

## NAVAJO COUNTY AGENDA ITEM REQUEST FORM

<b>Meeting Date:</b> March 24, 2015	<b>Time Needed:</b> 10 minutes						
<b>Requesting Department:</b> Public Works/P&Z	<b>Presenter(s) Name:</b> Trent Larson						
<b>Motion before the Board:</b> Consideration and possible adoption of Ordinance ____-15, approving an amendment to Ordinance #01-11 to allow Medical Marijuana Dispensary Offsite Cultivation Location facilities in Rural Zoning Districts (RU-20, RU-10, and RU-5).							
<b>Recommendation:</b> (who, what, where, when, how, etc.) Request Board action.							
<b>Background:</b> (why should it be done, what will happen if not approved, etc. include resolution)							
<p>Staff proposes an amendment to Ordinance #01-11, Medical Marijuana Ordinance 16A-02.3. to allow Medical Marijuana Dispensary Offsite Cultivation Location facilities, associated exclusively with a State approved Dispensary in Navajo County, to be established in Rural Zoning Districts (RU-20, RU-10, and RU-5 ), subject to securing a Special Use Permit. Occasional text amendments are also required for clarification in the ordinance as terminology, social culture and economic stability changes. Currently the Zoning Ordinance allows a State approved Medical Marijuana Dispensary to operate an offsite cultivation facility in the A-General, Commercial-Residential and Industrial Zoning Districts. Upon review of the available land in the currently allowed zoning districts, the cultivation facilities end up in higher density residential and retail areas. The surrounding property and business owners in these areas have expressed much concern for this type of facility locating near them. The proposed change will allow an offsite cultivation center to be located in areas of low density residential among other agricultural type of activities. The proposed change will not affect the requirement for the owner to obtain a Special Use Permit before opening the cultivation facility. The Planning &amp; Zoning staff has received input from other departments. The Planning &amp; Zoning Commission met on February 19, 2015, and unanimously recommended approval of the Ordinance Amendment by a vote of 8-0 with the condition to exclude the RU-1 Zone.</p> <p>Thank you for your consideration of this request.</p>							
<b>Fiscal Impact:</b> (what will it cost, where funds will come from, is it budgeted, etc.)							
<b>Reviewed and approved by:</b>	<table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">County Manager <input type="checkbox"/></td> <td style="text-align: center;">County Attorney <input type="checkbox"/></td> <td style="text-align: center;">Human Resources <input type="checkbox"/></td> <td style="text-align: center;">Finance <input type="checkbox"/></td> <td style="text-align: center;">IT <input type="checkbox"/></td> <td style="text-align: center;">Public Works <input type="checkbox"/></td> </tr> </table>	County Manager <input type="checkbox"/>	County Attorney <input type="checkbox"/>	Human Resources <input type="checkbox"/>	Finance <input type="checkbox"/>	IT <input type="checkbox"/>	Public Works <input type="checkbox"/>
County Manager <input type="checkbox"/>	County Attorney <input type="checkbox"/>	Human Resources <input type="checkbox"/>	Finance <input type="checkbox"/>	IT <input type="checkbox"/>	Public Works <input type="checkbox"/>		
<b>Board Action Taken</b> <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">Approved <input type="checkbox"/></td> <td style="text-align: center;">Denied <input type="checkbox"/></td> <td style="text-align: center;">No Action <input type="checkbox"/></td> <td style="text-align: center;">Continued <input type="checkbox"/></td> <td style="text-align: center;">Continued to: _____</td> </tr> </table>		Approved <input type="checkbox"/>	Denied <input type="checkbox"/>	No Action <input type="checkbox"/>	Continued <input type="checkbox"/>	Continued to: _____	
Approved <input type="checkbox"/>	Denied <input type="checkbox"/>	No Action <input type="checkbox"/>	Continued <input type="checkbox"/>	Continued to: _____			
Approved with changes as follows: _____ _____							
<b>Date:</b>	<b>Initial:</b>						

**REMINDER:** Email this coversheet and all backup documentation to **BOS.Clerk** by **12:00 p.m. the Tuesday prior to the Managers' meeting. Please be present at the Agenda Meeting to ensure placement on the agenda.**



NAVAJO COUNTY  
PUBLIC WORKS DEPARTMENT  
PLANNING & ZONING

## STAFF REPORT

### Board of Supervisors

**HEARING DATE:** March 24, 2015

**CASE #:** 15 - 2

**ACTION:** ZONING ORDINANCE TEXT AMENDMENT

**APPLICANT:** Navajo County – Public Works / Planning & Zoning

**PROJECT NAME:** Text Amendment – Article 16A Medical Marijuana

**STATED REASON FOR REQUEST:** Discussion and possible action concerning a text amendment to the Navajo County Zoning Ordinance in Article 16A, an amendment to Section 16A-02.3 Medical Marijuana Dispensary Offsite Cultivation Location.

**DISCUSSION:** The Navajo County Zoning Ordinance, adopted in 1974, requires periodic amendments to address changes in land use law, technology, and other factors in order to best serve the current needs of Navajo County residents and business'. Occasional text amendments are also required for clarification in the ordinance as terminology, social culture and economic stability changes. The text amendment being proposed by staff is for the purpose of including the Rural Zoning Districts in the list of allowed areas for Medical Marijuana Offsite Cultivation Locations.

Currently the Zoning Ordinance allows a State approved Medical Marijuana Dispensary to operate an offsite cultivation facility in the A-General, Commercial-Residential and Industrial Zoning Districts. Upon review of the available land in the currently allowed zoning districts, the cultivation facilities end up in higher density residential and retail areas. The surrounding property and business owners in these areas have expressed much concern for this type of facility locating near them. The proposed change will allow an offsite cultivation center to be located in areas of low density residential among other agricultural type of activities. The proposed change will not affect the requirement for the owner to obtain a Special Use Permit before opening the cultivation facility. The process of acquiring a Special Use Permit through public hearings will remain in place to provide for public involvement.

**CURRENT ORDINANCE ARTICLE:**

**ARTICLE 16A – MEDICAL MARIJUANA**

**Section 16A-02 – Zoning Locations:**

1. Medical Marijuana Qualifying Patient Cultivation Locations and Medical Marijuana Designated Caregiver Cultivation Locations shall be permitted in any zoning district, subject to all rules adopted by the Arizona Department of Health Services.
2. Medical Marijuana Dispensaries shall be allowed in the Commercial-Residential and Industrial (IND-1 and IND-2) zoning districts only, subject to securing a Special Use Permit and the related provisions of Article 20.
3. Medical Marijuana Dispensary Offsite Cultivation Location facilities shall be allowed in the A-General, Commercial-Residential and Industrial (IND-1 and IND-2) zoning districts only, subject to securing a Special Use Permit and the related provisions of Article 20.

**PROPOSED ORDINANCE AMENDMENT:**

**ARTICLE 16A – MEDICAL MARIJUANA**

**Section 16A-02 – Zoning Locations:**

1. Medical Marijuana Qualifying Patient Cultivation Locations and Medical Marijuana Designated Caregiver Cultivation Locations shall be permitted in any zoning district, subject to all rules adopted by the Arizona Department of Health Services.
2. Medical Marijuana Dispensaries shall be allowed in the Commercial-Residential and Industrial (IND-1 and IND-2) zoning districts only, subject to securing a Special Use Permit and the related provisions of Article 20.
3. Medical Marijuana Dispensary Offsite Cultivation Location facilities shall be allowed in the A-General, Rural (RU-20, RU-10 and RU-5), Commercial-Residential and Industrial (IND-1 and IND-2) zoning districts only, subject to securing a Special Use Permit and the related provisions of Article 20.

ORDINANCE NO. \_\_\_\_\_-15

AN ORDINANCE OF THE NAVAJO COUNTY BOARD OF SUPERVISORS,  
AMENDING ARTICLE 16A OF THE NAVAJO COUNTY ZONING  
ORDINANCE, CONCERNING MEDICAL MARIJUANA

**WHEREAS**, the Arizona Medical Marijuana Act, A.R.S. § 36-2801 et seq., authorizes counties to enact zoning regulations for Medical Marijuana dispensaries and related land uses; and

**WHEREAS**, the Board of Supervisors adopted Article 16A on February 22, 2011, under Ordinance #01-11, and

**WHEREAS**, the Public Works staff and the Planning and Zoning Commission have recommended that Article 16A be amended as set forth herein regarding the regulation of Medical Marijuana cultivation within the Zoning Ordinance; and

**WHEREAS**, following a duly noticed public hearing held this date, the Board of Supervisors finds that the recommended amendment to Article 16A is in the public interest and should be approved.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Supervisors that Article 16A of the Zoning Ordinance is hereby amended to read as follows (proposed language is underlined):

**ARTICLE 16A – MEDICAL MARIJUANA**

**Section 16A-02 – Zoning Locations:**

1. Medical Marijuana Qualifying Patient Cultivation Locations and Medical Marijuana Designated Caregiver Cultivation Locations shall be permitted in any zoning district, subject to all rules adopted by the Arizona Department of Health Services.
2. Medical Marijuana Dispensaries shall be allowed in the Commercial-Residential and Industrial (IND-1 and IND-2) zoning districts only, subject to securing a Special Use Permit and the related provisions of Article 20.
3. Medical Marijuana Dispensary Offsite Cultivation Location facilities shall be allowed in the A-General, Rural (RU-20, RU-10, and RU-5), Commercial-Residential and Industrial (IND-1 and IND-2) zoning districts only, subject to securing a Special Use Permit and the related provisions of Article 20.

**SO ORDAINED** by the Navajo County Board of Supervisors at Holbrook, Arizona, on March 24, 2015 by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

**NAVAJO COUNTY BOARD OF SUPERVISORS**

**By:** \_\_\_\_\_  
**Dawnafe Whitesinger, Chairwoman**

**ATTEST:**

\_\_\_\_\_  
**Melissa W. Buckley, Clerk of the Board**