



Provo City Planning Commission

Report of Action

October 23, 2019

Item 3* The Provo City Department of Development Services requests an ordinance amendment to Sections 14.06.020; 14.08.020; 14.24.020; 14.26.020; 14.27.020; 14.27A.020; 14.28.020; and 14.29.020, to add a definition for Cannabis Production Establishment, to allow it as a permitted use in the A1.10 Agricultural and the FI Freeway Industrial Zones, and to list that use as not permitted in all other Agricultural and Industrial Zones. City-wide. Brandon Larsen (801) 852-6408 PLOTA20190365

The following action was taken by the Planning Commission on the above described item at its regular meeting of October 23, 2019:

Recommend Approval

On a vote of 5:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Andrew Howard

Second By: Robert Knudsen

Votes in Favor of Motion: Shannon Ellsworth, Andrew Howard, Deborah Jensen, Robert Knudsen, Laurie Urquiaga
Deborah Jensen 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.

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

- Staff is responding to new legislation from the State regarding medical cannabis.
- The State has a definition for Cannabis Production Establishments. Staff proposes that the City adopt this same definition.
- A Cannabis Production Establishment includes a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory.
- Staff proposes that Cannabis Production Establishments be permitted in the A1.10 (Agricultural) Zone and the FI (Freeway Industrial) Zone and in no other agricultural or industrial zones of the City.
- The State requires, as per Section 4-41a-406 of the Utah Code, the City to allow Cannabis Production Establishments in one (1) agricultural zone and one (1) industrial zone. If the City doesn't identify the agricultural or industrial zones in which Cannabis Production establishments are permitted, then the Utah Code provides that such use is allowed in all agricultural and industrial zones.
- Staff believes the City should take a more measure approach with the subject use and allow it in one (1) agricultural zone and one (1) industrial zone. Applicants could propose its use in other zones.

CITY DEPARTMENTAL ISSUES

- Staff is aware of no concerns from City departments.

NEIGHBORHOOD MEETING DATE

- City-wide application; all Neighborhood Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

- No comments from neighborhood chairs or the public were received at the meeting.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commissioner Urquiaga requested a map to see the locations of the A1.10 and FI Zones. Staff explained the locations of the A1.10 and FI Zones.
- Commissioner Howard commented that he assumes Cannabis Production Establishments would mainly be indoor operations. Staff did inform the Planning Commission that there are provisions in the Utah Code that presupposes outdoor Cannabis Production Establishments.
- Commissioner Knudsen questioned why Staff chose to propose the A1.10 Zone for the permitting of Cannabis Production Establishments and not other agricultural zones, such as the A1.5 Zone. Staff explained that their proposal was meant to limit the location for the conducting of this use. Including Cannabis Production Establishments in other zones, such as the A1.5 Zone, would open up a larger area of the City to this use. Staff reminded the Planning Commission that a person could propose a text amendment to allow the consideration of other zones.
- Commissioner Howard questioned whether there were requests for this type of use in the City. Staff noted that it has received several inquiries related to medical marijuana.
- Commissioner Jensen thanked Staff for being proactive on this issue.
- Commissioner Howard noted that he believes Staff's proposal is a good place to start, especially considering the unknowns with the subject use. He further noted that the City has a process for expanding or contracting where this use can be conducted.
- Commissioner Urquiaga stated that she believes the proposal is a balanced starting place for the permitting of the subject use.



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 the Development Services Department, 330 West 100 South, 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