



**NAVAJO COUNTY
PUBLIC WORKS DEPARTMENT
Planning & Zoning**

STAFF REPORT

PLANNING & ZONING COMMISSION

HEARING DATE: May 21, 2015
CASE#: 15-06 (PZ)
ACTION: Special Use Permit
PROJECT NAME: Kompo Care, Medical Marijuana Cultivation Facility

PARCEL INFORMATION:

Owner/Applicant: Dusty DeCarlo
Location: 160 W. Fish Lane, Snowflake, AZ 85937
APN: 202-39-008 & 202-27-033B
Legal Desc: A portion of Section 35, Township 14N, Range 21E of the Gila and Salt River Meridian.
District: III - Supervisor Jason Whiting
Parcel Size: Approximately 77.60 & 53.33 for 130.93 acres total

REQUEST: Kompo Care currently has a State licensed Dispensary located in Taylor, AZ. they are requesting a Special Use Permit for an Offsite Cultivation Location to grow the products to support their facility in Taylor. The cultivation facility will be located in a remote area surrounded by vacant land outside of Snowflake. The facility is proposed to be a 6,000 sq. ft. metal building with high security, including monitor cameras on 24 hour surveillance as well as a modular building for 24 hour on-site staff.

GENERAL CHARACTER OF THE AREA:

The immediate area consists of low-density residential properties, vacant undeveloped land, properties including a Truss manufacturing business, and parcels with dilapidated buildings from the former Snowflake Pig Farm.

ZONING ORDINANCE:

Current District: Rural-20 (RU-20)

Article 4

Section 401 – Purpose:

The primary purpose of this district is to conserve and protect open land uses, foster orderly growth in rural areas, and prevent urban agricultural land use conflicts. The purpose of requiring large minimum parcels of not less than twenty (20) acres in area is to discourage small lot or residential subdivisions where public facilities such as water, sewage disposal, parks and playgrounds, and governmental services such as police and fire protection are not available or could not reasonably be made currently available. Uses permitted in this zoning district include both farm and non-farm residential uses, farms, and recreational and institutional uses. **Other uses may be permitted as Special Uses under Article 20.**

RELATED ARTICLES:

Article 16-A: Medical Marijuana

Section 16A-02: Zoning Locations - *Amended by the Board of Supervisors on March 24, 2015, Adopted on May 1, 2015*

3. Medical Marijuana Dispensary Offsite Cultivation Location facilities shall be allowed in the A-General, Rural (RU-20, RU-10, 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.

Section 16A-03: Development Standards for Medical Marijuana Dispensary and Medical Marijuana Dispensary Offsite Cultivation Location facilities:

2. Medical Marijuana Dispensaries or Medical Marijuana Dispensary Offsite Cultivation Locations shall not be located within 1,500 feet of any other Medical Marijuana Dispensary or Medical Marijuana Offsite Cultivation Location. A Medical Marijuana Offsite Cultivation Location shall be associated exclusively with a Medical Marijuana Dispensary (or Dispensaries) located in Navajo County and approved pursuant to this Article 16A.

FINDINGS OF FACT:

1. Prior to the Public Hearing, the legal notice for this item was printed in the Holbrook Tribune and placards were posted in the neighborhood, in compliance with Arizona Revised Statutes and Article 29 of the Zoning Ordinance.
2. The applicant has submitted the plans and supporting statement required by Section 2002(1).
3. The proposed use is one for which a Special Use Permit may properly be granted.
4. Staff has reviewed the submitted materials, site plans and related exhibits in accordance with the Navajo County Zoning Ordinance requirements for a Special

Use Permit. Staff finds that the submitted documentation conforms to the requirements of the Ordinance.

PUBLIC COMMENTS & CONCERNS:

As of the date of preparation of this staff report, 0 comments in favor and 0 opposed have been expressed by the public.

DEPARTMENT COMMENTS:

COUNTY ATTORNEY'S OFFICE: No legal issues with this request.

Initial: B.C.

ENGINEERING COMMENTS: No objections to the proposed land use as long as all conditions listed below are met.

Initial: B.B.

FLOOD CONTROL COMMENTS: No objections to the proposed land use as long as all condition listed below are met.

Initial: B.B.

PLANNING & ZONING DEPARTMENT: The Planning & Zoning staff has reviewed the materials submitted by Kompo Care, the application and required documents are complete and in order. The cultivation facility will **not** be open to the public and therefore we do not foresee a significant impact on traffic. We have contacted other jurisdictions around the state that have these type of facilities in them and none have experienced any negative impacts to public safety. We have determined that this item is ready for action by the Commission. The applicants proposed use of land meets all requirements of the Zoning Ordinance. Staff has no objection to the proposed land use.

Initial: P.S.

PLANNING AND ZONING RECOMMENDATION: Staff recommends the following conditions be applied should the Commission decide to recommend approval of this Special Use Permit to the Board of Supervisors:

1. This Special Use Permit shall allow the development of a Medical Marijuana Offsite Cultivation Location, as referenced by A.R.S. 36-2804(B)(1)(b)(ii), on the subject parcels and shall expire when cultivation operations cease at this location.
2. No building or structure may be occupied for uses associated with this Special Use Permit prior to demonstrating compliance with the Arizona Department of Health Services policies and rules. Building Permits shall be obtained for construction on the proposed building.
3. Any further development of this property shall comply with all applicable State of Arizona and Navajo County ordinances, codes, rules, and regulations, including but not limited to, County Attorney, Health Department, Sheriff's Office, Planning and Zoning, Building, Engineering, and Flood Control.

4. Material changes or modifications to the scope of this project or its site plan shall require an Amendment to this Special Use Permit by the Navajo County Board of Supervisors, upon the recommendation of the Navajo County Planning and Zoning Commission through the public hearing process.
5. There shall be no external signage and/or no outward indication on the property that the business conducted at the facility is related to marijuana in any way. Green lettering, a green cross, and/or symbols or slang for the word "Marijuana" or its components shall be strictly prohibited.
6. The cultivation facility operator shall provide 24 hour onsite staff along with all the safety assurances, security and monitoring systems. The facility must operate in strict compliance with all security requirements as mandated by Arizona Department of Health Services ("AZDHS"), to ensure public safety.
7. Access to the facility shall be restricted to those individuals employed by Kompo Care and possessing an AZDHS issued Identification Card.
8. The Special Use Permit shall be subject to a review by the County Board of Supervisors at a public hearing one year from the date the facility begins operations (following authorization to operate from AZDHS). The Special Use Permit may be revoked at that hearing in the event the facility operator has violated any of these conditions, the laws of the State of Arizona, or any local laws or regulations.
9. This Special Use Permit is exclusive to Kompo Care. It is nontransferable and shall not run with the land.



NAVAJO COUNTY PUBLIC WORKS DEPARTMENT
PLANNING & ZONING

Post Office Box 668 - 100 East Code Talkers Drive
Holbrook, Arizona 86025
(928) 524-4100 FAX (928) 524-4122
www.navajocountyaz.gov

SPECIAL USE PERMIT APPLICATION

(also to be used for an Amendment to an approved/existing Special Use Permit)

SITE & PROPOSAL INFORMATION:

PROJECT NAME: Kompo Grow Facility

PROPOSED USE OF PROPERTY: Medical Marijuana Grow Facility

SPECIAL USE CATEGORY: _____

LOCATION (include nearest town/community): Snowflake

GENERAL DIRECTIONS TO PARCEL: State Route 77 North out of Snowflake toward Holbrook, Parcel is on east side of Hwy.

ADDRESS (if known): 4969 SR 77 Hwy Snowflake, AZ 85937

PROPERTY SIZE: 15 acres; _____ square feet

LEGAL DESCRIPTION: Township 14N North, Range 22 East, Section(s) 35

ASSESSOR PARCEL NO.: 202-39-008, 202-27-033 B

SUBDIVISION NAME: _____ LOT #: _____

PRESENT USE OF PROPERTY: Not in use

CURRENT ZONING: BU-20

PROPOSED ZONING: _____

OWNER & CONTACT INFORMATION:

OWNER'S NAME: Jace & Sarah Baum

OWNER PHONE NO.: 928-243-1979 FAX #: _____

OWNER EMAIL ADDRESS: _____

OWNER MAILING ADDRESS: 160 w Fish Ln

CITY: Snowflake STATE: AZ ZIP CODE: 85937

DATE OF OWNERSHIP: 2-7-14

CONTACT NAME: Dusty De Carlo

COMPANY NAME: Kompo

CONTACT PHONE NO.: 602-881-1965 FAX #: _____

CONTACT EMAIL ADDRESS: jetsetter13@yahoo.com

CONTACT MAILING ADDRESS: PO Box 511

CITY: Overgaard STATE: AZ ZIP CODE: 85933

OWNER'S AFFIDAVIT:

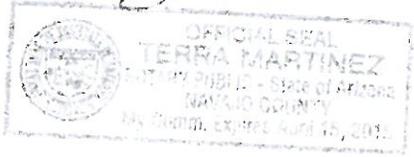
I, (print name) Susan L. Lusk Baum / Joe Baum, being duly sworn, depose and say that I am the owner of the property involved in this application and that the information herewith submitted is true and correct to the best of my knowledge.

Susan L. Lusk Baum / Joe Baum
Owner's Signature

STATE OF Arizona)
COUNTY OF Navajo) SS

Sworn and subscribed before me on this 25 Day of January, 2015

[Signature]
Notary Public



4.15.15
My Commission Expires

For Staff use only:

Accepted by: _____ Date: _____
Submittal Approved: _____ Date: _____
Fee: _____
Case #: _____
Planning Commission: _____ Action: _____
Board of Supervisors: _____ Action: _____
Notes / Stipulations: _____

Project Narrative

A Special Use Permit is necessary in order to move forward with the construction and development of a state-licensed medical marijuana grow facility. A plot of 15 acres will house a 6,000 square-foot steel building architecturally designed to grow medical marijuana. Grading and land improvement will commence directly after granting of the Special Use Permit. This will be followed closely by the pouring of a pad and construction on the steel building. Three-phase power and a well are in place. A septic tank will be dropped in followed by grading for a parking lot. The surrounding land usage includes abandoned pig farms to the north, south, and west. The new facility will enhance the character of the area as it has been neglected for some time.

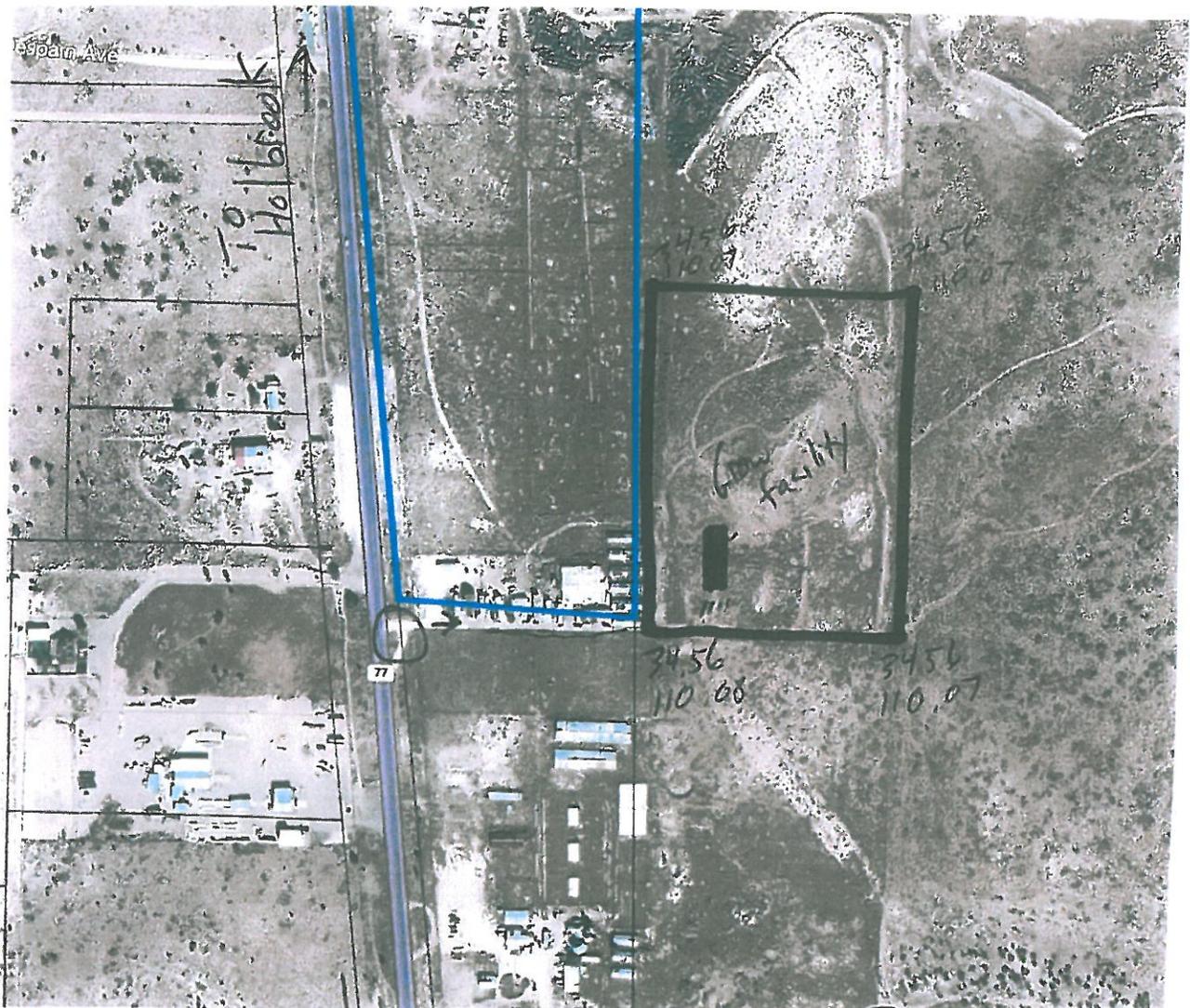
Vicinity Map

Accessing the Site:

The facility is located on the east side of State Route 77 as one travels north from Snowflake toward Holbrook.

From Snowflake: Beginning on Main Street travel north past the junction for SR 277 (on left) and continue approximately three miles. Turn right on dirt driveway to gate. Open gate. Continue approximately one hundred yards to facility.

From Holbrook: Travel south on State Route 77. Approximately three miles before arriving at Snowflake turn left on dirt driveway to gate. Open gate. Continue approximately one hundred yards to facility.



to SNOWFLAKE

RESOLUTION NO. 15-09P

A RESOLUTION OF THE NAVAJO COUNTY PLANNING & ZONING COMMISSION APPROVING A SPECIAL USE PERMIT FOR AN OFFSITE MEDICAL MARIJUANA CULTIVATION LOCATION

WHEREAS, an application for a Special Use Permit was duly filed on March 9, 2015 by Kampo Care to request a Special Use Permit for a Medical Marijuana Cultivation Center near Snowflake; and

WHEREAS, the application concerns the following real property in Navajo County:
APN: 202-39-008 & 202-27-033B, a.k.a. a portion of Section 35, Township 14 North, Range 219 East, G&SRM; and

WHEREAS, the applicant has the legal right to use the above described property according to an affidavit of ownership; and

WHEREAS, the application was considered by the Navajo County Planning & Zoning Commission at a duly noticed public hearing on May 21, 2015; and

WHEREAS, the Planning & Zoning Commission, after considering the testimony and other evidence presented at the hearing, as well as the recommendations of staff, found that the Special Use Permit is consistent with the safety and general welfare of the public and should be approved by the Board of Supervisors,

NOW, THEREFORE, BE IT RESOLVED that the Planning & Commission hereby recommends the Board of Supervisors APPROVE the Special Use Permit under the following conditions:

1. This Special Use Permit shall allow the development of a Medical Marijuana Offsite Cultivation Location, as referenced by A.R.S. 36-2804(B)(1)(b)(ii), on the subject parcels and shall expire when cultivation operations cease at this location.
2. No building or structure may be occupied for uses associated with this Special Use Permit prior to demonstrating compliance with the Arizona Department of Health Services policies and rules. Building Permits shall be obtained for construction on the proposed building.
3. Any further development of this property shall comply with all applicable State of Arizona

and Navajo County ordinances, codes, rules, and regulations, including but not limited to, County Attorney, Health Department, Sheriff's Office, Planning and Zoning, Building, Engineering, and Flood Control.

4. Material changes or modifications to the scope of this project or its site plan shall require an Amendment to this Special Use Permit by the Navajo County Board of Supervisors, upon the recommendation of the Navajo County Planning and Zoning Commission through the public hearing process.
5. There shall be no external signage and/or no outward indication on the property that the business conducted at the facility is related to marijuana in any way. Green lettering, a green cross, and/or symbols or slang for the word "Marijuana" or its components shall be strictly prohibited.
6. The cultivation facility operator shall provide 24 hour onsite staff along with all the safety assurances, security and monitoring systems. The facility must operate in strict compliance with all security requirements as mandated by Arizona Department of Health Services ("AZDHS"), to ensure public safety.
7. Access to the facility shall be restricted to those individuals employed by Kompo Care and possessing an AZDHS issued Identification Card.
8. The Special Use Permit shall be subject to a review by the County Board of Supervisors at a public hearing one year from the date the facility begins operations (following authorization to operate from AZDHS). The Special Use Permit may be revoked at that hearing in the event the facility operator has violated any of these conditions, the laws of the State of Arizona, or any local laws or regulations.
9. This Special Use Permit is exclusive to Kompo Care. It is nontransferable and shall not run with the land.

BE IT FURTHER RESOLVED that the Secretary shall transmit this Resolution to the Navajo County Board of Supervisors as the recommendation of the Planning & Zoning Commission.

PASSED, APPROVED AND ADOPTED by the Planning & Zoning Commission by a vote of _____ yeas and _____ nays on May 21, 2015.

**Chairman, Navajo County
Planning & Zoning Commission**

ATTEST:

RESOLUTION NO. 15-09P

**A RESOLUTION OF THE NAVAJO COUNTY
PLANNING & ZONING COMMISSION DENYING A
SPECIAL USE PERMIT FOR AN OFFSITE MEDICAL MARIJUANA
CULTIVATION LOCATION**

WHEREAS, an application for a Special Use Permit was duly filed on March 9, 2015 by Kompo Care to request a Special Use Permit for a Medical Marijuana Cultivation Center near Snowflake; and

WHEREAS, the application concerns the following real property in Navajo County:
APN: 202-39-008 & 202-27-033B, a.k.a. a portion of Section 35, Township 14 North, Range 219 East, G&SRM; and

WHEREAS, the applicant has the legal right to use the above described property according to an affidavit of ownership; and

WHEREAS, the application was considered by the Navajo County Planning & Zoning Commission at a duly noticed public hearing on May 21, 2015; and

WHEREAS, the Planning & Zoning Commission, after considering the testimony and other evidence presented at the hearing, as well as the recommendations of staff, found that the Special Use Permit is not consistent with the safety and general welfare of the public and should not be approved by the Board of Supervisors,

NOW, THEREFORE, BE IT RESOLVED that the Planning & Commission hereby recommends the Board of Supervisors DENY the Special Use Permit.

BE IT FURTHER RESOLVED that the Secretary shall transmit this Resolution to the Navajo County Board of Supervisors as the recommendation of the Planning & Zoning Commission.

PASSED, APPROVED AND ADOPTED by the Planning & Zoning Commission by a vote of _____ yeas and _____ nays on May 21, 2015.

**Chairman, Navajo County
Planning & Zoning Commission**

ATTEST:

Public Works Secretary