

SUMMARY OF ORDINANCE 26-15

This ordinance codifies changes that mostly responded to a recent decision by the Utah Court of Appeals, *Sidwell v. Wasatch County*, 2026 UT App 67. The following is a summary of the effect of the proposed modifications to the text of the code designed to be understood by a lay person.

1. Clarifies the meaning of “residential facility for persons with disabilities”

- The amendments clarify that the terms “residential facility for persons with disabilities” will be “residential facility for persons with disabilities or handicaps” to clarify that the facility in WCC 16.21.to the same type of residential use under the County Code.
- The amendments add terminology addressing handicapped persons to make the County Code consistent with terminology already used elsewhere in the zoning code and with terminology used in federal law.
- The amendments are intended to eliminate uncertainty about whether different terms in different portions of the County Code describe different types of facilities.

2. Clarifies that residential facilities for persons with disabilities/handicaps are allowed in RA-1 as a conditional use

- The amendments clarify that residential facilities for persons with disabilities are a conditional use that may be located in the RA-1 zoning district, subject to the applicable requirements of Section 16.21.17.
- The amendments clarify the terminology used to describe these facilities so that the County Code consistently addresses residential facilities for persons with disabilities and handicapped persons.
- The amendments are intended to make clear that the County’s regulations apply to facilities serving persons who meet the applicable federal definitions of disability or handicapped.

3. Clarifies licensing and contracting requirements

- The amendments clarify that a residential facility for persons with disabilities may satisfy the applicable Department of Health and Human Services (“DHHS”) requirement by being licensed by DHHS or operated under a contract with DHHS.
- This change responds to the distinction recognized in *Sidwell* between a state license and a contractual relationship with DHHS.

4. Adds and updates definitions concerning persons with disabilities

- The amendments add a definition of “Disabled Persons” to the County Code.
- The definition is intended to be consistent with the terminology and concepts used in federal disability laws, including the Fair Housing Act (“FHA”) and the Americans with Disabilities Act (“ADA”).

- The amendments also clarify the relationship between the terms “disabled persons” and “handicapped persons” as those terms are used in the County Code.

5. Clarifies the distinction between residential facilities and medical or treatment uses

- The amendments clarify that a residential facility for persons with disabilities is not automatically classified as a medical, health-care, or treatment facility merely because it provides services or support to its residents.
- The amendments clarify the scope of the County’s 6510-series professional services and related land-use classifications, including uses involving medical, health-care, and treatment services.
- The purpose is to distinguish a facility whose primary use is residential from a facility whose primary use is the provision of medical, clinical, or other treatment services.
- This clarification is intended to make the County’s land-use classifications easier to understand and to reduce uncertainty about which zoning requirements apply to a particular facility.

6. Clarifies that residential facilities for persons with disabilities may operate as a business

- The amendments clarify that the fact that a residential facility for persons with disabilities that operate as a business does not, by itself, change the facility’s residential land-use classification.
- A facility may provide services to residents and operate as a business while still being regulated as a residential facility under Section 16.21.17, provided that it meets the applicable requirements of the County Code.

7. Clarifies that special transient lodging uses do not include residential facilities for persons with disabilities or handicaps.

- The amendments clarify that land-use designations for special transient lodgings do not include residential facilities for persons with disabilities or handicaps regulated under Section 16.21.17.
- This is intended to prevent facilities regulated under Section 16.21.17 from being inadvertently classified under a different land-use category simply because residents may stay at the facility for a limited or transitional period.
- In practical terms, a facility that meets the requirements for a residential facility for persons with disabilities or handicaps under Section 16.21.17 remains classified and regulated as that residential use, rather than as a special transit lodging use.

8. licensing requirements remain applicable

- Facilities must continue to comply with the applicable requirements of Section 16.21.17 and licensing requirements.
- The practical effect is to clarify that a residential facility for persons with disabilities or handicaps may be located in an RA-1 residential zone, as a conditional use, when it satisfies the applicable requirements of the County Code.