

**TOOELE COUNTY  
ORDINANCE 2022-34**

**AN ORDINANCE AMENDING SECTION 2-2, TABLE 15-5-3.2, TABLE 16-4-3.2, TABLE 17-5-3.5, AND ENACTING CHAPTER 37, MEDICAL CANNABIS FACILITIES, OF THE TOOELE COUNTY LAND USE ORDINANCE**

**WHEREAS**, J.D. Lauritzen, on behalf of Wholesome Ag, LLC, requested amendments to the Tooele County Land Use Ordinance regarding medical cannabis production and sales; and

**WHEREAS**, Utah Code requires one agricultural and industrial zoning district which allows for cannabis production facilities as a permitted use; and

**WHEREAS**, the Community Development Department worked with the applicant to create the requested ordinance updates by studying existing ordinances within the state; and

**WHEREAS**, public notice of the proposed amendments was provided as required by UCA Section 17-27a-205; and

**WHEREAS**, the Planning Commission conducted a public hearing and discussed the requested land use amendment; and

**WHEREAS**, the Planning Commission voted to recommend amendments to the Tooele County Land Use Ordinance;

**NOW, THEREFORE, THE COUNTY LEGISLATIVE BODY OF TOOELE COUNTY ORDAINS AS FOLLOWS:**

**SECTION I – SECTION AMENDED.** Section 2-2, *Definitions*, of Chapter 2, *Definitions*, of the Tooele County Land Use Ordinance, is hereby amended and renumbered to include the following definitions:

- (1) “Cannabis production establishment” means a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory, as such terms are more particularly defined.

(2) “Community location” means a public or private school, a licensed childcare facility or preschool, a church, a public library, a public playground, or a public park.

(3) “Medical cannabis pharmacy” means a person or entity that acquires or intends to acquire, possess, and sell cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, to a medical cannabis cardholder.

(4) “Primarily residential zone” means a residential zoning district primarily intended for residential uses and does not include Agricultural or Multiple-Use Zones.

**SECTION II – TABLE AMENDED.** Table 15-5-3.2, *Commercial and Industrial Uses*, of Chapter 15, *Multiple Use, Agricultural, and Rural Residential Districts*, of the Tooele County Land Use Ordinance, is hereby amended and renumbered to include the following uses:

<b>Table 15-5-3.2. Commercial and industrial uses.</b>											
#	Use	Multiple use (MU-)			Agriculture (A-)				Rural Residential (RR-)		
		40	80	160	5	10	20	40	1	5	10
f	Cannabis production establishment (not allowed within 1,000 feet of a community location or 600 feet of a primarily residential zone).	C	C	C	C	C	C	P	-	-	-
o	Medical cannabis pharmacy (not allowed within 1,000 feet of a community location or 600 feet of a primarily residential zone).	C	C	C	C	C	C	C	-	-	-

**SECTION III – TABLE AMENDED.** Table 16-4-3.2, *Commercial and Industrial Uses*, of Chapter 16, *Residential and Multiple Residential Districts*, of the Tooele County Land Use Ordinance, is hereby amended and renumbered to include the following uses:

Table 16-4-3.2. Commercial and industrial uses.								
#	Use	Residential (R-1-__)				Multiple Residential (R-M-__)		
		21	12	10	8	7	15	30
e	Cannabis production establishment (not allowed within 1,000 feet of a community location or 600 feet of a primarily residential zone).	-	-	-	-	-	-	-
k	Medical cannabis pharmacy (not allowed within 1,000 feet of a community location or 600 feet of a primarily residential zone).	-	-	-	-	-	-	-

**SECTION IV – TABLE AMENDED.** Table 17-5-3.5, *Industrial Uses*, of Chapter 17, *Commercial, Industrial, and Hazardous Industries Zoning Districts*, of the Tooele County Land Use Ordinance, is hereby amended and renumbered to include the following uses:

Table 17-5-3.5. Industrial uses.								
#	Use	Commercial (C-)				Industrial (M-)		Haz. Ind.
		N	S	H	G	D	G	MG-H
j	Cannabis production establishment (not allowed within 1,000 feet of a community location or 600 feet of a primarily residential zone).	-	-	-	-	C	P	-
y	Medical cannabis pharmacy (not allowed within 1,000 feet of a community location or 600 feet of a primarily residential zone).	-	C	C	C	C	C	-

**SECTION V – CHAPTER ENACTED.** Chapter 37, *Medical Cannabis Facilities*, of the Tooele County Land Use Ordinance, is hereby enacted to read as attached hereto, which attachment is, by this reference, made a part hereof.

**SECTION VI – REPEALER.** Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION VII – EFFECTIVE DATE.** This ordinance shall become effective fifteen (15) days after its passage, provided it has been published, or at such publication date if more than fifteen (15) days after passage.

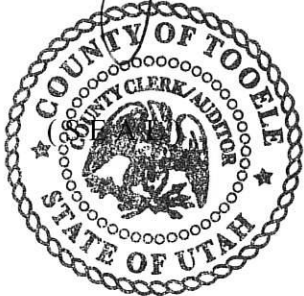
**IN WITNESS WHEREOF** the Tooele County Council, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 6<sup>th</sup> day of December, 2022.

**ATTEST:**

  
\_\_\_\_\_  
TRACY D. SHAW, County Clerk

**TOOELE COUNTY COUNCIL:**

  
\_\_\_\_\_  
JARED S. HAMNER, Chair



Council Member Hamner voted aye  
Council Member Hoffmann voted aye  
Council Member Thomas voted aye  
Council Member Tripp voted aye  
Council Member Wardle voted aye

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
COLIN R. WINCHESTER  
Deputy Tooele County Attorney

# TOOELE COUNTY LAND USE ORDINANCE

## CHAPTER 37

### MEDICAL CANNABIS FACILITIES

#### Section

**37 - 1. Purposes.**

**37 - 2. Definitions.**

**37 - 3. Cannabis production establishment standards.**

**37 - 4. Cannabis production establishment location restrictions.**

**37 - 5. Medical cannabis pharmacy standards.**

**37 - 6. Medical cannabis pharmacy location restrictions.**

#### **37 - 1. Purposes.**

This chapter is intended to accomplish the following purposes:

- (1) To allow for the specific uses outlined in this chapter in addition to the uses allowed for in the underlying zones.
- (2) To establish areas in the county that allow cannabis production facilities and medical cannabis pharmacies in zones deemed appropriate for those uses.
- (3) To provide accommodation for uses required by state law while protecting the health, safety and general welfare of Tooele County residents.
- (4) To obtain and maintain consistency with state law.
- (5) To control the sale, production, cultivation and testing of cannabis so that said uses comply with state law.

#### **37 - 2. Definitions.**

Certain terms used in this chapter are defined in Chapter 2 (Definitions) of the Tooele County Land Use Ordinance. Other terms are defined in the Utah Medical Cannabis Act and the Utah Cannabis Production Establishments Act.

#### **37 - 3. Cannabis production establishment standards.**

The following standards shall apply to all cannabis production establishments:

- (1) Each cannabis production establishment shall comply with the location restrictions set forth in applicable state law and this chapter.
- (2) Each cannabis production establishment shall comply with the advertising and signage restrictions set forth in applicable state law.
- (3) Processing facilities, testing laboratories, and greenhouses used for cultivation of cannabis shall be in entirely enclosed buildings which are designed, constructed and operated to prevent the emission of dust, fumes, vapors, odors, or waste into the environment.
- (4) Outside cultivation of cannabis must be entirely enclosed within a seven-foot solid visual barrier fence, with barbed wire and other security features included.
- (5) Each cannabis production establishment shall meet the land use and permit requirements for the zone in which it is located.
- (6) Each cannabis production establishment shall obtain a county business license before conducting business within the county.

**37 - 4. Cannabis production establishment location restrictions.**

- (1) No cannabis production establishment may be located within 1,000 feet of a community location.
- (2) No cannabis production establishment may be located within 600 feet of a primarily residential zone.
- (3) These proximity requirements shall be measured from the nearest entrance to the cannabis production establishment by following the shortest route of ordinary pedestrian travel to the property boundary of the community location or primarily residential zone.

**37 - 5. Medical cannabis pharmacy standards.**

The following standards shall apply to all medical cannabis pharmacies:

- (1) Each medical cannabis pharmacy shall comply with the location restrictions set forth in applicable state law and this chapter.
- (2) Each medical cannabis pharmacy shall comply with the advertising and signage restrictions set forth in applicable state law.
- (3) No cannabis products shall be visible from outside the medical cannabis pharmacy.
- (4) Each medical cannabis pharmacy shall meet the land use and permit requirements for the zone in which it is located.
- (5) Each medical cannabis pharmacy shall obtain a county business license before conducting business within the county.
- (6) Cannabis products shall only be sold in a medicinal dosage form and shall only be sold to medical cannabis cardholders.
- (7) Medical cannabis devices shall only be sold to medical cannabis cardholders.
- (8) Outdoor seating areas are not allowed.
- (9) Outdoor vending machines are not allowed.
- (10) Any retail delivery service shall comply with all applicable ordinances and state laws regarding cannabis.
- (11) Hours of operation are limited to 7:00 a.m. through 10:00 p.m.

**37 - 6. Medical cannabis pharmacy location restrictions.**

- (1) No medical cannabis pharmacy may be located within 1,000 feet of a community location.
- (2) No medical cannabis pharmacy may be located within 600 feet of a primarily residential zone.
- (3) These proximity requirements shall be measured from the nearest entrance to the medical cannabis pharmacy by following the shortest route of ordinary pedestrian travel to the property boundary of the community location or primarily residential zone.