

Planning Commission Staff Report

File #2SI26- SI-RA-000616-2026

**Consideration of a Reasonable Accommodation
Request for a Recovery Residence at 1427 W. Stern
Dr., in Taylorsville, Utah.**



Department of Community Development

Meeting Date:	July 14, 2026
Agenda Item:	Consideration of a Reasonable Accommodation Request for a Recovery Residence at 1427 W. Stern Dr., in Taylorsville, Utah.
Subject Property Address:	1427 W. Stern Dr.
Applicant:	Matthew Gough
Applicant Agent:	Brock Smith
Author:	Grant Allen AICP, Senior Planner
Zoning Designation:	R-1-10
General Plan Designation:	Low Density Residential
Parcel #:	21154790070000
Applicable Ordinances:	Including but not limited to 13.11.070, 13.20.050, 13.36.190
Agenda item #:	5

Attachments:

Exhibit A: Zoning Map
Exhibit B: General Plan Map
Exhibit C: Site Map
Exhibit D: Vicinity Map
Exhibit E: Owner Affidavit

Exhibit F: Letter of Intent
Exhibit G: Applicant Response to
Subsection E, Floor Plans, Site Plans
Exhibit I: Reasonable Accommodation Request

Summary:

Brock Smith has submitted a request for a reasonable accommodation to operate a recovery residence at 1427 W. Stern Dr. The applicant is working with the Department of Health and Human services to certify the residence as a recovery residence in order to provide support and housing to persons recovering from substance use disorder. Substance use disorder is recognized as a disability and therefore subject to standards for residential facilities for persons with a disability in Taylorsville Municipal Code [§13.11.070](#). The applicant has been communicative with city staff and has followed city process. The owner has been issued a single-family license that allows occupancy of one family, or up to four (4) unrelated adults, and is now requesting the reasonable accommodation to house additional unrelated adults. The applicant has submitted the required documents for a reasonable accommodation request that the limit of unrelated individuals residing in the home be increased from four (4) to eight (8) plus two (2) house guardians.

Adjacent Land Uses

North	South	East	West
Single-family residential (R-1-10)	Single-family residential (R-1-10)	Single-family residential (R-1-10)	Single-family residential (R-1-10)

Public Comment

This application does not have any requirements for public noticing or a public hearing.

Analysis

Land Development Code

A rental license has been issued for the property so that the home could be occupied as a single-family rental unit while the owners worked through the process of obtaining a state-issued recovery residence certificate and this reasonable accommodation. A single-family rental license allows a home to be rented to one family or up to four unrelated adults, per the definition of family in [§13.36.070](#):

FAMILY:

A. Groupings: A person living alone or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities...

2. Three (3) or fewer unrelated people; or¹...

B. Exceptions...

2. Any reasonable accommodation granted by the Taylorsville planning commission pertaining to a residential facility for elderly persons or persons with a disability.

The applicant is still working with the state to obtain the recovery residence certification. Recovery residences are certified by the Department of Health and Human Services, defined in Utah State Code [§ 26B-2-101](#) as follows:

¹ Preempted by Utah State Code [§10-9a-505.5](#) which states that a municipality without a university may not limit occupancy to less than four.

(38) (a) *"Recovery residence" means a home, residence, or facility that meets at least two of the following requirements:*

- (i) provides a supervised living environment for individuals recovering from a substance use disorder;*
- (ii) provides a living environment in which more than half of the individuals in the residence are recovering from a substance use disorder;*
- (iii) provides or arranges for residents to receive services related to the resident's recovery from a substance use disorder, either on or off site;*
- (iv) is held out as a living environment in which individuals recovering from substance abuse disorders live together to encourage continued sobriety; or*
- (v) (A) receives public funding; or*
(B) is run as a business venture, either for-profit or not-for-profit.

(b) *"Recovery residence" does not mean:*

- (i) a residential treatment program;*
- (ii) residential support program; or*
- (iii) a home, residence, or facility, in which:*
 - (A) residents, by a majority vote of the residents, establish, implement, and enforce policies governing the living environment, including the manner in which applications for residence are approved and the manner in which residents are expelled;*
 - (B) residents equitably share rent and housing-related expenses; and*
 - (C) a landlord, owner, or operator does not receive compensation, other than fair market rental income, for establishing, implementing, or enforcing policies governing the living environment.*

City-specific standards for a recovery residence are outlined in the [§13.11.070](#) Residential Facilities for People with a Disability. Exhibits show compliance with governing standards, including those in §13.11.070(E). The property is not used for a treatment program but allows recent graduates of substance abuse treatment programs to live at the home so long as they comply with house rules. In Exhibit I the applicant states that average stay ranges from three to six months, varying on individualized participant's recovery and circumstances.

Development standards in §13.11.070(F) require the facility to meet those same development standards as other structures within the zone. The applicant states in Exhibit I, garage spaces will be used by the two live-in staff members, with the remaining driveway spaces available for resident use. Applicant emphasizes that parking demand is expected to be lower, than typical use, due to participants in recovery do not own vehicles or hold current driver's licenses. Additionally, the exhibits show the property meets required parking for single-family homes (two off-street spaces and two-car garage). §13.11.070(F) also states that a number of residents exceeding family definition may occupy the property with the approval of a reasonable accommodation. The Planning Commission shall consider a request for an increase in occupants if it determines the request is reasonable and necessary. The following statement was provided as the basis for request:

The proposed household size is not a matter of convenience or profitability. It is a functional requirement of the social-model recovery approach that Elevated Recovery operates. A household of eight participants plus two live-in staff provides three concurrent layers of recovery

support that smaller households cannot supply:

- *Organizational support: a licensed, structured program with written policies, safe practices, and DHHS oversight.*
- *Staff support: two live-in house guardians, one on each floor, providing continuous onsite presence, safety oversight, and household stability.*
- *Peer support: four senior participants paired with four newer participants in shared bedrooms, producing in-room mentorship, accountability, and daily modeling of recovery behaviors.*

Because Elevated Recovery is not a clinical treatment facility, the peer community is the primary

source of recovery support. This structure directly counters the isolation, loneliness, and lack of

community supervision that are well-documented precipitants of relapse. The recovery-residence

model is recognized as evidence-based by the Substance Abuse and Mental Health Services Administration (SAMHSA). Additionally, the National Alliance for Recovery Residences (NARR) standards align with the DHHS licensing framework under which Elevated Recovery operates.

The applicable sections provides the following criteria for reasonable accommodation requests:

13.11.070(G)(4) Prohibited Accommodations: The requested accommodation must relate to the use of the property so that it may be enjoyed as other similarly situated properties... An accommodation cannot be granted to... increase the profitability of the facility, or increase the maximum number of unrelated occupants above eight (8) plus two (2) additional persons acting as house parents or guardians.

13.39.190 REASONABLE ACCOMMODATION: A change in a rule, policy, practice, or service necessary to afford a person equal opportunity to use and enjoy a dwelling. As used in this definition:

A. "Reasonable" means a requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability.

B. "Necessary" means the applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice.

C. "Equal opportunity" means achieving equal results as between a person with a disability and a nondisabled person.

Planning Commission should review the letter of intent, business operation descriptions, floor plans, and state requirements to make a determination for the request to increase the number of unrelated adults from four (4) to ten (10). Upon a determination by the Planning Commission, the applicant will continue working with the state to receive the recovery residence certificate by showing compliance with all standards in Exhibit X. The approved number of residents exceeding four (4) may not occupy the home until it is certified as a recovery residence by the Department of Health and Human Services. A valid certificate will be a required document with each annual renewal.

Findings

1. The subject property is located at 1427 W. Stern Dr.
2. The property is in the R-1-10 zone.
3. A rental license was issued to Matthew Gough in April 2026.
4. A single-family rental license allows a single-family home to be rented to one family or up to four (4) unrelated adults.
5. The applicant and owner are in the process of obtaining certification for the home to be used as a recovery residence.
6. A recovery residence is considered a residential facility for persons with a disability and subject to standards for such listed in §13.11.070.
7. The State of Utah identifies specific requirements for recovery residences and issues certification through the Department of Health and Human Services.
8. A residential facility for persons with a disability may house more than four (4) unrelated adults upon approval of a reasonable accommodation.
9. A reasonable accommodation request and supporting documentation has been submitted, requesting that the number of unrelated adults be increased to eight (8) plus two (2) house guardians.
10. Section 13.11.070(G)(4) lists prohibited accommodations and states that no more than eight (8) unrelated individuals and two (2) staff members may occupy a residence.
11. The Planning Commission is the deciding body for such requests.

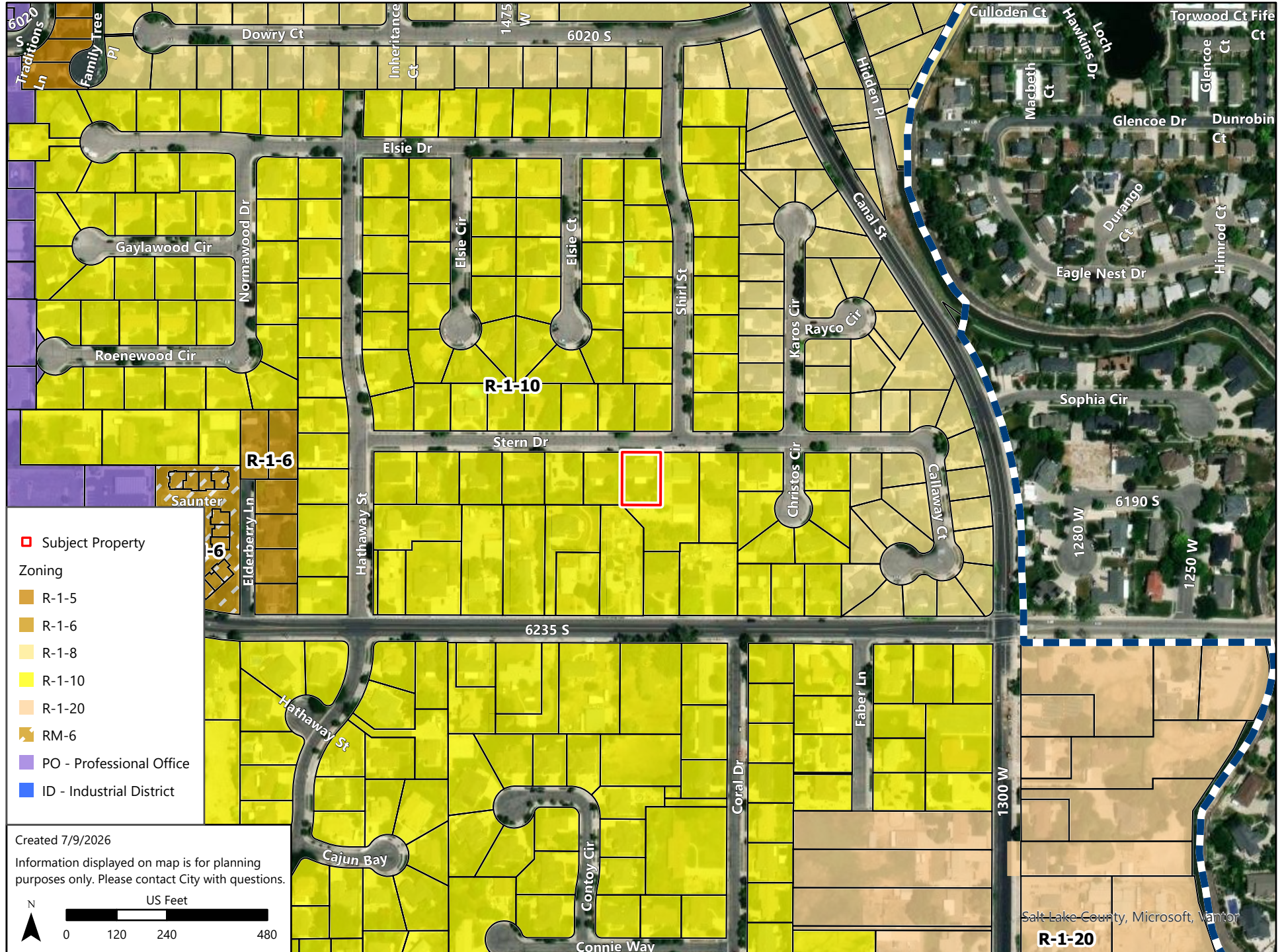
Staff Recommendation

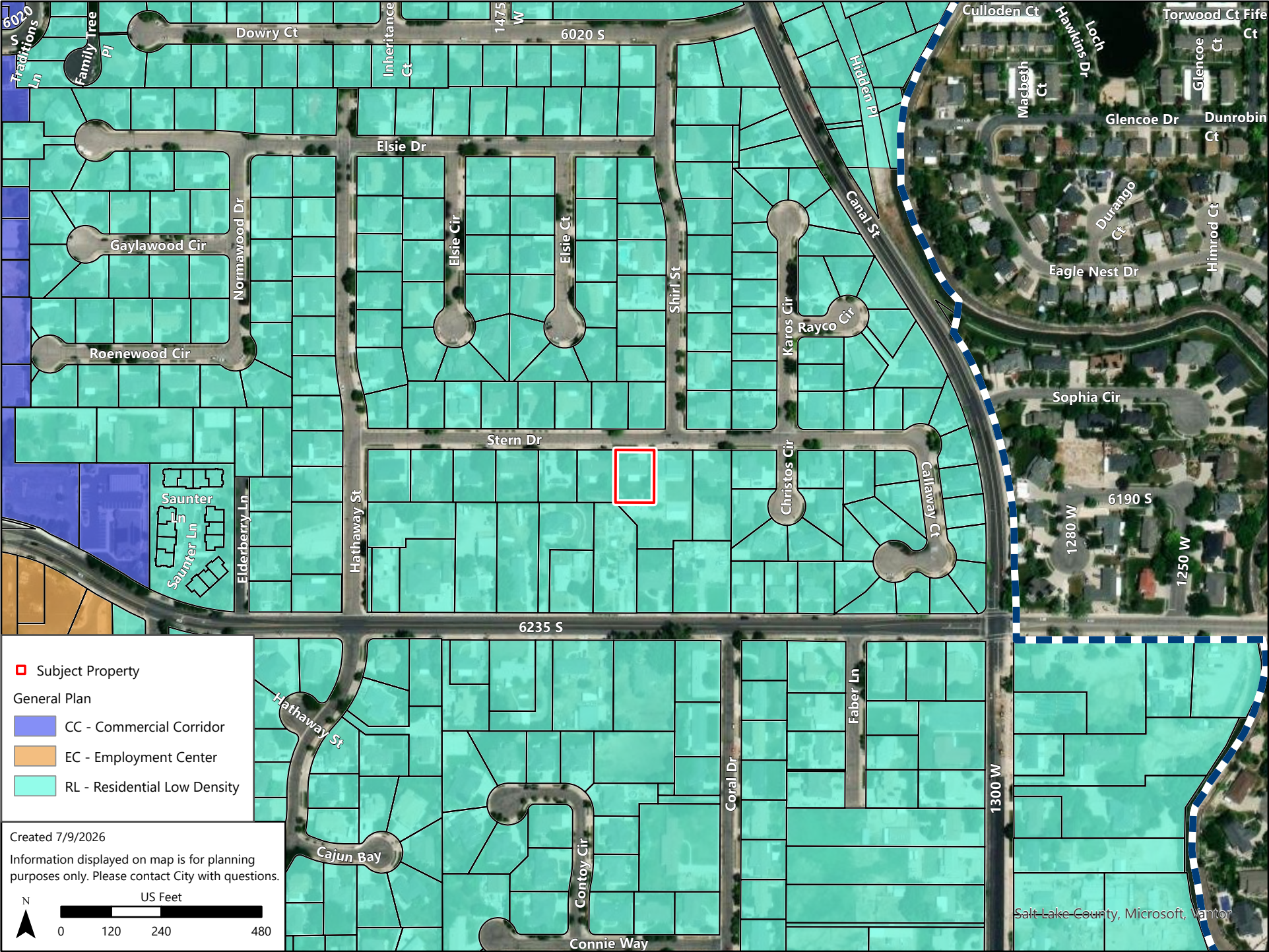
Staff recommends that the Planning Commission approve the request for a reasonable accommodation and allow additional residents to occupy the residential facility. Staff recommends that up to eight (8) unrelated adults, the maximum per Taylorsville Municipal Code §13.11.070(G)(4), be permitted to occupy the residence.

Recommended Motion

I move that we approve File #2SI26 – SI-RA-000616-2026, request for a reasonable accommodation for a recovery residence at 1427 W. Stern Dr. to increase the number of unrelated adults allowed to occupy a residence from four (4) to eight (8) unrelated adults plus two (2) house guardians.

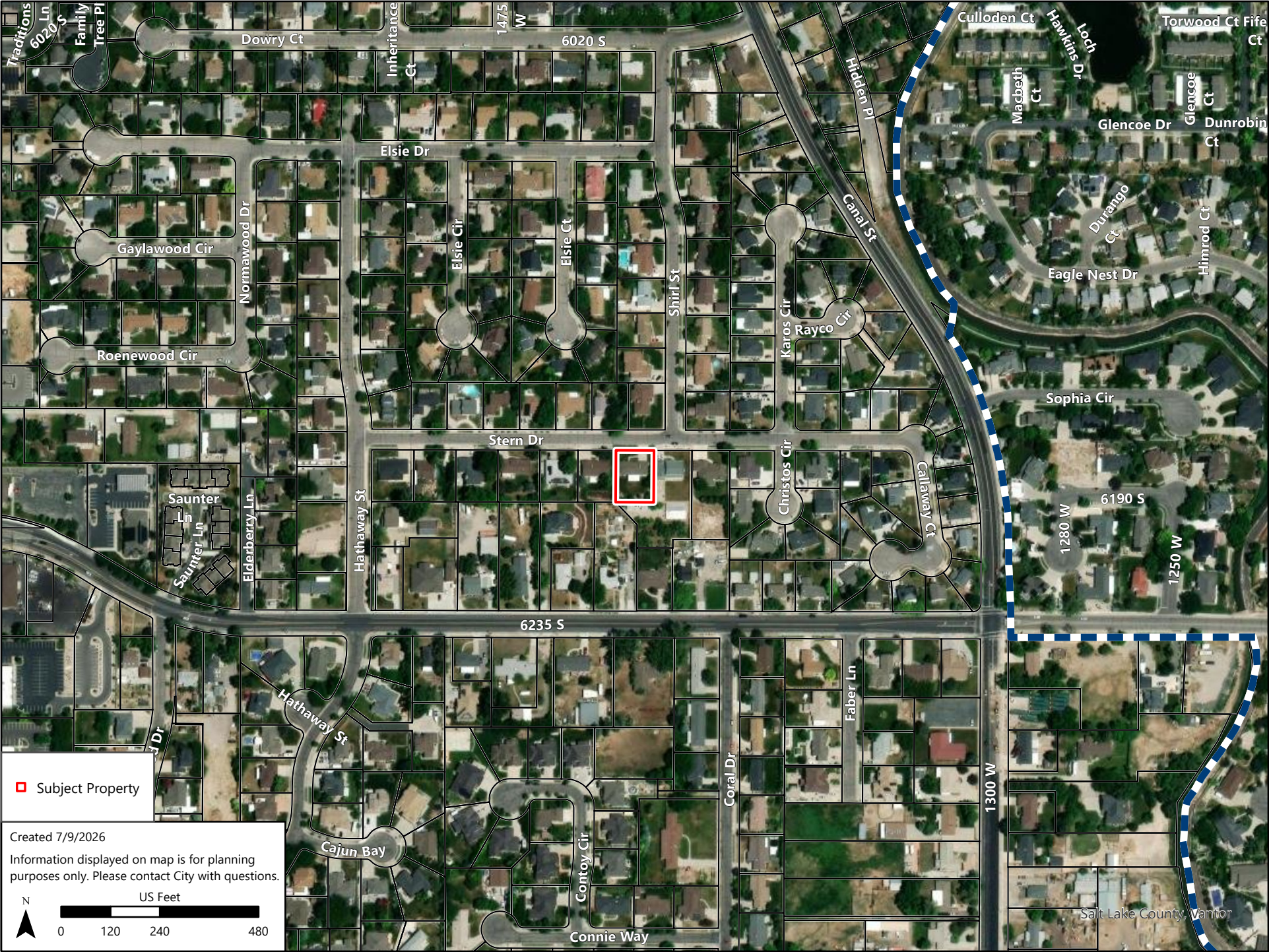
Zoning Map: 1427 W STERN DR





Site Map: 1427 W STERN DR





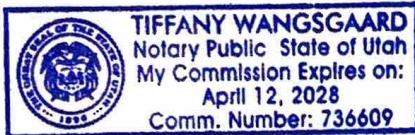
Property Owner's Affidavit

I (we) Matthew Gough, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

[Signature]
Owner's Signature

Owner's Signature (co-owner if applicable)

Subscribed and sworn to before me this 27th day of May, 2026.



Tiffany Wangsgaard
Notary Public
Residing in Davis County

My commission expires: 04.12.2028

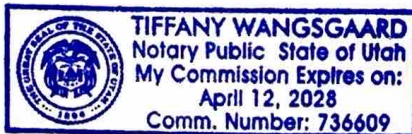
Agent Authorization

I (we), Matthew Gough, the owner(s) of the real property located at 1427 W Stern Dr, Taylorsville, Utah, do hereby appoint Brock Smith as my (our) agent to represent me (us) with regard to this application affecting the above described real property located in the City of Taylorsville, and authorize Brock Smith to appear on my (our) behalf before any City Board or Commission considering this application.

[Signature]
Owner's Signature

Owner's Signature (co-owner if applicable)

On the 27th day of May, 2026, personally appeared before me [Signature] Matthew Gough the signer(s) of the above Agent Authorization who duly acknowledged to me that they executed the same.



Tiffany Wangsgaard
Notary Public
Residing in Davis County

My commission expires: 04.12.2028

ELEVATED RECOVERY

Recovery Residence

1427 W Stern Drive, Taylorsville, Utah 84123
elevatedrecoveryut@gmail.com | (435) 744-3151

Date: 6/6/2026

Community Development Director

City of Taylorsville

2600 W Taylorsville Blvd

Taylorsville, Utah 84129

Dear Director,

My name is Brock Smith. My business partner Matt Gough and I are applying for reasonable accommodations in order to open Elevated Recovery, a Recovery Residence for adult men recovering from substance use disorder at 1427 W Stern Drive in Taylorsville. Elevated Recovery is a substance-free residential household with two live-in house guardians. We do not provide on-site clinical treatment. Participants pay their own rent, buy their own food, and self-manage their own affairs, while the program supports their recovery through structure, accountability, and peer community. The home is licensed for rental by the City (Rental License No. RENTSF-36702-2026), and we are in the process of obtaining a license from the Utah Department of Health and Human Services' Office of Licensing. Obtaining a reasonable accommodation is the next step in that process.

Under *Taylorsville Municipal Code* § 13.11.070(H), I am submitting the attached written request for a reasonable accommodation that would allow eight adult participants, plus two live-in house parents or guardians (a total of ten occupants), to share the home. This is the maximum number the ordinance permits for a residential facility for people with a disability, and the home is physically designed for that occupancy (six bedrooms, three baths, two floors).

The attached letter and Addendum A walk through the basis for the request and address the three findings that section 13.11.070(H)(3) requires the Planning Commission to make. We are committed to being good neighbors and to operating openly and cooperatively with the City.

Together, Matt and I bring more than fourteen years of combined experience operating recovery residences and nonprofit organizations. I am a former therapist and a Juris Doctor candidate at the University of Utah, while Matt has more than thirty years of experience managing small

businesses. Both of us were raised in Utah and have witnessed firsthand the impact substance use disorder can have on individuals and families. Those experiences have strengthened our commitment to serving our community and supporting its continued safety and growth.

We believe recovery residences play a vital role in the continuum of care and are an important tool for promoting public safety and long-term recovery. Recovery residences provide a voluntary, structured, and substance-free living environment for individuals transitioning from treatment back into the community. These homes help residents rebuild their lives by reconnecting with family, securing employment, pursuing education, and developing the skills necessary to maintain lasting recovery.

Recovery residences are not halfway houses. They are alcohol and drug-free homes that foster accountability, personal responsibility, independence, and positive community engagement. By providing stability and support during a critical stage of recovery, they help individuals achieve meaningful and lasting change.

We would welcome the chance to meet with you or your staff to walk through the program in person before any hearing, to answer questions, and to share any additional information that would be helpful. Please feel free to call me directly at (435) 744-3151 or email elevatedrecoveryut@gmail.com.

Thank you for your time and consideration.

Respectfully,

Brock Smith, CSW, LASUDC

Co-Owner, Program Director

Elevated Recovery

Enclosure: Request for Reasonable Accommodation Pursuant to Taylorsville Municipal Code § 13.11.070(H); Addendum A.

ADDENDUM A

to Request for Reasonable Accommodation

Taylorsville Municipal Code § 13.11.070(H)

Elevated Recovery | 1427 W Stern Drive, Taylorsville, Utah 84123

Purpose: This Addendum A is submitted to provide the supplemental materials requested by the City of Taylorsville Community Development office in response to the Reasonable Accommodation Request filed by Elevated Recovery. It contains the floor plans, site plan, parking and concrete-coverage information, exterior photographs, state-licensure summary, and a cross-reference to Taylorsville Municipal Code § 13.11.070(E).

1. Floor Plans

Floor plans for the upstairs (main) level and the downstairs (basement) level are attached as Exhibits 1 and 2. The plans show room dimensions, door and window locations, stairwells, and the assignment of each bedroom.

Room assignments: The home has six (6) bedrooms total. Four (4) bedrooms are designated for participants (Bedrooms 2, 3, 5, and 6), each shared by one senior participant and one newer participant. Two (2) bedrooms are designated as House Guardian rooms (Bedroom 1 upstairs and Bedroom 4 downstairs), each occupied by one live-in house guardian. This distribution places four participants and one house guardian on each floor of the home.

Bathrooms: Three (3) full bathrooms (Bathrooms 1 and 2 upstairs; Bathroom 3 downstairs).

Egress: Each participant's bedroom has an egress-capable window. The home is accessed via the front entry (upstairs, north side) and the rear sliding doors (upstairs, south side, covered patio). The downstairs is accessed via an interior stairwell from the main level and an exterior staircase from the basement to ground level on the south side of the home. Additionally, there is a rear door exit in the garage accessible from the east side of the main level.

Exhibit 1 — Upstairs (Main Floor) Plan

See the PDF attachment document below.

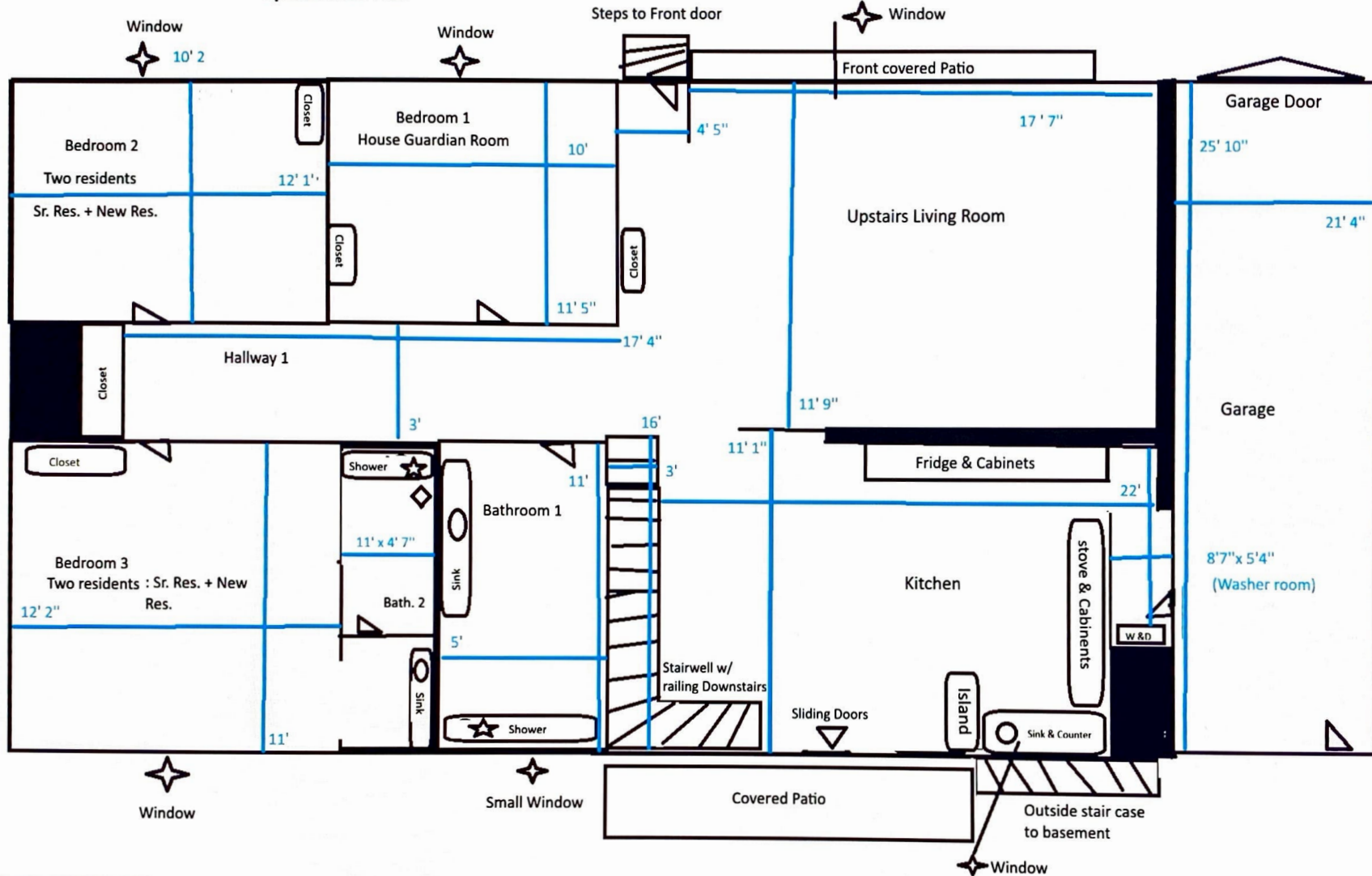
Exhibit 2 — Downstairs (Basement) Plan

See the PDF attachment document below.

Exhibit 3 — Site Plan Overview

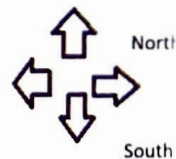
See the PDF attachment document below.

Upstairs Floor Plan

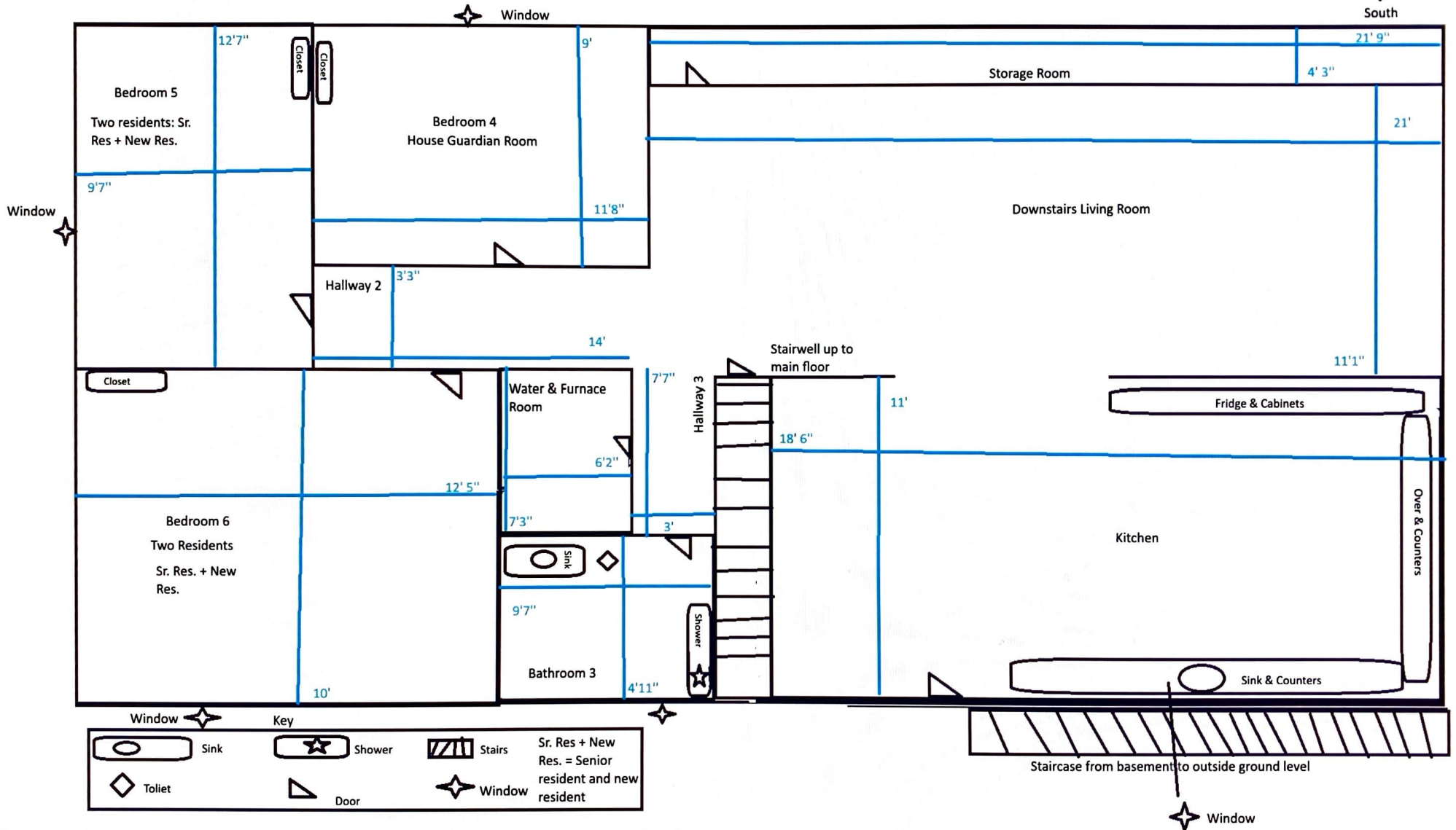
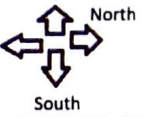


Key

- Steps
- Sink
- Toilet
- Shower
- Door
- Empty space within wall
- Window
- Sr. Res. + New Res. = Senior Resident and New Resident



Downstairs Floor Plan





North

Stern Property Site Plan Overview

W 6170 S

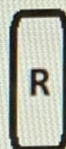
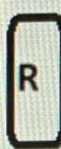
W 6170 S

W

95'

23'

35'6"



★
10'11"

★
11'

11'

★

★
10'5"



11'

★

★
10'3"

10'6"

★

28'5"

15'8"

Key



Resident parking



Off street staff parking



pictures included

Dr way is 24% of front yard.

Drive way: 816.5 sq
ft
Front yard: 3, 372.5
sq ft

27'

64'

2. Site Plan

The site plan attached as Exhibit 3 shows the property boundary, the house footprint, the front and rear yards, the driveway, the attached garage on the east side of the home, and the front and rear covered patios. The lot frontage runs along W Stern Drive on the north side of the property. No new concrete or paved surfaces are proposed in connection with this application.

3. Parking and Concrete-Coverage Compliance

3.1 Off-Street Parking

The property provides four (4) off-street parking spaces consisting of a two-car attached garage and a two-car driveway pad. The parking allocation is:

- **Garage stalls (2):** Dedicated to the two live-in house guardians.
- **Driveway stalls (2):** Available for participant vehicles.

No additional parking is proposed. Existing off-street parking meets the requirement in § 13.11.070(F)(1)(b) that the minimum number of parking spaces for the facility be the same as for similar structures in the zone.

3.2 Car-to-Resident Ratio

Elevated Recovery expects a vehicle-to-resident ratio of approximately one (1) vehicle or less per four (4) residents at full occupancy. Specifically:

- Two (2) house guardian vehicles, parked in the garage.
- One or two (1-2) anticipated participant vehicles, parked in the driveway.
- Total expected vehicles: four (3-4) at full occupancy.

Many participants in early recovery do not own a vehicle or hold a current driver's license, and the majority are expected to use public transportation, ride-shares, or bicycles.

3.3 Concrete Coverage by Yard

The following table summarizes existing concrete coverage against the applicable yard caps. No new concrete is proposed; all figures reflect the existing pre-application condition of the property.

Yard	Yard area (sq ft)	Existing concrete (sq ft)	Existing coverage	Code cap
Front yard	3,372.5	816.5 (driveway)	24.2%	20%
Side yard (one)	None on the developed side	0	0%	One side yard permitted
Rear yard	(See note below)	0	0%	35%

Front yard: The existing driveway covers approximately 816.5 square feet of a 3,372.5 square foot front yard, or approximately 24.2 percent of the front yard. This exceeds the 20 percent front-yard cap by approximately 4.2 percentage points (roughly 142 square feet). The driveway is a pre-existing, legally nonconforming condition that predates this application and was in place at the time the City issued rental license RENTSf-36702-2026 for the property. Elevated Recovery is not proposing any expansion of the existing driveway or any new front-yard concrete in connection with this accommodation request.

Side yards: No paved surfaces are present in either side yard. The applicable code allows concrete in one side yard; the property uses zero. Coverage: 0%.

Rear yard: No paved surfaces are present in the rear yard. The rear yard consists of lawn and trees. Coverage: 0%, well under the 35% cap.

4. Exterior Photographs

The following photographs document the height, elevation, and exterior condition of the home from each side, in response to § 13.11.070(E)(2). Each photograph is labeled with its vantage point. An overview of the property is included in Exhibit 3. Accommodation

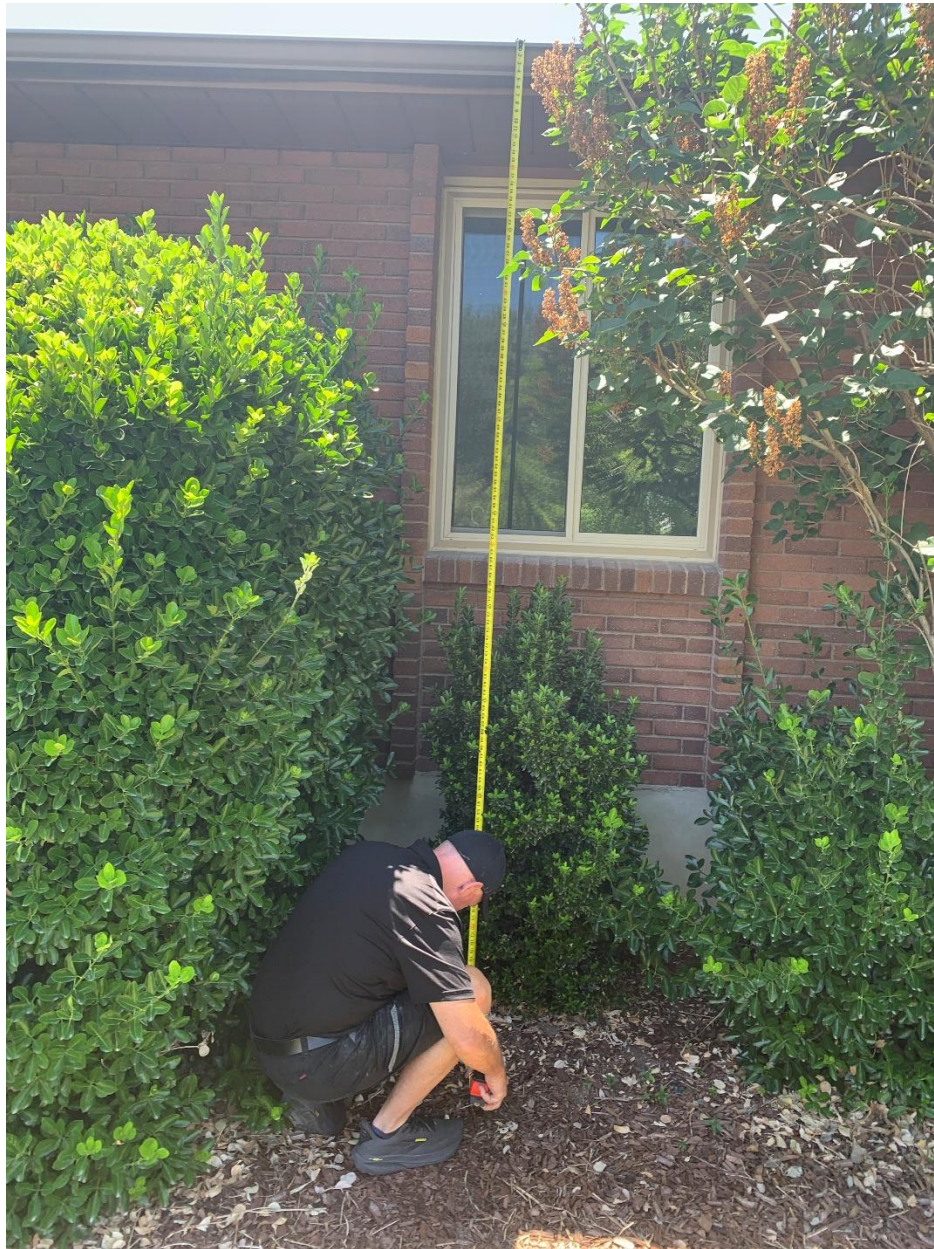
Photograph 1

North side picture of the house *from W Stern Drive*. Average elevation from ground to roof ~11'.



Photograph 2

North west side elevation from ground to roof 10'11".



Photograph 3

North side garage elevation from ground to roof 11'.



Photograph 4

South side picture of the house from the backyard. Average elevation from ground to roof ~10'6".



Photograph 5

South east side elevation from ground to roof 10'6".



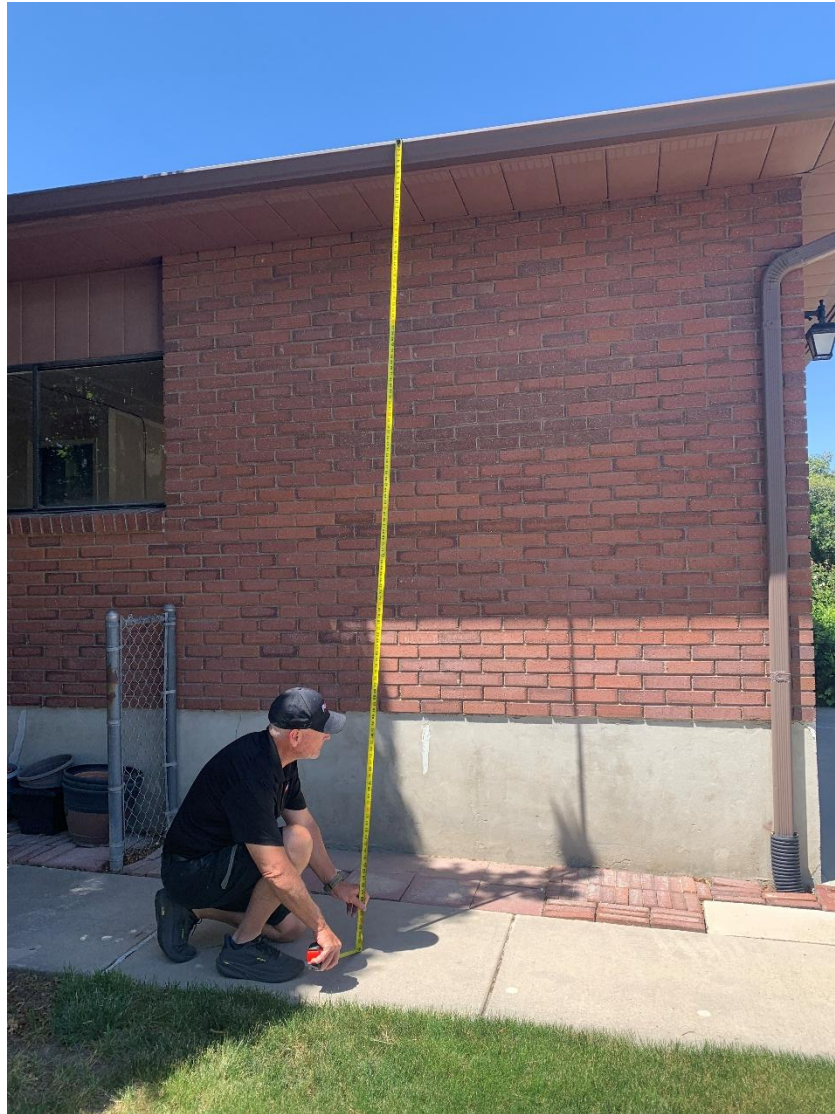
Photograph 6

South west side elevation from ground to roof 10'3".



Photograph 7

The east side of the garage elevation from ground to roof is 11'.



Photograph 8

West side elevation from ground to roof 10'5".



5. Information Regarding State Licensure

Elevated Recovery is in the process of obtaining a Recovery Residence license from the Utah Department of Health and Human Services, Office of Licensing, under Utah Code § 26B-2-117 and the Utah Administrative Code, principally R501-18 (Recovery Residence Services), with related provisions in R501-1, R501-14, R380-80, and R380-600.

A Recovery Residence license authorizes an organization to operate supportive housing for individuals with substance use disorders in a community setting. A recovery residence is not a residential treatment program and does not provide clinical treatment on-site. To reside at a licensed recovery residence, a person must not be actively using substances or withdrawing from substances and must be participating in supportive recovery services.

The DHHS checklist that governs the licensing and operation of a recovery residence is available at: <https://dlbc.utah.gov/wp-content/uploads/R501-18-Recovery-Residence-Programs-January-2026.pdf>

Upon issuance of the license, Elevated Recovery will provide a copy to the Community Development Director consistent with § 13.11.070(F)(4)(b).

6. Section 13.11.070(E) Cross-Reference

The following table identifies where each Section E item is addressed in the accommodation letter request or in the addendum in accordance with § 13.11.070(E).

§ 13.11.070(E) item	Where addressed
(E)(1) Site plans, building plans, and information re building/safety/health compliance	Addendum § 1 (floor plans), Addendum § 2 (site plan); Letter § 9.5 (building/safety/health compliance)
(E)(2) Drawings or photographs depicting the elevations of all sides of all buildings	Addendum § 4 (exterior photographs)
(E)(3) Specific type of facility and regulating agency	Letter § 3, Letter § 9.5, Addendum § 5 (Recovery residence; DHHS Office of Licensing)
(E)(4) Number of residents, staff, and expected visitors per day	Letter § 9.5 (8 residents, 2 staff, less than one visitor per day)
(E)(5) Location and number of similar facilities in the vicinity	Letter § 9.5 (none within 1,000 feet)
(E)(6) Type of operation (business, family, charitable, etc.)	Letter § 9.5 (for-profit business)
(E)(7) Hours and degree of supervision	Letter § 9.5 (24-hour live-in supervision)
(E)(8) Typical or average length of stay	Letter § 9.5 (3 to 6 months, variable)
(E)(9) Special accommodations requested and basis	Entire Letter; principally §§ 1, 4, 5, 5.1, 6
(E)(10) Similar residences within 1,000 feet	Letter § 9.5 (none)

§ 13.11.070(E) item	Where addressed
(E)(11) Schools within 500 feet	Letter § 9.5 (none)
(E)(12) Dedicated off-street parking for staff	Addendum § 3 and Letter § 9.5 (2 garage stalls dedicated to staff; 2 driveway stalls for participants)

Submitted by
Brock Smith, CSW, LASUDC
Co-Owner, Program Director
Elevated Recovery
(435) 744-3151 | elevatedrecoveryut@gmail.com

ELEVATED RECOVERY

Recovery Residence

1427 W Stern Drive, Taylorsville, Utah 84123
elevatedrecoveryut@gmail.com | (435) 744-3151

Date: 6/6/2026

Community Development Director

City of Taylorsville

2600 W Taylorsville Blvd

Taylorsville, Utah 84129

Cc: Honorable Mayor, City of Taylorsville

Re: Request for Reasonable Accommodation Pursuant to Taylorsville Municipal Code § 13.11.070(H), Elevated Recovery Residence, 1427 W Stern Drive, Taylorsville, Utah 84123

Dear Community Development Director:

Elevated Recovery respectfully submits this written request for a reasonable accommodation pursuant to *Taylorsville Municipal Code* § 13.11.070(H)(2), the federal *Fair Housing Amendments Act*, the *Americans with Disabilities Act*, the *Rehabilitation Act*, and the *Utah Fair Housing Act*. 42 U.S.C. § 3604(f)(3)(B); 42 U.S.C. § 12131 et seq.; 29 U.S.C. § 794; Utah Code § 57-21-5(4)(b). This letter states in writing the nature of the requested accommodation and the basis for the request, as requested by section 13.11.070(H)(2).

1. Nature of the Requested Accommodation

Elevated Recovery requests an accommodation from the three-unrelated-occupant limit set by the “family” definition in section 13.36.070 and the default cap in section 13.11.070(F)(2), to permit the single-family residence at 1427 W Stern Drive to be occupied by eight (8) unrelated adult participants in recovery from substance use disorder, plus two (2) additional persons serving as live-in house guardians, for a total of ten (10) occupants. This is the standard ceiling expressly contemplated by section 13.11.070(G)(4), which provides that an accommodation may not increase occupancy “above eight (8) plus two (2) additional persons acting as house parents or guardians.”

2. The Property and Living Arrangement

The residence at 1427 W Stern Drive is a single-story single-family home of approximately 2,700 square feet, with a complete basement, six (6) bedrooms, three (3) full bathrooms, two (2) kitchens, and two (2) living areas. The City of Taylorsville has issued a rental license RENTSF-36702-2026 for the property. The proposed arrangement is:

- Four (4) participants reside on each floor.
- One (1) live-in house guardian resides on each floor, providing 24-hour on-site oversight and support.
- Each bedroom is shared by one senior participant and one newer participant, creating in-room peer mentorship.
- Common areas (kitchens, living rooms, bathrooms) are shared as a single housekeeping unit.

3. About Elevated Recovery

Elevated Recovery is a recovery residence seeking licensure by the Utah Department of Health and Human Services (DHHS), Office of Licensing, under Utah Code § 26B-2-117 and Utah Administrative Code R501-1, R501-14, R501-18, R380-80, and R380-600. The residence provides a safe, structured, substance-free living environment for adult men in recovery. Key facts:

- Population: adult males age 18 and older in recovery from substance use disorder.
- Residency is entirely voluntary; participants choose to live at Elevated Recovery and may leave at any time.
- No participant resides at the program in lieu of or as part of correctional confinement, rehabilitation, or treatment in a correctional facility.
- No clinical treatment is provided on-site. Participants needing clinical services are referred to licensed external providers.
- No phase or level system; all participants in good standing have equal access to program privileges.
- Participants are responsible for their own food, toiletries, bedding, household items, and transportation.
- Elevated Recovery does not manage or administer participant medications; participants self-manage their own.

4. Basis: Participants Are Persons with a Disability

Individuals in recovery from substance use disorder are persons with a disability under federal and state fair-housing and disability-rights law, provided they are not currently engaged in the

illegal use of controlled substances. *See* 42 U.S.C. § 3602(h) (FHA); 42 U.S.C. § 12210(b) (ADA); 24 C.F.R. § 100.201; Utah Code § 57-21-2 (Utah Fair Housing Act). Elevated Recovery serves only individuals who are not currently using or withdrawing from alcohol or other substances of abuse, consistent with R501-18-7(1)(a)(i)–(ii). Participants are therefore members of a class protected by the FHA, ADA, Section 504, and the Utah Fair Housing Act, and are entitled to reasonable accommodation in the application of zoning and occupancy rules.

5. Why a Household of Ten Is Necessary to the Recovery Model

The proposed household size is not a matter of convenience or profitability. It is a functional requirement of the social-model recovery approach that Elevated Recovery operates. A household of eight participants plus two live-in staff provides three concurrent layers of recovery support that smaller households cannot supply:

- **Organizational support:** a licensed, structured program with written policies, safe practices, and DHHS oversight.
- **Staff support:** two live-in house guardians, one on each floor, providing continuous on-site presence, safety oversight, and household stability.
- **Peer support:** four senior participants paired with four newer participants in shared bedrooms, producing in-room mentorship, accountability, and daily modeling of recovery behaviors.

Because Elevated Recovery is *not* a clinical treatment facility, the peer community is the primary source of recovery support. This structure directly counters the isolation, loneliness, and lack of community supervision that are well-documented precipitants of relapse. The recovery-residence model is recognized as evidence-based by the Substance Abuse and Mental Health Services Administration (SAMHSA). Additionally, the National Alliance for Recovery Residences (NARR) standards align with the DHHS licensing framework under which Elevated Recovery operates.

5.1 Why Eight Participants are Necessary and Fit the Program and the Home

Three considerations support the requested occupancy of eight participants plus two live-in staff:

(a) The 4+4 senior-to-newer pairing is the therapeutic mechanism of the program. Each newer participant shares a bedroom with one senior participant who has more recovery time, creating in-room mentorship that operates continuously, not only during scheduled programming. Eight participants support four complete pairings, evenly distributed across the home's two floors, with four participants per floor, with one live-in house guardian on each floor. This distribution gives every participant a peer mentor in the same room and a staff presence on the same level as the home at all times.

(b) The home's physical design supports an occupancy of ten. The residence has six bedrooms, three full bathrooms, two kitchens, and two living areas across two floors. The

bedroom count, the bathroom-to-occupant ratio (1:3.3 at full occupancy), and the dual common-area design are well-suited to a household of ten. In the current context of Utah's documented shortage of licensed recovery housing, occupying the home at its intended capacity serves an immediate community need.

(c) Section 13.11.070(G)(4) sets eight-plus-two as the ordinance's standard ceiling. In adopting Section 13.11.070(G)(4), the City Council identified eight plus two as the appropriate scale for a residential facility for persons with a disability, not as an extraordinary maximum reserved for exceptional cases. Requesting the ordinance's standard ceiling, in a home physically designed for that occupancy, and in support of a recovery model that benefits from this household size, is consistent with the ordinance's framework.

6. The Three Findings Required by Section 13.11.070(H)(3) Are Satisfied

Under section 13.11.070(H)(3), the Planning Commission must render a decision within sixty (60) days based on evidence demonstrating each of the following:

(a) The accommodation will not undermine the legitimate purposes of existing zoning regulations.

The residence functions as a single housekeeping unit in a single-family home and will continue to do so. Participants and house guardians share common kitchens, living areas, and household routines, consistent with the neighborhood's residential character. Elevated Recovery has adopted and will enforce "good neighbor" safe practices, including quiet hours, parking rules, and respectful conduct toward neighbors. The program generates no commercial traffic, no signage, and no nonresidential impacts. In practical terms, the residence is likely to generate *less* traffic than a comparable family household, because most participants in early recovery do not own vehicles or hold a current driver's license. The home will remain classified, assessed, and taxed as residential.

Furthermore, as a DHHS-licensed recovery residence, Elevated Recovery is subject to ongoing inspection, critical-incident reporting, and oversight under Utah Administrative Code R380-600 and R501-1, an enforcement layer that *exceeds* what applies to a typical single-family rental. The legitimate zoning purposes of residential character, public safety, and neighborhood compatibility are not merely preserved; they are reinforced.

(b) But for the accommodation, persons with a disability will be denied an equal opportunity to enjoy housing of their choice.

Capping occupancy at three unrelated persons would render the recovery-residence model operationally and therapeutically unviable in Taylorsville. The model depends on a peer community of sufficient size to provide mutual aid, mentorship, and the social-model recovery environment that distinguishes recovery housing from ordinary rental housing. The Supreme Court has recognized that family-definition occupancy limits applied to group recovery homes are subject to the FHA's reasonable-accommodation requirement. *City of Edmonds v. Oxford*

House, Inc., 514 U.S. 725 (1995). Recovery housing is recognized as an evidence-based intervention for substance use disorder by the Substance Abuse and Mental Health Services Administration (SAMHSA); it is not a fringe or untested model.

The City might note that the three-unrelated-person cap applies to disabled and non-disabled residents alike, and is therefore facially neutral. The FHA, however, does not stop at facial neutrality. It asks whether the rule, as applied, denies a person with a disability the equal opportunity to enjoy the type of housing their disability requires. *Oxford House, Inc.*, 514 U.S. 725, 729 (1995) (citing 42 U.S.C. § 3604). A non-disabled adult does not require a peer-recovery community to function and has many housing options; a person in early recovery from substance use disorder does require such a community, and recovery housing is one of the few evidence-based forms of supportive housing available. Capping the model at three occupants would eliminate it as a viable housing type in Taylorsville for the disabled population, while having no comparable effect on housing options for non-disabled persons. That is the disparate practical effect the FHA's accommodation requirement exists to remedy.

(c) Equal results will be achieved between persons with a disability and non-disabled persons.

The proper comparator for a recovery residence is not three unrelated roommates; it is a family. Under section 13.36.070, any number of *related* persons may occupy a single-family home in Taylorsville without an accommodation, hearing, or license. A related family of ten could unquestionably occupy 1427 W Stern Drive tomorrow. Participants in a recovery residence form a household that functions like a family for therapeutic purposes, sharing common living areas, household chores, mutual care, and supervision by live-in adults serving as house guardians, but they are not biologically related. The ordinance treats their household differently solely *because* they are unrelated, and unrelatedness is a defining feature of the recovery-residence housing type used by persons with a disability.

The accommodation does not create a preference. It produces parity: it allows a household of persons in recovery to enjoy the same scale of single-family residential living as a related family of the same size already does at the same address, without question. In fact, Taylorsville already recognizes this type of parity by creating an exception from the definition of “family” in single-family dwellings for residential facilities for people with disabilities, such as recovery residences. *See Taylorsville Municipal Code* § 13.36.070. Granting the accommodation produces equality that Taylorsville already contemplates; denying it produces inequality for persons with a disability.

7. Eligibility Safeguards Consistent with Section 13.11.070(H)

Section 13.11.070(H) provides that a residential facility for persons with a disability shall not include facilities housing persons who are violent, who are not voluntarily residing therein, or who are residing therein as part of or in lieu of confinement, rehabilitation, or treatment in a

correctional facility. Elevated Recovery's written Admission and Screening Policy excludes from admission:

- Individuals whose tenancy would constitute a direct threat to the health or safety of others or result in substantial physical damage to the property of others.
- Individuals with a current history of violent behavior that cannot be safely managed in a community-based residential setting.
- Individuals who are not voluntarily seeking recovery housing.
- Individuals who would be residing at the residence as part of, or in lieu of, confinement in a correctional facility.

In addition, if a participant who was otherwise nonviolent at admission becomes violent during their stay, the participant is administratively discharged and is not eligible to return to the program. Additionally, Elevated recovery will contact law enforcement as necessary to manage violent participants and comply with DHHS's critical-incident reporting requirements. This rule is set forth in Elevated Recovery's written Administrative Discharge Policy and is acknowledged by each participant at intake. As a result, the residence will not house violent persons either at admission or during the course of residency, consistent with section 13.11.070(H).

8. Classification: Recovery Residence, Not a Residential Treatment Program

To clarify the structure of this request, Elevated Recovery is a recovery residence, not a "residential treatment program" as defined in Utah Code § 26B-2-101 and R501-18-2. No clinical treatment is delivered on-site. The Notice of Intent procedure in Taylorsville Municipal Code § 13.11.070(C) and the corresponding state notification requirement in Utah Code § 26B-2-117(4) apply only to residential treatment programs and do not apply to Elevated Recovery. This request is made under section 13.11.070(H), governing residential facilities for persons with a disability.

9. Pre-Occupancy Compliance with Section 13.11.070(F)(4)

Elevated Recovery has satisfied or will satisfy each of the pre-occupancy requirements set forth in section 13.11.070(F)(4):

- **F(4)(a)** City rental license: **RENTSF-36702-2026** (issued by the City of Taylorsville for the property).
- **F(4)(b)** A copy of the Elevated Recovery DHHS recovery residence license will be provided to the Community Development Director upon issuance.
- **F(4)(c)** Sworn certification that no person will reside or remain in the facility whose tenancy would constitute a direct threat to the health or safety of other individuals or result in substantial physical damage to the property of others. Elevated Recovery's written Admission and Screening Policy is structured to enforce this exclusion at intake

and throughout residency (see § 7 above and § 11 below). A sworn statement in the form contemplated by section 13.11.070(F)(4)(c) will be provided upon request by the Community Development Director.

9.5 Additional Operational Information

The information in this section is provided proactively to assist the Planning Commission in making the findings required by section 13.11.070(H)(3). Several of these items track the categories listed in section 13.11.070(E), which, by its terms, is tied to the Notice of Intent in section 13.11.070(C) and therefore applies only to applicants for a residential treatment program license. Elevated Recovery is a recovery residence, not a residential treatment program. Under a plain reading of the code, it is not required to file under sections 13.11.070(C) or 13.11.070(E). However, the information is offered here in good faith and in the spirit of collaboration, to build a complete record.

- **Type of Licensure Sought for the Property:** The program is seeking a Recovery Residence license. Generally, this type of license allows an organization to create and implement supportive housing for people with substance use disorders in community settings. Recovery residences are not treatment programs. For a person to be able to participate in a recovery residence, the person cannot be actively using substances or withdrawing from substances and must be participating in supportive recovery services. Recovery Residence licensure is regulated by the Department of Health and Human Services, R501-18 Recovery Residence Services. A comprehensive checklist created by DHHS that governs the license and operation of a recovery residence is available at <https://dlbc.utah.gov/wp-content/uploads/R501-18-Recovery-Residence-Programs-January-2026.pdf>
- **Type of facility and regulating agency:** Recovery residence licensed by the Utah Department of Health and Human Services, Office of Licensing, under Utah Code § 26B-2-117 and Utah Administrative Code R501-1, R501-14, R501-18, R380-80, and R380-600.
- **Type of operation:** For-profit business.
- **Number of residents and staff:** Eight (8) adult participants and two (2) live-in house guardians, for a total of ten (10) occupants.
- **Visitors:** Expected to be infrequent, averaging less than one visitor per day across the household.
- **Supervision:** Twenty-four (24) hour live-in supervision, with one house guardian on each floor of the home at all times.
- **Length of stay:** The average stay typically ranges from three to six months. But this can vary, with no fixed minimum or maximum. Length of stay is individualized to each

participant's recovery progress and circumstances, consistent with the social-model recovery approach.

- **Off-street parking:** The property has four (4) off-street parking spaces, comprising a driveway and a garage. Notably, the parking plan is as follows. The two live-in staff will each park a vehicle in the garage. Then the two remaining spots in the driveway will be available for two resident vehicles, if necessary. As noted in section 6(a) above, most participants in early recovery do not own vehicles or hold a current driver's license, so on-site parking demand is expected to be lower than that of a comparable family household. The majority of residents will use public transportation or bicycles. The vehicle-to-resident ratio is expected to be one (1) vehicle or less per four (4) residents.
- **Similar facilities in the vicinity:** Elevated Recovery is not aware of any other licensed recovery residences within 1,000 feet of 1427 W Stern Drive.
- **Schools within 500 feet:** None. There are no schools within 500 feet of the property line.
- **Building, safety, and health compliance:** The home is an existing single-family dwelling that has been issued a City rental license (RENTSF-36702-2026) and will be subject to the same building, safety, and health regulations applicable to similar structures in the same zoning district, consistent with section 13.11.070(F)(1)(a). The minimum number of parking spaces required is the same as for similar structures in the zone, per section 13.11.070(F)(1)(b).
- **Site, building, and elevation documentation:** Site plans, floor plans, and exterior photographs of the property are included in the application in a separate document labeled as Addendum A.

10. Requested Action and Decision Timeline

Elevated Recovery respectfully requests that the Community Development Director accept this written application and forward it to the Planning Commission for a decision within sixty (60) days, as required by section 13.11.070(H)(3). Elevated Recovery further requests that the Planning Commission grant the reasonable accommodation to allow up to eight (8) unrelated adult participants plus two (2) live-in house guardians to reside at 1427 W Stern Drive, and confirm in writing that the proposed living arrangement is not subject to zoning enforcement based on the three-unrelated-person limit in section 13.36.070.

Elevated Recovery is prepared to attend any hearing, provide any additional documentation the City may request, and work cooperatively with the Community Development Director and the Planning Commission to address any reasonable concerns. We hope this matter can be resolved at the staff and Commission level, and we welcome the opportunity to meet with City staff or Commissioners to walk through the program in advance of any hearing.

11. Supporting Documents Available Upon Request

The following operational documents are not enclosed with this letter, but Elevated Recovery will provide any of them promptly upon request by the Community Development Director or the Planning Commission:

- Elevated Recovery Policies, Procedures, and Safe Practices Manual
- Participant Rights and Non-Discrimination Policy
- Admission Criteria and Screening Policy
- House rules and good neighbor policy
- Emergency Preparedness, Response, and Recovery Plan
- DHHS Recovery Residence License (upon issuance)

Thank you for your prompt consideration of this request.

Respectfully submitted,

Brock Smith, CSW, LASUDC

Co-Owner, Program Director

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Rental License No.: **RENTSF-36702-2026**