



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

STAFF REPORT

PLANNING & ZONING COMMISSION

HEARING DATE: February 18, 2016
CASE#: 15-34
ACTION: Special Use Permit Amendment
PROJECT NAME: Kompo Care, Medical Marijuana Cultivation Facility

PARCEL INFORMATION:

Owner/Applicant: Kompo Care – Dusty DeCarlo
Location: 160 W. Fish Lane, Snowflake, AZ 85937
APN: 202-27-033D
Legal Desc: A portion of Section 36, Township 14N, Range 21E of the Gila and Salt River Meridian.
District: III - Supervisor Jason Whiting
Parcel Size: 20 acres

REQUEST: Kompo Care currently has a State licensed Dispensary located in Taylor, AZ. They are requesting a Special Use Permit Amendment to expand the Offsite Cultivation Location to include a 10,000 sq. ft. processing building and 8,000 to 10,000 sq. ft. green house in order to continue to grow products to support their facility in Taylor. The cultivation facility is on the east side of SR 77 in a remote area surrounded by vacant land and east of the abandoned pig farm outside of Snowflake.

The original plan called for 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.

The amendment would include a 10,000 sq. ft. processing building which will house the necessary equipment to process and refine the product into oils, elixirs, and tinctures which can be used in edible and topical products. They are requesting 10,000 sq. ft. of greenhouse space, and outside growing space, in compliance with the Arizona Department of Health Services regulations which requires a solid 10 ft. metal, concrete, or stone fence

inch thick metal gate surrounding the outdoor growing area. The applicant found that the original 6,000 sq. ft. building would not allow them room to produce and process their product in the same area.

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 postcards were sent to adjacent property owners, 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 Amendment 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: In agreement with Staff recommendation as listed below.
Initial: B.C.

ENGINEERING COMMENTS: No issues as long as P & Z staff recommendations are met.
Initial: W.R.B.

SHERIFF'S OFFICE COMMENTS: We agree with the P&Z comments.
Initial: J.M.

NAVAJO COUNTY HEALTH DISTRICT: No issues as long as staff recommendations are followed.
Initial: J.N.

FLOOD CONTROL COMMENTS: No Issues.
Initial: W.R.B.

CITY OF SNOWFLAKE COMMENTS: None Received.
Initial: D.W.W.

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. The applicants proposed use of land meets all requirements of the Zoning Ordinance.
Initial: P.S.

PLANNING AND ZONING RECOMMENDATION: Staff recommends the Commission recommend denial of this application to the Board of Supervisors for the expansion of the original Special Use Permit, Resolution No. 26-15 on grounds that:

- (1) The expansion of the Special Use Permit is not consistent with the safety and general welfare of the public, and would be detrimental to the overall public health, safety, and general welfare of the area.
- (2) No new relevant evidence has been presented by the applicant which, in the exercise

of reasonable diligence, would indicate the Applicant needs this significant expansion at this time, given the short time that has lapsed since the original Special Use Permit was approved.

If the Commission recommends approval of the Amendment to the Special Use Permit staff recommends the following conditions apply.

1. The eight (8) conditions identified and stated in Board of Supervisors Resolution #26-15 remain in full force and effect. Additionally, the conditions listed below are added to the aforementioned eight (8) conditions attached to Board of Supervisors Resolution #26-15.
2. Products grown and processed at this cultivation site shall only be sold, traded, or distributed through the Taylor Medical Marijuana Dispensary site associated with this Cultivation facility.
3. The Cultivation Facility Site shall be limited to the existing 6,000 sq. ft. indoor grow facility, with the addition of a 10,000 sq. ft. processing building, an 8,000 sq. ft. green house space, and a 10,000 sq. ft. outdoor growing area.
4. The 10,000 sq. ft. outdoor growing area, shall be fenced with a 6 ft. chain link or similar fence, to further delineate and buffer the outdoor growing area. This fence should be at least 25 feet from the 10 foot high opaque fencing as required by the Arizona Department of Health Services. No outdoor growing will be allowed until both fences are in place.
5. If the Cultivation Facility ceases operation at the current site, whether by Arizona Department of Health Services mandate, or voluntarily, the Navajo County Planning & Zoning Department shall be notified within 5 days of the end of operations.

2015-09169
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Requested By: Board Of Supervisors
Navajo County Recorder - Laura V. Sanchez
07-15-2015 03:56 PM Recording Fee \$0.00

RESOLUTION NO. 26-15

**A RESOLUTION OF THE NAVAJO COUNTY
BOARD OF SUPERVISORS 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 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; which was **DENIED**; and

WHEREAS, the Navajo County Board of Supervisors, 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 Navajo County Zoning Ordinance and should be approved by the Board of Supervisors,

NOW, THEREFORE, BE IT RESOLVED that the Navajo County Board of Supervisors hereby **APPROVES** 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.

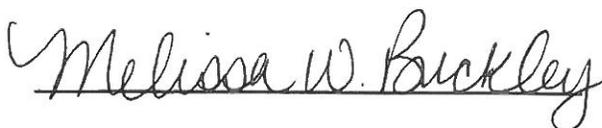
4. Material changes or modifications to the scope of this project or its site plan shall require an Amendment to this Special Use Permit by the Navajo County Board of Supervisors, upon the recommendation of the Navajo County Planning and Zoning Commission through the public hearing process.
5. There 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 ("ADHS"), to ensure public safety.
7. Access to the facility shall be restricted to those individuals employed by Kompo Care and possessing an ADHS issued Identification Card.
8. This Special Use Permit is exclusive to Kompo Care. It is nontransferable and shall not run with the land.

PASSED, APPROVED AND ADOPTED by the Navajo County Board of Supervisors by a vote of 3 yeas and 2 nays on July 14, 2015.

Navajo County Board of Supervisors


Dawnafe Whitesinger, Chairwoman

ATTEST:



Melissa Buckley, Clerk of the Board

Kompo Grow Facility Phase II

4929 SR 77 HWY
Snowflake, AZ 85937



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 Phase II

PROPOSED USE OF PROPERTY: Medical Marijuana Grow Facility

SPECIAL USE CATEGORY: _____

LOCATION (include nearest town/community): North of Snowflake

GENERAL DIRECTIONS TO PARCEL: Drive North out of Snowflake, property is on east side of SR 77 approximately 3 miles from SR 277 junction.

ADDRESS (if known): 4929 SR 77 Hwy.

PROPERTY SIZE: 20 acres; 0 square feet

LEGAL DESCRIPTION: Township 14N North, Range 21E East, Section(s) 36

ASSESSOR PARCEL NO.: 202-27-033D

SUBDIVISION NAME: _____ LOT #: _____

PRESENT USE OF PROPERTY: Medical Marijuana Grow Facility

CURRENT ZONING: RU-20

PROPOSED ZONING: RU-20

OWNER & CONTACT INFORMATION:

OWNER'S NAME: Mountain Time Management

OWNER PHONE NO.: 928-536-5151 FAX #: _____

OWNER EMAIL ADDRESS: 0H2AZ@yahoo.com

OWNER MAILING ADDRESS: PO Box 942

CITY: Taylor STATE: AZ ZIP CODE: 85939

DATE OF OWNERSHIP: September, 2015

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:

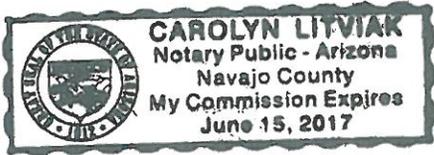
I, (print name) Michael D DeCato, being duly sworn, depose and say that I am the owner of the property involved in this application and that the information herewith submitted is true and correct to the best of my knowledge.

[Signature]
Owner's Signature

STATE OF AZ)
COUNTY OF NAVAJO) SS

Sworn and subscribed before me on this 23 Day of Oct, 202015

[Signature]
Notary Public



6-15-17
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 required by the county in order to move forward with the construction and further development of a 20-acre state-licensed medical marijuana grow facility. In hindsight, the entire package should have been proposed simultaneously, but as we were already so far behind schedule we were instructed by planning and zoning to move forward with the 6,000 square-foot building and then complete a secondary SUP at a later date with an amendment.

Once more it is important to note that the grow facility complex is not open or accessible to the public. All transactions are completed solely through the dispensary located in Taylor. Therefore, there will be no patient qualifications or card checking involved at the grow facility. Again, this is something completed at the dispensary in Taylor where all patient cards are entered into the state system to determine eligibility for purchase and amount allowances.

In addition to the previously-obtained 6,000 square-foot steel building we are proposing one 10,000 square-foot steel building for processing, and one 10,000 square-foot greenhouse. Detailed usage for each building is offered later on in the narrative. We are also proposing the erection of a 10-foot high state-mandated metal fence encircling the 20-acre parcel.

Three-phase power and a well are already in place. The 10,000 square-foot steel building will share septic tank responsibilities with the tank previously installed for the 6,000 square-foot steel building.

Upon completing the additions and upgrades to the property we expect to hire on additional employees from within the community to assist in filling the various roles necessary in operating the facility.

Surrounding current land usage includes abandoned pig farms to the north, south, and west. A truss factory currently operates across the highway. The new facilities will further enhance the character and makeup of the area as it has been neglected for some time.

6,000 square-foot Steel Building

(See diagram for precise square-footage requirements)

We are currently in the process of completing the 6,000 square-foot building. This facility is used primarily to grow marijuana indoor during the colder months when energy usage is more affordable, and thus, kinder to the environment. An indoor facility generates an enormous amount of heat energy and thus it is preferable to operate during the fall, winter, and spring seasons. There are several rooms within the facility and the breakdown is as follows:

Mother Room:

This is where “mother plants”, or larger, more mature plants, are clipped or cloned before being placed into the veg room. Each strain is dependent on a “mother plant” to ensure that the genetic line remains constant and consistent.

Veg Room:

The veg, or vegetation room is where saplings gleaned from mother plants begin to grow by receiving as much as 18 hours of light per day. After they reach a certain height and maturity they are transferred to the Bloom room.

Bloom Room:

The plants transferred to the bloom room are introduced to cycles of 12 hours of light and 12 hours of darkness. Thereby mimicking conditions in the world where the plant best grows naturally. In addition to lighting, the plants must be maintained at a certain humidity level as well as breezes generated by fans.

Though there are a myriad of smaller steps, there are basically four main stages involved in the process:

1. “Vegging”, is the provision of preparing seeds or small clippings known as clones. This stage entails several weeks of growth before being introduced to the “bloom” stage.

2. “Blooming”, or growing the smaller plants to maturity. The plants are placed into the “bloom room” where they are introduced to a 12 hours on/12 hours off lighting regimen until they are ready for harvest.
 3. “Drying and Curing”, or properly finishing the medical marijuana plants. The plants must be hanged to dry at a proper level of temperature and humidity before being placed into curing containers for several weeks to obtain the desired degree of medicinal value.
 4. “Processing”, includes finish trimming, weighing, and packaging the product for sale at the dispensary.
-

10,000 square-foot Steel Building

A secondary building is necessary in order to carry out and conduct all the functions required to complete the processes involved in preparing the medical marijuana for use. There will be no marijuana grown within this building.

Note: Precise layout parameters including walkways, hallways, entrances, exits, and square-footage is yet to be determined by our architect.

Necessary Components/Compartments/Rooms of the 10,000 square-foot building:

[\(See diagram for precise square-footage requirements\)](#)

Hand Trimming Room:

A great deal of space is required during this process which entails laying the plants out on tables to remove fan tails (leaves etc.) after harvest.

Drying Room:

This room will basically resemble a dry-cleaning facility for marijuana, as plants will be hung from hangars to dry.

Trim Machine Room:

Two machines resembling small conveyor belt systems will trim the marijuana down to manageable sizes in preparation for the curing stage, whereby the medicinal marijuana is placed into glass curing containers.

Curing Room:

This room will house the aforementioned curing containers filled with medical marijuana.

Finish Processing/Packaging Room:

This room is used to weigh and package marijuana before being taken to the dispensary for sale. Some of the marijuana, especially from the outdoor grow, will be transported next door to the lab.

Storage:

This room will include safes to house finished product as well as shelving for equipment necessary to the various phases of production.

Lab:

The lab is where raw medical marijuana is transformed into concentrates, oils, and waxes. These products are chief components in the production of elixirs, edibles such as lozenges and cookies, tinctures, and beneficial topicals such as RSO, or Rick Simpson Oil. Keep in mind a portion of the marijuana we grow outdoor are CBD strains containing no THC or psychoactive components.

*The exact process by which raw medicine is extracted is proprietary, or in other words, a trade secret and unavailable to the public.

Electrical/Mechanical Room:

This room houses our electrical and computerized hardware necessary in operating the facility.

Security Room:

This room is where our security personnel oversee the facility. Complete with monitors and computers, we will have the ability to easily keep tabs on what goes on both within and outside the facility 24-hours a day.

Admin Offices:

This is where the administrative tasks of running a state-mandated and regulated medical marijuana grow facility will take place. It takes a great deal of coordination to track the progress of the plants from seed to sale. The best way to accomplish this is through computer systems and file cabinets.

Greenhouse

The purpose of the greenhouse is to grow marijuana during the summer months when sunlight is plentiful and the weather is warmer. Doing so is beneficial to the planet as the use of artificial lighting and air-conditioning is lessened considerably during the process. A greenhouse is also important in its role of developing and experimenting with new strains to be grown within the indoor facility during the colder months. Additionally, the greenhouse will be used as a nursery for starter plants to be used in both the indoor and outdoor grows. This provision could account for up to 30% of allotted square-footage.

Like any greenhouse typically used to grow tomatoes or flowers, our greenhouse will contain rows of tables attached to watering systems. In addition to growing medical-grade marijuana, we will also be utilizing a percentage of the allowable space to grow a myriad of vegetables in order to maintain the health of the employees.

Outdoor Grow

An abundance of medical-grade marijuana is required to create even the smallest amount of concentrates, oils, and creams. In order to do so, we will be utilizing our acreage by growing within a state-mandated, ten-foot high metal fence.

Outdoor growing 101:

Let's say you desire to grow 100 healthy plants to be used to produce medical marijuana products. In order to wind up with 100 of these healthy plants you must start with approximately 600. This is why:

600 initial plants

Of these 600 plants, 300 of them will most likely become male and therefore not be useful. The males will be culled and their batch numbers filed as non-usable.

Of these 300 plants, 200 of them will become, what's known in the business, as "producers", or viable plants. The 100 that are not viable will be destroyed.

Of these 200 plants, 100 will succumb to weather (think high winds, extreme cold) or insects.

At the end of the day, though we began by planting 600 plants, we only harvest 100.

Seed to Sale

Under state law all marijuana grown at state-mandated and state-regulated grow facilities are documented from seed to sale by a batch number tracking system. Once a seed or clone is introduced into a grow situation whether it be grown in an indoor facility, greenhouse, or outdoors, it is tracked at every step down the line.

Example 1:

A clone clipped from a mother plant in the indoor facility will receive a batch number before being placed into the veg stage. This number will be assigned to the plant for the entirety of its existence whether it be destroyed due to disease or harvested completely and packaged for sale at the dispensary. In other words, once a batch number is assigned that number remains tied to the plant forever.

Example 2:

A seed is planted outdoors on April 28, 2016 under the batch#22334455. This number will continue to be assigned to the plant as it matures and is eventually

harvested on October 5, 2016. Let's say that after drying and curing the plant is sent to the lab to be made into concentrate to be used in a medical marijuana product. The concentrates and whatever products evolve from the concentrate retain the same exact batch number which was once assigned to the seed way back in April and will continue to do so at the point of sale.

By the Numbers...

Patient numbers, and thus demand, have continued to increase each year since the statewide medical marijuana program was first instituted in 2012. We currently require approximately 30 pounds of flower (medical marijuana buds) per month to meet our patient needs at the Kompo Care dispensary in Taylor. If current trends continue, in other words if patient counts continue to rise, we anticipate this number to increase accordingly. We expect to meet this demand for flower by growing indoors within the 6,000 square-foot building as well as supplementation from the greenhouse.

We currently have the need of approximately 3 pounds of concentrated medical marijuana used in products such as edibles, tinctures, waxes, and oils. Again, we anticipate this number to rise as patient counts increase. As we have already established, it requires a great deal of marijuana to create a small amount of concentrate used in waxes and tinctures, cannabutter for edibles, RSO, and oils for creams and topicals. The process of extracting the raw medicine necessary to create these products is extensive, with a ratio of 10:1 as compared to flower. In other words, it requires 10 pounds of marijuana flower to produce 1 pound of concentrate. This number could increase further when taking into account the usage of lower quality product; such as often occurs with plants grown outdoors.

To reach our goal of producing 3 pounds per month over the course of one year we need to produce 360 pounds of medical-grade marijuana. We anticipate a yield of 720, ½ pound “producing” plants. We arrive at this number after accounting for attrition in the form of bugs, weather, and male plants. It is important to note that as much as 75% of total weight (much in the form of water) is lost during the drying and curing processes.

*A percentage of the crop across all platforms (indoor, greenhouse, and outdoor) will be used for research and development and subsequently destroyed via composting.

CBD Strains

We plan to embark on a quest to grow a variety of CBD strains. CBD, short for cannabidiol, possesses analgesic, anti-inflammatory, and anti-anxiety properties without the psychoactive effects provided by THC. CBD is being used more and more often to treat a variety of conditions such as Crohn's disease, PTSD, multiple sclerosis and Dravet's Syndrome. Dravet's Syndrome is an especially debilitating form of epilepsy that affects children and is notoriously resistant to current approved treatment methods. Sufferers are plagued by life-threatening seizures (sometimes hundreds a day) that worsen as a person ages. Currently, treatment methods include having the child wear an eyepatch, specialized diets, and brain surgery, but all have mixed success rates. One of the earliest success stories involves a young girl named Charlotte who was given a tincture version of Charlotte's Web, a strain specifically developed to provide her with all the benefits of the drug without the high. In less than 2 years, Charlotte's monthly seizure count of 1,200 fell to about three.

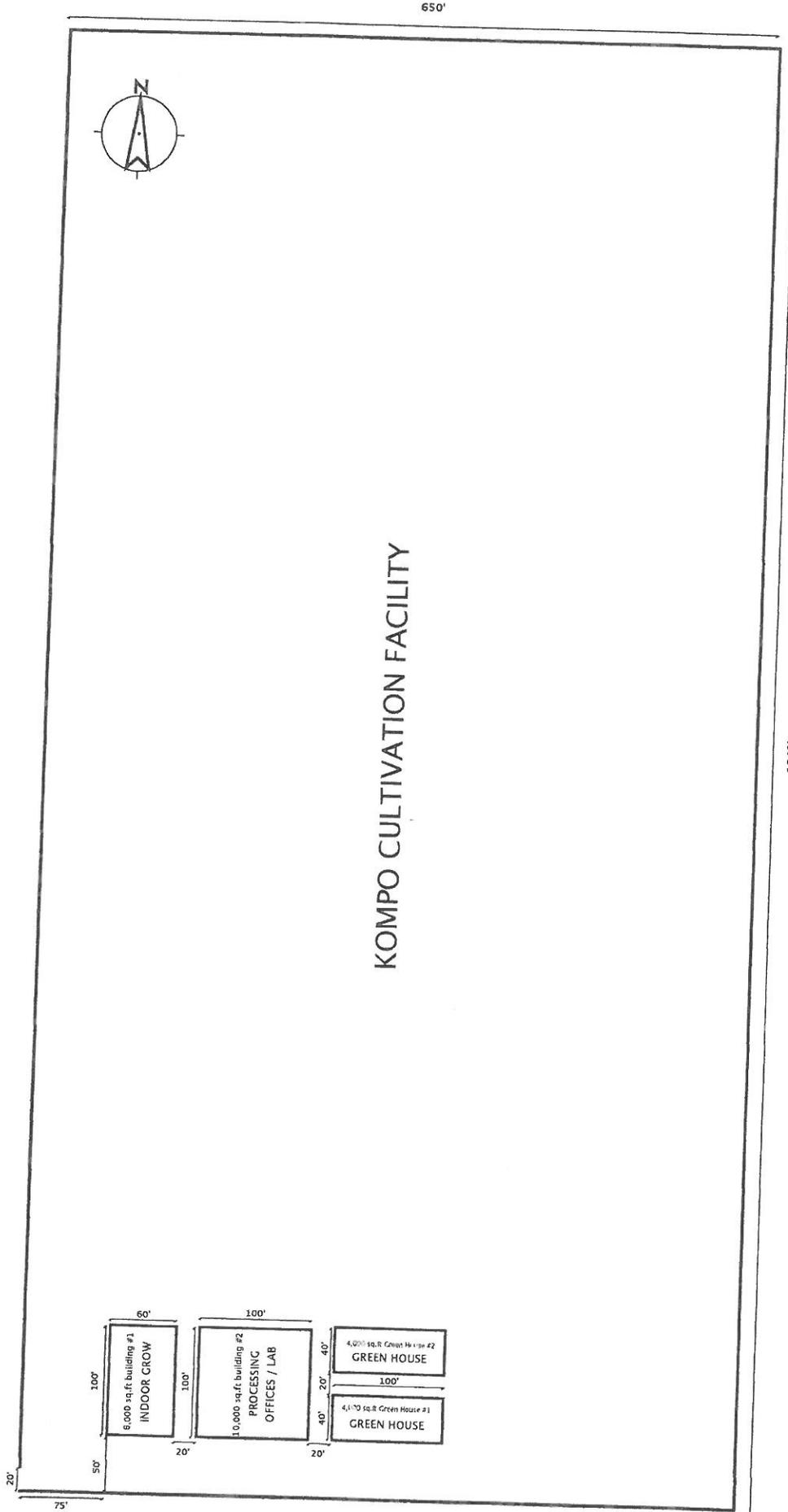
The ratio for CBD strains is even higher than that of non-CBD infused products, requiring as much as 20 pounds to produce just one pound of concentrate. Accounting for attrition (disease, gender, weather), we intend to grow approximately 1,000 CBD "producers". These 1,000 producers will yield approximately 500 pounds of flower which in turn will yield 25 pounds of raw CBD medicine ready to be used to produce infused products. In order to meet this demand, we anticipate using no less than 5 acres of available space. Three for growing and another two for infrastructure.

Alleviating Any Environmental Concerns

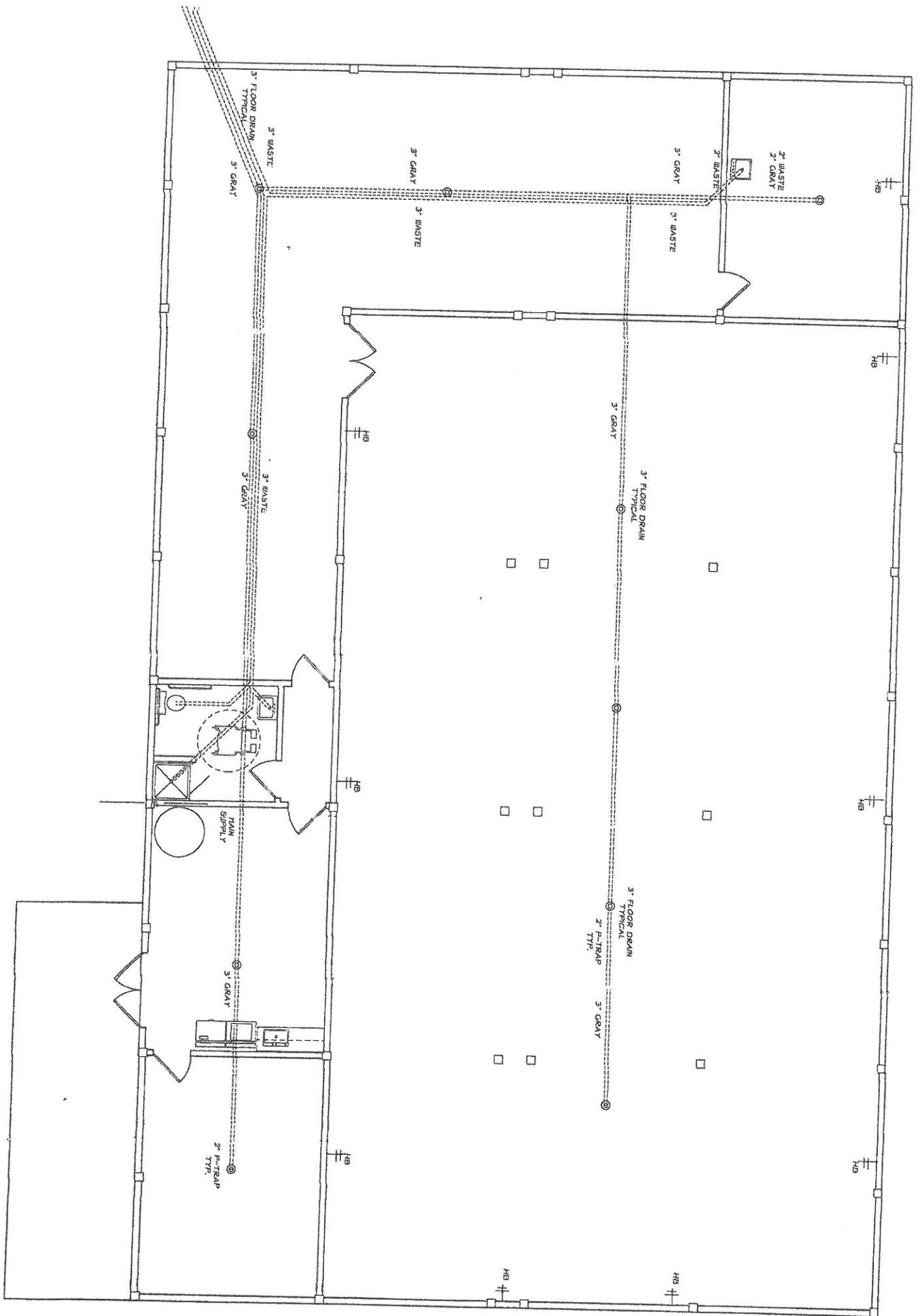
We grow exclusively organically, therefore there will be no pesticides or harmful chemicals released into the environment or water table. Water usage for the outdoor grow will be similar to the indoor grow (600-1,000 gallons per day) and used mainly during winter months. Keep in mind the average household utilizes 400 gallons a day. In any event, water usage will pale in comparison to the amount previously employed at the former pig farm.

In closing, we would be happy to answer specific questions pertaining to the grow facility upon request.

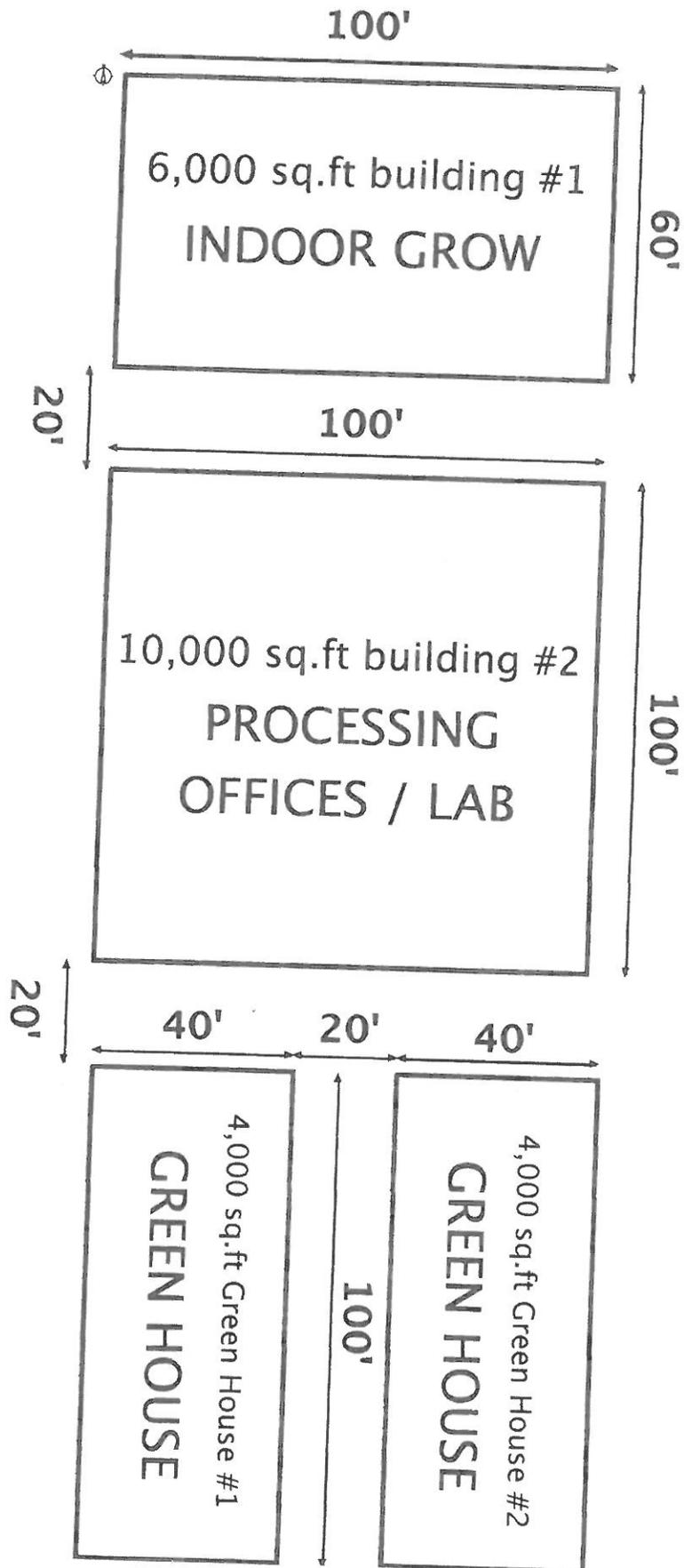
KOMPO CULTIVATION FACILITY



KOMPO CARE /

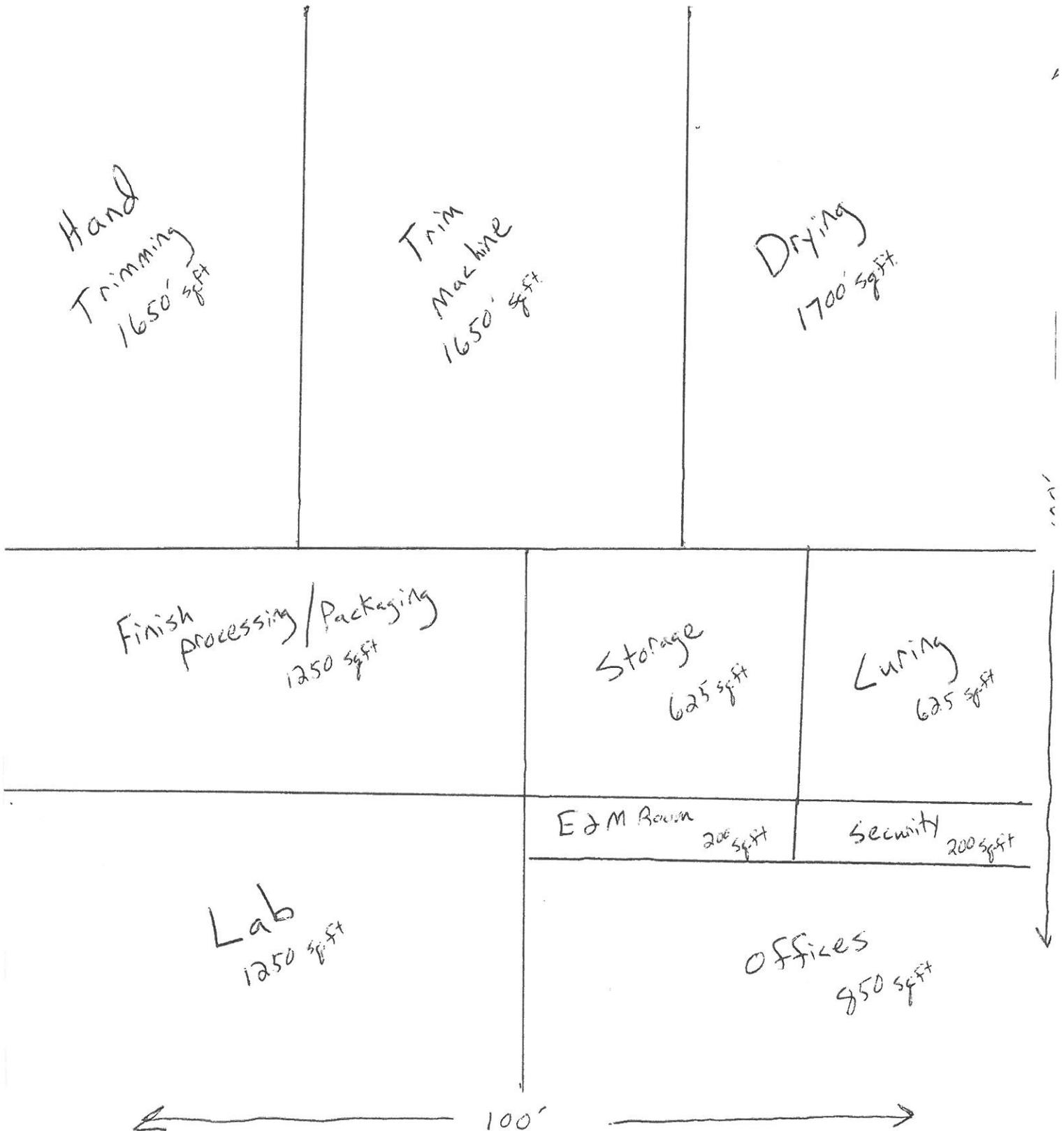


KOMPO CULTIVATION FACILITY



KOMPO CARE

Kompo Grow Facility 10,000 square-foot Processing Center



RESOLUTION NO. 16-01P

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

WHEREAS, an application for a Special Use Permit Amendment was duly filed on October 26, 2015, by Kompo Care to request an Amendment to the Medical Marijuana Cultivation Center site plan granted by Board of Supervisors Resolution #26-15, near Snowflake; and

WHEREAS, the application concerns the following real property in Navajo County:
APN 202-27-033B, a.k.a. a portion of Section 36, Township 14 North, Range 21 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 February 18, 2016; 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 Amendment is consistent with the safety and general welfare of the public and should be recommended for approval to 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. The eight (8) conditions identified and stated in Board of Supervisors Resolution #26-15 remain in full force and effect. Additionally, the conditions listed below are added to the aforementioned eight (8) conditions attached to Board of Supervisors Resolution #26-15.”
2. Products grown and processed at this cultivation site shall only be sold, traded, or distributed through the Taylor Medical Marijuana Dispensary site associated with this Cultivation facility.
3. The Cultivation Facility Site shall be limited to the existing 6,000 sq. ft. indoor grow facility, with the addition of a 10,000 sq. ft. processing building, an 8,000 sq. ft. green house

space, and a 10,000 sq. ft. outdoor growing area.

4. The 10,000 sq. ft. outdoor growing area, shall be fenced with a 6 ft. chain link or similar fence, to further delineate and buffer the outdoor growing area. This fence should be at least 25 feet from the 10 foot high opaque fencing as required by the Arizona Department of Health Services. No outdoor growing will be allowed until both fences are in place.
5. If the Cultivation Facility ceases operation at the current site, whether by Arizona Department of Health Services mandate, or voluntarily, the Navajo County Planning & Zoning Department shall be notified within 5 days of the end of operations.

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 February 18, 2016.

Chuck Teetsel, Chairman
Planning & Zoning Commission

ATTEST:

Public Works Secretary

RESOLUTION NO. 16-01P

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

WHEREAS, an application for an expansion on a Special Use Permit was duly filed on November 4, 2015 by Kompo Care to request an Amendment to their Special Use Permit, Resolution No. 26-15, for an expansion on their Medical Marijuana Cultivation Center near Snowflake; and

WHEREAS, the application concerns the following real property in Navajo County: APN: 202-27-033D, a.k.a. a portion of Section 36, Township 14 North, Range 21 East, G&SRM; and

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

WHEREAS, the original Special Use Permit, Resolution No. 26-15, was approved by the Navajo County Board of Supervisors at a duly noticed public hearing on July 14, 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 amendment of the Special Use Permit is not consistent with the safety and general welfare of the public, and would be detrimental to the overall public health, safety, and general welfare of the area, and should not be approved by the Board of Supervisors; and

WHEREAS, the Planning & Zoning Commission, after considering the time lapse from the original Special Use Permit, Resolution No. 26-15, and this request for an amended Special Use Permit, has been negligible; and

WHEREAS, the Applicant has failed to provide any substantial evidence to justify the need for this significant expansion, on the original Special Use Permit, Resolution No. 26-15; and

WHEREAS, the Applicant portrayed to Navajo County Staff, and the Board of

Supervisors, during the application process for Special Use Permit, Resolution No. 26-15, that all product grown at the offsite medical marijuana cultivation facility, governed by Special Use Permit, Resolution No. 26-15, would only be dispensed at their Taylor, AZ dispensary; and

WHEREAS, the Applicant recently portrayed to Navajo County Staff, during the application process for this expansion to Special Use Permit, Resolution No. 26-15, that all product grown at the offsite medical marijuana cultivation facility, governed by Special Use Permit, Resolution No. 26-15, would only be dispensed at their Taylor, AZ dispensary; and

WHEREAS, the Applicant's attorney recently portrayed to Navajo County Staff that the real intention of the expansion to Special Use Permit, Resolution No. 26-15, is to sell the product grown at the offsite medical marijuana cultivation facility, governed by Special Use Permit, Resolution No. 26-15, to other dispensaries located within and outside Navajo County; and

WHEREAS, Navajo County Zoning Code Section 16A-03 precludes the sale of the product grown at the offsite medical marijuana cultivation facility to other dispensaries located within and outside Navajo County; and

NOW, THEREFORE, BE IT RESOLVED that the Planning & Commission hereby recommends the Board of Supervisors DENY the Amendment to Special Use Permit, Resolution No. 26-15.

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.

DENIED, by the Planning & Zoning Commission by a vote of _____ yeas and _____ nays on February 18, 2016.

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

ATTEST:

Public Works Secretary

