



Staff Report to the Weber County Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: An applicant-proposed amendment to Weber County Code § 104-7 and 108-7 to allow the cultivation of cannabis in the A-2 zones provided compliance with specific standards.

Agenda Date: Tuesday, August 04, 2020

Staff Report Date: Tuesday, July 30, 2020

Applicant: Pinea

File Number: ZTA 2020-06

Staff Information

Report Presenter: Charlie Ewert
cewert@co.weber.ut.us
(801) 399-8763

Report Reviewer: RG

Applicable Ordinances

§ 104-7: AGRICULTURAL A-2 ZONE
§ 108-7: SUPPLEMENTARY AND QUALIFYING REGULATIONS

Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

Executive Summary and Brief Overview

In February of this year, the County Commission passed an ordinance allowing cannabis facilities to be located in the A-3, M-1, M-2, and M-3 zones. This ordinance applied specific standards to these facilities, and prohibited medical cannabis cultivation in the M-1 and M-2 zone.

Weber County Planning Division has received an application to amend the A-2 zone in a manner that will allow a cannabis cultivation facility. Cannabis cultivation activities are similar in nature to other crop cultivation activities, governed by state law differently than processing or testing. Under state regulations, most cultivation must be conducted within a secure building.

If adopted, the proposed ordinance found attached to this report, as Attachment A, will allow cultivation of cannabis in the A-2 zone if a property meets certain site constraints. The proposal will prohibit any outdoor growing operations as well. This amendment appear to fit fairly seamlessly into the context of the county's recently adopted Land Use Code amendments regarding medical cannabis establishments.

After consideration in two different meetings, the Western Weber Planning Commission forwarded a positive recommendation to the County Commission for the proposed changes. Of primary discussion, it appeared to be consensus that this type of operation is not substantially different from other agricultural pursuits, and the state code regulations already strictly govern the possible detrimental effects. Staff also recommend approval of the amendment.

Conformance to the General Plan

The West Central Weber County General Plan offers no explicit direction on this subject, but generally supports agricultural and manufacturing pursuits in their respective zones.

Noticing Compliance

A hearing for this item before the Planning Commission was posted for public notice in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

Posted on the County's Official Website

Posted on the Utah Public Notice Website

Published in a local newspaper

Planning Commission Recommendation

The Planning Commission forward a positive recommendation to the County Commission on the proposed amendments (attached Exhibit A). The Planning Commission's recommendation came with the following findings:

1. The amendment will expand the right to cultivate cannabis, as strictly governed by state law, to farmers owning land in the A-2 zone.
2. Limiting the onsite cannabis activities to cultivation and other activities reasonably related to cannabis cultivation assist in reducing the little risk that may be associated with the plant.
3. The amendment is not contrary to the effect of the general plan
4. The changes are not detrimental to the general health and welfare of county residents.

Exhibits

- A. Proposed Ordinance
- B. Planning Commission Staff Report (Includes Application)

**WEBER COUNTY
ORDINANCE 2020-TEMP-CAN(A2)**

**AN ORDINANCE AMENDING THE WEBER COUNTY LAND USE CODE
REGARDING MEDICAL 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
 - (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 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 medical cannabis cultivation facility only. Compliance with Section 108-7-34 is required.
- (e) Cemetery; chinchilla raising, convalescent or rest home
- (f) Church, synagogue or similar building used for regular religious worship.
- (g) Cluster subdivision in accordance with title 108, chapter 3 of this Land Use Code.
- (h) 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.
- (i) Fruit or vegetable stand for produce grown on the premises only.
- (j) Golf course, except miniature golf course.
- (k) Greenhouse and nursery limited to sale of materials produced on premises and with no retail shop operation.
- (l) Home occupations—with no visiting clientele.
- (m) Household pets.
- (n) Parking lot accessory to uses allowed in this zone.
- (o) Private park, playground or recreation area, but not including privately owned commercial amusement business.
- (p) 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.
- (q) 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.
- (r) Single-family dwelling.
- (s) Sugar beet loading or collection station and dump sites.
- (t) 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



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	An applicant proposed amendment to Weber County Code § 104-7 and 108-7 to allow the cultivation and processing of cannabis cultivation in the A-2 zones provided compliance with specific standards.	Unanimous recommendation in favor. 6-0
Agenda Date:	Friday, July 10, 2020	
Staff Report Date:	Tuesday, July 14, 2020	
Applicant:	Weber County Planning Division	
File Number:	ZTA 2020-06	

Staff Information

Report Presenter: Charlie Ewert
cewert@co.weber.ut.us
(801) 399-8763

Report Reviewer: RG

Applicable Ordinances

- § 104-7: AGRICULTURAL A-2 ZONE
- § 108-7: SUPPLEMENTARY AND QUALIFYING REGULATIONS

Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

Executive Summary and Brief Overview

In February of this year, the County Commission passed an ordinance allowing cannabis facilities to be located in the A-3, M-1, M-2, and M-3 zones. This ordinance applied specific standards to these facilities, and prohibited medical cannabis cultivation in the M-1 and M-2 zone.

Weber County Planning Division has received an application to amend the A-2 zone in a manner that will allow a cannabis cultivation facility. Cannabis cultivation activities are similar in nature to other crop cultivation activities. Governed by State law differently than processing or testing. Under state regulations, cultivation must be conducted within a secure building. The applicant's originally desired amendment can be found on page 10 of 23 of the application, attached as Exhibit B. Exhibit B also contains the applicant's full narrative for the requested change.

In the Planning Commission's June 9, 2020 meeting, the Planning Commission held a public hearing for this item. They then tabled the item pending further ordinance revisions and additional contemplation. The primary concern revolved around whether the use should be allowed to expand to the A-2 zone when the original ordinance, adopted only half a year ago, was designed to prohibit it.

It may be of worth for the Planning Commission to consider that when the original ordinance was adopted it was intended to provide for the minimum requirement under state law. Under that minimum requirement, the County is required to allow a "cannabis production establishment" in a manufacturing zone and an agricultural zone. "Cannabis production establishment" is defined as a "cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory."¹ As can be seen here, the term allows for three different component uses incidental to cannabis production. When the original medical cannabis ordinance was considered, the Planning Commission did not consider the potential that the three uses could be proposed separate and independent of each

¹ UCA 4-41a-102

other. This is significant, since the impact of each varies.

The applicant is asking that only the cultivation component of cannabis production be allowed in the A-2 zone. The applicant is further proposing that it only be allowed if inside a secure building.

Given that the purpose of the A-2 zone is to support agricultural pursuits, and given that a cannabis production establishment can be exclusive to cultivation only, the Planning Commission may desire to find that allowing cultivation in the A-2 zone is keeping with the purpose and intent of the zone.

The attached Exhibit A provides the changes requested by the Planning Commission, and other clerical edits.

Planning staff are recommending that the Planning Commission forward a positive recommendation to the County Commission for the amendment. The high security requirements, enclosed building requirements, and general nature of the use is appropriate for the purpose of the A-2 zone.

Conformance to the General Plan

The West Central Weber County General Plan offers not explicit direction on this subject, but generally supports agricultural and manufacturing pursuits in their respective zones.

Noticing Compliance

A hearing for this item before the Planning Commission has been posted for public notice in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

Posted on the County's Official Website

Posted on the Utah Public Notice Website

Published in a local newspaper

Staff Recommendation

Staff recommends that the Planning Commission forward a positive recommendation to the County Commission on the proposed amendments (attached Exhibit A). The Planning Commission's recommendation could come with the following findings, or as otherwise amended by the Planning Commission's motion:

1. The amendment will expand the right to cultivate cannabis, as strictly governed by state law, to farmers owning land in the A-2 zone.
2. Limiting the onsite cannabis activities to cultivation and other activities reasonably related to cannabis cultivation assist in reducing the little risk that may be associated with the plant.
3. The amendment is not contrary to the effect of the general plan
4. The changes are not detrimental to the general health and welfare of county residents.

Exhibits

- A. Proposed Ordinance Changes – Track Change Copy.
- B. Application.

Last edited 7/10/2020 10:08 AM

1 **Sec. 108-7-34. – Medical cannabis production establishment.**
2

3 In addition to any other site development standard or use regulation, a medical cannabis production
4 establishment, where allowed by the zone, is governed as follows:
5

- 6 (1) The establishment shall sufficiently clean waste gasses or exhaust air so that no cannabis
7 odor or other foul odor is exhausted.
8
- 9 (2) In the M-1 and M-2 zones, a medical cannabis production establishment shall not include
10 ~~M~~medical cannabis cultivation, as defined by state code, ~~shall not be allowed in the M-1 and~~
11 ~~M-2 zones.~~
12
- 13 (3) In the A-3 and A-2 zones, the following standards shall apply to the medical cannabis
14 production ~~facility~~establishment:
15
- 16 a. In the A-3 zone, Tthe minimum lot area required is 20 acres. ~~In the A-2 zone, the~~
17 ~~minimum lot area required is 75 acres.~~
 - 18 a 1/2. In the A-2 zone, a medical cannabis production establishment is restricted to a cultivation facility only.
 - 19 b. The minimum setback from any lot line is 100 feet. ~~This setback may be reduced to~~
20 ~~50 feet for an indoor medical cannabis cultivation facility.~~
 - 21
 - 22 c. The architectural, landscape, and screening design standards of Title 108 Chapter 2
23 are ~~required~~applicable to the use.
 - 24
 - 25 d. The facility shall be located on land that can provide the facility access from a street
26 that meets currently adopted street standards.
27
 - 28 e. If a residential use exists, or is later located within, 500 feet of the facility, the site
29 shall have a six-foot land berm or an eight-foot masonry wall constructed to shield the
30 view of the facility from the residential properties, except where interruption is
31 necessary to provide vehicle access to the facility.
 - 32
 - 33 e.f. Outdoor cultivation of plants, as defined by state code, is not permitted.

34 ...
35
36 **Sec 104-7-3 Permitted Uses**

37 The following uses are permitted in the Agriculture Zone A-2:
38

- 39 a) Accessory building incidental to the use of a main building; main building designed or used to
40 accommodate the main use to which the premises are devoted; and accessory uses customarily
41 incidental to a main use.
- 42 b) Agriculture, agricultural experiment station; apiary; aviary; aquarium.
- 43 c) Animals or fowl kept for family food production as an accessory use.
- 44 d) Cemetery; chinchilla raising, convalescent or rest home
- 45 e) Church, synagogue or similar building used for regular religious worship.
- 46 f) Cluster subdivision in accordance with title 108, chapter 3 of this Land Use Code.
- 47 g) Corral, stable or building for keeping animals or fowl, provided such structure shall be located not
48 less than 100 feet from a public street and not less than 25 feet from any rear or side lot line.
- 49 h) Fruit or vegetable stand for produce grown on the premises only.
- 50 i) Golf course, except miniature golf course.

Last edited 7/10/2020 10:08 AM

- 51 j) Greenhouse and nursery limited to sale of materials produced on premises and with no retail
52 shop operation.
- 53 k) Home occupations—with no visiting clientele.
- 54 l) Household pets.
- 55 ~~h)m~~ m) Medical cannabis production establishment, as defined by state code, but restricted to a medical
56 cannabis cultivation facility only. Compliance with Section 108-7-34 is required.
- 57 ~~m)n~~ n) _____ Parking lot accessory to uses allowed in this zone.
- 58 ~~n)o~~ o) Private park, playground or recreation area, but not including privately owned commercial
59 amusement business.
- 60 ~~o)p~~ p) Private stables, horses for private use only and provided that not more than two horses may be
61 kept for each one-half acre within any lot.
- 62 ~~p)q~~ q) Public building; public park, recreation grounds and associated buildings; public school; private
63 education institution having a curriculum similar to that ordinarily given in public schools.
- 64 ~~q)r~~ r) Single-family dwelling.
- 65 ~~r)s~~ s) Sugar beet loading or collection station and dump sites.
- 66 ~~s)t~~ t) Temporary buildings for use incidental to construction work. Such building shall be removed upon
67 completion or abandonment of the construction work.



Weber County

Weber County Planning Division
www.co.weber.ut.us/planning
2380 Washington Blvd., Suite 240
Ogden, Utah 84401-1473
Voice: (801) 399-8791
Fax: (801) 399-8862

General Plan, Rezoning & Text Amendments

The Weber County General Plan's sets the direction for land use in unincorporated Weber County. This is done through the adoption of goals and policies. State law requires that a variety of County actions be consistent with the general plan. The General Plan is implemented by various means including zoning and subdivision ordinances. The General Plan may necessitate rezoning of property. It is County Policy that rezoning of property be consistent with the County's General Plans. The purpose of zoning regulations is to promote the general welfare, safety, health, convenience, and economic prosperity of the County.

General Plans: This application describes the legislative process by which applications to amend or add new language to the General Plan are considered. If a land use application is not in conformance with the General Plan, an amendment to the General Plan may be required.

Rezoning of property (Zoning Map Amendments): This application describes the legislative process by which applicants can petition to change zoning on a property.

Text Amendments: This application describes the legislative means by which applicants can petition to add, change, or delete language in the Weber County Zoning or Subdivision Ordinance.

A pre-application meeting is required prior to application submittal; please call (801) 399-8791 to make an appointment. Date of pre-application review meeting: 5/19/2020; 5/28/2020 Time: _____

- **Staff member assigned to process application:** Charles Ewert and Ann J. Morby

APPLICATION DEADLINE: Thirty (30) days prior to the applicable Planning Commission meeting

The Western Weber County Township Planning Commission holds their meetings on the 2nd Tuesday of the month.

The Ogden Valley Township Planning Commission holds their meetings on the 4th Tuesday of the month.

Application Submittal Checklist

The Planning Division will only accept complete applications with supporting documents as outlined below. Submitting an application does not guarantee that your application will be placed on the next Planning Commission agenda.

The following is required as part of the application form submittal:

- Complete Application Form
- A non-refundable fee made payable to Weber County (See *Fee Schedule*)
- Obtain signature of the owner(s) on the application and any authorized representatives
- All documents submitted in the application shall be accompanied by a PDF file of the respective document. All plans (including but not limited to site plans, architectural elevations/renderings, etc), and subsequent submittals and revisions, shall be accompanied by a full scale set of PDF files of the respective plans.



Weber County

Weber County Planning Division
www.co.weber.ut.us/planning
2380 Washington Blvd., Suite 240
Ogden, Utah 84401-1473
Voice: (801) 399-8791
Fax: (801) 399-8862

- The application shall also be accompanied with the following information:
 - A. A Concept Development Plan meeting the requirements listed in the Weber County Zoning Ordinance Chapter 35-5.
 - B. Feasibility letters from the appropriate state or county agencies for water and wastewater.
 - C. Narrative from the project engineer explaining the feasibility for mitigation of storm water run-off.
 - D. The applicant shall provide a narrative addressing the following information:
 - 1. How is the change in compliance with the General Plan?
 - 2. Why should the present zoning be changed to allow this proposal?
 - 3. How is the change in the public interest?
 - 4. What conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?
 - 5. How does this proposal promote the health, safety and welfare of the inhabitants of Weber County?
 - 6. A narrative describing the project vision.

Destination and Recreation Resort Zones have additional approval criteria as listed in the Weber County Zoning Ordinance Chapter 44:

- A. Due to the anticipated scale and potential impact of a Destination and Recreation Resort on Weber County and other surrounding areas, additional information, shall be required to accompany any application submitted for consideration of a Destination and Recreation Resort Zone approval. The additional information shall consist of the following:
 - 1. Concept Development Plan showing sensitive land areas as described/mapped in the Weber County Zoning Ordinance Chapter 43, Ogden Valley Sensitive Lands Overlay Districts
 - 2. Traffic Impact Analysis
 - 3. Cost Benefit Analysis
 - 4. Recreation Facilities Plan
 - 5. Seasonal Workforce Housing Plan
 - 6. Emergency Services Plan including a Letter of Feasibility from the Weber Fire District and Weber County Sheriff's Office
 - 7. Letter of Feasibility from the electrical power provider
 - 8. Density calculation table showing proposed density calculations
 - 9. Thematic renderings demonstrating the general vision and character of the proposed development

Other Weber County Zoning Ordinance chapter requirements may apply as determined in the pre application meeting.

Fee Schedule

- **Rezoning Fee**
 - \$600.00
 - Plus \$5.00 per acre; or plus \$10.00 per acre with a development agreement.
 - Plus \$30.00 per hour, if applicable from the Surveyor's Office.
- **Zoning Ordinance or General Plan Amendment Fee**
 - \$1,000.00
 - Plus \$52.00 per page.
 - Plus \$30.00 per hour, if applicable from the Surveyor's Office.



Weber County

Weber County Planning Division
www.co.weber.ut.us/planning
2380 Washington Blvd., Suite 240
Ogden, Utah 84401-1473
Voice: (801) 399-8791
Fax: (801) 399-8862

Approval Criteria

Staff will review your application using the requirements of the Weber County Zoning Ordinance 35-3 as follows:

To promote compatibility and stability in zoning and appropriate development of property within Weber County, no application for rezoning shall be approved unless it is demonstrated that the proposed rezoning promotes the health, safety, and welfare of Weber County and the purposes of this Ordinance.

The Planning Commission and the County Commission will consider whether the application should be approved or disapproved based upon the merits and compatibility of the proposed project with the General Plan, surrounding land uses, and impacts on the surrounding area. The Commissions will consider whether the proposed development, and in turn the application-for rezoning, is needed to provide a service or convenience brought about by changing conditions and which therefore promotes the public welfare. The County Commission may require changes in the Concept Plan in order to achieve compatibility and may impose any conditions to lessen or eliminate adverse impacts.

Destination and Recreation Resort Zone have additional approval criteria:

- A. The proposed Resort can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands as identified in Chapter 43, Ogden Valley Sensitive Lands Overlay District, of the Weber County Zoning Ordinance.
- B. A professional and empirical study has provided substantial evidence determining that the proposed Resort is viable and contributes to the surrounding community's economic well being.
- C. A professional and empirical study has provided substantial evidence determining that proposed traffic mitigation plans will prevent transportation corridors, serving the Resort, from diminishing below an acceptable Level of Service.
- D. The natural and developed recreational amenities, provided by the Resort, shall constitute a primary attraction and provide an exceptional recreational experience by enhancing quality public recreational opportunities.
- E. The proposed Resort's Seasonal Workforce Housing Plan will provide a socially, economically, and environmentally responsible development.
- F. The proposed Resort can demonstrate that public safety services are and/or will be feasible and available to serve the project in a manner that is acceptable to the County Commission.

For Your Information

An application for a rezoning expires eighteen (18) months after submittal, if not acted upon, provided however, that the Director may extend the application for six (6) months for just cause.

This application can be filled out online at the following Planning Division web site: www.co.weber.ut.us/planning
Copies of the applicable Weber County Zoning Ordinances and other helpful information are also available at this web site.

Weber County Zoning Map Amendment Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted May 28, 2020	Received By (Office Use)	Added to Map (Office Use)
---------------------------------------	--------------------------	---------------------------

Property Owner Contact Information

Name of Property Owner(s) Pineae Greenhouses, Inc.		Mailing Address of Property Owner(s) 1901 South 5100 West Ogden, Utah 84401-9070
Phone (801) 633-6295	Fax	
Email Address bgold@pineae.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) Seth S. Gomm, Esq. and Spaulding Law, LLP		Mailing Address of Authorized Person 1955 West Grove Parkway, Suite 250 Pleasant Grove, UT 84062
Phone (801) 871-3657	Fax (801) 877-4318	
Email Address sgomm@spauldinglaw.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

Property Information

Project Name A-2 Zone Ordinance Revision	Current Zoning A-2	Proposed Zoning A-2 (unchanged)
Approximate Address 1901 South 5100 West Ogden, Utah 84401-9070	Land Serial Number(s) 150810031	
Total Acreage 83.49	Current Use greenhouse agriculture	Proposed Use greenhouse agriculture (unchanged)

Project Narrative

Describing the project vision.

Since 1952, Pineae Greenhouses has been a Utah family-owned premium quality regional grower of wholesale annuals, perennials, nursery products, and holiday plants. In March 2019, the company was granted a license by the Utah Department of Agriculture and Food to produce industrial hemp cannabis starter plants at its 83-acre property west of Ogden, Utah. Pineae's state-of-the-art automated greenhouse and nursery operation is comprised of 25 acres of greenhouse and 20 acres of nursery production. Pineae has worked closely with Utah State University and many other greenhouse growers from across the country to develop low-impact, yet effective, production techniques for industrial hemp cannabis.

As a regional leader in industrial hemp greenhouse and nursery plant production, Pineae is extremely well positioned to use its techniques to assist the State of Utah in meeting the growing patient demand for medical cannabis. While the program continues to develop and mature, licensed medical cannabis cultivators need established and responsible partners like Pineae to meet the medicinal needs of Utah's patients.

Industrial hemp and medical cannabis plants are identical in nearly every way except for the chemical composition of their cannabinoids, which can only be identified in a laboratory setting. Therefore, the County should see none or nominal increased impact, when compared to Pineae's current hemp production. Pineae is located in an A-2 zone. In order to assist the state with the medical cannabis program, Pineae requests the attached proposed revisions to County Ordinances 108-7-34 and 104-7-3 to include medical cannabis cultivation as a permitted use in the A-2 zone.

Project Narrative (continued...)

How is the change in compliance with the General Plan?

The West Central Weber County General Plan offers no explicit direction on the subject of medical cannabis cultivation, but it generally supports agricultural and manufacturing pursuits in their respective zones.

The minor proposed revisions to County Ordinances 108-7-34 and 104-7-3 will clarify that only medical cannabis cultivation (as opposed to medical cannabis processing) will be a permitted use in the A-2 zone, and adjusts minimum setback language to be consistent with other County standards.

Ordinance 104-7-1 states the purpose and intent of "[t]he A-2 Zone is both an agricultural zone and a low-density rural residential zone. The purpose of the A-2 Zone is to designate moderate-intensity farming areas where agricultural pursuits and the rural environment should be promoted and preserved where possible." Like the A-3 zone that currently permits medical cannabis cultivation, the A-2 zone has very limited residential use.

Ordinance 104-7-2 further states that "[a]griculture is the preferred use in the A-2 Zone. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone."

The proposed revisions maintain the County's desire to proceed with caution in designating certain areas that are zoned primarily for agriculture use, and that are distant from dense residential centers. Since the Ordinances mandate that "all agricultural operations shall be permitted at any time ... and [that] no agricultural use shall be subject to restriction," like the preexisting permitted industrial hemp cannabis cultivation, medical cannabis cultivation should also be a permitted use in the A-2 zone.

Why should the present zoning be changed to allow this proposal?

The applicant does not advocate a change in zoning. It only proposes minor revisions to County Ordinances 108-7-34 and 104-7-3 to include medical cannabis cultivation as a permitted use in the A-2 zone.

Project Narrative (continued...)

How is the change in the public interest?

The popularity and appreciation of medical cannabis among Utah patients has been greater than what many Utah legislators, regulators, physicians, and statisticians had previously anticipated. The state has expressed an urgent need for additional existing turn-key cultivation facilities to contribute to the responsible cultivation of medical cannabis in order to meet patient demand.

Pineae employs as many as 185 people that live or work in Weber County. The company pays competitive wages that are largely spent in or around the County. Permitting Pineae to also cultivate medical cannabis will create more steady jobs for locals - in a time when many residents have lost jobs because of COVID-19 impacts on the economy.

Because of the state's strict background check requirements for the industry, any jobs created must be provided to non-felon citizens over the age of 21 who have not been recently convicted of drug misdemeanor charges. Following an intensive interviewing, screening, and onboarding process, hundreds of hours of training will be provided to such personnel.

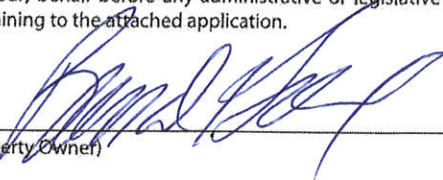
What conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?

As previously stated, the West Central Weber County General Plan offers no explicit direction on the subject of medical cannabis cultivation, but it generally supports agricultural and manufacturing pursuits in their respective zones.

After the General Plan was adopted, Utah voters demanded that medical cannabis be made available, and the Utah legislature responded with the Utah Medical Cannabis Act. Weber County has adopted a cautious and measured approach to the inclusion of medical cannabis facilities within its jurisdiction, and the minor revisions proposed in this application preserves that responsible restraint while also serving the increased medical needs of the County's and state's registered patients.

Authorized Representative Affidavit

I (We), Brian D. Gold, CEO, Pineae Greenhouses, Inc., the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Seth S. Gomm, Esq. and Spaulding Law, LLP, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.




(Property Owner)

(Property Owner)

Dated this 28 day of May, 2020, personally appeared before me Brian GOLD, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.





(Notary)

Project Narrative (continued...)

How does this proposal promote the health, safety and welfare of the inhabitants of Weber County?

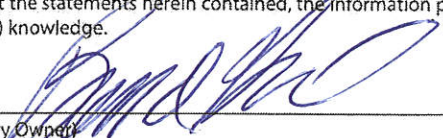
Because industrial hemp and medical cannabis plants are almost identical in appearance, scent, and resource consumption, the County and its residents should see very little, if any, increased impact, when compared to Pineae's current industrial hemp cannabis production. The company is constantly beautifying its 83 acre site and upgrading its greenhouses with clean and safe state-of-the-art technology.

As mandated by state law, the site will be extremely secure and constantly monitored. Daily inventory counts and digital plant tracking is required using the state's software to prevent diversion or theft. State regulators will conduct regular stringent audits and inspections, unlike any other industry in Utah.

Only following Utah and Salt Lake Counties, Weber County currently has the largest number of registered medical cannabis patients in the state. Among many other qualifying diseases, treatment of chronic pain is the overwhelming primary qualifying condition of Utah cannabis patients. Most of these patients have been able to supplement, or even eliminate their use of opiates by using medical cannabis. Unlike the death and devastation that opiates have wrecked on society, there are no recorded overdose deaths caused by medical cannabis. As Weber County's citizens become more comfortable with medical cannabis, more lives will be saved.

Property Owner Affidavit

I (We), Brian D. Gold, CEO, Pineae Greenhouses, Inc., depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.



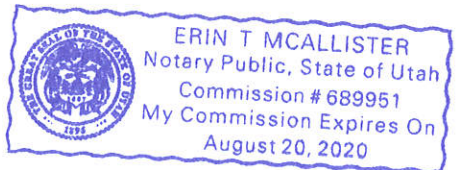
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 28 day of May, 20 20



(Notary)



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:

- (1) The establishment shall sufficiently clean waste gasses or exhaust air so that no cannabis odor or other foul odor is exhausted.
- (2) Medical cannabis cultivation, as defined by state code, shall not be allowed in the M-1 and M-2 zones.
- (3) In the A-3 zone, the following standards shall apply to the medical cannabis production facility; and in the A-2 zone, the following standards shall apply to the medical cannabis cultivation facility:
 - a. The minimum lot area required is 20 acres.
 - b. The minimum setback from any lot line is ~~400~~50 feet.
 - c. The architectural, landscape, and screening design standards of Title 108 Chapter 2 are required for any cannabis processing facility located in the A-3 zone.
 - d. The facility shall be located on land that can provide the facility access from a street that meets currently adopted street standards.
 - e. 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.

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.
- l)m) Medical cannabis cultivation facility, as defined by state code, in compliance with 73 Section 108-7-34.
- m)n) _____ Parking lot accessory to uses allowed in this zone.
- n)o) Private park, playground or recreation area, but not including privately owned commercial amusement business.
- o)p) 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)q) 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)r) Single-family dwelling.
- r)s) Sugar beet loading or collection station and dump sites.
- s)t) Temporary buildings for use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

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:

- (1) The establishment shall sufficiently clean waste gasses or exhaust air so that no cannabis odor or other foul odor is exhausted.
- (2) Medical cannabis cultivation, as defined by state code, shall not be allowed in the M-1 and M-2 zones.
- (3) In the A-3 zone, the following standards shall apply to the medical cannabis production facility; and in the A-2 zone, the following standards shall apply to the medical cannabis cultivation facility:
 - a. The minimum lot area required is 20 acres.
 - b. The minimum setback from any lot line is 50 feet.
 - c. The architectural, landscape, and screening design standards of Title 108 Chapter 2 are required for any cannabis processing facility located in the A-3 zone.
 - d. The facility shall be located on land that can provide the facility access from a street that meets currently adopted street standards.
 - e. 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.

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) Medical cannabis cultivation facility, as defined by state code, in compliance with 73 Section 108-7-34.
- n) Parking lot accessory to uses allowed in this zone.
- o) Private park, playground or recreation area, but not including privately owned commercial amusement business.
- p) 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.
- q) 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.
- r) Single-family dwelling.
- s) Sugar beet loading or collection station and dump sites.
- t) Temporary buildings for use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

Craig Warren Appraisal

File # R19214011

JAAR®

Map Addendum



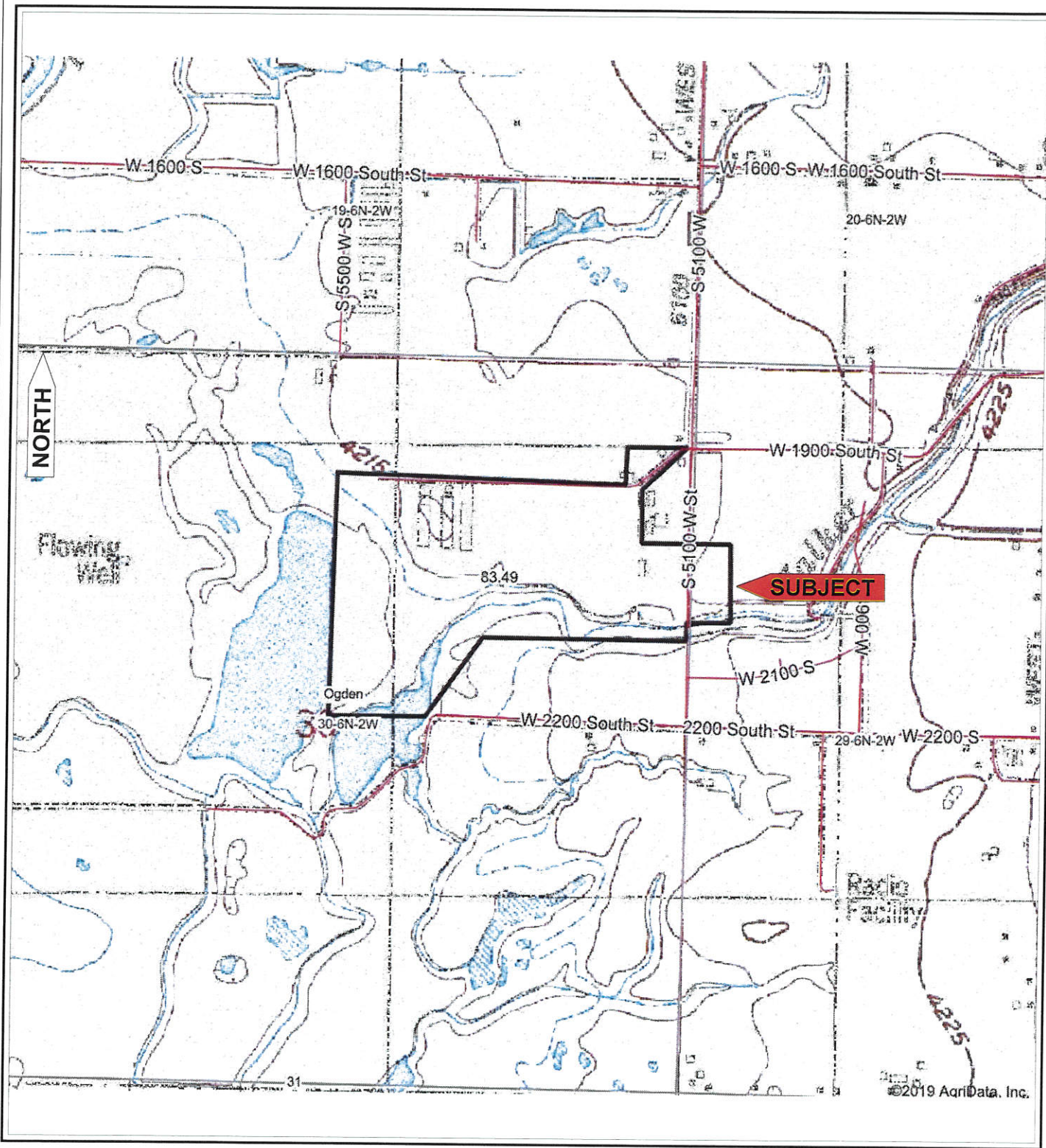
Craig Warren Appraisal

UAAR®

File #

R19214011

Map Addendum



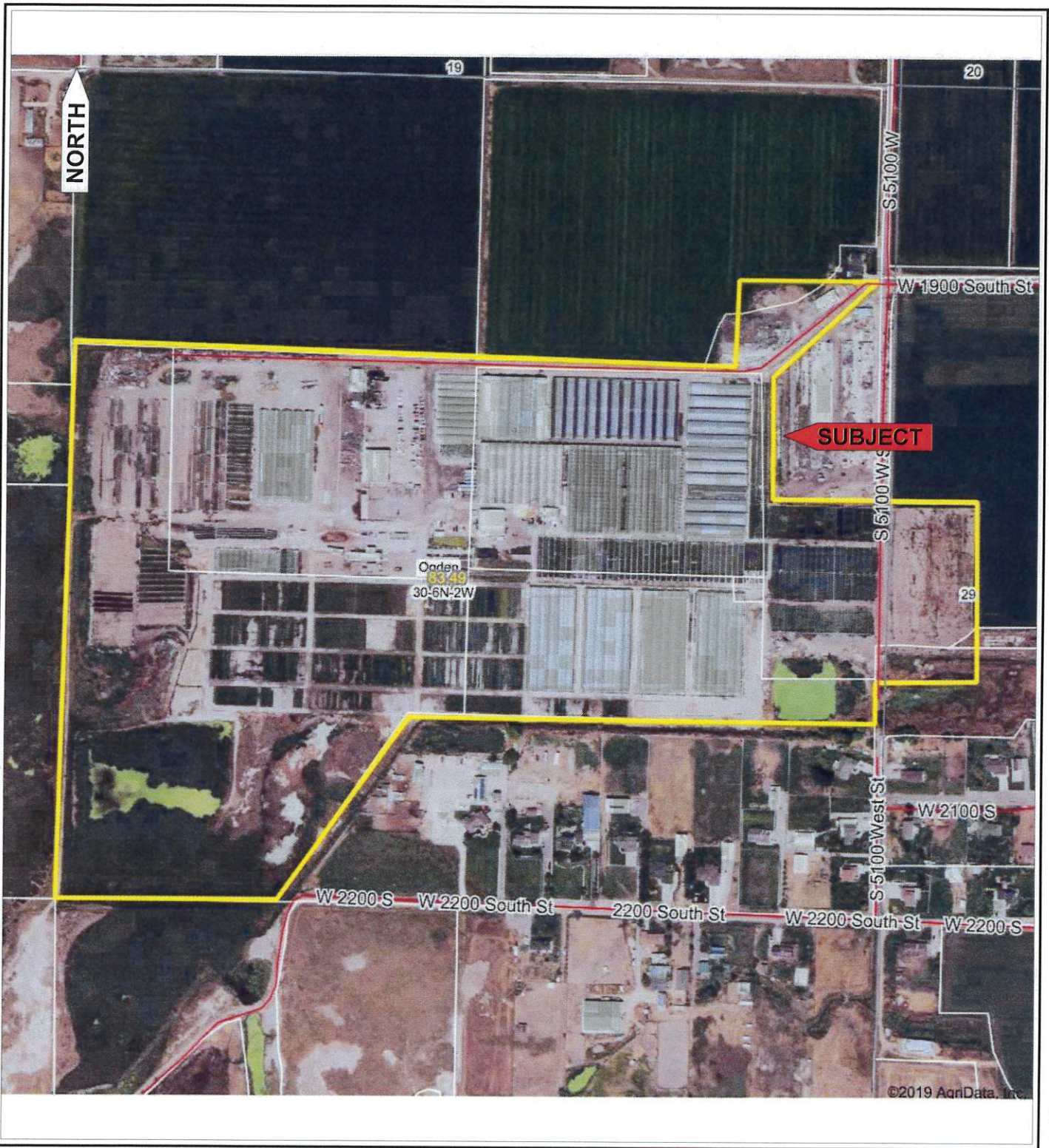
©2019 AgriData, Inc.

Craig Warren Appraisal

UAAR®

File # R19214011

Map Addendum



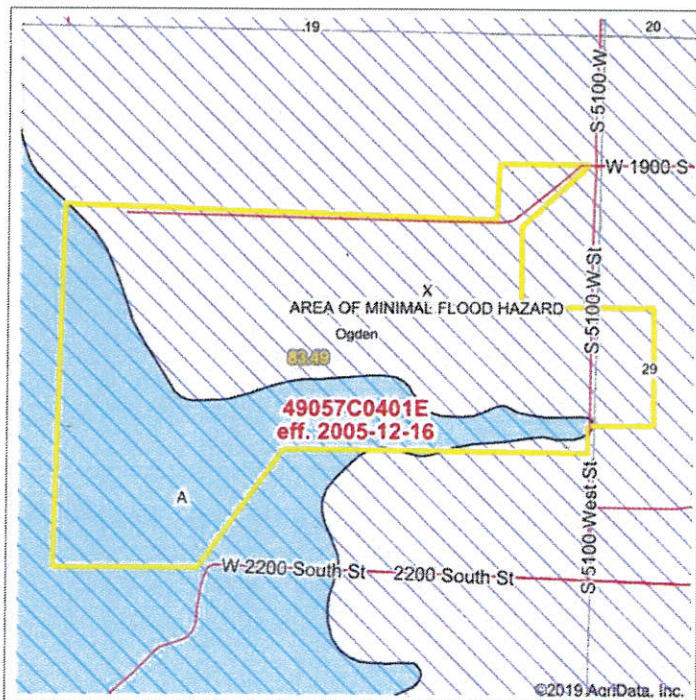
Craig Warren Appraisal

UAAR®

File # R19214011

Map Addendum

FEMA Report



State: UT Acres: 83.49
 County: Weber Date: 10/2/2019
 Location: 30-8N-2W
 Township: Ogden



Name	Number	County	NFIP Participation	Acres	Percent
Weber County	490187	Weber	Regular	83.49	100%
Total				83.49	100%

Map Change	Date	Case No.	Acres	Percent
No			83.49	100%

Zone	SubType	Description	Acres	Percent
X	AREA OF MINIMAL FLOOD HAZARD	Outside 500-year Floodplain	50.4	60.4%
A		100-year Floodplain	33.09	39.6%
Total			83.49	100%

Panel	Effective Date	Acres	Percent
49057C0401E	12/16/2005	83.49	100%
Total		83.49	100%

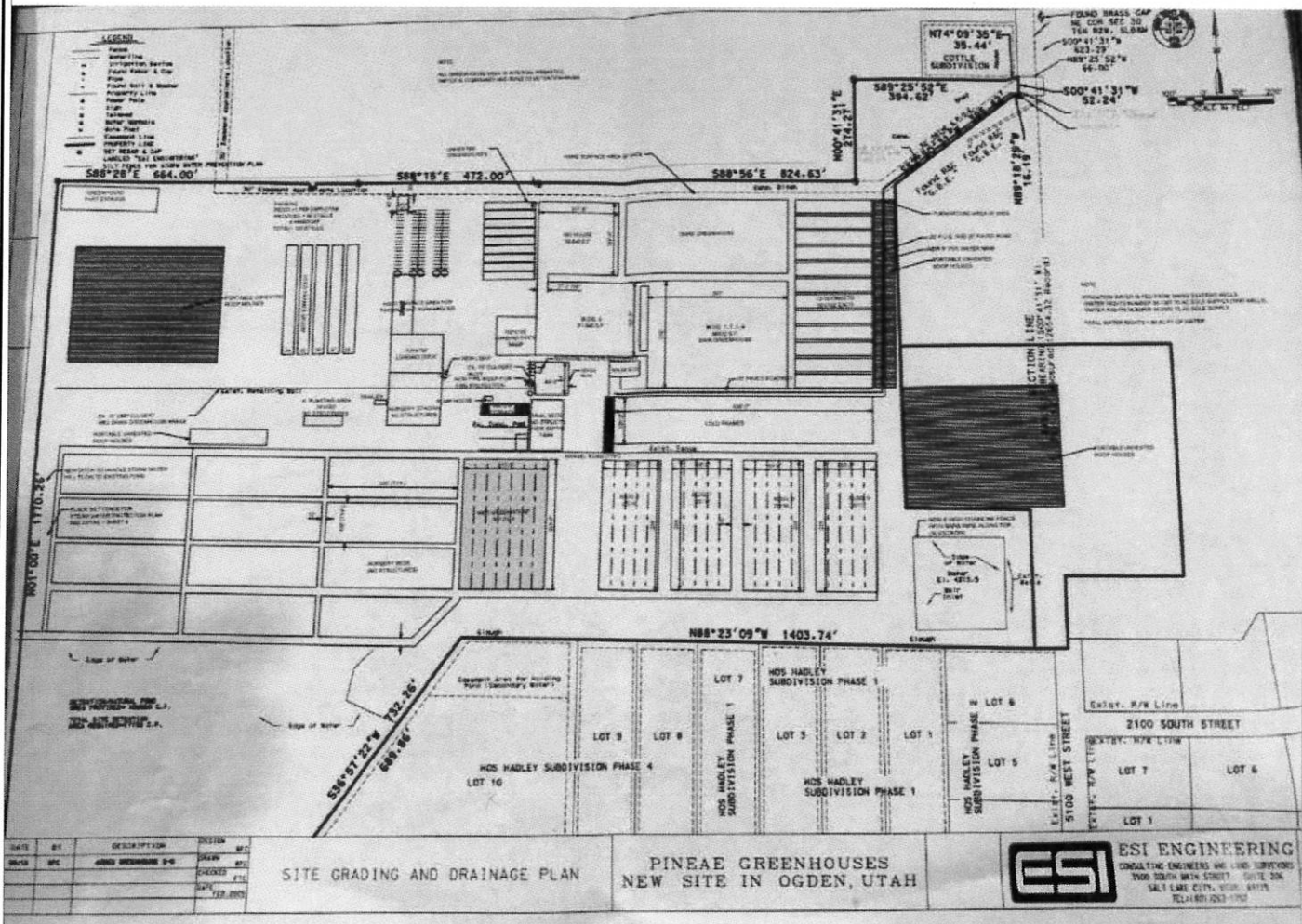
Flood related information provided by FEMA

Craig Warren Appraisal

File # R19214011

UAAR®

Map Addendum



Craig Warren Appraisal

UAAR®

File #

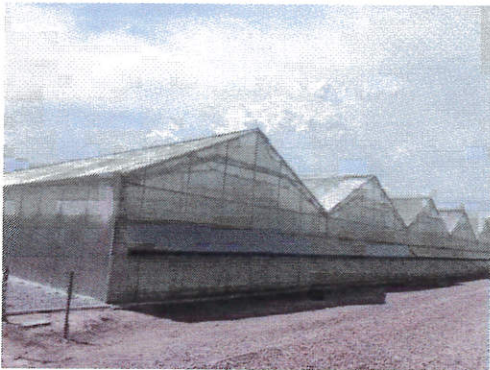
R19214011



View of Greenhouse



View of Greenhouse



View of Greenhouse



View of Greenhouse



View of Greenhouse



View of Greenhouse

Craig Warren Appraisal

UAAR®

File #

R19214011



View of Production House



View of Production House



View of Production House



View of Table House



View of Table House



View of Table House

Craig Warren Appraisal

UAAR®

File #

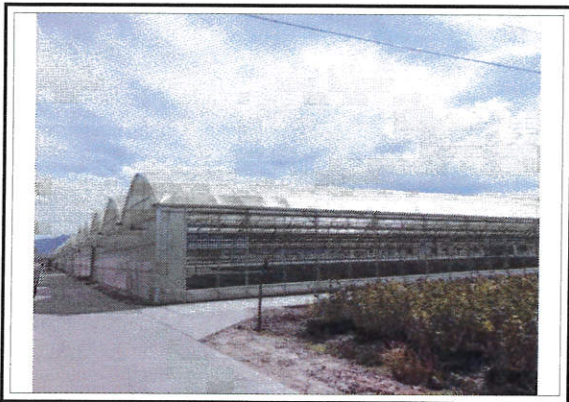
R19214011



View of Quad House



View of Peak House



View of S-0 to S-4 Houses



View of S-1 Interior



View of S-2 Interior



View of S-3 Interior



Weber County Incoming Application Processing Form

Project Name: 2+1A Medical Cannabis ~~Process~~ Cultivation Facility
 Date Submitted: 5/22/2020 Zoning: A2 Received by: Scott Parkes
 Culinary Water Provider: N/A Secondary Water Provider: N/A Waste Water Provider: N/A

Project Type:

- | | |
|--|---|
| <input type="checkbox"/> Alternative Access | <input type="checkbox"/> Subdivisions: |
| <input type="checkbox"/> Board of Adjustment | <input type="checkbox"/> Subdivision (Small/Amendment) |
| <input type="checkbox"/> Building Parcel Designation | <input type="checkbox"/> Subdivision-(Prelim/Final) |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Subdivision-Cluster |
| <input type="checkbox"/> Design Review | <input checked="" type="checkbox"/> Zoning Text Amendment |
| <input type="checkbox"/> Hillside Review | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> Land Use Permit | <input type="checkbox"/> Zoning Development Agreement |
| | <input type="checkbox"/> Vacation |
| | <input type="checkbox"/> Other _____ |

Project Description: Allow Medical Cannabis Cultivation Facility in the A-2 zone as an allowed use.

Applicable Ordinances:

- | | | |
|--|--|---|
| <input type="checkbox"/> Accessory Apartments | <input type="checkbox"/> Nonconforming Buildings, Uses and Parcels | <input type="checkbox"/> Petitioner Requirements-Rezoning Procedure Development Agreement |
| <input type="checkbox"/> Airport Zones and Height Regulations | <input type="checkbox"/> Ogden Valley Architectural, Landscape and Screening Standards | <input type="checkbox"/> Planned Residential Unit Development |
| <input type="checkbox"/> Cluster Subdivision | <input type="checkbox"/> Ogden Valley Lighting | <input type="checkbox"/> Public Buildings and Public Utility Substations and Structures |
| <input type="checkbox"/> Design Review | <input type="checkbox"/> Ogden Valley Pathways | <input type="checkbox"/> Signs |
| <input type="checkbox"/> Drinking Water Source Protection | <input type="checkbox"/> Ogden Valley Sensitive Lands Overlay District | <input type="checkbox"/> Standards for Single Family Dwellings |
| <input type="checkbox"/> Hillside Development Review and Procedures and Standards | <input type="checkbox"/> Ogden Valley Signs | <input type="checkbox"/> Supplementary & Qualifying Reg |
| <input type="checkbox"/> Home Occupation | <input type="checkbox"/> Parking and Loading Space, Vehicle Traffic and Access Regulations | <input checked="" type="checkbox"/> Time Share |
| <input type="checkbox"/> Land Use Permit, Building Permit and Certificate of Occupancy | | <input checked="" type="checkbox"/> Zones & Districts |
| <input type="checkbox"/> Natural Hazards Overlay Districts | | |

Weber County Review Agencies:

- | | | |
|---|--|---|
| <input type="checkbox"/> Weber-Morgan Health Department-Drinking Water Division | <input type="checkbox"/> Weber County Economic Development Partnership | <input type="checkbox"/> Weber County School District-Transportation Division |
| <input type="checkbox"/> Weber-Morgan Health Department-Waste Water Division | <input type="checkbox"/> Weber County Engineering Division | <input type="checkbox"/> Weber County Sheriff |
| <input type="checkbox"/> Weber County Addressing Official | <input type="checkbox"/> Weber County GIS | <input type="checkbox"/> Weber County Special Events |
| <input type="checkbox"/> Weber County Animal Services | <input type="checkbox"/> Weber County CED | <input type="checkbox"/> Weber County Surveyor's Office |
| <input type="checkbox"/> Weber County Assessor's Office | <input checked="" type="checkbox"/> Weber County Planning Division | <input type="checkbox"/> Weber County Treasurer's Office |
| <input type="checkbox"/> Weber County Board of Adjustment | <input type="checkbox"/> Weber County Recorder's Office | <input type="checkbox"/> Weber Fire District |
| <input type="checkbox"/> Weber County Building Inspection | <input type="checkbox"/> Weber County Recreation Facilities | <input type="checkbox"/> Other _____ |
| <input checked="" type="checkbox"/> Weber County Commission | <input type="checkbox"/> Weber County Roads Division | |

Outside Review Agencies:

- | | | |
|--|---|--|
| <input type="checkbox"/> Bona Vista Water Improvement District | <input type="checkbox"/> Ogden Valley Starry Nights | <input type="checkbox"/> Utah Department of Transportation |
| <input type="checkbox"/> Causey Estates Lot Owners Assoc. | <input type="checkbox"/> Powder Mountain Water & Sewer District | <input type="checkbox"/> Utah Division of Air Quality |
| <input type="checkbox"/> Central Weber Sewer Improvement | <input type="checkbox"/> Dominion Energy | <input type="checkbox"/> Utah Division of Drinking Water |
| <input type="checkbox"/> Cole Canyon Water Company | <input type="checkbox"/> Rocky Mountain Power | <input type="checkbox"/> WC3 |
| <input type="checkbox"/> Centurylink | <input type="checkbox"/> State of Utah Dept of Ag & Food | <input type="checkbox"/> Weber Pathways |
| <input type="checkbox"/> Eden Irrigation Company | <input type="checkbox"/> Taylor Geotechnical | <input type="checkbox"/> West Warren-Warren Water & Sewer |
| <input type="checkbox"/> Hooper Irrigation Company | <input type="checkbox"/> Taylor-West Weber Water District | <input type="checkbox"/> Wolf Creek Water and Sewer Improvement District |
| <input type="checkbox"/> Hooper Water Improvement District | <input type="checkbox"/> Uintah Highlands Water & Sewer Dist | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Nordic Mountain Water Inc. | <input type="checkbox"/> US Forest Service | |



Weber County Corporation

Weber County Planning
2380 Washington Blvd, Ste 240

Customer Receipt

Receipt Number **135563**

Receipt Date

05/28/20

Received From:
SPAULDING LAW

Time: 13:59:2
Clerk: amartin

Description	Comment	Amount
ZONING FEES	ORD. REVISION	\$1,104.00

Payment Type	Quantity	Ref	Amount
CHECK		1783	

AMT TENDERED: \$1,104.00
 AMT APPLIED: \$1,104.00
 CHANGE: \$0.00