

**MINUTES**  
**WEBER COUNTY COMMISSION**  
Tuesday, January 28, 2020 - 10:00 a.m.  
2380 Washington Blvd., Ogden, Utah

*In accordance with the requirements of Utah Code Annotated Section 52-4-203, the County Clerk records in the minutes the names of all persons who appear and speak at a County Commission meeting and the substance "in brief" of their comments. Such statements may include opinion or purported facts. The County does not verify the accuracy or truth of any statement but includes it as part of the record pursuant to State law.*

**WEBER COUNTY COMMISSIONERS:** Gage Froerer, "Jim" H. Harvey, and Scott K. Jenkins.

**STAFF PRESENT:** Lynn Taylor, of the Clerk/Auditor's Office; Christopher Crockett, Deputy County Attorney; and Fátima Fernelius, of the Clerk/Auditor's Office, who took minutes.

**A. WELCOME** - Chair Froerer

**B. INVOCATION** - Christopher Crockett

**C. PLEDGE OF ALLEGIANCE** - Kristy Bingham

**D. THOUGHT OF THE DAY** - Commissioner Harvey

**E. PUBLIC COMMENTS:** Ben Stapley, of Bountiful, owns a medical cannabis processing company, Elude, LLC, and will be processing for one of the licensed growers in the State for the upcoming medical cannabis program. He said he just received approval from the State Agriculture Department contingent on finalizing the operating site. He has identified a site in unincorporated Weber County on Rulon White Blvd., zoned M-1. He had spoken with County Planning and knew that the M-3 and A-3 zones have been designated for medical cannabis operations. He said that he was seeking approval to operate in the M-1 Zone. Chair Froerer indicated the County Planning staff present and referred to today's public hearing on the issue stating that Mr. Stapley could speak with staff if he still needed to after the hearing.

**F. PRESENTATIONS:**

1. **RECOGNITION OF WEBER COUNTY MOTHERS OF THE YEAR--BARBARA BOOTH, OGDEN CITY & TAMMY TAYLOR, SOUTH OGDEN CITY.**

Chair Froerer was honored to be part of the related ceremony recently at the Capitol, noting that Mrs. Booth was also awarded Utah State Mother of the Year. He said that being a mother is the most important job that we see in our nation, for they are the glue that holds our society together. Commissioners Jenkins and Harvey read the two proclamations. The commissioners congratulated the mothers and presented them with a book.

2. **PRESENTATION ON OGDEN SALVATION ARMY CORE.**

Tim Kendall, Chair of the Ogden Salvation Advisory Board, introduced Major Dan Wilson of the leadership for the Ogden Core, who gave some history of the Salvation Army, an international movement in 13 countries in the Universal Christian Church that has existed in Ogden since 1887. Services provided this year include 7,031 food boxes, 8,367 orders filled, 26,643 meals served, 2,571 individuals receiving clothing, 169 receiving furniture, 5,570 of other items gifted, 454 families and 1,265 children served by the Christmas Angel Tree. They work with a very lean budget. One of their focus for 2020 includes reopening their drug/alcohol rehab center. The commissioners expressed appreciation for all that they do and desire to help.

**G. CONSENT ITEMS:**

1. Warrants #2382-2398 and #446792-447038 for \$1,792,043.55.

2. Purchase orders for \$169,340.00.

3. Minutes for the meeting held on January 21, 2020.

4. Retirement Agreements: Shaun Odekirk; Kary Serrano; Matthew Flinders

Commissioner Jenkins moved to approve the consent items; Commissioner Harvey seconded.

Commissioner Harvey – aye; Commissioner Jenkins – aye; Chair Froerer – aye

**H. ACTION ITEMS:**

1. **RECOGNIZE EXCELLENT EDUCATIONAL OPPORTUNITIES AVAILABLE TO FAMILIES BY PROCLAIMING JANUARY 26 - FEBRUARY 1, 2020 AS SCHOOL CHOICE WEEK IN WEBER COUNTY.**

Chair Froerer read the proclamation commemorating Weber County School Choice Week which is celebrated across the country to raise awareness of the need for effective educational options. Commissioner Jenkins noted that in our county there are a lot of great public education schools, of which charter schools are a part. Commissioner Harvey noted that elected officials visit schools to make presentations on county government. Chair Froerer concurred and wanted all education professionals in the county to know how important they are.

Commissioner Harvey moved to approve the proclamation as read; Commissioner Jenkins seconded.

Commissioner Harvey – aye; Commissioner Jenkins – aye; Chair Froerer – aye

**I. PUBLIC HEARING:**

1.

Commissioner Harvey moved to adjourn the public meeting and convene the public hearings; Commissioner Jenkins seconded.

Commissioner Harvey – aye; Commissioner Jenkins – aye; Chair Froerer – aye

**2. PUBLIC HEARING REGARDING A PROPOSAL TO AMEND WEBER COUNTY CODES §104-5, §104-6, §104-7, §104-8 & §104-25 TO REGULATE THE CULTIVATION & PROCESSING OF MEDICAL CANNABIS, AS REQUIRED BY STATE CODE & TO PROVIDE RELATED MINOR EDITS TO CLARIFY INTENT AND CONSISTENCY.**

Commissioner Jenkins noted that this is for hemp and the item is required by State Code. Charles Ewert, of the County Planning Division, noted that the State adopted regulations governing medical cannabis and requires the county to offer locations in certain zones where it may be cultivated and processed. If the county has a manufacturing zone and an agricultural zone, it has to allow cultivation/processing in at least one of each of those zones. The county has four manufacturing and four agricultural zones, the heaviest intensity of uses of each of these is the M-3 Zone, which primary use is for aerospace engineering and the A-3 is intended to be the heavier side of agriculture. These two were reviewed for the effect that allowing medical cannabis would have on them, but the Commission would have to decide whether it should be exclusive to these zones. Mr. Ewert was contacted by four individuals who wanted to know about allowing it in the M-1 Zone and to locate on Rulon White Blvd., but this zone was not looked at too closely. This proposal explicitly allows this to occur in the M-3 and A-3 zones.

Mr. Ewert referred to State Code requirements including that medical cannabis cultivation is required to be completely grown inside in an enclosed facility that is manned by 24/7 security. It prohibits siting of a medical cannabis cultivation and processing facility within 500 feet of a residential zone. In Weber County, all of the agricultural zones allow residences, as do two of the manufacturing zones (including the M-1) and it is not clear whether the allowance of residences make them as much residential as they are agricultural or manufacturing. The proposed amendment plainly states that the A-1, A-2, and AV-3 zones are primarily agricultural and residential, and that the A-3 zone is primarily an agricultural zone. The Planning Commission wanted this in the A-3 Zone and with large buffers of at least 100 foot setbacks from any property line between these facilities, which are going to be industrial in nature, even if they just grow/dry there, and if there is a residence there or one locates nearby in the future, that a berm with trees or a masonry wall be installed. The 2003 West Central Weber General Plan recommends eliminating residential uses from the M-1 Zone.

The State requires that if an operation is within a certain proximity of residences that there be scrubbers on their exhaust outputs to keep the smell down. The M Zones do not have this requirement. There isn't too much concern currently in the A-3 Zone, which is very far out west and allows heavy uses. To allow medical cannabis processing in the M-1 Zone, the county would need to delete residential uses as being allowed. Commissioner Jenkins had visited several of these operations in Denver and found only one thing offensive—the smell, which is very, very heavy and instantly upon coming into the industrial parks that very heavy smell permeated the entire parks and the buildings. Thus, it is very important to him that the facilities be properly ventilated. Mr. Ewert said that this proposal does not suggest exhaust scrubbers in the manufacturing zone (only in the agricultural zones due to the residential use), but that he could add that language to the ordinance. He addressed Chair Froerer's questions including that this is listed in the AV-3 Zone as a conditional use, that the county could apply those requirements to the M-1 Zone or some lighter version of it, and that the current ordinance could be arguable that medical marijuana growing operations could occur in any A or M Zone. Commissioner Harvey's concerns relate to Mr. Stapley's comments and Commissioner Jenkins' concerns and wants to be very careful and to protect the existing customers in the industrial parks and the pertinent residents.

**3. PUBLIC HEARING REGARDING A PROPOSAL TO AMEND WEBER COUNTY CODE §106-2-4 TO ALLOW LOT AVERAGING TO OCCUR IN SUBDIVISIONS IN THE AV-3 ZONE, AND PROVIDE RELATED MINOR CLERICAL EDITS.**

Charles Ewert, of the County Planning Division, noted that lot averaging was added to the county's code about 1½ years ago and so far it appears successful in the A-1 and A-2 zoned subdivisions. The Planning Commission does not want to see the acreage reduced below one acre nor the width narrower than 100 feet. Chair Froerer noted that lot averaging is allowed in the lower valley but has not been allowed in the Upper Ogden Valley.

4. **PUBLIC COMMENTS ON THE TWO PUBLIC HEARINGS:** None.

5.

Commissioner Harvey moved to adjourn the public hearings and reconvene the public meeting; Commissioner Jenkins seconded.

Commissioner Harvey – aye; Commissioner Jenkins – aye; Chair Froerer – aye

6. **ACTION ON PUBLIC HEARINGS:**

**I.2. - REGULATING MEDICAL CANNABIS**

Commissioner Harvey moved to table item I.2. regarding regulating medical cannabis in the Land Use Code until there is more information on the items discussed in the public hearing; Commissioner Jenkins seconded, restating that he wants ventilation addressed in the ordinance. Chair Froerer agreed with the motion and asked that it be time-certain for next week.

Commissioner Harvey – aye; Commissioner Jenkins – aye; Chair Froerer – aye

**I.3. - LOT AVERAGING TO OCCUR IN SUBDIVISIONS IN THE AV-3 ZONE – ORDINANCE 2020-2.**

Commissioner Jenkins moved to adopt Ordinance 2020-2 amending Weber County Code §106-2-4 to allow lot averaging to occur in subdivisions in the AV-3 zone, and related minor clerical edits; Commissioner Harvey seconded.

Commissioner Harvey – aye; Commissioner Jenkins – aye; Chair Froerer – aye

**J. COMMISSIONER COMMENTS:** Chair Froerer said that it was an honor to present the recipient of the Stall of Fame, Brandie Kilts, of the Recorder’s Office. Leeann Kilts, County Recorder, stated that a couple of weeks ago one of her staff was choking in the office on meat during her lunch and Brandie Kilts was called to help and with her quick action was able to perform the Heimlich maneuver and save the day. Brandie Kilts has also been called by other county offices in time of need. Ms. Kilts started her career as an EMT and volunteered with the Plain City Fire Department where she became the Assistant Chief. She works on an ambulance where she can start IVs and transport patients. The commissioners expressed appreciation to Ms. Kilts who was given a key ring. They also expressed thanks to the Recorder/Surveyor’s Office for the great service they provide to the public and Commissioner Jenkins spoke of the quality of the family that Ms. Kilts comes from.

**K. ADJOURN**

Commissioner Jenkins moved to adjourn at 11:13 a.m.; Commissioner Harvey seconded.

Commissioner Harvey – aye; Commissioner Jenkins – aye; Chair Froerer – aye

Attest:

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Scott K. Jenkins, Chair  
Weber County Commission

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Ricky D. Hatch, CPA  
Weber County Clerk/Auditor