

***ITEM #1** Brittany Johnson requests an Ordinance Text Amendment to add cannabis production as a permitted or conditional use in the Freeway Commercial (FC1) zone. Citywide Application. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLOTA20210000262

Applicant: Brittany Johnson, Trio Design Inc.

Staff Coordinator: Aaron Ardmore

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is May 12, at 6:00 P.M.*
2. **Recommend Denial** of the requested Ordinance Text Amendment. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

Relevant History: This request comes from a group related to an existing cannabis distribution facility established in the FC1 zone in the City. They would like to create an on-site production facility to assist their business.

Neighborhood Issues: Staff had not heard of any concerns at the time of this report.

Summary of Key Issues:

- The primary retail use of the land would be maintained as stated in the purpose of the FC1 zone.
- The use would be adopted into the FC1 zone as a Conditional Use to allow staff and the public to analyze each proposal for risks to public safety.
- The Provo City Attorneys office has made recommendations to edit the proposed text amendment language, which staff has noted in this report.
- As an ancillary use, the manufacturing space could not exceed the size of the retail space.

Staff Recommendation: Staff recommends that the Planning Commission recommend approval of the proposed Ordinance Text Amendment with the changes outlined below.

BACKGROUND

Brittany Johnson is requesting an ordinance text amendment to the conditional use section of the FC1 zone to add a new conditional use of cannabis production (with certain restrictions).

FINDINGS OF FACT

1. The applicant has proposed the following line to be added under Section 14.20A.020(6), Conditional Uses:
2830 Drugs (cannabis production establishments only) when the establishment is an accessory and adjacent to a cannabis distribution facility.
2. The Attorney office and Planning Staff recommend the proposed amendment move forward with the following changes:
2830 Drugs (cannabis production establishments only) only when the establishment is ~~an accessory~~ ancillary and adjacent to a cannabis distribution facility.
3. Section 14.02.020(2) establishes criteria for amendments to the Zoning Title as follows:
(responses on bold)

Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public, and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan:

- (a) Public purpose for the amendment in question. **The amendment hopes to both “stabilize and improve property values” in the FC1 zone, while also helping to “facilitate the orderly growth and development of the City” by allowing these complimentary uses to be located adjacent to each other rather than one in the City and the other in rural County land.**
- (b) Confirmation that the public purposed is best served by the amendment in question. **Currently the areas of the FC1 zone are underutilized and need a boost in economic development. This type of action can help perform that boost and allow established business to maintain and grow in the City.**
- (c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives. **The General Plan states objectives of retaining and supporting “our established business and talent” and to “make it easier to expand a business” in Chapter Seven of the General Plan. This amendment is aligned with the Economic Development goals for the City.**

- (d) Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated. **No such provision is articulated for this proposal.**
- (e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies. **Staff feels comfortable that this proposal is being brought forward as a Conditional Use, therefore any concerns by the land use can be mitigated by a condition placed upon the applicant. Therefore, staff does not believe that the proposal will hinder the policies of the General Plan.**
- (f) Adverse impacts on adjacent land owners. **As stated above, staff does not have concerns that this proposal will bring any adverse impact on adjacent land owners as the production land use would be completely indoors.**
- (g) Verification of correctness in the original zoning or General Plan for the area in question. **Staff has verified the FC1 zone and the Commercial General Plan designation.**
- (h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies. **No conflict exists.**

CONCLUSIONS

Staff understands the goals of the applicant for the proposed land use amendment and supports adding it in as a conditional use, which will give the public and staff review on each request as it comes in within the FC1 zone. Therefore, staff is recommending approval for the proposed request, with the outlined changes.

ATTACHMENTS

1. Proposed Amendment
2. Staff Revised Proposed Amendment
3. Applicant Justification Statements

1. ATTACHMENT 1 – PROPOSED AMENDMENT

14.20A.020 Permitted Uses.

(6) *Conditional Uses*. The following uses and structures are permitted in the FC1 zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof and the standards of Section 14.34.250, Provo City Code.

2830 Drugs (cannabis production establishments only) when the establishment is an accessory and adjacent to a cannabis distribution facility.

2. ATTACHMENT 2 – STAFF REVISED PROPOSED AMENDMENT

14.20A.020 Permitted Uses.

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3. ATTACHMENT 3. APPLICANT JUSTIFICATION STATEMENTS

Analysis of Impacts of General Plan Amendment

The overall impact of this text amendment requests the allowance of a cannabis production facility to be allowed as a conditional use on a parcel where it can be located as an accessory use to a cannabis distribution facility that currently exists. The proposed cannabis production facility will exist in a contained, prefabricated unit adjacent to the existing cannabis distribution facility.

Written Statement – General Plan Text Amendment

We are seeking a proposed text amendment to the general zoning plan of Provo City which does not currently allow for cannabis production establishments to be allowed in zone FC1. Our request would allow for a parcel located in zone FC1 to apply for a conditional use permit for the onsite production of cannabis. As the zoning currently exists now, the manufacture or production of cannabis can only be performed in one of two zoning districts: AG1.10 (on a land parcel of at least 10 acres), or in zone FI. The sale of cannabis is currently allowed in zone FC1. Our aim with this text amendment is to allow for both the production and sale of cannabis to exist on the same parcel zoned FC1. The circumstance for allowance of this conditional use would only be allowed on a parcel where a cannabis distribution facility exists (existing or new construction), and would require the cannabis production facility to be an accessory to the distribution center.

Justification Statement

The benefit of this amendment would allow for future development of new cannabis companies to settle in the city of Provo with the opportunity to both produce and distribute from the same location. This text amendment would eliminate the need for a cannabis company to purchase multiple parcels currently required in the zoning ordinance to manufacture/produce and sell cannabis within the city.

Ordinance Amendment Written Description

By combining cannabis production and distribution cannabis from a single location on a land parceled in zone FC1, it is our belief that it will reinforce the purpose of the Provo city zoning ordinance. By combining uses, we believe that it will both “encourage and facilitate the orderly growth and development of the City;” and “stabilize and improve property values.” (Provo, Utah, Zoning Ordinance 14.01.020) for all future cannabis industry development in the city.