

**AN ORDINANCE AMENDING SECTION 2-2-B-80, DEFINITION OF RESIDENTIAL TREATMENT CENTER, OF THE UTAH COUNTY LAND USE ORDINANCE**

**WHEREAS**, the Utah County Planning Commission initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with amending Section 2-2-B-80, definition of Residential Treatment Center; and

**WHEREAS**, the Planning Commission addressed the proposed amendment to the Utah County Land Use Ordinance during the regularly scheduled meeting of the Planning Commission, scheduled and held a public hearing regarding the proposed amendment, and made a recommendation to the Board of County Commissioners regarding the proposed amendment; and

**WHEREAS**, the Board of County Commissioners has received and carefully reviewed the recommendation from the Planning Commission regarding the proposed amendment, and the minutes from the Utah County Planning Commission meeting and public hearing regarding the proposed amendment to the Utah County Land Use Ordinance; and

**WHEREAS**, the Board of County Commissioners has received and carefully reviewed the input, documents, and testimony from the public regarding the proposed amendment to the Utah County Land Use Ordinance; and

**WHEREAS**, the Board of County Commissioners finds that the proposed amendment to the Utah County Land Use Ordinance is in the best interest of the health, safety, and welfare of the citizens of Utah County, considering all factors.

NOW, THEREFORE, THE COUNTY LEGISLATIVE BODY OF UTAH COUNTY ORDAINS AS FOLLOWS:

Section 2-2-B-80, List of Definitions, of the Utah County Land Use Ordinance is hereby amended, to read as follows:

18.5 Residential Treatment Center

A residential facility wherein a 24-hour group living environment is provided for four (4), but not more than sixteen (16), individuals unrelated to the owners or providers, where all clients present in the facility for residence and/or treatment have a treatable diagnosis, and where no client present for residence and/or treatment has a diagnosis of conduct, thought, antisocial, or schizophrenic disorders. To qualify, the residential treatment center must be approved for such use by the State Department of Social Services and/or the Department of Professional Licensing.



ENT 10503:2014 PG 1 of 8  
JEFFERY SMITH  
UTAH COUNTY RECORDER  
2014 Feb 14 4:37 pm FEE 0.00 BY SS  
RECORDED FOR UTAH COUNTY COMMISSIONERS

PASSED and ordered published this 28th day of January 2014.

UTAH COUNTY COMMISSION

VOTE

[Signature]  
GARY J. ANDERSON, CHAIR

aye

[Signature]  
DOUG WITNEY, COMMISSIONER

aye

[Signature]  
LARRY A. ELLERTSON, COMMISSIONER

aye

ATTEST:

BRYAN E. THOMPSON

County Clerk/Auditor

By: [Signature]  
Deputy



APPROVED AS TO FORM:

TIMOTHY L. TAYLOR

Utah County Attorney

Approved

Disapproved

By: [Signature]  
Deputy

Date of Publication: Once only, as soon as possible

January 21, 2014

**UTAH COUNTY PLANNING COMMISSION STAFF REPORT**

- I. APPLICATION:** **(Public Hearing)**
- A. APPLICANT** - **Gardner and Associates**
- B. REQUEST** - **Proposed Utah County Land Use Ordinance text amendment to Section 2-2-B-80, definition of “Residential Treatment Center”**
- C. LOCATION** - **Unincorporated Utah County**

**II. ZONING ADMINISTRATOR’S REVIEW:**

The applicant is proposing an amendment to the definition of a “residential treatment center” as found in Section 2-2-B-80 of the Utah County Land Use Ordinance. The purpose of the amendment is to allow day treatment and out-patient treatment for residents/clients of an approved residential treatment center who are no longer residing at the facility. This proposed amendment is consistent with Section 3-48 of the Utah County Land Use Ordinance, and current provisions and regulations of the Utah state code ( Utah Code Title 62A, Chapter 2), as verified by staff in a meeting with a representative from the State on January 10, 2014.

Section 2-2-B-80 is proposed to be amended to read as follows (additions are indicated in *bold italic type*, deletions are ~~crossed out~~):

2-2 DEFINITIONS

B. LIST OF DEFINITIONS

80. Residential Treatment Center

A residential facility wherein a 24-hour group living environment is provided for four(4), but not more than sixteen(16), individuals unrelated to the owners or providers, where all ~~patients~~ *clients admitted present in the facility for residence and/or treatment* have a treatable diagnosis, and where no ~~patients are admitted that have~~ *client present for residence and/or treatment has a diagnoses diagnosis* of conduct, thought, antisocial, or schizophrenic disorders. To qualify, the residential treatment center must be approved for such use by the State Department of Social Services and/or the Department of Professional Licensing.

### Applicable Ordinances and Laws

The following are ordinances and laws pertaining to this request:

1. **Section 1-2** of the Utah County Land Use Ordinance identifies the intent and purposes of the Ordinance.
2. **Section 2-2-B-80** defines a “residential treatment center”.
3. **Section 3-48** lists the requirements for residential treatment centers.
4. **Sections 7-23-C and 7-25** establishes the criteria for Planning Commission recommendation of approval to the County Commission for any land use ordinance or zone map amendment.

### **III. STAFF FINDINGS:**

1. The application for land use ordinance amendment appears to meet the requirements of Sections 7-23-C and 7-25 of the Utah County Land Use Ordinance, which establishes the criteria for Planning Commission recommendation of approval to the County Commission for a land use ordinance amendment.
2. The application appears to be consistent with the language and provisions of the requirements for residential treatment centers as found in Section 3-48 of the Utah County Land Use Ordinance.
3. The application appears to be consistent with current provisions and regulations of Utah state code.

### **IV. ZONING ADMINISTRATOR’S POSITION:**

That the Utah County Planning Commission recommend approval to the Utah County Commission of the proposed amendment of Section 2-2-B-80, definition of “residential treatment center”, of the Utah County Land Use Ordinance, subject to the following:

1. That the application for amendment meets the criteria for approval as per Sections 7-23-C and 7-25 of the Utah County Land Use Ordinance.

## UTAH COUNTY PLANNING COMMISSION

UNAPPROVED

**Minutes**  
**January 21, 2014**

Present: John Glen Stevens, Chair  
 Eldon A. Neves  
 Helina Carter-Thomas  
 Janice Reeb  
 Carol Thorne  
 Thomas Liddle

Excused: Mike Stansfield

Bryce Armstrong, Associate Director Community Development  
 David Shawcroft, Deputy County Attorney  
 Christina Sutton, Secretary

OTHERS PRESENT: Dennis Barker, Utah County Fire Marshal; Peggy Kelsey, Brandon Larsen, Utah County Community Development; Glen Tanner, Utah County Public Works; David Gardner, George Bills, Richard Edwards, Gilbert Archuleta

The meeting was called to order at 5:35 p.m. by John Glen Stevens, Chair of the Utah County Planning Commission, at 100 East Center Street in Room 1400 of the Utah County Administration Building, Provo, Utah. Commissioner Thorne led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

Motion: Eldon Neves

Second: Janice Reeb

Motion to delay approval of the minutes of the December 17, 2014, and January 6, 2014, meetings until the February meeting of the Planning Commission to allow all members of the commission to more fully review the minutes. The motion passed by the following vote: "Aye", John Glen Stevens, Eldon A. Neves, Helina Carter-Thomas, Janice Reeb, Carol Thorne, Thomas Liddle; "Nay", none.

**GILBERT ARCHULETA - proposed Archuleta Subdivision, Plat "A", 1-lot in the Residential Agricultural (RA-5) Zone, Section 15, T8S R2E, Lake Shore area Utah County**

Brandon Larsen stated that the subject land was involved in an unapproved division of land. This proposal, in connection with placing an agricultural restriction on tax parcel 24:055:0055, resolves this unapproved division of land. The applicant is requesting a reduction in the required amount of irrigation water and has submitted a statement by the project engineer, Roger Dudley, that water shares are adequate.

**Planning Commission**  
**January 21, 2014**

*There was discussion about the unapproved division of land and ownership of the parcels, frontage, irrigation water, and the water table on this parcel.*

Dave Shawcroft stated that approval of this application will create a legal subdivision lot.

Motion: Thomas Liddle

Second: Helina Carter-Thomas

Motion that the Utah County Planning Commission recommend **approval** of the one (1)-lot Archuleta Subdivision Plat "A" to the Utah County Commission based on staff findings and subject to the following conditons:

1. That one (1) survey monument be installed in the subdivision before the plat can be recorded;
2. That the Utah County Public Works inspection fee be paid prior to recording the plat;
3. That the required Declaration and Dedication of Water be signed and notarized by all owners of the water and the land and recorded immediately after the plat to tie the required water to the proposed development;
4. That the trustee of that certain trust deed, recorded with the Utah County Recorder's Office on December 11, 2008, as Entry No. 129745;2008, sign the "Consent To Record Plat" block found on the plat;
5. That the County Commission approves the reduction of the required quantity of irrigation water for this application (from 9.63 acre feet to 5.75 acre feet), because they find, as per an engineering study submitted by the applicant, that less water is needed to establish and to meet the green plant needs of alfalfa due to a water table that is sufficiently near the surface on an annual growing season basis to allow such reduction, as per "Exception 2" of Section 6-3-D-9-a-iii of the Utah County Land Use Ordinance;
6. That Note No. 10 on the proposed plat be revised to identify the quantity of irrigation water required to be attached to the proposed lot, if the County Commission approves a reduction in the required quantity of irrigation water, as per "Exception 2" of Section 6-3-D-9-a-iii of the Utah County Land Use Ordinance; and
7. That a notice of agricultural use and restriction, as per the requirements of Section 3-44-B-2 of the Utah County Land Use Ordinance, be recorded against tax parcel 24:055:0055, which recording must occur immediately after the plat.

The motion passed by the following vote: "Aye", John Glen Stevens, Eldon A. Neves, Helina Carter-Thomas, Janice Reeb, Carol Thorne, Thomas Liddle; "Nay", none.

**GARDNER AND ASSOCIATES - proposed Utah County Land Use Ordinance text amendment to Section 2-2-B-80, definition of "Residential Treatment Center"**

**Planning Commission  
January 21, 2014**

Bryce Armstrong stated that this amendment would allow day treatment and out-patient treatment for residents/clients of an approved residential treatment center who are no longer residing at the facility. This proposed amendment is consistent with the Utah State Code and the Utah County Land Use Ordinance.

Helina Carter-Thomas recused herself.

*There was discussion about zones in Utah County where residential treatment centers were allowed, if this is an administrative or legislative issue, and if this is being requested for a specific treatment center.*

Dave Shawcroft stated that this change would be applicable for all future applications for residential treatment facilities.

Bryce Armstrong noted that currently operating treatment centers would need to re-apply to the Board of Adjustment to allow for out-patient treatment. All other requirements, including occupancy limits would still need to be met.

Janice Reeb inquired about the status of the out-patient clients.

Eldon A Neves inquired about the patients at the applicant's treatment center.

David Gardner stated that he had met with a representative from Utah State to come up with the wording change. The 16-maximum patient limit would remain, and day treatment would be for those clients who had previously been in-patients. The Thistle Creek treatment center is for those with alcohol addictions.

Motion: Eldon Neves

Second: Carol Thorne

Motion to open the public hearing. The motion passed by the following vote: "Aye", John Glen Stevens, Eldon A. Neves, Janice Reeb, Carol Thorne, Thomas Liddle; "Nay", none.

There were no public comments.

Motion: Eldon Neves

Second: Janice Reeb

Motion to close the public hearing. The motion passed by the following vote: "Aye", John Glen Stevens, Eldon A. Neves, Janice Reeb, Carol Thorne, Thomas Liddle; "Nay", none.

Motion: Janice Reeb

Second: Thomas Liddle

**Planning Commission  
January 21, 2014**

Motion that the Utah County Planning Commission recommend **approval** to the Utah County Commission of the proposed amendment to Section 2-2-B-80, definition of “residential treatment center”, of the Utah County Land Use Ordinance, based on staff findings and reports and subject to the following:

1. That the application for amendment meets the criteria for approval as per Sections 7-23-C and 7-25 of the Utah County Land Use Ordinance.

The motion passed by the following vote: “Aye”, John Glen Stevens, Eldon A. Neves, Janice Reeb, Carol Thorne, Thomas Liddle; “Nay”, none.

**OTHER BUSINESS**

There was discussion and questions and answers about procedural issues that may have arisen concerning the previous Planning Commission meetings. Some of the items discussed were time limits, what kind of information should or should not be shared with the public, the current land use ordinance discussing ex-parte contact, information being shared during the public meeting, training for the Planning Commission, information that the County Commission receives on each recommended item.

Eldon A. Neves was excused.

Bryce Armstrong announced that Dennis Barker, Utah County Fire Marshal, will be retiring.

**ADJOURN**

Motion: Janice Reeb

Second: Helina Carter-Thomas

Motion to adjourn. The motion passed by the following vote: “Aye”, John Glen Stevens, Helina Carter-Thomas, Janice Reeb, Carol Thorne, Thomas Liddle.

The meeting adjourned at 6:40 p.m.

Minutes respectfully submitted by:

**APPROVED BY:**

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Christina Sutton, Secretary

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**JOHN GLEN STEVENS, CHAIR**

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ACCOUNT NAME	
UTAH COUNTY AUDITOR,	
TELEPHONE	ADORDER# / INVOICE NUMBER
8018518238	0000940940 /
SCHEDULE	
Start 02/21/2014	End 02/21/2014
CUST. REF. NO.	
P.O. #2014-807	
CAPTION	
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SIZE	
24 Lines	1.00 COLUMN
TIMES	RATE
2	
MISC. CHARGES	AD CHARGES
TOTAL COST	
30.20	

**PUBLIC NOTICE**  
ORDINANCE NO. 2014-1 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON JANUARY 28, 2014, AMENDING SECTION 2-2-B-80, DEFINITION OF RESIDENTIAL TREATMENT CENTER, OF THE UTAH COUNTY LAND USE ORDINANCE.  
A COMPLETE COPY OF THE ORDINANCE IS AVAILABLE AT THE COUNTY CLERK/AUDITOR'S OFFICE, COMMISSIONER GARY J. ANDERSON, COMMISSIONER LARRY A. ELLERTSON, AND COMMISSIONER DOUG WITNEY VOTED IN FAVOR OF THE ORDINANCE.  
940940 UPAXLP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **PUBLIC NOTICE ORDINANCE NO. 2014-1 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON JANUARY 28, 2014, AMENDING SECTION 2-2-B-80, DEFIN** FOR **UTAH COUNTY AUDITOR**, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

PUBLISHED ON Start 02/21/2014 End 02/21/2014  
SIGNATURE   
DATE 2/21/2014

**VIRGINIA CRAFT**  
NOTARY PUBLIC - STATE OF UTAH  
My Comm. Exp. 01/12/2018  
Commission # 672963

  
NOTARY SIGNATURE

THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"  
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