



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 12/5/2023

**= Mandatory, information must be provided*

Click or tap the boxes to enter text. If not applicable, indicate "N/A".

***Title:**

P23CU00013 TIN CUP PROPERTIES, LLC – S. BROADMONT DRIVE TYPE III CONDITIONAL USE PERMIT

***Introduction/Background:**

Tin Cup Properties LLC, represented by Ross Guenther, request a Type III Conditional Use Permit for a marijuana manufacturing facility in accordance with Section 18.43.030.B of the Pima County Zoning Code in the CI-2 (General Industrial) zone, located on parcel 132-04-205M.

***Discussion:**

The owner requests a Type III Conditional Use Permit to permit a marijuana manufacturing facility.

***Conclusion:**

Approval of the conditional use permit would allow the owner to operate a marijuana manufacturing facility.

***Recommendation:**

The Hearing Administrator and staff recommend APPROVAL of the Type III Conditional Use Permit.

***Fiscal Impact:**

None

***Board of Supervisor District:**

☐ 1 ☒ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All

Department: Development Services

Telephone: (520) 724-6675

Contact: Spencer Hickman, Senior Planner

Telephone: (520) 724-6498

Department Director Signature: _____

Date: _____

Deputy County Administrator Signature: _____

Date: _____

County Administrator Signature: _____

Date: _____



TO: Honorable Matt Heinz, District 2

FROM: Chris Poirier, Deputy Director
Public Works-Development Services Department-Planning Division

DATE: November 8, 2023

SUBJECT: **P23CU00013 TIN CUP PROPERTIES LLC – S. BROADMONT DRIVE**
(Conditional Use Type III – Marijuana Manufacturing Facility)

The above referenced Conditional Use Permit is within your district and is scheduled for the Board of Supervisors' **TUESDAY, December 5, 2023** hearing.

REQUEST: For a **Type III Conditional Use Permit for a marijuana manufacturing facility**, in accordance with Section 18.43.030.B of the Pima County Zoning Code addressed as 3450 S. Broadmont Drive (parcel code 132-04-205M) in the CI-2 (General Industrial) zone. (District 2)

OWNER: Tin Cup Properties LLC
6262 N. Camino Verde
Tucson, AZ 85743

AGENT: Ross Guenther
3450 S. Broadmont Dr, Ste 126
Tucson, AZ 85713

DISTRICT: 2

STAFF CONTACT: Spencer Hickman, Senior Planner

PUBLIC COMMENT TO DATE: As of November 8, 2023, one letter of public protest has been received.

PLANNING AND ZONING COMMISSION RECOMMENDATION: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS

HEARING ADMINISTRATOR RECOMMENDATION: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM (CLS): The project is not within the Maeveen Behan Conservation Lands System.

TD/EP/ds
Attachments



BOARD OF SUPERVISORS MEMORANDUM

Subject: P23CU00013

Page 1 of 2

FOR DECEMBER 5, 2023 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Deputy Director
Public Works-Development Services Department-Planning Division

DATE: November 8, 2023

ADVERTISED ITEM FOR PUBLIC HEARING

CONDITIONAL USE PERMIT

P23CU00013 TIN CUP PROPERTIES LLC – S. BROADMONT DRIVE

Tin Cup Properties, LLC, represented by Ross Guenther, request a Type III Conditional Use Permit for a Marijuana Product Manufacturing Location, in accordance with Sec. 18.43.030.B of the Pima County Zoning Code, on property at 3450 S. Broadmont Drive, in the CI-2 (General Industrial) Zone. On motion, The Planning and Zoning Commission voted to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** 7-0 (Commissioners Maese, Cook, and Gungle were absent). The Hearing Administrator recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**.
(District 2)

Summary of the Planning and Zoning Commission Hearing (October 25, 2023)

The Planning & Zoning Commission hearing on this case took place on October 25, 2023. At same, the Commission heard staff's and the applicant's presentation as to the particular details of the request. One of the Commissioner's inquired as to the State licensing requirements of such facilities, particularly the social-justice licensing parameters. The Planning Official described same. A second Commission asked about anticipated vehicular traffic. The applicant indicated little or none, since this was a wholesale operation with no public retail customers or traffic.

No (0) members of the public appeared to speak on the matter. Staff had received one (1) public comment prior to the hearing, this being an email of objection to the request; no specific reasons for the objection were given.

After closing the public hearing, the Commission voted 7-0 (motion by Matter, seconded by Membrila; Commissioners Maese, Cook & Gungle being absent for the vote) to recommend **APPROVAL** of this CUP request to the Board of Supervisors, subject to the following standard and special conditions as promulgated by the Hearing Administrator:

Standard Conditions

Compliance with all specialized requirements enumerated in Section 18.51.030.B.19 of the Pima County Zoning Code.

Special Conditions

1. This conditional use permit approval is for a marijuana product manufacturing location as permitted per Section 18.53.030.A (General Industrial Zone) of the Code. No other nonresidential or commercial conditional uses other than the above are authorized or implied.
2. This marijuana product manufacturing facility shall be operated in substantial accordance with the business operations, floorplan, and other particulars as described in the applicant's submitted narrative materials, including the parameters and policies for odor mitigation as described in the applicant's narrative under its Item 2.f..

TD/EP/ds
Attachments

C: Tin Cup Properties, LLC



P23CU00013

Page 1 of 7

FOR BOARD OF SUPERVISORS DECEMBER 5, 2023 PUBLIC HEARING

TO: THE HONORABLE BOARD OF SUPERVISORS

FROM: Jim Portner, Hearing Administrator

DATE: October 27, 2023

DOCUMENT: P23CU00013

CONDITIONAL USE PERMIT REQUEST FOR PUBLIC HEARING

Tin Cup Properties, LLC, represented by Ross Guenther, request a **Type III Conditional Use Permit for a Marijuana Product Manufacturing Location**, in accordance with Sec. 18.43.030.B of the Pima County Zoning Code, on property at **3450 S. Broadmont Drive**, in the CI-2 (General Industrial) Zone. (District 2)

CASE PARTICULARS

This is a Type III Conditional Use Permit request for a **marijuana product manufacturing location**, submitted as authorized in Section 18.53.030.A (CI-2, General Industrial Zone) and in accordance with the requirements stipulated in Section 18.51.030.B.19. The applicant has submitted a detailed narrative, along with supporting exhibits, that substantiate compliance with the specialized Code requirements which attend the requested marijuana product manufacturing facility. The Hearing Administrator has reviewed the applicant's narrative and concurs with the findings therein as to compliance with the Sec. 18.51.030.B.19 standards.

Per the referenced narrative, the primary purpose of this particular facility is the manufacture of marijuana distillate, a purified cannabis extract used in many products. It will employ a new, solvent-free distillation technology. There will be no retail sales directly to the public; sales will be to other companies for use in manufacturing their various marijuana products and consumables.

The property is zoned CI-2 (Industrial) and is addressed as 3450 S. Broadmont Drive (Assessors Parcel No. 132-04-205M); the specific proposed location is Suite 112 within an existing large tenant building on the property. AZE, LLC (see Applicant information above) also operates an accredited marijuana testing lab in Suite 126 of the same building. The property is part of an

established industrial corridor that encompasses both sides of S. Palo Verde Road, from the Southern Pacific Railroad (SPRR) overpass southward to Ajo Way. Existing uses in the immediate vicinity of the proposed site include a machine shop, a commercial storage operation, and the State of Arizona Motor Vehicle Division licensing and testing facility. The nearest residential properties are distant to the southwest and are separated from the site by other established and intervening industrial uses.

SUMMARY OF THE PLANNING & ZONING COMMISSION PUBLIC HEARING

The Planning & Zoning Commission hearing on this case took place on October 25, 2023. At same, the Commission heard staff's and the applicant's presentation as to the particular details of the request. One of the Commissioner's inquired as to the State licensing requirements of such facilities, particularly the social-justice licensing parameters. The Planning Official described same. A second Commission asked about anticipated vehicular traffic. The applicant indicated little or none, since this was a wholesale operation with no public retail customers or traffic.

No (0) members of the public appeared to speak on the matter. Staff had received one (1) public comment prior to the hearing, this being an email of objection to the request; no specific reasons for the objection were given.

After closing the public hearing, the Commission voted 7-0 (motion by Matter, seconded by Membrila; Commissioners Maese, Cook & Gungle being absent for the vote) to recommend APPROVAL of this CUP request to the Board of Supervisors, subject to the following standard and special conditions as promulgated by the Hearing Administrator:

Standard Conditions

Compliance with all specialized requirements enumerated in Section 18.51.030.B.19 of the Pima County Zoning Code.

Special Conditions

1. This conditional use permit approval is for a marijuana product manufacturing location as permitted per Section 18.53.030.A (General Industrial Zone) of the Code. No other non-residential or commercial conditional uses other than the above are authorized or implied.
2. This marijuana product manufacturing facility shall be operated in substantial accordance with the business operations, floorplan, and other particulars as described in the applicant's submitted narrative materials, including the parameters and policies for odor mitigation as described in the applicant's narrative under its Item 2.f.

HEARING ADMINISTRATOR'S CONSIDERATIONS

This is a conditional use permit request to operate a marijuana product manufacturing facility within an established industrial tenant building. The following considerations apply:

Comprehensive Plan Considerations

The Pima County Comprehensive Plan (Pima Prospers) designates this property and its surroundings as *Military Airport (MA)* due to its general proximity to Davis-Monthan Airforce Base (DMAFB). The purpose of the *MA* district is “to recognize Davis-Monthan Airforce Base (DMAFB) as a unique and significant factor in shaping the history, character, and economy of Eastern Pima County; provide guidance for future compatible land uses to promote the health, safety and welfare of the community while promoting the long-term viability of the base and its missions.”

The proposed marijuana product manufacturing facility is clearly consistent with the many other established industrial uses already in place within the Palo Verde Road corridor; nothing in the proposed request negatively impacts the goals and purposes of the *Military Airport (MA)* Pima Prospers designation.

This being the case, it is the Hearing Administrator’s position that the proposed facility is not in conflict with the goals, objectives and purposes of the comprehensive plan.

Zoning and Surrounding Land Use Considerations

The subject parcel is part of a large industrialized area zoned CI-2 (General Industrial). This is a highly urbanized corridor along a major arterial street (S. Palo Verde Road). The proposed use is wholly consistent with the many industrial uses of similar intensity that populate the area. The nearest residential homes occur far to the southwest within the Sunny Acres subdivision, which was platted in 1956. These homes are separated from the proposed use by a significant distance and by intervening industrial uses.

The subject property and the proposed marijuana product manufacturing facility meet or exceed all of the Code-required parameters of Section 18.51.030.B.19, more particularly pertaining to floor area, location within a permanent building, mitigation plan for odors, compliance with all State laws, minimum physical separation criteria from schools, and sales being limited only to wholesale transactions with other marijuana dispensaries or product-manufacturing facilities.

Hearing Administrator Required Standards & Findings

Following are the Hearing Administrator’s findings relative to the standards set by Pima County Code Sec. 18.97.030.F.3.c. These Sections stipulate that the following standards be met by the proposed use:

- 1. It will not be in serious conflict with the objectives of the general land use plan or the area plan in which situated.**

See the above Comprehensive Plan Considerations. The Hearing Administrator’s finds that the proposed facility is not in conflict with the goals, objectives and purposes of the *Military Airport (MA)* designation as established by Pima Prospers.

2. **It will provide safeguards for the protection of adjacent developed property, or if the adjacent property is undeveloped, for the legal permitted uses of such property.**

The Hearing Administrator finds that the proposed marijuana product manufacturing facility will not have any impacts upon any of the surrounding properties in a way that prohibits any of their legal or permitted uses. All activities will be confined to an indoor, controlled environment.

3. **It has adequate accessibility to the County road network.**

The site lies just west of the intersection S. Broadmont Drive and S. Palo Verde Road, the latter of which is a designated major street on the Pima County Major Streets & Routes Plan (MSRP). This is an established industrial subdivision with paved streets. Access is found to be adequate.

4. **It has sufficient off-street parking and loading facilities, that will be developed in accordance with County engineering standards.**

Parking sufficiency and compliance with the Zoning Code in this regard is a matter verified at the time of final permitting. Existing parking appears to be more than adequate.

5. **It will meet County standards in terms of control of noise, smoke, glare or heat, odors, vibrations, fly, ash, dust, fumes, vapors, gasses, and other forms of air pollution, liquids and solid wastes.**

The Hearing Administrator finds that proposed use is found to not threaten the surrounding properties in any of the above ways. Odor is the only possible consideration; the applicant has submitted odor-mitigation procedures which are found appropriate and reasonable to address this issue satisfactorily.

6. **Hours of operation will not be detrimental to adjoining residents.**

No special hours of operation are deemed necessary for this use. Section 18.51.030.B.19 prescribes no specific requirements.

7. **Landscaping will be fully in conformance with zoning code regulations.**

Landscaping requirements, if any, are a matter enforced at the time of permitting.

DEPARTMENTAL COMMENTS ON THIS REQUEST

The Department of Transportation (DOT) has not yet reviewed the application at the time of this staff report. The Regional Flood Control District (RFCD) has reviewed this proposal and has no objections.

HEARING ADMINISTRATOR’S RECOMMENDATION

After visiting the subject property, considering all of the above, and reviewing the applicant’s submitted materials, the Hearing Administrator found the proposed **marijuana product manufacturing facility** to be an appropriate acceptable use on the subject property that conforms with all specialized Code requirements that attend such dispensaries per Section 18.53 (General Industrial Zone) and the specific performance standards mandated by Section 18.51.030.B.19.

It was therefore the recommendation of the Hearing Administrator that the Planning & Zoning Commission recommend **APPROVAL** of this Type III conditional use permit, subject to the following Standard and Special Conditions:

Standard Conditions

Compliance with all specialized requirements enumerated in Section 18.51.030.B.19 of the Pima County Zoning Code.

Special Conditions

1. This conditional use permit approval is for a marijuana product manufacturing location as permitted per Section 18.53.030.A (General Industrial Zone) of the Code. No other non-residential or commercial conditional uses other than the above are authorized or implied.
2. This marijuana product manufacturing facility shall be operated in substantial accordance with the business operations, floorplan, and other particulars as described in the applicant’s submitted narrative materials, including the parameters and policies for odor mitigation as described in the applicant’s narrative under its Item 2.f.

SONORAN DESERT CONSERVATION CONCEPT PLAN/ENVIRONMENTAL ISSUES

Comprehensive Plan Regional Environmental Policies — Conservation Lands System

In December, 2001 the Board of Supervisors incorporated the Maeveen Marie Behan Conservation Lands System (MMB-CLS) into the Comprehensive Plan 2001 Update as the Regional Environmental Policies. The MMB-CLS is the heart of the Sonoran Desert Conservation Plan (SDCP). On June 21, 2005, the Board of Supervisors amended the Comprehensive Plan Regional Environmental Policies and the MMB-CLS to reflect recommendations from the SDCP Science Technical Advisory Committee that were based on new scientific and technical data. As adopted, Conservation Guidelines associated with the MMB-CLS establish conservation objectives for a variety of projects (e.g. rezoning actions, comprehensive plan amendments, Type II and Type III conditional use permits, etc.) that require a discretionary decision by the Board of Supervisors. Conservation objectives include:

1. Important Riparian Areas — 95% undisturbed natural open space
2. Biological Core Management Areas — 80% undisturbed natural open space
3. Special Species Management Areas — 80% undisturbed natural open space
4. Multiple Use Management Areas — 66-2/3% undisturbed natural open space

The property lies wholly **OUTSIDE OF** the MMB-CLS within a wholly urbanized region.

Biological Impacts Report

On July 17, 2001, the Board of Supervisors adopted Ordinance No. 2001-103, which requires the applicant's notice to the US Fish and Wildlife Service (USFWS) staff regarding the pending matter, and staff commentary on biological resources and development impacts of the subject site and proposal.

Staff Commentary on Biological Impacts

Staff has reviewed this application and finds that: 1) its approval is not expected to affect any resources essential to Pima County's biological conservation priorities; and 2) that it will not be in conflict with the Regional Environmental Policies of the 2001 Comprehensive Plan Update.

This site is located within an established industrial corridor. For all intents and purposes, no environmental issues attend this request.

Facts Confirmed by the Pima County Geographic Information System (GIS)

The following facts are confirmed by the Pima County GIS and the Sonoran Desert Conservation Plan maps with respect to this conditional use permit request:

Cactus Ferruginous Pygmy Owl. The site is not located within the Priority Conservation Area (PCA) for this species.

Western Burrowing Owl. The property not within the Priority Conservation Area (PCA) for this species.



Pima Pineapple Cactus. The property is not located within an area that is within the known range of the Pima Pineapple Cactus and is not within the Priority Conservation Area (PCA) for this species.

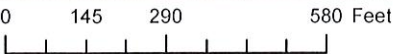
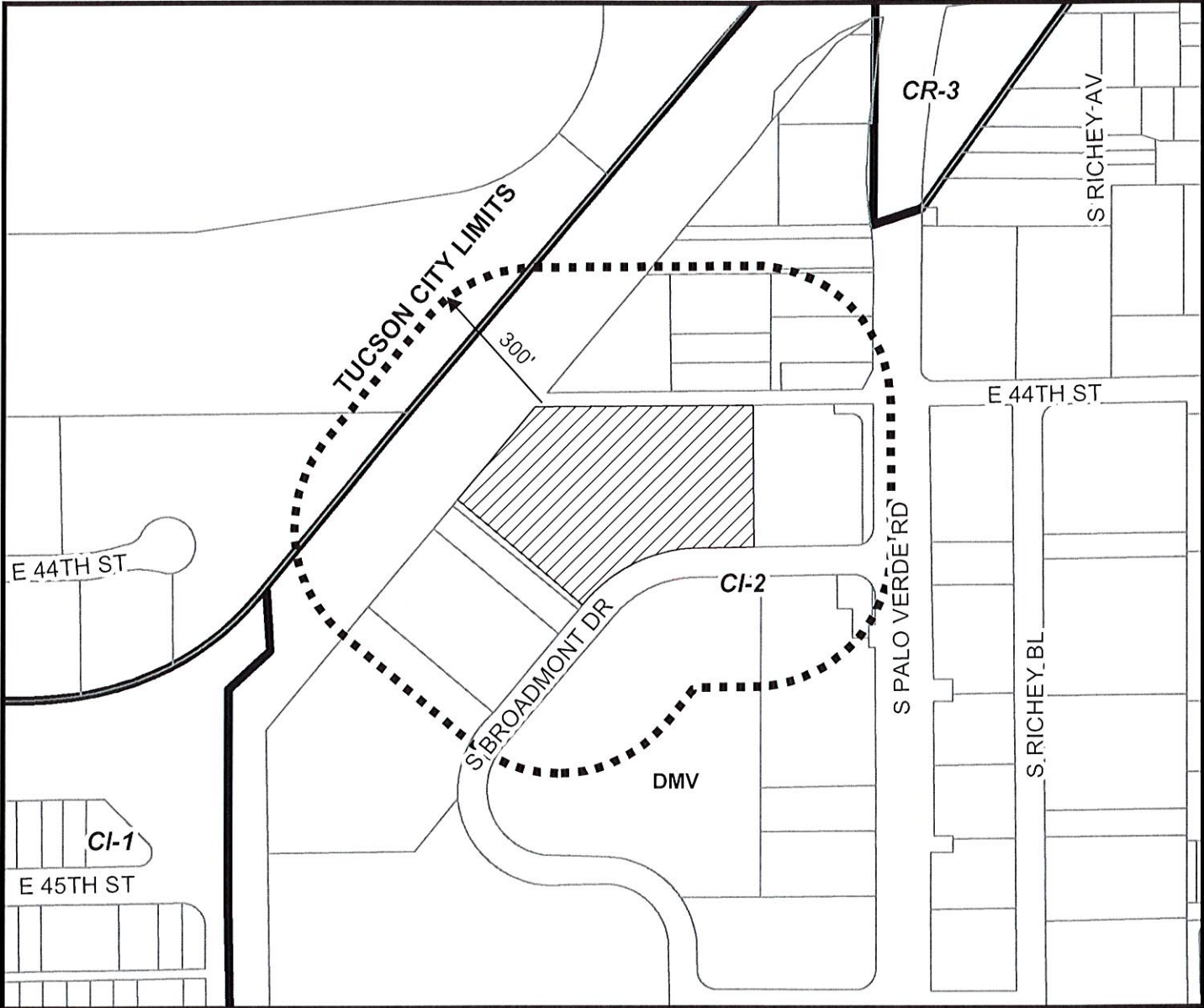
Needle-Spined Pineapple Cactus. The subject property is not located within an area that is within the known range of the Needle-Spined Pineapple cactus and is not within the Priority Conservation Area (PCA) for this species.

attachments

cc: Carla Blackwell, Director, Development Services
Dan Ice, Chief Building Official
Chris Poirier Planning Official
Tom Drzazgowski, Chief Zoning Inspector
Tin Cup Properties, LLC, Owner (c/o John Lashley)
Ross Guenther, AZE, LLC, Applicant

Case #: P23CU00013
Case Name: TIN CUP PROPERTIES, LLC - S. BROADMONT DRIVE
Tax Code(s): 132-04-205M

 Subject Site
 300' Notification Area



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



Notes: CONDITIONAL USE PERMIT - TYPE III



Map Scale: 1:4,000

Map Date: 5/22/2023 - ds



201 N. Stone Avenue, Tucson, AZ 85701
(520) 724-9000
www.pima.gov/developmentservices

BIOLOGICAL IMPACT REPORT

(Not applicable for rezonings that require a site analysis)

The Biological Impact Report assists staff in assessing a proposed project's potential to impact sensitive biological resources and is required by the Pima County Zoning Code Chapter 18.91. A project's design should conserve these important resources.

The report will include information provided by both Pima County Planning staff (Part I) and the Applicant (Part II).

INSTRUCTIONS FOR SAVING FORM: 1) Download form to computer. 2) Fill out form as applicable. 3) Save completed form to computer. 4) Submit completed form to Pima County Development Services. **If you fill out the form before you download it, the info you entered will not be saved.**

Project ID (case no., APN no., address, or other identifying info):

Part I. Information Provided by Pima County Staff

Pima County Planning staff will provide the following information for the project site, as applicable:

1. Is the project located within any Maeveen Marie Behan Conservation Lands System (CLS) designation(s)? (Hold SHIFT for multiple selections) **NA**
Important Riparian Area
Biological Core
Multi-Use Management Area
2. Is the project within a CLS Special Species Management Area? **SELECT**
3. Is the project in the vicinity of any of the six Critical Landscape Linkages? **SELECT**
4. Is the project designated for acquisition as a Habitat Protection or Community Open Space property? **SELECT**
5. Is the project located within a Priority Conservation Area for any of the following species?
 - a. Cactus ferruginous pygmy-owl: **SELECT**
 - b. Western burrowing owl: **SELECT**
 - c. Pima pineapple cactus: **SELECT**
 - d. Needle-spined pineapple cactus: **SELECT**

Part II. Information Provided by the Applicant

The Applicant will provide the following information to the best of their knowledge, as applicable:

1. Has the owner of the project site had any communications with County staff about Pima County potentially acquiring the property? No
If yes, provide a summary of those communications:
2. The following species are of particular interest to Pima County conservation efforts; please fill out the following table to the best of your knowledge:

Species	Ever found on project site?	If yes, date of last observation/survey?	Future surveys planned?
Cactus ferruginous pygmy owl	No		No
Western burrowing owl	No		No
Pima pineapple cactus	No		No
Needle-spined pineapple cactus	No		No

Questions about this form?

Contact the Office of Sustainability and Conservation at (520) 724-6940.



Conditional Use Permit Application

Property Owner: John Lashley Phone: 520-850-2822
Owner's Mailing Address, City, State & Zip: 6262 N Camino Verde Tucson, AZ 85743
Applicant (if different from owner): Ross Guenther Phone: 480-399-3036
Applicant's Mailing Address, City, State & Zip: 3450 S Broadmont Dr Ste 126 Tucson, AZ 85713
Applicant's or Owner's Email Address: guenther@azextraction.com
Property Address or Tax Code: 3450 S Broadmont Dr Ste 112 Tucson, AZ 85713
Type of Use Proposed for the Property: Marijuana Product Manufacturing Location

Discuss the proposed use and it's compatibility with the surrounding area: Property is zoned CI-2 and houses an accredited marijuana testing lab in another suite. A manufacturing location would be ideally located where other such businesses have been previously approved.

☒ The applicant agrees to contact the Regional Flood Control District to discuss the proposal prior to application submittal.

☒ The applicant agrees to contact United States Fish and Wildlife Service at scott_richardson@fws.gov and provide a written notice that an application for a conditional use permit has been submitted a minimum of 15 days prior to the public hearing date.

This application is for a (Select one):

☐ Type I Conditional Use ☐ Type II Conditional Use ☒ Type III Conditional Use

Terms and Conditions

☒ I confirm the information provided is true and accurate to the best of my knowledge. I am the owner of the above described property or have been authorized by the owner to make this application. (By checking the box, I am electronically signing this application.)

Date: 09/01/2023

Project Narrative
Application for Marijuana Product Manufacturing Location Type III CUP

This is a request for a Type III Conditional Use Permit ("CUP") from Pima County for a Marijuana Product Manufacturing facility (the "Project") to be located on commercial property at 3450 S Broadmont Drive, Suite 112, Pima County AZ 85713 (the "Property"). The Property is zoned CI-2 which is an appropriate location for a Marijuana Product Manufacturing facility by virtue of meeting the criteria set out in the County Code Title 18 ("Code"). The marijuana product manufacturing activities that are planned under this Project are legally authorized by an Arizona Marijuana Establishment License held by Mr. J. Chris Arnold, as described in detail below. We respectfully request Pima County's review and approval of this Type III CUP application:

1. Applicant Overview

The primary purpose of the Project is the manufacture of marijuana distillate. Marijuana distillate is a highly purified cannabis extract that is a key ingredient in a variety of marijuana products. The facility will employ a new distillation technology that is solventless, thereby completely avoiding the use of the volatile and toxic solvents that are required by other distillate manufacturing facilities. This new distillation process will substantially reduce manufacturing risks, be friendlier to the environment and produce a distillate that is safer for inclusion in marijuana products.

Routine facility operations will include twice monthly delivery by truck of legally purchased, laboratory-tested, low grade marijuana to the Property by a legally authorized transport agent. The marijuana will be stored onsite as it is subjected to grinding and/or other preparation for extraction. This will be followed by solventless extraction and bottling of marijuana distillate. Third party laboratory testing of the distillate, and biomass waste disposal will be carried out in accordance with state regulations. The distillate, upon passing full panel testing, will be sent to businesses in Arizona that are legally authorized to purchase marijuana distillate through a state approved track-and-trace software program. There will be no direct-to-consumer retail sales at the Property and no cultivation of marijuana. Conditional upon the approval of this Zone III CUP and the AZDHS inspection for state approval, Pima County will become the first location in the nation to produce marijuana distillate commercially using this safer and greener solventless manufacturing process.

The Property landlord, Mr. John Lashley, is the owner and operator of Tin Cup Properties LLC, an Arizona real estate company that leases various commercial properties in Arizona. Mr. Lashley owns a permanent commercial building located at the Property and leases Suite 112 to AZE LLC ("AZE"). Mr. Lashley has authorized Mr. Ross Guenther, a member of AZE, to act as his agent in this application for a Type III

CUP (see attached authorization). Mr. Guenther is a member of, and is also the Operations Manager for, AZE, the Tucson-based manufacturing company leasing suite 112.

AZE has been contracted by Mr J. Chris Arnold to carry out marijuana product manufacturing (specifically, distillate production) under a license he holds. A testimony to which has been included by Anthony B. Casarona of the law firm Rusing, Lopez, & Lizardi. Mr. Arnold is the principal owner of the Non-Profit Patient Center, Inc., dba: Nature's Wonder, ("NW"), an AZDHS-licensed marijuana company in good standing that is headquartered in Phoenix. Mr. Arnold holds Arizona Marijuana Establishment license 00000037ESIX56363099, registered under the name of the Non-Profit Patient Center LLC (see Exhibit A).

In addition to a copy of the license certificate, Exhibit A contains screen shots (downloaded on 9 August 2023) from the Arizona Department of Health Service's publicly accessible marijuana web resource, AZ Care Check (<https://azcarecheck.azdhs.gov>).

Under A.R.S. 36-2850-21 (excerpted below) a Marijuana Establishment licensee is authorized to carry out three types of activities under one establishment license. These activities are, respectively, retail sales of marijuana, cultivation of marijuana, and manufacture of marijuana products. Furthermore, cultivation and manufacturing may be carried out "off-site," meaning each of those activities can be carried out at single locations other than the place of retail sales:

ARS 36-2850-

21. "Marijuana establishment" means an entity that is licensed by the department to operate all of the following:

- (a) A single retail location at which the licensee may sell marijuana and marijuana products to consumers, cultivate marijuana and manufacture marijuana products.
- (b) A single off-site cultivation location at which the licensee may cultivate marijuana, process marijuana and manufacture marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.
- (c) A single off-site location at which the licensee may manufacture marijuana products and package and store marijuana and marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers

The above information is provided to verify that the license holder is legally authorized to manufacture marijuana products in Arizona under the Marijuana Establishment License 00000037ESIX56363099. Offsite manufacturing is not yet being carried out under this license, and in accordance with A.R.S. 36-2850-21, the licensee in conjunction with AZE can to do so once the required Municipal and State approval have been obtained.

2. Project Compliance with Pima County CI-1 Marijuana Product Manufacturing Location Criteria 18.51.030.B.19

- a. There is no size limit for the maximum floor area of a marijuana product manufacturing location.**

Exhibit B shows the floor plan of the manufacturing facility. It is approximately 4000 sq.ft.

- b. A marijuana product manufacturing location shall be located in a permanent, enclosed, locked facility in accordance with state statutes and Arizona Department of Health Services rules and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicle.**

The facility will be located in an existing permanent building situated in a commercial property owned by the applicant and located in the Tucson Broadbent Business Park. The facility is enclosed and locked in accordance with state statutes and AZDHS rules.

- c. A marijuana product manufacturing location shall be setback a minimum of 500 feet from a K-12 public, private, or charter school, measured in a straight and direct horizontal line from the closest exterior or applicable interior suite wall of the marijuana offsite cultivation location to the closest property line of a school.**

The closest K-12 school is Madge Utterback Middle School and is approximately 5258 ft away as measured by Google Earth. The next closest K-12 school, Children Reaching for the Sky Elementary School is approximately 6332 ft away. Exhibit C shows a Google Earth view of the distance between these schools and the Project.

- d. A marijuana product manufacturing location shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.**

The facility will comply with all local, AZDHS and state regulations applicable to Marijuana Product Manufacturing facilities.

- e. A marijuana product manufacturing location shall provide only wholesale products to other marijuana dispensaries, marijuana product manufacturing locations, or marijuana dispensary offsite cultivation locations.**

All products manufactured in this facility will be made for wholesale commerce, carried out with properly licensed and verified entities. No retail sales will be conducted at the facility. The facility will operate under established SOPs and be monitored and recorded continuously by security cameras to assure compliance with all applicable regulations. No unauthorized persons will be permitted on the facility grounds. All input and output of marijuana and products derived from marijuana will be documented in the LeafLogix electronic reporting system

and subject to state audits.

f. Odor Mitigation

(1) Odor mitigation devices and techniques shall be incorporated in all marijuana facilities to ensure that odors are mitigated. Odor mitigation may be accomplished through an exhaust air filtration system with odor control that prevents internal odors from being emitted externally or through any other best practices adequate for odor mitigation as determined acceptable by the Chief Zoning Inspector, in the Chief Zoning Inspector's sole discretion.

The primary odor emissions anticipated within the facility relate to those of the naturally occurring terpenes in stored marijuana. These incidental odors will be actively mitigated through the use of active carbon filtration devices. Minimal odor emission is expected from the distillation process itself which takes place in a closed system that includes a cold trap for capturing these volatile gases.

(2) An odor mitigation plan shall be submitted with the initial permit application. When a modification is made to a marijuana facility, or the facility operation, that has the potential to impact the nature or degree of odor, or affects the control of odor, the marijuana facility owner must update its odor mitigation plan within 30 days of facility modification.

The plans for odor mitigation are outlined in this application. Any changes made will be updated within 30 days, as required.

(3) An odor mitigation plan shall include all of the following information:

(a) Facility floor plan (showing areas of potential odor emissions);

See Exhibit B for floor plan, including areas of potential odor emissions.

(b) List of odor emitting activities to take place on site;

Storage of marijuana and extraction of marijuana will be the only odor emitting activities taking place within the facility.

(c) Phases (timing, length, etc.) of odor-emitting activities;

Storage of marijuana is associated with a continuous, low-level of odor attributable to naturally occurring, non-toxic terpenes. The extraction of marijuana will be carried out 3-7 times daily, for 90 minutes to 3 hours at a time.

(d) Odor mitigation practices based on industry-specific best control technologies and best management practices; and

Active carbon filtration is primarily used to mitigate odors throughout the marijuana facility. Extraction-specific odors are contained within the

enclosed extraction system and any vapors are routed through a cold trap designed for capturing volatile gases.

(e) Administrative controls, engineering controls (system design plan, operational processes, maintenance plan).

The marijuana processing equipment will be monitored by a human operator during all production operations. The equipment has internal sensors to monitor temperatures and pressures and safe-guards against overheating or venting of gases to the environment. Routine equipment maintenance will be carried out each working day and preventive maintenance will be performed at intervals recommended by the manufacturer.

3. Project Compliance with Pima County CUP 18.97.030

A. Scope.

- 1. A conditional use may be requested by submitting a conditional use permit application to the planning and development services department. Issuance of the permit is subject to the requirements of this chapter and any requirements of the zone in which the use is being requested;**
- 2. Application for a permit may only be made by the property owner of the subject property or an agent for the property owner.**

A Letter of Authorization from the property owner authorizing Mr. Ross Guenther to act as his agent in applying for this permit is provided in this application packet.

B. Staff Consultation. The applicant is advised to consult with county staff concerning potential requirements prior to submittal of the application.

Consultation was carried out with Pima County staff members prior to submission of this application.

C. Application.

- 1. The complete application shall include, at a minimum:**

a. A legal description of the property,

The proposed manufacturing facility will be located in the Tucson Broadbent Business Park on the northwest corner of Palo Verde Rd. and Broadmont Dr. This is an industrial area, zoned CI-2, and is permissible to be zoned for use as a Marijuana Product Manufacturing Location pursuant to code Sections 18.53.030.A and 18.51.030.B.19.

b. A list, by name and title, of all ownership interest in the property (e.g., individual, corporation, trust or limited partnership), in accordance with A.R.S. § 33-506,

Owner: John Lashley

TIN CUP PROPERTIES LLC
6262 N CAMINO VERDE
TUCSON AZ 85743-9699

c. A letter of authorization for an agent,

See attached Letter of Authorization

d. Applicable permit fees, in accordance with the adopted conditional permit fees schedule,

e. A preliminary development plan in accordance with Section [18.91.030](#) (Rezoning), which shall show compliance with all other requirements of the zone in which the use is proposed to be located,

f. A floor plan detail, when the request pertains to interior access or use;

See Exhibit B

g. A biological impact report, including a biological assessment concerning endangered or threatened species, for Type 2 and Type 3 conditional use permit requests.

See Biological Impact Report

- 2. Refer to written departmental policies for application specifics;**
- 3. Incomplete applications shall not be processed;**
- 4. Hearing notification maps shall be prepared only by the department.**



LETTER OF AUTHORIZATION

As required by Arizona Revised Statutes I hereby certify that I am the owner of the property referenced below and that the party whose name is listed below is authorized to take out Development Services permits in my name:

3450 South Broadmont Drive #112 Tucson AZ 85713

Property Address

Zoning certification for cannabis processing facility

Type of Permit Applied for: (SFR/MH/Remodel/Addition/Fence or Wall/Home Occupation/Child Care/Adult Care/Secondary Dwelling/Assisted Living/Group Home)

Ross Guenther

Digitally signed by Ross Guenther
DN: cn=US, o=Operations Manager, ou=AZ Extraction, cn=Ross Guenther,
email=rossguenther@pima.gov
Reason: I am the author of this document
Location:
Date: 2023.06.06 12:33:18
Post-Processor Version: 9.1.0

Signature of Applicant

26 June 2023

Date

AUTHORIZED BY:


Signature of Property Owner

06/26/23
Date



Ross Guenther
Operations Manager
AZE LLC
3450 S. Broadmont Drive
Suite 112
Tucson, Arizona 85713

August 29, 2023
Anthony B. Casarona
Direct Dial: (480) 626-1389
acasarona@rllaz.com

Re: Production Agreement with Non-Profit Patient Center, Inc. d/b/a Nature's Wonder

Dear Mr. Guenther:

This letter is to confirm that we represented you in the negotiation and execution of the Production Agreement (the "Agreement") between Non-Profit Patient Center, Inc. d/b/a Nature's Wonder ("NW") and AZ Extraction, LLC, the management company for AZE, LLC ("AZE").

NW holds a Marijuana Establishment License (No. 00000037ESIX56363099) (the "NW License") that allows it to manufacture, cultivate and sell (at retail or business-to-business) marijuana.

Under the Agreement, NW authorizes AZE, as its agent, to conduct marijuana product manufacturing for business to business sale on behalf of NW and its principal, J. Chris Arnold, under the NW License, at your facility located at 3450 S. Broadmont Drive, Suite 112, Tucson, Arizona 85713 (the "Facility"), as permitted pursuant to Title 36, Chapter 28.2 of the Arizona Revised Statutes and Arizona Administrative Code Title 9, Chapter 18 and, specifically, Arizona Revised Statutes 36-2858(A)(1).

If you have any questions regarding the Agreement or the authority granted to you by NW and Mr. Arnold, please contact me.

Sincerely,

A handwritten signature in blue ink that reads 'Anthony Casarona'.

Anthony B. Casarona

The Firm has one or more attorneys admitted to practice in Arizona, California, Colorado, Maryland, New Hampshire, New York, Texas and Washington, D.C.

6363 N. Swan Road, Suite 151
Tucson, Arizona 85718
Tel: (520) 792-4800

www.rllaz.com
Facsimile (520) 529-4262

16427 N. Scottsdale Road, Suite 200
Scottsdale, Arizona 85254
Tel: (480) 663-9800

Exhibit A

Marijuana Establishment License Information



ARIZONA DEPARTMENT
OF HEALTH SERVICES

Non Profit Patient Center Inc

6812 East Cave Creek Road, Suites 2, 2A and 3 2, 2A & 3, Cave Creek, AZ 85331

The establishment listed above has been issued an Establishment License. This license has been issued under the authority of Title 36, Chapter 28.2, Arizona Revised Statutes and pursuant to the Arizona Administrative Code Title 9, Chapter 18 Department of Health Services' rules and regulations.

Establishment License Number: 00000037ESIX56363099

Effective Date: August 8, 2022

Expiration Date: August 7, 2024

Amended Date: March 29, 2023

APPROVED TO:

Retail - Sell

A Registration License issued by the Arizona Department of Health Services pursuant to A.R.S. Title 36, Chapter 28.2 and A.C.C. Title 9, Chapter 18 does not protect the holder from legal action by local, city, state, or federal authorities, including possible criminal prosecution for violations of federal law for the sale, manufacture, distribution, use, dispensing, possession, etc. of marijuana. The acquisition, possession, cultivation, manufacturing, delivery, transfer, transportation, supplying, selling, distributing, or dispensing marijuana under state law is lawful only if done in strict compliance with the requirements of the State Marijuana Act ("Act"). A.R.S. Title 36, Chapter 28.2 and A.C.C. Title 9, Chapter 18. Any failure to comply with the Act may result in revocation of the Registration License issued by the Arizona Department of Health Services, and possible arrest, prosecution, imprisonment, and fines for violation of state drug laws. The State of Arizona, including but not limited to the employees of the Arizona Department of Health Services, is not facilitating or participating in any way with my acquisition, possession, cultivation, manufacturing, delivery, transfer, transportation, supplying, selling, distributing, or dispensing marijuana.

A handwritten signature in black ink, reading "Megan Whitby".

Recommended By: Megan Whitby
Deputy Assistant Director

A handwritten signature in black ink, reading "Tom Salow".

Issued By: Tom Salow
Assistant Director

Information source: <https://azcarecheck.azdhs.gov/s/>

Downloaded 9 August 2023



Non Profit Patient Center Inc

Marijuana Establishment



[Back to Search](#)

Details | [Inspections](#) | [Enforcements](#)

Legal Name

Non Profit Patient Center Inc

Address

6812 East Cave Creek Road Suites 2, 2A and 3, Cave Creek, AZ 85331

Mailing Address

111 W Monroe St #1216 Phoenix, AZ 85003

Offsite Cultivation Address

Manufacture Address

Phone

(480) 488-2979

Email

carrollt@ulmanagement.net

Hours of Operation

Monday	11AM-6PM
Tuesday	11AM-6PM
Wednesday	11AM-6PM
Thursday	11AM-6PM
Friday	11AM-6PM
Saturday	11AM-6PM
Sunday	11AM-6PM

License

00000037ESIX56365099

License Effective

8/8/2022

License Expires

8/7/2024

Owner / License

Non Profit Patient Center Inc

Services

Retail - Sell

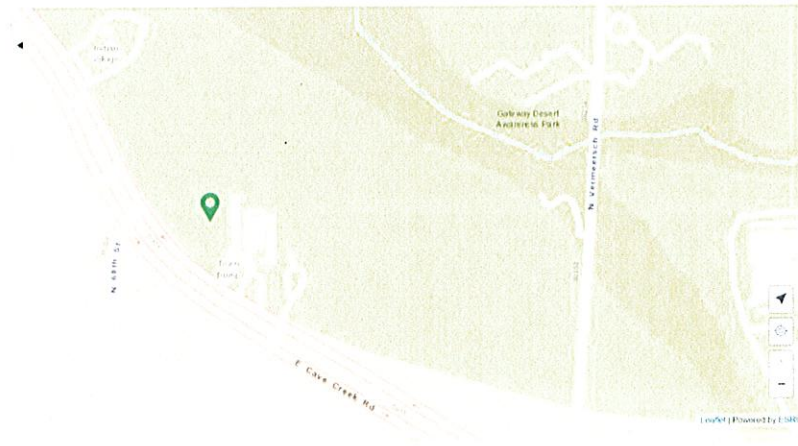


Non Profit Patient Center Inc

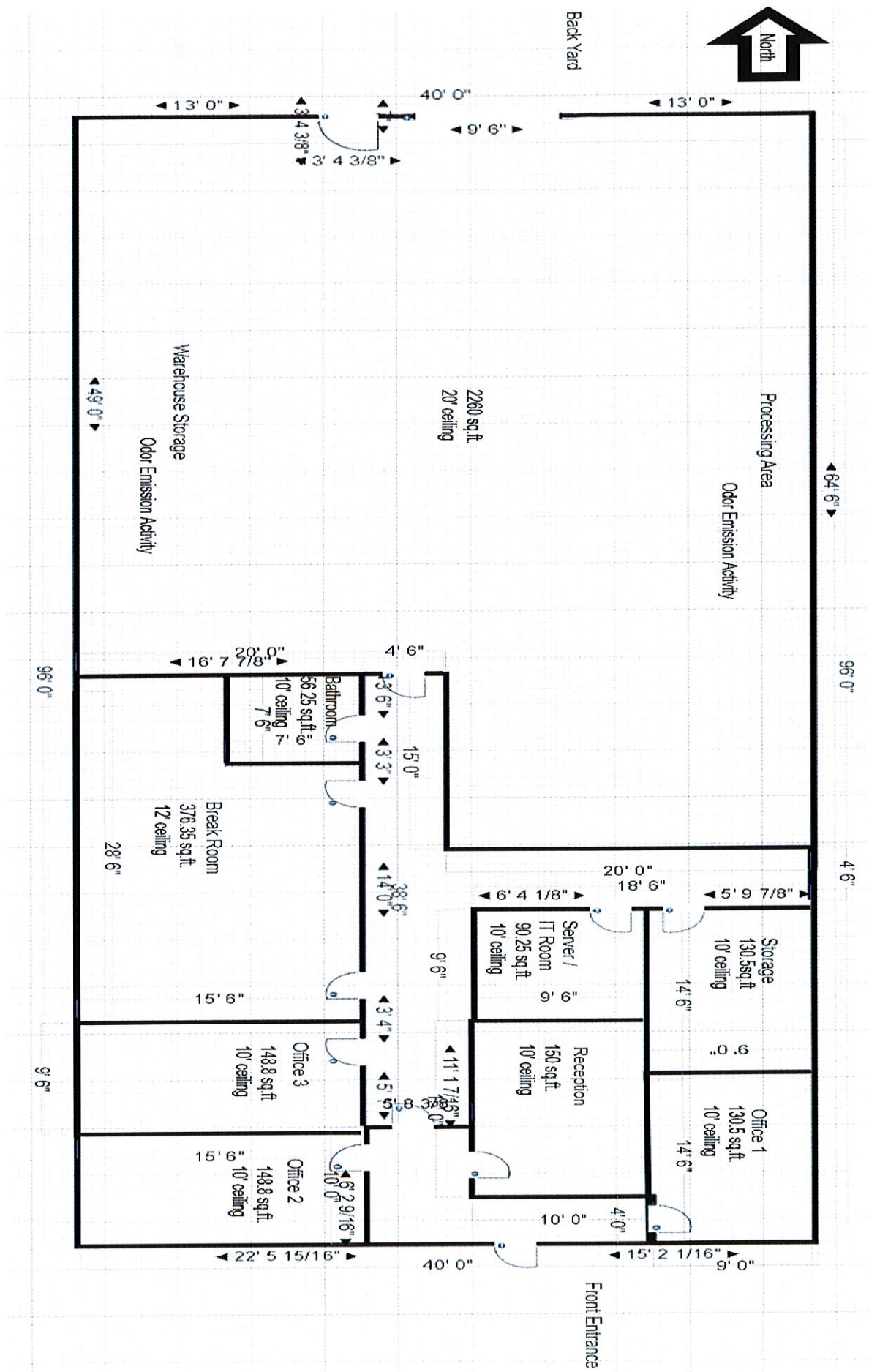
Operating: Marijuana Establishment - (480) 488-2979
6812 East Cave Creek Road Suites 2, 2A and 3, Cave Creek, AZ 85331

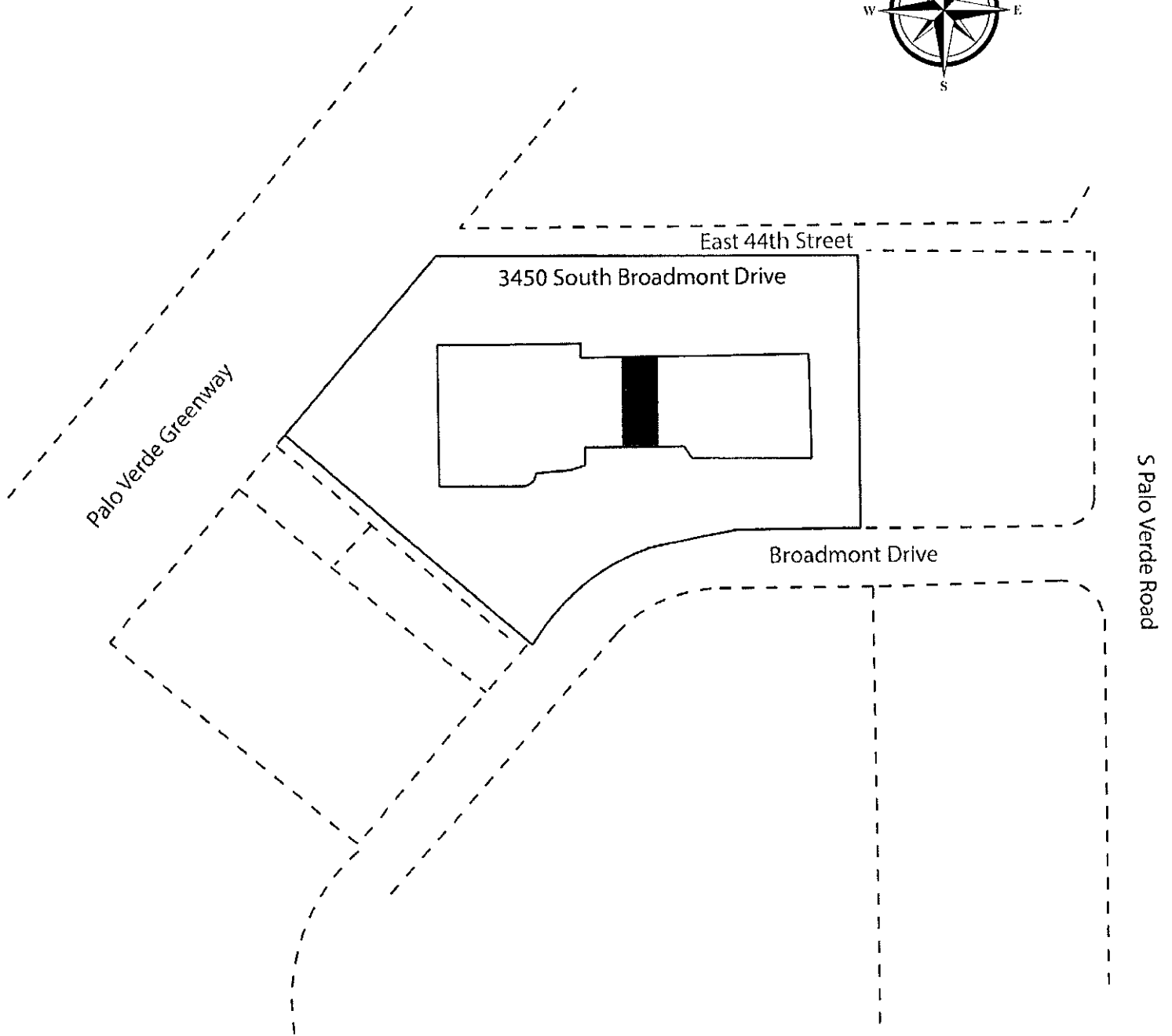
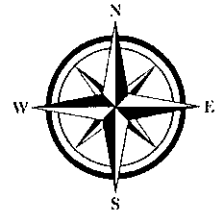
[Get Details](#)

[Load More](#)



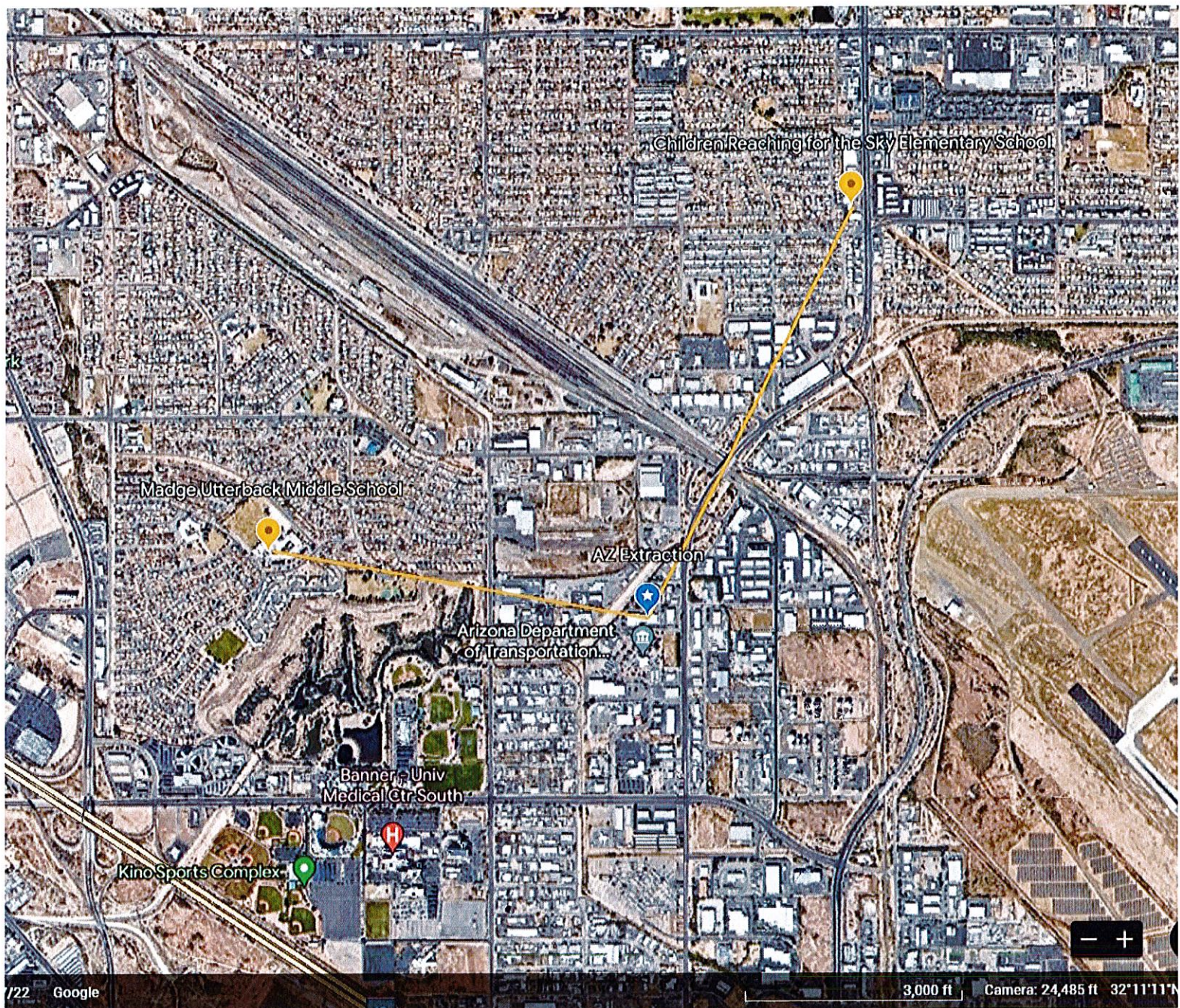
AZ Care Check is Primary Source Verified, meaning the provider and/or facility information generated is accurate and current. AZ Care Check is maintained and updated daily by ADRIS and not by an outside source.





Parcel 132-04-205M
GPS: 32.184836, -110.919771

Exhibit C



Spencer Hickman

From: DSD Planning
Sent: Monday, October 23, 2023 1:45 PM
To: Spencer Hickman
Subject: FW: CASE #P23CU00013

Follow Up Flag: Follow up
Flag Status: Flagged

From: cho chiu <cycauto@yahoo.com>
Sent: Monday, October 23, 2023 1:42 PM
To: DSD Planning <DSDPlanning@pima.gov>
Subject: CASE #P23CU00013

CAUTION: This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

Hello Spencer

The Case number is # P23CU00013 regarding the Type III Conditional Use Permit for a Marijuana Product Manufacturing Location at 3450 S. Broadmont Drive

My company name is CFW Properties LLC at 3440 S. Broadmont Drive

My member and I are NOT support to the Request

If you have any question, you can contact me at 520 623 8908

Thanks

Foon Chiu
CFW Properties LLC