Provo City Planning Commission

Report of Action

July 12, 2023

*ITEM #1	Barry Finch requests Ordinance Text Amendments to Section 14.08.020 (Permitted Uses in the A1 Zone) to add "Meeting Halls for Rent" as a new conditional use in the A1 (Agricultural) Zone, as well as new conditions in Section 14.34.250. Citywide Application. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLOTA20230082

The following action was taken by the Planning Commission on the above-described item at its regular meeting of July 12, 2023:

RECOMMENDED DENIAL

On a vote of 4:3, the Planning Commission recommended that the Municipal Council deny the above noted application.

Motion By: Daniel Gonzales (to approve with conditions)
Second By: Raleen Wahlin
Votes in Favor of Motion: Daniel Gonzales, Raleen Wahlin, Jeff Whitlock
Votes Against the Motion: Barbie DeSoto, Robert Knudsen, Melissa Kendall, Andrew South
Daniel Gonzales was present as Chair.

- Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

TEXT AMENDMENT
The text of the proposed amendment is attached as Exhibit A.

STAFF PRESENTATION
The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Staff also gave some updates and changes that have occurred since the staff report was written; including removing the proposal to amend Section 14.090.020, adding a reference to Chapter 9.06 in proposed condition (ii), and the receipt of public comments. Staff also noted that these venues would not be able to serve alcohol, so that would not be needed in the proposed conditions.

CITY DEPARTMENTAL ISSUES
- Important issues raised by other departments – addressed in Staff Report to Planning Commission

NEIGHBORHOOD MEETING DATE
- A neighborhood meeting was held on 04/27/2023.
- Citywide application: all Neighborhood Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT
- The Neighborhood Chair was not present or did not address the Planning Commission during the hearing.
- This item was Citywide or affected multiple neighborhoods.
- Neighbors or other interested parties were present or addressed the Planning Commission.

CONCERNS RAISED BY PUBLIC
Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during

the public hearing included the following:

- Three written comments were received after the staff report (from Matt Knudsen, Janae and Edward Lewis, and the Provo City Agricultural Commission) that raised concerns about the Finch property being able to meet code, have enough parking, creating noise from events, and creating public safety issues with the access.
- Katherine Lungberg stated her appreciation for animals and farming in the area and would like the city to do what they can to preserve these lands.
- Elizabeth Weeks supports the idea to preserve agriculture in her neighborhood.

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- The Finch family gave an overview of their farm, their proposal, and some proposed revisions to the conditions provided in the staff report.
- The applicants proposed that the security condition be changed to not require security at "any event", but to be triggered by events that serve alcohol, have live music, or extend past 10 p.m. at night. Possibly one security guard per 100 guests, and that they be licensed by Utah State.
- They also stated that there won't be an overspill of parking because they will manage it accordingly to the standard.
- Mr. Finch expressed that he only has a choice to try to make money in a new way on his property with events or to sell the property to be developed.
- Mrs. Finch noted that there would be less traffic at their events than there is with the church and school traffic north of the property.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Mr. Knudsen asked some specific questions regarding the proposed conditions and questioned whether the conditions were sufficient to mitigate the impacts of the use.
- There was some discussion about parking and occupancy for event halls on agricultural lots, and how to manage these events.
- The commissioners asked additional questions of staff regarding the recommendation, adjacent uses, and benefits of holding agricultural land (greenbelt incentives).
- The commission discussed the advantages of having these types of events on agricultural land, with some stating that it could help preserve agricultural uses on these lands, but that there are concerns with security and parking.
- The commission discussed possible conditions and changes to the proposed conditions that could help the proposal move forward, including different triggers for security personnel, better design standards, and changes to acreage and lot coverage regulations.
- A number of the commissioners were not comfortable with making citywide changes to the A1 zone to allow the proposed use, but that a new zone or overlay would be a more reasonable solution to allow these types of uses on agricultural land.
- Mr. South noted that adding the commercial use to agricultural zones needs more study and time to carefully look at options for this type of proposal.
- Ms. Kendall stated that more time is needed to investigate alternatives. Mr. Finch stated he would want an up or down vote rather than a continuance.
- The commission continued discussing additional standards to add to Section 14.34.250 for meeting halls in the A1 Zone, trying to find the right wording for the proposal moving forward. Staff offered increasing the design standards for materials (metal only on roofs) and having a minimum lot size for the meeting hall use.
- The commission discussed on altering the conditions in the following manner:
    - Require one security guard per 75 adult guests.
    - Require security for events that have live music or extend past 10 p.m.
    - Require a minimum of five acres to establish the use.
    - Limit building materials to only permit metal on the roof.
- **Ms. Kendall made a motion to continue the item, this was seconded by Mr. Knudsen, but failed on a vote of 3:4 (with Ms. Kendall, Mr. Knudsen, and Ms. DeSoto voting in favor of a continuance)**.

- Discussion continued on minimum lot size and maximum percentage of the lot dedicated to the meeting hall use.
- Mr. Gonzales made a motion to approve the proposal with changes in the following conditions:
    - 14.34.250(12)(a)(ii) include a reference to Chapter 9.06;
    - 14.34.250(12)(a)(iii) a minimum of one security personal per 75 adult guests be on hand, or when an event has live music, or when an event goes past 10 p.m.;
    - 14.34.250(12)(a)(iv) design of building shall only allow metal on roof; and
    - Add a new condition for a minimum acreage of five (5) acres.

Planning Commission Chair

Director of Development Services

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to Development Services, 445 W Center Street, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

EXHIBIT A

14.08.020
Permitted Uses.

(6) *Conditional Uses.* The following uses and structures are permitted in the A1 zone only after a conditional use permit has been approved, and subject to the terms and conditions thereof and the standards of Section 14.34.250, Provo City Code:

Use No.	Use Classification
1516	Bed and breakfast inn
1902	Ranch or farm employee dwellings (one (1) per ten (10) acres of land area)
4700	Communications
4814	Electricity regulating substations
4818	Small generation
4829	Other gas utilities, NEC
4833	Water storage as part of a utility system (open reservoirs)
4834	Water storage as part of a utility system (covered including water storage standpipes)
4839	Other water utilities or irrigation, NEC
4871	Channel or right-of-way (predominantly open flume-like structure)
4872	Debris basin (a dam and basin for intercepting debris)

Use No.	Use Classification
4874	Spreading grounds (area for percolating water into underground)
6722	Police protection and related activities, branch (office only)
7235	Meeting Halls for Rent (subject to standards in 14.34.250)
7400	Recreation activities

14.34.250
Standards for Conditional Uses.

A conditional use permit is required for the following conditional uses when permitted in the zone and shall only be approved in compliance with Section 14.02.040, Provo City Code. The uses shall comply with the requirements of this Section and shall also comply with any additional conditions resulting from a Planning Commission hearing.

(12) *Meeting Halls for Rent.*

(a) Meeting Halls for Rent shall be permitted as conditional uses in the A1 and RA zones, subject to the following standards:

(i) One (1) off-street parking space shall be provided for each four (4) occupants, based on the maximum occupancy load for the use and shall comply with Chapter 14.37, Provo City Code. There shall be sufficient on-site parking for patrons and employees.

(ii) No musical instruments, stereophonic equipment, sound amplifier or similar device shall be operated in such a manner as to create a noise or vibration disturbance across a real property boundary.

(iii) A minimum of two (2) security personnel shall be on site to manage the entrance of vehicles and parking lot during any event. Security personnel must be certified and provided by a licensed and bonded security company.

(iv) The design of the meeting hall building shall be characteristic of an agricultural use.

(v) The meeting hall, and associated parking, shall not occupy more than forty-nine percent (49%) of the property.

(vi) Lighting shall not disperse beyond the subject lot and shall comply with Chapter 15.21, Provo City Code.

(vii) There shall be a single point of access, which will be monitored by security personnel so only invited guests are permitted to enter. Once on-site parking is full, no additional patrons will be allowed to enter.

(viii) Violation of any of the above conditions will be cause for termination of the Conditional Use Permit.

EXHIBIT B

Matt Knudsen | June 14, 2023
Finch Property

Hello Planning Commission,

Thanks for your service to our city.

I have a lot of concerns with the Finch Property and their desires.

First, their farm is a disgrace to our community. It is an eye sore and needs to be addressed by the city, it isn't safe and isn't something to be proud of, it isn't a LANDMARK by any means.

Second, they don't have enough space to have a venue for the public. They have built pieced up sheds and barns on 80% of their property. Also, they don't have enough space to park 15 cars, let alone enough for an event. We witnessed that the other day, when they had an event, cars were parked down all the streets. I don't think that is safe and fair for the neighbors.

Third, it wasn't that long ago they had a fire and two people died. They haven't made any upgrades or improvements on the property. It actually is worse than before. I don't think they will create a venue that West Provo would be happy with, and represent our city well. In my opinion, you should reject this application and let them work on maintaining and making their property something the city and neighborhood wants to endorse.

Thanks,
Matt

Shawn Miller | July 7, 2023
Barry Finch Amendment Request, Planning Commission

The Provo City Agricultural Commission was solicited for comments regarding Barry Finch's request for a change in permitted uses in the city's agricultural zones. We are of a somewhat divided opinion. While some on the commission do not believe a meeting hall is an appropriate use in an agricultural zone (and also worry about the impact on surrounding residential neighbors), others do not see a significant difference between a meeting hall and the already existing permission to build and run a bed and breakfast in the agricultural zoning. Mr. Finch claims to be seeking income from his land that farming does not provide, and we feel that if this allows him to continue farming on the rest of the property and maintain it as open space, that is a better alternative than Finch selling the land to developers (or subdividing the land himself) and building residential properties or commercial warehouses. We appreciate that the city wants to protect our few remaining agriculturally zoned properties from what they consider non-agricultural uses, but the city has shown little interest in preventing current agricultural zones from being rezoned to residential or commercial. If a bucolic barn/meeting hall can save the farm, as it were, that seems the better alternative.

The Finch case has some peculiarities. The land is not currently being farmed. In the past, the Finch family sold vegetables locally, but at this moment, nearly all the land is being used to stable animals. The constructions that house those animals are substandard (to put it mildly). We believe there have been at least two fires on the property. The most recent stable fire in 2018 killed two people, a father and his son. The fire also killed several goats and nine horses, some of which had to be put down by the police. We would strongly suggest that if this change takes place that one of the required conditions is that every building on these properties must be built to code. If this meeting hall is going to be open to the general public with significant traffic and use, then the scores of dangerous outbuildings currently in place will need to be entirely removed for the safety of Finch's customers. If that were the outcome, the Finches win, the neighbors win, and (if Finch continues to rent stables) the animals win by gaining better housing conditions.

Provo Agricultural Commission
Shawn Miller [redacted]

JaNae and Edward Lewis | July 10, 2023
Hearing Notice Item #1 - public comment

Hello Aaron,

I am writing to provide input for the request of Barry Finch to amend the Ordinance (Section 14.08.020) to permit a "Meeting Halls for Rent" in this A1 zone (PLOTA20230082).

As a resident who lives 3 houses north of the property in question, I am in favor of this change overall, but I submit these concerns:

1. Noise.
    a. Past activities on the property occasionally violate the hours of noise restrictions. The loud music emanating from the property has, on occasion, gone past midnight within the past 3 years that I've lived in this home. I once called the police to address this nuisance. That intervention was effective in reducing the volume of noise. I'm not aware of the problem occurring since.

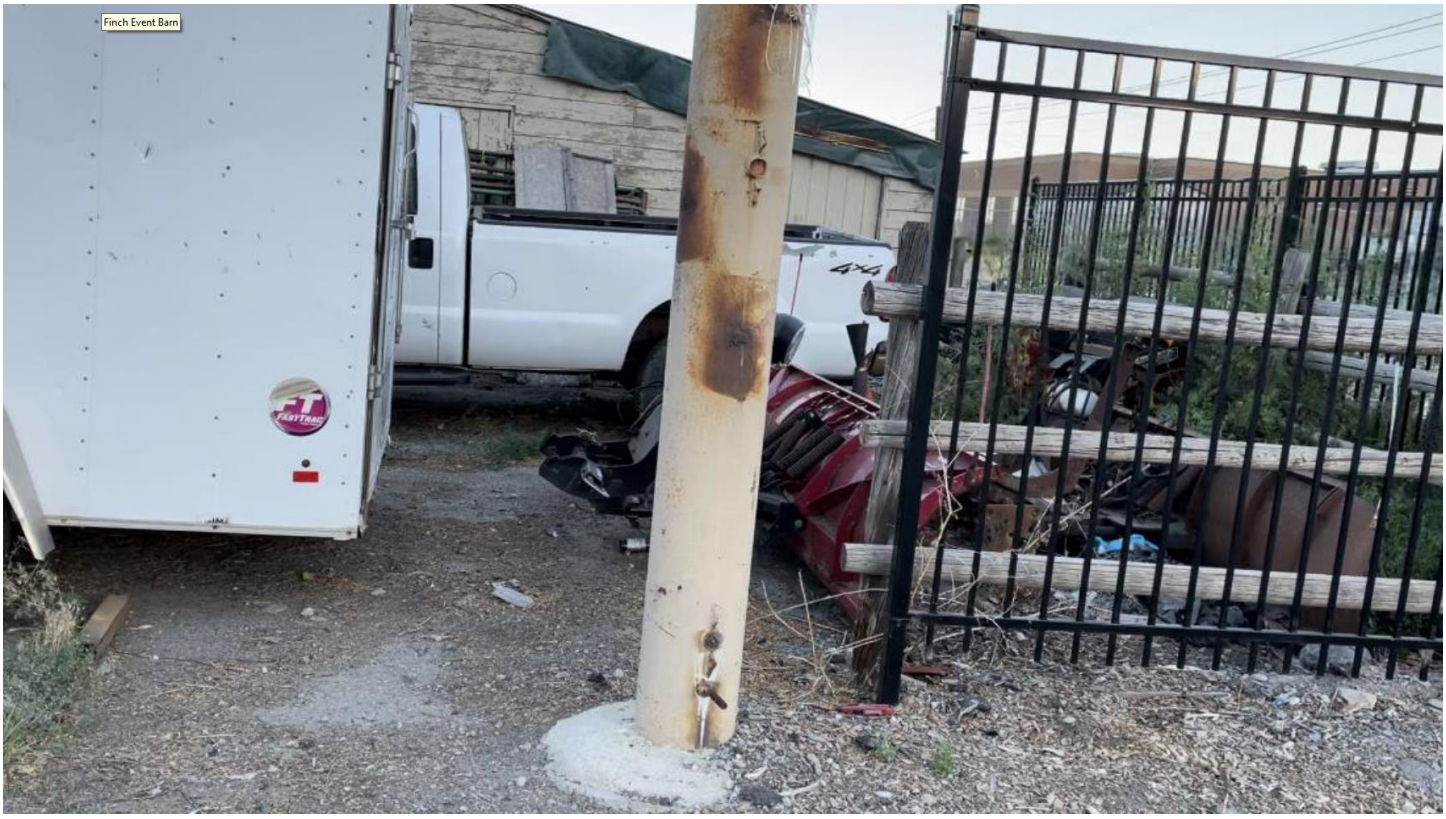
2. Citizen safety.

Access to the property, namely 2530 West, is a residential and school zone. Many vehicles frequently drive in great excess of the posted speed limits already. I am concerned that a rented space for public gathering will make this hazard worse if the property's driveway at 2530 West is the public access point for the proposed "meeting hall for rent". The hours of public rental most likely would occur in the evening and the hazard is increased when it's dark.

I am grateful for the Commission's consideration of these concerns as they review this change request. Please feel free to contact me with any questions or any need for clarification.

Warm regards,
JaNae Lewis
231 S. 2530 W. Provo, UT
[redacted]

EXHIBIT C

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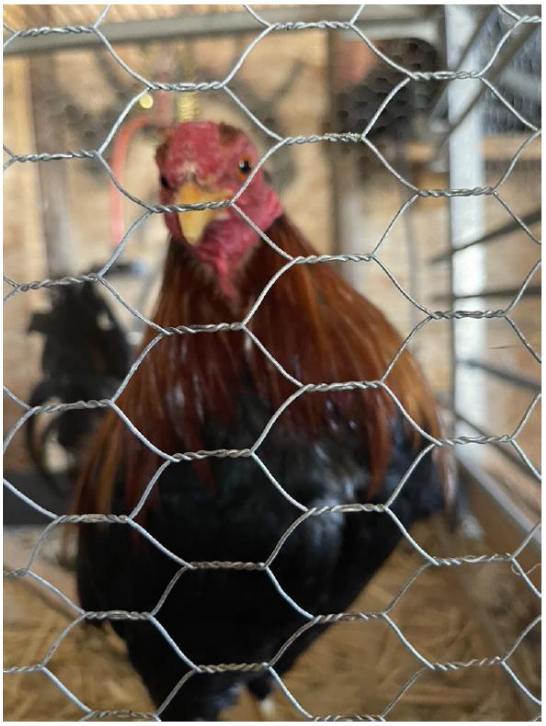

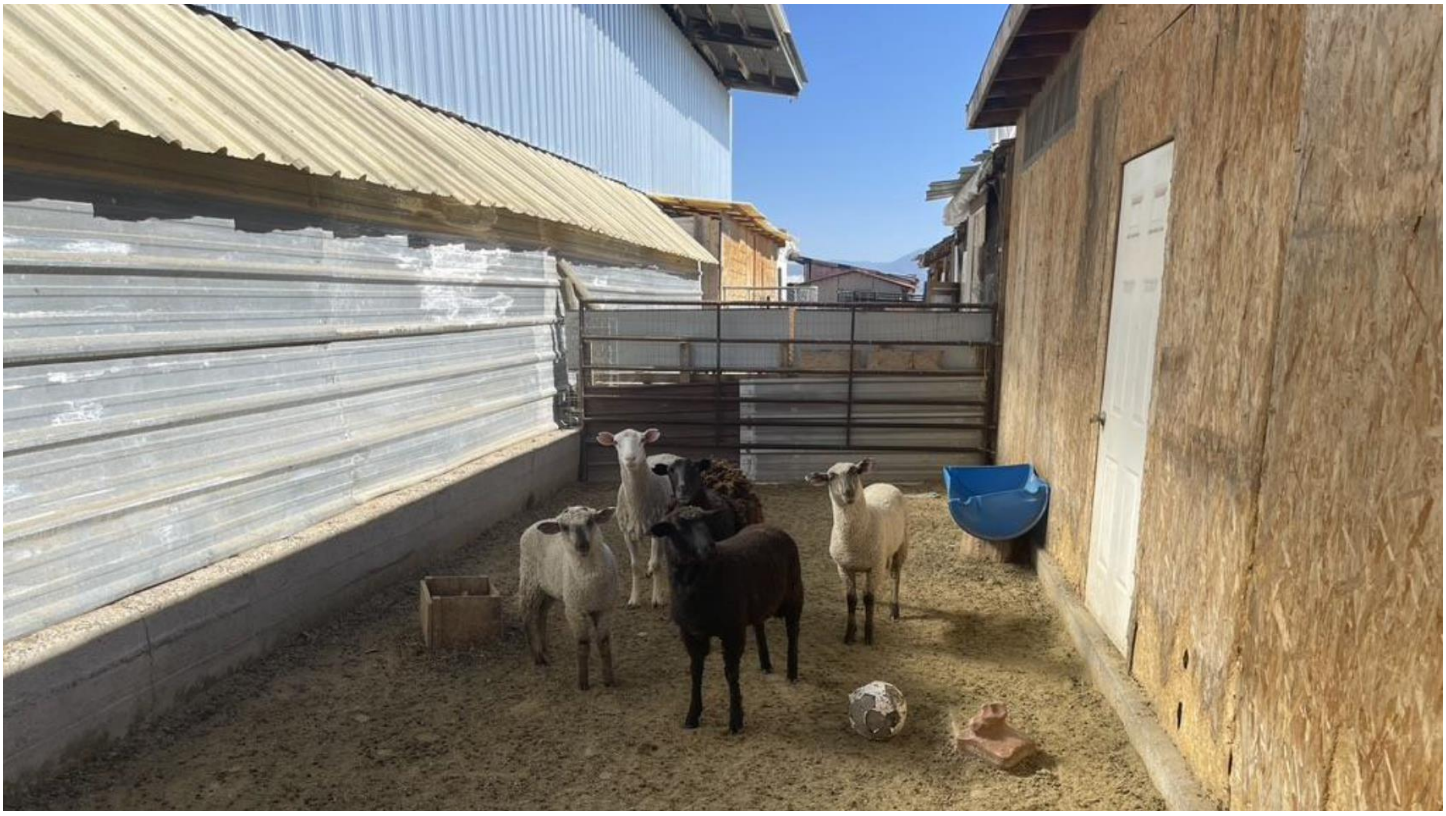

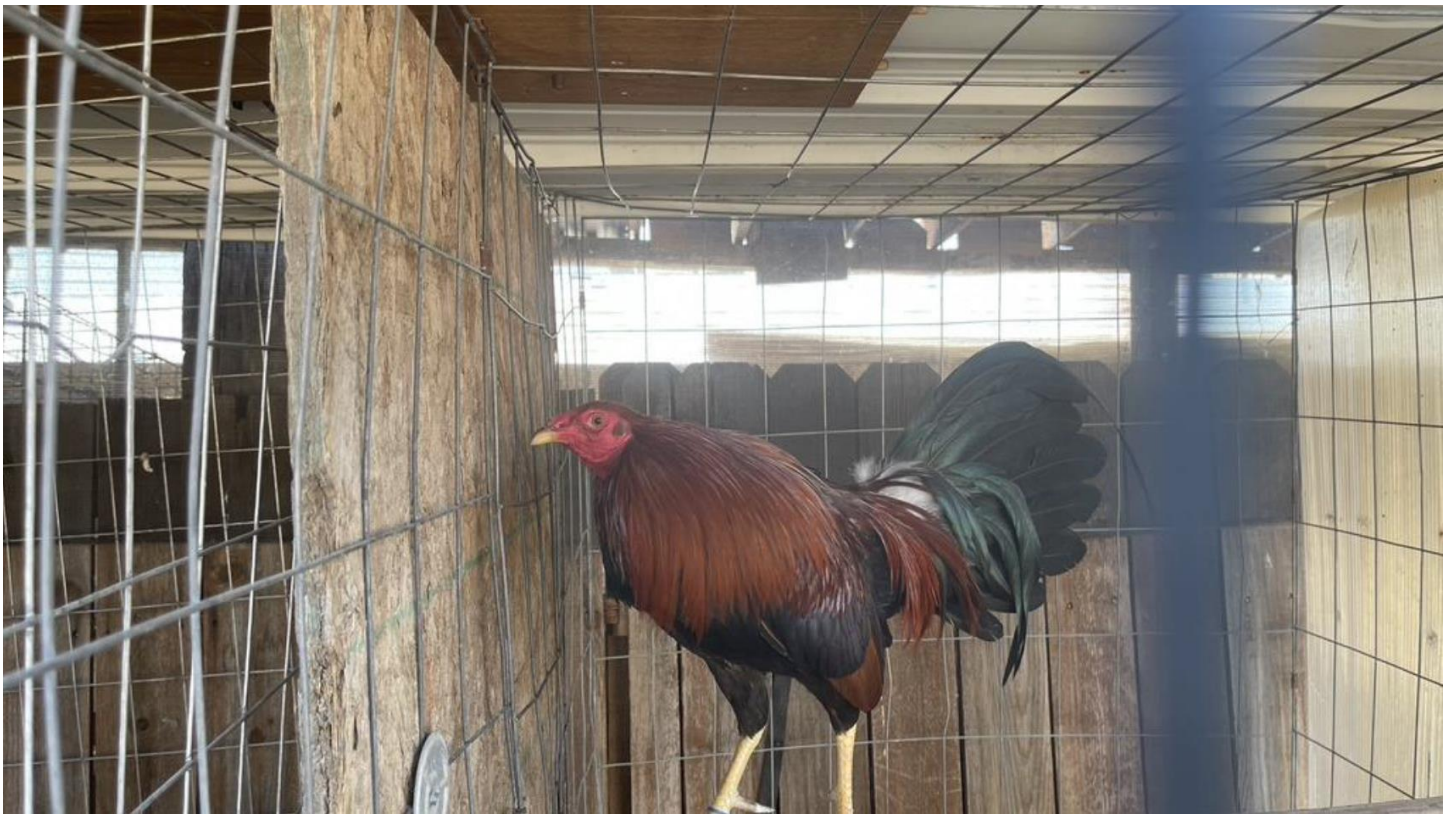

Staff Recommended conditional use for security

(iii) A minimum of two (2) security personnel shall be on site to manage the entrance of vehicles and parking lot during **any** event. Security personnel must be certified and provided by a licensed and bonded security company.

"**Any**" event would include

- Daytime birthday parties
- Large family dinners
- Primary activities
- Wedding anniversaries
- Family reunions
- Baby showers
- Bridal showers
- Baptism celebrations
- Elementary school tour
- Ect….

Finch's recommended conditional use for security

(iii)for any of the following conditions security will be required:

- Events that provide alcohol
- Events that go past 10:00pm
- Events with live music

When security is required there will be one Security person per every 100 guest.
Security person will have a Utah state security license

(we will not have a liquor license for our event venue but this is a conditional use that will be citywide in the A1 zone)