

R-21-01

Adult Use Marijuana

BOARD OF SUPERVISORS

MAY 18, 2021

Overview of Prop. 207

- Allows adults (21+) to possess and use specified amounts of marijuana.
- Permits growth of a limited number of marijuana plants at a person's residence (must be in an enclosed, locked area that is not visible from public view).
- Establishes the AZ Dept. of Health Services ("DHS") as the regulatory authority that issues licenses to "marijuana establishments" for the sale of recreational marijuana.
- Caps the number of marijuana establishment licenses DHS may issue.
- Only one retail sales location in Cochise County (located in the City of Bisbee). Additional license won in a lottery for an establishment in the City of Douglas.





County-Wide: **53.87% YES;** **43.75% NO**

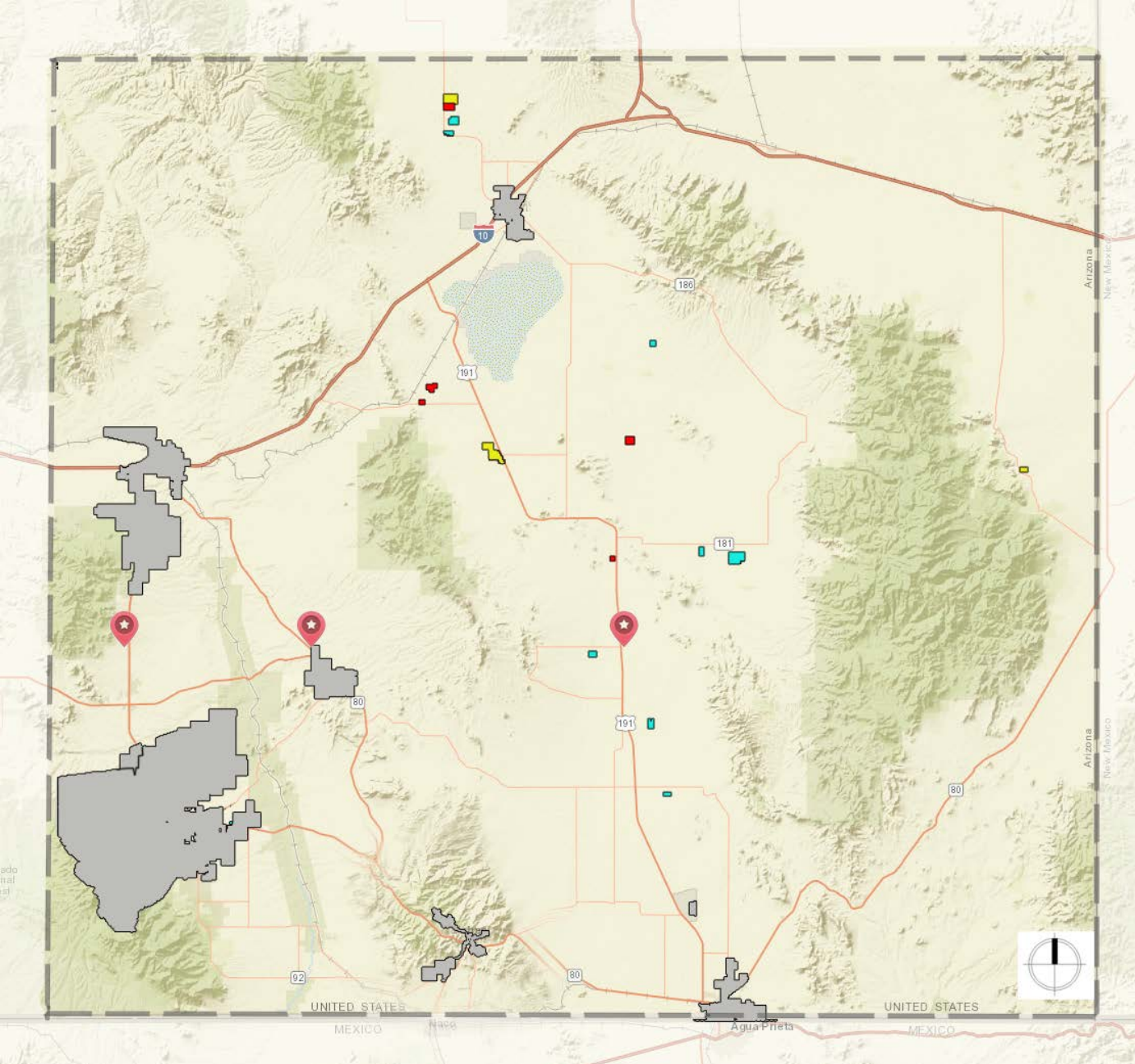


https://www.cochise.az.gov/sites/default/files/elections/2020GeneralElection_SummaryResults.pdf

Special Use Permit authorizations for Medical Marijuana in Cochise County

Medical Marijuana Dispensaries	(0)	(1 in Bisbee)
Medical Marijuana Cultivation Facilities	(9)	(0 pending)
Medical Marijuana Dispensary Cultivation Facilities	(0)	
Medical Marijuana Infusion Facilities	(0)	

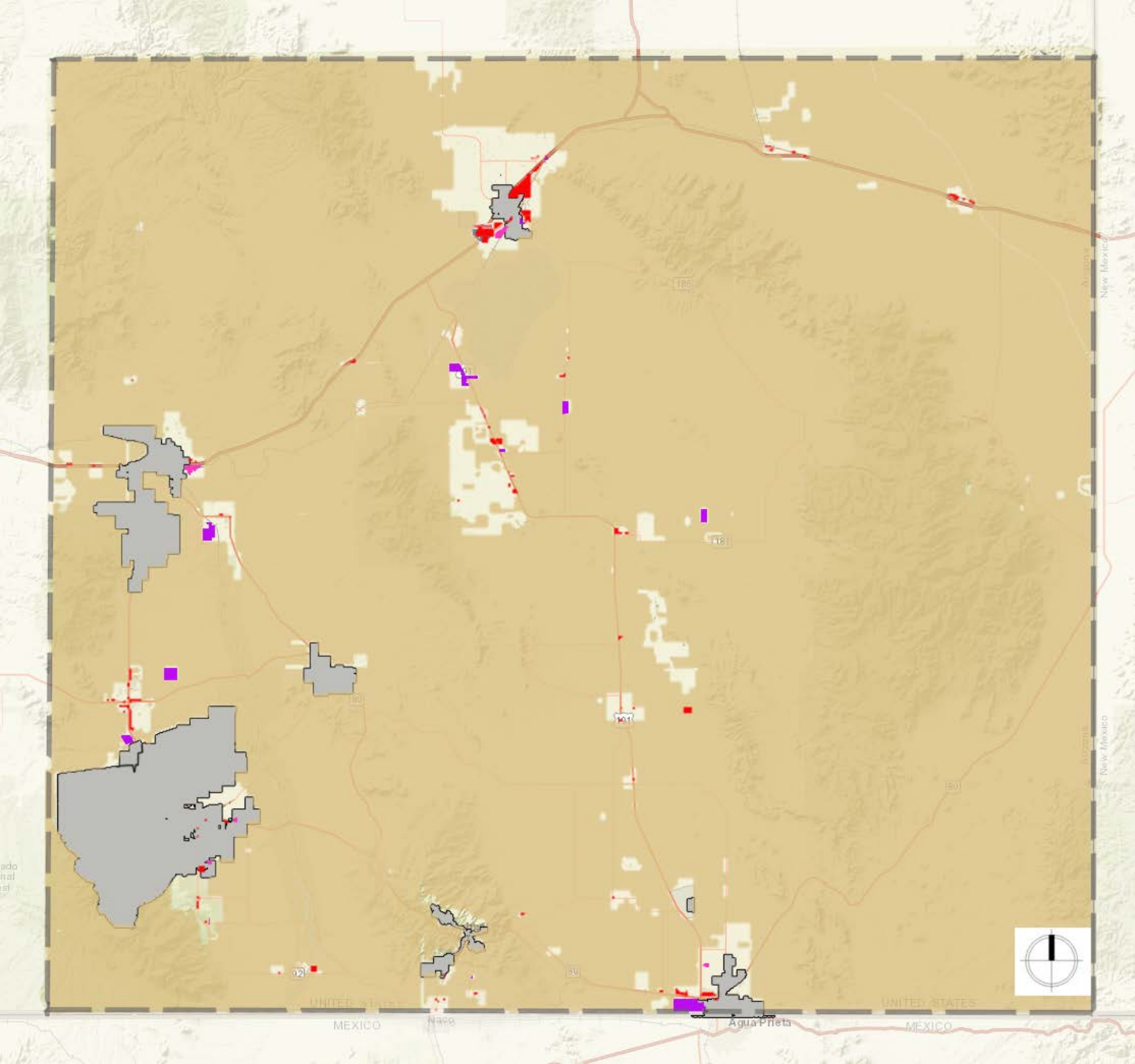
-  Checkpoint
-  Seeking Approval
-  Approved, NO permits issued
-  Approved, permits issued



Currently in the Zoning Regulations:

Medical Marijuana is allowed by Special Use Authorization from the Planning & Zoning Commission in:

- Rural (RU-4, RU-10, RU-18, RU-36)
- General Business (GB)
- Light Industry (LI)
- Heavy Industry (HI) (Medical Marijuana Cultivation Facilities only)



County Zoning Regulations Summary of Proposed Changes

- Replace current Medical Marijuana definitions with definitions without the word “Medical.”
- Remove unnecessary references to site development standards in Article 18.
- Allow by Special Use Permit all marijuana uses in the following zoning districts: RU, GB, LI, HI.

Site Development Standards

- Increase separation requirements for marijuana cultivation facilities and retail establishments to 1000 feet.
 - Add Churches and Youth-Oriented facilities to separation requirements.
 - Allow drive through

ARTICLE 2 (DEFINITIONS):

REMOVE CURRENT DEFINITIONS:

~~**Medical Marijuana Cultivation Facility** – A building, structure, or premises used for the cultivation and storage of medical marijuana that is physically separate and off-site from a Medical Marijuana Dispensary. Site Development Standards for Medical Marijuana Dispensaries are found in Article 18.~~

~~**Medical Marijuana Dispensary** – A nonprofit Medical Marijuana Dispensary duly registered and certified pursuant to Arizona Revised Statutes that sells, distributes, transmits, gives, dispenses, or otherwise provides medical marijuana to qualifying patients. Site Development Standards for Medical Marijuana Dispensaries are found in Article 18.~~

~~**Medical Marijuana Dispensary Cultivation Facility** – A building, structure, or premises where marijuana will be cultivated for sale at a non-profit Medical Marijuana Dispensary duly registered and certified pursuant to Arizona Revised Statutes. Site Development Standards for Medical Marijuana Dispensaries are found in Article 18.~~

~~**Medical Marijuana Infusion Facility** – A facility that incorporates medical marijuana into consumable/edible goods by means of cooking, blending, or any other type of incorporation. Site Development Standards for Medical Marijuana Dispensaries are found in Article 18.~~

~~**Medical Marijuana Uses** – Shall include collectively Medical Marijuana Cultivation Facilities, Medical Marijuana Dispensaries, Medical Marijuana Dispensary Cultivation Facilities, or Medical Marijuana Infusion Facilities; per Arizona Revised Statutes.~~

~~**Agriculture General** - ...**medical** marijuana.~~

REPLACE WITH:

Marijuana Cultivation Facility – A facility licensed for operation by the Arizona Department of Health Services, located in a building, structure, or premises used to cultivate and store marijuana physically separate and off-site from a marijuana establishment.

Marijuana Establishment - A facility licensed for operation by the Arizona Department of Health Services that sells or distributes marijuana to consumers.

Marijuana Establishment Cultivation Facility - A building, structure, or premises licensed for operation by the Arizona Department of Health Services where marijuana is grown or cultivated as well as sold or distributed to consumers.

Marijuana Infusion Facility - A facility licensed for operation by the Arizona Department of Health Services that incorporates marijuana into consumable/edible goods through cooking, blending, or any other type of incorporation.

Marijuana Testing Facility – A facility licensed for operation by the Arizona Department of Health Services to analyze the potency of marijuana and test marijuana for harmful contaminants.

Youth-Oriented Facility – Any facility that caters to or provides services primarily intended for minors or individuals who regularly patronize, congregate or assemble at the establishment are predominately minors.

CURRENT ARTICLES 6 (RU), 12 (GB), 13 (LI)

SPECIAL USES:

~~(Section) Medical Marijuana Cultivation Facility in RU-4 and greater only, subject to site development standards in Article 18.~~

~~(Section) Medical Marijuana Dispensary in RU-4 and greater only, subject to site development standards in Article 18.~~

~~(Section) Medical Marijuana Dispensary Cultivation Facility in RU-4 and greater only, subject to site development standards in Article 18.~~

~~(Section) Medical Marijuana Infusion Facility in RU-4 and greater only, subject to site development standards in Article 18.~~

CURRENT ARTICLE 14 (HI)

SPECIAL USES:

~~1405.12 Medical Marijuana Dispensary Facility, subject to site development standards in Article 18.~~

~~1405.13 Medical Marijuana Dispensary/Cultivation Facility, subject to site development standards in Article 18.~~

~~1405.14 Medical Marijuana Infusion Facility, subject to site development standards in Article 18.~~

Replace Articles 6 (RU), 12 (GB), 13 (LI), and 14 (HI) with:

Special Uses:

(Section) Marijuana Cultivation Facility

(Section) Marijuana Establishment

(Section) Marijuana Establishment Cultivation Facility

(Section) Marijuana Infusion Facility

(Section) Marijuana Testing Facility

ARTICLE 18 (SITE DEVELOPMENT STANDARDS) PROPOSED CHANGES:

1825 Marijuana Uses

The purpose of this Section is to establish site development standards for the permitting and operation of Marijuana Cultivation Facilities, Marijuana Establishments, Marijuana Establishment Cultivation Facilities, Marijuana Infusion Facilities, and Marijuana Testing Facilities.

1825.01 Setbacks:

Minimum setbacks for Marijuana Cultivation Facilities, Marijuana Establishments, Marijuana Establishment Cultivation Facilities, and Marijuana Infusion Facilities shall be no closer than 1000 feet, as measured from the property boundary of the proposed use to the property boundary of any of the following:

- A. Any other Marijuana Establishment or Marijuana Infusion Facility
- B. Any library
- C. Schools (private or public)
- D. Child care centers (private or public)
- E. Churches
- F. Youth-oriented facility

Minimum setbacks for Marijuana Cultivation Facilities, Marijuana Establishments, Marijuana Establishment Cultivation Facilities, Marijuana Infusion Facilities, and Marijuana Testing Facilities shall be no closer than 300 feet from the property boundary from any existing residential use located in a residential zoning district or an approved subdivision. The distance shall be measured from the property boundary of the proposed use to the property boundary of the existing residential use located in residential zoning or an approved subdivision.

1825.02 Restrictions:

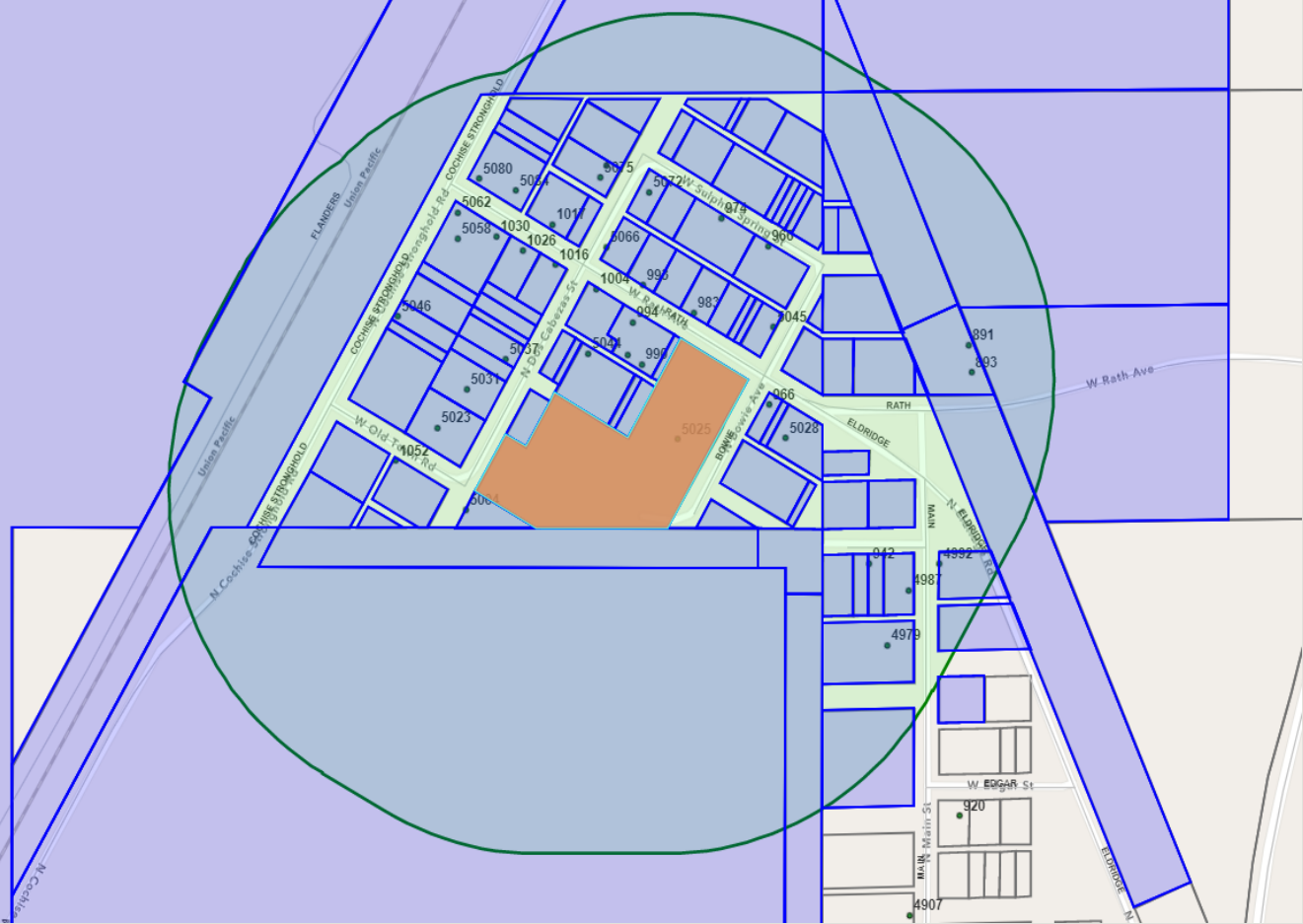
The following restrictions shall be applied to Marijuana Establishments, Marijuana Establishment Cultivation Facilities, Marijuana Infusion Facilities, and Marijuana Testing Facilities:

- A. All Marijuana Establishments, Marijuana Establishment Cultivation Facilities, Marijuana Infusion Facilities, Marijuana Testing Facilities shall be located in a permanent building and may not be located in a trailer, cargo container, or motor vehicle.

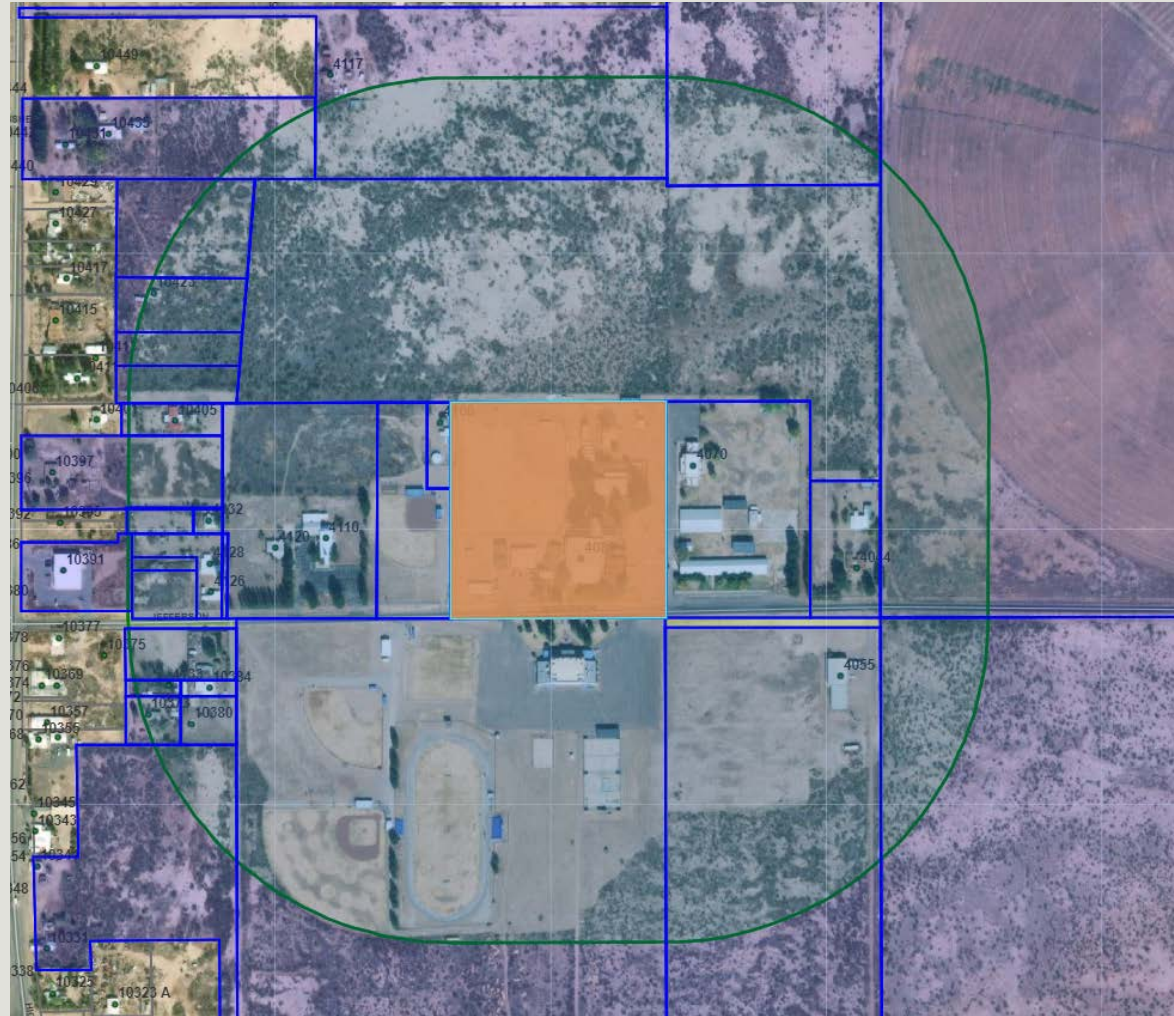
~~————— No Medical Marijuana Dispensaries and Medical Marijuana Infusion Facilities shall provide drive through services.~~

- B. No Marijuana Establishments, Marijuana Establishment Cultivation Facilities, and Marijuana Infusion Facilities shall provide outdoor seating areas.

1000' Setback



1000' Setback





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