

**REGULAR MEETING
OF THE VINEYARD PLANNING COMMISSION,
Vineyard City Hall, 125 S Main St., Vineyard, Utah
Wednesday, September 16, 2020 at 6:00 p.m.**

Present

Chair Anthony Jenkins
Commissioner Shan Sullivan
Commissioner Tim Blackburn
Commissioner Jeff Knighton
Alternate Amber Rasmussen

Absent

Commissioner Brady
Commissioner Welch
Commissioner Gudmundson

Other Commissioners Present:

Staff Present: Community Development Director Morgan Brim, Planning Technician Briam Amaya Perez, City Engineer/Public Works Director Don Overson, Water Operator Sullivan Love, and Assistant City Engineer Chris Wilson.

1. CALL TO ORDER

Chair Jenkins called the meeting to order at 6:04 p.m.

2. INVOCATION/INSPIRATIONAL THOUGHTS/PLEDGE OF ALLEGIANCE

An invocation was offered by Tim Blackburn.

3. OPEN SESSION

Chair Jenkins opened the meeting to the public for an open session. No comments were made and Chair Jenkins closed the open session.

4. MINUTES REVIEW AND APPROVAL:

No minutes were presented for review and approval.

5. BUSINESS ITEMS:

- 5.1  Public Hearing and consideration of amendments to the Vineyard Zoning Ordinance to add Medical Cannabis and Pharmacy provisions: Section 15.12.050 District Use Table to add new zoning uses for Pharmacies, Cannabis Production Establishments, & Medical Cannabis Pharmacies; New Section 15.34.210 Cannabis Production Establishments and Medical Cannabis Pharmacies to add development standards for associated uses; and Section 15.60.020 Definitions for Pharmacies, Cannabis Production Establishments, & Medical Cannabis Pharmacies.**

Community Development Director Mr. Brim introduced the topic by stating that in 2018 the State provided for medical allowances, through the legislature, for medical cannabis production and pharmaceutical uses. He brought up that Life Elevated, a company in the industrial district, is in the process of applying for the state permit to allow for production of medical cannabis. Life Elevated is also looking into adding a storefront for pharmaceutical uses as well.

Mr. Brim examined the District Use Table to show that medical cannabis production establishments were permitted in the FOI and manufacturing districts as long as the business meets all licensing requirements as required by Utah State Code. He clarified that there needs to be differential code between pharmacies for cannabis and traditional pharmacies due to state code. Traditional pharmacies are permitted in retail districts and medical cannabis pharmacies are only permitted in the FOI district.

Chair Jenkins asked Mr. Brim why the City would treat the location of the two (2) types of pharmacies different. Mr. Brim explained that the original intent on restricting medical cannabis pharmacies to the FOI district was to at least allow them into the City. Mr. Brim stated that because of state code, medical cannabis pharmacies have to be a certain distance from churches, schools, and parks. The FOI district complies with that requirement as well as introduces these pharmacies slowly into the City. If a medical cannabis pharmacy wanted to open up elsewhere, the City would have to go through an amendment process to allow it.

Mr. Brim mentioned that in a discussion with medical cannabis companies, they have stated that they do not like for their businesses to be located in a standard retail environment due to their patients wanting more privacy due to the negative stigma of medical cannabis.

Commissioner Shan Sullivan asked if the Commission was perpetuating the negative stigma by hiding these pharmacies in the secret parts of town. Mr. Brim replied that because of state code, the current permitted location was the easiest for the City to adopt.

Mr. Blackburn asked to know the requirements to be a medical cannabis pharmacist. Mr. Brim explained that there are state laws in place to provide certification. Mr. Brim explained that Bev Astin and Justin Arriola at Life Elevated would be great sources to explain these requirements.

Mr. Brim read the development standards from the City code tied to this use.

1. Health and Safety:
 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, and

2. Cannabis production establishments shall meet the land use requirements for the zone in which it is located.
2. The following standards apply to all medical cannabis pharmacies:
 1. No cannabis products shall be visible from outside a medical cannabis pharmacy,
 2. The building square footage dedicated to the retail use of the medical cannabis pharmacy shall not exceed 25% of the building or development in which it is located, and
 3. Medical cannabis pharmacies shall meet the land use requirements for the zone in which it is located.

Mr. Brim stated that due to the limitation of the retail area allowed in the FOI district that a traditional pharmacy wouldn't be permitted. Mr. Brim stated that the code only allows for the production of cannabis and a small retail area in the FOI district. Large retail is not permitted in the FOI district so as to maintain the health and safety of all residents.



Chair Jenkins asked for a motion to move into a public hearing.

Motion: COMMISSIONER AMBER RASMUSSEN MOTIONED TO MOVE INTO A PUBLIC HEARING. COMMISSIONER BLACKBURN SECONDED THE MOTION. ROLL WENT AS FOLLOWS: COMMISSIONER RASMUSSEN, COMMISSIONER BLAKBURN, CHAIR JENKINS, VICE-CHAIR KNIGHTON, COMMISSIONER SULLIVAN VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

Commissioner Jeff Knighton arrived in person to tell the Commission that people online on Zoom cannot hear the meeting. Staff attempted to troubleshoot the problem. The problem was resolved and the meeting was resumed.



Chair Jenkins reaffirmed that the meeting is open to a public hearing. Mr. Brim provided an overview of the ordinance for those who were not able to hear.



Motion: COMMISSIONER JEFF KNIGHTON MOTIONED TO MOVE OUT OF A PUBLIC HEARING. COMMISSIONER BLACKBURN SECONDED THE MOTION. ROLL WENT AS FOLLOWS: VICE-CHAIR KNIGHTON, CHAIR JENKINS, COMISSIONER BLACKBURN, COMMISSION RASMUSSEN, AND COMMISSIONER SULLIVAN VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

Commissioner Blackburn asked to know how Life Elevated disposed of waste. Mr. Brim said they must follow state regulations. Mr. Brim stated there is no THC in the raw materials that Life Elevated processes. Chair Jenkins suggested that Mr. Brim ask Life Elevated for specifics regarding their disposal process.

Vice-Chair Knighton asked for clarification regarding the 25% requirement allowed for

retail in the FOI district. Mr. Brim replied that all retail in that district is limited to 25%, not just medicinal cannabis. He stated that the primary use of FOI district is light manufacturing due to safety concerns. The City wanted to stay true to the spirit of the zoning for this district.

 **Motion:** COMMISSIONER SULLIVAN MOTIONED TO RECOMMEND ORDINANCE 2020.13 TO THE CITY COUNCIL. VICE-CHAIR KNIGHTON SECONDED THE MOTION. ROLL WENT AS FOLLOWS: VICE-CHAIR KNIGHTON, CHAIR JENKINS, COMMISSIONER BLACKBURN, COMMISSIONER RASMUSSEN, AND COMMISSIONER SULLIVAN VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

6. WORK SESSION

6.1 Vineyard Tree Manual Updates

Planning Technician Briam Amaya Perez described the work he has been doing to update the tree manual. He listed the changes as followed:

- The title has changed from Vineyard Tree Manual to Vineyard Tree and Landscape Manual. This change is more encompassing and includes groundcover.
- All of the trees and plants have been approved and shown that they can thrive in Vineyards microclimate and soils.
- The manual now includes a table of contents to be more user friendly.
- All the plant species have been alphabetized.
- All the images and sources have been cited.
- Minor spelling issues have been corrected.
- Some images of trees were incorrect and the needed changes have been made.
- The tree classification system was changed to say small, medium, or large trees.
- The list of prohibited trees has been updated.
- The local retailer list has been updated.

Mr. Perez continued to explain that this manual is only required to be followed on public lands but is encouraged to be followed on private property.

Mr. Perez stated that the City has the right to remove dead and diseased trees from private property at cost of the property owner. Commissioner Blackburn asked what gave the City authority to remove dead trees from private property but prohibited them from enforcing which trees get planted on private property. Mr. Brim replied that he will have Mr. Perez work closely with Public Works to find better wording to clarify the City's authority.

Commissioner Rasmussen requested for Mr. Perez to include the scientific names of each species. She also warned about male trees dispersing excess pollen.

Commissioner Blackburn asked if creating a local retailer list could warrant for controversy in that it could exclude other retailers. It was recommended that Mr. Brim include a clause to allow for the City Engineer to include other retailers without using the amendment process. Assistant City Engineer Chris Wilson told Mr. Brim that he believed a clause could be added for citizens to petition for different types of trees.

Chair Jenkins requested that the manual include a section regarding land that would be too small for the recommended vegetation. That would include utilizing rocks and other natural vegetation.

7. COMMISSION MEMBERS' REPORTS AND EX PARTE DISCUSSION DISCLOSURE

Report from Commissioner Rasmussen: Commissioner Rasmussen stated that the Sleepy Ridge golf course has natural wetlands. Natural seeds could be collected and used in the city. Mr. Brim will arrange a meeting with Jake Holdaway to collect these.

8. ADJOURNMENT



COMMISSIONER BLACKBURN MOTIONED TO ADJOURN THE MEETING.

COMMISSIONER KNIGHTON SECONDED THE MOTION. ROLL WENT AS FOLLOWS: CHAIR JENKINS, VICE-CHAIR KNIGHTON, COMMISSIONER BLACKBURN, COMMISSIONER RASMUSSEN, AND COMMISSIONER SULLIVAN VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

NOTICED BY: /s/ Cache J. Hancey

Cache J. Hancey, Planning Technician