

*ITEM #2 Barry Finch requests an Ordinance Text Amendment to Section 14.08.020 (Permitted Uses in the A1 Zone), to add "Meeting Halls for Rent" as a new conditional use in the A1 (Agricultural) zone. Citywide Application. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLOTA20230082

Applicant: Barry Finch

Staff Coordinator: Aaron Ardmore

ALTERNATIVE ACTIONS

1. **Recommend Approval** 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.*

2. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is June 28, 2023 at 6:00 P.M.*

Relevant History: The applicant has owned property in the A1 Zone for many years and is now wanting to find a way to establish a commercial rental venue for his agricultural property. After speaking with staff about what would need to be done, he chose to propose a text amendment to the permitted uses in the A1 zone to allow for his desired use.

Neighborhood Issues: The proposal was discussed at the April 27th District Three neighborhood meeting. The following concerns were raised:

- Does the amendment have to apply to all A1 zones?
- There may be issues with noise, light, and parking issues on adjacent properties.

Summary of Key Issues:

- The applicant, Barry Finch, wants to continue the agricultural uses on his land, so a zone change would not work to allow for the event hall.
- Permitting an event hall or wedding reception center in all A1 Zoned areas could bring adverse impacts to adjacent property owners.
- The proposed use does not fit with the purpose and objectives of the A1 zone.

Staff Recommendation: That the Planning Commission recommends denial of the proposed text amendment.

OVERVIEW

Barry Finch is requesting a text amendment to Section 14.08.020, Provo City Code, to add either “reception centers” or “meeting halls for rent” as conditional uses in the A1 Zone. The request is related to a proposal to build a new commercial structure on the property at 310 South 2470 West to rent out for a variety of events.

Though the applicant is applying for his situation at his property, this request would apply to all A1 zones in Provo, thereby, allowing this new commercial use on any agricultural land in the city.

FINDINGS OF FACT

1. Meeting Halls for Rent (7235) are not a permitted or conditional use in the A1 zone (Section 14.08.020).
2. Meeting Halls for Rent are only permitted by-right or conditionally in the DT1, DT2, and CM zones.

STAFF ANALYSIS

Staff have met with the applicant on several occasions to discuss the options for uses on the applicant’s property. During these discussions staff related some of the major concerns that the city would have with the proposed use being allowed in agricultural areas including traffic, noise, and increased police needs in mainly residential areas. In response to those discussions the applicant provided some suggested mitigating conditions that could be associated with the amendment request. Staff made the applicant aware that these solutions could not overcome staff concerns regarding the stated purpose and objectives of the agricultural zone compared to the proposed use. Section 14.080.010 states that the agricultural zones should “protect agricultural uses from encroachment of urban development” and that any additional uses in the zone should be incidental to agriculture and “not change the basic agricultural character” of these areas of the city. Staff believes that the proposed amendment would do just that.

To further clarify staff position on this request staff will respond to criteria found in Section 14.02.020(2). This code establishes criteria for staff to evaluate text amendments as follows: (staff responses in 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.

Staff response: The applicant has stated that the public purposes for the amendment are to provide farmers with another means of earning money and providing additional venues for the community to use for celebrations.

- (b) Confirmation that the public purpose is best served by the amendment in question.

Staff response: Staff does not believe that the proposed amendment is the best way to address the above public purposes. Adding a commercial use to be allowed in all

agricultural zones would likely bring more issues to the neighborhood than it would benefit. Staff have suggested some agricultural related business ideas that could provide additional income for farmers like pumpkin patches, corn mazes, and educational activities that could provide opportunities for the community to come together.

(c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives.

Staff response: The applicant did not identify any goals or policies from the General Plan that would be met by the proposed amendment. Staff could not find any alignment with this proposal and the stated General Plan goals.

(d) Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated.

Staff response: There are no timing and sequencing issues related to this request.

(e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies.

Staff response: Staff believes that this proposal would hinder attainment of the General Plan policies to conserve agricultural lands, promote a high quality of life for Provo residents, and strike a balanced approach in locating land uses.

(f) Adverse impacts on adjacent land owners.

Staff response: The adverse impacts that staff have identified as possibilities to the applicant are related to the increased vehicular traffic in mostly residential neighborhoods, noise and light complaints in quiet parts of the city, and an increased need for city services. While staff would acknowledge that the mitigation measures proposed by the applicant could be helpful, there are many single-family homes in proximity to Ag zones. The proposed use is highly commercial and would introduce into the neighborhood impacts, like increased traffic, that could not be readily mitigated.

(g) Verification of correctness in the original zoning or General Plan for the area in question.

Staff response: Staff have verified the zoning and General Plan for the area in question.

(h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.

Staff response: There is not a conflict.

CONCLUSIONS

Staff have concluded that the proposed use just does not align with the purposes of the agricultural zone or the stated goals and objectives of the General Plan and would recommend that the proposed amendment is denied.

ATTACHMENTS

- 1. Proposed language**
- 2. Applicant email with possible conditions**
- 3. Applicant justification statement**
- 4. Map of applicant property**

Attachment 1 – Proposed Language

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

Use No.	Use Classification
1516	Bed and breakfast inn
1902	Ranch or farm employee dwellings (one (1) per ten (10) acres of land area)
4700	Communications
4814	Electricity regulating substations
4818	Small generation
4829	Other gas utilities, NEC
4833	Water storage as part of a utility system (open reservoirs)
4834	Water storage as part of a utility system (covered including water storage standpipes)
4839	Other water utilities or irrigation, NEC
4871	Channel or right-of-way (predominantly open flume-like structure)
4872	Debris basin (a dam and basin for intercepting debris)
4874	Spreading grounds (area for percolating water into underground)
6722	Police protection and related activities, branch (office only)
7235	Meeting Halls for Rent
7400	Recreation activities

Attachment 2 – Applicant Email With Possible Conditions

June 4th 2023

Provo City Development Services

445 W Center St

Provo, Utah 84601

Dear Mr Bill Peperone and Mr Arron Aremore,

We are requesting a zone amendment that would allow us to build an event barn on our property.

We are currently in an A1 zone and would need to have an amendment to this the agricultural zone in permitted use code 14.08.020, and add to subsection (6) Conditional Uses “Meeting Halls for rent” code 7235.

After our discussion of this with you, Mr. pepperoni, and some members of the city council, it was our sense that the major concerns with these types of events were problems with drugs, violence, and disorderly conduct requiring many calls to the police.

These problems occurred most frequently with events held by the Spanish community.

It is our recommendation that the following points be considered as possible requirements for this amendment.

It is our belief that implementing some or all of these suggestions will help mitigate the concerns the city has about this amendment and help make the events to be safe and enjoyable for all cultures and customs.

Parking

Having knowledge of the Hispanic culture, it is my opinion that many of the problems at these large events occur in the parking lot.

Often, problems are started by people who come, that are not invited guests at the event. They are not invested in the event at all. In fact, in many cases, they aren't even welcome. Their intent is to come to cause problems or just have a look and see what's happening. Therefore to help mitigate these problems

we recommend that the venue owner be required to have a closed or controlled parking lot. This can be accomplished in more than one way.

1. have a parking lot attendant allow entry for every guest.
2. simply closing the gate after guests have arrived.
3. having a parking attendant allow entry to only guest on a guest list

By doing this only people who are invited and invested in the success of the event will be at the event.

Security

We recommend that the venue owner be required to provide security on location from the time the party starts until it ends. Their responsibility would be to patrol the venue both inside and out. They would give special attention to high risk areas such as restrooms, bar area and parking lot. They would be a resource to the host or hostess to remove any persons causing problems.

The number of Security personnel would depend on the size of the event. We recommend one security person for every 75 cars.

Host or Hostess

We recommend that venue owners be required to have a host or hostess. The responsibility of the host or hostess would include the following:

1. ensure that guests are behaving properly at the event.
2. Communicate with client about unruly guess or other problems arising during the event.
3. communicate to security anyone who is acting in a drunken manner, fighting, not getting along, and have them removed by security from the event.
4. ensure that the music is not at an excessive volume.

Control consumption and distribution of Alcoholic Beverages

We recommend that venue owners be Required to provide a licensed bartender.

We also recommend no hard liquor or mixed drinks be provided for guest. Any kind of beer would be acceptable.

We recommend that only beverages in cans or plastic bottles be allowed at the venue. No beverages in a glass container or bottle will be allowed.

Hours of Operation.

Meeting hall will be closed between the hours of 12:30 a.m. and 8:00 a.m.

I hope we have addressed any concerns you might have with our proposal. We feel this will be a good addition to the west side of Provo.

Sincerely,

Barry Finch & Judy Finch

Attachment 3 – Applicant Justification Statement

First, a brief history of farming in Provo as well as explaining the new reality farmers now face.

Farmers in Provo were greatly impacted by the new road beginning in East Bay and continuing to the Provo Airport. The road ended up cutting in half or completely eliminating the majority of farms in west provo. In simple terms, this change forced many farmers to decide whether to sell their property or to come up with other “out of the box” ways to make a living on their farms.

Personally, as a result of the new road I lost the lease I had on the ground owned then by the Church of Jesus Christ of Latter day Saints as it was purchased by Provo City for a future Sports Park. I have established a horse boarding business in my yard to compensate somewhat for the loss of acreage. Still, we feel the need to expand our earning capacity by building a barn that will invite members of the community to hold events at our living, working farm.

Many other farmers have been impacted similarly. I know farmers who have tried a paint gun business on their property, pheasant hunting, corn maze, pumpkin patch, farm tours with kid games and petting zoos, and even a farm related air b and b. Farmers will undoubtedly continue to search for creative ways to include the community in generating income for their families.

In my opinion, Provo City must work with local farmers to help them transition their farms during this unique time period. If this does not happen, it is my opinion that many of the farms that still exist in Provo will be lost to developers.

Citizens of Provo will then lose out on the richness, history and educational opportunities afforded by family farms.

A). Our farm has always been a destination for our community. Each year thousands of people find their way to our farm to buy produce, walk the pumpkin patch, see animals, buy hay etc. We have always welcomed and in fact depended on people coming to our place. So many people have mentioned how they love to come to our farm to experience a bit of farm life. Our farm is a landmark.

We hope to continue that relationship in a way that people have mentioned to us over the years. People have always told us we should invite people down for big family events. As a result we have allowed more than a few weddings and other celebrations at our farm in the past.

B). Many people in Provo yearn for a connection to their local farm. Many people grew up on farms and miss that connection to the land that is felt for many on a spiritual level. Others just are drawn to agriculture, animals and farm life. Now days almost all farm—community relationships have been cut off. If you want to buy something from a farmer you have to do it at a designated time and place; usually a farmers market. Most products are sold roadside by non farmers. Allowing events to happen at the farm would be one way to help in this matter.

C). Allowing our barn would also be a benefit to minorities in our community. Culturally, many weddings are held at LDS chapels. For many this is fine and a blessing to all those who use these chapels comfortably. If you do not

participate with the local Church however, or have a language barrier you may not feel able to reach out to local church leaders to arrange an event. Our barn would be inclusive to all people. We accommodate all cultures and beliefs. We also have fluent Spanish speakers at the farm.

Attachment 4 – Map of Applicant Property



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Author: Provo City Date: 6/6/2023

This map is for graphical representation only and not for construction or defining feature locations.