

SANDY CITY IS NOT LETTING KUWAHARA OPEN SPRING 2020
THIS IS PUTTING A FAMILY AND EMPLOYEES OUT OF WORK

THIS WAS TOLD TO THEM DECEMBER 2019. BY THAT TIME IT WAS TOO LATE TO
CANCEL SEED, SOIL, TRAY AND SUPPLIES ORDERS.

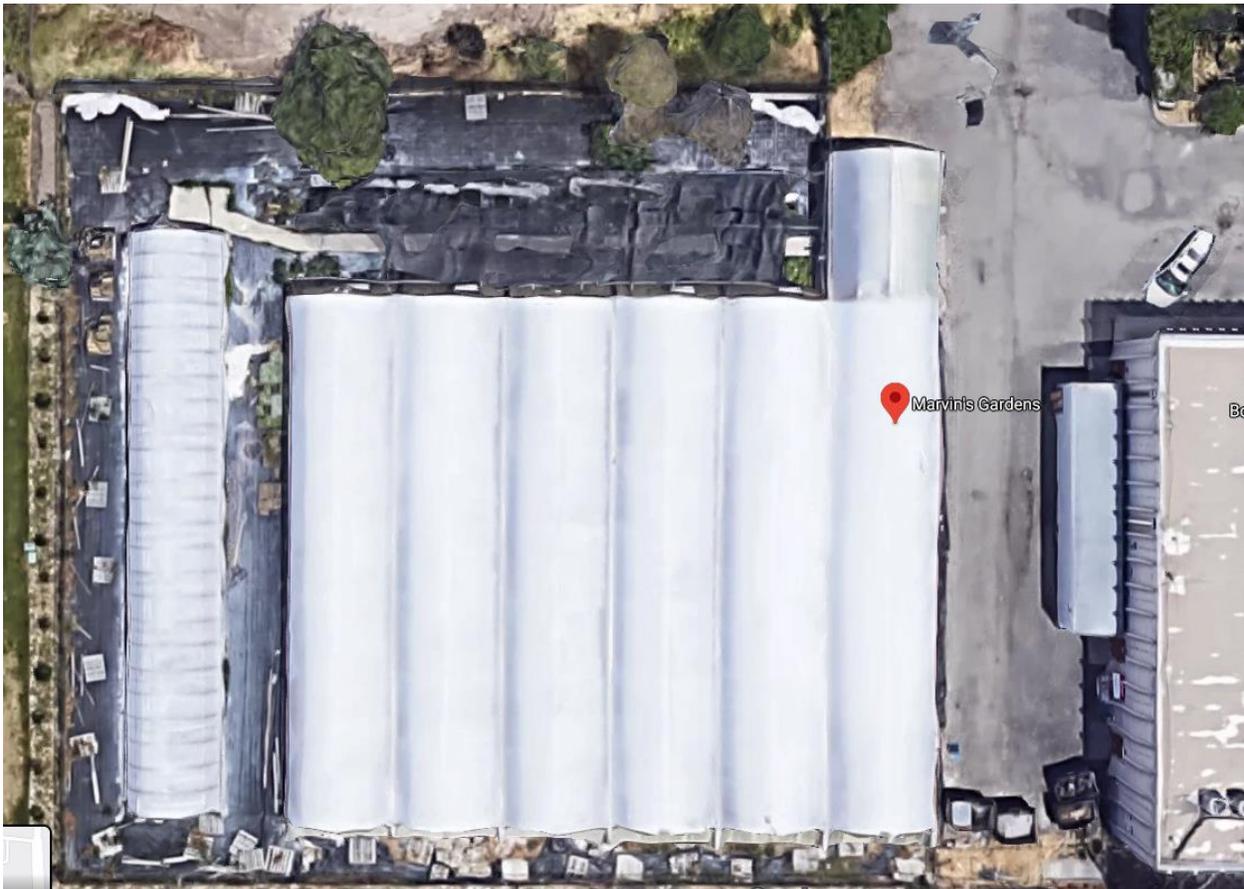


Commercial Business defined:

Commercial Business means any enterprise other than an Agricultural Business or Industrial Business which may include, but is not limited to, wholesale, retail or other mercantile activities; office buildings; cable television facilities; - Lawfinder.com

Here are examples of businesses just like ours in Sandy and in other cities that run just like ours without the requirements Sandy staff is requiring me.

Marvins Garden- Sandy: They use high tunnels as greenhouses, they don't have landscaping around the property, nor a high-end parking lot and again tons more.



Okubo Farms and Greenhouses- West Jordan: No masonry wall, instead a vinyl fence, no landscaping around the property, high tunnels for greenhouses, even a residential home on site.



Lamberts Nursery- West Jordan: They have gravel parking, high tunnel greenhouses, no landscaping, no masonry wall, no bathrooms- porta potties. Just simple. If you ask the owner of Lamberts to put in the requirements you are having us, and the list goes on and on, they would go out of business.



Peterson Family Farms- Riverton: Ground asphalt, high tunnel greenhouses, no curb, gutter, sidewalk, no storm and oil drain, no bathrooms.



Kuwahara Wholesale and Sandy City Timeline and Background

8565 South State History: Martha Conish 1947-1992 Alex's great grandma started selling fresh cut flowers grown in her greenhouses.



1991-2009: Todd, Alex's Uncle and his mother Jessica owned and operated several businesses such as the Oink Shop, and Storky's Rentals

2007:



2010: Jessica opened a Herbs for Health store with a home occupation permit.

Spring 2012: Alex Jessica's son (18 years old) came to help his mom at the business and grew plants in his great grandmas greenhouse in the backyard and sold them on the porch of the store to try and help her bring in more business. The community responded with open arms the business flourished, Alex sold all of the flowers he grew that year.



Spring 2013: Alex expanded to the front and side yard of the property. I set up tables and set up two displays of flowers for the roadside view that we put away each night.

City responded- They came out and said that we could no longer use the Herbs for Health license for the sale of the flowers because we were selling outside the home and not

considered a home occupation. However, our season was done so we had a full year to decide what to do for next season.



2014: With a lot of work, we came to an agreement with the city. To remain in business we would only be able to sell what we grow on site and we were prohibited from buying and selling or bringing other plants that we grew from any other site. They said as long as I did this, I did not need any license but they continued to make us pay for every year as a home occupation, which was the opposite of what they had said was allowed previously when we were operating under Jessica's Herbs for Health. We thought it was strange that they said we didn't need a license but still made us pay for a home occupation permit.

2014: We wanted to put up a new greenhouse to protect our plants from extreme weather conditions. To do this, Alex asked Mike Coolum (the head of the planning staff at that time) if he could put in another greenhouse on the property similar to the one his great grandma had, he said yes. Alex's greenhouse he started to build was too big and made out of wood. Sandy then asked for a small site plan which included landscaping in front, temporary parking (ground up asphalt was approved), building permit for the greenhouse, and location of everything currently on the property. We completed this and got that approved. We were told we were allowed two permanent structures on the property.

2014: Kuwahara Wholesale had completed its first site plan and was in progress of building the greenhouse.



2015 4th year: We completed our wood greenhouse and fencing on the site plan. The business was looking great.

2016: We were told by Doug that we are able to put up temporary high tunnels with no permit required since they are temporary structures, so if they needed to be removed they were just poles and plastic. So we put up our first three high tunnels.

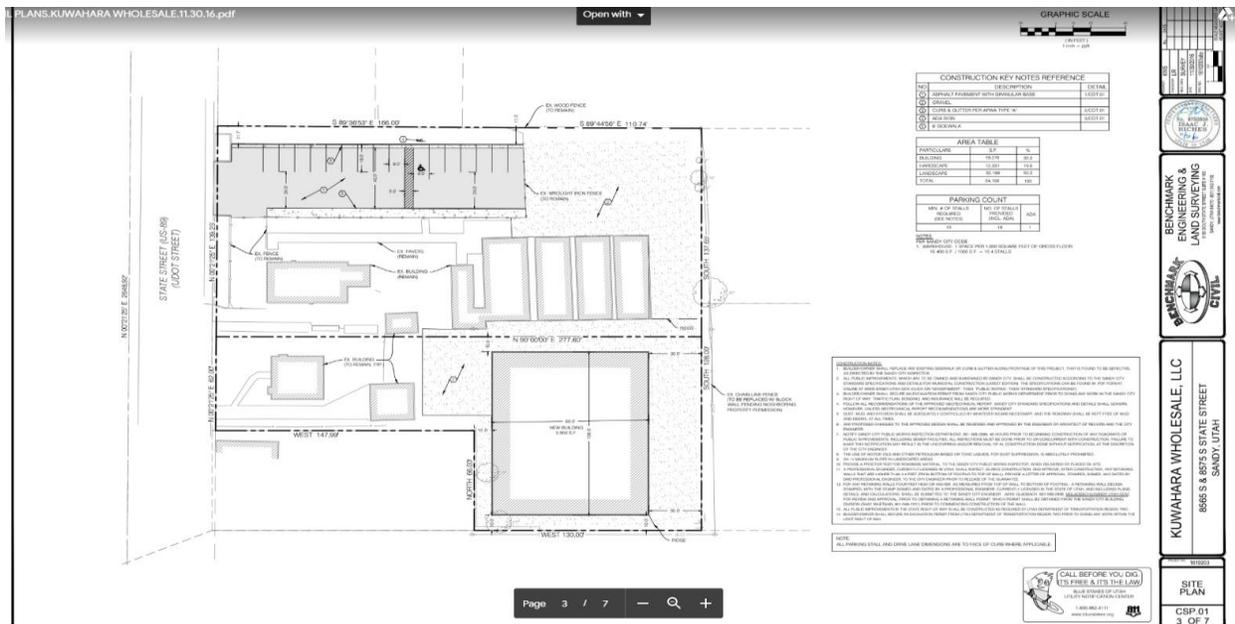


2016 5th year: We had our best year yet, we had our wood greenhouses, and three high tunnels. We finished the season and we made \$10,000. We had great success but at the end of that season, Sandy City told us we 'outgrew' our home occupation permit and had to make some upgrades in order to stay in business. *Looking back, we still don't understand why they were keeping us under the home occupation permit because we were under the impression growing and selling on site did not need a permit.* The city said we needed to go commercial now because we were getting too big in size, Alex explained to Mike Coolum that we could not afford to go commercial with the revenue we were bringing in (at that time going commercial meant site plan, curb, gutter, sidewalk, pavement estimated cost \$60-\$80k). Alex applied for loans, the banks denied him, he was still very young at this point and no lender wanted to take a chance on him. Alex told Mike he did not qualify at this time for a loan and proposed that the city let us buy and sell local produce, goods, and soil to help generate those funds and give him time. Mike granted this request. Mike said once we get a full site plan done and approved, he believed it would be easy for him to get a loan, Alex agreed and said that he would start working on the site plan now. Alex decided at this point that he would do anything to try and complete this site plan because Mike put his trust in him.



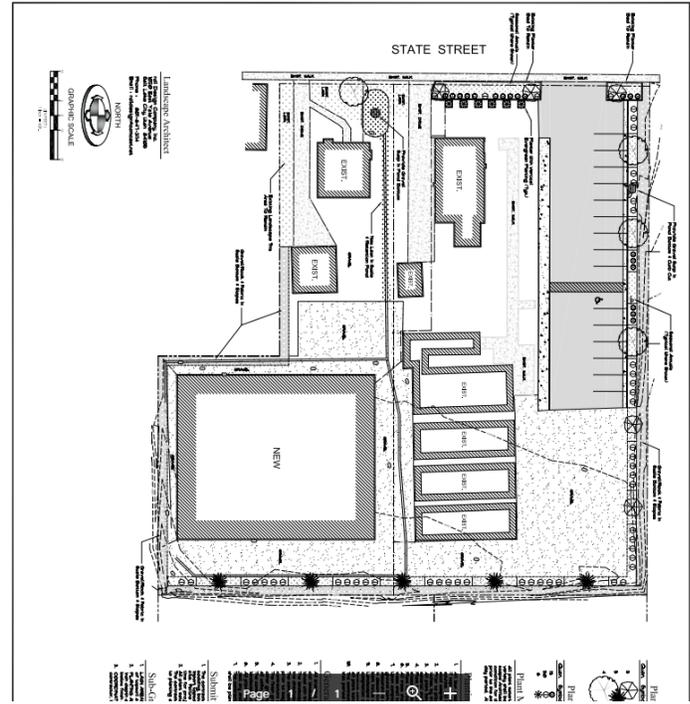
2016: We listened to planning and then spent \$10,000 on a site plan. After a huge expense as this, we turned in the site plan and they added a 8ft masonry wall (the city estimated it at \$40,000). We didn't have that type of money and our business did not have the revenue to make it either. We needed more greenhouse space to sell more, Alex asked Doug if we could put in a fully engineered permanent metal greenhouse in the back asap to be able to start making extra income to keep the business afloat. That was rejected, we knew however, that we were able to put up *high tunnels* (temporary greenhouses) because we had put up three before. So we did that instead.

2016: We had the plans almost done *we thought* but they said we needed landscaping plans and extended landscaping around the entire property (we estimated the landscaping \$20k). After all that hard work to try and get this done, we are hit with another curve ball. They took all the plans and threw them back at us. At this point, it was the end of our season, we spent all of our money on the plans so we had to wait until next season to start on this again.

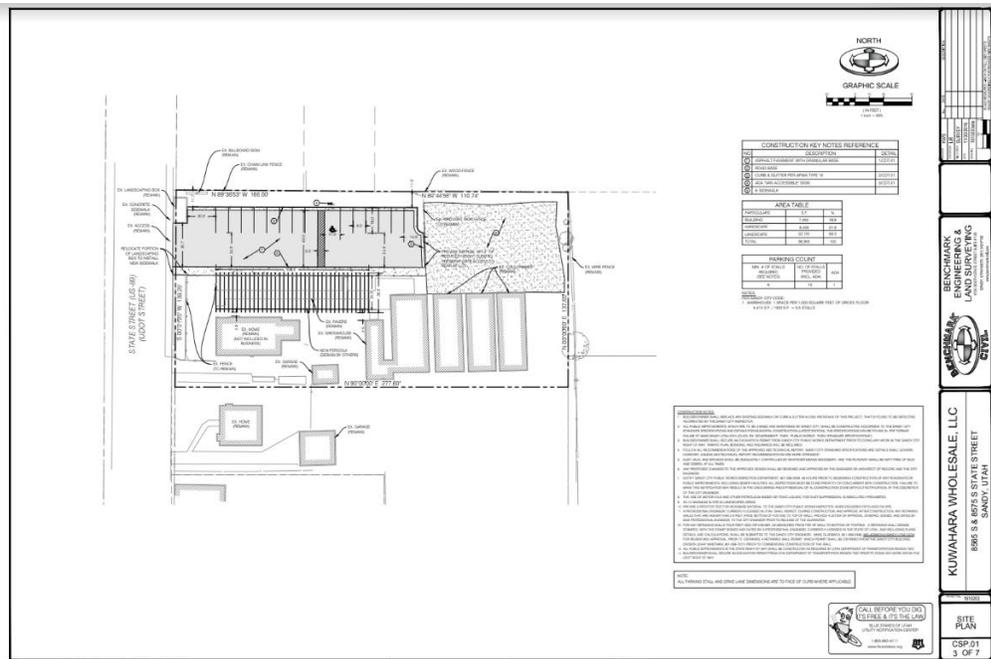


2017: Planning Department wanted us to go for a rezone to Plant Nursery. This was NOT what we wanted because a plant nursery sells shrubs, trees, bark, landscaping supplies and has more land to do so and heavier equipment but we did as we were told and followed along. We want it noted that we have never seen a nursery in Sandy with a stone wall and landscaping all the way around it mainly because their whole lot is landscaping with their product and it's an agricultural commodity.

Landscaping Plan we finished back in 2017 that we had to redo due to the added requirements:

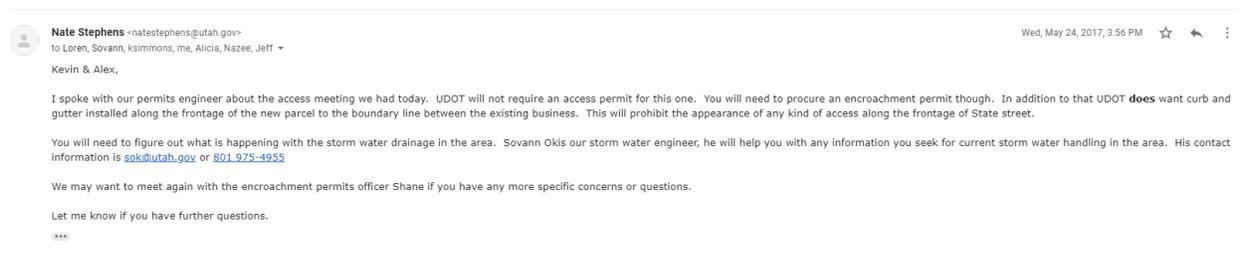


2017: We talked with Doug about our dilemma about being able to afford this steady climbing site plan and he said that we should stick to one side of the property 8565 south. So we had to go back to our first site plan again after working on this new one.



March 2017: During all of this, we were talking with the city to see if we could get the curb, gutter, and sidewalk removed from requirements because of the known plan to widen State Street very soon. The city then said they could not make that decision, UDOT does, you can ask them when you ask them what the requirements will be for your access permit. We went to UDOT to ask if it was required that we put in curb, gutter and sidewalk. They said we did not nor did we need an access permit.

Email from UDOT stating they would not require



2017 Parking Dilemma: Sandy City told us we need more parking, this was a huge bomb to us because the layout for our business had been set for years and to change it now would be impossible, given the place setting of our current greenhouses and fencing. This meant a complete site plan reorg and a lot to think about. The only possible way we found that adding that many more stalls would work would to somehow purchase the property next to ours to the

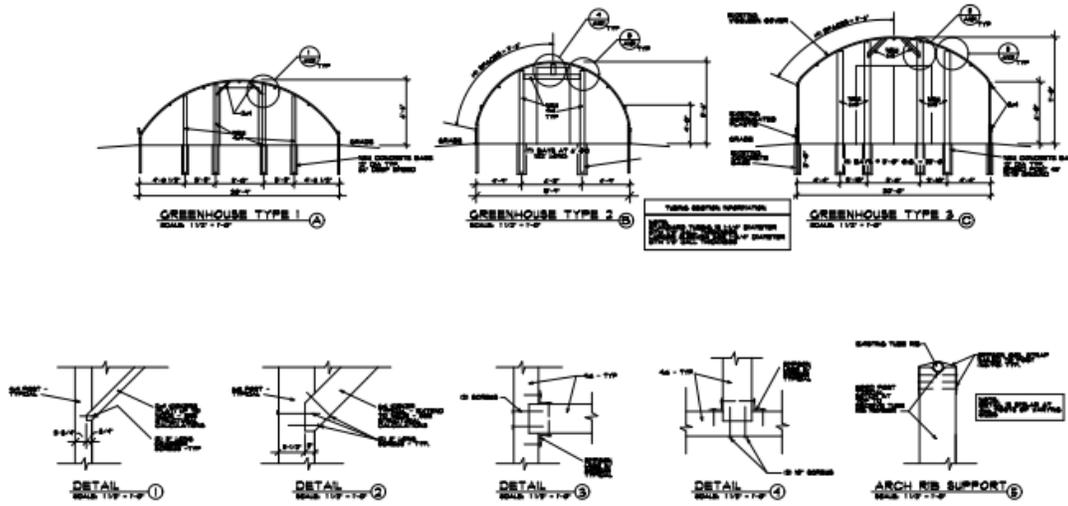
north because cutting out half of our greenhouse space would not be financially feasible. At the time he was selling it for \$400,000. The parking dilemma was hard, we had a parking assessment done and the stalls needed were 38 stalls.

2017: We were melting, our produce business was not performing well because we had no protection against the heat. We needed some way to cover us and the city would not work with us because of the huge site plan problem. The heat was killing us and we needed to make fast moves to be able to keep operating. We made a mistake and started build of a pergola without a permit. This as we know now was a huge mistake on our part but at the time, it felt like a life vest during a struggling time because we needed to stay open during the heat of the summer to continue making money for this plan and generate revenue.

2017: We were running out of money and with the new bombs on the site plan we needed to get through the spring and summer season to try and earn some money for the plan. So we needed to set the site plan aside as it was our busy season and needing to do the best we can to show the banks we can make enough to pay for all these new requirements.

2018: We added trees and shrubs to our inventory to try and generate more revenue and hopefully get us out of the whole. It did not go well, for a small lot like ours, we don't have the room to store the inventory that doesn't sell and really make a profit. This year we also added selling cooked foods with a special event permit with the Health Department to try and help generate extra money. This permit only allows food to be sold a couple days a week for a couple months.

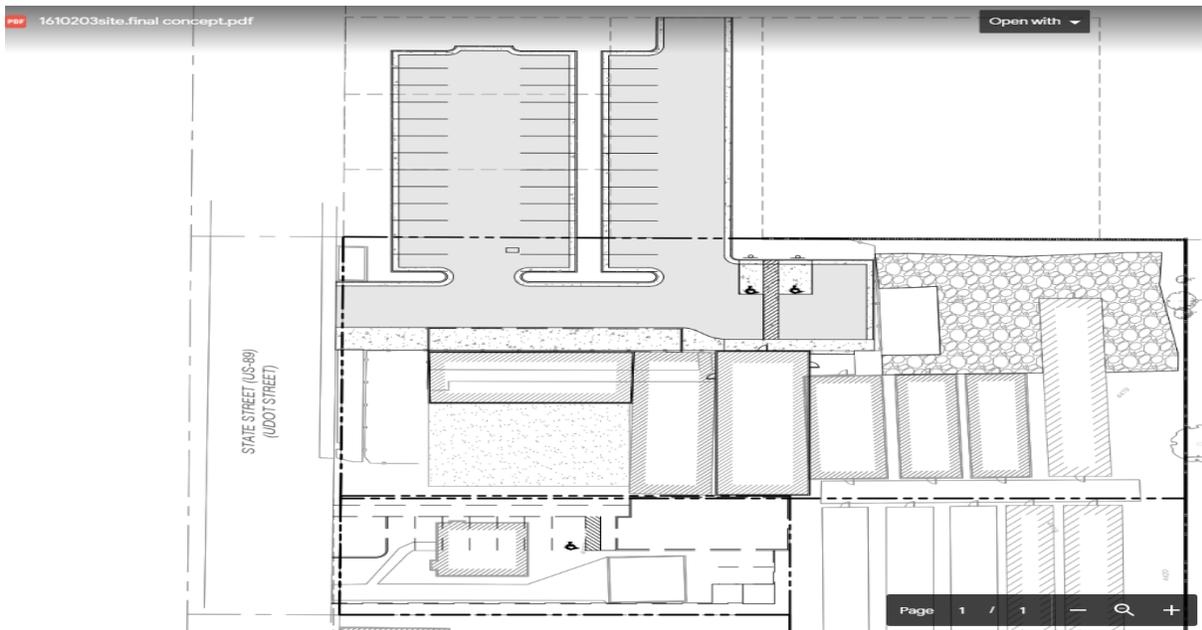
2018: Nov 1st Doug tells us that we need to finish at least \$200,000 worth of the plan to be able to open next spring. The loan we anticipated getting, fell through because of how outrageous this new parking expense was going to be and all the extra costs that we had accumulated. At the very least, we asked the banks, we made an additional concept site plan, paid the dues, all in order to try and get this done. Just when we thought it couldn't get any worse, Sandy told us we now needed engineered plans for our temp high tunnels and made false claims that we built those without permission. This was a huge blow to us because that is not what happened at all, we were told by Doug we could build those high tunnels and now looking into more we found that in Utah Code high tunnels do not require engineered plans or permits. Although we were unaware of this at the time, they said that we needed plans to make these temporary structures structurally sound, essentially making them permanent. We then spent \$4,000 on plans and the only way the engineer could think to do so is by putting up over 100 posts on the hoops of each greenhouse, thus making them unusable and making there not be enough room for growing. Here are our engineers thoughts on this:



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STRUCTURAL GREENHOUSES
STRUCTURAL UPDATES

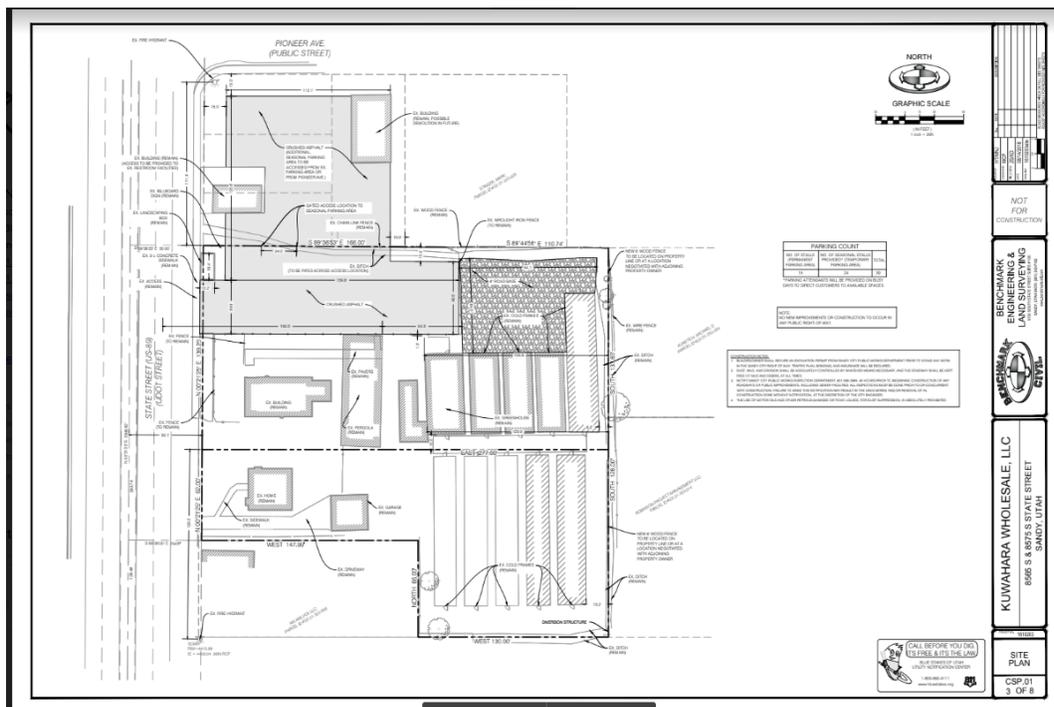


2018: Time to crunch the numbers, the site plan is now estimated to be over \$1 million dollars. For a business that is open only 6 months out of the year, that only sells plants and vegetables, and local goods this felt like an impossible jump. We had been talking to our whole family about the problem, they had been helping us with money and our uncle Mark Conish said this is not right. He said you need professional legal help, we hired a planner and we went through lots of different possibilities to be able to save our business. He had us try to make a compromised site plan with other options that were a little more attainable and would work for a seasonal, agriculturally based business.

Below is the site plan we turned in.

This site plan included: public restrooms in the existing building to the north of us, extra parking, landscaping around the whole property, a wood fence instead of a masonry wall and we even had all the neighbors sign off that they were okay with that and did not want a wall, crushed asphalt to remain, instead of paving a lot because a lot of temporary businesses have this kind of parking. Bruce had also found articles stating that this kind of parking was better for the environment.

We turned this in, paid all the fees, and spent the money to get it accomplished. In the end they would not look at it, took months to get back to us.



2019: Our planner advises we request different kinds of permits and licensing to be able to open. We submit requests for those and turn in a site plan we believe we can finish.

- Along with: a petition from our customers to urge planning to grant us help and a possible zone change for just us

- Neighbors signing off stating they do not want a stone wall, all signed they would be happy with it staying the same or just a wood fence (all docs we still have)

March 2019: Meeting with Mayor Bradburn- Mayor Bradburn said he would not shut us down if we continued to work with the planning staff and that he will ask them to work with you as well to finish a site plan.

April 2019: Huge meeting with Sandy Planning that the Mayor set up to try and make a plan. This meeting they finally tried to work with us and they finally said that we may not need the extra parking. However, by this point we had just spent so much money on concept site plans working on a new site plan without it would still be hard. They said but before you start on the site plan, we want to address safety issues and we were more than happy to get started on those. They said we need plans for our pergola and if any upgrades are needed, for them to be done right away, second they were saying we need to decide what to do about the high tunnels and that they were unsafe without finished plans.

April 2019: We hired a structural engineer, made upgrades to our pergola building that was needed. The cost was \$10,000 plus engineering costs to show what was there and built.

May 2019: We had an electrician come down and inspect the property and he signed off and said that everything was up to code and the Fire Marshall also came down, we fixed a few small things and that everything else was good other than one major problem, we needed a certain amount of feet that a fire truck can reach from. We found two options to fix this but these are problems that cannot be fixed until the plans are done, so we could not finish this last task without our plans being done. However, we did get approval from our neighbors in the back that we could add fire access.

We found this section in Utah Code to fix the problem with the high tunnels and it all made sense why they allowed us to put them up in the first place.

Utah Code

Effective 5/12/2015

10-9a-525 High tunnels -- Exemption from municipal regulation.

- (1) As used in this section, "high tunnel" means a structure that:
 - (a) is not a permanent structure;
 - (b) is used for the keeping, storing, sale, or shelter of an agricultural commodity; and
 - (c) has a:
 - (i) metal, wood, or plastic frame;
 - (ii) plastic, woven textile, or other flexible covering; and
 - (iii) floor made of soil, crushed stone, matting, pavers, or a floating concrete slab.
- (2) A municipal building code does not apply to a high tunnel.
- (3) No building permit shall be required for the construction of a high tunnel.

Enacted by Chapter 129, 2015 General Session

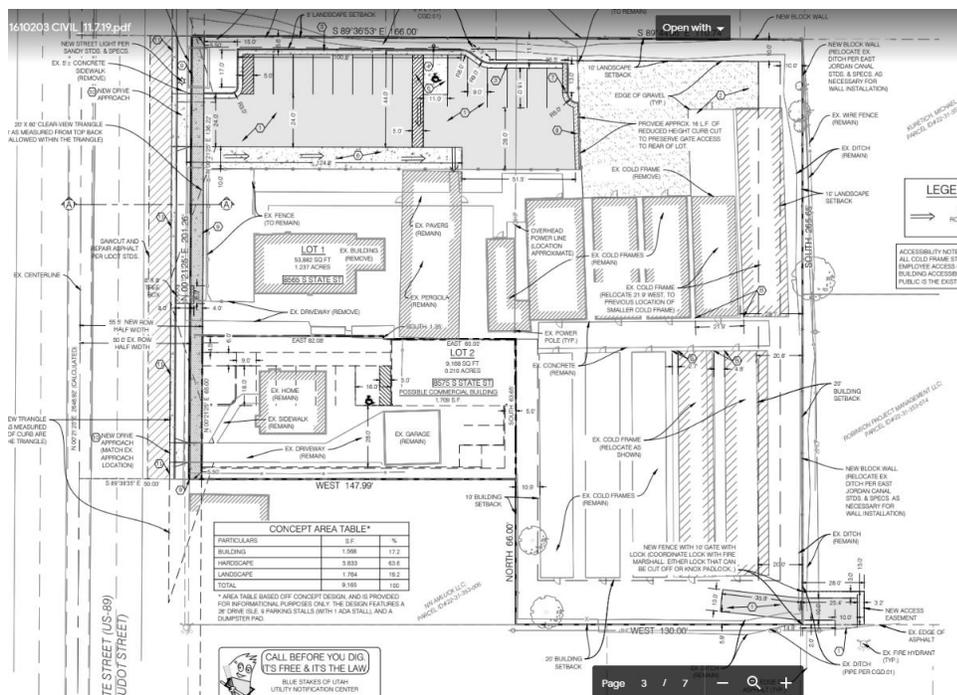
June 2019: Darian Alcorn sent a letter in this letter it said all of the things we had to finish in a certain amount of time, with limited time and being open during this time, we got it all done.

June 2019: After this, we were stuck at a standstill and we wanted to make sure that they weren't going to come shut us down at any minute even if we were still working. We then reached out to city council woman, Brooke Christensen and she said she had heard a lot about this and wanted to help. She said I don't think you fall into the same category as those other businesses and yours doesn't fit into those same guidelines. Finally some glimmer of hope.

August 2019: We had a meeting with her and James Sorenson and they said as long as you continue to get the site plan done we will work with you to try and make some changes on the site plan; however James said it had to be the full site plan to all of their requirements no matter how much it would cost to complete and no matter if we didn't have to do it in the end. This meant three more new plans to fully complete: a new landscaping plan, photometric plan, and the civil plans completed. Another \$20k to go so we began doing it, even though we didn't have the money to do so, like we've always done, we followed the city's instructions on the site plan.

October 2019: Alex Kuwahara and Carole Rea receive a 25 page letter and notice of shut down as of Nov 1st. The letter consisted of threats of criminal charges if we remained open and fines we would receive if we disobeyed, this letter was also signed by the Mayor. We weren't too alarmed about this letter because every year we close by the end of October but this year the weather was terrible and we ended up closing by the beginning of October. It was a terrible season because of the weather and we actually came out negative this year.

Nov 2019: Sarah called Brooke Christensen and told her about the letter, she said she was also under the impression that if we cont. To work on the site plan that we could remain open. She said to call James and set up a meeting, so we did. We also submitted our finished site plan to the city.



December 11th 2019: We for a meeting with James Sorenson to discuss the letter, we were expecting a small meeting but everyone in planning was invited. They proceeded to tell us that they would not be letting us open next spring 2020 until the site plan was not only completed but all of the upgrades as well, this meant all \$1.3 million dollars or more. We said all of this year we have been working together to remain open and finish the plan to be able to go to the council to get some things on the plan down instead of the \$1.4 million. They said and you can still do that but you won't be open, we referenced Darian Alcorns letter that said we could have three years to do the asphalt, james said but we never told you that you could be open in that time, it doesn't really matter though you can have as long as you like but you won't be open. Doug then said that a site plan would not be approved for 4-6 months also so if we had all those funds right then, we still wouldn't be open. As we were leaving, Doug Wheelwright, planning staff said off the record I feel your lawyers have done you a disservice and I want you to know, we will do everything we can to prohibit you from utilizing that property, we will shut off your gas, water, electricity, threatening a families life in the middle of winter. We felt MISLEAD, we felt BETRAYED, we feel ATTACKED. We are NOT a big BOX STORE that money we spent this year to try and get this all done was money on credit cards and loans. If we would have known we would not be able to be open, we would have not continued because we are now at a point where we have to sell everything we own to pay off these huge bills or just lose it all. The hard part is that the planning staff says we have not done anything they've wanted for 9 years, that is a lie. We have, we have done everything they wanted us to do as the best we can and to the best of our abilities. They are the people in charge and they have been the ones that keep adding and changing everything, adding a hundred things more. If I could go back, I would have tried a different way and not have followed the planning staff. We have now learned that James Sorensen has had the power to grant exceptions or could have tried to but he has never tried to help.

We are asking for the community of Sandy's help, we have grown flowers and plants for our thriving community for almost a decade. I Alex Kuwahara am a third generation farmer, my grandpa farmed in Murray, my grandma Conish raised and sold plants here in Sandy on this same lot, my dad farms in Draper and all I want to do is continue that legacy. I have farmed plants and sold produce my whole life. My family line did not have these requirements and nor do any of the other previous agricultural businesses because they would not be in business if they did. So I am asking, why me? Why does Sandy City not support local agricultural business? Why does Sandy City not support local farmers?

This is Historic Sandy

Historic Sandy is flooded with businesses that all are either based out of a home, are a couple feet away from a home and all are not up to these standards that you are trying to put us to. It consists of family run businesses, local entrepreneurs, all people trying to make a living and make it here in Sandy, their home. We believe that we are no different.







Twin Pines - Sandy: They use high tunnel greenhouses just like ours, no stone wall, no landscaping around the entire property, etc.



Call to Action

1. The planning staff is threatening us with charges if we grow on site. We are asking the council to grant permission at least to be able to grow on our own property. If we can't do that, we will lose everything and put our family's livelihood in jeopardy.

2. Let us work on the outstanding safety concerns to open. These were not something we have taken lightly and were planning to add the fire access before opening with hopes of approval from the staff.

3. I would like you to honor Utah code in respect to our High Tunnel greenhouses. These are greenhouses used all over the state and are exempt from being regulated but Sandy Staff is counting them as a safety concern because they aren't built as permanent structures.

Utah Code

Page 1

Effective 5/12/2015 10-9a-525 High tunnels -- Exemption from municipal regulation. (1) As used in this section, "high tunnel" means a structure that: (a) is not a permanent structure; (b) is used for the keeping, storing, sale, or shelter of an agricultural commodity; and (c) has a: (i) metal, wood, or plastic frame; (ii) plastic, woven textile, or other flexible covering; and (iii) floor made of soil, crushed stone, matting, pavers, or a floating concrete slab. (2) A municipal building code does not apply to a high tunnel. (3) No building permit shall be required for the construction of a high tunnel.

4. We are asking you to honor Sandy code that says you are able to grow on site and sell on site Or at least grant me a temporary fruit stand permit that doesn't come with full commercial upgrades that allows me to sell my plants and fruits and veggies.

Sandy Code

Section 5-1-14 states, in relevant part:

(a) Persons engaged in the following activities may be exempt from the license provisions under this title:

(1) a farmer engaged in the production of crops, livestock and other agricultural products and in the sale exclusively of agricultural products by him, provided such crops and other agricultural products are sold on the property where grown,

5. We are asking for help to create a permit for agriculturally based businesses and grant the same immunity they have been granted for decades, just as the other businesses like mine have. We feel that the planning staff is not willing to try and help but only want to place demands on us. We would like someone outside planning staff to work with us going further.

Fire Violations Addressed

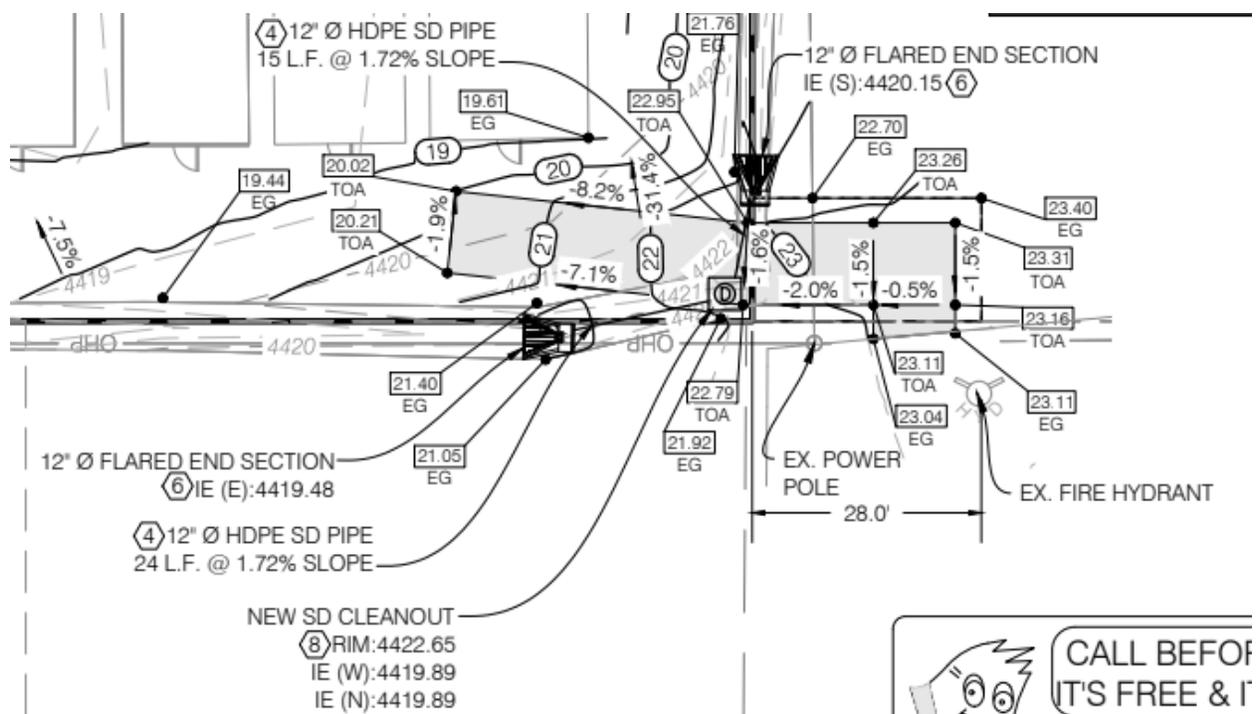
Violation Listed	Resolved- Green Not Resolved - Red
<p>1. Portable fire extinguishers shall not be obstructed or obscured from view. In rooms or areas in which visual obstruction cannot be completely avoided, means shall be provided to indicate the locations of extinguishers.</p>	<p>Sign was added and fire extinguisher was moved to a more visible place</p>
<p>Tents and membrane structures having an area in excess of 400 square feet (37 m²) shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official.</p>	<p>Tents were removed September 2019 after this violation was issued from Fire Marshall. These tents are 10*20 tents and had not been told they needed permits till this year.</p>
<p>Accumulations of wastepaper, wood, hay, straw, weeds, litter or combustible or flammable waste or rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle or other similar structure.</p>	<p>All excess pallets were removed. Our type of business uses a lot of pallets for plants, soil, supplies, produce, etc. All weeds were cleaned up right away.</p>

<p>LP-gas containers in storage shall be located in a manner that minimizes exposure to excessive temperature rise, physical damage or tampering.</p>	<p>Fire Marshall Dekorver helped with this while he was there and that was addressed and fixed that very same day.</p>
<p>Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirements in urban-wildland interface areas shall be in accordance with the International Wildland-Urban Interface Code.</p>	<p>As previously stated, all weeds were removed.</p>
<p>Sandy City requires that all business within Sandy City to obtain a Sandy City Business License.</p>	<p>We have had a license every year but 2019. Last year, we met with Mayor Bradburn because the planning staff would not let us open. The Mayor said planning staff was withholding business license this year until the site plan issue was resolved; HOWEVER, he said we could remain open while we work through the site plan and safety issues and the Fire Marshall was stumped on what to do with this and requested a meeting with planning.</p>
<p>A property owner or owner's authorized agent who intends to conduct an operation or business, or install or modify systems and equipment that are regulated by this code, or to cause any such work to be performed, shall first make application to the fire code official and obtain the required permit.</p>	<p>Sandy City Planning would not give us permits year 2019 because we did not officially have a business license. However, the Mayor said we could be open while working with planning staff. So this is a matter of paperwork. This matter was for my tents and food trailer but for our food we DID get Health Department permits.</p>
<p>New and existing buildings shall be provided with approved</p>	<p>We have not added an address because we were waiting on someone that knew</p>

<p>address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out.</p> <p><i>Continued from previous</i></p> <p>Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of 1/2 inch <i>conti-</i> (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.</p>	<p>where the required placement was. No one ever showed up. We were instructed not to put them up until they came down.</p>
<p>Exits and exit access doors shall be marked by an approved exit sign readily visible from any direction of egress travel. The path of egress travel to exits and within exits shall be marked by readily visible exit signs to clearly indicate the direction of egress travel in cases where the exit or the path of egress travel is not immediately visible to the occupants. Intervening means of egress doors within exits shall be marked by exit signs. Exit sign placement shall be such that no point in an exit Access corridor or exit passageway is more than 100 feet (30 480 mm) or the listed viewing distance for the sign, whichever is less, from</p>	<p>We have not added an address because we were waiting on someone that knew where the required placement was. No one ever showed up. We were instructed not to put them up until they came down. Also there is an address on the front of the home in front.</p>

the nearest visible exit sign.	
<p>Extension cords and flexible cords shall not be a substitute for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings or floors, or under doors or floor coverings, nor shall such cords be subject to environmental damage or physical impact. Extension cords shall be used only with portable appliances.</p>	<p>This was fixed immediately after Fire Marshall Dekorver came out. We threw away the cord.</p>
<p>Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.</p>	<p>This issue is ongoing because this encroaches on requirements of the site plan and cannot be completed unless their full site plan of \$1mill+ is approved. This is not something we have taken lightly, we have engineered plans for this, worked with our neighbors in the back to be able to use it as a fire access and had been planning to work to get this done before opening in Spring 2020. We had even brainstormed with Sandy Fire Marshal on different ways we could solve the issue.</p>

Here is a close up of our Fire Access plans:



Their Main Arguments

Their Arguments	Our side
They say we are operating without a business license	This is a half-truth. We have had a license every year but 2019. Last year, we met with <u>Mayor Bradburn</u> because the planning staff would not let us open. The Mayor said they were withholding our business license this year until the site plan issue was resolved; <u>HOWEVER, he said we could remain open while we work through the site plan.</u> We were not operating illegally. We don't understand why they were arguing this when the Mayor himself worked with us and said we could be open?
They are claiming there are structures on the site that do not meet fire and safety code	<p>They are claiming our high tunnels which are temporary structures are unsafe. High Tunnels are exempt per Utah Code because they are temporary structures. Sandy staff also allowed us to put them up in the first place. At the time, we had wanted to put in a permanent greenhouse and was rejected. Now they are trying to say we put them up without permission. If that was the case, this would have been brought up years ago. A Sandy city planner told us we could. Utah Code states a permit is not required for these temporary structures used for agriculture.</p> <p>The other structure they are referring to is our pergola. In 2017, I admit I made a huge mistake and built my pergola</p>

Sandy City Violations Letter Response

Why I'm at this point? Sandy staff is now telling me that I can't even grow in my greenhouses, this puts me completely out of business. After telling me on December 11th that they will not let me open until all the \$1 million + is installed, now they are trying to tell me I can't even grow on my property. December 11th was too late to cancel the majority of all my seeds, plugs, soil, pots, trays, and supply orders. These are all bills that have to be paid at the end of spring and not only that, this is how I will support my family. Sandy City recently posted their October letter to us with a list of violations, which most of which had already been fixed.

This brings me to our main point - 2019 was the first year Sandy Planning Staff sent the proper departments to inspect when this is usually something done yearly. For those of you saying that you are surprised we have had violations for five years, that simply isn't true. Here are the concerns addressed.

Life safety concerns- I want it noted and I will link a full summary at the end of this post the list of violations they posted from their October letter, I am confused as why they would include violations that have already been addressed and resolved. There are 11 violations the fire marshal asked me to work on in the fall, only 5 are not resolved. Two of which are a paperwork issue in regards to my business license, the next is our business address on our new building and exit signs which we were told that someone would come and show us where they're required to be, no one ever came. Lastly, the extra fire access in the SE corner of my property; this issue was only brought to our attention this last year and is ongoing because this encroaches on requirements of the site plan and cannot be completed unless their full site plan of \$1mill+ is approved. This is not something we have taken lightly, we have engineered plans for this, worked with our neighbors for permission to add a fire access easement and had been planning to work to get this done before opening in Spring 2020. We had even brainstormed with Sandy Fire Marshal on different ways we could solve the issue. I want it noted that these were not issues during spring flowers and that the fire marshal came out in spring and worked with me and I came fully into compliance at that time.

This year, we have worked nonstop with sandy staff to continue to remain in business. We not only worked with Sandy staff and Sandy fire department but we worked with Public Utilities to make sure all of our back-flow preventors and site were up to code, making repairs that were needed and came fully into compliance with Public Utilities. Sandy Police department came out and said my entrance/exit was perfectly fine and all was good with him. Salt Lake County Health Department came out, all was good with our cooking area and we passed with flying colors. We also made repairs to our pergola

and worked with Sandy building department to make sure everything with that building was up to code.

Kuwahara operating without a business license?!!! - This is a HALF TRUTH. We have had a business license every year but 2019. Last year the planning staff said they would not let us open so we went to the mayor. He said that planning would not issue a license until the site plan was resolved; HOWEVER, he said he would allow us to remain open and not shut us down while we work with Sandy staff. We were not operating illegally. We could have easily gotten the same temporary home occupation license that we had in 2018 but the staff left it pending.

Utah Code

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Effective 5/12/2015 10-9a-525 High tunnels -- Exemption from municipal regulation. (1) As used in this section, "high tunnel" means a structure that: (a) is not a permanent structure; (b) is used for the keeping, storing, sale, or shelter of an agricultural commodity; and (c) has a: (i) metal, wood, or plastic frame; (ii) plastic, woven textile, or other flexible covering; and (iii) floor made of soil, crushed stone, matting, pavers, or a floating concrete slab. (2) A municipal building code does not apply to a high tunnel. (3) No building permit shall be required for the construction of a high tunnel.

Sandy Code

Section 5-1-14 states, in relevant part:

(a) Persons engaged in the following activities may be exempt from the license provisions under this title:

(1) a farmer engaged in the production of crops, livestock and other agricultural products and in the sale exclusively of agricultural products by him, provided such crops and other agricultural products are sold on the property where grown,