

**WEBER COUNTY
ORDINANCE 2020-12**

**AN ORDINANCE AMENDING THE WEBER COUNTY LAND USE CODE
REGARDING CANNABIS CULTIVATION IN THE A-2 ZONE, AND PROVIDING
OTHER RELATED CLARIFYING EDITS**

WHEREAS, the Board of Weber County Commissioners has heretofore adopted land use regulations governing uses of land in unincorporated Weber County; and

WHEREAS, the State of Utah has adopted regulations governing medical cannabis cultivation and processing, which require the County to offer locations in certain zones in which medical cannabis may be cultivated and processed; and

WHEREAS, the Board finds that the current land use regulations are insufficient to adequately provide for or regulate the location and development standards for medical cannabis cultivation facilities; and

WHEREAS, the Board has determined that there is a reasonable public interest in amending zoning regulations to facilitate the proper location and development standards of a medical cannabis cultivation in the A-2 zone; and

WHEREAS, the Board has received a positive recommendation for land use code amendments from the Western Weber Planning Commission in their July 14, 2020 meeting, after a duly noticed public hearing; and

WHEREAS, the Board concurs with the planning commission that the amendments are not contrary to the intended effect of the general plan, and that the amendments are not detrimental to the general public health, safety, or welfare.

NOW THEREFORE, be it ordained by the Board of County Commissioners of Weber County, in the State of Utah, as follows:

SECTION 1: AMENDMENT “Sec 108-7-34 Medical Cannabis Production Establishment” of the Weber County County Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 108-7-34 Medical Cannabis Production Establishment

In addition to any other site development standard or use regulation, a medical cannabis production establishment, where allowed by the zone, is governed as follows:

- (a) The establishment shall sufficiently clean waste gasses or exhaust air so that no cannabis

odor or other foul odor is exhausted.

- (b) Medical cannabis cultivation, as defined by state code, shall not be allowed in the M-1 and M-2 zones.
- (c) In the A-3 zone, the following standards shall apply to the medical cannabis production facility:
 - (1) The minimum lot area required is 20 acres.
 - (2) The minimum setback from any lot line is 100 feet.
 - (3) The architectural, landscape, and screening design standards of Title 108 Chapter 2 are required.
 - (4) The facility shall be located on land that can provide the facility access from a street that meets currently adopted street standards.
 - (5) If a residential use exists, or is later located within, 500 feet of the facility, the site shall have a six-foot land berm or an eight-foot masonry wall constructed to shield the view of the facility from the residential properties, except where interruption is necessary to provide vehicle access to the facility.

AFTER AMENDMENT

Sec 108-7-34 ~~Medical~~ Cannabis Production Establishment

In addition to any other site development standard or use regulation, a ~~medical~~ cannabis production establishment, where allowed by the zone, is governed as follows:

- (a) The establishment shall sufficiently clean waste gasses or exhaust air so that no cannabis odor or other foul odor is exhausted.
- (b) In the M-1 and M-2 zones, a ~~Medical~~ cannabis production establishment shall not include cannabis cultivation, as defined by state code., shall not be allowed in the M-1 and M-2 zones.
- (c) In the A-2 and A-3 zones, the following standards shall apply to the ~~medical~~ cannabis production ~~facility establishment~~:
 - (1) In the A-3 zone, ~~T~~the minimum lot area required is 20 acres.
 - (2) In the A-2 zone, a cannabis production establishment is restricted to only a cultivation facility, as defined by state code. No more than one cannabis production establishment is allowed to be in operation in the A-2 zone at any one time.
 - (3) The minimum setback from any lot line is 100 feet.
 - (4) The architectural, landscape, and screening design standards of Title 108 Chapter 2 are ~~required~~applicable to the use.
 - (5) The ~~facility establishment~~ shall be located on land that ~~can provide the facility~~ has access from a street that meets currently adopted street standards.
 - (6) If a residential use exists, or is later located within, 500 feet of the facility, the site shall have a six-foot land berm or an eight-foot masonry wall constructed to shield the view of the facility from the residential properties, except where

interruption is necessary to provide vehicle access to the facility.
(7) Outdoor cultivation of plants, as defined by state code, is prohibited.

SECTION 2: **AMENDMENT** “Sec 104-7-3 Permitted Uses” of the Weber County Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 104-7-3 Permitted Uses

The following uses are permitted in the Agriculture Zone A-2:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Agriculture, agricultural experiment station; apiary; aviary; aquarium.
- (c) Animals or fowl kept for family food production as an accessory use.
- (d) Cemetery; chinchilla raising, convalescent or rest home
- (e) Church, synagogue or similar building used for regular religious worship.
- (f) Cluster subdivision in accordance with title 108, chapter 3 of this Land Use Code.
- (g) Corral, stable or building for keeping animals or fowl, provided such structure shall be located not less than 100 feet from a public street and not less than 25 feet from any rear or side lot line.
- (h) Fruit or vegetable stand for produce grown on the premises only.
- (i) Golf course, except miniature golf course.
- (j) Greenhouse and nursery limited to sale of materials produced on premises and with no retail shop operation.
- (k) Home occupations—with no visiting clientele.
- (l) Household pets.
- (m) Parking lot accessory to uses allowed in this zone.
- (n) Private park, playground or recreation area, but not including privately owned commercial amusement business.
- (o) Private stables, horses for private use only and provided that not more than two horses may be kept for each one-half acre within any lot.
- (p) Public building; public park, recreation grounds and associated buildings; public school; private education institution having a curriculum similar to that ordinarily given in public schools.
- (q) Single-family dwelling.
- (r) Sugar beet loading or collection station and dump sites.
- (s) Temporary buildings for use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

(Ord. of 1956, § 6-2; Ord. No. 7-76; Ord. No. 96-35; Ord. No. 2015-7, Exh. A, 5-5-2015)

AFTER AMENDMENT

Sec 104-7-3 Permitted Uses

The following uses are permitted in the Agriculture Zone A-2:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Agriculture, agricultural experiment station; apiary; aviary; aquarium.
- (c) Animals or fowl kept for family food production as an accessory use.
- (d) Cannabis production establishment, as defined by state code, but restricted to a cannabis cultivation facility only. Compliance with Section 108-7-34 is required.
- (e) Cemetery~~;~~
- (f) Chinchilla raising.
- (g) Convalescent or rest home.
- (h) Church, synagogue or similar building used for regular religious worship.
- (i) Cluster subdivision in accordance with title 108, chapter 3 of this Land Use Code.
- (j) Corral, stable or building for keeping animals or fowl, provided such structure shall be located not less than 100 feet from a public street and not less than 25 feet from any rear or side lot line.
- (k) Fruit or vegetable stand for produce grown on the premises only.
- (l) Golf course, except miniature golf course.
- (m) Greenhouse and nursery limited to sale of materials produced on premises and with no retail shop operation.
- (n) Home occupations—with no visiting clientele.
- (o) Household pets.
- (p) Parking lot accessory to uses allowed in this zone.
- (q) Private park, playground or recreation area, but not including privately owned commercial amusement business.
- (r) Private stables, horses for private use only and provided that not more than two horses may be kept for each one-half acre within any lot.
- (s) Public building~~;~~
- (t) Public park, recreation grounds and associated buildings;
- (u) Public school;
- (v) Private education institution having a curriculum similar to that ordinarily given in public schools.
- (w) Single-family dwelling.
- (x) Sugar beet loading or collection station and dump sites.
- (y) Temporary buildings for use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

(Ord. of 1956, § 6-2; Ord. No. 7-76; Ord. No. 96-35; Ord. No. 2015-7, Exh. A, 5-5-2015)

PASSED AND ADOPTED BY THE WEBER COUNTY BOARD OF COUNTY COMMISSIONERS _____.

	AYE	NAY	ABSENT	ABSTAIN
Gage Froerer	_____	_____	_____	_____
Jim "H" Harvey	_____	_____	_____	_____
Scott Jenkins	_____	_____	_____	_____

Presiding Officer

Attest

Gage Froerer, Board of
Commissioners Chair, Weber County

Ricky Hatch, CPA, Clerk/Auditor
Weber County