code allows halfway houses in the CG Zoning District as a conditional use. The code does not limit to the number of residents that may be located within a facility.

The proposed text changes reclassify halfway homes as community correction facilities. The amendments include two levels of such facilities, small and large. Both facilities will be allowed as conditional uses only. Small community correction facilities will be allowed in the CG Zoning District and M-1 Zoning District. Large community correction facilities will be allowed within M-1 Zoning District. Additional site selection regulations limit the location of community correction facilities.

A small Community Correction Facility means a Community Correction Facility that provides temporary occupancy for up to thirty (30) individuals exclusive of staff. Small Community Correction Facilities may be allowed as a conditional use and pursuant to the general provision requirements of chapter 21A.36.110 Community Correction Facilities.

A large Community Correction Facility means a Community Correction Facility that provides temporary occupancy for more than thirty (30) individuals exclusive of staff. Large Community Correction Facilities may be allowed as a conditional use and pursuant to the general provision requirements of chapter 21A.36.110 Community Correction Facilities.

Site Selection Standards.

- a. A small community correction facility shall not be located within one half mile (1/2 mile) of any residential zoning district boundary.
- b. A large community correction facility shall not be located within one half mile (1/2 mile) of any residential zoning district boundary and must be located within an M-1 Zoning District located west of Interstate 215.
- c. Each community correctional facility shall be on its own lot and shall not be closer than one half mile (1/2 mile) from any other community correction facility.
- d. No community correction facility shall be located within one half mile (1/2 mile) of any public or private K-12 school, place of worship, public library, nursery school, children's day care center, public playground or park, measured in a straight line from the subject property line. The establishment of such land uses within the specified spacing criteria after the occupancy of a community correction facility shall not create nonconformity or be the sole cause for denial of a conditional use permit for the expansion of an existing authorized facility.

A map illustrating the effect of the site selection standards and where a Community Correction Facility may be placed, based on the proposed text amendments is shown in Attachment B – Zoning Location Map.

Comments

Public Comments

An Open House was held on October 16, 2008. Notice of the Open House was sent to Community Council chairs and those whose names are on the Planning Divisions List serve. Notice was also posted on the City's website. There were eight attendees to the Open House. Comments were received from representatives of the State Department of Corrections and have been incorporated within the proposed text where appropriate.

City Department Comments:

Staff sent information regarding the proposed text changes to applicable City Departments. Department responses are included in Attachment C. The Salt Lake City Police Department provided an impact study report of a 522 bed residential assessment and treatment center. In summary, the findings indicate that these facilities (specifically run by CEC) have no negative measurable effect on services. One item to note is that the CEC facilities addressed, unlike halfway houses, are treatment and assessment centers that do not allow for the coming and going of the patients. A copy of the Police Department's report is included in Attachment C.

Analysis and Findings

21A.50.050 Standards for general amendments.

Since the proposed text amendment is a modification of the text of the Zoning Ordinance, the Planning Commission shall review the proposed text change and forward a recommendation to the City Council.

A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. However, in making its decision concerning a proposed amendment, the city council should consider the following factors:

A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City;

Analysis: The community master plan land use policies generally define neighborhood, community and regional land use locations and characteristics. They do not specifically address the level of detail that a specific land use addresses.

In Salt Lake City, the Zoning Ordinance has been the main tool used to implement the goals and objectives of the adopted land use planning documents. The proposed changes to the text, as outlined, are intended to mitigate potential impacts of larger halfway homes or community correction centers, which would further advance the purposes, goals, objectives and policies of the adopted general plan of Salt Lake City. The proposed changes do not alter the various purpose statements included in the Zoning Ordinance. The proposed amendments will help insure compatibility with the adopted master plans of the City.

Finding: The proposed text amendments provide additional refinement of the zoning regulations of the City's code by providing clarification of existing regulations related to mitigation impacts of community correction facilities. The proposed regulations are consistent with the City's land use policies.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property;

Analysis: The proposed amendments are not site specific. Therefore, they will not interfere with the character of specific properties.

Finding: The proposed amendments do not impact the overall character of existing development.

C. The extent to which the proposed amendment will adversely affect adjacent properties;

Analysis: The proposed amendments are intended to improve the City's ability to regulate community correction facilities to minimize adverse affects on adjacent properties.

Finding: The proposed text changes will not adversely affect adjacent properties.

D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards; and

Analysis: The proposed text amendments do not specifically impact provisions of any adopted overlay zone. A Community Correction Facility is considered an institutional use and any such facility located within an Airport Noise Overlay Zone is subject to the land use and sound attenuation standards for institutional uses of the applicable Airport Overlay Zone within section 21A.34 of this title.

Finding: The proposed text amendments are consistent with the provisions of all applicable overlay zoning districts that may impose additional standards.

E. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and wastewater and refuse collection.

Analysis: The proposed ordinance changes do not relate to provisions governing public facilities and services.

Finding: The proposed ordinance changes should not impact the adequacy of public facilities and/or services.

Summary of Findings

Staff has concluded that the proposed zoning text amendment for the General Provisions section for Community Correction Facilities and the CG and M-1 Zoning Districts meets all of the standards for a general amendment. All development would still be reviewed for appropriateness and compliance with conditional use standards, general provision requirements, and the standards of the CG and M-1 Zoning Districts.

Attachment A
Proposed Ordinance Text Amendments

COMMUNITY CORRECTION FACILITIES

Staff Recommended Regulations

Chapter 36 General Provisions

~~21A.36.110 Halfway Homes:~~

~~A "halfway home", as either a principal or accessory use, as defined in part VI, chapter 21A.62 of this title, may be allowed as a conditional use pursuant to the provisions of part V, chapter 21A.54 of this title, in the CG district provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part, all other requirements of this title, and provided:~~

~~A. No halfway home shall be located within eight hundred feet (800') of another halfway home, residential substance abuse treatment home, transitional victim home or transitional treatment home.~~

21A.36.110 Community Correction Facility

A. Purpose Statement: The purpose of this section is to permit the establishment of a Community Correction Facility as defined in chapter 21A.62 of this title, subject to the provisions of this section that provide a community involvement process, comply to site selection criteria and address health and safety of the community including neighboring properties and facility residents.

B. State License and City Registration Required: No Community Correction Facility shall be established, operated or maintained within the City without a valid license or operating contract issued by the Utah State Division of Licensing or Department of Corrections or other appropriate State agency, and without Salt Lake City licensing as a Community Corrections Facility. For types of uses that do not require a State license, the applicant shall provide evidence from the State of Utah indicating that the State does not require a license for the particular facility. If the facility is not licensed by the State, the applicant must provide a detailed description of the operations of the facility, with the amount of information and clarity of information satisfactory to Planning Director, which clearly indicate that the facility will operate as a Community Correction Facility; as defined in chapter 21A.62.

C. Small Community Correction Facility Authorized as Conditional Uses: A small Community Correction Facility means a Community Correction Facility as defined in chapter 21A.62 of this title that provides temporary occupancy for up to thirty (30) individuals exclusive of staff. Small Community Correction Facilities, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of

chapter 21A.54 of this title, pursuant to subsections B, E and F of this section and pursuant to sections 21A.26.080 and 21A.28.040 of this title.

D. Large Community Correction Facility: A large Community Correction Facility means a Community Correction Facility as defined in chapter 21A.62 of this title that provides temporary occupancy for more than thirty (30) individuals exclusive of staff. Large Community Correction Facilities, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of chapter 21A.54 of this title, pursuant to subsections B, E and F of this section and pursuant to section 21A.28.040 of this title.

E. Community Correction Facility - Authorized as Conditional Uses: Community Correction Facilities, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of chapter 21A.54 of this title, pursuant to subsections B, C, E and F of this section, and pursuant to sections 21A.26.080 and 21A.28.040 of this title provided:

1. Site Selection Standards.

- a. A small community correction facility shall not be located within one half mile (1/2 mile) of any residential zoning district boundary.
- b. A large community correction facility shall only be located within an M-1 Light Industrial Zoning District and be located west of Interstate 215. A large community correction facility shall not be located within one half mile (1/2 mile) of any residential zoning district boundary.
- c. Each community correctional facility shall be on its own lot or lots and shall not be closer than one half mile (1/2 mile) from any other community correction facility.
- d. No community correction facility shall be located within one half mile (1/2 mile) of any public or private K-12 school, place of worship, public library, nursery school as a principal not ancillary or accessory use or children's day care center as a principal not ancillary or accessory use, publicly owned playground or park, measured in a straight line from the subject property line. The establishment of such land uses within the specified spacing criteria after the occupancy of a community correction facility shall not create nonconformity or be the sole cause for denial of a conditional use permit for the expansion of an existing authorized facility.

- 2. Site Design Standards.** The applicant shall provide site plan and conditional use application information that evidences that adequate setbacks and buffers between the property lines and any structures or fenced compounds enclosing usable areas of the facility are provided. Additional setbacks and buffer areas may be established by the Planning Commission to mitigate any determined potential impacts. Additional setback for buffer areas may include visitor parking, landscaping, storm drain detention basins exclusive of required landscaped setbacks. Any required fencing or walls as a condition of approval must be non-climbable fencing or walls of a design approved as part of the conditional use approval.

F. Conditions of Approval. An applicant's failure to comply with the conditions of the conditional use approval or with any standards provided herein shall be grounds for revocation, suspension or modification of the conditions or the approval by the Planning Commission.

Following the Planning Commission approval of a community correction facility, the applicant shall submit to the Planning Director a written report every twelve (12) months. The report shall describe the community correction facility's operation, specifically detailing complaints and problem areas, strategies to address problem areas, successes, challenges and any anticipated changes in operations.

G. Authority To Modify Regulations: In approving any community correction facility, the planning commission may change, alter, modify or waive any provisions of Section 21A.36.110 as they apply to the proposed development. No such change, alteration, modification or waiver shall be approved unless the planning commission finds that the proposed development:

1. Will support the reconstruction and reuse of an existing structure and site in a manner that will not violate the purposes of the standards for which a community correction facility may be approved pursuant to this section.

Chapters 26 and 28 Tables of Permitted and Conditional Uses

21A.26.080 Table of Permitted and Conditional Uses For Commercial Districts:

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT COMMERCIAL DISTRICTS						
C = Conditional Use P = Permitted Use							
USE	CN	CB	CC	CS ¹	CSHBD ¹	CG	TC-75
Community Correctional Facility, Large (see section 21A.36.110 of this title)							
Community Correctional Facility, Small (see section 21A.36.110 of this title)						C*	
Halfway homes (see section 21A.36.110 of this title)						€	

Qualifying Provisions: * A Community Correction Facility is considered an institutional use and any such facility located within an Airport Noise Overlay Zone is subject to the land use and sound attenuation standards for institutional uses of the applicable Airport Overlay Zone within section 21A.34 of this title.

21A.28.040 Table Of Permitted And Conditional Uses For Manufacturing Districts:

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT MANUFACTURING DISTRICTS	
C = Conditional Use P = Permitted Use		
Use	M-1	M-2
Institutional Uses (Sites < 2 Acres)		
Community Correctional Facility, Large (see section 21A.36.110 of this title)	C*	
Community Correctional Facility, Small (see section 21A.36.110 of this title)	C*	

Qualifying Provisions: * A Community Correction Facility is considered an institutional use and any such facility located within an Airport Noise Overlay Zone is subject to the land use and sound attenuation standards for institutional uses of the applicable Airport Overlay Zone within section 21A.34 of this title.

Chapter 21A.62 List of Definitions

Section 21A.60.020 List of Terms:

Community correction facility
Halfway home

Chapter 21A.62 Definitions

Section 21A.62.040 Definitions:

“Community Correction Facility” means an institutional facility licensed by or contracted by the State of Utah to provide temporary occupancy for previously incarcerated persons or parole violators, which assists such persons in making a transition from a correctional institution environment to independent living. Such facility may also provide ancillary, temporary occupancy for individuals placed as part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution. A community correction facility may include a halfway house, work release center or any other domiciliary facility for persons released from any penal or correctional facility but still in the custody of the city, county or public agency and youth care centers or other facilities authorized to accept youth offenders. A community correction facility includes a facility for the judicially required detention or

incarceration of people who are under 24-hour supervision by sworn officers except when on an approved leave, confinement of offenders where force may be used to restrain them if they attempt to leave the institution without authorization, 24-hour supervision and confinement for youth offenders committed to the Division for custody and rehabilitation, or services for parole violating offenders and/or non compliant probationers.

~~"Halfway home" means a facility, licensed or contracted by the state of Utah to provide for the supervision, counseling, training or treatment of residents to facilitate their transition from a correctional institutional environment to independent living.~~

"Jail" means a place for lawful confinement of persons. For the purpose of this title, a jail shall not include **community correction facilities** and mental hospitals. **A jail includes a facility for the judicially required detention or incarceration of people who are under 24-hour supervision by sworn officers, and confinement of offenders where force may be used to restrain them if they attempt to leave the institution without authorization.**

Related Text Amendments

These related text amendments eliminate previous references to halfway houses and includes community correction facilities references when applicable within the Zoning Ordinance.

21A.31.050 Table Of Permitted And Conditional Uses In The Gateway District:

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT GATEWAY DISTRICT
C = Conditional Use P = Permitted Use	
Use	G-MU
Halfway homes (see section 21A.36.110 of this title)	

21A.36.080 Transitional Victim Homes:

C. Small Transitional Victim Homes: Authorized As Permitted Uses: Small transitional victim homes shall be permitted as either principal or accessory uses pursuant to subsection B of this section in the RMF-75, R-MU and RO districts provided:

1. No small transitional victim home shall be located within eight hundred feet (800') of another transitional victim home, residential substance abuse treatment home, or transitional treatment home ~~or halfway home~~.

2. Small transitional victim homes established in RO districts shall be located above the ground floor.

D. Small Transitional Victim Homes - Authorized As Conditional Uses: Small transitional victim homes, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-35, RMF-45, R-MU-35, R-MU-45, CC, CG, D-2, D-3, and G-MU districts provided:

1. No small transitional victim home shall be located within eight hundred feet (800') of another transitional victim home, residential substance abuse treatment home, or transitional treatment home ~~or halfway home~~.

E. Large Transitional Victim Home: Authorized As Conditional Uses: Large transitional victim homes, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to

subsection B of this section in the RMF-45, RMF-75, R-MU-45, R-MU, RO, CC, CG, D-2, D-3, and G-MU districts provided:

1. No large transitional victim home shall be located within eight hundred feet (800') of another transitional victim home, residential substance abuse treatment home, transitional treatment home or **community correction facility** ~~halfway home~~; and
2. Large transitional victim homes established in RO districts shall be located above the ground floor.

21A.36.090 Transitional Treatment Homes:

C. Small Transitional Treatment Homes- Authorized As Conditional Uses: Small transitional treatment homes, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, RO, CC, CG, D-2, D-3, and G-MU districts provided:

1. No small transitional treatment home shall be located within eight hundred feet (800') of another transitional treatment home, residential substance abuse treatment home, transitional victim home or **community correction facility** ~~halfway home~~; and
2. A small transitional treatment home established in the RO district shall be located above the ground floor.

D. Large Transitional Treatment Homes- Authorized As Conditional Uses: Large transitional treatment homes may be allowed as either principal or accessory uses, as a conditional use pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-45, RMF-75, R-MU-45, R-MU, RO, CC, CG, D-2, D-3, and G-MU districts provided:

1. No large transitional treatment home shall be located within eight hundred feet (800') of another transitional treatment home, residential substance abuse treatment home, transitional victim home or **community correction facility** ~~halfway home~~; and
2. A large transitional treatment home established in the RO district shall be located above the ground floor.

21A.36.100 Residential Substance Abuse Treatment Homes:

C. Small Residential Substance Abuse Treatment Homes - Authorized As Permitted Uses: Small residential substance abuse treatment homes shall be permitted as either principal or accessory uses pursuant to subsection B of this section in the RMF-75, R-MU-35, R-MU-45, R-MU and RO districts provided:

1. No small residential substance abuse treatment home shall be located within eight hundred feet (800') of another residential substance abuse treatment home, transitional victim home, ~~or transitional treatment home or halfway home~~; and

2. A small residential substance abuse treatment home established in RO districts shall be located above the ground floor.

D. Small Residential Substance Abuse Treatment Homes - Authorized As Conditional

Uses: Small residential substance abuse treatment homes, as either principal or accessory uses, may be allowed as a conditional use pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-35, RMF-45, CC, CG, D-2, D-3 and G-MU districts provided:

1. No small residential substance abuse treatment home shall be located within eight hundred feet (800') of another residential substance abuse treatment home, transitional victim home, transitional treatment home or **community correction facility** ~~halfway home~~.

E. Large Residential Substance Abuse Treatment Homes- Authorized As Conditional

Uses: Large residential substance abuse treatment homes, as either principal or accessory uses, may be allowed as a conditional use pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-45, RMF-75, R-MU-45, R-MU, RO, CC, CG, D-2, D-3, and G-MU districts provided:

1. No large residential substance abuse treatment home shall be located within eight hundred feet (800') of another residential substance abuse treatment home, transitional victim home, transitional treatment home or **community correction facility** ~~halfway home~~; and

2. A small residential substance abuse treatment home established in RO districts shall be located above the ground floor.

Chapter 21A.44 Off Street Parking and Loading

Table 21A.44.060F Schedule of Minimum Off-Street Parking Requirements

Table 21A.44.060F	
SCHEDULE OF MINIMUM OFF STREET PARKING REQUIREMENTS	
Each principal building or use shall have the following minimum number of parking spaces:	
<u>Transitional treatment home</u> / halfway house or <u>Community correction facility</u>	1 parking space for each 4 residents and 1 parking space for every 2 support staff present during the most busy shift

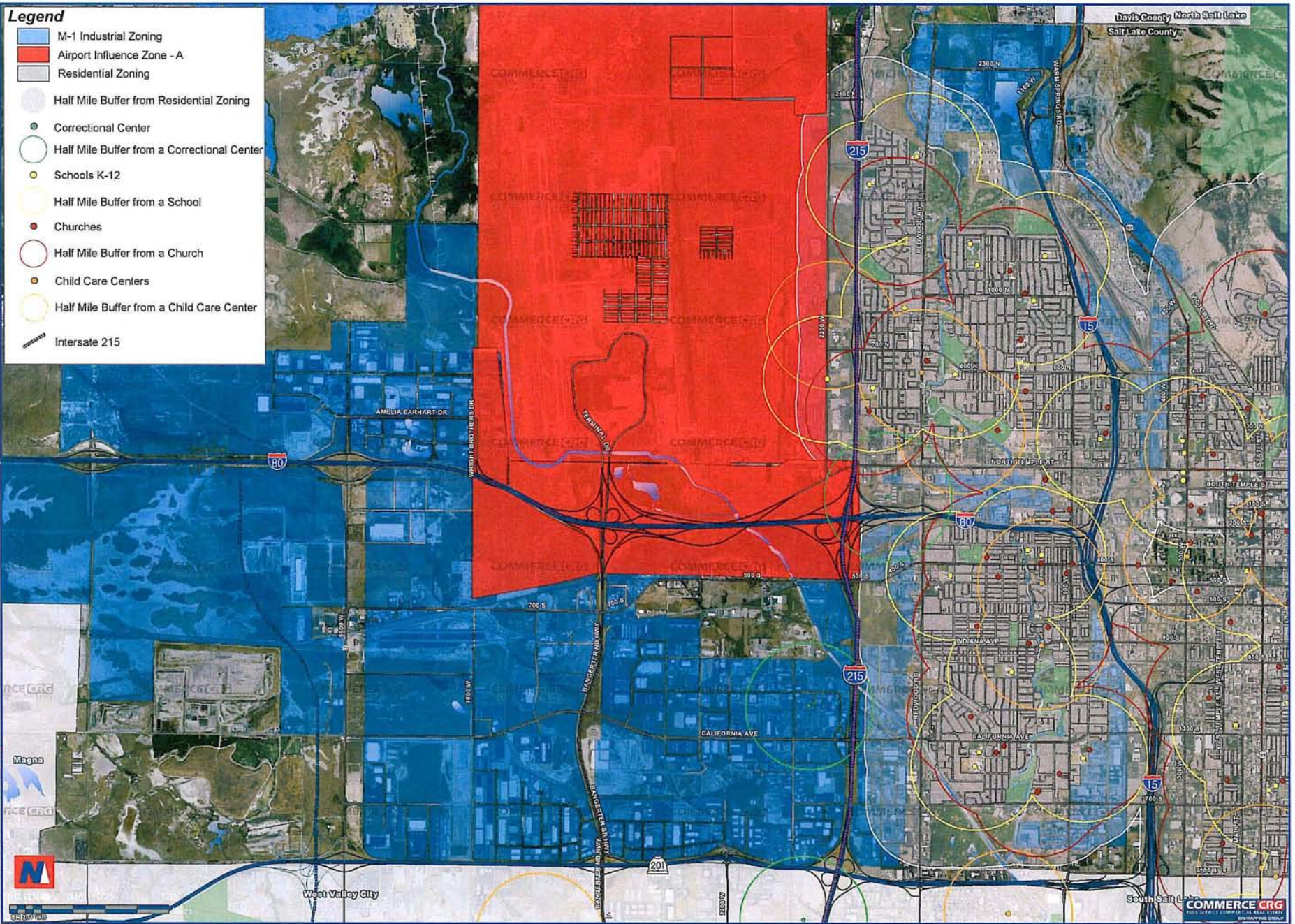
Attachment B
Zoning Location Map

Salt Lake City

Salt Lake County, Utah

Legend

- M-1 Industrial Zoning
- Airport Influence Zone - A
- Residential Zoning
- Half Mile Buffer from Residential Zoning
- Correctional Center
- Half Mile Buffer from a Correctional Center
- Schools K-12
- Half Mile Buffer from a School
- Churches
- Half Mile Buffer from a Church
- Child Care Centers
- Half Mile Buffer from a Child Care Center
- Interstate 215



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Attachment C
Department Comments



SALT LAKE CITY POLICE DEPARTMENT

October 21, 2008

Impact study of a 522 bed residential assessment and treatment center: A Community Education Center Facility.

George F Bowse

Intelligence Specialist, Salt Lake City Police Department

Fusion Division

315 East 200 South, P.O. BOX 145497, SALT LAKE CITY, UTAH 84114-5497

TELEPHONE: 801-799-3000 FAX: 801-799-3557

Impact study of a 522 bed residential assessment and treatment center: A Community Education Center Facility

Executive Summary

Salt Lake City Police Department was tasked with completing an impact study on the criminogenic effect of having a 522 bed residential assessment and treatment center physically located at approximately 1000 South 500 West in Salt Lake City. This residential assessment and treatment center would be owned and operated by a private corporation, Community Education Centers, Inc heretoforth be referred to as CEC, and would perform contract work for the Utah Department of Corrections. CEC owns and operates approximately 135 facilities in 22 States. Approximately 50% of these facilities are attached to correctional facilities with the remainder being community based operations.

A sample of community based facilities, owned and operated by CEC, was taken and analyzed.

Criterion:

- Population of the facility would be between 200 and 600 clients
- Community based
- Similar urban environments

A sampling of ten facilities was located throughout the United States. Local police and sheriff's departments were contacted and asked to give their assessments as to the impact these CEC facilities had on the surrounding neighborhoods, as well as the overall criminogenic effect these facilities had within their jurisdictions. 100% responded that there was no measurable impact on services. 80% stated that the CEC facility's clients had, neutral effect on crime in the surrounding neighborhoods and 20% stated that the CEC facility's clients had a positive effect on the surrounding neighborhoods, (these jurisdictions assumed this positive effect was a result of CEC's treatment model, as well as the lower than normal recidivism rates for CEC clients.)

CEC's treatment model was then examined and assessed using the following guidelines and industry standards for community based corrections programs:

1. Should articulate the organizations goals, mission and treatment philosophy.
2. Clearly indicate the specific goals and objectives of the program and should describe specific interventions and strategies in accomplishing the goals and objectives.
3. Should specify methods and activities that address each goal.
4. Should specify performance indicators that should reflect the organizations values and long-term improvement plans.
5. The treatment model must involve assessment, individual contact, group interventions, experiential workshops and lectures as part of the treatment curriculum.
6. Frequent random testing for drugs and alcohol.
7. Regularly scheduled clinical team meetings.
8. Progress should equal performance and behavior.
9. Must be reward based.
10. Must have concrete alternatives to anti-social styles of thinking, feeling and acting; should be introduced and reinforced.

CEC's treatment model meets or exceeds these performance standards.

Joyce, Everett**Police**

From: Brede, Richard
Sent: Tuesday, November 04, 2008 9:42 AM
To: Joyce, Everett
Cc: Bowse, George
Subject: RE: Request for review and comments on Zoning Ordinance text changes - Halfway Houses or Community Correction Facilities
Attachments: SALT LAKE CITY POLICE DEPARTMENT522impact.doc

Everett,

Here are the findings from the study conducted by our analyst George Bowse (cc'd). The attached summary points to a much larger document that he maintains here at the police department. In summary, the findings indicate that these facilities (specifically run by CEC) have no negative measurable effect on services. I just wanted to make sure that this was taken into consideration.

One item to note is that the CEC facilities addressed, unlike halfway houses, are treatment and assessment centers that don't allow for the coming and going of the patients.

Thanks you,

Lt Rich Brede

From: Joyce, Everett
Sent: Tuesday, November 04, 2008 9:14 AM
To: Brede, Richard
Subject: RE: Request for review and comments on Zoning Ordinance text changes - Halfway Houses or Community Correction Facilities
Importance: High

Richard,

Regarding your information on halfway houses, I will be completing my staff report to the Planning Commission on Wednesday morning November 5th. If you have a summary report that I can include in the staff report for the Planning Commission it would be helpful. If you need longer, then the report would have to be made available to the Planning Commission with a brief memo from the Planning Staff summarizes the issues.

The proposed text changes will be presented to the Planning Commission at a public hearing on November 12th. The Planning Division will then forward the Planning Commission's recommendation to the City Council office for processing, with briefings and a public hearing before the City Council for final decision.

Everett L. Joyce, AICP
Senior Planner
801-535-7930
Salt Lake City Planning Division
451 South State Street, Rm 406
PO Box 145480
Salt Lake City, UT 84114-5480

From: Brede, Richard
Sent: Wednesday, October 15, 2008 9:22 AM
To: Joyce, Everett
Subject: RE: Request for review and comments on Zoning Ordinance text changes - Halfway Houses or

11/4/2008

Community Correction Facilities

Everett,

The police department will weigh in on this issue very soon. An executive summary is being prepared on research related to these facilities and will be completed tomorrow.

Thanks for inviting our input,

Lt Rich Brede

From: Joyce, Everett

Sent: Tuesday, October 14, 2008 7:16 PM

To: Walsh, Barry; Smith, Craig; Garcia, Peggy; Itchon, Edward; Butcher, Larry; Brede, Richard; Burbank, Chris

Cc: Harpst, Tim; Peterson, Max; Niermeyer, Jeff; Goff, Orion; Burbank, Chris; Coffey, Cheri

Subject: Request for review and comments on Zoning Ordinance text changes - Halfway Houses or Community Correction Facilities

All,

Attached is a request for review and comment on proposed zoning ordinance text changes related to Halfway Homes, which will be reclassified as Community Correction Facilities.

Thank you for your assistance on this matter.

Everett L. Joyce, AICP

Senior Planner

801-535-7930

Salt Lake City Planning Division

451 South State Street, Rm 406

PO Box 145480

Salt Lake City, UT 84114-5480

Joyce, Everett

Transportation

From: Walsh, Barry
Sent: Wednesday, October 15, 2008 8:01 AM
To: Joyce, Everett
Cc: Young, Kevin; Smith, Craig; Garcia, Peggy; Itchon, Edward; Butcher, Larry
Subject: RE: Request for review and comments on Zoning Ordinance text changes - Halfway Houses or Community Correction Facilities
Categories: Program/Policy

October 15, 2008

Everett Joyce, planning

Re: Zoning Text changes – Halfway Houses or Community Correction Facilities.

The division of transportation review comments and recommendations are as follows:

The proposed change indicate no change to the standard transportation issues, to provide required parking, service, circulation, and access for both pedestrian and vehicular modes of transportation.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
 Craig Smith, Engineering
 Peggy Garcia, Public Utilities
 Ted Itchon, Fire
 Larry Butcher, Permits
 File

From: Joyce, Everett
Sent: Tuesday, October 14, 2008 7:16 PM
To: Walsh, Barry; Smith, Craig; Garcia, Peggy; Itchon, Edward; Butcher, Larry; Brede, Richard; Burbank, Chris
Cc: Harpst, Tim; Peterson, Max; Niermeyer, Jeff; Goff, Orion; Burbank, Chris; Coffey, Cheri
Subject: Request for review and comments on Zoning Ordinance text changes - Halfway Houses or Community Correction Facilities

All,

Attached is a request for review and comment on proposed zoning ordinance text changes related to Halfway Homes, which will be reclassified as Community Correction Facilities.

Thank you for your assistance on this matter.

Everett L. Joyce, AICP
 Senior Planner
 801-535-7930
 Salt Lake City Planning Division
 451 South State Street, Rm 406
 PO Box 145480
 Salt Lake City, UT 84114-5480

11/3/2008

Joyce, Everett

Engineering

From: Smith, Craig
Sent: Thursday, October 16, 2008 8:17 AM
To: Joyce, Everett
Cc: Weiler, Scott
Subject: zoning text amendment for halfway homes

Good morning Joyce-

I have reviewed the zoning text amendment for Halfway Homes or Community Correctional Facilities in the CG Zoning District. The only concern our department would address would be the existing condition of the public way; namely, curb, gutter, sidewalk and drive approaches. When specific sites are chosen, engineering will perform a pre-inventory.

Thanks,
Craig

PLANNING DIVISION OPEN HOUSE

October 16, 2008

- Item 1. Halfway Homes
- Item 2. Zoning Ordinance Fine Tuning
- Item 3. Residential Condo Conversion

ATTENDANCE ROLL

PRINT NAME <u>Shawn McMillen</u> ADDRESS <u>1855 So. 2600 E.</u> ZIP CODE <u>84108</u>	PRINT NAME <u>Jerry Oldroyd</u> ADDRESS <u>201 S Main #800</u> ZIP CODE <u>84011</u>
PRINT NAME <u>David Worthmester</u> ADDRESS <u>14777 14777 Minuteman Dr Draper, Utah</u> ZIP CODE <u>84020</u>	PRINT NAME <u>Michael Hughes</u> ADDRESS <u>704 5th Avenue</u> ZIP CODE <u>84103</u>
PRINT NAME <u>BRENT BUTCHER</u> ADDRESS <u>14777 MINUTEMAN DR</u> ZIP CODE <u>DRAPER UT 84020</u>	PRINT NAME _____ ADDRESS _____ ZIP CODE _____
PRINT NAME <u>CRISTINA CORUNADO</u> ADDRESS <u>201 S. MAIN ST #800</u> ZIP CODE <u>84011</u>	PRINT NAME _____ ADDRESS _____ ZIP CODE _____
PRINT NAME <u>TIM ANKER</u> ADDRESS <u>175 E. 400 S. #700</u> ZIP CODE <u>SLC UT 84111</u>	PRINT NAME _____ ADDRESS _____ ZIP CODE _____
PRINT NAME <u>Dave Copeland</u> ADDRESS <u>605 600E</u> ZIP CODE <u>SLC UT 84102</u>	PRINT NAME _____ ADDRESS _____ ZIP CODE _____

Exhibit 5
Original Petition

#4. 7:46:44 PM & 7:58:29 PM & 8:43:50 PM RE: Adopting an ordinance enacting temporary land use regulations for **halfway homes in excess of six (6) residents throughout the City. View Attachments**

Councilmember Love moved and Councilmember Turner seconded to **adopt Ordinance 70 of 2008.**

Councilmember Love said the temporary restriction did not have to last six months. She said she wanted to be good partners with the State in finding quick solutions. She said she felt the City's zoning ordinances were not equipped to evaluate this request. She said a lengthy process on conditional uses had been done and they knew criteria were not there to evaluate the request.

Councilmember Martin said he felt there was a flaw in the ordinances. He said the petitioners had gone through the process and found a suitable piece of property. He said the Council should trust the Planning Commission to make the right decision. He said he felt strongly about this and did not want to pass the ordinance.

Ms. Gust-Jenson said at the request of Councilmember Love she had checked with Councilmember Simonsen who was out of town. She said he had asked that the Council telephone him if there was anything controversial. She said she did not know what his opinion was. She said if the Council held a Closed Session Councilmember Simonsen wanted to participate.

Councilmember Christensen said they would take a ten minute break and move across the hall to Room 326 so Councilmember Simonsen could participate in the discussion by phone. He said the meeting would still be public. Councilmember Sorensen joined the meeting by phone and Councilmember Martin brought him up to date on what had been discussed.

Councilmember Turner said many times the Council waited a week or more before making final decisions. He said if they looked at the issue only as a halfway house and did not look at the broader issue, then he felt a disservice would be done to the City, the community and the property owners. He said transportation meant economic development. He said they needed to step back and think about long term possibilities in the area. He said he

wanted more time to study the issue.

Councilmember Jergensen asked if the Council had to vote on this issue tonight. **Lynn Pace**, Deputy Attorney, said no. He said he did not know if a completed application had been filed. He said this application was a request for a conditional use permit and the permit would not be issued until it was scheduled before the Planning Commission.

Everett Joyce, Senior Planner, said staff working on the petition had requested more information. He said the conditional use had not been through the City's system or sent to the Community Council's for discussion.

Councilmember Jergensen said he agreed with Councilmember Turner. He said they needed to take time to study and let the process run its course. He said his concern was about process. He said a process had recently been put in place to address compatibility, appropriateness of use, master plans and particular zoning codes. He said these were used to pass or give conditional use approval. He said it was not for the Council to decide if a conditional use was appropriate. He said the question was if the City's process allowed for a meaningful hearing of this particular case. He said if it did then the City should allow the applicant to move forward without a moratorium. He said if the Council felt it did not allow for a meaningful hearing then the moratorium should be passed. He said he would be voting against the moratorium.

Councilmember Garrott said they had not had to deal with this scale of halfway houses before. He said it was not fair to the City to be on the frontier of new State policy to build big new halfway house developments. He said he would be voting for the moratorium.

Councilmember Love said the police chief had asked for time to evaluate the proposal. She said it was breaking new ground and the City's code never anticipated a request of this size or magnitude. She said they had no criteria by which to judge it. She said that was why it was important to take some time to study the issue.

Councilmember Martin said the petitioners went to the Planning Department in October. He said the Department told them what kind of property they needed to look for.

He said the applicant's property was in an industrial park flanked by I-15, industrial buildings and two railways.

Councilmember Jergensen said the City had no obligation to the applicant because they were not vested. Mr. Pace said that was why the Council should vote tonight. He said if a majority of the Council wanted to freeze status quo to study the issue they would want to do that before a completed application was filed.

Councilmember Christensen said through the process staff had responded as they should have. He said staff could only convey what criteria was established in the ordinance. He said they indicated to the applicant that a conditional use was not a vested right until the process was completed. He said the moratorium needed to be long enough to get needed information.

Councilmember Simonsen asked if there was a sufficient need in the community for a facility that size. He said if there was a need he was not sure they did justice to the community if they did not find a way to expedite the project. He said he felt the Council had given the Planning Commission tools with the recently adopted conditional use ordinance. He said he did not know why the Planning Commission had to make a decision in haste without really studying it.

Councilmember Christensen called for the question, which motion carried, Council Members Turner, Garrott, Christensen and Love voted aye and Council Members Jergensen, Martin and Simonsen voted nay.
(O 08-23)

SALT LAKE CITY CORPORATION

FRANK B. GRAY
DIRECTOR

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
OFFICE OF THE DIRECTOR

RALPH BECKER
MAYOR


MARY DE LA MARE-SCHAEFER
DEPUTY DIRECTOR

ROBERT FARRINGTON, JR.
DEPUTY DIRECTOR

CITY COUNCIL TRANSMITTAL




Ralph Becker, Mayor


Date Received: 8/11/2008 

Date Sent to City Council: 8/11/2008

TO: Salt Lake City Council
Jill Remington-Love, Chair

DATE: August 11, 2008

FROM: Mary De La Mare-Schaefer, Community & Economic Development Deputy Director 

RE: An ordinance enacting temporary land use regulations for halfway homes in excess of six residents throughout the City 

STAFF CONTACTS: Everett Joyce, Senior Planner, at 535-7930 or
everett.joyce@slcgov.com

RECOMMENDATION: That the City Council hold a briefing and adopt the proposed ordinance

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION:

Issue Origin: The City has recently become aware that its current regulations for Halfway Homes do not adequately address the size and potential impacts.

PUBLIC PROCESS:

Section 10-9a-504 of the Utah City Code allows cities, without a public hearing, to enact ordinances establishing temporary land use regulations for any part or all of the City if the City Council makes a finding of compelling, countervailing public interest.

451 SOUTH STATE STREET, ROOM 404
P.O. BOX 145486, SALT LAKE CITY, UTAH 84114-5486
TELEPHONE: 801-535-6230 FAX: 801-535-6005

WWW.SLCGOV.COM/CEO



RELEVANT ORDINANCES:

Amendments to the Zoning Ordinance and Maps are authorized under Section 21A.50 of the Salt Lake City Zoning Ordinance, as detailed in Section 21A.50.050: "A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard." Other relevant sections include Section 21A.36.110 – Halfway Homes and Section 21A.54 – Conditional Uses.

SALT LAKE CITY ORDINANCE
No. 70 of 2008

(An Ordinance Enacting Temporary Land Use Regulations
for Halfway Homes In Excess of Six Residents Throughout the City)

AN ORDINANCE ENACTING TEMPORARY LAND USE REGULATIONS FOR HALFWAY HOMES
IN EXCESS OF SIX (6) RESIDENTS THROUGHOUT THE CITY

WHEREAS, Section 10-9a-504 of the Utah Code allows cities, without a public hearing, to enact ordinances establishing temporary land use regulations for any part or all of the City if the City Council makes a finding of compelling, countervailing public interest; and

WHEREAS, Section 10-9a-504 of the Utah Code allows the City in a temporary land use regulation to prohibit or regulate the erection, construction, reconstruction or alteration of any building or structure; and

WHEREAS, the siting of "Halfway Homes", as that term is defined in the Salt Lake City Code, creates a number of unique challenges to the City in terms of safety, land use compatibility, traffic, community development and the availability of adequate infrastructure, and for that reason the Salt Lake City Code presently requires that all new Halfway Homes obtain a conditional use permit in those zoning districts where such may be allowed; and

WHEREAS, the City has recently become aware that its current regulations for Halfway Homes do not adequately address the size and the potential impacts of those facilities; and

WHEREAS, the City Council finds it necessary to study and adopt ordinances that further regulate the size and potential impacts that such facilities create; and

WHEREAS, the City Council has serious concerns regarding the need to protect the City's communities from incompatible land uses; and

WHEREAS, since the City's zoning ordinances do not presently regulate the size of Halfway Homes or adequately address the potential impacts of such facilities, future approval of Halfway Homes without regulations to address such potential impacts could result in long term, and perhaps irreversible, detrimental impacts upon the City's communities; and

WHEREAS, the City finds that the need to provide greater protection for its communities constitutes a compelling, countervailing public interest which justifies a temporary land use regulation; and

WHEREAS, the City Council finds that the City's interest in adopting these temporary land use regulations outweighs any private interest in developing under other existing standards;

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Finding of compelling, counter-veiling public interest. Pursuant to Section 10-9a-504 of the Utah Code., the City Council expressly finds that the risk of a long term detrimental impact upon the community resulting from the potential approval of an inappropriate land use application for a Halfway Home constitutes a compelling, countervailing public interest sufficient to justify these temporary land use regulations.

SECTION 2. Balancing of Public vs. Private Interests. The City Council further finds that any harm to private interests is *de minimus* and is outweighed by the City's interest in maintaining the quality and character of the community while the City Council reviews and evaluates specific proposals for changes to the existing regulations for Halfway Homes. The City Council finds that no conditional use application for a Halfway Home which has not received final approval from the City prior to 5:00 p.m. on August 12, 2008, in full compliance with existing zoning regulations has any right to develop under those existing regulations.

SECTION 3. Temporary zoning regulations. Notwithstanding any other ordinance which the City Council may have adopted which may provide otherwise, during the period of this temporary land use regulation, the City shall not accept, process or approve any land use application for any proposed Halfway Home intended to house more than six (6) residents.

SECTION 4. Boundaries. This temporary land use regulation shall apply throughout the City.

SECTION 5. Duration. These temporary land use regulations shall remain in effect for a period of six (6) months from the effective date of this ordinance, or until the effective date of the City Council's action adopting revisions to the City's existing regulations for Halfway Homes, whichever occurs first.

SECTION 6. Effective date. This ordinance shall become effective upon publication.

Passed by the City Council of Salt Lake City, Utah, this 12th day of August, 2008.

Bill No. 70 of 2008.

Published: August 23, 2008.

Remarks:

Petition No: **PLNPCM2008-00641**

By: **Salt Lake City Council**

Zoning Text Amendment - *Halfway Houses*

Date Filed: 08/12/2008

Address: **Citywide Issue**

**COMMUNITY DEVELOPMENT
COUNCIL SUBMITTAL CHECKLIST**

Petition No and Basic Information: Petition No. Petition PLNPCM2008-00641 – Community Correctional Facilities (Halfway Houses). The Salt Lake City Council requested the administration to evaluate the existing Halfway Home regulations of the Zoning Ordinance through the adoption of temporary regulations in Ordinance 70 of 2008.

Date: December 4, 2008

Supervisor Approval: Cheri Coffey

Division Director Approval: _____

Contact Person: Everett Joyce

Phone No. 535-7930

- Initiated by
- City Council Member
 - Property Owner
 - Board / Commission
 - Mayor
 - Other

Contact Person

Completed Check List attached:

- Alley Vacation
- Planning / Zoning
- Federal Funding
- Condominium Conversion
- Plat Amendment
- Other

Public Process:

- | | |
|---|---|
| <input type="checkbox"/> Community Council (s) | <input checked="" type="checkbox"/> City Web Site |
| <input checked="" type="checkbox"/> Public Hearings | <input type="checkbox"/> Flyers |
| <input checked="" type="checkbox"/> Planning Commission | <input type="checkbox"/> Formal Notice |
| <input type="checkbox"/> Historic Landmark Commission | <input type="checkbox"/> Newspaper Advertisement |
| <input type="checkbox"/> HAAB review | <input type="checkbox"/> City Television Station |
| <input type="checkbox"/> Board of Adjustment | <input type="checkbox"/> On Location Sign |
| <input type="checkbox"/> City Kiosk | <input type="checkbox"/> City Newsletter |
| <input checked="" type="checkbox"/> Open House | <input type="checkbox"/> Administrative Hearing |
| <input type="checkbox"/> Other | |

Compatible with ordinance:

Zoning Amendments: Amendments to the Zoning Ordinance text are authorized under Section 21A.50 of the Salt Lake City Zoning Ordinance, as detailed in Section 21A.50.050.

Modifications to Ordinance: The proposed text changes reclassify halfway homes as community correctional facilities. The amendments include the general provision requirements of Chapter 36, the Table of Permitted and Conditional Uses for the CG and M-I Zoning Districts in Chapters 26 and 28, and definitions within Chapter 62.

Approvals / Input from Other Departments / Divisions

<u>Division</u>	<u>Contact Person</u>
<input checked="" type="checkbox"/> Airport:	Allen McCandless
<input checked="" type="checkbox"/> Attorney:	Paul Nielson
<input type="checkbox"/> Business Licensing:	
<input type="checkbox"/> Engineering:	
<input type="checkbox"/> Fire:	Ted Itchon
<input type="checkbox"/> HAND:	
<input type="checkbox"/> Management Services:	
<input type="checkbox"/> Mayor:	
<input type="checkbox"/> Parks:	
<input checked="" type="checkbox"/> Permits / Zoning:	Larry Butcher
<input checked="" type="checkbox"/> Police:	Richard Brede
<input type="checkbox"/> Property Management:	
<input type="checkbox"/> Public Services:	
<input type="checkbox"/> Public Utilities:	
<input checked="" type="checkbox"/> Transportation:	Barry Walsh
<input type="checkbox"/> RDA:	
<input type="checkbox"/> Zoning Enforcement	

PETITION CHECKLIST

Date	Planner Initials	Sup. Initials	Dep. Initials	Dir. Initials	Action Required
8/12/2008	ELJ	CC			Petition Delivered to Planning
8/18/2008	ELJ	CC			Petition Assigned to <u>Everett Joyce</u>
11/12/2008	ELJ	CC			Planning Staff or Planning Commission Action Date
11/24/2008	ELJ	CC			Transmittal Cover Letter Followed Template (margins, headings, returns etc)
11/24/2008	ELJ	CC			Table of Contents
11/24/2008	ELJ	CC			Chronology
12/3/08		CC			Ordinance Prepared by the Attorney's Office Include general purpose statement of petition (top of ordinance) Include Strike and Bold -(Legislative Copy) (where applicable) Include Clean Copy (Ensure stamped by Attorney) Include Sidwell Numbers (where applicable) Include Legal Description-review, date and initial (where applicable) Ensure most recent ordinance used Ensure Exhibits (tables etc) are attached
11/24/2008	ELJ	CC			Council Hearing Notice Include Purpose of Request Include zones affected (where applicable) Include address of property (where applicable) Include TDD Language
11/24/2008	ELJ	CC			Mailing List of Petition and Labels, (include appropriate Community Councils, applicant and project planner) (include photocopy of labels)
11/24/2008	ELJ	CC			Planning Commission Notice Mailing Postmark Date Verification (on agenda) Newspaper Notice for Rezoning and Master Plan Amendments (proof of publication or actual publication)
11/5/2008	ELJ	CC			Planning Commission Staff Report
11/12/2008	ELJ	CC			Planning Commission Agenda
		CC			Yellow Petition Cover and Paperwork Initiating Petition (Include application, Legislative Intent memo from Council, PC memo and minutes or Mayor's Letter initiating petition.)
					Date Set for City Council Action: _____ Petition filed with City Recorder's Office

TRANSMITTED

DEC 29 2008

TO MAYOR'S OFFICE