



**Regular City Council Meeting**  
Tuesday, November 19, 2019  
City Hall Council Chambers  
5249 South 400 East, Washington Terrace City  
801-393-8681  
[www.washingtonterracecity.com](http://www.washingtonterracecity.com)

1. **ROLL CALL** **6:00 P.M.**

2. **PLEDGE OF ALLEGIANCE**

3. **WELCOME**

4. **CONSENT ITEMS**

**4.1 APPROVAL OF AGENDA**

Any point of order or issue regarding items on the Agenda or the order of the agenda need to be addressed here prior to the approval of the agenda.

**4.2 APPROVAL OF NOVEMBER 5, 2019, MEETING MINUTES**

5. **SPECIAL ORDER**

Special orders will proceed as follows: Chair introduction of item, staff/applicant presentation, questions by Council, Chair opens public hearing, citizen input; Chair closes public hearing, then Council final discussion.

**5.1 PUBLIC HEARING: A PUBLIC HEARING TO CONSIDER POTENTIAL PROJECTS FOR WHICH FUNDING MAY BE APPLIED UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SMALL CITIES PROGRAM FOR PROGRAM YEAR 2020**

6. **CITIZEN COMMENTS**

This is an opportunity to address the Council regarding your concerns or ideas that are not on the agenda as part of a public hearing. Please limit your comments to no more than 3 minutes.

7. **COUNCIL/STAFF RESPONSE AND CONSIDERATION TO CITIZEN COMMENTS**

Council and staff will consider and address concerns and take appropriate measures to follow up on any comments made in the citizen comments item on the agenda.

For more information on these agenda items, please visit our website at [www.washingtonterracecity.com](http://www.washingtonterracecity.com)

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In compliance with the Americans with Disabilities Act, persons who have need of special accommodation should contact the City Recorder at 801-395-8283.

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted in three public places within the City of Washington Terrace City limits and sent to the *Standard Examiner* at least 24 hours prior to the meeting. Amy Rodriguez, City Recorder.

**8. NEW BUSINESS**

**8.1 MOTION/ORDINANCE 19-11: AN ORDINANCE ADOPTING CHAPTERS 14.16 AND 17.84 IN THE MUNICIPAL CODE ESTABLISHING CANNIBUS REGULATIONS**

An ordinance establishing governing cannabis regulations, production establishments and medical cannabis pharmacies as required by state law.

**8.2 MOTION/ORDINANCE 19-10: AMENDING MUNICIPAL CODE CHAPTER 17.56 “SIGNS” TO ADD NEW TITLE “REALTOR SIGNS”**

Amendment to the Signs ordinance to add a new title “Realtor Signs” that will include the regulations For these types of signs in the City.

**8.3 MOTION: BOARD OF CANVASS TO APPROVE THE 2019 MUNICIPAL ELECTION CANVASS RESULTS**

The City Council serves as the Board of Canvass. Official and final canvass numbers will be tallied on November 19, 2019.

**9. COUNCIL COMMUNICATION WITH STAFF**

This is a discussion item only. No final action will be taken.

**10. ADMINISTRATION REPORTS**

This is an opportunity for staff to address the Council pertaining to administrative items.

**11. UPCOMING EVENTS**

**November 28<sup>th</sup>-29<sup>th</sup>: City Offices closed for Thanksgiving**

**December 3<sup>rd</sup>: City Council Meeting**

**December 7<sup>th</sup>: City Council Retreat**

**December 9<sup>th</sup>: Christmas Concert 7:00 p.m.**

**12. ADJOURN THE MEETING: MAYOR ALLEN**

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# City of Washington Terrace

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Minutes of a Regular City Council meeting  
Held on November 5, 2019  
City Hall, 5249 South 400 East, Washington Terrace City,  
County of Weber, State of Utah

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**MAYOR, COUNCIL, AND STAFF MEMBERS PRESENT**

- 11 Mayor Mark C. Allen  
12 Council Member Scott Monsen  
13 Council Member Blair Brown  
14 Council Member Larry Weir  
15 Council Member Scott Barker  
16 Council Member Jeff West - excused  
17 Public Works Director Jake Meibos  
18 Maintenance Operations Supervisor Denzil Remington  
19 Finance Director Shari' Garrett  
20 City Recorder Amy Rodriguez  
21 City Manager Tom Hanson  
22 Weber County Sheriff Lt. Jeff Pledger

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24

**Others Present**

Charles and Reba Allen,

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1. **ROLL CALL** **6:00 P.M.**

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2. **PLEDGE OF ALLEGIANCE**

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3. **WELCOME**

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4. **CONSENT ITEMS**

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4.1 **APPROVAL OF AGENDA**

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4.2 **APPROVAL OF OCTOBER 15, 2019, MEETING MINUTES**

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Items 4.1 and 4.2 were approved by general consent.

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5. **SPECIAL ORDER**

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**5.1 PUBLIC HEARING: A PUBLIC HEARING TO CONSIDER COMMENTS ON  
THE FISCAL YEAR 2020 AMENDED BUDGET**

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Garrett stated that the adjustment is the first for the fiscal year and the bulk of the adjustment is rolling over of the capital account proceeds from last year to this year to finish some of the projects. The adjustment also includes a few grants that are scheduled to be drawn upon this year.

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Garrett stated that the sidewalk repair and replacement program has been added to the budget, as well as some security measures for Rohmer Park.

47

**Mayor Allen opened the public hearing at 6:06 p.m.**

48 There were no citizen comments.  
49 **Mayor Allen closed the public hearing at 6:07 p.m.**

50  
51 **6. CITIZEN COMMENTS**  
52 There were no citizen comments.

53  
54 **7. COUNCIL/STAFF RESPONSE AND CONSIDERATION TO CITIZEN**  
55 **COMMENTS**  
56 Due to lack of citizen comments in item 6, item 7 is unnecessary.

57  
58 **8. NEW BUSINESS**

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60 **8.1 RESOLUTION 19-30: A RESOLUTION ADOPTING THE FISCAL YEAR**  
61 **2020 AMENDED BUDGET**

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63 **Motion by Council Member Barker**  
64 **Seconded by Council Member Weir**  
65 **To approve Resolution 19-30**  
66 **Adopting the FY 2020 amended budget**  
67 **Approved unanimously (4-0)**  
68 **Roll Call Vote**

69  
70 **8.2 MOTION: AUTHORIZATION FOR APPROVAL OF THE CONTRACT**  
71 **FOR REPAIRS TO WATER TANK #1 TO COMPLETE CDBG (2018) WATER**  
72 **TANK UPGRADE PROJECT**

73 Meibos stated that we have received a bid to complete the maintenance portion of the tank project. He  
74 stated that it is within our budget for the project. Meibos stated that the project includes an anti-freezing  
75 mixer, welding of the floor, secondary manly access, and a few minor repairs on top. He stated that the  
76 painting bids came in very high and will have to be re-visited at a later date. He stated that the bid is from  
77 Advanced Diving to complete the repairs. The only bid has come in at \$75,462. They have committed to  
78 completing the project by the end of the year.

79 Hanson stated that we will remain in compliance with CDBG requirements.

80  
81 **Motion by Council Member**  
82 **Seconded by Council Member**  
83 **To award the contract for the maintenance of the tank**  
84 **To Advanced Diving up to \$80,000**  
85 **Approved unanimously (4-0)**

86  
87 **8.3 MOTION/ORDINANCE 19-09: APPROVAL OF THE ANNEXATION AND**  
88 **GENERAL PLAN**

89 Hanson stated that there is a state requirement to update our Moderate Income Housing Plan and the  
90 encompassing plan. He stated that transportation is associated with the plan. Hanson stated that we have  
91 followed guidelines and Hanson stated that he feels that we have a good plan in place that will pass  
92 through the state and will be useful for future planning within the City.

93 Hanson stated that we updated the plan and added our infill ordinance, we showed zoning changes that  
94 we have made, and we showed that we have linked in transportation within the public transportation area.  
95 Hanson stated that the plan shows that the city is thinking about issues that the state would like to see.

96 Hanson stated that it is a working document that helps sets the tone of the city.  
97 Mayor Allen stated that there are 23 recommendations in state law and the city only had to pick 3 of them  
98 for the plan.  
99

100 **Motion by Council Member Barker**  
101 **Seconded by Council Member Weir**  
102 **To approve Ordinance 19-09 approving**  
103 **The annexation and general plan**  
104 **Approved unanimously (3-1)**  
105 **Roll Call Vote**  
106 **Council Member Monsen –Nay**  
107 **Council Member Brown- Aye**  
108 **Council Member Weir- Aye**  
109 **Council Member Barker- Aye**  
110

111 **8.4 MOTION/RESOLUTION 19-29: APPROVAL OF THE BI-ANNUAL MODERATE**  
112 **INCOME HOUSING REPORT**  
113

114 **Motion by Council Member Brown**  
115 **Seconded by Council Member Weir**  
116 **To approve Resolution 19-29 approving**  
117 **The 2019 Moderate Income Housing Report**  
118 **Approved unanimously (4-0)**  
119 **Roll Call Vote**  
120

121 **9. COUNCIL COMMUNICATION WITH STAFF**

122 Council Member Weir stated that our speed light on Ridgeline Drive is hidden behind a tree.  
123

124 Council Member Brown thanked Meibos for getting started on the street projects.

125 Council Member Brown showed pictures of mobile signs that a resident is putting up on his trailer and  
126 around the area. Hanson stated that he followed up with Monroe and stated that there will be an agenda  
127 item on the next meeting.

128 Council Member Brown stated that he spoke to Garrett about the business license study that we would be  
129 conducting this year. He stated that he feels that \$5000-12000 on a study is too much when licensing only  
130 brings in \$80000. He would like to know if staff would be able to do the study in house. Hanson stated  
131 that the licensing fees have to be defensible and a document must be created that is unique to our city. He  
132 stated that the evaluation needs to be vetted and presented in a way that is defensible. He stated that we  
133 have to be able to justify our disproportionate fees.  
134

135 Council Member Barker asked if we would have time to invite some representatives from the state to  
136 answer questions about road funds and other issues at our retreat. Hanson stated that he wants to be  
137 responsive to what Council would like to see. Council Member Weir agreed that it would be a good idea  
138 for the retreat.  
139

140 **10. ADMINISTRATION REPORTS**

141 Hanson stated that the people on the boring claim has changed adjustors.

142 Hanson stated that the Planning Commission meeting will focus on a new cannibus regulations.  
143 ordinance.  
144

- 145 11. **UPCOMING EVENTS**  
146 **November 11<sup>th</sup>: City Hall Closed in honor of Veteran’s Day**  
147 **November 19<sup>th</sup>: City Council Meeting (Board of Canvass Meeting)**  
148 **November 14<sup>th</sup> : Planning Commission Meeting (tentative)**  
149 **November 28<sup>th</sup>-29<sup>th</sup>: City Offices closed for Thanksgiving**  
150 **December 3<sup>rd</sup>: City Council Meeting**  
151 **December 7<sup>th</sup>: City Council Retreat**

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153 12. **ADJOURN THE MEETING: MAYOR ALLEN**  
154 **Mayor Allen adjourned the meeting at 6:53 p.m.**

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156 13. **RDA MEETING (Immediately following the City Council Meeting)**

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161 \_\_\_\_\_  
Date Approved City Recorder

# City Council Staff Report



**Author:** Amy Rodriguez  
**Subject:** CDBG FIRST PUBLIC HEARING  
**Date:** 11-19-19  
**Type of Item:** Public Hearing

**Admin Dept.**

## Description:

### A. Topic: CDBG FIRST PUBLIC HEARING

### B. Background:

The City will be applying for a Community Development Block Grant (CDBG) for the 2020 grant period. CDBG requires that a public hearing be held to receive comments and suggestions from the community concerning eligible projects to be considered for application.

CDBG Funds must be spent on projects benefitting primarily low and moderate income persons. The results of a city wide survey completed in 2014 show that the city has a LMI of 63% .

### C. Analysis:

CDBG further requires that the first public hearing being conducted as follows:

#### **COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC HEARING**

Mayor Allen opened the public hearing for the CDBG program and stated that the purpose of the hearing is to provide citizens with pertinent information about the Community Development Block Grant Program and allow for discussion of possible applications for the 2020 funding cycle. It was explained that the grant money must be spent on projects benefitting primarily low and moderate-income persons. The Wasatch Regional Front, in which Washington Terrace is a member, is expected to receive approximately \$871,500 in this new program year. All eligible activities that can be accomplished under this program are identified in the CDBG Application Policies and Procedures Manual and interested persons can review it at any time.

Mayor Allen read several of the eligible activities listed including examples, such as Construction of public works and facilities, e.g., water and sewer lines, fire stations, acquisition of real property, provision of public services such as food banks or homeless shelters.

Mayor Allen indicated that in the past Washington Terrace has received 8 CDBG grants which were used to purchase Fire Department Equipment to include a skid loader for the brush truck, thermal imaging equipment, and breathing apparatus, Seismic upgrades to two Water Tanks, a restroom and bowery at Victory Park, the 4525 Sewer Main Replacement, construction of the Civic/Senior and Fire Station, and currently water main feeds to the upgraded tank. The city has handed out its capital investment plan as part of the regional "Consolidated Plan". This list shows which projects the city has identified as being needed in the community.

It was asked that anyone with questions, comments or suggestions during the hearing please identify themselves by name, before they speak. The clerk will include your names in the minutes and we would like to specifically respond to your questions and suggestions during the hearing.

Mayor Allen stated that any grievances or complaints may be given to the City Recorder located at 5249 South 400 East (City Hall) or at 801-395-8283 between the hours of 7:00am to 6:00pm. They may also contact the City Manager at 801-395-8282.

The Mayor asked if there were any suggestions. The hearing was adjourned at \_\_\_\_\_.



September 20, 2019

Dear ULCT members,

The Utah State Legislature met in special session on Monday, September 16 to modify the Medical Cannabis Act (Act) with SB 1002 and the modifications will impact cities and towns. The purpose of this letter is to identify those modifications that impact state proximity and process requirements, signage, local zoning, and local land use processes as they relate to medical cannabis production establishments and medical cannabis pharmacies.

As a reminder, Proposition 2 in 2018 contemplated a total land use preemption. The ULCT membership ratified a resolution at our 2018 Annual Convention urging respect for the traditional local land use process and ULCT successfully lobbied for restoration of our land use authority in the December 2018 special session. In August of this year, Governor Gary Herbert, several legislators, state agencies, and cannabis advocates reached out to ULCT to discuss potential modifications to the Act. The advocates initially sought total preemption of local land use authority over cannabis production facilities, cultivation facilities, and pharmacies. ULCT again argued to preserve our land use authority though we recognized the urgency of the state to meet their self-imposed deadline of March 1 to make cannabis available for patients. The ULCT Board of Directors met during our 2019 Annual Convention to weigh various proposals and give direction to staff for the negotiations.

Senator Evan Vickers, the bill sponsor and a former Cedar City council member, publicly thanked ULCT on the Senate floor for working to find consensus on SB 1002 and expressed his respect for local land use authority. Both Senator Vickers and Governor Herbert specifically asked cities and towns to work with the state within the framework of state law and our local land use processes to facilitate the implementation of SB 1002 in the weeks ahead.

We know that there are advocates who still prefer a total preemption of local land use authority. Consequently, we have committed to Senator Vickers, Governor Herbert, and other stakeholders to help cities with the SB 1002 process. If you have any questions about SB 1002, please contact ULCT staff.

Thank you for your involvement in ULCT.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cameron Diehl', written over a light blue background.

Cameron Diehl  
ULCT Executive Director

A handwritten signature in black ink, appearing to read 'Mike Mendenhall', written over a light blue background.

Mike Mendenhall  
ULCT President/Spanish Fork Council Member

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## SB 1002 MEDICAL CANNABIS AMENDMENTS AND IMPACT ON CITIES AND TOWNS

### I) Medical Cannabis Production Establishments

#### A) State proximity and process

Previously, state law authorized up to 10 cannabis cultivation facilities. Now, SB 1002 dictates the issuance of between five and eight licenses and authorizes up to 15 licenses based on market needs. (4-41a-205(1), (2))

Under SB 1002, the Department of Agriculture may only issue a license to an applicant who meets proximity requirements. A person may not locate an establishment within 1,000 feet of a community location or within 600 feet of a district that the city or county has zoned as primarily residential. A community location is defined as a public or private school, a licensed child-care facility or preschool, a church, a public library, a public playground, or a public park. SB 1002 now defines the 1,000/600 feet thresholds as being 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 residential area. Additionally, SB 1002 authorizes the department to grant a waiver to reduce the proximity requirements by up to 20% if the department determines that it is not reasonably feasible for the applicant to site the establishment without the waiver. (4-41a-201(2)(c))

By extension, SB 1002 precludes a city or county from requiring additional proximity between cannabis establishments, medical cannabis pharmacies, retail tobacco specialty businesses, or alcohol outlets. (4-41a-406(3)(b))

State law previously required an applicant to obtain local land use approval in order to be eligible for a state license. The new process in SB 1002 requires an applicant to submit their land use approval within 120 days after the day on which the department issues the license. (4-41a-201(10)) The state still shall consult with the local land use authority if the department receives more than one application for an establishment within a city or town (4-41a-201(5)) and shall consider the positive connections between the applicant and the local community (4-41a-205(3)(c)).

#### B) Signage

SB 1002 clarifies the advertising allowances and restrictions for establishments. The new bill allows an establishment to have a sign that does not exceed four feet by five feet in size that includes the name, hours of operation, and a green cross. While a local government may not prohibit cannabis signage outright, the bill also re-affirms that local ordinances that regulate signage still apply. (4-41a-403)(4)

### C) Local zoning

SB 1002 states that the operation of a cannabis production establishment shall be a *permitted* industrial use in any industrial zone or a *permitted* agricultural use in any agricultural zone unless a city or county designates by ordinance at least one industrial and/or agricultural zone where the establishment shall be a permitted use. The city or county must designate those zones by ordinance prior to an individual submitting a land use permit application. Previously, the Act stated that establishments should be allowed in at least one zone that the city or county designated and there was confusion among the advocates about the meaning of that language. (4-41a-406(2))

Additionally, a city may not enforce a land use regulation against an establishment that was not in effect on the day on which the cannabis production establishment submitted a complete land use application. (4-41a-406(3)(c))

Finally, SB 1002 now allows for cannabis cultivation through a combination of indoor and outdoor cultivation but still subject to local land use regulations regarding the availability of outdoor cultivation in an industrial zone. (4-41a-404(2)(b)(iii))

### D) Local land use process

SB 1002 now adds language to Title 10 that clarifies that a city may not regulate an establishment in a manner that conflicts with the Medical Cannabis Act or Cannabis Product Establishments. The bill also clarifies that cannabis applicants can access the existing 45 day “rip cord” provision in LUDMA. The rip cord provision is temporarily different for cannabis applicants than for other land use applicants. The traditional rip cord provision requires an applicant to wait for a “reasonable period of time” before exercising the rip cord to obtain a final decision from the city within 45 days.

Because of the state urgency in ensuring a supply of medical cannabis by March 1, 2020, there is a temporary rip cord provision that expires on January 1, 2021. During that period of time, a cannabis applicant need not wait a “reasonable period of time” before exercising the rip cord. Instead, a cannabis applicant is entitled to final action on a land use regulation, development agreement, or land use decision according to 10-9a-509.5(2) within 45 days. (10-9a-528(3))

#### II) Medical Cannabis Pharmacies

##### A) State proximity and process

Previously, state law authorized up to seven medical cannabis pharmacies. SB 1002 now authorizes 14 pharmacies. (26-61a-305(1)(a))

Under SB 1002, the Department of Health may only issue a license to an applicant who meets new proximity requirements. A person may not locate a medical cannabis pharmacy within 200 feet of a community location or within 600 feet of a district that the city or county has zoned as



primarily residential. SB 1002 now defines the 200/600 feet thresholds as being 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 residential area. SB 1002 also now authorizes the department to grant a waiver to reduce the proximity requirements by up to 20% if the department determines that it is not reasonably feasible for the applicant to site the pharmacy without the waiver. (26-61a-301(2)(c))

By extension, SB 1002 precludes a city or county from requiring additional proximity between cannabis establishments, medical cannabis pharmacies, retail tobacco specialty businesses, or alcohol outlets. (26-61a-507(2)(b))

State law previously required an applicant to obtain local land use approval in order to be eligible for a state license. The new process in SB 1002 requires an applicant to submit their land use approval within 120 days after the day on which the department issues the license. (26-61a-301(7)) The state shall still consider geographic dispersal among licensees and issue at least one license in each geographic region of the state. The state shall also consult with the local land use authority if the department receives more than one application for a pharmacy within a city or town ((26-61a-301(2)(e)), consider positive connections to the local community, and consider the suitability of the proposed location when issuing the license. (26-61a-305(2)(a))

### **B) Signage**

SB 1002 clarifies the advertising allowances and restrictions for pharmacies. The new bill allows an establishment to have a sign that does not exceed four feet by five feet in size that includes the name, hours of operation, and a green cross. While a local government may not prohibit cannabis signage outright, the bill re-affirms that local ordinances that regulate signage still apply. (26-61a-505(2))

### **C) Local zoning**

SB 1002 clarifies that a medical cannabis pharmacy is a permitted use in any zone except for a primarily residential zone, but that the pharmacy is also subject to the land use regulations that apply in the underlying zone. (26-61a-507(1)). Additionally, a city may not enforce a land use regulation against a pharmacy that was not in effect on the day on which the pharmacy submitted a complete land use application.

### **D) Local land use process**

SB 1002 now adds language to Title 10 that clarifies that a city may not regulate a pharmacy in a manner that that conflicts with the Medical Cannabis Act or Cannabis Product Establishments. The bill also clarifies that cannabis applicants can access the existing 45 day “rip cord” provision in LUDMA. The rip cord provision is temporarily different for cannabis applicants than for other land use applicants. The traditional rip cord provision requires an applicant to wait for a



“reasonable period of time” before exercising the rip cord to obtain a final decision from the city within 45 days.

Because of the state urgency in ensuring a supply of medical cannabis by March 1, 2020, there is a temporary rip cord provision that expires on January 1, 2021. During that period of time, a cannabis applicant need not wait a “reasonable period of time” before exercising the rip cord. Instead, a cannabis applicant is entitled to final action on a land use regulation, development agreement, or land use decision according to 10-9a-509.5(2) within 45 days of submitting an application or petition. (10-9a-528(3))



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**CITY OF WASHINGTON TERRACE  
ORDINANCE 2019-11**

**CANNABIS REGULATIONS**

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH,  
ADOPTING CHAPTER 14.16 AND CHAPTER 17.84 OF THE MUNICIPAL  
CODE TO ESTABLISH REGULATIONS GOVERNING CANNABIS  
PRODUCTION ESTABLISHMENTS AND MEDICAL CANNABIS  
PHARMACIES AS REQUIRED BY STATE LAW; MAKING TECHNICAL  
CHANGES; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Washington Terrace (hereafter the “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

**WHEREAS**, in 2018, the voters of Utah approved Proposition 2 authorizing medical cannabis;

**WHEREAS**, Utah State Legislature met in special session on Monday, September 16, 2019, and modified Proposition 2 with the adoption of S.B. 1002, and such modification impacts municipalities;

**WHEREAS**, *Utah Code Annotated* §10-8-84 and §10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

**WHEREAS**, the City finds it necessary to update the municipal code in order to meet the challenges presented by state law, and to protect public health, safety, and welfare;

**WHEREAS**, after publication of the required notice the Planning Commission held its public hearing on \_\_\_\_\_, 2019, to take public comment on the proposed Ordinance, after which the Planning Commission gave its recommendation to \_\_\_\_\_ this Ordinance;

**WHEREAS**, the City Council received the recommendation from the Planning Commission and held its public meeting on \_\_\_\_\_, 2019;

**NOW, THEREFORE**, be it ordained by the City Council as follows:

**Section 1:**     **Repealer.** Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

**Section 2:**     **Amendment.** Chapter 5.16 and Chapter 17.84 of the *Washington Terrace Code* is hereby adopted to read as follows:

**Chapter 5.16  
Cannabis Regulations**

**5.16.010     Business License Requirements.**

Any cannabis production establishment shall comply with Utah Code §4-41a-101, et seq., as amended, (Cannabis Production Establishments); and any medical cannabis pharmacy shall comply with Utah Code §26-61a-101, et seq., as amended, (Utah Medical Cannabis Act) prior to obtaining a business license.

## **Chapter 17.84 Cannabis Regulations**

### **17.84.010 Definitions.**

In addition to the definitions set forth in Utah Code §4-41a-102 (Cannabis Production Establishments), and Utah Code §26-61a-102 (Utah Medical Cannabis Act), the following definitions apply:

1. “Cannabis Production Establishment” means an establishment defined in Utah Code §4-41a-102, and includes a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory.
2. “Medical Cannabis Pharmacy” means an entity that acquires or intends to acquire, possesses, and sells or intends to 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, as defined under Utah Code §26-61a-102.
3. “Primarily Residential Zone” means, for the purposes of this Chapter, and any applicable state law means the following zoning districts:
  - a. Residential Zone R-1-10.
  - b. Residential Zone R-1-8.
  - c. Residential Zone R-1-6.

### **17.84.020 Standards.**

1. Cannabis Production Establishment. The following standards apply:
  - a. No emission of dust, fumes, vapors, odors, or waste into the environment from any facility involving the growing, processing, or testing of cannabis.
  - b. Each Cannabis Production Establishments shall:
    - i. Not be located in a Primary Residential Zone.
    - ii. Meet the municipal code regulations, site development standards, and sign requirements for any main building and accessory building.
    - iii. Obtain and comply with all state requirements in accordance with Utah Code §4-41a-101, et seq.
    - iv. Comply with location requirements set forth in Utah Code §4-41a-201.
    - v. Obtain and comply with business license regulations.
2. Medical Cannabis Pharmacy. The following standards apply:
  - a. Not be located in a Primary Residential Zone.
  - b. No cannabis products shall be visible from outside of any structure.
  - c. Meet the municipal code regulations, site development standards, and sign requirements for commercial development.
  - d. Obtain and comply with all state requirements in accordance with Utah Code §26-61a-101, et seq.
  - e. Comply with location requirements set forth in Utah Code §26-61a-301.
  - f. Obtain and comply with business license regulations.

### **17.84.030 Permitted Uses.**

The following uses are permitted in the following Zones:



**CITY OF WASHINGTON TERRACE  
ORDINANCE 19-10**

**LAND USE ADMINISTRATION AND SIGN AMENDED**

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH, ADOPTING 17.56. ENTITLED “SIGNS” TO REGULATE CERTAIN REAL ESTATE SIGNS; REGULATE VEHICULAR ADVERTISING; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Washington Terrace City (hereafter referred to as “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

**WHEREAS**, *Utah Code Annotated* §10-8-84, 1953 as amended, grants municipalities broad authority to provide for safety and preserve health, and promote prosperity, improve morals, peace and good order, comfort, convenience, and for the protection of property;

**WHEREAS**, *Utah Code Annotated* §10-8-60, 1953 as amended, grants municipalities broad authority to declare what shall be a nuisance, abate the same, and to impose fines for the such nuisances;

**WHEREAS**, Title 10, Chapter 9a, of the *Utah Code Annotated*, as amended, enables municipalities to regulate land use and development;

**WHEREAS**, the City finds it necessary to update its land use ordinances in order to meet the challenges presented by development and to protect public health, safety, and welfare;

**NOW, THEREFORE**, be it ordained by the City Council of the City of Washington Terrace as follows:

**Section 1: Repealer.**

Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

**Section 2: Amendment.**

Section 17.56.256, Section 17.56.270, and Section 17.80.080 of the *Washington Terrace Municipal Code* is hereby adopted to read as follows:

**17.56.265 Residential Real Estate Signage.**

In all residential zones, the following is permitted:

1. Number and Type. One (1) freestanding sign in the front yard of each lot to advertise the sale, lease, or rental of real estate.
2. Size. No sign shall exceed eight (8) square feet in aggregate total display.
3. Purpose. Sign must be exclusively for the sale, lease, or rental of the property on which the sign is located.
4. Removal. Any sign under this section shall be removed five (5) days after completion of the sale, lease, or rental of the real estate where posted.

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5. Limitations. No signage shall be placed on fence, wall, roof, or structure. No signage shall be placed on or overhang any street, sidewalk, or public property. No sign shall be placed that constitutes a nuisance or creates a hazard condition.
6. Illumination. No sign shall be illuminated.
7. Open House. Special regulations for open house sign as permitted as follows:
  - a. A maximum of four (4) off-premise open house signs not to exceed four (4) square feet are allowed for each open house, and shall be directional.
  - b. Signs shall only be posted when the selling agent is present at the property where the open house is being held.
  - c. One (1) sign is allowed on the property where the open house event is being held not to exceed eight (8), in addition to any real estate sign under this chapter, and the open house sign shall be removed at the end of the open house event.
  - d. All signs must be appropriate for a neighborhood environment, must harmonize with their surroundings in design, and be continually maintained to ensure an attractive appearance.
  - e. Signs are permitted only between the hours of 8:00 a.m. and 8:00 p.m. on the day of the open house.
  - f. Signs must be placed a minimum eighteen (18) inches from the curb or edge of street, not block or overhang the sidewalk, and not obstruct traffic or traffic control device.

**17.56.270 Advertising Vehicles.**

No vehicle, equipment, or trailer may be parked on the property of another for the primary purpose of signage, marketing, or advertising.

**17.80.080 Penalties.**

In accordance with *Utah Code Annotated* §10-9a-803 and §10-3-703, the following penalties apply:

1. Criminal. Any person who violates the Title is guilty of a class C misdemeanor and a fine not to exceed \$750.
2. Civil. Any person who violates this Title is subject to a civil fine not to exceed \$1,000, per violation, per day that the violation continues after the City gives notice in accordance with *Utah Code Annotated* §10-9a-803.

**Section 3: Severability.**

If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

**Section 4: Effective date.**

This Ordinance takes effect immediately upon approval and posting.

PASSED AND ADOPTED by the City Council on this \_\_\_\_ day of \_\_\_\_\_, 2019.

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\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

RECORDED this \_\_\_\_ day of \_\_\_\_\_, 2019.

PUBLISHED OR POSTED this \_\_\_\_ day of \_\_\_\_\_, 2019.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with *Utah Code Annotated* §10-3-713, as amended, I, the City Recorder of the City of Washington Terrace, Utah, hereby certify that foregoing Ordinance was duly passed and published or posted at: 1) City Hall, 2) \_\_\_\_\_, and 3) \_\_\_\_\_ on the above referenced dates.

\_\_\_\_\_  
City Recorder

City of Washington Terrace  
Ordinance 19-10

## City Council Staff Report

**Author:** Amy Rodriguez  
**Subject:** Official Election Canvass  
**Date:** November 19, 2019  
**Type of Item:** Action Item



**Summary Recommendations:** Board of Canvass to approve the official canvass results of the 2019 Municipal General.

### **Description:**

**A. Topic: Approval of Official Election Results.**

**B. Background:** As per Utah State Code Section 20A-4-301, the governing body shall serve as the Board of Canvass and approve the Official Canvass Results which shall announce the elected candidates. The Canvass must be completed no earlier than 7 days after the election and no later than 14 days from the election.

The City held a vote by mail election. The ballots were mailed out on October 15, 2019. The ballots were counted by the county as they were returned to their offices. On the night of the General Election, the electronic voting cards were brought to the Weber County elections office by the Poll Managers from each location. The results were tallied by the Weber County Election's office and reported back to the City Recorder. The unofficial results were released around 8:24 P.M. on the night of the election. The final unofficial count was released around 10:00 p.m. The total number of provisional ballots that needed to be determined if they were valid totaled 80.

**C. Analysis:**

On November 18, 2019, the County staff will conduct official canvass of the ballots that are permissible to count.

Attached are the interim official results of the election. Any **valid** absentee ballots received before noon on November 19, 2019 can still be counted. I will report those results at the Council meeting Tuesday night, as I do not have the official canvass reports at the time of this packet.

**D. Department Review:** City Recorder

### **Recommendations:**

The Board of Canvass could pass a motion to approve the Official Election Canvass Results.

**Uintah City Mayor - Two year term Uintah City Mayor**

Vote For 1

	TOTAL	VOTE %
GORDON S. CUTLER	311	100.00%
<b>Total Votes Cast</b>	<b>311</b>	<b>100.00%</b>

**Uintah City Council Uintah City Council**

Vote For 2

	TOTAL	VOTE %
DAVE BOOTHE	235	42.73%
JERRY SMITH	188	34.18%
CORY L BRUESTLE	127	23.09%
<b>Total Votes Cast</b>	<b>550</b>	<b>100.00%</b>

**Uintah City Council - Two year term Uintah City Council 2 year**

Vote For 1

	TOTAL	VOTE %
MICHELLE H. ROBERTS	189	53.85%
SCOTT F KENDELL	162	46.15%
<b>Total Votes Cast</b>	<b>351</b>	<b>100.00%</b>

**Washington Terrace City Council Washington Terrace City Council**

Vote For 3

	TOTAL	VOTE %
SCOTT L. BARKER	941	25.35%
BLAIR BROWN	767	20.66%
F. CAREY SEAL	740	19.94%
BRETT DEGROOT	648	17.46%
SCOTT J. MONSEN	616	16.59%
<b>Total Votes Cast</b>	<b>3,712</b>	<b>100.00%</b>