

Smithfield City Planning Commission

March 18, 2015

MINUTES

The Planning Commission of Smithfield City, Utah met at the City Council Chambers, 96 South Main, Smithfield, Utah at 7:00 p.m. on **Wednesday, March 18, 2015**. The following members were present constituting a quorum:

Chairperson	Jamie Anderson
Commission Members	Bryant McKay
	Jackie Hancock
	Pete Krusi
	Curtis Wall
	Steve Edwards
Engineering Staff	Clay Bodily
Planning Staff	Jon Wells
Minutes	Stacey Dority
City Council Member	Brent Butters

The notice was provided to the Herald Journal and delivered to each Commission Member and posted at the City Office Building, the Smithfield City Web Page and the Utah Public Meeting Notice web site.

The meeting was called to order by Chairperson Anderson at 7:00 p.m.

Opening Ceremonies: Jenna Dority

Visitors: Council Member Jeff Barnes, Jenna Dority, Ryan Rogers, Jeffry R. Gittins, Jeff Jackson, Scott Monson, Carmen Richins, Adam Archibald,

Excused: Charlene Izatt, Deputy Recorder, Commissioner Stephen Tuescher

Workshop Session:

Training by Carmen Richins, CPM, HFA, Licensing Manager, Utah Department of Health

Topic: "Health Facility Licensing and Certification"

Mrs. Richins handed out a copy of the PowerPoint and reviewed the handout page by page. (See EXHIBIT 1-7) She added additional information to each slide that was presented; minutes will refer to individual slide numbers to correspond with the added information.

- 1) Mrs. Richins drew attention to her email address, phone number and website that were listed at the bottom of the first slide. She told the commission to feel free to contact her with any questions.
- 2) Anyone who is operating, establishing or maintaining a Health Care Facility in the State without receiving a license from the Health Department can be in trouble.
- 3) If the city licensing people understand there are a few exempt facilities then it will help with the licensing.
- 4) No additional remarks.
- 5) The Utah Administrative Code indicates the State rules. How the State determines that is by how the commission issues the City licenses. Once the city license is issued then the state moves forward. Some cities will not issue the license without the State license, so if the person applying brings the state a completed application and a receipt to show they have paid it, then the state will issue their license so the city can then issue theirs. They try to be workable with the cities but they want to make sure that they are complying with the city as well. All certification indicated in this box is required before they will receive a license.
- 6) All birthing centers at this time only have one birthing room so they fall under this category and do not have to be licensed. Personal Care Agencies are starting to become more popular across the state. They have tripled after the last four years. It is defined as a company that is providing assistant with activities of daily living within someone's home. They can't do skilled nursing, but they help with getting dressed, bathing, preparing meals, eating. This rule is also under review, it may be adding assistance with medication set up by an RN. You can take care of your neighbor, but if two of you join together to help others then you become a company.
- 7) No additional remarks
- 8) No additional remarks
- 9) Definitions of daily living. She referred to the bold wording at the bottom of the box which says Independent Living Facilities. We have Independent Living Facilities in the state and we do not license them. They are all over the place. Some people would call it a senior living or senior housing where you may have an apartment complex or a building built for independent living and people just live there but there is an option to go to the dining room or have laundry service done. If they step over and do anything in slide 9 then it becomes and Assisted Living. People can have home health and hospice come in and help them, but if their employees do these things then they are required to be licensed. It is very frustrating to the Assisted Living Centers that are functioning and following the rules to see the Independent Livings that cross the line occasionally. We

get the complaints and then go and investigate. They can be located in the same building where the rehab facility is in one wing and the Assisted Living is in another part of the building. It does happen but that is in the more populated areas. In order to build that they have to have all the fire structures and fire walls to make them independent entities even though they are connected.

- 10) If the fire alarm goes off the person has to be able to exit the building without someone saying there is a fire; this is level I. It is a lower level of care than a type II. There is a trend in Utah where they haven't licensed a type I in quite a while and they are seeing a lot of type I facilities trying to become type II because a type I can only provide for type I clients, a type II can provide for both. Once someone becomes totally dependent the only way they can stay in an Assisted Living is if they are on hospice then there are hospice rules that will step in and trump the other rules. They want people to age in place if that is at all possible to do. Type I and II confuse people, but it is based on the level of care not the size of the building.
- 11) There are only three limited facilities in the state right now. There is an increase of the large facilities in the metropolitan areas and an increase of the small facilities in the outlying communities. There are less of the limited capacity facilities because it is hard to take a current home and meet the fire codes. First of all they need to be sprinkled.
- 12) She referred to a question about parking that Char indicated was a concern. There are not ratios so when they talk about a large or small facility it depends on the type of clients they serve because the rule says they have to have enough staff on hand to meet the residents needs which is determined by their assessment and service plans. The higher acuity level in the building drives up the number of staff members from day to day. In theory a large type I would need less staff than a large type II. There needs to be a full functional assessment by a nurse prior to moving in and then every six months and every significant change. Anytime they do an assessment then it generates a service plan indicating how it will be done. When the state inspects they make sure those things are in place and they are following the service plan and making sure the plans are appropriate for the person.
- 13) If there are any questions regarding slides 13 and 14 contact andrewbaxter@utah.gov for any further questions. Andrew is better with email than phone. This is an outline of the occupancy classification and the code classifications.
- 14) Whenever Residential Treatment follows a sentence then the licensing changes to Human Services, not the department of Health.

Commissioner McKay asked about the fire drills that are required monthly in assisted living facilities. Do they practice for earthquakes as well?

Mrs. Richins remarked that they have disaster drills, electricity outages, ice on the roof, and all different types of disasters to see what the facilities plans would be and how they handle it.

Chairperson Anderson inquired if there were any requirements for how many staff is needed at each facility

Mrs. Richins replied no, they can work with RN's for medications or monitoring the staff.

Mr. Wells examined if she had an idea of how many parking stalls are needed for the different type of facilities.

Mrs. Richins said it is hard to say, some have family involvement some not. Transient involvement doesn't have the need for parking. In the small town you will need more parking and in the Type I the residents can have cars. It depends on who is living there and the need for staffing.

Chairperson Anderson assessed what type of problems she runs into in other cities.

Mrs. Richins indicated it usually depends on the type of city. Space, use and codes are all different depending on the area available.

Chairperson Anderson inquired about a Type N facility.

Mrs. Richins replied the small health care type N is very small and the owner/administrator has to be licensed and live in the home. It is usually someone's home and they have to run it. Both type Ns are located in Southern Utah

Mr. Wells questioned the nursing home versus the assisted living.

Mrs. Richins answered it depends on how independent they are. There is a battle of people that could fit in either program. The demand for nursing home facilities is low and Assisted Livings Facilities have waiting lists.

Commissioner Wall inquired if there are violations in an Assisted Living Facility is it reported to the state or the city?

Mrs. Richins responded if it is a violation of the building or fire code the state gets involved. If it is trouble with resident care then they don't contact the city unless they are closing them down.

Chairperson Anderson didn't feel the commission had decided on which zones would be best for a facility here in Smithfield. He inquired what the commission's thoughts were on where a facility should be located.

Commissioner Krusi felt the smaller facilities could be zoned in a residential area.

Commissioner Edwards wondered if they should only consider level II facilities.

Mrs. Richins replied that level one should be considered because they are coming up and need to be addressed.

Commissioner Edwards referred to a small facility on the road by the dairy systems in Hyde Park. Was that facility considered Independent Living?

Mrs. Richins thought it was an Independent Living.

Commissioner Krusi had a question on the facility of 2-5 people regarding the fire code.

Mrs. Richins deferred the question to Andrew at the state to answer that question appropriately.

Commissioner Wall inquired if Williamsburg and the facility in Providence was Assisted Living.

Mrs. Richins said Williamsburg had two wings one for Assisted Living and the other for Nursing Home Care and the Providence was an Assisted Living type II.

Commissioner Wall inquired what the zoning was for the facility in the Providence area.

Mr. Scott Monson, the owner of the Providence building, wasn't sure what the zoning and said he would get the information for him.

Mr. Wells inquired how big the facility was in Providence

Mr. Monson replied it holds 48 people. A very large facility

Commissioner Wall asked which way was best to go about approval or certification with the city or the state?

Mrs. Richins advised to work together at the same time so the codes work for both the state and city. They would have to have all licenses; all employees would need background screening before the state would issue a license.

Chairperson Anderson questioned if there were other zones they should consider for the Assisted Living.

Commissioner Krusi felt GC and CC would both work with a conditional use.

Chairperson Anderson would like to put type I and type II in those areas.

Commissioner Krusi reminded them of the multi-family zone they approved last month.

Mr. Wells didn't feel like that would be appropriate for that area. Everything would have to have conditional use permits so they would fit into the area.

Chairperson Anderson discussed the limited capacity facility fitting into an agricultural area.

Commissioner Wall asked Mr. Monson what type of zoning he looked for when he was ready to build a facility.

Mr. Monson replied he looks for density. Depending on the different cities agricultural zones work and depending on the demographics of the area. These facilities pull from three to seven mile radius. Having a good drive by appearance and easy access to the facility are things to consider.

Commissioner McKay reminded the commission the agricultural area has the manure smell during this time of year. Then the flies and mosquitoes become a nuisance. He didn't feel the agricultural area was a good idea.

Chairperson Anderson summarized on the large and small type I and II we will use CC and CG zones and for limited capacity facilities a CC, GC and residential and multi-family zone. All zones requiring a conditional use permit.

Commissioner Krusi assessed the larger facilities will be looking for larger pieces of ground. We don't take agricultural and make it into commercial.

Mr. Monson explained in Ogden they have a conditional overlay where the commission still has decision regarding the property and how it is used.

Chairperson Anderson opened discussion on the parking issues.

Commissioner Bryant inquired how many staff people would be needed for a 16 bed facility.

Mr. Monson explained 21 staff members. They find usually 1-2% of the people drive and the car is there for a safety blanket. There is a facility in Tremonton with 16 beds and has 10 parking

stalls. They only fill up around Holidays or parties or events with the facility. If you try to put a stall for every employee you will have too many stalls. They park on roads during busy times which are only a few times a year.

Chairperson Anderson felt like 12 stalls would be good parking for 16 beds. For large facility if they multiply by .75 that would be the parking you need to provide. The limited capacity could be in a residential zone and with the .75 formula you would be at four stalls; if the garage and driveway could accommodate four cars that is enough parking.

Mr. Monson mentioned he is developing a new facility in West Jordan with 60 bed facility and there will be 25 stalls. That would be a good guideline on how to figure parking.

Chairperson Anderson explained there were a lot of good ideas regarding parking but nothing finalized yet. He called for any other questions regarding Assisted Living.

Resident Input

No Resident Input

Consideration of Consent Agenda

Minutes of February 18, 2015 Planning Commission Meeting

After consideration by the Planning Commission, the Chairperson declared the consent agenda for the February 18, 2015 planning commission meeting minutes as approved.

Mr. Wells handed out new information on the ordinance of the dedication of water and told the commission there were a couple of alterations. He referred to paragraph C on the “Dedication of Water” ordinance where they took the fee out and referred to the prevailing fee schedule.

Public Hearing to consider approval of proposed Ordinance #15-05 which amends Title 16: Subdivision Regulations, in particular Section 16.20.070 “Secondary Water” and Section 16.16.050, “Dedication of Water”.

The public hearing opened at 8:00 p.m.

Mr. Jeff Gittins expressed his concern over this ordinance and felt it could better serve the city if it was simplified. He pointed out a few areas that needed help:

- 1) 16.16.050 – “When required water is provided to the city, the appraised dollar value shall be applied as a credit against any impact fees adopted for the purchase for water. It no longer applies to what you are doing; this should be taken out of the ordinance.

This statement is for when we had two different canals and a different value from the upper canal. Now we have the lower and northern canal and they no longer service water to the area and they have been redistributed and all the shares come from the higher elevation. He asked the question “What scenario would you ever use this sentence?” The value is the same the elevation is the same. This sentence needs to be taken out. The Smithfield Irrigation needs to be dropped off. There is no appraisal that would ever be needed. If it were, who appraises it, how and who decides if that appraisal is accepted or rejected. This is what the city requires this is what would be accepted and this will not be accepted.

Mr. Wells commented on the sentence he would like eliminated, it talks about the appraised value of these shares would be applied as a credit against any impact fee that we have adopted for the purchase of water. From his understanding the impact fee is not for the purchase of water. The fee is used to maintain and improve the current system.

Chairperson Anderson agreed that is another reason to get rid of the sentence from the ordinance.

- 2) Mr. Gittins continued to the next page on paragraph A which reads: “Culinary quality water which, in the opinion of the city, would qualify for conversion to a municipal use with a point of diversion residing in an existing city diversion point or that may be transferrable to an existing city diversion point. Most cities require a change application process to be completed before the city accepts the water. The only way that you would know it can be utilized is that would be going through the change application process. If you are even going to put this in the ordinance you need to state it would be at the cost and risk of the person submitting the water for dedication to show that it could be used.
- 3) Paragraph B - The idea is to keep the water that is traditionally been used in Smithfield in use in Smithfield. The key is to keep it in use so there is no forfeiture claims. When it says from “canal” The term canal is defined differently in different documents. Smithfield Irrigation had to submit proper paper work stating they had inspections and were operating under safe conditions. The State defined the irrigation company as a canal company. His suggestion is to identify the canal that you are accepting water from and the irrigation companies that you are not. You’re talking about a limited amount inside the corporate boundaries. Keep it simple. He would simply say we will accept water from the highline canal company share representing one acre feet. That leads to the next dilemma that needs to be cleared up in that same paragraph. It states, “One share of capital stock shall represent three (3) acre feet of usable water.” Therein lies the problem, this is a carryover from an old ordinance and things have been mixed up. Mr. Wells already helped him establish any share in the Highline canal represents (4) acre feet of water. Smithfield Irrigation on the other hand, one share represents (3) acre feet

of water. If the city wanted the equivalent of one acre foot it would be a 1/3 of a share of a canal or irrigation company that had (3) acre feet per share and it would be a different fraction of the Highline canal. The reason the city wants the Highline canal is because it is water that supplements the Smithfield area when Summit Creek and Birch Creek drop. The Highline canal comes from the Logan River through the canal system. It supplements our irrigation and culinary needs and due to the exchange basis that Smithfield City has with Smithfield Irrigation only the higher elevation water was considered for exchange. If the city wants to expand in any way, shape or develop another spring up the canyon they would have to have more shares. The more shares they have in the higher elevated water the more water they are entitled to in culinary terms. He recommends that you strike the "One share of capital stock shall represent three (3) acre feet of usable water" that is not what it is in the Highline canal. Shares may vary in amount.

Mr. Wells agreed that section could be deleted.

Mr. Gittins summarized the way to simplify would be saying the city will either accept these shares from this company representing one acre foot or they will accept the payment which is in paragraph D.

- 4) Paragraph D, "If the city engineer determines the city has an adequate existing water supply and a sufficient water right to meet the foreseeable future needs of the city." The developer should either dedicate the water or pay the fee so the city can make the upgrades they need to make. There is no need to make a determination if the city has enough water for every case. That sentence should be taken out.

Mr. Ryan Rogers would like to see a quick resolution to this water ordinance. It makes sense as a developer to not have to go through the water shares, provide, pay the city and put in the irrigation system. It is better for the city, it is better for everyone. He encouraged the commission to take quick action so they can move on with their developments.

The public hearing was closed at 8:22 p.m.

Commissioner Archibald had a question about the city owned secondary system. Can someone explain the Highline canal and why it isn't city owned?

Mr. Bodily explained there is a secondary system that takes water from the Highline canal there at 300 south. It comes down 300 south and then at 700 east it goes southward and the city maintains that and charges connection fees to that. It is between 700 east and just below 455 east

and 3rd south to 6th south that is the city owned secondary water system. Unlike Smithfield Irrigation which is out in Smithfield proper, that is owned by the irrigation company.

Commissioner Archibald questioned what percent of the city is that secondary water system servicing? As he reads the ordinance he reads that on a new subdivision the developer is asked to put in a new secondary system to save them money.

Mr. Wells informed Mr. Archibald it serves less than 10% of the city. It is in the best interest of the city to use the secondary water that is on the land that is purchased if there is secondary water there when it is being cultivated. It is in the best interest of the city as well as the people living there to continue to use that secondary water. It puts less stress on the culinary system. That is what this ordinance is trying to do.

Chairperson Anderson asked what the commission's thoughts are about the sentence that has been requested to be stricken. "When the required water is provided to the city, the appraised dollar value shall be applied as a credit against any impact fees adopted for the purchase for water."

Mr. Bodily asked Mr. Wells a question about when Mr. Peterson came in, granted he hasn't been able to prove he has water rights, but if he were to bring that in wouldn't that fall under this sentence? "When the required water is provided to the city, the appraised dollar value shall be applied as a credit against any impact fees adopted for the purchase for water."

Mr. Wells stated again there is not an impact fee to purchase water. The sentence doesn't apply until we start imposing an impact fee to purchase water.

Mr. Bodily was trying to remember if a water right were to become available like the canal company, he thought they could use some of the impact fees to purchase that; he would have to check on that.

Mr. Gittins responded the answer is the fact that Smithfield City purchased the Del Monte well rights. He thought they were not bought with an impact fee but with money from the general fund or some other fund. He doesn't think using impact fees to buy water has happened in the past.

Mr. Wells commented when they instituted impact fees based on the fact that the State of Utah came in and said these hookup fees and things cities are charging all need to be justified. The city had to get a study done to show what they will use the money for and how much money they can ask for. The Smithfield City did that study. We commissioned someone to do a water impact study and if it doesn't say in the study we can use impact fee funds for the purchase of

water then we can't use it for that. He thinks in the current study it says the impact money can be used for improvements.

Mr. Bodily stated since there was a study on the impact fees he didn't feel it was worth him discussing it anymore. It would actually be a future need brought on by a future subdivision; so you could theoretically say it was an impact and change your impact fees. It is really not worth quibbling about. He was okay if they took the sentence out.

Chairperson Anderson was concerned that in three years if someone came in with a large proposal then we may wish this sentence was in there.

Mr. Bodily explained if that happens then they would have to prove through their impact fee study that the future subdivisions would impact it and then we would go through the process to put it back in.

Chairperson Anderson stated that the sentence would be taken out of the paragraph. **16.16.050: Dedication of Water: - "When the required water is provided to the city, the appraised dollar value shall be applied as a credit against any impact fees adopted for the purchase for water."** He asked if there were any questions regarding paragraph A. He said the suggestion was made that this be done at the cost and risk of the person submitting the request. He asked if there were any comments from the staff?

Mr. Wells felt like that was a good idea.

Commissioner Edwards commented the more you clarify the better of you are. It takes all the confusion out of it.

Mr. Wells explained there are several people in the city that have culinary wells and if they wanted to use the water right they have in that well towards a development and wanted to give that water right to the city it would be really in the city's best interest not to have to go through the change application process. It is very expensive and lengthy. If they want to use the water right they have to meet the development requirement, it would be up to them to go through that change application process and say yes the city can use this and this is what I have gone through and here is the report from the State water engineer.

Chairperson Anderson initiated a proposed wording for this paragraph or do they want to rely on the staff to come up with the wording based on the recommendation.

Commissioner Edwards liked the idea of the staff putting the wording together.

Chairperson Anderson summarized under **paragraph A the suggestion is that the risk and the cost be borne by the one submitting the request. The staff will write the verbiage for that paragraph.** He moved onto suggestions for paragraph B.

Commissioner Krusi examined if it is different than three based off the irrigation company?

Mr. Wells explained if they strike the sentence “One share of capital stock shall represent three (3) acre-feet of usable water.” Basically it does state this in the previous sentence, “Only certificates of shares of capital stock in the name of Smithfield City will be considered as a means of satisfying the requirement for one acre-foot of usable water.”

Commissioner McKay questioned if they should specify the Highline canal in that sentence?

Mr. Wells assessed if you want to strike the word canal and put in the Highline Water Association because that is the official name of that.

Chairperson Anderson’s concern with that is what if the name was to change or someone came in to do something different. He thought you weren’t supposed to call out specifics like that in an ordinance.

Mr. Wells agreed and then they would have to change the ordinance.

Chairperson Anderson wasn’t opposed to the canal. He was uncomfortable with calling out a specific entity in the ordinance.

Mr. Wells thought a remedy would be to put a definition of the word canal in our own ordinance. There is a place in the beginning of the ordinance for definitions. We could create the definition for the word canal and not use what the State or someone else uses. That is a possibility.

Chairperson Anderson summarized **Paragraph B - take out the sentence “One share of capital stock shall represent three (3) acre-foot of usable water.”** He moved on to suggestions on Paragraph D.

Mr. Wells explained the paragraph says the city engineer is going to say we have an adequate supply of water but we still want the money for future use. Let’s say the city doesn’t have enough water, they are still going to want the money. It probably doesn’t need to be there. If the situation arises and the city engineer says we don’t have enough water for the foreseeable future we still want the money or we tell them sorry we can’t develop. Maybe we need to look at that issue.

Chairperson Anderson defined the foreseeable future is a subjective term.

Mr. Bodily said the way you phrase that if we don't have enough water is still determined by the City Engineer and you are saying the same thing in different words.

Chairperson Anderson called for any comments or recommendations from the commission.

Commissioner Krusi didn't feel like it needed to be there

Mr. Bodily felt like it could be taken out. The reason being when they create a subdivision we have to run it through the water model that is controlled by an engineering firm, not necessarily the city engineer. That will still be determined if there is not enough water for the foreseeable future and it still leaves in the sub divider can either pay the amount if they can't supply the water.

Chairperson Anderson confirmed to **strike out in Paragraph D – “If the city engineer determined the city has an adequate existing water supply and a sufficient water right to meet the foreseeable future needs of the city.”** He said we will review the changes on the minutes next month and then go through another Public Hearing the next month.

MOTION: A motion was made by Commissioner Edwards to table the ordinance amending the Smithfield City Subdivision regulations Title 16: Subdivision Regulations, in particular Section 16.20.070 “Secondary Water” and Section 16.16.050, “Dedication of Water” until the amended recommendations are made and we can discuss them in the April meeting. Commissioner Krusi has seconded it. The motion was passed unanimously.

Commissioners voting in favor: McKay, Hancock, Krusi, Anderson, Wall, Archibald, Edwards.

Jeff Jackson, Ironwood Development Group, LC, agent for Jessica Tams Quinton, property owner, has requested approval of Phase 1 of the Final Plat for Smithfield Heights Subdivision (10 lots) located at approximately 750 East and 500 North Zoned R-1-12 (Single Family Residential 12,000 sf)

Chairperson Anderson referred to the plat with (10) lots, phase one. He asked if there were any questions. No questions or comments.

MOTION: A motion was made by Commissioner Krusi to approve Phase 1 of the Final Plat for Smithfield Heights Subdivision (10 lots) located at approximately 750 East and 500 North Zoned R-1-12 (Single Family Residential 12,000 sf) The motion was seconded by Commissioner Hancock. The voting was unanimous.

Commissioners voting in favor: McKay, Hancock, Krusi, Anderson, Wall, Archibald, Edwards.

The commission will continue review and discussion on Assisted Living Facilities.

Chairperson Anderson felt the training and questions at the workshop at the beginning of the meeting was sufficient.

The Commission will continue review and discussion of the Sign Ordinance: Sections 17.36.010; 17.36.020 & 17.36.030.

Chairperson Anderson began with section 10 of the ordinance, is there anything in paragraph A, B or C that you feel needs to be changed in the ordinance? No comments. Section 20 is just a paragraph are there any concerns with the enforcement paragraph? How about the definitions?

Commissioner Edwards remarked the more he read the more confused he was.

Chairperson Anderson explained maybe that is what they are there to do is to make the ordinance less confusing. He continued on to vehicle mounted signs

Commissioner Edwards was concerned as he read the minutes in the last meeting about the wrapped truck. It is a common thing now and for them to go home and not be able to park in their driveway is not feasible.

Commissioner Hancock explained in her neighborhood her neighbor has a wrapped truck always in his driveway. That shouldn't be a problem.

Chairperson Anderson do we need to have a distinction or should we say that a wrap is also considered a vehicle mounted sign, however we could make a change of how it is allowed in the ordinance.

Commissioner Archibald replied just simplify it. He doesn't see a lot of difference with a sign on the door or a wrap or a pizza guy with a sign on the top. They are all vehicles.

Chairperson Anderson summarized what we are suggesting is that we don't have to call it a vehicle wrap in this part of the definition. Do we need to have a vehicle wrap as its own definition? Or do we even want to regulate the use of those vehicles.

Commissioner Krusi said the only problem would be if someone had a wrap on a truck and left it on the highway. It is okay on their property but not just sitting on the highway.

Mr. Wells responded even if it is on their property and they already have a sign for their business and now they have a wrap with the same information on it, would that be considered another sign? There are limitations on the square footage of signs on a business. Do you want to regulate that?

Mr. Edwards described the difference with the trucks is they are moving wherever the person goes. The trailer acts more like a sign. The trailer can be left for a long time.

Mr. Wells here we are defining what it is and then later on in the ordinance we regulate it.

Chairperson Anderson would like to have some type of a definition around it depending on how we regulate it will be something different.

Commissioner McKay brought up Josh Barnett Insurance and the problem with the car on Main Street is that where we are headed?

Mr. Wells replied in the past they have had individuals that had trailers they parked on land around the city. People along the main corridor allow them to park the trailer out in front of their property so people can see it and you know the business isn't at that location.

Chairperson Anderson inquired if they have a collective opinion if they want a definition for a vehicle wrap.

Commissioner Krusi responded couldn't we add it right into this, where is says, "A sign displayed on a trailer and lists all the vehicles." Couldn't you say a sign displayed or wrapped.

Mr. Wells clarified a sign or wrap.

Chairperson Anderson discussed if it was that easy to state a sign or wrap. Everyone agreed. He made the change to state "**A sign or wrap**" under vehicle mounted sign. He asked if there were any other changes as the commission looked over the first three sections.

Commissioner McKay referred to the fast food trucks that are popping up all over the city. They have signs, are they handled differently.

Mr. Wells agreed they do have to get a business license.

Chairperson Anderson continued since there were no other things on the first three sections. He asked that sections 40 - 90; which is only four pages, be read through and be prepared to comment on them at the next meeting in April. Is there anything else on the sign ordinance?

The Commission will consider a proposed amendment to Section 17.88.060 “Application of PUD to underlying zone”, paragraph “C” “yard Setbacks”, of the Planned Unit Development (PUD) ordinance.

Chairperson Anderson didn’t understand what they were trying to say in that ordinance.

Mr. Bodily referred to the picture he had on the overhead, this amendment is of the 45 ft. right away for a PUD only. The one they have accepted in the past is the 40 ft. drawing. The 40 ft. right away width puts the sidewalk outside of the 40 ft. right away and actually puts it on private property and then it had a 20 ft. setback from the curb which made it possible for a longer vehicle to overhang the sidewalk. What he is asking is they adopt the bottom picture which is the 45 ft. right away which puts the sidewalk within the right a way and clearly defines there is 20 ft. from the sidewalk to the front of the structure so if you had a longer vehicle like a pickup with dual cab it would not hang over the sidewalk. In order to facilitate that in the ordinance we have added a 45 ft. wide street and instead of 20 ft. from the curb we put 20 ft. from the property line of the right a way.

Chairperson Anderson responded it sounds like since it is a PUD he assumes they are talking about private roads.

Mr. Bodily replied yes although they don’t have private roads anymore.

Chairperson Anderson stated regardless we still need the setback at least that far so if someone has a larger vehicle it is not hanging onto the sidewalk. That is basically the intent in the ordinance.

Mr. Bodily mentioned it would only be in the PUD; where there use to be private roads it would apply only in the PUD.

MOTION: A motion was made by Commissioner Hancock that they approve the amendment to section 17.88.060 “Application of PUD to underlying zone”, paragraph “C” “Yard Setbacks”, of the Planned Unit Development (PUD) ordinance. It was seconded by Commissioner McKay. The voting was unanimous.

Commissioners voting in favor: McKay Hancock, Krusi, Anderson, Wall, Archibald, Edwards.

MOTION: A motion was made by Commissioner Edwards to adjourn the meeting at 9:00 p.m. The motion was seconded by Commissioner Krusi. The voting was unanimous.

Commissioners voting in favor: McKay, Hancock, Krusi, Anderson, Wall, Archibald, Edwards.

Jamie Anderson, Chairperson

Attested:

Charlene Izatt, Deputy Recorder

**SMITHFIELD PLANNING COMMISSION
Smithfield City Council Chambers
96 South Main
Smithfield UT 84335**

NOTICE and AGENDA

Public Notice is hereby given that the Smithfield Planning Commission will hold a regular Planning Commission Meeting at 7:00 p.m. on **Wednesday, March 18, 2015** in the Smithfield City Council Chambers, **96 South Main**, Smithfield, Utah.

7:00 p.m. Opening Ceremonies

Workshop session: Training by Carmen Richins, CPM, HFA. Licensing Manager, Utah Department of Health.

Topic: "Health Facility Licensing and Certification"

Agenda items:

1. 7:50 p.m. Resident Input
2. 7:55 p.m. Consideration of Consent Agenda
Minutes of the February 18, 2015 Planning Commission Meeting
3. 8:00 p.m. **Public Hearing** to consider approval of proposed Ordinance #15-05 which amends Title 16: Subdivision Regulations, in particular Section 16.20.070 "Secondary Water" and Section 16.16.050, "Dedication of Water".
4. 8:10 p.m. Jeff Jackson, Ironwood Development Group, LC, agent for Jessica Tams Quinton, property owner, has requested approval of **Phase 1** of the **Final Plat** for Smithfield Heights Subdivision (10 lots) located at approximately 750 East and 550 North Zoned R-1-12 (Single Family Residential 12,000 sf)
5. 8:15 p.m. The Commission will continue review & discussion on Assisted Living Facilities.
6. 8:20 p.m. The Commission will continue review & discussion of the Sign Ordinance: Sections 17.36.010; 17.36.020 & 17.36.030.

7. 8:30 p.m. The Commission will consider a proposed amendment to Section 17.88.060 "Application of PUD to underlying zone", paragraph "C" "Yard Setbacks", of the Planned Unit Development (PUD) ordinance.
8. 8:40 p.m. **ADJOURNMENT**

Posted this 13th day of March 2015 at the Smithfield City Offices, City Web Page and the Utah Public Meeting Notice web site. Notice provided to The Herald Journal this 13th day of March 2015.

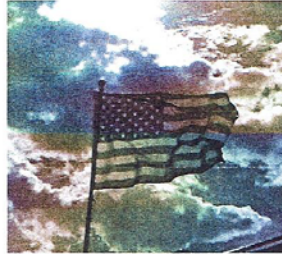
Charlene Izatt, Deputy Recorder

ITEMS ON THE AGENDA MAY BE CONSIDERED EARLIER THAN SHOWN ON THE AGENDA.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Charlene Izatt, Smithfield City Offices, at 435-792-7989 at least three working days prior to the meeting.

03/17/2015

Smithfield Planning Commission March 18, 2015



Carmen Richins
Licensing Program Manager
Bureau of Health Facility
Licensing & Certification
Utah Department of Health
801-273-2802

carmenrichins@utah.gov www.health.utah.gov/hflcra

Utah Health Code

Title 26 Chapter 21 Section 8- License required

(1) (a) A person or governmental unit acting severally or jointly with any other person or governmental unit, may not establish, conduct, or maintain a health care facility in this state without receiving a license from the department as provided by this chapter and the rules of the committee.

(b) This Subsection (1) does not apply to facilities that are exempt under Section 26-21-7.

2

1

E

03/17/2015

Utah Health Code

Title 26 Chapter 21 Section 7 – Exempt Facilities

This chapter does not apply to:

- (1) a dispensary or first aid facility maintained by any commercial or industrial plant, educational institution, or convent;
- (2) a health care facility owned or operated by an agency of the United States;
- (3) the office of a physician or dentist whether it is an individual or group practice, except that it does apply to an abortion clinic;
- (4) a health care facility established or operated by any recognized church or denomination for the practice of religious tenets administered by mental or spiritual means without the use of drugs, whether gratuitously or for compensation, if it complies with statutes and rules on environmental protection and life safety;

Continued....

3

Utah Health Code

Title 26 Chapter 21 Section 7 – Exempt Facilities

This chapter does not apply to:

- (5) any health care facility owned or operated by the Department of Corrections, created in Section 64-13-2; and
- (6) a residential facility providing 24-hour care:
 - (a) that does not employ direct care staff;
 - (b) in which the residents of the facility contract with a licensed hospice agency to receive end-of-life medical care; and
 - (c) that meets other requirements for an exemption as designated by administrative rule.

4

03/17/2015

Utah Administrative Code

R432-2-6. Application.

(2) Each applicant shall comply with all **zoning, fire, safety, sanitation, building and licensing laws, regulations, ordinances, and codes of the city and county in which the facility or agency is located.** The applicant shall obtain the following clearances and submit them as part of the completed application to the licensing agency:

- (a) A **certificate of fire clearance** from the State Fire Marshal or designated local fire authority certifying compliance with local and state fire codes is required with initial and renewal application, change of ownership, and at any time new construction or substantial remodeling has occurred.
- (b) A satisfactory **Food Services Sanitation Clearance** report by a local or state sanitarian is required for facilities providing food service at initial application and upon a change of ownership.
- (c) **Certificate of Occupancy** from the local building official at initial application, change of location and at the time of any new construction or substantial remodeling.

5

Required to be licensed

- Hospitals (All types- Specialty, Acute, etc.)
- Home Health Agencies
- Hospice Agencies
- Nursing Care Facilities
- Assisted Living Facilities*
- Birthing Centers (at least 2, but not more than 5 birthing rooms)
- Freestanding Ambulatory Surgical Facilities
- Small Health Care Facilities
- Abortion Clinics
- End Stage Renal Disease Facilities
- Personal Care Agencies

6

3

03/17/2015

*Assisted Living Facilities

R432-270-2. Purpose.

This rule establishes the licensing and operational standards for assisted living facilities Type I and Type II. Assisted living is intended to enable persons experiencing functional impairments to receive 24-hour personal and health-related services in a place of residence with sufficient structure to meet the care needs in a safe manner.

7

*Assisted Living Facilities

R432-270-4. Licensing.

(1) A person that offers or provides care to **two or more unrelated** individuals in a residential facility must be minimally licensed as an assisted living facility if:

(a) the individuals stay in the facility for more than 24 hours; and

(b) the facility provides or arranges for the provision of assistance with one or more activity of daily living for any of the individuals.

8

4

03/17/2015

*Assisted Living Facilities

R432-270-3. Definitions.

(2)(b) "Activities of daily living (ADL)":

(i) means those personal functional activities required for an individual for continued well-being, including:

- (A) personal grooming, including oral hygiene and denture care;
- (B) dressing;
- (C) bathing;
- (D) toileting and toilet hygiene;
- (E) eating/nutrition;
- (F) administration of medication; and
- (G) transferring, ambulation and mobility.

(Independent Living Facilities)

9

*Assisted Living Facilities

R432-270-4. Licensing.

(2) An assisted living facility may be licensed as a **Type I** facility if:

- (a) the individuals under care are capable of achieving mobility sufficient to exit the facility without the assistance of another person.

(3) An assisted living facility must be licensed as a **Type II** facility if the individuals under care are capable of achieving mobility sufficient to exit the facility only with the limited assistance of one person;.

10

03/17/2015

***Assisted Living Facilities**

R432-270-4. Licensing.

(8) Assisted living facilities may be licensed as large, small or limited capacity facilities.

(a) A **large** assisted living facility houses **17** or more residents.

(b) A **small** assisted living facility houses **six to 16** residents.

(c) A **limited** capacity assisted living facility houses **two to five** residents.

11

***Assisted Living Facilities**

R432-270-8. Personnel.

(1) Qualified competent direct-care personnel shall be on the premises 24 hours a day to meet residents needs as determined by the residents' assessment and service plans. Additional staff shall be employed as necessary to perform office work, cooking, housekeeping, laundering and general maintenance.

12

03/17/2015

Assisted Living Occupancy Classification

Size (# of residents)	Assisted Living Type I	Assisted Living Type II
Limited (2 to 5)	IBC R-3 UAC R432-6-101(3) Title 15A-3-102(15)	IBC R-4 UAC R432-6-201(3) Title 15A-3-102(15)
Small (6 to 16)	IBC R-4 UAC R432-6-101(2) Title 15A-3-102(15)	IBC I-1 UAC R432-6-201(2) Title 15A-3-102(15)
Large (>17)	IBC I-1 UAC R432-6-101(1) Title 15A-3-102(15)	IBC I-2 UAC R432-6-201(1) Title 15A-3-102(15)

IBC=International Building Code
 UAC=Utah Administrative Code
 Title 15A=State Construction and Fire Codes Act

Continued.....

13

Assisted Living Occupancy Classification

- *Assisted Living Residential Treatment (Type RT) is licensed by Human Services, not by the Department of Health.
- *Fire sprinklers are required for all 'I' occupancies and for R-4 occupancies more than 4,500 square feet
- *Non-fire-rated construction is permitted for all but I-2 occupancies per IBC table 503.
- *AL-I residents must be capable of self-preservation. They must be capable of recognizing a hazard and making continuous, unassisted progress towards the exit.
- *AL-II residents are allowed the limited assistance of one person to evacuate.
- *See Title 15A-3-103(6) for amendment allowing two-story wood frame construction of I-2 Large type II assisted living facilities.
- *Elevators are required in all large (17+ residents) assisted living facilities that are multi-level.

andrewbaxter@utah.gov

14