The Commissioners will meet for a briefing of the regular session agenda items at 7:00 p.m. This will be a public meeting; however, no testimony will be heard, and no action will be taken on the agenda items. The regular session will follow immediately after the briefing meeting.

The agenda will be as follows:

**Call to Order**
- Approval of the Agenda
- Approval of Minutes: September 24, 2019, October 8, 2019, October 22, 2019

**Consent Agenda**
The Consent Agenda includes items that are administrative actions where no additional discussion is needed. When approved, the recommendations in the staff reports become the action of the Commission. A call for objection or comment will be made on the consent agenda items. If there is any opposition or comment, the item will be taken off the consent agenda and put on the regular administrative session meeting agenda for discussion. If there are no objections or comments, the item(s) will pass without further consideration.

1. Approval of the 2020 Planning Commission meeting schedule.
2. Ken Condie seeking plat amendment approval for Condie Farms, Plat C, adjusting the interior parcel boundaries of Lots 38-53.

**Legislative Session – Public Hearing**
3. Recommendation for amendments to the Housing Element of the General Plan to be in accordance with SB 34.
4. Recommendation for amendments to Section 14-5-204 of Springville City Code concerning performance guarantee releases;
5. Recommendation for amendments to Springville City Code Title 11, Articles 4 and 6, adopting regulations for a new Agricultural Specialty Zone and for medical cannabis pharmacies and production facilities.
6. Recommendation for amendment to Springville City Code Section 11-4-301 Land Use Matrix, permitting medical cannabis production facilities in the H-IM Heavy Industrial Manufacturing Zone.

**Administrative Session**

**Adjournment**

THIS AGENDA SUBJECT TO CHANGE WITH A MINIMUM OF 24-HOURS NOTICE

This meeting was noticed in compliance with Utah Code 52-4-202 on November 8, 2019. Agendas and minutes are accessible through the Springville City website at [www.springville.org/agendas-minutes](http://www.springville.org/agendas-minutes). Planning Commission meeting agendas are available through the Utah Public Meeting Notice website at [www.utah.gov/pmn/index.html](http://www.utah.gov/pmn/index.html). Email subscriptions to Utah Public Meeting Notices are available through their website.

In compliance with the Americans with Disabilities Act, the City will make reasonable accommodations to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the Community Development department at (801) 491-7861 at least three business days prior to the meeting.
MINUTES
Planning Commission
Work Session
Tuesday, September 24, 2019

IN ATTENDANCE

Commissioners Present: Chairman Frank Young, Genevieve Baker, Michael Clay, Carl Clyde, Michael Farrer and Brad Mertz

Commissioners Excused: Karen Ellingson

City Staff: Josh Yost, Community Development Director
Laura Thompson, City Planner
Heather Bakker, Executive Assistant

City Council: Chris Creer

CALL TO ORDER

Chairman Young called the meeting to order at 7:00 p.m.

DISCUSSION OF AGENDA

Chairman Young asked if there were any corrections to the agenda. There were no corrections to the agenda.

DISCUSSION OF MINUTES
August 27, 2019

Chairman Young asked if there were any corrections to the minutes. There were no corrections to the minutes.

CONSENT AGENDA

No items

LEGISLATIVE SESSION

No items
ADMINISTRATIVE SESSION

1. Discussion regarding accessory dwelling units (discussion item only, no action will be taken.)

With nothing further to discuss, Commissioner Mertz moved to adjourn the briefing meeting. Commissioner Baker seconded the motion. The vote to adjourn the briefing meeting was unanimous.

Chairman Young adjourned the briefing meeting at 7:01 p.m.
IN ATTENDANCE

Commissioners Present: Chairman Frank Young, Genevieve Baker, Michael Clay, Carl Clyde, Karen Ellingson, Michael Farrer and Brad Mertz

Commissioners Excused:

City Staff: Josh Yost, Community Development Director
Laura Thompson, City Planner
Heather Bakker, Executive Assistant

City Council: Chris Creer

CALL TO ORDER

Chairman Young called the meeting to order at 7:01 p.m.

APPROVAL OF THE AGENDA

Commissioner Clyde moved to approve the agenda as written. Commissioner Farrer seconded the motion. The vote to approve the agenda was unanimous.

APPROVAL OF THE MINUTES

August 27, 2019

Commissioner Farrer moved to approve the date of minutes here meeting minutes. Commissioner Clay seconded the motion. The vote to approve the meeting minutes was unanimous.

Commissioner Ellingson arrived at 7:02.

CONSENT AGENDA

No items

LEGISLATIVE SESSION:

No items
ADMINISTRATIVE SESSION

1. Discussion regarding accessory dwelling units (discussion item only, no action will be taken.)

Director Yost Presented. There are a large number of topics given to Community Development to address. We are moving forward on accessory dwelling units. Laura has done a lot of research on this topic. Director Yost asked the Commissioners how many have experience with this. Commissioners Young, Clyde, Clay, Mertz raised their hands.

Commissioner Baker pointed out that there are several in the Historic District.

Chairman Young asked if the appetite to enforce stronger than in 2011.

Director Yost explained that accessory dwelling units can be attached, detached, in a basement or over a garage on a single family lot. They are created for a lot of reasons, including generating income, accommodating family members and social support. Benefits for owners include viability of aging, social support and space for returning family. Providing more people housing, which results in lower vehicle miles traveled. Also, when they are within the same unit, energy efficiency is created.

Commissioner Baker asked about tiny homes. Director Yost explained that accessory dwellings are placed on permanent foundations generally. Tiny homes are not on foundations.

Director Yost explained that the benefits to the City include an increase in the supply of affordable housing, smooth demographic transitions, better utilization of existing infrastructure.

Commissioner Baker asked if we doubled the size of the population with ADU's, could Springville accommodate that growth with the current infrastructure. Director Yost said he can't speak to that. It will have an impact on gross water supply and sewer services. The Foxridge project pushes us closer to making sewer improvements. One hundred and fifty units didn't require it. With the Allen’s development, 300 West would have to be fixed.

Director Yost continued listing benefits ADU’s provide to the city. ADU's increase our density, without impacting the character of the neighborhood. They widen the range of affordable housing options. For example, in the River Bottoms. where housing might be expensive, someone could live there in a basement or ADU opening a way for them to live in a nicer, more expensive neighborhood. They provide more citizens to utilize the city. Provide walkable areas.

Commissioner Baker asked if ADU’s are currently allowed in Springville. Director Yost said that Plat A allows them with certain conditions.

Director Yost said the front set back 100 feet in Plat A. That makes it very limited as there are not many with that 100 foot setback. Lot standards, floor area (min, max) additional parking, attached, detached, owner occupied, designing to construction
Chairman Young noted that there are many of these all over the city currently. They are everywhere, legal or not. We need to acknowledge them, can’t get rid of them. He also doesn’t want every street to look like a used car dealership.

Commissioner Baker expressed concern about creating a flag lot and not subdividing the lot. She doesn’t feel like that is a good thing. In Plat A there are a few instances of homes being built on the same lot and too close together.

Commissioner Ellingson pointed out there will be implications on the Fire Department.

Commissioner Baker said that building a second home on their lot, is it getting around the protections of a flag lot. Director Yost explained there are considerations for detached units, setbacks, height, shorter than primary residence all things that can be looked at.

Commissioner Farrer asked why the Council chose not to act on proposed ordinance. He wasn’t here in 2014.

Councilman Creer addressed the Commission and said that, at that time, two were new on the Council, and the City Council was against ADU because of parking and clutter. It wasn’t wanted at the time by the council or those in attendance. While not wanting to speak for all the Council members, he said the feeling now is that they are for ADU’s. There are so many around and there is a feeling to address the housing shortage. Senate Bill 34 is requiring the city to address the housing shortage. Now we are willing to test the waters and see how it works.

Commissioner Clyde pointed out that they exist in his neighborhood and someone from the City told one of his neighbors that ADU’s were allowed in his neighborhood. Planner Thompson said no, they are not allowed in the R1-15 zone. Commissioner Clyde would want them allowed as long as the owner lives in the house.

Commissioner Clyde commented that ADU’s have a similar number of cars as families with teens. He doesn’t see a lot of car issues. A lot of ADU’s dwellers are students, they aren’t there long term. He hasn’t seen too many problems in my neighborhood.

Commissioner Baker pointed out ADU’s are all over in Plat A and there are an excessive amount of cars. They even park diagonally which is illegal. Certain areas have a lot of cars parked on the road and that don’t ever move. There is a fifty-foot frontage in Plat A. Reducing the lot frontage requirement is not a good idea because it needs to allow for them to park on the streets. When it is a fifty-foot frontage, they park in crazy ways. Two cars fit in front of her house. No place on her lot to widen her driveway. Other places where they have accessory apartments, and they aren’t owner occupied, are in disrepair, subdivided into multiple apartments. It is a real issue if it’s unchecked.
Commissioner Ellingson stated that these issues can become systemic with these concerns. If we are going to look into this, we need to have conversations with other cities and see what they have had success with.

Commissioner Baker said that enforcement should also be addressed and what the city is going to do if ADU's are allowed. Commissioner Ellingson pointed out that Code Enforcement Officer's hands are tied and there is only one officer currently.

Commissioner Clay asked how an ADU is different from a duplex. Director Yost explained that an ADU creates a smaller subsidiary unit, not equal units with the same amount of frontage. They have separated metering. He mentioned Seattle’s ADU ordinance.

Commissioner Clay commented that he has seen instances where people have separated a duplex to make the top portion and the basement separate units with separate locking doors. We need to make it so the ADU ordinance is not zoning everything for duplexes. Property owners may ask what right does the city have to change my SFD zoned home. We don’t want to send mixed messages. The way the ordinance is written with play a huge role in if the citizens will support it.

Director Yost used an example used in Provo to maintain the fact that it’s a single family home.

Commissioner Clyde said that they will need egress windows and a door to get out and separate living areas.

Commissioner Clay suggested a vertical arrangement instead of a horizontal one.

Director Yost said this is an ownership issue. In Provo, they have six Code Enforcement Officers and ADU’s are very difficult to enforce. Obtaining burden of proof is difficult. Determining if they are the person on the title. Therefore, relying fully on enforcement is difficult.

Commissioner Baker mentioned a size issue. Her house the basement is the same footprint as the upstairs. Director Yost explained that size requirements are employed when ADU's are detached. They are not seen as a second use in a main dwelling.

Director Yost described the initial licensing and inspection in Provo. They check that it meets minimum requirements for egress and that it meets ADA, handrails and GFCI requirements. They do not have an ongoing license. They are considering maintenance of a license to maintain the compliance.

Commissioner Clay asked what percentage of ADU’s are legal in Provo. Director Yost said that half of them are licensed.

Commissioner Baker asked about existing ADU’s and how you prove they were already in place before an ordinance is written.

Commissioner Clyde added that if they are illegal now, they should not be grandfathered.
Director Yost discussed the need for a building permit, second meter and separate addresses.

Planner Thompson was asked how many requests for approved accessory apartments are made currently. She gets one to two calls a month to verify.

Commissioner Clay is a fan of ADU’s. But there is a lot of illegal behavior already. We will have to address keeping it reined in. He used the example of the speed limit. When people drive 45 mph in a 35 mph zone.

Commissioner Clay explained that the existing ones work well in my neighborhood. Tensions between neighbors is because some are allowed and others are not. He wondered if they were legal, would more people adopt the behavior.

Commissioner Baker brought up Air BNB’s.

Commissioner Clay pointed out that we are distant from national parks and resorts. So wouldn’t be such a problem. When he says negative things, it is cautionary. He’s not opposed to the idea. We will need to have an understanding of how to make them better and aesthetically pleasing. In California, the people had to live in the back house to rent out the front house. There are positives to this idea.

Commissioner Baker likes the notion of accessory apartments and also likes the idea of licensing and continued licensing so that it’s being looked at and reviewed on a regular basis.

Commissioner Clay reminded the Commissioners that Director Yost mentioned that in Provo, only half are licensed. Director Yost clarified that most of the illegal ones are where they are not permitted. Where they are legal they are getting licenses.

Director Yost said that Provo has put an incentive in place and they charge $20 for a zoning verification letter.

Commissioner Baker asked if there are Air BNB ordinances in place in Springville. Director Yost replied that there aren’t, but they will be coming.

Commissioner Baker asked if right now can an accessory apartment be rented as a separate address. Director Yost replied not legally. The whole house can be Air BNB, but the establishment of the second unit is what this ordinance would be addressing.

Planner Thompson commented that usually the realtor calls and gets the certificate of non-conformity. If there are issues, it is complaint driven. Our Code Enforcement Officer, which there is only one, sends letters and then sends to court if needed.

Director Yost clarified after this discussion, that the items needing to be addressed are parking, livability, safety, appearance, clutter and licensing.

Commissioner Baker is concerned about the de facto creation of flag lots. It would be like they have a flag lot. One lot divided into two, and if they have an accessory apt on
that lot, then they have two houses on one lot, increases housing density on the lot. Her
concern is in Plat A. She doesn’t want to increase the number of flag lots in this area.
The Historic District has lots of deep lots. If they got filled with homes, it would change
the character of the neighborhood.

Commissioner Mertz said that the owner could live in the smaller unit. Having it owner
occupied is key.

Director Yost pointed out that the most concerning ADU’s in his neighborhood are the
owner-occupied homes. We would need to tailor the ordinance to make it a gift instead
of a threat.

Commissioner Clay mentioned private property rights. Director Yost stated that there
could be multiple public meetings or an article in City Source newsletter to keep the
public involved. Commissioner Clay pointed out that any neighborhood in a zone that is
being considered for ADU’s should be invited to a meeting.

Commissioner Baker talked about an information gathering meeting where people broke
into groups and discussed different concerns that they had. Flyers were sent to
everyone. Many people came and they could continue to sign up for Ad Hoc committee,
and further discussions. This approach helped the neighborhood to feel like they were
heard. Getting the public involved helps them not be mad.

Commissioner Ellingson said that we would need to explain the reasons, the why and
the how.

Commissioner Clay said that when government does things, it tends to make citizens
mad. So educating them outside of this meeting is best.

Commissioner Farrer commented that the State legislation is not well known.

Chairman Young said that we look forward to future discussions on involving the public.

Commissioner Baker added that there is the good and bad of real-life applications.

Commissioner Clay offered that if this is not immediate, BYU students would like to help.

Commissioner Ellingson mentioned the new civic engagement minor could be used.

With nothing further to discuss, Commissioner Clay moved to adjourn the meeting.
Commissioner Clyde seconded the motion.

Chairman Young adjourned the meeting at 7:56 p.m.
IN ATTENDANCE

Commissioners Present: Michael Clay, Carl Clyde, Karen Ellingson, Michael Farrer and Brad Mertz
Commissioners Excused: Frank Young and Genevieve Baker
City Staff: Josh Yost, Community Development Director
Laura Thompson, City Planner
John Penrod, City Attorney
Heather Bakker, Executive Assistant
City Council: Chris Creer

CALL TO ORDER

Commissioner Clyde called the meeting to order at 7:02 p.m.

DISCUSSION OF AGENDA

Commissioner Clyde asked if there were any corrections to the agenda. There were no corrections to the agenda.

DISCUSSION OF MINUTES

No minutes

CONSENT AGENDA

No items

LEGISLATIVE SESSION

No items

ADMINISTRATIVE SESSION

1. Discussion concerning accommodating materials processing and storage in the L-IM Zone.
2. Review of City Council planning related priority list.

With nothing further to discuss, Commissioner Clay moved to adjourn the briefing meeting. Commissioner Ellingson seconded the motion. The vote to adjourn the briefing meeting was unanimous.

Chairman Young adjourned the meeting at 7:03 p.m.
MINUTES
Planning Commission
Regular Session
Tuesday, October 8, 2019

IN ATTENDANCE

Commissioners Present: Michael Clay, Carl Clyde, Karen Ellingson, Michael Farrer and Brad Mertz

Commissioners Excused: Frank Young and Genevieve Baker

City Staff: Josh Yost, Community Development Director
Laura Thompson, City Planner
John Penrod, City Attorney
Heather Bakker, Executive Assistant

City Council: Chris Creer

CALL TO ORDER

Commissioner Clyde called the meeting to order at 7:03 p.m.

APPROVAL OF THE AGENDA

Commissioner Clay moved to approve the agenda as written. Commissioner Farrer seconded the motion. The vote to approve the agenda was unanimous.

APPROVAL OF THE MINUTES

No minutes

CONSENT AGENDA

No items

LEGISLATIVE SESSION:

No items

ADMINISTRATIVE SESSION
1. Discussion concerning accommodating materials processing and storage in the L-IM Zone.

Director Yost presented. One of the items of the list of fifteen priority projects I was given to investigate is the zoning for SR-51 corridor, South of the railroad tracks and specifically South of 1600 South. This is a priority because of the materials processing, handling and storage operations that are occurring down there that aren’t permitted in the zone. The Council has expressed their desire to accommodate those uses in some fashion.

Director Yost continued to say that John Penrod pointed out that we don’t feel connected to this end of town. Our entry sign is not until the railroad tracks. Almost as though we are not claiming that end of town. He asked what we can do and what priorities can we set to make this a more hospitable area of town and a better gateway. He then showed video of driving Northbound on SR-51 to demonstrate what it looks like currently.

This area is mostly zoned L-IM but there are also some commercial and residential zones mixed in. It is an area that, in planner speak, we call a mixed character which equates to not that great. From an aesthetic and functional aspect, it’s not really an attractive part of our city. There are a lot of areas of non-compliance there.

Director Yost said he would discuss considerations for an ordinance amendment and he would propose a zoning overlay and licensing standards as a two-pronged approach to move forward on regulating this area.

The area is 300 acres with primary frontage on SR-51 and 1600 South and is a major gateway to South side of the city. Director Yost showed on a map where non-conforming illegal materials processing and storage is occurring. It encompasses an area equal to about four blocks of downtown including the street. It isn’t an insignificant amount of property. The question is how can we accommodate it without having adverse effects by allowing it too broadly or by altering the L-IM zone. Materials processing and storage is not permitted in L-IM zone. Zoning considerations would not want that as a permitted use throughout the LIM zones in the city. Materials processing storage is a defining difference between the L-IM and the H-IM zones. Allowing this use would require more control than a conditional use permit could provide. We need the ability to say no, and conditional use permit doesn’t allow for that. Another option is to adopt a new medium zone, but Director Yost doesn’t feel that we need another zone.

We are looking at an MPS overlay that would limit geographical area, maintain character of the L-IM zone and provide discretion to the City Council, through the legislative process, on when and where to apply it. We could adopt property standards within the zone, everything from frontage, to property size and property setbacks, to operations and screening. We could even establish continuity of use standards to permit for the reversion of the overlay when operations cease.

The second prong of this is with the Business Licensing standards. We would put the land use regulations in the land use code and the operational regulations in the business license code.
With the business license, we can require a yearly renewal that allows us to recertify compliance. Eight categories of standards to regulate these operations:

- Possible standards:
- Site improvement
- Visual screening
- Material volume
- Hours of operation
- SWPPP compliance
- Dust control
- Haulage routes
- Traffic management/volume for the operations.

Director Yost then asked the Planning Commissioner if this is something we want to accommodate. Allowing MPS in LIM zone along SR-51 using a zoning overlay and business license standards as the regulatory options. He asked what categories of regulation are necessary from this list and are there any standards in any of these categories that we should pay particular attention to. Then asked for the Commissioners feedback.

Commissioner Clay asked that in addition to material volume, would we add material type. Director Yost answered yes.

Commissioner Clay mentioned that there are things that we wouldn’t want stored there. Overlays are typically optional, but not everyone chooses to have it. He asked if there is a concern that other L-IM zones would request this overlay.

Director Yost answered that they could. We plan to craft the overlay language to say that it is intended to be used in a certain geographical area. It would be very specific. It wouldn’t bind the council to say no or prevent them from amending that in the future. That could be a concern.

Commissioner Ellingson commented that some noise regulation would be good to have in the overlay language. Especially as residential starting to get closer to the area.

Director Yost added that it could also include a buffer or setback distance from residential use.

Commissioner Clay asked for Google Maps to be opened. He pointed out a storage yard where they have recently done quite a lot of screening, but screened with storage containers. It’s not as unattractive, but this is not the front porch you want to have. If we move the welcome to Springville sign, we are going to legitimize and accommodate what is going on out there. He asked if that is the idea.

Director Yost affirmed yes, but there is the second half of that that. Because it is not a permitted use, there is not entitlement to that use. Now we will require through overlay and business licensing the implementation of aesthetics and functional measures to improve the character of the area. That could be buffering with vegetation, walls, screening, streetscape or setback requirements. We will accommodate the use, but put in requirements.
Commissioner Clay commented that this area has looked this way ever since he has lived in Springville. He asked if there have been efforts in the past to bring this up to compliance with current code.

Director Yost affirmed that there has been. And to be clear, we are not talking about what we see here with junk storage. That is not permitted and the proposed overlay would not permit that either. We are really looking at bulk material handling, concrete crushing, gravel sorting, asphalt milling and recycling. Or haul yards for civil construction. Not outdoor storage of vehicles and other things like that. We are currently holding off on enforcement as we go through this process, but there have been efforts to bring those properties into compliance. Past enforcement efforts have brought adverse reactions from those property owners. And pushed us towards us finding a way to accommodate the use.

Commissioner Clay asked if the 1400 West and about 1100 S area behind Camelot Village a similarly non-conforming use at present. Planner Thompson said that it was annexed in and it is grandfathered. John Penrod confirmed that it was annexed in but he hasn’t done the research. Planner Thompson confirmed that she has done the research.

Commissioner Clay asked that whatever we do on SR-51, might be applicable here as well. Director Yost said no. Commissioner Clay mentioned that you couldn’t force compliance with it but you could try.

Director Yost confirmed that it is legal non-conforming because of its previous entitlement. We cannot come in after the fact and regulate it on the land use side. Possibly with the business license side, but is harder after the land use is established. Best bet to make some impact there is studying and implementing an interchange at 1600 South.

Commissioner Farrer asked if this area (Camelot Village area) is fenced and covered better than other properties. Director Yost & Commissioner Clay said it is a little but not well. Commissioner Clay pointed out that it is screened but you can see the things behind it.

Commissioner Clay commented that Rick Salisbury had a property on 1400 North that was being used for storage for a long time and then it suddenly it got cleaned up almost overnight. He asked what mechanism was used to get that cleaned up.

Planner Thompson said that it was administratively approved as a storage yard. It was a permitted use at the time. He cleaned it up on his own. He was going to store construction dumpsters but now it is being leased to Jake Harward. Commissioner Clay asked if there was an administrative tool used to get that cleaned up. Planner Thompson clarified that they were required to make street frontage landscaping improvements with their site plan approval. So yes, there were some planning efforts there.

Commissioner Clyde asked how the overlay different from spot zoning. Director Yost said spot zoning is not a thing. It speaks to one of the problems with our zoning is that it
isn’t fine-tuned. The difference here and spot zoning is that it isn’t changing the base zone. It is just permitting an additional use and regulatory control to the property through its implementation.

Commissioner Clay asked if this is still to an area and not a specific parcel. Director Yost said that it could be. We are not making a specific recommendation of the adoption of the overlay into the ordinance of where it should be applied, but leave it to the property owners to make the request. His vision is to make it a parcel to parcel basis. Especially with the ability to control it through the business license process. You may have the entitlement through the overlay, but you wouldn’t be able to operate that without the specific materials handling and processing and storage license. He wouldn’t see this as applying that to all the parcels or the island area. But looking to put this on the books and have the property owners request the application of the overlay zone.

Commissioner Clyde asked what the leverage would be to have them come in and apply. Director Yost said that we would enforce by taking them through our enforcement process beginning with issuing a notice of violation. If they don’t comply, we will send them to court if necessary. Commissioner Clyde asked how this is different than the current process. Director Yost answered that currently we are holding them in abeyance so we can get through this process, as there is a desire from the Council to accommodate this use in some type of fashion. Commissioner Farrer asked if we have tried to enforce. Director Yost said that he thinks so.

Director Yost pointed out that there is an additional level of regulation with the overlay. He would see it being used on a parcel to parcel basis and through the business license process.

Commissioner Clay asked how you could regulate material volume. Director Yost said that it would be most likely self-reporting. We could count trucks, do aerial surveys of materials being held on site. But it’s best controlled with a site plan process which designates the extent of the area to be used for material storage. Can be enforce through site visits or on a complaint basis.

Commissioner Clay said he likes the idea because it helps the current property owners and helps the City.

Commissioner Ellingson asked how this will help with moving the gateway further South. Director Yost answered that this is why we have these categories of regulation. As we move forward, we want to make sure the requirements of the zone will help us to require improvements, aesthetic and functional, to the properties that adopt this overlay. It won’t help us on an overall corridor improvement perspective unless we rezone all of it. We couldn’t ask those operations already there to re-zone their property. So that is why I asked initially that we need to think about what kind of priority we want to give this area and take an overall corridor study of it to see what can be done. While also taking into account current and future land uses, to make it aesthetically and functionally a better entrance to the City. This will help us incrementally.

Commissioner Farrer asked if we pass this category as a regulation, will it be applicable to anyone who goes into the overlay. Director Yost said yes. Director Yost said that he needs the Planning Commission’s guidance on which standards are important. As we
codify it, anyone asking to have this zone applied to them would be required to meet each of the standards. It’s our job to make sure we get all of the standards in there that we need. Finding the balance of how much we want to accommodate and managing the land use and the corridor. We can find a middle ground where the interests can be met.

Commissioner Clay clarified that we are trying to balance the hardship and bring it into conforming and in the process, we are trying to bring them into conformity and in the process, ask them to do some things. Director Yost agreed and added that we need to mitigate the worst adverse effects.

Commissioner Clay then asked what Director Yost is looking for from the Planning Commission tonight. Director Yost responded that this discussion and the feedback being provided is what was needed.

Commissioner Clay then brought up the view screening and how close they are to public right of ways. That those that are further away from the street wouldn’t need as much as those by the street. That would lower the cost burden of compliance. Director Yost believes the standards can be written in a way to provide contextual flexibility.

Commissioner Farrer asked where material volume is concerned, are we looking at saying by square footage or restrict the amount of volume in some way. Director Yost said that the Council didn’t seem particularly concerned about regulating, but if we regulated the impacts related to that like hours of operation, haulage routes, traffic management. The amount of trucks that would be able to come in everyday between 8:00 and 5:00 would effectively limit the volume of material. But maybe it’s not the volume that we care about as much as the traffic and other impacts generated by volume, so we should regulate those impacts directly.

Commissioner Clay pointed out that the traffic would have to be below the screening. So those two things would indirectly control the volume rather than us having to put the limits on.

Commissioner Clyde said that Ogden has a processing screening requirement. Explained the berm and the fence on top of the berm.

Commissioner Clyde moved the meeting to the next agenda item.

2. Review of City Council planning related priority list.

Director Yost presented the list.

1. Accessory Dwelling Units
   a. Citywide recommendations.
2. Allen’s Property
3. 1600 South Corridor Study with Future I-15 Exchange
4. Main Street Corridor Study/Plans
5. Zoning and Subdivision Ordinance Overhaul
6. Sign Ordinance Review
7. Revised Trail Master Plan
8. L-IM Zoning Along SR-51 (Possibly Include a Medium-IM Zone)

9. General Plan Updates

10. Ordinance for Downtown Business A-frame Signs

11. Highway Commercial Zone Study

12. Streamline Development Process

13. Downtown Beautification Plans

14. Gateway Plans

15. Economic Development Leakage Analysis

Accessory Dwelling Units were discussed last meeting. We are working with the Council toward getting the ordinance drafted.

Allen’s Property Director Yost and Troy Fitzgerald met with the developers yesterday. They are addressing some of our concerns about the designs and aspects of the property and the intensity of that development. They have been open and Director Yost has confidence they are working in good faith.

1600 South Corridor Study Director Yost applied yesterday for a $90,000 for a special technical planning assistance grant program from UDOT. Focusing on land use and transportation and urban design. He is hopeful that we will get that grant to retain a group to help us do some modeling and analysis. And get our interests well established in the design of the actual corridor from I-15 to SR 51 so we can make sure it is a place as well as a corridor. Includes as proposed in MAGS TransPlan50, a grade separated active transportation corridor along 1600 S that connects to 1200 West and then gets you to FrontRunner. Eventually envision that extending to 1600 North in Mapleton. This is where the tricky area through SR51 and State Street is to get through some of those subdivisions and across the rail are and across the rail to make the connect. But making the connection will help in the performance of 400 South and especially at 400 South and Main Street and SR51/89 Interchange.

Main Street Corridor Study/Plans Director Yost said that we are feeling his out there is a mandate, especially at the North end of Main Street, 400 North and North to make this a more habitable and livable place. AS well as accommodating the highest and best land use possible, based on what we want and what the market can support.

Zoning and Subdivision Ordinance Overhaul is one that Director Yost is still working on understanding. Without having to rewrite the zoning code. Currently working on updates to comply with SB34. Need to determine what the goal is with this.

Sign Ordinance Review Council would like us to take another look at this ordinance. Staff and Planning Commission don’t have a real desire to open this back up for discussion. Commissioner Clay pointed out that the sign meeting was the longest meeting for the Planning Commission. We are not wanting to open that discussion again. The Commissioners were in agreement that they were very liberal with the sign ordinance when it was adopted. Yet there are more asks.
Revised Trail Master Plan: Commissioner Clay said the National Park Service has a rivers and trails grant assistance program that the City could qualify for. They will come in with a BYU team and create the master trails plan for you, essentially free of charge. Director Yost said that was great to know. Staff have sat down and looked at this trails master plan in detail and we feel we need more than just a trails plan, we need a complete master transportation plan for Springville. Possibly that group could come and help us with trails and feed that into the master plan process. Director Yost met yesterday with Jim Price from MAG and Chris Wiltsey from Bike Utah and we are going to apply for $85,000 in planning funds in the next TIP round to help us hire a firm to assist with creating a comprehensive, active transportation plan.

L-IM Zoning Along SR-51 (Possibly Include a Medium-IM Zone) was discussed tonight.

General Plan Updates are primarily what you will see next meeting, updates to the moderate-income housing element of our general plan and SB34 requires updates to the land use and transportation section to integrate all of the elements. Legislature is saying that we need to look at planning and integrated activity between land use, transportation and housing. We are excited about that. These initiatives are pushing UDOT to look at quality of life and livability as they make planning decisions.

Commissioner Ellingson asked if we are changing our General Plan in time for more legislative adjustments in February, when the Legislature meets again. Director Yost explained the SB34 menu requirements that must be adopted and put into the General Plan by December 1, 2019 or we can be at risk of not getting transportation funding from the State next year. Will bring to City Council and try to have it adopted in November.

Ordinance for Downtown Business A-frame Signs: There have been concerns of unregulated signs, especially on the North end of Main Street. Salt Lake City has a great ordinance for unattended signs and Provo recently adopted an A-frame sign ordinance. When we have language, we will bring that to you.

Highway Commercial Zone Study: There is a lot of area close to the freeway that is zoned Highway Commercial. We are looking at this to make sure we are making the best decision with this zoning. This is a farther out priority but will be looked into.

Streamline Development Process: This is being worked on continually. Worked on a few things to streamline this already. The Chairman will no longer have to sign plats. In the past, we have been having applicants write us a check for the plat recording fee and then having our finance department cut a check to the county. Our finance department only cuts checks once per week. So now we are having the applicant write the check directly to the county to make this process smoother.

Downtown Beautification Plans: related to the Main Street Corridor Plans. We want to make our downtown more vibrant and attractive as well as functional.

Gateway Plans: related to an effort Troy has undertaken to help us design gateway signage. As we look at signage, we are regulating land use for those gateway areas. We feel that we have been behind the curve with the 7-Eleven on North Main Street. It may not have been the land use if we had been further ahead.
Economic Development Leakage Analysis this got easier last week when Esri has a module that will run this for us. This will move up on the list as we now have a way to create it. Esri will give us a good analysis of where the dollars are leaking out and help us with land use decisions moving forward.

Other projects include short term rentals which we’ll talk about next meeting. Another one is maintaining the small-town feel. Finding a way to quantify that. Ways to keep the City Council and community updated on projects. We are working on this now. Making an online gateway for this information. Laura has been the gatekeeper of this up to this point. We want it to be more public facing so they can see what is in the queue and where it is in the process. Commercial design standards will be looked at with perhaps working with Dr. Clay’s students for this.

We are making some progress on this list and wanted to bring you up to speed and let you know what is coming your way.

Director Yost asked for feedback on inconsistencies in fence permitting. Citizens have had to make changes to their fences. He asked if there any interest from the Commissioner’s in changing fence regulations.

Attorney Penrod added that this is particular to corner lots that are causing the biggest issue.

Commissioner Clyde said the area where he drives near Canyon Road the fence makes it difficult to see. We need to make sure it’s safe and aesthetic for the community and if we are asked, we will look at it.

Commissioner Clay asked for clarification on what the corner lot owners are asking for.

Director Yost said that they want a six-foot solid fence against the side yard on the back of the sidewalk. Attorney Penrod showed an example of a corner lot that abuts an interior lot. This is where the owners get frustrated because they then have to bring their fence in 20 feet. The ordinance is trying to make it so there isn’t a six-foot fence against the sidewalk and tie the whole street together, allowing you to see down the street.

Commissioner Ellingson pointed out that where the location of the driveway is could have a visual impact.

Attorney Penrod agreed that it could. We still require clear view on the corner, no matter what. It’s the portion of the backyard that they can’t use that is the frustration. I support the way the ordinance is currently, but we have been asked a lot about in the last 6 months. Planner Thompson said it was since the ordinance was adopted.

Commissioner Clay asked how many requests is a lot or constantly.

Attorney Penrod stated that he has been brought in on, which is not all, is two a month at least.
Planner Thompson said that the new developments coming in have created these lots that create this problem. If the lots were laid out better, it wouldn’t be as much as a problem. In Miner’s Grove, there are many lots that have a rear yard adjacent to an interior side yard/front yard. Which if the interior yard came in and wanted a six-foot fence, in their front yard, we would tell them no. It could be a four-foot fence. Commissioner Clyde pointed out that unless it was 20 feet off. Planner Thompson affirmed that is the case.

Commissioner Ellingson said she doesn’t see why a two-foot height difference would mean you can’t use your backyard. Attorney Penrod agreed. He is expressing what the property owners are saying to us.

Commissioner Clyde asked if they have a four-foot fence, they can go right on the property line. Attorney Penrod said one foot off back of walk. Commissioner Clyde pointed out that they want two more feet of privacy. Attorney Penrod said that is what they want. The owners are saying they want to have barbecues and enjoy their yards and the six-foot fence helps them to feel more privacy and safety.

Commissioner Clyde asked if this is more of a safety issue or an aesthetics issue. Attorney Penrod said that this is where I am expressing the problem, but the planners that know those answers. Commissioner Clyde feels that safety should trump aesthetics. Aesthetics are important, but safety is important.

Director Yost said that Planner Thompson reminded him that you can have a six-foot fence if it is 70% open (see-through) one foot back of walk. You could have a solid four-foot fence and a 70% open fence stacked above that up to six feet. In Daybreak, fences are the antithesis of what they are trying to accomplish. They allow six-foot fences in rear yards and alley ways. There are not a lot of them, especially adjacent streets and right of ways. No one that Director Yost knows that lives there has ever expressed concern about their safety and enjoyment of their home in regards to restrictions on fences.

Commissioner Clyde stated that the issue is people buy a lot and then they don’t know the fence law until after it is purchased and they go to put in a fence. Director Yost said that some residents have said that if they knew the fence law prior, they wouldn’t have purchased that lot. It is unclear if that is just a sentiment or if it really would have happened. Recent issues have come where people say they have made good faith efforts to meet the code that were approved erroneously.

Attorney Penrod stated that some permits were issued that were contrary to the ordinance. We are trying to rectify those issues. Commissioner Clay clarified that the city issued permits in error. Attorney Penrod affirmed.

Attorney Penrod said that Mayor Clyde’s home good example. He has followed the ordinance. Commissioner Ellingson pointed out that across the street the fence is 70% see through. Commissioner Clyde said that even though it is see-through, it looks solid as you look down the street. Attorney Penrod agreed that it is difficult to see through it a certain angle.

Commissioner Clay asked if there is a better mechanism to get the homeowners aware of the fence ordinance. Commissioner Ellingson suggested something in the welcome
packet. Commissioner Clyde pointed out that prospective buyers don’t look at the ordinances typically before buying. Attorney Penrod there are obstacles. Attorney Penrod said that even if there were a welcome packet they would already own the home at that point. Commissioner Clyde suggested it could be communicated when they get the building permit. Attorney Penrod stated that it’s not always the homeowner getting the building permit. Or it is an existing home where the fence hasn’t been installed. There is a responsibility for due diligence but it isn’t something you think about when buying a house.

Commissioner Farrer asked if changing the ordinance to 50% see through would make a difference. Attorney Penrod said the complaints are the citizens really want the six-foot solid fence for privacy.

Commissioner Mertz stated that he thinks it is worth looking at. He asked if looking at this fence, would it matter if it were solid. To him, it wouldn’t matter.

Attorney Penrod showed an example of if the fence were covering your front yard, it would be hard to feel part of a street. When you come outside and all you see is fence. People that are wanting the high fence say that their neighbor could care less. This is the issue and we said we would raise it to you.

Commissioner Clay asked if at present are there a number of non-conforming fences.

Attorney Penrod said yes. Some fences are legal non-conforming, because they were put in before the fence ordinance. You can see instances where a fence that will be a foot off back of sidewalk that is six-feet high that was in place before the ordinance.

Commissioner Farrer asked what the date of the fencing ordinance. Planner Thompson said there are several. The fence ordinance has changed four times between 2000 and now.

With nothing further to discuss, Commissioner Clay moved to adjourn the meeting. Commissioner Ellingson seconded the motion.

Commissioner Clyde adjourned the meeting at 8:13 p.m.
MINUTES
Planning Commission
Work Session
Tuesday, October 22, 2019

IN ATTENDANCE

Commissioners Present: Chairman Frank Young, Genevieve Baker, Michael Clay, Carl Clyde, Karen Ellingson and Michael Farrer

Commissioners Excused: Brad Mertz

City Staff: Josh Yost, Community Development Director
Laura Thompson, City Planner
Heather Bakker, Executive Assistant

City Council: Chris Creer

CALL TO ORDER

Chairman Young called the meeting to order at 7:00 p.m.

DISCUSSION OF AGENDA

Chairman Young asked if there were any corrections to the agenda. There were no corrections to the agenda.

DISCUSSION OF MINUTES

No minutes

CONSENT AGENDA

1. Approval of the Jonah Phillips Homestead Subdivision located at 208 S 200 W in the R1-5 Single-Family Residential Zone.

2. Plat Amendment and Site Plan Approval for Spring Haven Farms Lots 8 & 9 located at 2414 West 700 South in the HC-Highway Commercial Zone.

LEGISLATIVE SESSION
3. Recommendation regarding amendments to the Housing Element of the General Plan to be in accordance with SB 34

4. Recommendation regarding an amendment to Section 14-5-204 of Springville City Code concerning performance guarantee releases.

ADMINISTRATIVE SESSION

Discussion concerning short term rentals.

Chairman Young asked if any consent agenda items should be pulled off the consent agenda to be discussed further. The consensus was to leave them on consent.

Chairman Young then asked if there were questions for staff regarding any of the items.

Commissioner Ellingson asked about the public hearing items that were not included in the packet. Director Yost explained that #3 will be moved to an Administrative item and be discussed tonight. Item #4 we ask you to continue that to the next meeting, due to a noticing error. Both will be continued to the next meeting. Commissioner Baker clarified that item #3 is being moved to the Administrative Session because we are just discussing it. Director Yost said that is correct. Commissioner Clay said the adjustment will be made when we approve the agenda.

With nothing further to discuss, Commissioner Clay moved to adjourn the briefing meeting. Commissioner Baker seconded the motion. The vote to adjourn the briefing meeting was unanimous.

Chairman Young adjourned the meeting at 7:02 p.m.
IN ATTENDANCE

Commissioners Present: Chairman Frank Young, Genevieve Baker, Michael Clay, Carl Clyde, Karen Ellingson and Michael Farrer

Commissioners Excused: Brad Mertz

City Staff: Josh Yost, Community Development Director
Laura Thompson, City Planner
Heather Bakker, Executive Assistant

City Council: Chris Creer

CALL TO ORDER

Chairman Young called the meeting to order at 7:02 p.m.

APPROVAL OF THE AGENDA

Commissioner Clay moved to approve the agenda with the amendment that the two Legislative Session items which were noticed incorrectly are being moved to the Administrative Session. Commissioner Clyde seconded the motion. The vote to approve the agenda was unanimous.

APPROVAL OF THE MINUTES

No Minutes

CONSENT AGENDA

1. Approval of the Jonah Phillips Homestead Subdivision located at 208 S 200 W in the R1-5 Single-Family Residential Zone.

2. Plat Amendment and Site Plan Approval for Spring Haven Farms Lots 8 & 9 located at 2414 West 700 South in the HC-Highway Commercial Zone.
Commissioner Baker moved to approve the Consent Agenda. Commissioner Ellingson seconded the motion. The vote to approve the Consent Agenda was unanimous.

**LEGISLATIVE SESSION:**

1. **Recommendation regarding amendments to the Housing Element of the General Plan to be in accordance with SB 34**

Director Yost presented. SB34 was adopted in the previous legislative session in regards to moderate income housing. The legislature has told us that in our General Plan:

1. We need to correlate our transportation plan with our population and employment projections and local land use. They are saying to put correct land uses and transportation infrastructure together so they make sense so that we put the right land use with the right related transportation infrastructure. This mandate that requires that cities to address this shows the State is becoming more progressive in regards to planning policy.

2. Requires us to consider long-range regional plans like the MAG TransPlan50 that guides large scale regional improvements and active transportation: pedestrian, bicycle and other active transportation facilities.

3. Requires residential commercial development around major transit investment corridors and stations for communities that have them. We don’t currently, but we will. We have planned and will continue to plan for that.

4. Adopt and report on moderate income housing plan annual in order to receive Transportation Improvement Plan funds (TIF) and Transportation Improvement funds for Transit (TTIF).

Commissioner Farrer asked if that is what is due on December 1. Director Yost said the obligation this year is to adopt ‘the menu’ choices of the bill into our plan. We don’t have to adopt the updated transportation and land use sections at this time, just the Moderate Income Housing elements. Thereafter, we will be required every year to review and adopt and publish a Moderate Income Housing report documenting our progress in providing Moderate Income Housing in the different categories.

Facilitate a reasonable opportunity for a variety of housing including Moderate Income Housing and shall now

1. meet the needs of people of various income levels living, working, or desiring to live or work in the community (509);

2. “allow people with various incomes to benefit from and participate in all aspects of neighborhood and community life” (511);

3. towns may and cities shall analyze how they will provide a realistic opportunity for the development of MIH within 5 years for (513)

Shall include a recommendation to implement 3 or more of the following strategies, aka the ‘menu’ (518).

Cities that have a high transit investment corridor, which we will have, are required to adopt a fourth related to development around those facilities. This includes Springville.

We need to implement three or more of the list of strategies called the menu. And adopt a fourth related in their plan.
Director Yost presented the menu. The menu was developed by soliciting strategies and policies from cities and towns and then collating ideas to be chosen from. We will be selecting four of these to implement in our Moderate Income Housing plan.

Chairman Young asked if the requirement to adopt is tiered based on population. Director Yost explained the requirement to adopt these is 5,000 and not tiered by population. But any size municipality can choose from this list.

Director Yost continued. As administration, we’ve identified the ones we are already doing, and are most straightforward and make sense to adopt into our General Plan.

Five items being proposed:

A - rezone for densities necessary to assure the production of MIH

E - create or allow for, and reduce regulations related to, accessory dwelling units in residential zones. We permit a limited amount of ADU’s and are looking to expand that potentially.

F - allow for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers. We have done that and allow that in most areas of the city and most intensively in the TC zone, next to the FrontRunner station.

G - encourage higher density or moderate income residential development near major transit investment corridors. G or H needed to be selected if we have a major transit corridor, so we selected G.

V - utilize a MIH set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency. We have to do this anyway and anticipate doing more of this. Under the current Community Development Act at the State, we have to take 20% of the tax increment derived from redevelopment or Community Development areas and apply that to either donating to the Olene Walker Affordable Housing Fund or use it in our own communities to provide for or facilitate the production of Moderate Income Housing.

By our next meeting we need this adopted so we can take it to the Council on November 19 and get it adopted before December 1. Otherwise the Public Works Director and City Engineer will come after me for the State Transportation Funds.

Chairman Young asked if there are percentages in this housing number. For example, the Allen’s block and if there are 100 units and two of them are Moderate Income Housing, is that what they are asking for. Director Yost said there is not a requirement for inclusionary housing, we are just measuring what we are providing. In the case of using the 20% portion of the tax increment, we could either put into Allen’s block project or dedicate to the housing authority, or even parking can be paid for if they are dedicating a certain number of units equal to the money that we put into the project as long term Moderate Income Housing. We are currently running the numbers across the City. It is looks as though we are in better shape than we thought we were, and we are
continuing to refine the numbers, checking data sources, so the numbers were not brought tonight so we can do some more checking on the math. We will bring back the revised plan with these five elements included and updated numbers of population will be brought to the next meeting.

Director Yost asked if you concur or have any comments on menu elements that were selected.

Chairman Young asked why are we choosing just five menu items. He asked if we are trying to do a minimum and we don’t want to do more. Director Yost explained that we only have to do three. Doing more may increase our reporting burden and we would have to document our progress on each element that was adopted in our yearly reports. There are items listed that would require additional legislative action or we would need to be more politically sensitive to, like reducing impact fees. Which then affects the revenue of the department. Additional legislative action or politically sensitive. Reducing impact fees are difficult because it requires legislation. Deed restrictions and land trust are also more difficult to accomplish. We are trying to just exceed the requirement but not create an increase of reporting or legislative political burden on us in the future.

Commission Baker asked if there is anything that says we can’t adopt more of these on our own. Director Yost answered no. Commissioner Baker said but any of these that we adopt as part of this, we are then required to report on. Director Yost said correct. Commissioner Baker said just because we are doing the minimum, means we will only ever do the minimum. Director Yost said that it doesn’t mean we can’t have affordable housing strategies above and beyond our Moderate Income Housing element in the General Plan.

Commissioner Farrer asked for clarification on the concept Moderate Income Housing. He understands that it consists of what is the annual average income of the community. And that comes from unemployment records. Director Yost responded that we base our measures of affordable housing by starting with area median income (AMI). Or if looking at the HUD information, it’s called the HAMFI (HUD Median Area Family Income). The number comes from the Census with is a rolling 5-year average survey. The Gardner Institute at the University of Utah also tracks the information. We then look at that and say there are categories of affordable housing. Generally, Moderate Income Housing is affordable for someone making up to 80% of the AMI. Affordable housing is typically affordable for a household making up to 60% of AMI. Low income housing would be affordable to someone making up to 30% of AMI.

Commissioner Farrer asked where the numbers come from for the determination of the amount of housing rental units available. Director Yost answered that the census bureau gathers the data and they run the numbers and come up with the CHAS data set (Comprehensive Housing Affordability Strategy). That is an eighteen table data set that tells us how many families fall into each category of income and how many units we have in each category of affordability. Then we take the number of each units in each bucket and subtract the number of households in each bucket and if we end up negative, we know that we have an issue. We didn’t end up very negative and we are looking at the numbers.
Commissioner Farrer asked how often those numbers are updated. Director Yost said the CHAS numbers that we are using are based on the 2012 - 2017, in a five-year rolling average. They are relatively recent. Housing units have been updated recently, as we have had hundreds of housing units come online since then. We looked at the residential power meters ran a report against those, even though it doesn’t pick up the illegal apartments.

Commissioner Ellingson asked as far as the accessory dwelling, are there anything in the code that gives more parameters on or is it as long as we are doing something, we are meeting that expectation.

Director Yost stated that we must have it adopted in the Moderate Income Housing in the General Plan and report on it. There is no more delineation in the legislation that qualifies as meeting that strategy. The intent is to get cities to consider the strategies, put them in the general plan and work towards them. No performance measures are indicated.

Commissioner Clay asked about the first three menu items. He stated that these are all General Plan issues that will come up in the update of a General Plan that we do every five to ten years. These aren’t immediate, but we will get to them in those times. Director Yost said the only thing that needs to be adopted by December 1st are the updates to the Moderate Income Housing element specifically.

Commissioner Clay asked if it will have to updated every year. Director Yost clarified that it would need to be reported every year. We (Planning Commission) decide on these menu items and your department runs the number to say where we fit in the Moderate Income Housing, how well we are doing.

Commissioner Clay clarified that cities over 5000 need to make the requirement. Director Yost said yes, he believes that is the right number.

Commissioner Farrer asked is next meeting we would be looking at the recommendations for ADU regulations. Director Yost said no, next meeting we’ll discuss the fully updated Moderate Income Housing presentation next time and see the updates to the bond release procedures that John Penrod will bring.

2. Recommendation regarding an amendment to Section 14-5-204 of Springville City Code concerning performance guarantee releases.

Item continued to next Planning Commission Meeting

ADMINISTRATIVE SESSION

Discussion concerning short term rentals.

Director Yost presented. In the interim between directors, the Council directed John Penrod to address Short Term Rentals.
Planner Thomson and I checked listings today and there are three on VRBO and 20 on Air BNB. Only one that is a full house, the rest are basements, individual rooms or suites. We have a small number of them offered in the city. We haven’t had many reports of concern, although one neighborhood is concerned about one in their area. As staff we are staying on top of this trend.

Not many other cities regulate short term rentals. Provo outlaws any rental shorter than 30 days, but allows a renter or a boarder for less than 30 days twice in a calendar year. Spanish Fork defines short term rentals and have a transient room tax in their ordinance. Our ordinance is silent on the issue currently.

Sandy City adopted a short-term rental ordinance in August. Very comprehensive and vetted publically. There is a substantial amount of demand for these in their city. Definitions state that a short-term rental is less than 30 days. Accessory apartment is also defined and is correlated to that. Having an accessory apartment does not give you the right to have a short-term rental on your property. This ordinance is being used as a basis for our discussion. We can make changes as needed to work for Springville.

Sandy’s requirements include the following: It must be owner occupied and be the primary residence of the owner. You must live there 183 night/year, individual with at least 50% of the ownership. Allowed rental nights are 182 nights/year. They permit one Short Term Rental per dwelling unit. Require owner or representative to respond 24/7 by phone. And within an hour if physical response is required. Allows a maximum of 29 consecutive nights per renter. With a minimum of one night between renters. Occupancy is limited to eight related or four unrelated people. All parking is required to be off street. A packet explaining these regulations is placed in plain view in the rental unit. Nameplates posted on the entrance. Must be confined to the main dwelling, not allowed in accessory or out-buildings.

They require a special use permit application that requires verification that you meet requirements of the zone. Licenses are not transferrable. Portion of their Business License regulations provides additional regulatory mechanisms to regulate the operational side.

More than one violation in a 72 period will result in eviction. You must maintain your property with city codes in general. If you have three or more violations of any of these relevant codes within a 12 month period, you lose your special use permit and lose your in lost business license to operate your short term rental. Failure to renew will result in expiration of license and loss of your special use permit. It would go to the next person in line, if there is a waiting list.

Sandy permits two Short Term Rental permits in each community (divided up their city to make ‘communities’) plus 1 per 100 SFD per communities’ boundary. Springville would allow about 100 in the city, based on Sandy’s parameters.

Positives include providing owners with supplemental income, creates more affordable housing, increase visitation and help with tourist dollars. Downsides include inflationary effect on the housing market in more dense urban areas, regulatory issues such as defacto hotels, adverse effects from renting every night.
We are concerned about and want to maintain the calm enjoyability of our neighborhoods.

Director Yost asked the Planning Commission to give feedback on the following:

1. How do you feel about permitting and regulating these types of operations? What feedback would you give to the Council?

2. Would permitting and regulating these operations be positive? What requirements would be necessary to mitigate the adverse effects and maintain orderly operation of these type of businesses?

Chairman Young states that it comes down to enforcement. If we do this, will we enforce the bad behavior clauses, like the ADU, or do we look the other way. Director Yost states that we would intend to and be committed to enforcing them. Chairman Clyde asked if we would make one person administrator for those permits. Director Yost responded that he doubts it, with the current demand. It would be another responsibility of the Code Enforcement operations. When accessory dwelling units are reported, we always send a letter of noncompliance sent. We are not actively searching them out, but we have a good track record for taking action on those that we find out about.

Commissioner Clay asked if this was on the list he was given. Director Yost responded not on the top fifteen, but in the next three. The Council heard from residents and instructed John Penrod to wait for new Community Development Director. Director Yost explained what he has done to date.

Commissioner Clay asked if the comments coming from the people. He asked if they concerned that it in their neighborhood now or is there a real problem generated by this use. Director Yost said the only complaints of the impacts are from Mr. Whiting who states he represents some of his neighbors with the same concerns. His sentiments are that it is too noisy and there are too many people. Maybe one family is renting, but they invite more people to visit for a night for a party. This is a single occurrence, and we are trying to avoid adjudicating the truth of what is happening to the neighborhood vs what the owner is representing. Understanding what the impacts are and addressing them with the ordinance. We are looking at this from a broad perspective.

Commissioner Farrer asked if this should be opened to the public for comment. Director Yost mentioned that we can receive public comment anytime.

Commissioner Clay asked Director Yost if the Sandy ordinance was what he felt was best for Springville. Director Yost states that he would like to do further study and analysis, look at impacts, and the best way to mitigate those impacts. The Code of Ethics for Planners is to try to not transplant regulatory or planning methods from one municipality to another, but recognize individuality of each place that we work. Not ready to say that this is what we should do. Sandy’s ordinance is good, and it is a good starting point for discussion.

Commissioner Ellingson asked if we are counting homes in the canyon because they are County jurisdiction. Director Yost responded we are not counting those as they are outside of our jurisdiction.
Commissioner Clay asked if Director Yost can get the addresses of these rentals to see if there are more police calls to those areas. Director Yost commented that the rentals are concentrated in the river bottoms. Planner Thompson directed the Planning Commission to check the AirBNB website to see where they are located.

Commissioner Baker asked why Sandy put in these specific regulations and their reasoning behind them. She asked if there is a way to find out about those rules. Director Yost answered that we can ask Sandy City or postulate what we think about it.

Commissioner Baker is concerned about peak times for events in Springville and surrounding areas such as BYU, homecoming, etc. but during those times it may be more impactful. She wonders about the regulation of having one night between renters. That may be seen as too restrictive. She would like to know why that is specifically in there. She wonders if the owner is there, will it mitigate the party problem. Director Yost suggested that we could bring one of their regulators there to discuss why the ordinance is written that way.

Commissioner Ellingson asked what the Mapleton and Spanish Fork codes say about short term rentals. Director Yost said that Mapleton’s code is silent. Spanish Fork has short-term rentals called out in their tax code, but nothing else is mentioned. Commissioner Baker asked if Provo restricts short term rentals outright. Director Yost confirmed that is true.

Commissioner Clay asked if we need to officially table items #3 and #4. Chairman Young stated that was done in approval of the agenda. Planner Thompson confirmed.

Director Yost asked for the Planning Commissioner’s feedback on the concept.

Commissioner Baker stated that we need to address short term rental. It’s becoming more and more relevant and staying silent doesn’t help us.

Commissioner Ellingson stated that we need some way of correcting or addressing adjusting for them.

Director Yost states as we move forward with this, we would facilitate events for public feedback.

Commissioner Clyde is glad for Sandy City’s comprehensive list. We have a good basis to look at these ideas and come back another time to talk about it and address any violations.

Commissioner Baker likes the idea of getting community involvement. To find out what is meaningful for the people in the community. We can find ways to find compromise. Short term rentals have the utility and benefit, but not at the expense of the neighbors. There is an interest since it is happening. There are ways to compromise. They are new, so it is important to find out everything we can on it.
Director Yost clarified that the Planning Commission feels that there is mutually acceptable outcome that does permit short term rentals in some category in the city. Because if the answer is no, then I can easily take that answer to the Council.

Commissioner Ellingson feels that she can’t say yes or no until we have gathered the public data. She is glad that she can see where they are located in the city.

Commissioner Clyde recognized that we have noise and nuisance ordinances in place and those should apply to short-term rentals.

Commissioner Baker talked about events that happen that the church close to her home. Parking is a problem, even on permitted events.

Director Yost said we don’t want to attribute all bad things happening in neighborhoods to one source.

Commissioner Baker stated that we need to know what the concerns are so we can address them.

Director Yost relisted the direction he had heard from the Planning Commission: to bring someone down from Sandy to address their ordinance and evaluate public safety responses to see if there is a correlation there. He asked if there is any other direction that was missed. There was none.

Commissioner Farrer said that we really don’t need Sandy to come, just have them contact you and get the information.

Commissioner Clay suggested that Director Yost look at St George’s short-term rental ordinance. He said they are building them in concentrated areas and it is working.

Commissioner Clay recognizes that enforcement is a burden, and we need to have staff for that.

With nothing further to discuss, Commissioner Clay moved to adjourn the meeting. Commissioner Baker seconded the motion.

Chairman Young adjourned the meeting at 7:59 p.m.
**Letter of Recommendation to City Council**

**Springville Board Name:** PLANNING COMMISSION

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<tr>
<th>Applicant:</th>
<th>Request:</th>
<th>Date of Meeting: November 12, 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Josh Yost</td>
<td>Approve the annual meeting schedule for the 2020 Planning Commission</td>
<td></td>
</tr>
<tr>
<td>Community Development Director</td>
<td></td>
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</tr>
</tbody>
</table>

**Motion by:                                                                                 Second by:**

<table>
<thead>
<tr>
<th>RECOMMENDATION</th>
<th>APPROVE</th>
<th>DISAPPROVE</th>
<th>OTHER:</th>
</tr>
</thead>
<tbody>
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</table>

**CONDITIONS OF APPROVAL:**

2020 Annual Meeting Schedule of the Springville City Planning Commission is as follows:

<table>
<thead>
<tr>
<th>MONTH</th>
<th>DATES</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>14 - 28</td>
</tr>
<tr>
<td>February</td>
<td>11 - 25</td>
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<tr>
<td>March</td>
<td>10 - 24</td>
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<tr>
<td>April</td>
<td>14 - 28</td>
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<tr>
<td>May</td>
<td>12 - 26</td>
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<tr>
<td>June</td>
<td>09 - 23</td>
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<tr>
<td>July</td>
<td>14 - 28</td>
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<td>August</td>
<td>11 - 25</td>
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<td>September</td>
<td>08 - 22</td>
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<tr>
<td>October</td>
<td>13 - 27</td>
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<tr>
<td>November</td>
<td>10 - 24</td>
</tr>
<tr>
<td>December</td>
<td>08 - 22</td>
</tr>
</tbody>
</table>

Meetings may be cancelled due to holidays or lack of agenda items.

**Voting Record:**

<table>
<thead>
<tr>
<th>Member Name</th>
<th>APPROVE</th>
<th>DENY</th>
<th>ABSTAIN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioner Genevieve Baker</td>
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<tr>
<td>Commissioner Michael Clay</td>
<td></td>
<td></td>
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<tr>
<td>Commissioner Carl Clyde</td>
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<tr>
<td>Commissioner Karen Ellingson</td>
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<tr>
<td>Commissioner Michael Farrer</td>
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<tr>
<td>Commissioner Brad Mertz</td>
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<tr>
<td>Commissioner Frank Young</td>
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</tbody>
</table>

Chair ___________________________ Date ___________________________
Petitioner: Ken Condie  
53 N 1650 W  
Springville, UT  84663

Summary of Issues

Does the proposed plat meet the requirements of Springville City Code, particularly the following sections?
- 11-4-4 Residential Development Regulations
- 14-2-1 Application and Approval Process
- 14-5-1 through 14-5-4, Subdivision Requirements

Background

Condie Farms, Plat B was recorded on August 23, 2019 and included 16 town-home lots. In order to better fit the proposed building product, the interior lot lines are being adjusted slightly. The adjustment will allow for additional open space between the buildings.

Analysis

DEVELOPMENT REVIEW COMMITTEE (DRC)

The Development Review Committee reviewed the preliminary plan on October 31, 2019 and provided the applicant with a copy of redlined comments on the submitted plans and checklist. Any items not addressed or any additional revisions needed are listed below in the “POST DRC COMMENTS” section.
POST DRC COMMENTS

All items have been addressed.

Staff Recommendation

Staff finds the plat amendment meets the requirements of Springville City Code.

Recommended Motion

Move to grant plat amendment approval for Condie Farms, Plat C, adjusting the interior parcel boundaries of Lots 38-53.
Petitioner: Springville Community Development

**Background**

In 2019 the Utah Legislature passed Senate Bill 34 which “encourages local communities to plan for housing for residents of all income levels, and coordinate that housing with transportation. Communities are required to develop a moderate income housing (MIH) plan as part of their general plan. Communities that are required to annually report on their MIH plan implementation must satisfy these requirements to remain eligible for state transportation investments.” (ULCT)

Staff has presented the selected moderate income housing strategies to Planning Commission and City Council and is now seeking adoption of the revised Moderate Income Housing Plan with selected strategies and required updated tabulations.

**Analysis**

Staff has worked from the previously adopted Moderate Income Housing Plan (2011) and updated text and tabulations in compliance with applicable state code. The selected planning strategies are as follows.

1. Rezone for densities necessary to assure the production of MIH
2. Create or allow for, and reduce regulations related to, accessory dwelling units in residential zones
3. Allow for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers
4. Encourage higher density or moderate income residential development near major transit investment corridors

The intent of each of these selected strategies is already reflected in Springville’s General Plan and land use code and does not constitute a substantial change in policy. The strategy which represents the greatest potential policy change is number two, reducing regulations related to accessory dwelling units. Staff has already presented general elements of potential changes to accessory dwelling unit regulations and is currently working towards specific amendment language.
Staff Recommendation

Staff finds that the proposed updates to the Moderate Income Housing Plan substantially comply with the requirements established by Utah State Code and modified by SB-34. Staff recommends the Planning Commission forward a recommendation of approval to the City Council.

Recommended Motion

Move to forward a recommendation of approval of the proposed updates to the Moderate Income Housing Plan element of the General Plan to the City Council.
Petitioner: Springville City

Summary of Issues

Should the process of amending partial releases of improvement completion assurances be changed to provide more flexibility for Springville’s Engineer and Developers?

Background

Under State law, cities are required to “establish a system for the partial release of an improvement completion assurance as portions of required landscaping and infrastructure improvements are completed and accepted.” See Section 10-9a-604.5 of the Utah Code. Springville’s current regulation for partial releases allows for four releases at set amounts. Springville’s engineer and developers desire to revise Springville’s regulations with respect to partial releases of improvement assurances to make it more flexible and help to better protect the City.

Analysis

Currently, Section 14-5-204 of the Springville City Code allows a developer to make a request for partial releases of improvement completion assurance in accordance with the below table.

<table>
<thead>
<tr>
<th>Percent of Work Completed</th>
<th>Maximum Percentage of Construction Estimate Eligible for Release</th>
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<tbody>
<tr>
<td>25%</td>
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<tr>
<td>50%</td>
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<tr>
<td>75%</td>
<td>75%</td>
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<tr>
<td>100%, and a satisfactory final inspection</td>
<td>100% (Above releases do not include additional 10%)</td>
</tr>
</tbody>
</table>
Under the current process, the numbers are rigid. For instance, if a developer requests an inspection and has completed between 26% and 49% of the work, the developer only gets a release of 25%. Recently, a developer had completed almost 40% of the work, but our engineer was only allowed to release 25% of the improvement completion assurance. The proposed ordinance would allow for the 40% release.

The proposed ordinance will allow the following:

- **Four releases.** This will continue to provide developers with an adequate number of releases during the process.
- **No release prior to 25% completion.**
- **No release less than 20%.** This will make sure that the City is not wasting public inspector time on small inspections.
- **A final release of not less than 25% for any utility specific improvements.** The reason for this is that our inspectors want to make sure that the final inspection for a utility (i.e. sewer, culinary water, secondary water or storm drain) passes all tests before the final 25% is issued. This will make sure that the City is protected.

**Staff Recommendation**

Staff finds the proposed ordinance should make the improvement completion assurance release process better for the City and developers.

**Recommended Motion**

Move to recommend approval of the proposed ordinance amending Section 14-5-204 of the Springville City Code to amend partial release process for improvement completion assurances.

Attachments: Proposed Ordinance
ORDINANCE NO. _______

AN ORDINANCE AMENDING SECTION 14-5-204 OF THE SPRINGVILLE CITY CODE REVISING THE PARTIAL RELEASE PROCESS OF IMPROVEMENT COMPLETION ASSURANCES.

NOW THEREFORE, be it ordained by the City Council of Springville, Utah:

SECTION 1. SECTION AMENDED: Section 14-5-204 of the Springville City Municipal Code is hereby amended adopted to read and provide as follows:

14-5-204 Partial Release Permitted.
The Public Works Director may, upon recommendation of the City Engineer and application of the person or entity who posted, giving the guarantee, improvement completion assurance, authorize up to four from time to time, partial releases of the performance guarantee, improvement completion assurance, in accordance with the following schedule: The first partial release of the improvement completion assurance will not be granted until at least 25% of the landscaping or infrastructure improvements have been completed and approved by the City. Excluding the first and last release, the City will not make a partial release of the insurance completion assurance for an amount less than 20% of completed landscaping or infrastructure improvements that have been approved by the City. The final 25% of the improvement completion assurance being held for each utility improvements (i.e. storm drain, sewer, culinary water, pressurized irrigation, etc.) shall not be released until all required testing for the utility have been completed, passed and approved by the City.

<table>
<thead>
<tr>
<th>Percent of Work Completed</th>
<th>Maximum Percentage of Construction Estimate Eligible for Release</th>
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<tbody>
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<tr>
<td>75%</td>
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<tr>
<td>100%, and a satisfactory final inspection</td>
<td>100% (Above releases do not include additional 10%)</td>
</tr>
</tbody>
</table>

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect upon first publication.
PASSED, ADOPTED AND ORDERED POSTED by the Council of Springville City, Utah this _______ day of November, 2019.

___________________________________
MAYOR RICHARD J. CHILD

ATTEST:

_________________________________
KIM CRANE, CITY RECORDER
**Summary of Issues**

Does the proposed ordinance comply with the Utah Medical Cannabis Act?

**Background**

The State recently passed the Utah Medical Cannabis Act that requires cities to adopt an ordinance to allow for medical cannabis pharmacies and production establishments pursuant to the Act. *See Section 10-9a-528 of the Utah Code.*

**Analysis**

The proposed Ordinance is in compliance with the Utah Medical Cannabis Act. The below analysis will provide a description of what state law requires and how the proposed ordinance addresses the issues. The Act specific states that a municipality has to permit cannabis production establishments and pharmacies even though such facilities may violate federal law.

**Medical Cannabis Production Establishments**

- **Definition.** Under State law a cannabis production establishment is defined as a cannabis cultivation facility, a cannabis facility or an independent cannabis laboratory.
  
  - The proposed ordinance adopts the State’s definitions.

- **Zoning.** State law requires a city to allow a production establishment in an industrial zone if the city has at least one industrial zone and in an agricultural zone if the city has at least one agricultural zone. *See Section 4-41a-406 of the Utah State Code.*

  - The proposed ordinance:
    - Designates the HIM zone as Springville’s industrial zone that will allow a medical cannabis production establishment.
    - Adopts a new zone, the Agriculture Specialty zone, which zone will allow a production establishment. The purpose of the AS zone is to allow for all
traditional agricultural and specialty agricultural uses. As of now, there is no property zoned with the AS zone designation. This will need to be done at a future date.

• **Standards.** State law has several permit requirements for production establishment, including, without limitations, age restrictions regarding who can access, screening of marijuana plants, one entrance, a security plan, a distance requirement of 600 feet from a primary residential zone (which the law does not define) and 1,000 feet from a community location, etc.
  
  o The proposed ordinance:
    ▪ Incorporates State law’s distance requirements of 600 feet from a primary residential zone and 1,000 feet from a community location.
    ▪ Prohibits any emissions of dust, fumes, vapors, odors or waste from the facility.
    ▪ Requires the establishment to meet State law and Springville’s land use and business licensing regulations.
    ▪ Defines **Primary Residential** as:
      • Residential Zoning Districts R1-15, R1-10, R1-8, R1-5, R2, RMHP, RMF-1, RMF-2 and all other residential zoning districts;
      • Any property zoned with a Westfields, Mixed-use or Lakeside Overlay or any other overlay that allows residential dwellings;
      • Village Center Zoning District; and
      • Town Center Zoning District.

• **Signage.** State code allows a production establishment to have a sign that does not exceed four feet by five feet and includes the facility’s name and hours of operation and a green cross and that complies with a city’s sign regulations.

**Medical Cannabis Pharmacies**

• **Definition.** Under State law a medical cannabis pharmacy is a person or entity that acquires or intends to acquire, possesses, and sells or intends to sell cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, to a medical cannabis cardholder.
  
  o The proposed ordinance adopts the State’s definitions.

• **Zoning.** State law requires a city to allow a cannabis pharmacy in any zone, except for a zone that is primary residential.
  
  o The proposed ordinance follows state law and defines primary residential as stated above.

• **Standards.** State law has several permit requirements for a cannabis pharmacy, including, without limitations, a security plan, inventory system, storage protocols, age restrictions regarding who can enter, age employment restrictions, cannabis purchase restrictions, a distance requirement of 600 feet from a primary residential zone (which the law does not define) and 200 feet from a community location, etc. State law also does not allow a city to limit the number of pharmacies in a city or require a distance
requirement between pharmacies. A city may enact time, place and manner regulations that comply with State law.

- The proposed ordinance:
  - Incorporates State law's distance requirements of 600 feet from a primary residential zone and 200 feet from a community location.
  - Restricts hours of operation from 8:00 am to 8:00 pm.
  - Prohibits any visible cannabis products from outside the pharmacy.
  - Requires the establishment to meet State law and Springville’s land use and business licensing regulations.

- **Signage.** The signage regulations for a pharmacy are the same as they are for a production establishment as stated above.

**Staff Recommendation**

Staff finds the proposed ordinance meets the requirements of the Utah Medical Cannabis Act.

**Recommended Motion**

Move to recommend approval of the proposed ordinance enacting Section 11-6-132, and amending Sections 11-4-102, 11-4-301 and 11-3-402 of the Springville City Code to adopt regulations for Medical Cannabis Pharmacies and Production Establishments in compliance with the Utah Medical Cannabis Act.

Attachments: Proposed Ordinance
Maps showing allowed locations of Medical Cannabis Pharmacies and Production Establishments.
ORDINANCE NO. ______

AN ORDINANCE ENACTING SECTION 11-6-132 OF THE SPRINGVILLE CITY CODE GOVERNING CANNABIS PRODUCTION ESTABLISHMENTS AND MEDICAL CANNABIS PHARMACIES, AND AMENDING SECTIONS 11-4-102(1), 11-3-402 AND 11-4-301 ESTABLISHING AN AGRICULTURE SPECIALTY ZONE AND IDENTIFYING CANNABIS PRODUCTION ESTABLISHMENTS AND MEDICAL CANNABIS PHARMACIES AS PERMITTED USES IN SPECIFIED ZONING DISTRICTS.

WHEREAS, Springville City has a duty to preserve the health, safety and welfare of its inhabitants; and

WHEREAS, the State of Utah has recently passed the Utah Medical Cannabis Act that requires cities to allow for cannabis pharmacies and production establishments in certain zoning districts; and

WHEREAS, in the interest of the health and welfare of its citizens, Springville City deems it appropriate and necessary to implement this ordinance to govern the location and operation of medical cannabis pharmacies and production establishments in compliance with State law.

NOW THEREFORE, be it ordained by the City Council of Springville, Utah:

SECTION 1. SECTION ADOPTED: Section 11-6-132 of the Springville City Municipal Code is hereby adopted to read and provide as follows:

11-6-132 Medical Cannabis Pharmacies and Production Establishments

(1) Definitions:

(a) “Primarily Residential” zone for the purposes of this section and any applicable state law in determining the location of any medical cannabis pharmacy or medical cannabis productions establishment means the following zoning districts:

1. Residential Zoning Districts R1-15, R1-10, R1-8, R1-5, R2, RMHP, RMF-1, RMF-2 and all other residential zoning districts;
2. Any property zoned with a Westfields, Mixed-use or Lakeside Overlay or any other overlay that allows residential dwellings;
3. Village Center Zoning District; and
4. Town Center Zoning District.
(b) The definitions in Utah Code Title 26, Chapter 61a, Utah Medical Cannabis Act, and Utah Code Title 4 Chapter 41a, Cannabis Production Establishments are hereby adopted by this section.

(2) Standards

(a) The following standards apply to all cannabis production establishments:

1. There shall be no emission of dust, fumes, vapors, odors or waste into the environment from any facility where growing, processing or testing of cannabis occurs.
2. Cannabis production establishments shall meet the land use requirements for the zone in which it is located.
3. All State law requirements shall be met for a cannabis production establishment.
4. Cannabis production establishments shall not be located in or within 600 feet of a district that is zoned as primarily residential or within 1,000 feet of a community location.
5. Each cannabis production establishment shall obtain a City business license before conducting business within the City and shall be subject to all business license requirements, including, without limitation, those that are and may be hereafter adopted that are specific to cannabis production establishments.

(b) The following standards apply to all medical cannabis pharmacies:

1. No cannabis products shall be visible from outside a medical cannabis pharmacy.
2. Medical cannabis pharmacies shall meet the land use requirements for the zone in which it is located.
3. Medical cannabis pharmacies shall not be located in or within 600 feet of a district that is zoned primarily residential or within 200 feet of a community location.
4. Medical cannabis pharmacies shall not operate between the hours of 8:00 pm to 8:00 am.
5. All State law requirements shall be met for a cannabis production establishment.
6. Each medical cannabis pharmacy shall obtain a City business license before conducting business within the City and shall be subject to all business license requirements, including, without limitation, those that are and may be hereafter adopted that are specific to cannabis production establishments.

SECTION 2. SECTION AMENDED: Section 11-4-102(1) of the Springville City Municipal Code is hereby amended and adopted to read and provide as follows:
11-4-102 Purpose of Zoning Districts.
In addition to the more general purposes of this Title identified in Section 11-1-102, the various zoning districts each serve a more specific individual purpose, as described below. All of the districts combined provide for a broad range of uses that are essential to the creation of a safe, healthy, diverse and economically-viable Springville City.

(1) The Agricultural Zoning Districts (A-1) is intended to allow for the continued agricultural uses in those areas of the City which have been historically used for the growing of crops and the raising of livestock. The zone is intended to preserve the City’s agricultural land uses until urban uses become desirable and feasible, based on the availability of urban services in the area.

(a) The A-1 zoning district is intended to allow for the continued agricultural uses in those areas of the City which have been historically used for the growing of crops and the raising of livestock.

(b) The A-S zoning district is intended to allow for the continued agricultural uses, along with specialty agricultural uses, in those areas of the City which have been historically used for the growing of crops and the raising of livestock.

... 

SECTION 3. SECTION AMENDED: Section 11-4-301 of the Springville City Municipal Code is hereby amended and adopted to read and provide as follows:

11-4-301 Land Use Matrix.

Land use descriptions for the abbreviated zones in the matrix can be found in Sections 11-4-101 and 11-4-102 of this Chapter. Conditional use regulations are found in Chapter 7 of this Title.

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<tr>
<th>PERMITTED USE</th>
<th>ZONING DISTRICTS</th>
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<td></td>
<td>A1</td>
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<tr>
<td>RETAIL SALES</td>
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<tr>
<td>Adult Sexually Oriented Business</td>
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<td></td>
<td>Animals, Retail Sales</td>
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<tr>
<td>Antique or Collectable Shop</td>
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<tr>
<td>Auction House (Equipment Only)</td>
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<tr>
<td>Convenience Store</td>
<td>C</td>
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<tr>
<td>Convenience Store with Gasoline Sales</td>
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<tr>
<td>Drug Store / Pharmacy</td>
<td>C</td>
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<tr>
<td>Medical Cannabis Pharmacy</td>
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<tr>
<td>General Retail Stores -&gt;&lt; 15,000 sq. ft.</td>
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<td>General Retail Stores -&gt;&lt; 20,000 sq. ft.</td>
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<td>General Retail Stores -&gt;&lt; 25,000 sq. ft.</td>
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<td>General Retail Stores -&gt;&lt; 40,000 sq. ft.</td>
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<td>General Retail Stores -&gt;&lt; or = 80,000 sq. ft.</td>
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<td>General Retail Stores -&gt;&gt; 80,000 sq. ft.</td>
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<td>Home Improvement &amp; Garden Store – (Completely Indoors with no Outdoor Storage)</td>
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<tr>
<td>Home Improvement &amp; Garden Store &amp; Farm Supply – (With Outdoor Display and/or Storage)</td>
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<tr>
<td>Pharmacies when part of a Medical Office or Complex</td>
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<td>Print Shop</td>
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### INDUSTRIAL/MANUFACTURING & RELATED USES

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<td>Heavy Industry – Manufacturing Processes</td>
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<td>Storage – Outdoor</td>
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<tr>
<td>Storage – Sand, Gravel, Earth, or Stone</td>
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<td>Warehousing – Storage and Distribution</td>
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<td>Wholesale Trade and Warehousing</td>
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**AGRICULTURE & RELATED USES**

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<tbody>
<tr>
<td>Animal Keeping</td>
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<tr>
<td>Apiary or Beekeeping</td>
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<tr>
<td>Chickens for Egg Production</td>
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<tr>
<td>Crop Production for Sale</td>
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<td>Dairy</td>
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<td>Farm Building</td>
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<td>Farm Industry or Ranch</td>
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<td>Orchard – Commercial</td>
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...  

2. See Section 11-6-132. Medical cannabis pharmacies are not permitted in overlay zones that allows for residential dwellings.

**SECTION 4.** SECTION AMENDED: Section 11-3-402 of the Springville City Municipal Code is hereby amended and adopted to read and provide as follows:

11-3-402 Definitions.

The following words, as used in this Title, shall have the meaning ascribed to them:

...  

Medical Cannabis Production Establishment or Cannabis Production Establishment - As defined in section 4-41a-102 of the Utah Code, and includes a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory.

Medical Cannabis Pharmacy or Cannabis Pharmacy - As defined under section 26-61a-102 of the Utah Code, and includes, without limitation, a person or entity that acquires or intends to acquire, possesses, and sells or intends to sell cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, to a medical cannabis cardholder.

...
SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect upon first publication.

PASSED, ADOPTED AND ORDERED POSTED by the Council of Springville City, Utah this _______ day of November, 2019.

___________________________________
MAYOR RICHARD J. CHILD

ATTEST:

___________________________________
KIM CRANE, CITY RECORDER
Possible Medical Cannabis Production Establishment Locations (HIM Zone)

A-1 Zones
Possible Locations for Medical Cannabis Pharmacies