



MEMORANDUM

PUBLIC WORKS DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

TO: Honorable Sharon Bronson, Supervisor, District #3

FROM: Arlan M. Colton, Planning Director *MC*

DATE: April 24, 2013

SUBJECT: P21-13-005 100 ESTRELLA LLC – NORTH AJO GILA BEND HWY.
(Conditional Use Permit – Type III – Medical Marijuana Dispensary)

The above referenced Conditional Use is within your district and is scheduled for the Board of Supervisors' **TUESDAY, MAY 7, 2013** hearing.

REQUEST: Conditional Use Permit – Medical Marijuana Dispensary

OWNER 100 Estrella LLC
P.O. Box 283
Ajo, AZ 85321

APPLICANT Arizona Natural Remedies Inc
1519 W. Sunrise Dr.
Phoenix, AZ 85041

DISTRICT: 3

STAFF CONTACT: Tom Drzazgowski

PUBLIC COMMENT TO DATE: Staff has received six letters in opposition as of April 23, 2013.

HEARING ADMINISTRATOR RECOMMENDATION: APPROVAL WITH STANDARD AND SPECIAL CONDITIONS.

PLANNING AND ZONING COMMISSION RECOMMENDATION: APPROVAL WITH STANDARD AND SPECIAL CONDITIONS.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM: The site is outside of the Maeveen Marie Behan Conservation Lands System (MMBCLS).

TD/ar
Attachments



Board of Supervisors Memorandum

Subject: P21-13-005

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FOR MAY 7, 2013 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Arlan M. Colton, Planning Director

DATE: April 20, 2013

ADVERTISED ITEM FOR PUBLIC HEARING

TYPE III CONDITIONAL USE
MEDICAL MARIJUANA DISPENSARY

P21-13-005 100 ESTRELLA LLC – NORTH AJO GILA BEND HWY.

Request of Arizona Natural Remedies Inc., (applicant) on property located at 742 and 750 N. Ajo Gila Bend Hwy. in Ajo, Arizona, in the CB-2 (general business) Zone, for a Medical Marijuana Dispensary, in accordance with Section 18.45.040D of the Pima County Zoning Code as a Type III conditional use permit. On motion, the Planning and Zoning Commission voted 10-0, to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. The Hearing Administrator recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**.
(District 3)

Planning and Zoning Commission Hearing (March 27, 2013)

The Planning & Zoning Commission hearing on this case took place on March 27, 2013. At same, the Commission heard the applicant's presentation and queried both the applicant and staff on certain particular details of the application. Staff indicated that two (2) letters of opposition had been received and had been provided to the Commission. The letters raised concerns about safety, public welfare, crime, inappropriateness of this particular location, and the assertion that certain authorized private cultivators of medical marijuana might lose their legal right to do so if a new dispensary was approved. Staff also reported that it had received approximately eight (8) phone calls in opposition, largely echoing the same concerns as in the written letters.

One (1) member of the public appeared to speak on the matter, this individual being in opposition and also being the author of one of the two letters of opposition alluded to above.

Issues explored at length by the Commission were: 1) the appropriateness of the Hearing Administrator's recommendation to limit the approval to only a two-year time frame, 2) whether the screenwall as recommended by the Hearing Administrator was truly necessary, 3) the public outreach that had been undertaken by the applicant, and 4) the various deadlines which the applicant labors under if he is to satisfy all applicable State-regulated timeframes.

After hearing all the information on motion, the public hearing was closed. The Planning and Zoning Commission, on motion, voted to approve the conditional use permit with conditions recommended by the Hearing Administrator with three additional conditions proposed by the Department of Transportation.

Standard Conditions

1. Conformance with all performance standards, requirements and stipulations of Section 18.45.040.D of the Pima County Zoning Code (wherein a Medical Marijuana Dispensary is prescribed as a conditional use in the CB-2 zone).

Special Conditions

1. The applicant shall, within fourteen (14) days of the Planning & Zoning Commission public hearing on this matter, provide a written certification that addresses each and every item enumerated in Section 18.45.040.D of the Pima County Zoning Code and which describes how each of these various standards and performance requirements are met.
2. Prior to issuance of the conditional use permit, the applicant shall submit a final site plan to Pima County, which must be reviewed by the Deputy Chief Zoning Inspector, for adequate compliance with the following:
 - a. The existing asphalt pavement area on the property shall be striped appropriately to provide for the full required number of vehicular spaces as stipulated by the Pima County Zoning Code.
 - b. The size/dimensions of all parking spaces and parking area access lanes (PAAL's) shall be in accordance with Pima County standards.
 - c. Disabled parking space(s) and a designated pedestrian route from them to the building entrance shall be provided in accordance with Pima County standards.
 - d. A minimum six-foot (6') tall, continuous screening element shall be installed along the site's entire eastern boundary so as to provide a visual screen of the facility from the adjacent residences directly to the east.
 - e. The existing open vehicular access along the site's State Route 85 and W. 1st Street frontages shall be maintained in its current state so as to allow free and open visibility into the site from these frontages by law enforcement personnel.

f. Within the property boundary, provide delineation of the driveway access on 1st Street with striping, planters, and/or some other acceptable barrier that will define the access to the site and control access along the 1st Street frontage.

g. Within the property boundary, provide post and cable or fencing to further delineate the access to the site that controls access along 2nd Avenue.

h. Written certification from the Arizona Department of Transportation, stating satisfactory compliance with all of its requirements shall be submitted to Development Services Department prior to issuance of building permits.

3. The items enumerated in Item #2 above shall be physically installed on the site prior to the facility being officially opened for business.

4. In consideration of Pima County Zoning Code Section 18.45.040.D.6 (Permit Conditions), which prescribes certain options and obligations to the Board of Supervisors in the interest of conserving and promoting the public health, safety, convenience, and general welfare, the enumerated items of sub-section D.6.a through D.6.i are hereby incorporated, as follows, as further special conditions and requirements on this conditional use permit:

a. This conditional use permit shall expire two (2) years from the date of its issuance; the applicant is required to file a new conditional use permit application and procure approval of same prior to the expiration date in order to preserve uninterrupted operation of the facility.

b. The medical marijuana dispensary shall meet all security requirements adopted by the Arizona Department of Health Services.

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

d. The owner/operator shall secure a certification from the State Fire Marshall, or from another acceptable entity responsible for fire safety in the area in which the medical marijuana dispensary is to be located, stating that the structure complies with all fire code requirements and must supply that certification to the development services department.

e. The medical marijuana dispensary is prohibited from providing or offering any service that furnishes offsite delivery of the medical marijuana.

f. The medical marijuana dispensary is prohibited from permitting anyone to consume marijuana on the premises.

g. The medical marijuana dispensary building shall be setback a minimum of one hundred twenty-five feet (125') from any adjacent lot or parcel containing an established residential use.

h. The medical marijuana dispensary building shall be setback a minimum of one hundred twenty-five feet (125') from any adjacent property with a residential zoning classification.

i. The medical marijuana dispensary shall comply with applicable sections of Title 8 of the Pima County Code.



Board of Supervisors Memorandum

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FOR BOARD OF SUPERVISORS MAY 7, 2013 PUBLIC HEARING

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Jim Portner, Hearing Administrator

DATE: April 12, 2013

DOCUMENT: P21-13-005

CONDITIONAL USE PERMIT REQUEST FOR PUBLIC HEARING

Request of Arizona Natural Remedies, Inc. (applicant) on property located at 742 and 750 N. Ajo Gila Bend Highway in Ajo, Arizona, in the CB-2 (General Business) Zone, for a Medical Marijuana Dispensary, in accordance with Section 18.45.040.D of the Pima County Zoning Code as a Type III conditional use permit. (District 3)

CASE PARTICULARS

This is a Conditional Use Permit request (Type III) for a licensed **medical marijuana dispensary**. The proposed site is an existing, currently vacant commercial building (a former liquor store) located on a developed piece of property in Ajo, Arizona. The existing building will be modified accordingly so as to house the dispensary and to meet all applicable state and local requirements for security, restricted access, operations, record-keeping, monitoring, inventory control, etc. The proposed operator of the facility (Arizona Natural Remedies, Inc.) has already been issued its *Medical Marijuana Dispensary Registration Certificate* by the Arizona Department of Health Services (under Certificate No. 00000028DCGV00174888) and is thereby approved by the State to operate the dispensary on the subject property, subject to approval by the local zoning authority.

SUMMARY OF THE PLANNING & ZONING COMMISSION PUBLIC HEARING

The Planning & Zoning Commission hearing on this case took place on March 27, 2013. At same, the Commission heard the applicant's presentation and queried both the applicant and staff on certain particular details of the application. Staff indicated that two (2) letters of opposition had been received and had been provided to the Commission. The letters raised concerns about safety, public welfare, crime, inappropriateness of this particular location, and the assertion that

certain authorized private cultivators of medical marijuana might lose their legal right to do so if a new dispensary was approved. Staff also reported that it had received approximately eight (8) phone calls in opposition, largely echoing the same concerns as in the written letters.

One (1) member of the public appeared to speak on the matter, this individual being in opposition and also being the author of one of the two letters of opposition alluded to above.

Issues explored at length by the Commission were: 1) the appropriateness of the Hearing Administrator's recommendation to limit the approval to only a two-year time frame, 2) whether the screenwall as recommended by the Hearing Administrator was truly necessary, 3) the public outreach that had been undertaken by the applicant, and 4) the various deadlines which the applicant labors under if he is to satisfy all applicable State-regulated timeframes.

After discussing all of the above to its satisfaction and after closing the public hearing, the Commission voted 10-0 (motion by Spendiarian, seconded by Richey; all Commissioners being present) to recommend APPROVAL of this CUP request to the Board of Supervisors, subject to the Hearing Administrator's recommended standard and special conditions, and as amended by the Commission, per the following:

Standard Conditions

1. Conformance with all performance standards, requirements and stipulations of Section 18.45.040.D of the Pima County Zoning Code (wherein a Medical Marijuana Dispensary is prescribed as a conditional use in the CB-2 zone).

Special Conditions

1. The applicant shall, within fourteen (14) days of the Planning & Zoning Commission public hearing on this matter, provide a written certification that addresses each and every item enumerated in Section 18.45.040.D of the Pima County Zoning Code and which describes how each of these various standards and performance requirements are met.
2. Prior to issuance of the conditional use permit, the applicant shall submit a final site plan to Pima County, which must be reviewed by the Deputy Chief Zoning Inspector, for adequate compliance with the following:
 - a. The existing asphalt pavement area on the property shall be striped appropriately to provide for the full required number of vehicular spaces as stipulated by the Pima County Zoning Code.
 - b. The size/dimensions of all parking spaces and parking area access lanes (PAAL's) shall be in accordance with Pima County standards.
 - c. Disabled parking space(s) and a designated pedestrian route from them to the building entrance shall be provided in accordance with Pima County standards.

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- d. A minimum six-foot (6') tall, continuous screening element shall be installed along the site's entire eastern boundary so as to provide a visual screen of the facility from the adjacent residences directly to the east.
 - e. The existing open vehicular access along the site's State Route 85 and W. 1st Street frontages shall be maintained in its current state so as to allow free and open visibility into the site from these frontages by law enforcement personnel.
 - f. Within the property boundary, provide delineation of the driveway access on 1st Street with striping, planters, and/or some other acceptable barrier that will define the access to the site and control access along the 1st Street frontage.
 - g. Within the property boundary, provide post and cable or fencing to further delineate the access to the site that controls access along 2nd Avenue.
 - h. Written certification from the Arizona Department of Transportation, stating satisfactory compliance with all of its requirements shall be submitted to Development Services Department prior to issuance of building permits.
3. The items enumerated in Item #2 above shall be physically installed on the site prior to the facility being officially opened for business.
 4. In consideration of Pima County Zoning Code Section 18.45.040.D.6 (Permit Conditions), which prescribes certain options and obligations to the Board of Supervisors in the interest of conserving and promoting the public health, safety, convenience, and general welfare, the enumerated items of sub-section D.6.a through D.6.i are hereby incorporated, as follows, as further special conditions and requirements on this conditional use permit:
 - a. This conditional use permit shall expire two (2) years from the date of its issuance; the applicant is required to file a new conditional use permit application and procure approval of same prior to the expiration date in order to preserve uninterrupted operation of the facility.
 - b. The medical marijuana dispensary shall meet all security requirements adopted by the Arizona Department of Health Services.
 - c. The storage facilities for the medical marijuana stored or grown on site shall prevent the emission of dust, fumes, vapors or odors into the environment.
 - d. The owner/operator shall secure a certification from the State Fire Marshall, or from another acceptable entity responsible for fire safety in the area in which the medical marijuana dispensary is to be located, stating that the structure complies with all fire code requirements and must supply that certification to the development services department.
 - e. The medical marijuana dispensary is prohibited from providing or offering any service that furnishes offsite delivery of the medical marijuana.
 - f. The medical marijuana dispensary is prohibited from permitting anyone to consume marijuana on the premises.
 - g. The medical marijuana dispensary building shall be setback a minimum of one hundred twenty-five feet (125') from any adjacent lot or parcel containing an established residential use.

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- h. The medical marijuana dispensary building shall be setback a minimum of one hundred twenty-five feet (125') from any adjacent property with a residential zoning classification.
- i. The medical marijuana dispensary shall comply with applicable sections of Title 8 of the Pima County Code.

Special Note: Subsequent to the Planning & Zoning Commission hearing, staff has received four (4) additional letters of opposition as of the date of this Memorandum to the Board of Supervisors. These letters have been included in the Board's packet on this item.

HEARING ADMINISTRATOR'S CONSIDERATIONS

This request proposes to operate a medical marijuana facility within an established commercial and residential context in Ajo, Arizona. The site has direct frontage and access onto the community's primary north-south arterial (Ajo Gila Bend Highway; State Route 85). The existing building on the property operated as a liquor store and smoke shop for several years and appears to have done so compatibly with the nearby residential properties. Several existing businesses operate across the street (State Route 85) to the immediate west. These include several thrift stores, a social club, a satellite television installation service, and a restaurant. Across W. 1st Street (to the immediate north) is an existing general merchandise/dollar store.

The properties to the immediate east and northeast are residential in nature, containing a mixture of one-story site-built and mobile home residences. The property to the immediate south is vacant and is owned by the same property owner.

Comprehensive Plan Considerations

The Pima County Comprehensive Plan designates this property as part of the *Multi-Functional Corridor (MFC)* category, the stated purpose of which is "to designate areas for the integrated development of complementary uses along major transportation corridors."

In that the proposed dispensary is located within the primary transportation corridor in Ajo, together with the fact that it has direct frontage and access to the primary transportation route (Ajo Gila Bend Highway; State Route 85), together further with the fact that the corridor is characterized by an well-established mix of residential and commercial uses, the Hearing Administrator finds that the proposed conditional use permit for a medical marijuana dispensary is not inconsistent with the expressed purpose of the Pima County Comprehensive Plan. The building that is proposed to house the facility was previously a liquor store and smoke shop, the premises of which were very well maintained and which appears to have functioned quite compatibly within the established context and the nearby single-family residences.

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The existing building and premises will be significantly modified so as to satisfy an extensive series of required state criteria for security, access control, record-keeping, video monitoring, etc. that will insure a contained and controlled operation and that will continue to respect the nearby residential properties and other uses and appropriately safeguard them.

Zoning and Land Use Considerations

The subject parcel has split zoning. The western half (which includes the existing building premises and site improvements) is zoned CB-2. The eastern half of the property is zoned CR-4 and is largely undeveloped. The surrounding properties are zoned a mixture of CB -2 and CR-4. In general, the properties to the immediate west (across State Route 85) are zoned CB-2, while the properties to the east are zoned CR-4.

In January, 2013, the applicant applied for a variance to reduce the minimum setback required between a medical marijuana dispensary and a church from the required one thousand feet (1000') to 565 feet (565'). The church in question is located to the northwest of the applicant's site and within the 1000' minimum. The case was heard by the District 3 Board of Adjustment on February 19, 2013. The Board approved the request by a vote of 3-0. Approximately two weeks after the Board of Adjustment approval of the request, it was determined that the distance to the church property is, in fact, less than 565'. It appears that the correct distance from the church property to the proposed medical marijuana dispensary property is approximately three hundred ninety feet (390'). Since this distance is less than that approved by the Board of Adjustment, the applicant must seek a new variance approval. It is not necessary that this approval be obtained prior to the approval of the conditional use permit, but is required prior to any other permitting of the site. There are two possible hearing dates for the Board of Adjustment (April 15 or May 20, 2013). The final date for the variance hearing will be a function of when the revised variance request application is received by staff.

Lastly, the applicant is advised that Section 18.45.040.D of the Pima County Zoning Code enumerates a variety of standard criteria, performance standards, and permitting requirements which must be met by any medical marijuana dispensary. While it is the applicant's responsibility to fully acquaint themselves with all of these parameters, particular attention should be given to Sub-sections D.5 (Development Standards) and D.6 (Permit Conditions). Section 18.45.040.D of the Pima County Zoning Code is included, in its entirety, as an Attachment to this staff report and is considered a part thereof of the report by this reference.

HEARING ADMINISTRATOR'S RECOMMENDATION

After staff had visited the subject property, and after having considered all of the above, and after having reviewed the applicant's submitted materials, the Hearing Administrator found the proposed **medical marijuana dispensary** to be an acceptable use on the subject property and within the surrounding context.

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

Standard Conditions

1. Conformance with all performance standards, requirements and stipulations of Section 18.45.040.D of the Pima County Zoning Code (wherein a Medical Marijuana Dispensary is prescribed as a conditional use in the CB-2 zone).

Special Conditions

1. The applicant shall, within fourteen (14) days of the Planning & Zoning Commission public hearing on this matter, provide a written certification that addresses each and every item enumerated in Section 18.45.040.D of the Pima County Zoning Code and which describes how each of these various standards and performance requirements are met.
2. Prior to issuance of the conditional use permit, the applicant shall submit a final site plan to Pima County, which must be reviewed by the Deputy Chief Zoning Inspector, for adequate compliance with the following:
 - i. The existing asphalt pavement area on the property shall be striped appropriately to provide for the full required number of vehicular spaces as stipulated by the Pima County Zoning Code.
 - j. The size/dimensions of all parking spaces and parking area access lanes (PAAL's) shall be in accordance with Pima County standards.
 - k. Disabled parking space(s) and a designated pedestrian route from them to the building entrance shall be provided in accordance with Pima County standards.
 - l. A minimum six-foot (6') tall, continuous screening element shall be installed along the site's entire eastern boundary so as to provide a visual screen of the facility from the adjacent residences directly to the east.
 - m. The existing open vehicular access along the site's State Route 85 and W. 1st Street frontages shall be maintained in its current state so as to allow free and open visibility into the site from these frontages by law enforcement personnel.
5. The items enumerated in Item #2 above shall be physically installed on the site prior to the facility being officially opened for business.
6. In consideration of Pima County Zoning Code Section 18.45.040.D.6 (Permit Conditions), which prescribes certain options and obligations to the Board of Supervisors in the interest of conserving and promoting the public health, safety, convenience, and general welfare, the enumerated items of sub-section D.6.a through D.6.i are hereby incorporated, as follows, as further special conditions and requirements on this conditional use permit:
 - a. This conditional use permit shall expire two (2) years from the date of its issuance; the applicant is required to file a new conditional use permit application and procure approval of same prior to the expiration date in order to preserve uninterrupted operation of the facility.

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- b. The medical marijuana dispensary shall meet all security requirements adopted by the Arizona Department of Health Services.
- c. The storage facilities for the medical marijuana stored or grown on site shall prevent the emission of dust, fumes, vapors or odors into the environment.
- d. The owner/operator shall secure a certification from the State Fire Marshall, or from another acceptable entity responsible for fire safety in the area in which the medical marijuana dispensary is to be located, stating that the structure complies with all fire code requirements and must supply that certification to the development services department.
- e. The medical marijuana dispensary is prohibited from providing or offering any service that furnishes offsite delivery of the medical marijuana.
- f. The medical marijuana dispensary is prohibited from permitting anyone to consume marijuana on the premises.
- g. The medical marijuana dispensary building shall be setback a minimum of one hundred twenty-five feet (125') from any adjacent lot or parcel containing an established residential use.
- h. The medical marijuana dispensary building shall be setback a minimum of one hundred twenty-five feet (125') from any adjacent property with a residential zoning classification.
- i. The medical marijuana dispensary shall comply with applicable sections of Title 8 of the Pima County Code.

Note: Subsequent to the Hearing Administrator's crafting of the above Special Conditions, a separate Memorandum was received on this application from the Pima County Department of Transportation (PCDOT). This Memorandum included additional special conditions as recommended by the Department. These additional special conditions were considered by the Planning & Zoning Commission and ultimately incorporated into their recommendation to the Board of Supervisors as supplemental Special Condition Nos. 2.f, 2.g and 2.h.

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,

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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:

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

The subject site is located within an area that is **OUTSIDE OF** the Maeveen Marie Behan Conservation Lands System.

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, as this property has already been entirely developed for commercial uses, and 2) that it would not be in conflict with the Regional Environmental Policies of the 2001 Comprehensive Plan Update. In light of the already-developed nature of the property, it has already been disturbed and has possesses no natural vegetation or desert specimens that will be impacted by this proposal. A separate staff memorandum on this topic is included in the Commission's packet for this item.

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 subject property is not located within an area that was designated as former Critical Habitat, but is part of the Draft Recovery Area. It is located within Survey Zone 2. This site is not within Priority Conservation Area (PCA) for this species.

Western Burrowing Owl. The subject property is located within a general area designated as having medium habitat potential for the Western Burrowing Owl. It is not within the Priority Conservation Area (PCA) for this species.

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

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

DEPT. OF TRANSPORTATION RECOMMENDATION

The Department of Transportation will review this project as need be during permit process.

attachments

cc: Carmine DeBonis, Director, Development Services
Yves Khawam, Chief Building Official
Arlan Colton, Planning Official
Carmine DeBonis, Chief Zoning Inspector
100 Estrella, LLC, Owner
Arizona Natural Remedies, Inc., c/o Tim Moore, Applicant

Attachment
(Section 18.45.040.D of the Pima County Zoning Code)

18.45.040 - Conditional uses.

- D. Medical marijuana dispensary: If the Arizona Revised Statutes are amended to allow medical marijuana dispensaries, as long as the law remains in full force and effect, a medical marijuana dispensary is permitted as a Type III conditional use subject to the following conditions:
1. Minimum notification area: The minimum notification area for a conditional use permit for a medical marijuana dispensary is two thousand six hundred forty feet.
 2. Supplemental application: In addition to the application required by Chapter 18.97, an applicant for a conditional use permit for a medical marijuana dispensary must complete a supplemental application that includes all of the following information:
 - a. If the application is by an agent for the owner the authorization must include an explicit acknowledgment from the owner that the owner knows that the proposed use of the property is as a medical marijuana dispensary.
 - b. The legal name of the medical marijuana dispensary.
 - c. The name address and date of birth of each principal officer and board member of the nonprofit medical marijuana dispensary and the name, address, and date of birth of each medical marijuana dispensary agent.
 - d. A copy of the operating procedures adopted in compliance with A.R.S. Section 36-2804(B)(1)(c).
 - e. A notarized certification that none of the principal officers or board members has been convicted of one of the following offenses:
 - i. A violent crime as defined in A.R.S. Section 13-901.03(B) that was classified as a felony in the jurisdiction where the person was convicted;
 - ii. A violation of state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted except an offense for which the sentence, including any term of probation, incarceration or supervised release, was completed ten or more years earlier or an offense involving conduct that would be immune from arrest, prosecution or penalty under A.R.S. Section 36-2811 except that the conduct occurred before the effective date of that statute or was prosecuted by an authority other than the state of Arizona.
 - f. A notarized certification that none of the principal officers or board members has served as a principal officer or board member for a registered nonprofit medical marijuana dispensary that has had its registration certificate revoked.
 - g. A floor plan showing the location, dimensions and type of security measures demonstrating that the medical marijuana dispensary will meet the definition of enclosed locked facility contained in A.R.S. Section 36-2801(6).
 3. Prohibited locations: A medical marijuana dispensary is not permitted in the gateway overlay zone, buffer overlay zone or a historic zone.

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4. Community impacts: The board may not approve a medical marijuana dispensary at a site if substantial evidence is presented that locating the dispensary at the proposed site will negatively impact neighboring property values or if substantial evidence is presented that shows that locating the dispensary at the proposed site will create an unreasonable risk to the health, safety or general welfare in the area.
5. Development standards:
 - a. A medical marijuana dispensary must be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.
 - b. A medical marijuana dispensary shall be setback a minimum of two thousand feet from all other medical marijuana dispensaries measured from the parcel boundaries;
 - c. A medical marijuana dispensary shall be setback a minimum of one thousand feet from a public, private, parochial, charter, dramatic, dancing, music, or other similar school or educational or activity facility where children may be enrolled, measured from the parcel boundaries.
 - d. A medical marijuana dispensary shall be setback a minimum of one thousand feet from a public, private, parochial, or charter school bus stop.
 - e. A medical marijuana dispensary shall be setback a minimum of one thousand feet from a childcare center, measured from the parcel boundaries.
 - f. A medical marijuana dispensary shall be setback a minimum of one thousand feet from a library or public park.
 - g. A medical marijuana dispensary shall be setback a minimum of one thousand feet from a church.
 - h. A medical marijuana dispensary shall be setback a minimum of one thousand feet from a residential substance abuse diagnostic and treatment facility or other drug or alcohol rehabilitation facility.
 - i. A medical marijuana dispensary may not have a drive-through service.
 - j. A medical marijuana dispensary may not have outdoor seating areas.
 - k. The maximum floor area of a medical marijuana dispensary is two thousand square feet.
 - l. The secure storage area for the medical marijuana stored at the medical marijuana dispensary shall not exceed four hundred square feet.
 - m. The permitted hours of operation of a medical marijuana dispensary are between the hours of nine a.m. and five p.m.
6. Permit conditions: The board may include any conditions it finds necessary to conserve and promote the public health, safety, convenience and general welfare. The board must include the following permit conditions for issuance of the conditional use permit for a medical marijuana dispensary:
 - a. An expiration date for the conditional use permit that requires re-application or renewal of the permit after a specified period of time.
 - b. A requirement that the medical marijuana dispensary meets security requirements adopted by the Arizona Department of Health Services.
 - c. A requirement that the storage facilities for the medical marijuana stored or grown on site prevent the emission of dust, fumes, vapors or odors into the environment.

STAFF REPORT TO THE BOARD OF SUPERVISORS

P21-13-005 --- 100 ESTRELLA, LLC – N. AJO GILA BEND HIGHWAY

April 12, 2013

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- d. A requirement that the owner secure a certification from the State Fire Marshall or from another acceptable entity responsible for fire safety in the area in which the medical marijuana dispensary is to be located stating that the structure complies with all fire code requirements and supply that certification to the development services department.
 - e. A prohibition on the medical marijuana dispensary offering a service that provides offsite delivery of the medical marijuana.
 - f. A requirement that the medical marijuana dispensary is prohibited from permitting anyone to consume marijuana on the premises.
 - g. A requirement for a reasonable setback from a zoning district other than CB-2, CI-1, CI-2, and CI-3 or any existing, established, residential use in those zones.
 - h. A requirement for a reasonable setback feet from a zoning district in a city or town other than classifications that permit densities and uses greater than or equal to those permitted CB-2, CI-1, CI-2, and CI-3.
 - i. A requirement that the medical marijuana dispensary comply with applicable sections of Title 8 of the Pima County Code.
7. Enforcement: The provisions of this subsection may be enforced through the use of the civil penalty procedure provided for by Section 18.95.030 or by injunction or other civil proceeding as provided by A.R.S Section 11-808(H). Notwithstanding any other provision of this code, this subsection shall not be enforced under A.R.S Section 11-808(C) as a misdemeanor.
8. Fees: The fee for application and hearing is a combination of the existing fees for conditional use permit application filing fee, the site analysis submittal fee and the notice of public hearing fee included in the most current development services department fee schedule.

PIMA COUNTY DEVELOPMENT SERVICES REPORT TO THE PIMA COUNTY PLANNING & ZONING COMMISSION

CASE: **P21-13-005**
100 ESTRELLA, LLC – N. AJO GILA BEND HIGHWAY (AJO, AZ)

OWNERSHIP: 100 Estrella, LLC
P.O. Box 283
Ajo, AZ 85321

APPLICANT: Arizona Natural Remedies, Inc.
c/o Tim Moore
1519 W. Sunrise Drive
Phoenix, AZ 85041

LOCATION: The proposed site is a developed property and existing building (currently vacant) located at 750 N. Ajo Gila Bend Highway (State Route 85) in Ajo, Arizona.

REQUEST: This is a Conditional Use Permit request (Type III) for a licensed **medical marijuana dispensary**. The proposed site is an existing, currently vacant commercial building (a former liquor store) located on a developed piece property in Ajo, Arizona. The existing building will be modified accordingly so as to house the dispensary and to meet all applicable state and local requirements for security, restricted access, operations, record-keeping, monitoring, inventory control, etc. The proposed operator of the facility (Arizona Natural Remedies, Inc.) has already been issued its *Medical Marijuana Dispensary Registration Certificate* (No. 00000028DCGV00174888) by the Arizona Department of Health Services and is thereby approved by the State to operate the dispensary on the subject property, subject to approval by the local zoning authority.

PETITIONER’S STATEMENT REGARDING THE TYPE OF USE PROPOSED

“Licensed medical marijuana dispensary.”

PETITIONER’S STATEMENT REGARDING NEED AND COMPATIBILITY

“License awarded thru Arizona Department of Health Services, in former liquor store that previous[ly] operated in neighborhood for over 10 years.”

The petitioner has provided a complete submittal package, including a floorplan, conceptual site plan, and a variety of policy statements which cover the numerous state requirements for security and operations.

HEARING ADMINISTRATOR'S CONSIDERATIONS

This request proposes to operate a medical marijuana facility within an established commercial and residential context in Ajo, Arizona. The site has direct frontage and access onto the community's primary north-south arterial (State Route 85). The existing building on the property operated as a liquor store and smoke shop for several years and appears to have done so compatibly with the nearby residential properties. Several existing businesses operate across the street (State Route 85) to the immediate west. These include several thrift stores, a social club, a satellite television installation service, and a restaurant. Across W. 1st Street (to the immediate north) is an existing general merchandise/dollar store.

The properties to the immediate east and northeast are residential in nature, containing a mixture of one-story site-built and mobile home residences. The property to the immediate south is vacant and is owned by the same property owner.

Comprehensive Plan Considerations

The Pima County Comprehensive Plan designates this property as part of the *Multi-Functional Corridor (MFC)* category, the stated purpose of which is "to designate areas for the integrated development of complementary uses along major transportation corridors."

In that the proposed dispensary is located within the primary transportation corridor in Ajo, together with the fact that it has direct frontage and access to the primary transportation route (Ajo Gila Bend Highway; State Route 85), together further with the fact that the corridor is characterized by an well-established mix of residential and commercial uses, the Hearing Administrator finds that the proposed conditional use permit for a medical marijuana dispensary is not inconsistent with the expressed purpose of the Pima County Comprehensive Plan. The building that is proposed to house the facility was previously a liquor store and smoke shop, the premises of which were very well maintained and which appears to have functioned quite compatibly within the established context and the nearby single-family residences.

The existing building and premises will be significantly modified so as to satisfy an extensive series of required state criteria for security, access control, record-keeping, video monitoring, etc. that will insure a contained and controlled operation and that will continue to respect the nearby residential properties and other uses and appropriately safeguard them.

Zoning and Land Use Considerations

The subject parcel has split zoning. The western half (which includes the existing building premises and site improvements) is zoned CB-2. The eastern half of the property is zoned CR-4 and is largely undeveloped. The surrounding properties are zoned a mixture of CB -2 and CR-4. In general, the properties to the immediate west (across State Route 85) are zoned CB-2, while the properties to the east are zoned CR-4.

In January, 2013, the applicant applied for a variance to reduce the minimum setback required between a medical marijuana dispensary and a church from the required one thousand feet (1000') to 565 feet (565'). The church in question is located to the northwest of the applicant's site and within the 1000' minimum. The case was heard by the District 3 Board of Adjustment on February 19, 2013. The Board approved the request by a vote of 3-0. Approximately two weeks after the Board of Adjustment approval of the request, it was determined that the distance to the church property is, in fact, less than 565'. It appears that the correct distance from the church property to the proposed medical marijuana dispensary property is approximately three hundred ninety feet (390'). Since this distance is less than that approved by the Board of Adjustment, the applicant must seek a new variance approval. It is not necessary that this approval be obtained prior to the approval of the conditional use permit, but is required prior to any other permitting of the site. There are two possible hearing dates for the Board of Adjustment (April 15 or May 20, 2013). The final date for the variance hearing will be a function of when the revised variance request application is received by staff.

Lastly, the applicant is advised that Section 18.45.040.D of the Pima County Zoning Code enumerates a variety of standard criteria, performance standards, and permitting requirements which must be met by any medical marijuana dispensary. While it is the applicant's responsibility to fully acquaint themselves with all of these parameters, particular attention should be given to Sub-sections D.5 (Development Standards) and D.6 (Permit Conditions). Section 18.45.040.D of the Pima County Zoning Code is included, in its entirety, as an Attachment to this staff report and is considered a part thereof of the report by this reference.

HEARING ADMINISTRATOR'S RECOMMENDATION

After visiting the subject property and after considering all of the above and reviewing the applicant's submitted materials, the Hearing Administrator finds the proposed **medical marijuana dispensary** to be a generally acceptable use on the subject property and within the surrounding, established land-use context and transportation corridor.

It is 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

1. Conformance with all performance standards, requirements and stipulations of Section 18.45.040.D of the Pima County Zoning Code (wherein a Medical Marijuana Dispensary is prescribed as a conditional use in the CB-2 zone).

Special Conditions

1. The applicant shall, within fourteen (14) days of the Planning & Zoning Commission public hearing on this matter, provide a written certification that addresses each and every item enumerated in Section 18.45.040.D of the Pima County Zoning Code and which describes how each of these various standards and performance requirements are met.
2. Prior to issuance of the conditional use permit, the applicant shall submit a final site plan to Pima County, which must be reviewed by the Deputy Chief Zoning Inspector, for adequate compliance with the following:
 - a. The existing asphalt pavement area on the property shall be striped appropriately to provide for the full required number of vehicular spaces as stipulated by the Pima County Zoning Code.
 - b. The size/dimensions of all parking spaces and parking area access lanes (PAAL's) shall be in accordance with Pima County standards.
 - c. Disabled parking space(s) and a designated pedestrian route from them to the building entrance shall be provided in accordance with Pima County standards.
 - d. A minimum six-foot (6') tall, continuous screening element shall be installed along the site's entire eastern boundary so as to provide a visual screen of the facility from the adjacent residences directly to the east.
 - e. The existing open vehicular access along the site's State Route 85 and W. 1st Street frontages shall be maintained in its current state so as to allow free and open visibility into the site from these frontages by law enforcement personnel.
3. The items enumerated in Item #2 above shall be physically installed on the site prior to the facility being officially opened for business.
4. In consideration of Pima County Zoning Code Section 18.45.040.D.6 (Permit Conditions), which prescribes certain options and obligations to the Board of Supervisors in the interest of conserving and promoting the public health, safety, convenience, and general welfare, the enumerated items of sub-section D.6.a through D.6.i are hereby incorporated, as follows, as further special conditions and requirements on this conditional use permit:
 - a. This conditional use permit shall expire two (2) years from the date of its issuance; the applicant is required to file a new conditional use permit application and procure approval of same prior to the expiration date in order to preserve uninterrupted operation of the facility.
 - b. The medical marijuana dispensary shall meet all security requirements adopted by the Arizona Department of Health Services.
 - c. The storage facilities for the medical marijuana stored or grown on site shall prevent the emission of dust, fumes, vapors or odors into the environment.
 - d. The owner/operator shall secure a certification from the State Fire Marshall, or from another acceptable entity responsible for fire safety in the area in which the medical marijuana dispensary is to be located, stating that the structure complies with all fire code requirements and must supply that certification to the development services department.

- e. The medical marijuana dispensary is prohibited from providing or offering any service that furnishes offsite delivery of the medical marijuana.
- f. The medical marijuana dispensary is prohibited from permitting anyone to consume marijuana on the premises.
- g. The medical marijuana dispensary building shall be setback a minimum of one hundred twenty-five feet (125') from any adjacent lot or parcel containing an established residential use.
- h. The medical marijuana dispensary building shall be setback a minimum of one hundred twenty-five feet (125') from any adjacent property with a residential zoning classification.
- i. The medical marijuana dispensary shall comply with applicable sections of Title 8 of the Pima County Code.

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:

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

The subject site is located within an area that is **OUTSIDE OF** the Maeveen Marie Behan Conservation Lands System.

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, as this property has already been entirely developed for commercial uses, and 2) that it would not be in conflict with the Regional Environmental Policies of the 2001 Comprehensive Plan Update. In light of the already-developed nature of the property, it has already been disturbed and has possesses no natural vegetation or desert specimens that will be impacted by this proposal. A separate staff memorandum on this topic is included in the Commission's packet for this item.

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 subject property is not located within an area that was designated as former Critical Habitat, but is part of the Draft Recovery Area. It is located within Survey Zone 2. This site is not within Priority Conservation Area (PCA) for this species.

Western Burrowing Owl. The subject property is located within a general area designated as having medium habitat potential for the Western Burrowing Owl. It is not within the Priority Conservation Area (PCA) for this species.

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

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

DEPT. OF TRANSPORTATION RECOMMENDATION

The Department of Transportation will review this project as need be during permit process.

attachments

cc: Carmine DeBonis, Director, Development Services
Yves Khawam, Chief Building Official
Arlan Colton, Planning Official
Carmine DeBonis, Chief Zoning Inspector
100 Estrella, LLC, Owner
Arizona Natural Remedies, Inc., c/o Tim Moore, Applicant

Attachment
(Section 18.45.040.D of the Pima County Zoning Code)

18.45.040 - Conditional uses.

- D. Medical marijuana dispensary: If the Arizona Revised Statutes are amended to allow medical marijuana dispensaries, as long as the law remains in full force and effect, a medical marijuana dispensary is permitted as a Type III conditional use subject to the following conditions:
1. Minimum notification area: The minimum notification area for a conditional use permit for a medical marijuana dispensary is two thousand six hundred forty feet.
 2. Supplemental application: In addition to the application required by [Chapter 18.97](#), an applicant for a conditional use permit for a medical marijuana dispensary must complete a supplemental application that includes all of the following information:
 - a. If the application is by an agent for the owner the authorization must include an explicit acknowledgment from the owner that the owner knows that the proposed use of the property is as a medical marijuana dispensary.
 - b. The legal name of the medical marijuana dispensary.
 - c. The name address and date of birth of each principal officer and board member of the nonprofit medical marijuana dispensary and the name, address, and date of birth of each medical marijuana dispensary agent.
 - d. A copy of the operating procedures adopted in compliance with A.R.S. Section 36-2804(B)(1)(c).
 - e. A notarized certification that none of the principal officers or board members has been convicted of one of the following offenses:
 - i. A violent crime as defined in A.R.S. Section 13-901.03(B) that was classified as a felony in the jurisdiction where the person was convicted;
 - ii. A violation of state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted except an offense for which the sentence, including any term of probation, incarceration or supervised release, was completed ten or more years earlier or an offense involving conduct that would be immune from arrest, prosecution or penalty under A.R.S. Section 36-2811 except that the conduct occurred before the effective date of that statute or was prosecuted by an authority other than the state of Arizona.
 - f. A notarized certification that none of the principal officers or board members has served as a principal officer or board member for a registered nonprofit medical marijuana dispensary that has had its registration certificate revoked.
 - g. A floor plan showing the location, dimensions and type of security measures demonstrating that the medical marijuana dispensary will meet the definition of enclosed locked facility contained in A.R.S. Section 36-2801(6).
 3. Prohibited locations: A medical marijuana dispensary is not permitted in the gateway overlay zone, buffer overlay zone or a historic zone.

4. Community impacts: The board may not approve a medical marijuana dispensary at a site if substantial evidence is presented that locating the dispensary at the proposed site will negatively impact neighboring property values or if substantial evidence is presented that shows that locating the dispensary at the proposed site will create an unreasonable risk to the health, safety or general welfare in the area.
5. Development standards:
 - a. A medical marijuana dispensary must be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.
 - b. A medical marijuana dispensary shall be setback a minimum of two thousand feet from all other medical marijuana dispensaries measured from the parcel boundaries;
 - c. A medical marijuana dispensary shall be setback a minimum of one thousand feet from a public, private, parochial, charter, dramatic, dancing, music, or other similar school or educational or activity facility where children may be enrolled, measured from the parcel boundaries.
 - d. A medical marijuana dispensary shall be setback a minimum of one thousand feet from a public, private, parochial, or charter school bus stop.
 - e. A medical marijuana dispensary shall be setback a minimum of one thousand feet from a childcare center, measured from the parcel boundaries.
 - f. A medical marijuana dispensary shall be setback a minimum of one thousand feet from a library or public park.
 - g. A medical marijuana dispensary shall be setback a minimum of one thousand feet from a church.
 - h. A medical marijuana dispensary shall be setback a minimum of one thousand feet from a residential substance abuse diagnostic and treatment facility or other drug or alcohol rehabilitation facility.
 - i. A medical marijuana dispensary may not have a drive-through service.
 - j. A medical marijuana dispensary may not have outdoor seating areas.
 - k. The maximum floor area of a medical marijuana dispensary is two thousand square feet.
 - l. The secure storage area for the medical marijuana stored at the medical marijuana dispensary shall not exceed four hundred square feet.
 - m. The permitted hours of operation of a medical marijuana dispensary are between the hours of nine a.m. and five p.m.
6. Permit conditions: The board may include any conditions it finds necessary to conserve and promote the public health, safety, convenience and general welfare. The board must include the following permit conditions for issuance of the conditional use permit for a medical marijuana dispensary:
 - a. An expiration date for the conditional use permit that requires re-application or renewal of the permit after a specified period of time.
 - b. A requirement that the medical marijuana dispensary meets security requirements adopted by the Arizona Department of Health Services.
 - c. A requirement that the storage facilities for the medical marijuana stored or grown on site prevent the emission of dust, fumes, vapors or odors into the environment.

- d. A requirement that the owner secure a certification from the State Fire Marshall or from another acceptable entity responsible for fire safety in the area in which the medical marijuana dispensary is to be located stating that the structure complies with all fire code requirements and supply that certification to the development services department.
 - e. A prohibition on the medical marijuana dispensary offering a service that provides offsite delivery of the medical marijuana.
 - f. A requirement that the medical marijuana dispensary is prohibited from permitting anyone to consume marijuana on the premises.
 - g. A requirement for a reasonable setback from a zoning district other than CB-2, CI-1, CI-2, and CI-3 or any existing, established, residential use in those zones.
 - h. A requirement for a reasonable setback feet from a zoning district in a city or town other than classifications that permit densities and uses greater than or equal to those permitted CB-2, CI-1, CI-2, and CI-3.
 - i. A requirement that the medical marijuana dispensary comply with applicable sections of [Title 8](#) of the Pima County Code.
7. Enforcement: The provisions of this subsection may be enforced through the use of the civil penalty procedure provided for by [Section 18.95.030](#) or by injunction or other civil proceeding as provided by A.R.S Section 11-808(H). Notwithstanding any other provision of this code, this subsection shall not be enforced under A.R.S Section 11-808(C) as a misdemeanor.
8. Fees: The fee for application and hearing is a combination of the existing fees for conditional use permit application filing fee, the site analysis submittal fee and the notice of public hearing fee included in the most current development services department fee schedule.



MEMORANDUM

Department of Transportation



DATE: March 18, 2013
TO: Tom Drzazgowski, Development Services Department
FROM: Maggie Shaw, Transportation Systems Division
SUBJECT: P21-13-005 100 Estrella, LLC–Ajo Gila Bend Hy (Ajo, AZ)
Type III Conditional Use Permit

Two streets are adjacent to the property. Ajo Gila Bend Hy (2nd Avenue) is adjacent to the west boundary of the site. This is a State maintained highway with varying right-of-way widths. It is paved, two lanes wide, with left turn lanes at 1st Ave in both directions. Paths and sidewalk/curb were recently installed along this portion of the Ajo Gila Bend Hy and are adjacent to the western property boundary. There are two driveway aprons, which were constructed as part of the pedestrian improvements. The northern boundary is adjacent to 1st Avenue, which is County maintained. There is 60 feet existing right-of-way, two travel lanes and there is a wide section of pavement adjacent to the property. It is difficult to distinguish between the 1st Ave roadway pavement and the pavement on the site from the aerial photography on mapguide.

Staff recommends the following conditions for the conditional use permit:

- Within the property boundary, provide delineation of the driveway access on 1st Street with striping, planters and some other acceptable barrier that will define the access to the site and control access along 1st Ave frontage.
- Within the property boundary, provide post and cable or fencing to further delineate the access to the site that also controls traffic along 1st Ave frontage.
- Written certification from Arizona Department of Transportation, stating satisfactory compliance with all its requirements shall be submitted to Development Services Department prior to issuance of building permits.

MS/ms

PLANNING AND ZONING COMMISSION

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Planning and Zoning Commission will hold a hearing on Wednesday, March 27, 2013, at 9:00 a.m. in the Public Works Building, 201 N. Stone Avenue, Basement, Conference Room C, Tucson, Arizona on the following:

P21-13-005 – 100 ESTRELLA LLC – NORTH AJO GILA BEND HWY.

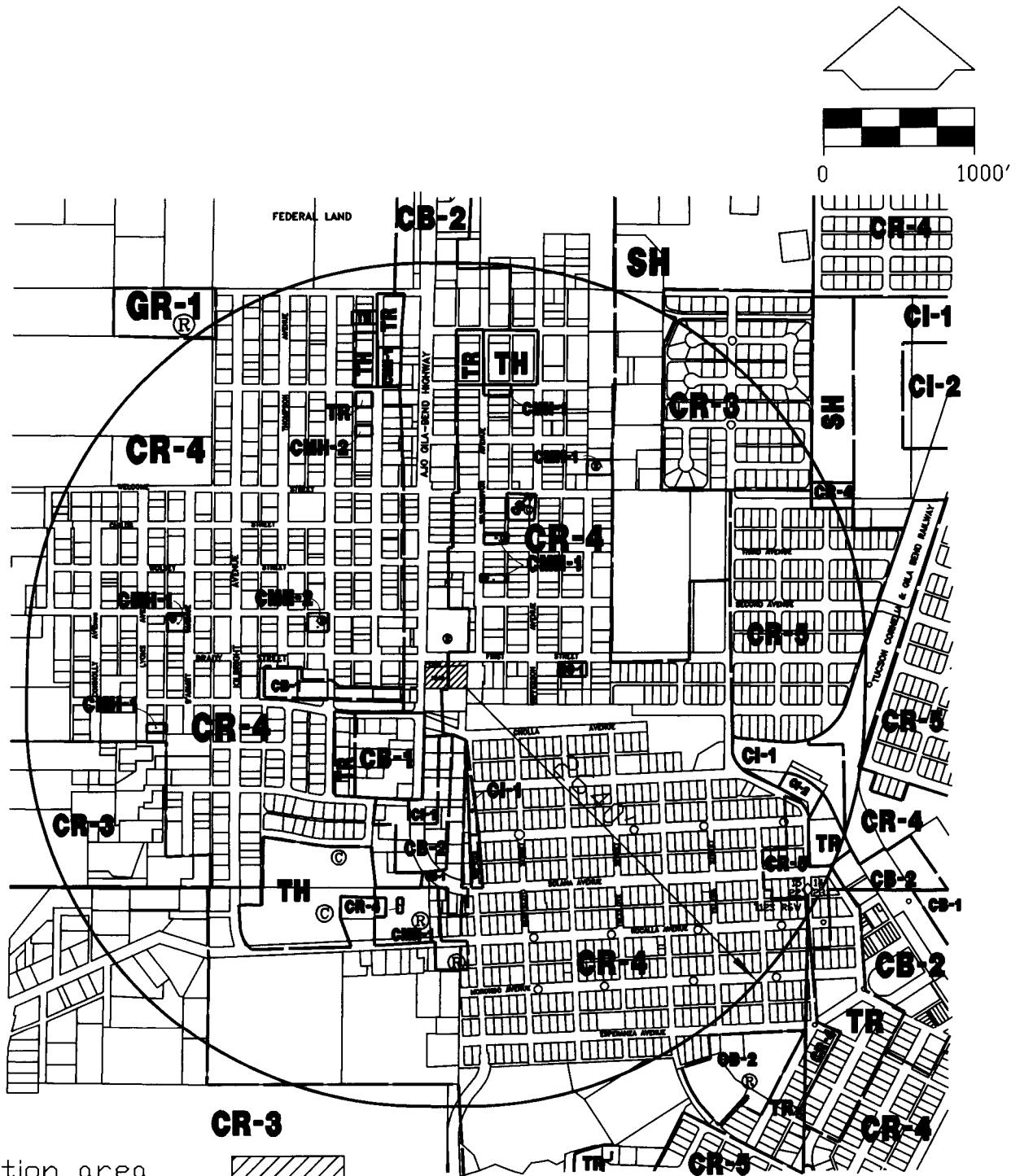
Request of Arizona Natural Remedies Inc.,(applicant) on property located at 742 and 750 N. Ajo Gila Bend Hwy. in Ajo, Arizona, in the CB-2 (general business) Zone, for a Medical Marijuana Dispensary, in accordance with Section 18.45.040D of the Pima County Zoning Code as a Type III conditional use permit. (District 3)

There will be additional cases heard at this hearing.

Individuals with disabilities who require accommodations, including auxiliary aids or services, for effective participation and communication in the meeting may call the Planning Division at (520) 740-6800 at least one week prior to the meeting. Our meeting site is wheelchair accessible.

If you have any questions regarding this hearing, you may come to the Zoning Enforcement Division, Public Works Building, 201 N. Stone Avenue, First Floor, Tucson, Arizona, or telephone 740-6675.

Tom Drzazgowski, Deputy Chief Zoning Inspector
Pima County Development Services Department



Petition area



Notification area



BASE MAP A-1

Notes CONDITIONAL USE PERMIT - MARIJUANA DISPENSARY

Tax codes 401-13-134C &
401-13-134D

Date 03/07/13
Drafter DS

File no. P21-13-005
100 ESTRELLA LLC
NORTH AJO GILA BEND HY

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

INDULGENCE

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NOTICE OF
ZONING
PUBLIC HEARING

a hearing will be held by the
Pima County
PLANNING & ZONING COMMISSION

AGENDA

1. Call to Order

2. Public Hearing

3. Presentation by [Name]

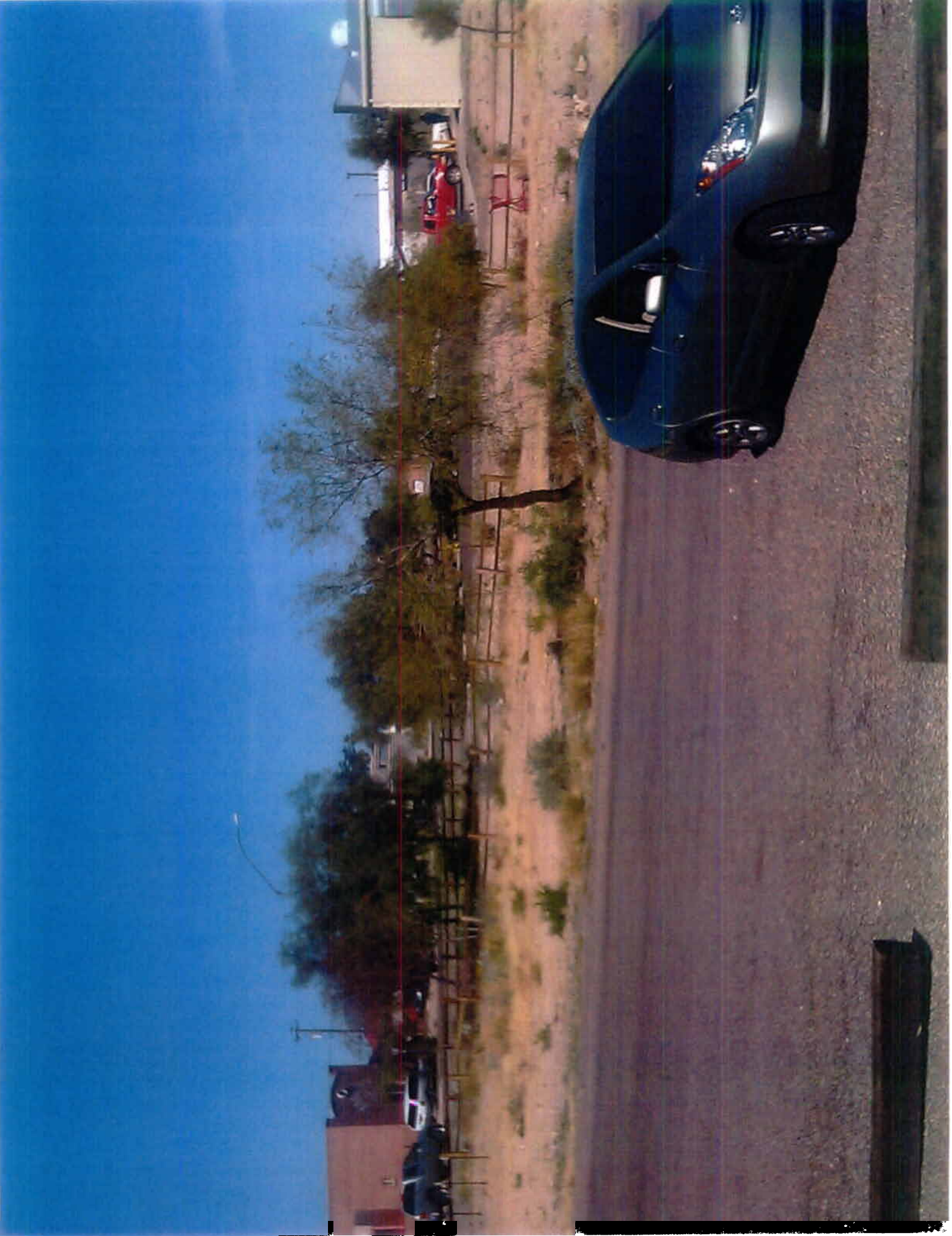
4. Public Comment

5. Commission Decision

6. Adjourn











Arizona Medical Marijuana Program

FAQs

The Medical Marijuana Program [Online Application](#) is now available.

Use the links below to find answers to some of the most frequently asked questions about the Arizona Medical Marijuana Program. This is a developing program, so there may be things referenced in the FAQs that are not available yet. We suggest you bookmark this site and check back periodically to find the information you need.

[Rules & Laws](#) | [Cultivation](#) | [Cultivation Boundary Check](#) | [Designated Caregivers](#)
[Dispensaries](#) | [General](#) | [Online Application](#) | [Physicians](#) | [Qualifying Patients](#) | [Renewals](#)

Note: The information provided here is intended to provide general guidance and is just a supplement to the final rules and existing Arizona statutes governing the Arizona Medical Marijuana Program. For specific sections of the rules and statutes that pertain to these FAQs, search our [Rules & Statutes](#) section.

Dispensaries

- [Hide All Answers](#)
- [Print All FAQs](#)

Click on a question below to see the answer.

DI01: How will the dispensaries work?

- A medical marijuana dispensary registered with ADHS must be operated on a not-for-profit basis, but will be able to receive payment for expenses incurred in its operation.
- The Department can issue no more than one nonprofit medical marijuana dispensary registration certificate for every ten pharmacy permits issued by the Arizona State Board of Pharmacy under current law.
- A dispensary can cultivate marijuana only in an enclosed, locked facility.
- A dispensary can acquire marijuana from other registered nonprofit dispensaries or from a registered qualifying patient or designated caregiver if the patient or caregiver is not compensated for the marijuana.
- [State law](#) and rules specify various security, record-keeping, and verification requirements a registered dispensary will have to follow relating to the operation of the dispensary.

DI02: When can I apply for a dispensary license?

The department shall accept dispensary registration certificate applications for 10 working days beginning 30 days after the Department posts on the ADHS website that it will be accepting applications.

DI03: Who can open a dispensary?

Only an individual who is at least 21 years of age and has passed a criminal record check for an excluded felony offense may be a principal officer or board member on an application for a dispensary registration certificate. There are other conditions that may affect the ability to obtain a dispensary registration certificate.

DI04: When will you award the dispensary certificates?

ADHS rules require the department to allocate dispensary registration certificates by 60 working days after the department begins accepting applications.

DI05: On what basis will dispensary registration certificates be awarded?

DI05: On what basis will dispensary registration certificates be awarded? The Department will issue dispensary registration certificates using an evaluation process. If only one complete application is received for a dispensary in a particular CHAA, that applicant will be awarded a dispensary registration certificate. If more than one complete application is received for a dispensary in a particular CHAA and all have access to \$150,000 in capital and have no individuals with more than 20% interest in the dispensary that are not the applicant, principal officer, or board member of the dispensary, the Department will use a random selection process to allocate the dispensary registration certificate.

DI06: Once I apply for a dispensary certificate, can I change the address in my application before I begin operating?

Yes, as long as the new address complies with local zoning, is in the same CHAA, and you pay the fee.

DI07: Can I apply for a dispensary at the same address as another applicant or when there is another application in close proximity?

State law requires a dispensary and a dispensary's cultivation site to be at least 500 feet away from an existing public or private school. All other zoning requirements are made at the local level. An applicant must attest to meeting local zoning regulations and provide proof in the

initial application. ADHS does not have the authority to prevent a building owner from offering conditional leases to multiple applicants. If you are unsure how your local jurisdiction's zoning and use requirements apply to you, consult an attorney.

DI08: Is my \$5,000 application fee refundable?

If a dispensary registration certificate application is complete and the applicant is not allocated a dispensary registration certificate, the applicant will be refunded \$1,000 of the \$5,000 application fee. The application fee is not refundable in other circumstances, including an applicant withdrawing the application.

DI09: What if my application is incomplete because I forgot to fill out or submit something, is the application fee refundable then?

If an application for a dispensary registration certificate is incomplete, an applicant will be sent a Notice of Deficiency and will have 10 days to submit the missing items. The application is considered withdrawn if the application remains incomplete after 10 days and the fee is not refundable.

DI10: Can I withdraw my application and get my \$5,000 back?

The fee is not refundable if an application is withdrawn.

DI11: To apply for a dispensary registration certificate, do I have to prove it is okay to have a dispensary at the address?

An applicant must either prove they own the land/building or that the landlord approves the use of the property for a medical marijuana dispensary. Applicants must also prove the address meets zoning codes (see next question).

DI12: Do I need a certificate of occupancy from my city in order to apply?

No, applicants do not need to submit a certificate of occupancy in the initial application. They must attest to meeting zoning requirements and provide documentation from the local government saying either there are no local zoning requirements or the location meets the requirements. However, if chosen as the dispensary for a specific CHAA, a copy of a certificate of occupancy or other documentation issued by the local jurisdiction will be necessary when requesting approval to operate the dispensary.

DI13: When do I need to get a special use permit?

As part of the application to ADHS requesting approval to operate the dispensary, a dispensary must submit a copy of a certificate of occupancy, special use permit, or other documentation issued by the local jurisdiction authorizing the dispensary to occupy and use the building as a dispensary. Therefore, if required by the local jurisdiction, a special use permit must be obtained before a dispensary submits an application to the Department for approval to operate.

DI14: How many dispensary registration certificates will one entity be able to obtain?

A person may be an applicant, principal officer, or board member on only one dispensary registration certificate application for a location in a single CHAA and on no more than five dispensary registration certificate applications for locations in different CHAAs. An applicant must be prepared to operate every dispensary applied for.

DI15: How many dispensaries will be allowed to open in AZ?

The number of dispensaries is based on the number of pharmacies in the State. As of January 2012, the Department anticipates issuing 126 dispensary registration certificates.

DI16: How will dispensaries be distributed throughout the state?

For the initial issuance of dispensary registration certificates, the Department plans to allocate certificates on the basis of Community Health Analysis Areas (CHAAs).

DI17: What is a CHAA and why is the Department using them to allocate dispensaries?

CHAA stands for Community Health Analysis Area, a geographic area based on population established by the Department for use by public health programs. By requiring dispensaries to apply for a dispensary registration certificate based on a CHAA, the Department is trying to spread dispensaries across the State, based on population.

DI18: What does the dispensary application ask me to confirm?

In the dispensary application, applicants must confirm whether:

- everyone with a 20% or greater financial interest in the dispensary is an applicant or board member; and
- they have access to \$150K in startup capital.

DI19: How will the answers I provide on my dispensary application affect the evaluation process?

ADHS may use these factors as criteria in the selection of who will be allocated a dispensary registration certificate if there is more than one qualified applicant for a given CHAA.

DI20: How will competing dispensary applications be evaluated?

ADHS will evaluate competing applications with the criteria by the order listed in the rules.

DI21: How do I show that I have \$150,000 in startup capital?

An applicant needs to submit proof that the entity or a principal officer of the entity has \$150,000 (one hundred fifty thousand dollars) in an in-state or out-of-state financial institution. The documentation must be dated within 30 days before the application and show that the entity or principal officer had control of the monies for at least 30 days before the application was submitted (see questions DI49, DI50, and DI51 below for details).

DI22: Can a dispensary operate in one CHAA and have its cultivation site in another CHAA?

Yes, a dispensary can operate in one CHAA and have its cultivation site in another CHAA. However, the dispensary must operate in the CHAA for which the dispensary registration certificate was issued.

DI23: Can a dispensary change the location of the dispensary?

Within the first three years after receiving a dispensary registry certificate, a dispensary may move; the new location must also be within the CHAA for which the dispensary registration certificate was issued. After the first three years, a dispensary may move to a location in another CHAA. In either case, a dispensary must comply with A.A.C. R9-17-307 to change the dispensary's location. The fee for a change of location is \$2500.

DI24: Is a dispensary in a rural area of Arizona required to remain in the CHAA for which the dispensary registration certificate was issued?

A dispensary in a rural CHAA must remain in the CHAA for which the dispensary registration certificate was issued for the first three years. After the first three years, a dispensary in a rural CHAA may move to a location in another CHAA but it must prove the new site complies with local zoning requirements and pay the associated fee.

DI25: If I'm awarded a dispensary registration certificate, can I start operating right away?

Dispensaries that have a dispensary registration certificate must apply for approval to operate at least 60 days before the expiration of the dispensary registration certificate and receive approval to operate before the dispensary registration certificate expires. A dispensary may not begin operations until the Department inspects the facility and issues an Operating License.

DI26: What happens if I obtain a dispensary registration certificate and am not able to complete construction and begin operations before my dispensary registration certificate expires?

A person with a dispensary registration certificate who applies to the Department for approval to operate the dispensary less than 60 days before the expiration date of the dispensary registration certificate, or does not apply before the expiration of the certificate, may be permanently disqualified from applying again.

DI27: Is a dispensary registration certificate transferable?

A dispensary cannot transfer or assign the dispensary registration certificate.

DI28: How will dispensary registration certificates be awarded in future years?

About one year after the first dispensary licenses are issued, ADHS will evaluate the number of operating dispensaries and the number allowed by statute. The department will follow specific rules if there are available dispensary licenses.

DI29: How should a dispensary obtain its original stock?

According to the Arizona Medical Marijuana Act, a dispensary can acquire marijuana from other registered nonprofit dispensaries or from a registered qualifying patient or designated caregiver if the patient or caregiver is not compensated for the marijuana.

DI30: Can I get my inventory from the street?

The [law](#) limits the places a dispensary can acquire marijuana to other registered nonprofit dispensaries or from a registered qualifying patient or designated caregiver if the patient or caregiver is not compensated for the marijuana.

DI31: Is there a limit to how much medical marijuana a dispensary can have or grow?

Neither the Arizona Medical Marijuana Act nor the Department's rules limit the amount of medical marijuana a dispensary may have or grow. However, a dispensary may want to consult with an attorney about Federal marijuana-related laws and regulations.

DI32: If I don't want to have a cultivation site as part of my dispensary, can I buy medical marijuana from another dispensary?

Yes, a dispensary must follow certain rules for acquiring medical marijuana from another dispensary.

DI33: Do I have to say where my cultivation site will be when I apply for a dispensary?

No, an applicant can add a cultivation site when submitting an application for approval to operate. After the initial dispensary registration certificate is issued, a dispensary may add a cultivation site (up to one per dispensary) or change a cultivation site's location at any point during the process. There is a fee for changing or adding a cultivation site to a dispensary's registration certificate.

DI34: What methods will a dispensary have to use to prevent unauthorized distribution of marijuana?

As part of the application for a dispensary registration certificate, a dispensary must provide to the Department policies and procedures that describe security measures and the inventory control features the dispensary will employ. Required security features include electronic monitoring, restricted access, and intrusion protection. Before [dispensing marijuana](#) to an individual, a designated agent at a dispensary is required to verify that individual has a valid registry identification card.

DI35: How will medical marijuana be transported from where it is grown to the dispensary or from the dispensary to qualifying patients who cannot drive?

A dispensary transporting medical marijuana to other dispensaries or to qualifying patients must follow certain rules, including using a vehicle with no medical marijuana identification and no visible marijuana or paraphernalia. Before transporting the marijuana, a dispensary agent must complete a trip plan containing a description of what is being transported and the anticipated route. While transporting marijuana, the dispensary agent must carry a copy of the trip plan and have a means of communicating with the dispensary. After completing the trip, the dispensary agent is required to enter the end time of the trip and any changes to the trip plan. If medical marijuana is delivered to a qualifying patient, the dispensary agent also has to comply with requirements for verification and recordkeeping.

DI36: What services must a dispensary provide? What services may a dispensary provide?

A dispensary is required to be open and available to dispense marijuana to qualifying patients and designated caregivers at least 30 hours per week. The dispensary is also required to provide educational materials for qualifying patients or designated caregivers and to have materials available for the assessment of the therapeutic or palliative use of marijuana for the qualifying patient's debilitating medical condition.

In addition, a dispensary may cultivate marijuana for the dispensary's inventory or to sell to other dispensaries; transport medical marijuana and related paraphernalia; prepare, sell, or dispense marijuana-infused edible food products; prepare, sell, or dispense marijuana-infused non-edible products; sell or provide marijuana paraphernalia or other supplies related to the administration of marijuana to qualifying patients and designated caregivers; deliver medical marijuana to qualifying patients; or provide other patient support and related services to qualifying patients.

DI37: Can a dispensary sell candy and brownies that have marijuana in them?

Dispensaries must obtain a written authorization along with a Food Establishment License before preparing, selling or dispensing marijuana-infused edible food products. The Infusion Kitchen Application is provided on the ADHS website.

DI38: How can a dispensary obtain edible food products containing marijuana?

A dispensary may obtain edible food products containing marijuana in two ways: it can obtain them from another dispensary or prepare the edible food products itself, following applicable [food and drink requirements](#).

DI39: Will the Department be inspecting dispensaries?

The Department will conduct a compliance [inspection of a dispensary](#) and, if applicable, the dispensary's cultivation site before issuing an approval to operate and periodically thereafter to ensure compliance with state law and Department rules. The Department may also conduct an inspection of a dispensary or the dispensary's cultivation site in response to a complaint made to the Department.

DI40: Who is a dispensary agent and what do they do?

A principal officer, board member, employee, or volunteer of a dispensary is a [dispensary agent](#). A dispensary agent is anyone who is responsible for performing tasks in or on behalf of the dispensary.

DI41: Why does a dispensary agent need to be fingerprinted?

According to [public law](#), people can't be dispensary agents if they've been convicted of an excluded felony. Anyone applying to be a [dispensary agent](#) must submit a full set of fingerprints to the Department as part of an application. The fingerprints may be used by the Department to conduct a [criminal records check](#) on the applicant.

DI42: If I already have a fingerprint clearance card from another job, why do I need to submit another fingerprint card to be a dispensary agent?

An applicant needs to submit a fingerprint card to ADHS to allow us to check for specific excluded felonies for this law. The [list of offenses](#) that would prevent a fingerprint clearance card from being issued to a teacher, child care worker, or other [individuals required to obtain](#) these is not the same as the list of "[excluded felony offenses](#)" for which dispensary agents are checked. Therefore, all designated agents are required to submit fingerprints as part of the applications for registry identification cards unless their fingerprints were submitted within the previous six months as part of another application to the medical marijuana program.

DI43: Will there be medical oversight at a dispensary?

Yes, a dispensary has to employ or contract with an Arizona physician to be the medical director for the dispensary. A medical director may not provide a written certification for medical marijuana to a qualifying patient.

DI44: Can someone who is a physician become a medical director if he/she holds an Arizona medical license but also has a medical license and works in another state?

The requirements for a medical director include that the medical director must be an Arizona-licensed physician who is on-site or able to be contacted.

DI45: What will a dispensary's medical director do?

The duties of a dispensary's medical director include developing information and training for dispensary agents and customers. A medical director is not permitted by the rules to provide written certifications for medical marijuana.

DI46: What security will a dispensary have to provide?

A dispensary is required to comply with the specific security requirements. These include having security equipment to deter unauthorized entrance to limited access areas, exterior lighting, and video surveillance cameras. A dispensary must also have policies and procedures in place for the use of the security equipment to prevent unauthorized access to medical marijuana at the dispensary.

DI47: How much will it cost to apply for a registry identification card or a dispensary registration certificate?

The fees are listed in rules and include:

- \$150 for an initial or a renewal registry identification card for a qualifying patient. Some qualifying patients may be eligible to pay \$75 for initial and renewal cards if they currently participate in the Supplemental Nutrition Assistance Program.
- \$200 for an initial or a renewal registry identification card for a designated caregiver.
- \$500 for an initial or a renewal registry identification card for a dispensary agent.
- \$5,000 for an initial dispensary registration certificate.
- \$1,000 for a renewal dispensary registration certificate.
- \$2,500 to change the location of a dispensary or cultivation facility.
- \$10 to amend, change, or replace a registry identification card.

DI48: When a CHAA location differs between the Arizona Department of Health Services' map and a particular city's CHAA map, which is correct?

The CHAA map created by ADHS is the official version of the map and, in any cases where there is differing information, ADHS' map is the final decision maker.

DI49: What is an in-state financial institution?

A.R.S. § 6-101 defines an "in-state financial institution" as a state or federal bank, savings bank, savings and loan association or holding company with its home office located in this state.

DI50: What is an out-of-state financial institution?

A.R.S. § 6-101 defines an "out-of-state financial institution" as a state or federal bank, savings bank, savings and loan association or holding company with its home office in a state other than this state.

DI51: What type of documentation should I submit to prove that I have \$150,000 in startup capital?

Documentation may include:

- A monthly bank statement issued by the bank that includes the name of the in-state or out-of-state financial institution, the name of the account holder, the account number, and the amount of money deposited in the account.
- A letter on the in-state or out-of-state financial institution's letterhead stating the name of the account holder, the account number, the amount of money deposited, and a statement attesting to how long the money has been in the account.

DI52: I did not receive a registration certificate for a nonprofit medical marijuana dispensary in the Payson CHAA. Can I see the business plan for the applicant that was awarded a registration certificate in the Payson CHAA?

The Department cannot provide you with the business plan submitted by an applicant. The Arizona Medical Marijuana Act, A.R.S. § 36-2810 (A.), states that **information received and records kept** by the Department for the purposes of administering the Act, including **"applications or renewals, their contents and supporting information** submitted by or on behalf of nonprofit medical marijuana dispensaries," are confidential.

DI53: Can I get a list of the dispensaries?

Unless you are a registered qualifying patient who is not authorized to cultivate marijuana plants for medical use, the Department cannot provide you with a list of dispensaries. The Arizona Medical Marijuana Act, A.R.S. § 36-2810 (A.), states that **information received and records kept** by the Department for the purposes of administering the Act, including **"the physical addresses of nonprofit medical marijuana dispensaries,"** are confidential. However, A.R.S. § 36-2804.04(C) requires the Department to provide a list of registered

dispensaries to a qualifying patient who is not authorized to cultivate marijuana plants when issuing the qualifying patient's registry identification card.

D154: Can a dispensary that has their Dispensary Registration Certificate begin cultivating medical marijuana before receiving Approval to Operate from ADHS?

The Arizona Medical Marijuana Act does not authorize the holder of a Dispensary Registration Certificate to cultivate, possess, or sell medical marijuana prior to receiving Approval to Operate from the Department.

D155: Can a dispensary have a cultivation site at the dispensary and a cultivation site at another location?

An approved dispensary may have a single cultivation site, which may be located at the dispensary or at another location upon receiving approval from the Department.

D156: What happens when an allocated dispensary allows their Dispensary Registration Certificate to expire or does not renew?

An entity with a dispensary registration certificate that has not submitted an application for approval to operate a dispensary to the Department at least 60 calendar days before the expiration date of the dispensary registration certificate or has not obtained approval to operate a dispensary issued by the Department is prohibited from renewing the dispensary registration certificate.

To renew a dispensary registration certificate, a dispensary that has an approval to operate as a dispensary issued by the Department shall submit an application for renewal to the Department at least 30 calendar days before the expiration date of the dispensary's current dispensary registration certificate.

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This page last updated January 9, 2013



ZONING ENFORCEMENT DIVISION
201 N. Stone Avenue, 1st Floor
Tucson, Arizona 85701-1207
(520) 740-6675

APPLICATION FOR CONDITIONAL USE PERMIT

OWNER: 100 Estrella LLC PHONE: _____
ADDRESS: P.O. Box 283 CITY: ASO ZIP: 85321
APPLICANT (if not owner) Arizona Natural Remedies Inc. PHONE: 623-582-2626
APPLICANT EMAIL ADDRESS: tlanc@cox.net
ADDRESS: 1519 W. Sunrise Dr. CITY: Phoenix ZIP: 85041
PROPERTY ADDRESS: 742-750 N. ASO Gila Bend Hwy. ZONE: _____
TAX CODE(S): 401-13-1340

TOWNSHIP, RANGE SEC.: 12-16W-15
LOT DIMENSIONS: _____ LOT AREA: .96 Ac

TYPE OF USE PROPOSED FOR PROPERTY (BE SPECIFIC): _____

Licensed Medical Marijuana Dispensary

STATE THE REASONS WHY THE USE IS PROPOSED AND WHY YOU THINK IT WOULD BE COMPATIBLE WITH THE SURROUNDING AREA:

License awarded thru Arizona Department of Health Services, in former Liquor store that previous operated in neighborhood for over 10 years.

ESTIMATED STARTING DATE: MAY 7th ESTIMATED COMPLETION DATE: JUNE 7th

THE FOLLOWING DOCUMENTS ARE REQUIRED:

1. Preliminary Development Plan
 - a. 5 copies are needed for Type I (In accordance with Pima County Fee Schedule)
 - b. 25 copies are needed for Type II (In accordance with Pima County Fee Schedule)
 - c. 40 copies are needed for Type III (In accordance with Pima County Fee Schedule)*(Make check payable to Pima County Treasurer)*
2. Assessor's Map showing location and boundaries of the property.
3. Assessor's Property Information showing ownership of the property.
4. Letter of Authorization if applicant is not the owner
5. Floor Plan that pertains to interior access or use if required
6. Biological Impact Report ** - For Type 2 or 3 permit requests

I, the undersigned, represent that all the facts in this application are true to the best of my knowledge.

Signature of Applicant

2-28-2013

Date

Tim Moore

Print Name

623-582-2626

Applicant Phone Number

Applicant agrees to provide staff with written proof of notice to the United States Fish and Wildlife Service of this conditional use request at least 15 days prior to the date of the public hearing. Failure to do so may result in cancellation of the public hearing. In addition, the applicant or authorized representative must appear in person at the public hearing to present the request, otherwise the case may be dismissed.

Please initial here: _____

OFFICE USE ONLY

Case #: _____ Case Title: _____

Type: _____ Fee: _____ Receipt Number: _____ Hearing Date: _____

Notification Area: _____ Sections: _____

Zoning Approval: _____

Special Conditions: _____

A request for continuance of an advertised application or a change in original request by applicant, must be accompanied by an additional fee.

**** Applicant should consult with Pima County Planning staff to determine the extent to which this requirement applies to the subject property. The Biological Impact Report pertains to expected impacts on endangered and threatened species as identified in the Sonoran Desert Conservation Plan.**

February 27, 2013

Mr. Tom Drzazgowski
Pima County Development Services
Planning Division
201 N. Stone Avenue
Tucson, AZ 85701

Dear Mr. Drzazgowski,

Our Arizona non-profit corporation, Arizona Natural Remedies, Inc. (ANR), is hereby requesting a conditional use permit for our proposed medical marijuana dispensary at 750 N. Ajo Gila Bend Hwy., Ajo, AZ. 85321.

The Arizona Medical Marijuana Act (AMMA), approved by Arizona voters in November 2010, provides for the establishment of a limited the number of dispensaries in the State to provide medical marijuana to seriously ill individuals in accordance with rules and regulations administered by the Arizona Department of Health Services. On August 7, 2012, the ADHS awarded ANR the right to establish a medical marijuana dispensary in the Ajo Community Health Assessment Area (CHAA #12).

The AMMA also provides that cities, towns and counties may enact "reasonable" zoning regulations that limit the use of land by medical marijuana dispensaries. Unfortunately, due to the limited private land available in the Ajo CHAA, after an extensive search ANR was unable to locate any property in the Ajo CHAA that met all existing zoning regulations. On February 5, 2013, ANR requested, and was granted, a zoning variance for the subject property by the Pima County Development Services Planning Division Board of Adjustment.

The property for which we are requesting the conditional use permit was last operated as a liquor store and, as far as we are able to determine, is the most compliant property available in the Ajo CHAA. Per ADHS regulations the building will have a single entrance and only patients carrying a valid ADHS-issued medical marijuana registration card will be allowed to access the building.

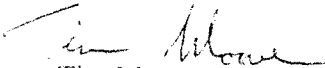
ANR is committed to serving medical marijuana patients in a manner that is sensitive to the concerns of the Ajo community. Accordingly, apart from small sign identifying the health center, there will no signage, advertising or products visible from outside the building. The health center will be open only from 12 pm to 5 pm Monday through Saturday, and will be closed on Sunday. No marijuana will be cultivated at the property and, per ADHS regulations, no medical marijuana may be consumed on the premises. The dispensary will include a patient education area promoting the responsible use of medical marijuana.

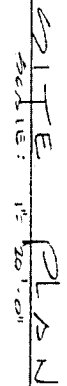
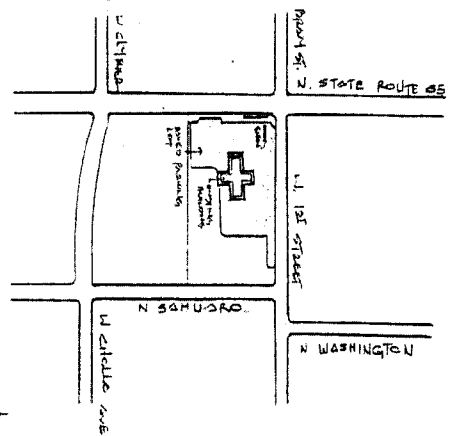
It should also be noted that the AMMA provides that no patient living within 25 miles of a dispensary shall be authorized to cultivate medical marijuana. So approval of this request for a conditional use permit will benefit the local community by restricting personal cultivation in the area.

For the reasons cited above, Arizona Natural Remedies believes that it is well suited to enact the provisions of the Arizona Medical Marijuana Act in a manner that serves the needs of local patients while maintaining a low profile in the community and benefitting the community by limiting personal cultivation that is otherwise authorized by the AMMA in the absence of an approved dispensary. Accordingly, ANR hereby respectfully requests that it be granted a conditional use permit for this property.

Thank you for your attention to this matter. Please don't hesitate to contact me if you require any further information.

Sincerely


Tim Moore
President





Pima County Geographic Information Systems

Parcel 401-13-134D

Read the Disclaimer. Information on this page is **unofficial**.

Mail name and address Legal description

401-13-134D 100 ESTRELLA LLC PO BOX 283 AJO AZ 85321-0283	RECT PCL IN EXCLUDED PORTION OF BLKS 21 & 25 HOMER BROWN ADD LYG ADJ TO AJO HWY IN W2 SE4 .96 AC SEC 15-12-6W
--	---

Situs (property) address

([About situs addresses](#))

Address sources

Street Address	Jurisdiction	Permit	GIS	Postal City	Zip Code	
742 N AJO GILA BEND HY	PIMA COUNTY	✓	✓	AJO	85321	ZIP+4 Lookup

Information for this parcel

- [Assessor Parcel Detail](#) for tax year 2014 from the [Pima County Assessor's Office](#). Also see [Assessor Record Maps](#).
- [Real Estate Property Tax Inquiry](#) and [Property Tax Statement](#) from the [Pima County Treasurers's Office](#).
- **Recorded Information** from the [Pima County Recorder's Office](#)
 - [Recorded Document](#) for Docket 12889, Page 5318, Sequence Number 20061780923.
 - [Voter Precinct and Districts](#)
- A **Subdivision Plat Map** is not available here because the GIS parcel record does not have subdivision Book/Page or Sequence numbers. The parcel may have an associated subdivision Book/Page or Sequence number that isn't documented here. See "Subdivision" in the "[Development](#)" GIS [overlay details group](#) results. As another option, the parcel legal description above may have a subdivision name you can search for in [Subdivision Plat Search](#).
- Pima County [Sanitary Sewer Connection Search](#) and [Connection Records Overview](#).

742-750
N. A50 Gila Bend Hwy.
A50, Az.



Google

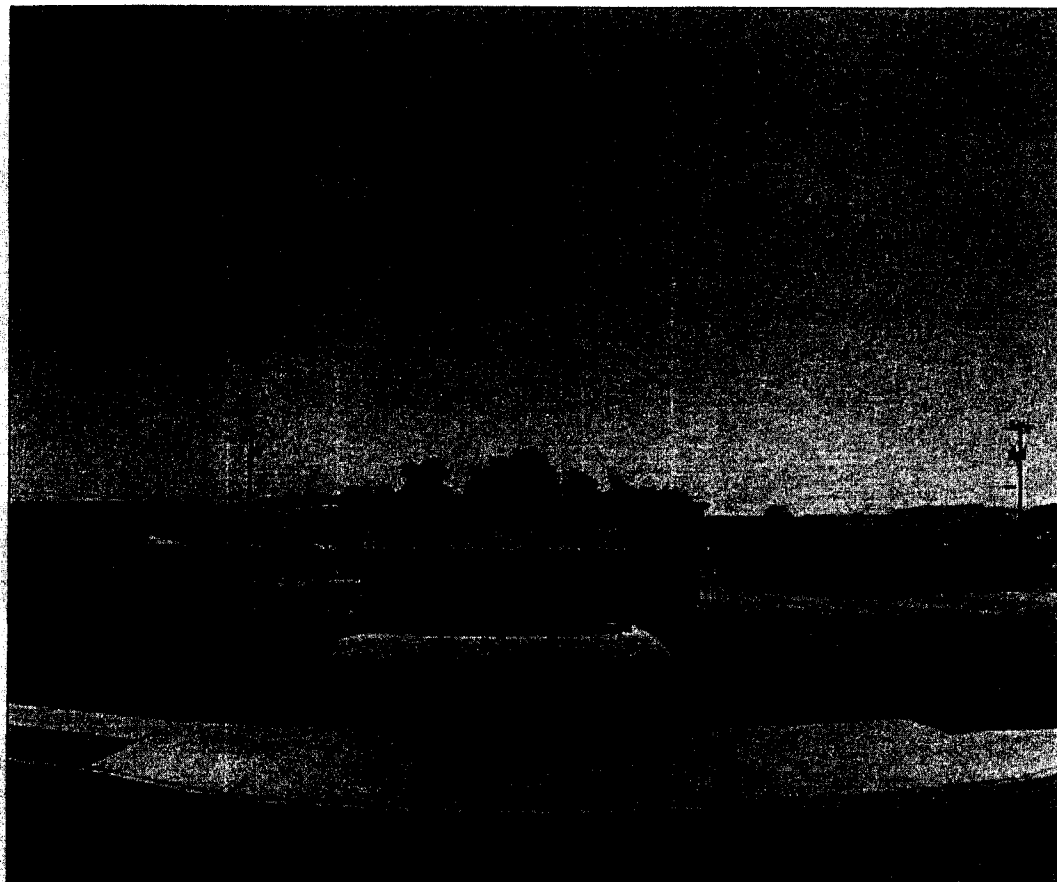
Proposed Medical Marijuana Dispensary location, Ajo, Az. Pima County.

A. Indulgence

750 N 2nd Ave, Ajo, AZ

(520) 387-6966

1 review



Legal name of the dispensary is Arizona Natural Remedies, Inc., dba Route 85 Wellness Center

Principal officers, board members and dispensary agents:

Timothy K. Moore
3721 W. FETLOCK TR.
PHOENIX AZ 85083
DOB 04/28/1951

Robert M. Kivlighn
6107 E. LEMARCHE AVE.
SCOTTSDALE AZ 85254
DOB 08/20/1964

Mark H. Wright
5020 N. Lak-A-Yucca
TUCSON AZ 85743
DOB 9/22/56

Patricia C. Wuensche
1519 W. SUNRISE DRIVE
PHOENIX AZ 85041
DOB 06/02/1956

Shane W. Howell
4425 E. KATHLEEN RD.
PHOENIX AZ 85032
DOB 07/17/1974

Gordon D. Hamilton
1904 E. 4TH ST.
TUCSON AZ 85719
DOB 09/01/1953

Lesley A. Meng
812 Heavier St. #515
New Orleans LA 70112
DOB 3/18/1968

POLICY & PROCEDURE

ROUTE 85 WELLNESS CENTER

750 N. Ajo Gila Bend Hwy.

Ajo AZ 85321

(602) 769-5855

Title: BUSINESS RECORDS	Effective Date: December 1, 2012
Scope: All employees	Revision Date:

It is Route 85 Wellness Center's policy that all business records must be maintained utilizing QuickBooks computerized software. Such software will be used to track company assets and liabilities; monetary transactions, including income, cost of goods sold, bank deposits and expenses; journals, ledgers and supporting documents, including agreements, checks, invoices and vouchers. Route 85 Wellness Center's professional accounting services will be provided by the accounting firm of Semple, Marchal and Cooper. Daily bookkeeping duties will be the responsibility of the Dispensary Administrator with monthly oversight by Semple, Marchal and Cooper.

POLICY & PROCEDURE

ROUTE 85 WELLNESS CENTER
750 N. Ajo Gila Bend Hwy.
Ajo AZ 85321
(602) 769-5855

Title: DRUG-TO-DRUG INTERACTIONS	Effective Date: December 1, 2012
Scope: All employees	Revision Date:

It is Route 85 Wellness Center's policy that all qualified patients and caregivers registered through the Arizona Department of Health Services Medical Marijuana Program must receive education materials listing known drug-to-drug interactions by way of a patient education handout. The Drug-To-Drug Interaction handout is included in the new patient information packet distributed to all new patients or their designated caregiver upon initial registration. Patients or their designated caregiver must sign the Patient Education Acknowledgement form indicating receipt of the handout. The Patient Education Acknowledgement form must be scanned into the patient's permanent record. Any patient questions regarding drug-to-drug interactions must immediately be referred to the Medical Director.

POLICY & PROCEDURE

ROUTE 85 WELLNESS CENTER
750 N. Ajo Gila Bend Hwy.
Ajo AZ 85321
(602) 769-5855

Title: ELECTRONIC MONITORING	Effective Date: December 1, 2012
Scope: All employees	Revision Date:

It is Route 85 Wellness Center's policy that the following electronic monitoring equipment shall be installed and maintained in excellent working condition within and around the dispensary:

- One 20" call-up monitor
- One video printer capable of immediately producing a clear still photo from any video camera image
- five video cameras covering entry and exit to the dispensary and limited access areas that are capable of identifying any activity occurring in or adjacent to the building, such cameras having recording resolution of at least 704 X 480
- a video camera at the point of sale location allowing for the identification of qualifying patients and designated caregivers purchasing medical marijuana
- storage capability of video recordings from the video cameras for at least 30 calendar days
- a failure notification system that provides an audible and visual notification of any failure in the electronic monitoring system
- sufficient battery backup for video cameras and recording equipment to support at least five minutes of recording in the event of a power outage
- panic buttons located at the point of sale and restricted access area where medical marijuana that is not on display for sale is kept, such devices monitored by Aspen Alarm Systems who will immediately notify the Williams Police Department that law enforcement assistance is immediately required at the dispensary due to imminent danger to the facility staff

It is also Route 85 Wellness Center's policy that all qualified patients and caregivers must present a registration card issued by the Arizona Department of Health Services Medical Marijuana Program before access to the dispensary is permitted. The registration card will be visually verified through a video intercom device located outside the entry to the dispensary. Upon visual verification on a video monitor located in the

point of sale area, a buzzer device will be depressed allowing access through the entry door. Once a patient or caregiver card is visually verified, their registration card will be fully verified via the Arizona Department of Health Services Medical Marijuana Verification System before any transactions take place.

POLICY & PROCEDURE

ROUTE 85 WELLNESS CENTER

750 N. Ajo Gila Bend Hwy.

Ajo AZ 85321

(602) 769-5855

Title: EMPLOYMENT	Effective Date: December 1, 2012
Scope: All employees	Revision Date:

It is Route 85 Wellness Center's policy that all new employees shall receive an employment packet containing a job description, employment letter, employee handbook and training materials.

The job description will address employee **duties, responsibilities, authority and required qualifications** as well as designation of their **supervisor** or subordinates and working conditions.

The employment letter address the employee's start date, job title, rate of pay and benefits. A signed acceptance of the employment offer will be scanned into the employee's human resources file.

The employee handbook will address human resource's policies and procedures with regard to employee conduct, **disciplinary guidelines**, employment at-will and employee relations, equal employment opportunity, training, benefits and **performance evaluations**. A signed acknowledgement indicating receipt and adherence to the policies contained in the employee handbook will be placed in the employee's human resources file.

All employees will receive orientation on their first day of work. Orientation will include HIPAA training regarding **patient confidentiality**, training in recognizing signs and symptoms of substance abuse and training on how to process a new patient into the patient recordkeeping software. Employees will learn what information patients are to receive from the dispensary upon initial registration, such as patient education and support materials, patient usage and symptom logs, information regarding no use of medical marijuana in public places and the HIPAA Privacy Act Notice. Employees will also learn what information patients are expected to furnish the dispensary upon initial registration, such as qualifying patient ID card issued by the Arizona Department of

Health Services Medical Marijuana Program, driver's license for purposes of positive identification of the patient, contact information for the patient's certifying physician to ensure notification of patient side effects and signed acknowledgement forms regarding receipt of patient education and support materials, public use of medical marijuana and the HIPAA Privacy Act Notice.

POLICY & PROCEDURE

ROUTE 85 WELLNESS CENTER
750 N. Ajo Gila Bend Hwy.
Ajo AZ 85321
(602) 769-5855

Title: INVENTORY CONTROL	Effective Date: December 1, 2012
Scope: All employees	Revision Date:

It is Route 85 Wellness Center's policy that an inventory control system will be utilized for **tracking** inventory from the time seeds or cuttings are planted or product is acquired from qualifying patients, caregivers or other dispensaries until such time as final product is sold to qualifying patients or caregivers registered through the Arizona Department of Health Services medical marijuana program. Such inventory control shall be maintained electronically through MJ Freeway's industry-specific software.

The dispensary's inventory control system will record each day's beginning inventory, acquisitions, harvests, sales, disbursements, disposal of unusable marijuana and ending inventory. Route 85 Wellness Center hereby designates dispensary administrator, Patricia Wuensche, as the dispensary agent who has oversight of the dispensary's medical marijuana inventory control system and such designee shall conduct and document an audit of the dispensary's inventory using generally accepted accounting principles at least every 30 days. The cause of any loss of inventory shall be identified and corrective action taken to eliminate this type of loss in the future. If the loss is due to suspected criminal activity by a dispensary agent, the dispensary administrator shall immediately report the suspected agent to the Arizona Department of Health Services and to local law enforcement authorities. The dispensary shall make all documentation regarding inventory available for review by the Arizona Department of Health Services and maintain such documentation for five years from the date of entry.

Medical marijuana acquisitions shall only originate from the dispensary's cultivation site, a qualifying patient or caregiver authorized by the Arizona Department of Health Services to cultivate marijuana or another dispensary or its cultivation site. The inventory control system shall track all acquired medical marijuana, including amount, strain, form (plant material or edible food products) and batch number (if applicable); name and registry identification of the patient, caregiver or dispensary and dispensary agent providing the medical marijuana; name and registry identification number of the

dispensary agent receiving the medical marijuana on behalf of the dispensary and the date of acquisition.

The inventory control system shall document all cultivation harvests, including batch number, batch origination (seeds or cuttings), origin and strain, number and date planted, a list of all chemicals (pesticides, herbicides and fertilizers) used in the cultivation, number of plants reaching maturity, date of harvest, final processed usable marijuana yield weight and name and registry identification number of the dispensary agent responsible for the harvest.

The inventory control system shall document all sales and label products sold, including the dispensary registration identification number; amount, strain and batch number of the medical marijuana; the following statement, "ARIZONA DEPARTMENT OF HEALTH SERVICES' WARNING: Marijuana use can be addictive and can impair an individual's ability to drive a motor vehicle or operate heavy machinery. Marijuana smoke contains carcinogens and can lead to an increased risk for cancer, tachycardia, hypertension, heart attack, and lung infection. KEEP OUT OF THE REACH OF CHILDREN;" origin of any acquisitions (patient, caregiver or other dispensary); date of manufacture, harvest or sale; a list of all chemical additives, including nonorganic pesticides, herbicides and fertilizers used in the cultivation and production of medical marijuana and the registry identification number of the qualifying patient. **Packaging** will consist of green pill bottles with the label described above firmly affixed to the bottle.

The inventory control system shall document and label all disbursements to other medical marijuana dispensaries, including the dispensary registration identification number, amount, strain and batch number of medical marijuana provided; name and registry identification number of the other dispensary and dispensary agent receiving the medical marijuana; the date of harvest or sale; and a list of all chemical additives, including nonorganic pesticides, herbicides and fertilizers used in the cultivation and production of medical marijuana. If the medical marijuana is provided in the form of edible food product, the label shall contain the information as outlined above and the total weight of the edible food product.

The dispensary shall dispose of all unusable medical marijuana by submitting such materials to the Williams Police Department for destruction or disposal. The inventory control systems shall document disposal of medical marijuana, including a description of and reason for the disposal, including the number of failed or unusable plants (if applicable), date of disposal, method of disposal and name and registry identification number of the dispensary agent responsible for the disposal.

The dispensary shall provide to the Arizona Department of Health Services upon request a sample of the dispensary's medical marijuana of sufficient quantity to conduct an analysis of the medical marijuana.

POLICY & PROCEDURE

ROUTE 85 WELLNESS CENTER
750 N. Ajo Gila Bend Hwy.
Ajo AZ 85321
(602) 769-5855

Title: LOITERING	Effective Date: December 1, 2012
Scope: All employees	Revision Date:

Route 85 Wellness Center is not a place of unrestricted public access. Route 66 Wellness Center is intended for the use of qualified patients and caregivers registered through the Arizona Department of Health Services Medical Marijuana Program. Loitering or interfering with this intended use is prohibited, and violators will be required to leave. Failure to comply with a request to leave will result in staff immediately notifying the Williams Arizona Police Department by use of the dispensary's security alarm panic buttons. All patients and caregivers must vacate the dispensary building and surrounding grounds immediately upon completion of their transaction. No patient shall be allowed to remain in the building or linger on the sidewalk or parking area of the dispensary.

POLICY & PROCEDURE

ROUTE 85 WELLNESS CENTER
750 N. Ajo Gila Bend Hwy.
Ajo AZ 85321
(602) 769-5855

Title: OPERATION AS A NON-PROFIT ENTITY	Effective Date: December 1, 2012
Scope: Management	Revision Date:

It is Route 85 Wellness Center's policy that the company will operate as a non-profit corporation. As such, management will ensure the following:

- That the entity does not lend any part of its property or income without receiving adequate security and a reasonable interest rate
- That the entity does not purchase property for more than adequate consideration in money or cash equivalent
- That the entity does not pay compensation for salaries or other compensation for personal services that is in excess of a reasonable allowance
- That the entity does not sell any part of its property or equipment for less than adequate consideration in money or cash equivalent
- That the entity does not engage in any other transaction that results in a substantial diversion of its income or property

POLICY & PROCEDURE

ROUTE 85 WELLNESS CENTER

750 N. Ajo Gila Bend Hwy.

Ajo AZ 85321

(602) 769-5855

Title: PATIENT EDUCATION AND SUPPORT	Effective Date: December 1, 2012
Scope: All employees	Revision Date:

It is Route 85 Wellness Center's policy that all qualified patients and caregivers registered through the Arizona Department of Health Services Medical Marijuana Program must receive patient education materials for the following topics:

- Information about the availability of different strains of marijuana and the purported effects of the different strains
- Information about the purported effectiveness of various methods, forms, and routes of medical marijuana administration
- A log book, maintained by the patient, documenting their Medical Marijuana usage and effects of specific medical marijuana strains and products
- Information regarding the prohibition of smoking medical marijuana in public places
- Alternative medical options for qualifying patient's debilitating medical condition
- Information about possible side effects of and contraindications for medical marijuana including possible impairment with use and operation of a motor vehicle or heavy machinery, when caring for children, or of job performance
- Guidelines for notifying the physician who provided written certification for medical marijuana if side effects or contraindications occur
- A description of the potential for differing strengths of medical marijuana strains and products
- Information about potential drug-to-drug interactions, including interactions with alcohol, prescription drugs, non-prescription drugs, and supplements
- Techniques for the use of medical marijuana and marijuana paraphernalia
- Information about different methods, forms, and routes of medical marijuana administration
- Information regarding signs and symptoms of substance abuse, including tolerance, dependency, and withdrawal
- A listing of substance abuse programs and referral information

- A log book, maintained by the patient, documenting their self-assessment of symptoms such as a rating scale for pain, cachexia or wasting syndrome, nausea, seizures, muscle spasms or agitation
- Guidelines for reporting usage and symptoms to the physician providing the written certification for medical marijuana and any other treating physicians
- Information regarding the dispensaries refusal to dispense marijuana to patients who appear impaired or are abusing medical marijuana

These patient education handouts are included in the new patient information packet distributed to all new patients or their designated caregiver upon initial registration. Patient or their designated caregiver must sign the Patient Education Acknowledgement form indicating receipt of the handouts. The Patient Education Acknowledgement form must be scanned into the patient's permanent record. Any patient questions that dispensary registered agents cannot answer must immediately be referred to the Medical Director.

POLICY & PROCEDURE

ROUTE 85 WELLNESS CENTER
750 N. Ajo Gila Bend Hwy.
Ajo AZ 85321
(602) 769-5855

Title: PATIENT RECORDKEEPING	Effective Date: December 1, 2012
Scope: All employees	Revision Date:

It is Route 85 Wellness Center's policy that a confidential patient record shall be established and maintained for each patient who obtains medical marijuana from the dispensary. An electronic patient file will be created utilizing MJ Freeway's medical marijuana industry-specific patient tracking software. MJ Freeway software is capable of tracking patient demographic information as well as a record of each purchase, denial of sale with explanation and delivery method.

Only authorized dispensing agents shall have access to and enter information into patient records and all entries shall be signed and dated by the authorized agent, including their identification number, by electronic means through MJ Freeway software. No records shall be changed to make them illegible and will be protected from loss or damage. All records will also be date/time stamped by an internal clock will be password protected against unauthorized access. All patient records shall contain patient's name, date of birth and designated caregiver information, if applicable.

The record shall also document the patient's receipt of education and support materials, education on the use of medical marijuana in public places, and HIPAA Privacy Act Notice information through scanned acknowledgement forms signed by the qualifying patient or their designated caregiver regarding each of these issues.

Each time the patient requests marijuana, the following information shall be entered into their record:

1. Purchases, including amount, strain, batch number and delivery method, either in person to the patient/caregiver at the dispensary or delivery to the patient's home by a dispensary registered agent
2. Denial of sales, including date, name and identification number of individual requesting marijuana and reason for the denial, such as patient already purchased

maximum allowable amount of medical marijuana or patient exhibits signs and symptoms of substance abuse

All patient records will be stored and maintained off-site by MJ Freeway on HIPAA-compliant computer servers for a period of five years from the date of last entry and will be accessible by Arizona Department of Health Services employees immediately upon request.

POLICY & PROCEDURE

ROUTE 85 WELLNESS CENTER
750 N. Ajo Gila Bend Hwy.
Ajo AZ 85321
(602) 769-5855

Title: REFUSAL TO SERVE IMPAIRED PATIENTS	Effective Date: December 1, 2012
Scope: All employees	Revision Date:

It is Route 85 Wellness Center's policy that qualified patients and caregivers who appear to be impaired or who exhibit signs and symptoms of drug abuse will not be served.

Signs of impairment and drug abuse include:

- Red or bloodshot eyes
- Pupils larger or smaller than usual
- Tremors, slurred speech or impaired coordination
- Mood swings; irritable and grumpy and then suddenly happy and bright
- Careless about personal grooming
- Sniffing or runny nose
- Excessive hunger or thirst

Any individual appearing in this manner will be required to leave immediately. Failure to comply with a request to leave will result in staff immediately notifying the Williams Arizona Police Department by use of the dispensary's security alarm panic buttons.

POLICY & PROCEDURE

ROUTE 85 WELLNESS CENTER
750 N. Ajo Gila Bend Hwy.
Ajo AZ 85321
(602) 769-5855

Title: PATIENT RECORDKEEPING	Effective Date: December 1, 2012
Scope: All employees	Revision Date:

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Only authorized dispensing agents shall have access to and enter information into patient records and all entries shall be signed and dated by the authorized agent, including their identification number, by electronic means through MJ Freeway software. No records shall be changed to make them illegible and will be protected from loss or damage. All records will also be date/time stamped by an internal clock will be password protected against unauthorized access. All patient records shall contain patient's name, date of birth and designated caregiver information, if applicable.

The record shall also document the patient's receipt of education and support materials, education on the use of medical marijuana in public places, and HIPAA Privacy Act Notice information through scanned acknowledgement forms signed by the qualifying patient or their designated caregiver regarding each of these issues.

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maximum allowable amount of medical marijuana or patient exhibits signs and symptoms of substance abuse

All patient records will be stored and maintained off-site by MJ Freeway on HIPAA-compliant computer servers for a period of five years from the date of last entry and will be accessible by Arizona Department of Health Services employees immediately upon request.

POLICY & PROCEDURE

ROUTE 85 WELLNESS CENTER
750 N. Ajo Gila Bend Hwy.
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- Excessive hunger or thirst

Any individual appearing in this manner will be required to leave immediately. Failure to comply with a request to leave will result in staff immediately notifying the Williams Arizona Police Department by use of the dispensary's security alarm panic buttons.

POLICY & PROCEDURE

ROUTE 85 WELLNESS CENTER

750 N. Ajo Gila Bend Hwy.

Ajo AZ 85321

(602) 769-5855

Title: RESTRICTED ACCESS	Effective Date: December 1, 2012
Scope: All employees	Revision Date:

It is Route 85 Wellness Center's policy that qualified patients and caregivers are restricted from accessing areas in the dispensary where medical marijuana is stored and not on display for purchase. Any individual entering a restricted access area within the dispensary must possess a dispensary agent registration card issued by the Arizona Department of Health Services. All restricted access areas must display a sign indicating, "AUTHORIZED PERSONNEL ONLY BEYOND THIS POINT" and violators will be required to leave. Failure to comply with a request to leave will result in staff immediately notifying the Williams Arizona Police Department by use of the dispensary's security alarm panic buttons.

It is also Route 85 Wellness Center's policy that all qualified patients and caregivers must present a registration card issued by the Arizona Department of Health Services Medical Marijuana Program before access to the dispensary is permitted. The registration card will be visually verified through a video intercom device located outside the entry to the dispensary. Upon visual verification on a video monitor located in the point of sale area, a buzzer device will be depressed allowing access through the entry door. Once a patient or caregiver card is visually verified, their registration card will be fully verified via the Arizona Department of Health Services Medical Marijuana Verification System before any transactions take place.

POLICY & PROCEDURE

ROUTE 85 WELLNESS CENTER

750 N. Ajo Gila Bend Hwy.

Ajo AZ 85321

(602) 769-5855

Title: USE OF PANIC BUTTONS	Effective Date: December 1, 2012
Scope: All employees	Revision Date:

It is Route 85 Wellness Center's policy that our security requirements include the installation and maintenance of panic buttons located at the point of sale and restricted access area where medical marijuana that is not on display for sale is kept, such devices monitored by Aspen Alarm Systems who will immediately notify the Williams Police Department that law enforcement assistance is immediately required at the dispensary due to imminent danger to the facility staff. Dispensary registered agents must activate the panic button immediately upon suspicion of illegal or detrimental activity by any qualified patient or caregiver or any suspicious activity occurring outside the dispensary building.

POLICY & PROCEDURE

ROUTE 85 WELLNESS CENTER

750 N. Ajo Gila Bend Hwy.

Ajo AZ 85321

(602) 769-5855

Title: SECURITY	Effective Date: December 1, 2012
Scope: All employees	Revision Date:

It is Route 85 Wellness Center's policy that security equipment to deter and prevent unauthorized entrance into limited access areas includes the following devices:

- A signal system interconnected with a cell communicator monitored by Aspen Alarm Systems who will immediately notify the Williams Police Department that law enforcement assistance is required at the dispensary followed by notification of the dispensary administrator
- Exterior lighting to facilitate surveillance of the building and surrounding areas
- Electronic monitoring equipment including:
 1. One 20" call-up monitor
 2. One video printer capable of immediately producing a clear still photo from any video camera image
 3. five video cameras covering entry and exit to the dispensary and limited access areas that are capable of identifying any activity occurring in or adjacent to the building, such cameras having recording resolution of at least 704 X 480
 4. a video camera at the point of sale location allowing for the identification of qualifying patients and designated caregivers purchasing medical marijuana
 5. storage capability of video recordings from the video cameras for at least 30 calendar days
 6. a failure notification system that provides an audible and visual notification of any failure in the electronic monitoring system
 7. sufficient battery backup for video cameras and recording equipment to support at least five minutes of recording in the event of a power outage
 8. panic buttons located at the point of sale and restricted access area monitored by Aspen Alarm Systems who will immediately notify the Williams Police Department that law enforcement assistance is

immediately required at the dispensary due to imminent danger to the facility staff

- A video intercom device for visually verifying qualified patient and caregiver registration cards issued by the Arizona Department of Health Services Medical Marijuana Program, including a delayed entry buzzer, to limit access to the dispensary to those persons who are eligible to purchase medical marijuana
- Motion detectors in the lobby and dispensing areas to sense intrusion when the dispensary is closed for business, such devices monitored by Aspen Alarm Systems who will immediately notify the Williams Police Department that law enforcement assistance is required at the dispensary followed by notification of the dispensary administrator
- Contacts on all doors and windows throughout the dispensary to detect access through these openings when the dispensary is closed for business, such devices monitored by Aspen Alarm Systems who will immediately notify the Williams Police Department that law enforcement assistance is required at the dispensary followed by notification of the dispensary administrator
- All windows will be covered by either steel security bars or steel interior roll-down shutters to prevent unauthorized intrusion when the dispensary is closed for business
- A locked, steel security door restricting access to the area where medical marijuana is kept that is not on display for sale, such medical marijuana being stored in a heavy-duty, fireproof safe bolted securely to the floor

USE OF MEDICAL MARIJUANA IN PUBLIC PLACES

ROUTE 85 WELLNESS CENTER

750 N. Ajo Gila Bend Hwy.

Ajo AZ 85321

(602) 769-5855

I have been instructed and fully understand that medical marijuana may not be used in any form in public places, including inside the dispensary building or outside on the dispensary sidewalk or in the dispensary parking area. Use of medical marijuana is also prohibited inside any automobile whether parked or in motion.

Signature

Date

Printed Name



ARIZONA DEPARTMENT OF HEALTH SERVICES MEDICAL MARIJUANA PROGRAM

DOCUMENTATION OF PROPERTY OWNERSHIP

TO BE COMPLETED BY THE OWNER OF THE PHYSICAL ADDRESS OF THE PROPOSED DISPENSARY.

Name of Individual or Entity Applying for a Dispensary Registration Certificate: <i>Arizona Natural Remedies Inc</i>			
Name of Owner of the Physical Address of the Proposed Dispensary: <i>100 Estrella dba Indulgence LLC</i>			
Physical Address of Proposed Dispensary: <i>750 N. Ajo Gila Bend Hwy.</i>			
City: <i>AJO</i>	County: <i>PIMA</i>	State: <i>AZ</i>	Zip Code: <i>85321</i>
Legal Description of the Property: <small>APN# 40118-134C R&C POL IN THE EXCLUDED PORTIONS OF BLKS 21 & 23 HOMER BROWN ADD LYG ADJ TO 1ST ST & AJO HWY IN W/2 OF B&E TRACT 15-17-6W</small>			

☐ The individual or entity applying for a Dispensary Registration Certificate is the owner of the physical address of the proposed dispensary.

OR

☒ The owner of the physical address of the proposed dispensary gives permission to the individual or entity applying for a Dispensary Registration Certificate to operate a dispensary at the physical address.

100 Estrella dba Indulgence LLC (Thomas W. Branson)

PROPERTY OWNER NAME

Beneficiary

TITLE

PROPERTY OWNER SIGNATURE

5/10/12

DATE SIGNED

**Arizona
Department of
Health Services**

Arizona Natural Remedies Inc
750 N. Ajo Gila Bend Highway, Ajo, Arizona 85321

The dispensary applicant listed above has been issued a Medical Marijuana Dispensary Registration Certificate. This Registration Certificate is not an approval to operate. The holder is authorized to apply for an Approval to Operate in the State of Arizona. An application for Approval to Operate must be submitted, along with items described in A.A.C. R9-17-305, no later than 60 days prior to the Registration Certificate expiring. This certificate has been issued under the authority of Title 36, Chapter 28.1, Arizona Revised Statutes and pursuant to Title 9, Chapter 17, Article 3, Department of Health Services' rules and regulations.

THIS CERTIFICATE IS NOT TRANSFERABLE

Registration Certificate Identification Number: 00000028DCGV00174888

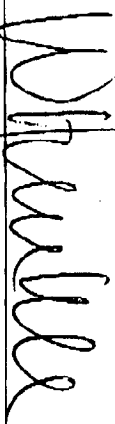
Issue Date: August 7, 2012

Expiration Date: August 7, 2013

A Registration Certificate issued by the Arizona Department of Health Services pursuant to A.R.S. Title 36, Chapter 28.1 and A.C.C. Title 9, Chapter 17 does not protect the holder from legal action by 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 medical marijuana under state law is lawful only if done in strict compliance with the requirements of the State Medical Marijuana Act ("Act"). A.R.S. Title 36, Chapter 28.1 and A.A.C. Title 9, Chapter 17. Any failure to comply with the Act may result in revocation of the Registration Certificate 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 medical marijuana.

THE ARIZONA MEDICAL MARIJUANA ACT DOES NOT AUTHORIZE THE HOLDER OF A DISPENSARY REGISTRATION CERTIFICATE TO CULTIVATE, POSSESS, OR SELL MEDICAL MARIJUANA PRIOR TO RECEIVING APPROVAL TO OPERATE FROM THE DEPARTMENT.

THE APPLICANT AGREES NOT TO OPERATE THE DISPENSARY UNTIL THE DISPENSARY IS INSPECTED AND THE APPLICANT OBTAINS APPROVAL TO OPERATE FROM ADHS.


Will Humble, Director



Arizona
Department of
Health Services

**Arizona Department of Health Services
Office of Inspection and Compliance
Medical Marijuana Program**

ARIZONA NATURAL REMEDIES INC
1519 W SUNRISE DR
PHOENIX, AZ 85041

To Whom It May Concern:

Your Dispensary Registration Application indicated below has been selected and allocated a Dispensary Registration Certificate by the Arizona Department of Health Services.

Dispensary Name: ARIZONA NATURAL REMEDIES INC
Application ID#: AZDS000000012
CHAA#/Name: 101 - Ajo

Your Dispensary Registration Certificate Number is: 00000028DCGV00174888, please include this number on any future correspondence.

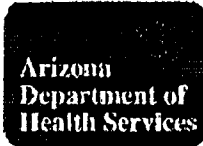
Before receiving the allocated Dispensary Registration Certificate, the dispensary must first submit a Dispensary Agent Application for each Principal Officer and Board Member for whom fingerprints were submitted. Your Dispensary Registration Certificate will be mailed to the dispensary along with the first approved Dispensary Member Registry Identification Card. For Dispensary Agent Application instructions and access to the Dispensary Point of Sale (POS) and Card Verification System, visit <http://www.azdhs.gov/medicalmarijuana/agents/index.htm>. Dispensary Agent Applications are located on the same system as the Dispensary POS and Card Verification System interface. In order to access this system, the dispensary member needs to register and create a Log In Account using their individual access code provided below.

FIRST_NAME	MIDDLE_INITIAL	LAST_NAME	ACCESS_CODE
TIMOTHY	K	MOORE	BD2784F9E1C2C51AE426E8316320A036
PAULA	C	HAMILTON	F37029E56A4381EAAC1AA7ED7FB6E980
ROBERT	K	KIVLIGHN	1E7CDA08764B50A0E193C5B296712D25

If you have any questions, please contact the Arizona Medical Marijuana Program at 602-364-0857 or email m2dispensaries@azdhs.gov.

Thank you,
Arizona Department of Health Services
Arizona Medical Marijuana Program

Thursday, August 09, 2012



ARIZONA DEPARTMENT OF HEALTH SERVICES
MEDICAL MARIJUANA PROGRAM

PRINCIPAL OFFICER AND BOARD MEMBER ATTESTATION

I, TIMOTHY K. MOORE, attest that:
PRINT NAME

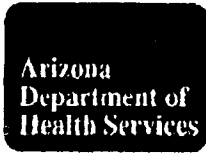
- I have not been convicted of an excluded felony offense as defined in A. R.S. § 36-2801; and
- I will not divert marijuana to any individual or person who is not allowed to possess marijuana pursuant A.R.S. Title 36, Chapter 28.1.

A handwritten signature in black ink, appearing to read "Timothy K. Moore", written over a horizontal line.

Signature of Principal Officer or Board Member

5-11-12

Date Signed

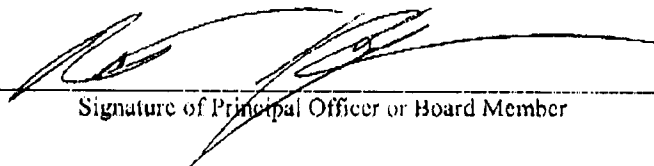


ARIZONA DEPARTMENT OF HEALTH SERVICES
MEDICAL MARIJUANA PROGRAM

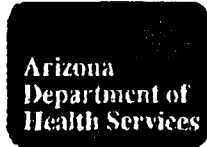
PRINCIPAL OFFICER AND BOARD MEMBER ATTESTATION

I, ROBERT KIVLIGHN, attest that:
PRINT NAME

- I have not been convicted of an excluded felony offense as defined in A. R.S. § 36-2801; and
- I will not divert marijuana to any individual or person who is not allowed to possess marijuana pursuant A.R.S. Title 36, Chapter 28.1.


Signature of Principal Officer or Board Member

5-10-12
Date Signed



**ARIZONA DEPARTMENT OF HEALTH SERVICES
MEDICAL MARIJUANA PROGRAM**

PRINCIPAL OFFICER AND BOARD MEMBER ATTESTATION

I, SHANE W. HOWELL, attest that:
PRINT NAME

- I have not been convicted of an excluded felony offense as defined in A. R.S. § 36-2801; and
- I will not divert marijuana to any individual or person who is not allowed to possess marijuana pursuant A.R.S. Title 36, Chapter 28.1.

A handwritten signature in black ink, appearing to read "Shane Howell", written over a horizontal line.

Signature of Principal Officer or Board Member

5-11-12
Date Signed



ARIZONA DEPARTMENT OF HEALTH SERVICES
MEDICAL MARIJUANA PROGRAM

PRINCIPAL OFFICER AND BOARD MEMBER ATTESTATION

LESLEY A. MENG

, attest that:

PRINT NAME

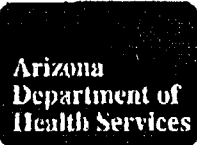
- I have not been convicted of an excluded felony offense as defined in A. R.S. § 36-2801; and
- I will not divert marijuana to any individual or person who is not allowed to possess marijuana pursuant A.R.S. Title 36, Chapter 28.1.

Lesley A. Meng

Signature of Principal Officer or Board Member

05/09/2012

Date Signed



ARIZONA DEPARTMENT OF HEALTH SERVICES
MEDICAL MARIJUANA PROGRAM

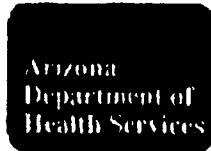
PRINCIPAL OFFICER AND BOARD MEMBER ATTESTATION

I, PATRICIA C. WUENSCH, attest that:
PRINT NAME

- I have not been convicted of an excluded felony offense as defined in A. R.S. § 36-2801; and
- I will not divert marijuana to any individual or person who is not allowed to possess marijuana pursuant A.R.S. Title 36, Chapter 28.1.

Patricia Wuensch
Signature of Principal Officer or Board Member

5/9/12
Date Signed




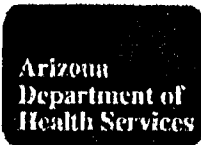
**ARIZONA DEPARTMENT OF HEALTH SERVICES
MEDICAL MARIJUANA PROGRAM**

PRINCIPAL OFFICER AND BOARD MEMBER ATTESTATION

I, Mark H. Wright, attest that:
PRINT NAME

- I have not been convicted of an excluded felony offense as defined in A. R.S. § 36-2801; and
- I will not divert marijuana to any individual or person who is not allowed to possess marijuana pursuant A.R.S. Title 36, Chapter 28.1.

 6/4/12
Signature of Principal Officer or Board Member Date Signed



ARIZONA DEPARTMENT OF HEALTH SERVICES
MEDICAL MARIJUANA PROGRAM

PRINCIPAL OFFICER AND BOARD MEMBER ATTESTATION

I, GORDON D. HAMILTON, attest that:
PRINT NAME

- I have not been convicted of an excluded felony offense as defined in A. R.S. § 36-2801; and
- I will not divert marijuana to any individual or person who is not allowed to possess marijuana pursuant A.R.S. Title 36, Chapter 28.1.

A handwritten signature in black ink, appearing to read "Gordon D. Hamilton", written over a horizontal line.

Signature of Principal Officer or Board Member

5-9-12

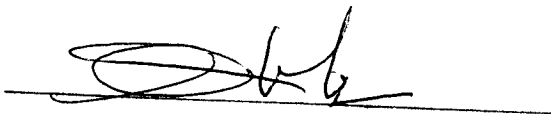
Date Signed

State of Arizona

County of Pima

Before the undersigned Notary, on this 28th day of February 2013, personally appeared Gordon D. Hamilton who having been first duly sworn deposes and says:

- Per the attached Arizona Department of Health Services Principal Officer and Board Member Attestations, none of the principal officers or board members of Arizona Natural Remedies, Inc., has been convicted of any of the felony offenses defined in A.R.S. Section 13-901.01(B) or violated any Federal or State controlled substance law that was classified as a felony.
- None of the principal officers or board members of Arizona Natural Remedies, Inc., has served as a principal officer or board member for a registered non-profit medical marijuana dispensary that has had its registration certificate revoked.



Gordon D. Hamilton

Subscribed and sworn to before me, this 28th day of February 2013.

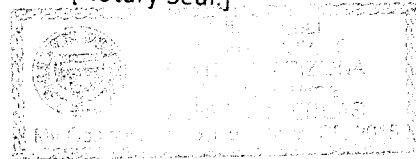


Notary Signature

ALBERTO NIEBLAS

Printed Name of Notary

[Notary Seal:]



My commission expires: 3 28, 2015.

March 20, 2013

Mr. Tom Drzazgowski
Deputy Chief Zoning Inspector for Pima County
201 N. Stone Avenue,
Tucson, AZ 85701

Re: P21-13-005 – OPPOSITION

Mr. Drzazgowski,

WE DO NOT WANT THE MARIJUANA DISPENSARY ANYWHERE IN AJO!!!

WE DO NOT WANT THE DRUG CULTURE HERE!!!

WE DO NOT WANT THE CRIME THAT WILL FOLLOW!!!

WE DO NOT WANT THE DETERIORATION IN OUR NEIGHBORHOODS!!!

WE DO NOT WANT THE PROPERTY VALUES TO PLUMMET!!!

PEOPLE WHO NEED PAIN MEDICATION CAN ALREADY GET PAIN MEDICATION.
MARIJUANA IS NOT THE ONLY OPTION AVAILABLE.

PLEASE LISTEN TO THE PEOPLE WHO WILL BE IMPACTED BY THIS HORRIBLE
IDEA!!!

NO, NO, NO TO CASE P21-13-005.

Sincerely,

Seth Keeler
215 North Cunada
Ajo, AZ 85321

Betty H. Tibbitt
1161 W. Snyder Rd.
Ajo, AZ. 85321

March 18, 2013

Pima County Zoning Enforcement Division
201 N. Stone Avenue, First Floor
Tucson, AZ. 85701

Attn: Tom Drzazgowski, Deputy Chief Zoning Inspector

Subject: 100 Estrella LLC zoning hearing March 27, 2013

Dear Sir:

My question is why don't you have this hearing in Ajo? This effects the people in Ajo not Tucson. Is it because there would be to much opposition and maybe it wouldn't be approved?

This community has enough drug problems. We surely don't need any more. In my book drugs are wrong. I lost a brother many years ago and he started with marijuana which led to harder ones.

The government should be trying to help solve the drug problem not making it legal.

I don't live in the area you want to rezone. However, I have been a business owner in Ajo for over 40 years am very concerned regarding this matter.

May I remind you that there are 2 church properties within 1,000 ft. of this location.

Sincerely,

A handwritten signature in cursive script, appearing to read "Betty H. Tibbitt".

Betty H. Tibbitt

FOR HEARING 3-27-13

March 15, 2013

DEAR PLANNING & ZONING
COMMISSION:

WE ARE OPPOSED TO

GRANTING A PERMIT FOR

P 21-13-005 (MEDICAL MARIJUANA
DISPENSARY)

WE LIVE IN THE NEIGHBORHOOD
AND DO NOT WISH TO
HAVE A BUSINESS LIKE THIS
IN OUR TOWN.

*p.s. we also feel
that The US Border Patrol
is working hard to keep
pot out of our community.
we don't need anyone
bringing it in, legal or
otherwise.

4/1/13

THANKS!

Cindy Henning
Mike Meyer

Tom Drzazgowski
Deputy Chief Zoning Inspector
Pima County Development Services Dep.

This letter is concerning the Medical Marijuana Dispensary in Ajo Az.

As a disabled couple on SSI and home-owner we disagree with having a dispensary in Ajo.

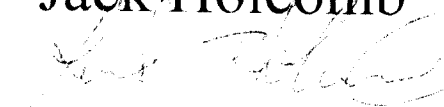
1. At the meeting in Ajo these people stated they only wanted the Dispensary here was so they could grow more Marijuana in Phoenix and that they didn't care that there are only 22 card holders in Ajo. To us it looks like they are just wanting to make money for their selves.
2. There are Federal Check points where it is illegal to have Marijuana of any sort.
3. These people also stated that the people with Med. Marijuana Cards have been growing Medical Marijuana and selling it to the Kids at the schools and it would stop this problem from happening, well guess what

that has never happen here and for them to even insinuate that card holders are doing this is an insult. Cardholders want to do what the law wants and yet wants all of this to be discreet not for everybody in town knowing what kind of Medicine they are using.

4. My question: what reason why are they wanting to infringe on Ajo people. To us, what will it do for Ajo and for Pima county?

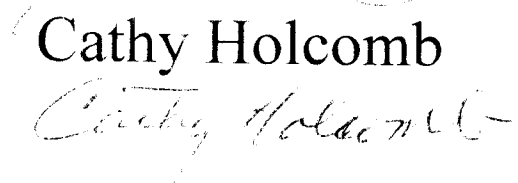
Please! No Dispensary in Ajo

Jack Holcomb



3/19/13

Cathy Holcomb



3/19/2013

March 17, 2013

Pima County Planning & Zoning Commission
District 3
201 N. Stone Avenue
Tucson, Arizona 85701

3/27/13

4

RE: P21-13-005 – 100 ESTRELLA LLC – NORTH AJO GILA BEND HWY.

Dear Board Members,

We would like to register our protest for the request for a variance for the proposed medical marijuana dispensary in Ajo, Arizona. We have one home within the 1,000 minimum feet setback and another one 50 feet to the west of that home just barely out of that range.

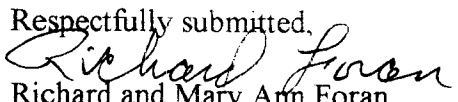
The location of the building is on the main highway that runs through Ajo. Not only do you have businesses in that area but there are residential areas surrounding it. This business could become a nuisance for the residents as well as endangerment. We also feel it is not in the best interest of the town for every visitor or passerby to see this kind of business operation. Although we understand that this is medical marijuana requiring a prescription we don't need for everyone passing through town to see this business which may provoke negativism of Ajo. Also, un reputable person/s passing through town may get ideas for theft or illegal activity. In consideration of the patient I certainly would not want to have to acquire my prescription from a business that is so much in the public eye. Ajo is a small town and tongues do wag. There would be no privacy for the sick individual. There are many other sites in Ajo that could facilitate this kind of business and they should be considered before trying to put it on the main highway that is surrounded by residential areas. We realize that the owner of this long vacant building is trying to make use of it but in our opinion this is not the type of business he needs to consider for that particular location.

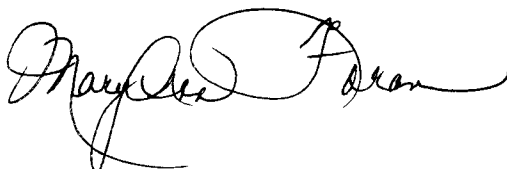
We might add that the building for the requested dispensary has an arroyo immediately south of it as well as a bridge. This same arroyo runs in front of our homes just across the street due north. This arroyo as well as the surrounding area is used by vagrants passing through or living in the arroyo or underneath the bridge. This business could present opportunities for these homeless people which would not be in our or the towns best interest.

Please consider that Ajo's zoning is almost nonexistent. Yes, it looks good in your zoning maps but because of preexisting being grandfathered in the town prior to zoning the town has no unity. Allowing this change (again) would continue to support the theory that anything goes in Ajo and the attitude of "Who cares? It is ONLY Ajo."

In summary thank you for your consideration of our protest.

Respectfully submitted,


Richard and Mary Ann Foran
1139 and 1141 West Clymer Street
Ajo, Arizona 85321
and
210 E. Lawton Street
Tucson, Arizona 85704



#4 Item #4

Attention: Celia & Tom Drzazgowski

File no. P21-13-005-100 ESTRELLA LLC - NORTH AJO GILA BEND, WY

To whom it all may concern, I would like to address the problems of a possible opening of a dispensary here in Ajo Az 85321. I find it not fair due to the following reasons, 1. the state held off on dispensaries opening for a while so people bought grow equipment, 2. I'm one of those persons here in Ajo who spent a lot of hard earned cash in a grow system, and with a dispensary opening that would put us growers at a loss of what we spent on our system and I find that not fair at all, we do not have the money to just throw away like wasteful spending as our government already does with our tax dollars, so please don't force more wasteful spending, I can not afford this loss and waste what I and others have spent to grow for ourselves. I could not afford dispensary prices they are too high for too little product. there are 9 others than me who do not want a dispensary to open here in Ajo Az. If it does open we will not support it, instead we will rent a house in a near by town and make it one big grow room and then take some to a dispenser in Phoenix Az to help offset the cost of growing and hand out free medical Marijuana to card holders here in Ajo to make sure this dispensary does not succeed we will not be forced to have our investment become a waste at our cost. Enough wasteful spending. Thank you for your time.

3/26/13

Anonymous legal cultivators