

Section 16.13.45 is a new section of code that will be added to the Supplementary Requirements in Zones. The purpose of this addition is to regulate commercial greenhouses whereas all commercial greenhouses will be reviewed using the standards listed in the Code for all Conditional Use Permits (CUP). The proposed text is as follows:

### **Section 16.13.45**

#### **A. Purpose and Intent of Commercial Greenhouses.**

The purpose and intent of the City Council to encourage open space, encourage less density, encourage healthy lifestyle by healthy eating, provide job opportunities and economic diversity, support and recognize agriculture as the main economic industry for over 100 years in the City, encourage benefits of a local food system, including the support to small businesses and recirculation of capital within the city.

#### **B. Requirements for Commercial Greenhouses.**

1. A commercial greenhouse project requires a conditional use permit. The consideration of an application for a conditional use shall be governed by the following standard of Utah Code: (a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. (b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

2. All new projects must conform to Midway City Municipal Ordinances including Public Health and Safety, Water, Building and Construction, Supplementary Requirements in Zones, and Sensitive Lands. The project must also comply with applicable Department of Agriculture regulations.

3. A minimum of five (5) acres.

4. A maximum of four (4) ten thousand (10,000) square foot greenhouses per five (5) acres (total of forty thousand (40,000) square feet.

5. An additional eight thousand (8,000) square feet, or fraction thereof, of greenhouse will be allowed for each additional acre over five (5) acres.

6. A maximum greenhouse height of twenty-five (25) feet.

7. A minimum of a one hundred (100) foot setback on all sides.

8. Berming, screening and landscaping.

#### **C. Project Management Plan.**

The applicant shall provide a proposed project management plan that addresses any probable impacts of the type described below and includes any proposed mitigation measures.

The plan shall include, without limitation:

1. site plan prepared to scale on a topographic base by a professional planning team which shows the concept of the major features of the projects, including roads in relation to existing conditions and developments within one-fourth of a mile of the outside boundaries of the development. Handwritten plans will not be accepted. Twenty copies of the plan on 11" x 17" size paper shall be submitted to the Planning Department.
  - a. description of how the development will implement Midway City's Vision
  - b. name of project
  - c. applicant entity name, primary contact name, civil engineer, etc. with respective contact addresses, phone numbers, fax numbers, and email addresses for each.
  - d. legal description with section tie
  - e. zone boundaries and designations
  - f. north point and a scale consistent with a scale that is on a standard engineering scale ruler
  - g. identification, location and description of all sensitive lands and a proposal to protect such lands
  - h. adjacent property owners
2. title report
3. landscape plan
4. drainage plan
5. lighting plan, interior and exterior
6. description of the type of equipment necessary or intended for use in each season and the frequency and duration of anticipated use;
7. disclosure of any intent to spray or otherwise apply agricultural chemicals or pesticides, frequency and duration of application, and the plants, diseases, pests or other purposes they are intended for
8. proposed sediment and erosion control plan
9. noxious weed control plan
10. location of office, bathroom, warehouse facilities or any other support buildings associated with the commercial greenhouse
11. Photosimulation of the project from the surrounding area

#### D. Potential Impacts and Mitigation.

The application shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably-anticipated detrimental effects of the proposed use in accordance with applicable standards. The City Council, in determining whether to approve or place reasonable conditions on the application, shall consider the potential impacts and mitigation as outlined in the following, but not limited to:

1. Water Quality and Soils. Impacts of irrigation run-off on adjacent properties, water bodies and environmentally critical areas, and proposed sediment and erosion control measures.
2. Traffic, Deliveries, and Parking. Impacts related to the number of staff onsite during work hours, and the number of potential visitors regularly associated with the site. Commercial deliveries and pickups will be included in the daily trip count of any required traffic study.

3. Visual Impacts and Screening. Visual impacts relating to the proposed nature, location, design, and size of proposed features, structures and activities, planting areas and any existing or proposed screening including landscaped berms as listed in the site plan.
4. Noise and Odor. Impacts related to the location of any trash, storage areas, additional accessory structures and any other noise-generating or odor-generating equipment and practices. No odors or fumes shall be allowed to escape into the open air in such amounts as to be detrimental to the health of any individuals or the public; or noticeable, discomforting or disagreeable so as to offend the sensibilities of a reasonable individual from the property line. All compost and/or organic matter storage must be contained and enclosed.
5. Use of Chemicals. Impacts related to the use of chemicals, including any fertilizer and pesticide.
6. If grow lights are used between the hours of 10pm and 6am the greenhouse will be required to shade the light from escaping to the exterior.
- 7 Drainage. The site shall be designed and maintained to prevent water from irrigation, fertilizer or other activities from draining onto adjacent property.
8. Refuse Storage and Disposal. Trash areas shall be provided and screened on at least three (3) sides from public view by an opaque impact-resistant fence of sufficient height to screen the dumpster(s).
9. City Council may impose conditions to mitigate any potential impacts including but not limited to the aforementioned items.