

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING: A public hearing will be held by the Pinal County Board of Supervisors at 9:30 a.m. on the 18th day of **February, 2015**, in the Board of Supervisors' Hearing Room, Historic Courthouse, 135 N. Pinal Street, Florence, Arizona, to consider:

ORDINANCE NUMBER PZ-C-001-14: Sidewinder Dairy Inc. applicant, Rose Law Group agent, requesting an zoning regulations amendment to **Title 2** of the **Pinal County Development Services Code** to amend **Chapter 2.191 "Medical marijuana dispensary...off-site cultivation location and...food establishment"** by deleting the requirement that cultivation be inside a completely enclosed locked building;; removing the size limitation on cultivation facilities' secure storage areas; adding off site cultivation location as a special use in the GR zoning district adding requirements that a cultivation location be accessible by a paved road way and that it be more than 500 feet from a existing CR-1A, CR-1, CR-2 or CR-3 zoned property; adding requirements that the cultivation location be no more than 10 acres in size; adding that no more than 8 cultivation locations (county wide); adding requirements that a security plan for the cultivation facility be submitted for review, as enumerated in **Section 2.191.010.C Medical Marijuana Dispensary Off Site Cultivation Location.**

Copies of the proposed ordinance containing the text amendments are available for review on the Pinal County website at pinalcountyz.gov on the Community Development Department page under zoning ordinance amendments and at all Justice Courts, Libraries and Supervisors' District Offices within Pinal County and the Planning and Development Department Office and Office of the Clerk of the Board of Supervisors in Florence.

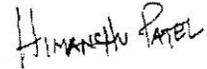
Copies can be found at the following link:

<http://pinalcountyz.gov/CommunityDevelopment/Planning/Pages/OrdinanceMajorCPA.aspx>

ALL PERSONS INTERESTED IN THIS MATTER MAY APPEAR AND SPEAK AT THE PUBLIC HEARING AT THE DATE, TIME AND PLACE DESIGNATED ABOVE.

DATED THIS 16th DAY OF **January, 2015**

Pinal County Community Development Dept.



Himanshu Patel, Community Development Dept Director

[Anything below this line is not for publication:]

PUBLISHED ONCE in each of the following:

- Apache Junction News
- Arizona City Independent
- Copper Basin News - Superior Sun
- San Manuel Miner
- Florence Reminder
- Tri-Valley Dispatch

When recorded return to:
Clerk of the Board
P.O. Box 827
Florence AZ 85132

ORDINANCE NO. _____

AN ORDINANCE OF THE PINAL COUNTY, ARIZONA, BOARD OF SUPERVISORS AMENDING THE PINAL COUNTY DEVELOPMENT SERVICES CODE, CHAPTER 2.191, SECTION 2.191.010, SUBSECTION (C), MEDICAL MARIJUANA DISPENSARY OFF-SITE CULTIVATION LOCATION, REGARDING OUTDOOR CULTIVATION LOCATIONS; AND DIRECTING ITS PUBLICATION

WHEREAS, pursuant to Arizona Revised Statutes § 36-2806.01, the Board of Supervisors ("Board") is authorized to enact reasonable zoning regulations that limit the use of land for registered nonprofit medical marijuana dispensaries including off-site cultivation locations; and

WHEREAS, the Board held a work session on this Ordinance on January 14, 2015; held a public hearing on this Ordinance after the aforesaid work session on February 18, 2015, giving no less than 15 days notice thereof; and made copies of this Ordinance available to all Justice Courts, Supervisors' District Offices, the Office of the Clerk of the Board and the County web site at least 15 days prior to the aforesaid public hearing; and

WHEREAS, the Board has determined it is necessary for the health, safety and general welfare of the public to amend the Pinal County Development Services Code, Chapter 2.191, Section 2.191.010, Subsection (C), Medical Marijuana Dispensary Off-Site Cultivation Location, regarding outdoor cultivation locations.

NOW, THEREFORE, BE IT ORDAINED by the Pinal County Board of Supervisors as follows:

Section 1: Pinal County Development Services Code, Chapter 2.191, Section 2.191.010, Subsection (C), Medical Marijuana Dispensary Off-Site Cultivation Location is hereby amended as follows:

Deleted text in ~~strikethrough~~
Added text in UNDERLINED CAPS

C. Medical Marijuana Dispensary Off-Site Cultivation Location. As long as the Arizona Revised Statutes remain in full force and effect to allow medical marijuana dispensaries, a medical marijuana dispensary off-site cultivation location is permitted as a ~~conditional~~ SPECIAL use subject to the following conditions:

1. Minimum Notification Area. The minimum notification area for a ~~conditional~~ SPECIAL use permit for a medical marijuana dispensary is 1,000 feet.

2. Supplemental Application. In addition to the application required by Chapter 2.150 PCDSC, an applicant for a ~~conditional~~ SPECIAL use permit for a medical marijuana dispensary off-site cultivation location shall complete an application that includes all of the following information:

a. If the application is by an agent for the owner, the authorization must include an explicit acknowledgment from the owner that the owner knows that the proposed use of the property is as a medical marijuana dispensary off-site cultivation location.

b. The legal name and address of the affiliated medical marijuana dispensary.

c. The name, address and date of birth of each principal officer and board member of the medical marijuana dispensary affiliated with the off-site cultivation location and the name, address and date of birth of each medical marijuana dispensary agent.

d. A copy of the operating procedures adopted in compliance with ARS 36-2804(B)(1)(c).

e. A notarized certification that none of the principal officers or board members for the medical marijuana dispensary affiliated with the off-site cultivation location has been convicted of one of the following offenses:

i. A violent crime as defined in ARS 13-901.03(B) that was classified as a felony in the jurisdiction where the person was convicted;

ii. A violation of state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted including an offense for which the sentence, any term of probation, incarceration or supervised release was completed within the 10 years prior to applying for the application for the off-site cultivation location, or an offense involving conduct that would be immune from arrest, prosecution or penalty under ARS 36-2811 except that the conduct occurred before the effective date of that statute or was prosecuted by an authority other than the state of Arizona.

f. A notarized certification that none of the principal officers or board members for the medical marijuana dispensary affiliated with the off-site cultivation location has served as a principal officer or board member for a registered nonprofit medical marijuana dispensary that has had its registration certificate revoked.

g. A floor plan showing the location, dimensions of and type of security measures demonstrating that the medical marijuana dispensary off-site cultivation location will ~~be conducted completely within an enclosed locked building and~~ meet the definition of “enclosed locked facility” contained in ARS 36-2801(6).

h. A SECURITY PLAN THAT MEETS OR EXCEEDS ARIZONA DEPARTMENT OF HEALTH SERVICES (AZDHS) REQUIREMENTS, WHICH SHALL BE SUBMITTED TO THE PINAL COUNTY SHERIFF’S OFFICE FOR REVIEW AND COMMENT PRIOR TO THE APPLICANT’S SPECIAL USE PERMIT HEARING.

3. Permitted Location. A medical marijuana dispensary off-site cultivation location is only permitted in ~~the~~ A CB-2 (general business) zone ZONING DISTRICT, GR (GENERAL RURAL) ZONING DISTRICT, and the OR C-3 (general commercial) zoning district.

4. Community Impacts. The board may or may not approve a medical marijuana dispensary off-site cultivation location at a location if substantial evidence is presented that locating the cultivation location at the proposed site will negatively impact neighboring property values or if substantial evidence is presented that shows that locating the cultivation location at the proposed site will create an unreasonable risk to the health, safety or general welfare in the area.

5. Development Standards.

a. A medical marijuana dispensary off-site cultivation location must ~~be located in a permanent building~~ MEET THE DEFINITION OF AN “ENCLOSED LOCKED FACILITY” UNDER ARS 36-2801(6) AND THE DEFINITION OF “ENCLOSED AREA” UNDER ARIZONA ADMINISTRATIVE CODE R9-17-101 (16) and may not be located in a trailer, cargo container or motor vehicle.

b. A medical marijuana dispensary off-site cultivation location shall be set back a minimum of 2,000 feet from all other medical marijuana dispensary off-site cultivation locations measured from the parcel boundaries.

c. A medical marijuana dispensary OFF-SITE CULTIVATION LOCATION shall be set back a minimum of 1,500 feet from schools, community service agencies, activity facilities and/or activities where children may be enrolled, measured from the parcel boundaries.

d. A medical marijuana dispensary off-site cultivation location shall be set back a minimum of 1,500 feet from a childcare center.

e. A medical marijuana dispensary off-site cultivation location shall be set back a minimum of 1,500 feet from a library or public park.

f. A medical marijuana dispensary off-site cultivation location shall be set back a minimum of 1,500 feet from a church.

g. A medical marijuana dispensary off-site cultivation location shall be set back a minimum of 1,500 feet from a residential substance abuse diagnostic and treatment facility or other drug or alcohol rehabilitation facility.

h. A MEDICAL MARIJUANA DISPENSARY OFF-SITE CULTIVATION LOCATION SHALL BE SET BACK A MINIMUM OF 1,500 FEET FROM ANY SINGLE FAMILY RESIDENTIAL ZONE, MULTIFAMILY RESIDENTIAL ZONE, TRANSITIONAL ZONE, MIXED DWELLING ZONE AND RU-C ZONE, AS MEASURED FROM THE PARCEL BOUNDARIES.

i. A medical marijuana dispensary off-site cultivation location may not have outdoor seating areas.

~~l j.~~ ALL DRYING, CURING AND STORAGE OF MEDICAL MARIJUANA AT A MEDICAL MARIJUANA DISPENSARY OFF-SITE CULTIVATION LOCATION MUST TAKE PLACE INSIDE A COMPLETELY ENCLOSED PERMANENT BUILDING WITH CONTROLLED ACCESS AND CANNOT BE LOCATED IN A TRAILER, CARGO CONTAINER, OR MOTOR VEHICLE.

~~i.~~ ~~The maximum floor area of a medical marijuana dispensary off-site cultivation location is 2,000 square feet.~~

~~j.~~ ~~The secure storage area for the medical marijuana stored at the medical marijuana dispensary off-site cultivation location shall not exceed 1,000 square feet.~~

~~j k.~~ A medical marijuana dispensary off-site cultivation location must have a legible copy of a valid medical marijuana dispensary agent registry identification card, the original of which is issued by the state of Arizona, plainly displayed inside of the doorway at all times.

~~k l.~~ Must have the address of the medical marijuana dispensary that the off-site cultivation location supplies plainly displayed inside of the doorway at all times.

~~l m.~~ A MEDICAL MARIJUANA DISPENSARY OFF-SITE CULTIVATION LOCATION MUST BE ACCESSIBLE BY A PAVEMENT TO PAVEMENT ROADWAY.

~~m n.~~ A MEDICAL MARIJUANA DISPENSARY OFF-SITE CULTIVATION LOCATION NOT LOCATED WITHIN A COMPLETELY ENCLOSED

PERMANENT BUILDING SHALL NOT EXCEED 10 ACRES, ABSENT A SHOWING OF UNNECESSARY HARDSHIP.

n o. THE COUNTY SHALL NOT PERMIT MORE THAN ONE (1) OFF-SITE CULTIVATION LOCATION FOR EACH DISPENSARY LOCATED IN THE COUNTY, ABSENT A SHOWING OF UNNECESSARY HARDSHIP.

6. Permit Conditions. The board may include any conditions it finds necessary to conserve and promote the public health, safety, convenience and general welfare. The board must include the following permit conditions for issuance of the special use permit for a medical marijuana dispensary off-site cultivation location:

a. An expiration date for the special use permit that requires reapplication or renewal of the permit after two years or less.

b. A requirement that the medical marijuana dispensary off-site cultivation location meets security requirements adopted by the Arizona Department of Health Services.

c. A requirement that the storage facilities for the medical marijuana stored or grown on site prevent the emission of dust, fumes, vapors or odors into the environment.

d. A requirement that the owner secure a certification from the State Fire Marshall or from another acceptable entity responsible for fire safety in the area in which the medical marijuana dispensary off-site cultivation location is to be located stating that the structure complies with all fire code requirements and supply a copy of that certification to the building and safety department.

e. A requirement that the medical marijuana dispensary off-site cultivation location is prohibited from permitting anyone to consume marijuana on the premises.

f. A requirement that the medical marijuana dispensary off-site cultivation location comply with applicable sections of the Pinal County sanitary code.

G. A REQUIREMENT THAT THE APPLICANT SHALL PROVIDE NOT LESS THAN THREE (3) DAYS ADVANCE NOTICE TO THE PINAL COUNTY SHERIFF'S OFFICE WHEN MEDICAL MARIJUANA IS TO BE HARVESTED AT THE CULTIVATION LOCATION AND WHEN MEDICAL MARIJUANA IS TO TRANSPORTED FROM THE SITE TO A MEDICAL MARIJUANA DISPENSARY.

H. A REQUIREMENT THAT PRIOR TO OPERATION OF A MEDICAL MARIJUANA DISPENSARY OFF-SITE CULTIVATION LOCATION THE APPLICANT SHALL SUBMIT FOR REVIEW AND APPROVAL A SPECIFIC SITE PLAN AS REQUIRED BY PCDSC, CHAPTER 2.200.

7. Enforcement. The provisions of this subsection may be enforced through the use of the civil penalty procedure provided for by PCDSC 2.160.140 or by injunction or other civil proceeding as provided by ARS 11-80815(H). Notwithstanding any other provision of this code, this subsection shall not be enforced under ARS 11-80815(C) as a misdemeanor.

8. Fees. The fee for application and hearing is a combination of the existing fees for special use permit application filing fee, the site analysis submittal fee and the notice of public hearing fee included in the most current development services department fee schedule.

Section 2: This Ordinance shall be published at least once in a newspaper of general circulation in the County seat after its adoption.

PASSED AND ADOPTED this _____ day of _____, 2015, by the PINAL COUNTY BOARD OF SUPERVISORS.

Chair of the Board

ATTEST:

Clerk/Deputy Clerk of the Board

APPROVED AS TO FORM:

Deputy County Attorney