MARANA PLANNING COMMISSION
REGULAR COMMISSION MEETING
NOTICE AND AGENDA
11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, January 27, 2021, at or after 6:30 PM

Thomas Schnee, Chairman
Ronald Hill, Vice Chair
Don Duncan, Commissioner
Terry Fehrmann, Commissioner
Richard Miller, Commissioner
Sharon Tyson, Commissioner
Vacant, Commissioner

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Marana Planning Commission and to the general public that the Planning Commission will hold a meeting open to the public on January 27, 2021, at or after 6:30 PM located in the Council Chambers of the Marana Municipal Complex, 11555 W. Civic Center Drive, Marana, Arizona.

ACTION MAY BE TAKEN BY THE COMMISSION ON ANY ITEM LISTED ON THIS AGENDA. Revisions to the agenda can occur up to 24 hours prior to the meeting. Revised agenda items appear in *italics*.

Marana Planning Commission
Welcome to this public meeting of the Marana Planning Commission. The Commission consists of seven citizens who are appointed by the Town Council and serve without pay. For the most part, the Commission acts in an advisory capacity to the Town Council on matters related to land use planning and zoning. Citizens are encouraged to address the Commission with their concerns on agenda items during the public testimony portions of the meeting, or other issues at the Call to the Public.

Meeting Times
Regular Commission meetings are usually held on the last Wednesday of each month at 6:30 PM at the Marana Municipal Complex, although the date or time may change and additional meetings may be called at other times and/or places.

Speaking at Meetings
If you are interested in speaking to the Commission during the Call to the Public or Public Hearings, you must fill out a speaker card (located in the lobby outside the Council Chambers) and deliver it to the Planning Commission Secretary prior to the convening of the meeting.

All persons attending the Commission meeting, whether speaking to the Commission or not, are expected to observe the Commission rules, as well as the rules of politeness, propriety, decorum and good conduct. Any person interfering with the meeting in any way, or acting rudely or loudly will be removed

from the meeting and will not be allowed to return.

Accessibility
To better serve the citizens of Marana and others attending our meetings, the Council Chambers are wheelchair and handicapped accessible. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Town Clerk at (520) 382-1999. Requests should be made as early as possible to arrange the accommodation.

Agendas
Copies of the Agenda are available the day of the meeting in the lobby outside the Council Chambers or online at www.maranaaz.gov.

This Notice and Agenda posted no later than 24 hours prior to the meeting, at the Marana Municipal Complex, 11555 W. Civic Center Drive, the Marana Operations Center, 5100 W. Ina Road, and at www.maranaaz.gov.

Meetings may be viewed online by clicking the link below:
http://maranaaz.swagit.com/live

The Town of Marana also encourages individuals to submit public comments to tbyler@maranaaz.gov. Any submitted comments from the public will be provided to the Commission and included within the Commission packet file and a summary of the comments submitted will be reflected in the official Commission meeting minutes of that meeting. All emailed comments must be received by the Town no later than 12:00 p.m. (noon) on the day of the meeting to be included.

REGULAR COMMISSION MEETING

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION/MOMENT OF SILENCE

ROLL CALL

CALL TO THE PUBLIC
At this time, any member of the public is allowed to address the Planning Commission on any issue within the jurisdiction of the Planning Commission, except for items scheduled for a Public Hearing at this meeting. The speaker may have up to three (3) minutes to speak. Any persons wishing to address the Commission must complete a speaker card (located at the rear of the Commission Chambers) and deliver it to the Commission Secretary prior to this agenda item being called. Pursuant to the Arizona Open Meeting Law, at the conclusion of Call to the Public, individual members of the Commission may respond to criticism made by those who have addressed the Commission, and may ask staff to review the matter, or may ask that the matter be placed on a future agenda. However, members of the Commission shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.

APPROVAL OF AGENDA

ANNOUNCEMENTS

GENERAL ORDER OF BUSINESS

A. Approval of the December 16, 2020 Meeting Minutes

B. Public Hearings

1. **CUP2101-001: Copper State Herbal Center, Inc. dba Botanica.** A request for approval of a modification to the existing Copper State Herbal Center, Inc. dba Botanica conditional use permit, which currently allows operation of a non-profit medical marijuana dispensary, to operate a retail marijuana establishment, in a shared location with the existing medical marijuana dispensary at 6205 N. Travel Center Drive. (Cynthia Ross)

2. **CUP2101-001: Wild Burro Desert Retreat RV Camping Space**. A request for approval of a conditional use permit to allow the hosting of one RV space via Hipcamp.com at 13350 N. Wild Burro Road, APN 21844046A (Anita McNamara)

3. **PCZ2012-001: Phil's Sheds Rezoning.** A request for a recommendation to the Marana Town Council for approval to rezone approximately 1.84 acres of land from R-36 (Residential) to Village Commercial (VC). The property is located at 4535 W. Ina Road, on the south side of West Ina Road, 0.10 mile east of Interstate 10, in a portion of Section 6, Township 13S, Range 13E. (Anita McNamara)

4. **PCZ2011-001: Tangerine 40 Rezoning.** A request for a recommendation to the Marana Town Council for approval to rezone approximately 40 acres of land from Zone C - Large Lot Zone to Heavy Industry (HI). The property is generally located south of Tangerine Road and west of Breakers Road in a portion of Section 5, Township 12S, Range 12E. (Brian D. Varney)

5. **SLU2008-001 Welding Shop Operations.** A request for approval of a Significant Land Use Change to allow for operation of a commercial welding shop on the property located at 15131 N. Wentz Road. The property is generally located at the southwest corner of Wentz Road and Hardin Road. (Justin Currie)

6. **SLU2010-001: Significant Land Use Change for Head to Tail Riding School.** A request by property owner, Sheryl Gonnsen, for approval of a Significant Land Use Change to allow for the operation of a horseback riding school offering horseback riding instruction, horse training, and stabling of school horses and horses in training on the property located at 5880 W. Cortaro Farms Road. The property is generally located east of Interstate 10, north of Cortaro Farms Road, west of Hartman Lane, and south of Linda Vista Boulevard in a portion of Section 23, Township 12S, Range 12E. (Brian D. Varney)

7. **PCM2101-002: Amendment to the Marana Town Code, Title 17 (Land Development Code), Chapter 17-3 (Administration and Enforcement).** A request for a recommendation to the Town Council for approval of amendments to Marana Town Code Title 17 (Land Development), revising chapter 17-3 (Administration and Enforcement) to revise provisions related to the issuance of conditional use permits, including findings for approval; to rewrite provisions regarding the issuance of temporary use permits; and to revise provisions related to the classification and enforcement of violations of Title 17 (David Udall)

C. Commission Action

Opening remarks by an applicant should not exceed ten minutes. Comments by others should not exceed three minutes.

1. **PRV2009-003; Gladden Farms Blocks 31 & 33 Preliminary Plat and PRV2010-002 Gladden Farms Block 37 Preliminary Plat.** A request for a recommendation to the Town Council for approval of a preliminary plat for Gladden Farms Blocks 31 & 33 lots 1-235, Common Areas A-1 - A-11 (Landscape, Utilities, Drainage and Grading) and B-1 - B-5 (Recreation, Landscape, Utilities, Drainage and Grading) north of the Midfield Rd. and Mike Etter Blvd. intersection; and for approval of a preliminary plat for Gladden Farms Block 37 Lots 1-275, A-1 - A-14 (Landscape, Utilities, Grading and Drainage) and B-1 - B-7 (Recreation, Landscape, Utilities, Drainage and Grading) at the southeast corner of Midfield Rd and Mike Etter Blvd. (Justin Currie)

2. **PCM2012-001; Waiver of Subdivision Requirements for the Summerstone subdivision**. A request for a waiver of subdivision requirement to underground existing electrical utilities adjacent to the Summerstone proposed residential development located south and west of Coachline Boulevard, north of Twin Peaks Road, and east of Silverbell Road. (Brian D. Varney)

D. Informational Items/Possible Action Items

FUTURE AGENDA ITEMS

EXECUTIVE SESSIONS

Pursuant to A.R.S. 38-431.03, the Planning Commission may vote to go into executive session, which will not be open to the public, to discuss certain matters.

Executive Session pursuant to A.R.S. §38-431.03 (A), Planning Commission may ask for discussion or consideration, or consultation with designated Town representatives, or consultation for legal advice with the Town Attorney, concerning any matter listed on this agenda for any of the reasons listed in A.R.S. §38-431.03 (A).

ADJOURNMENT

Planning Commission - Regular Meeting
Meeting Date: 01/27/2021

To: Planning Commission

From: Terri Byler, Executive Assistant

Date: January 27, 2021

Subject: **Approval of the December 16, 2020 Meeting Minutes**

Attachments

December 16, 2020 Draft Minutes

MARANA PLANNING COMMISSION

REGULAR COMMISSION MEETING

11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, December 16, 2020, at or after 6:30 P.M.

Thomas Schnee, Chairman
Ronald Hill, Vice Chair
Don Duncan, Commissioner
Terry Fehrmann, Commissioner
Richard Miller, Commissioner
Bryan Schachter, Commissioner
Sharon Tyson, Commissioner

DRAFT

SUMMARY MINUTES

CALL TO ORDER

Vice Chair Hill called the meeting to order at 6:30 P.M.

PLEDGE OF ALLEGIANCE AND INVOCATION/MOMENT OF SILENCE: led by **Vice Chair Hill.**

ROLL CALL

Vice Chair Hill directed the Commission Secretary to call roll. All commission members were present; Chairman Schnee was in attendance via phone. A quorum was present.

CALL TO THE PUBLIC

Vice Chair Hill opened the meeting to receive public comments.

APPROVAL OF AGENDA

ANNOUNCEMENTS

GENERAL ORDER OF BUSINESS

Commissioner Duncan moved and Commissioner Schachter second the motion approving the Regular Planning Commission Meeting Minutes of November 18, 2020.

PUBLIC HEARINGS

COMMISSION ACTION

1. Proposed Marana Parks and Recreation Master Plan 2020-2030; A request by Town of Marana Parks and Recreation Department for a recommendation to the Town Council for approval of the Parks and Recreation Master Plan 2020-2030 (Jim Conroy)

Jim Conroy; Director of **Parks** and **Recreation** and **Don McGann** from **McGann & Associates** provided an overview of the Marana Parks and Recreation Master Plan 2020-2030. The Master Plan is organized to include recommendations for five distinct but interrelated elements of the community's park system.

- Developed Parks
- Community Center and Aquatic Facilities
- Linear Parks and Trails
- Natural Resource Parks and Preserves
- Recreation Programs

DRAFT

Developed Parks

- Construction of improvements at existing developed parks
- Development of two new district parks; Twin Peaks Corridor District Park and North Marana District Park.
- Planning for a community sports field complex.

Multi-Generation Community Center and Aquatic Facility

- Construct new 55,000 sq. ft. multi-generation community center.
- Construct new aquatics facility.

Linear Parks and Trails

- Completion of the regional trial system.
- Partner with Pima County on the CAP Trail.
- Integration of shared-use pathways and greenways with transportation and infrastructure projects.
- Develop trails linking key community assets.
- Expand the Natural Resource Park and Preserve Trail Systems.

Natural Resource Parks and Preserves

- Construct public use and resource protection improvements at:
  - Tortolita Preserve / El Rio Preserve / Northwest Nature Park.
- Expand the trail system within Tortolita Mountain Park.

Recreation Programs

- Add recreation, fitness, and wellness programs that require indoor space.
- Add fitness, recreation, and therapy programs that require a year-round aquatic facility.
- Maintain and expand current program offerings with large and growing participation.
- Maintain and refine programs serving special interest constituencies.

Feeling the plan, as presented, was satisfactory, the Planning Commission had no additional changes or recommendations. The Commission commended town staff on an outstanding job.

Commissioner Duncan moved and Commissioner Schachter second the motion recommending Council adoption of the Marana Parks and Recreation Master Plan 2020-2030. Motion passed unanimously, 7-0.

INFORMATIONAL ITEMS/POSSIBLE ACTION ITEMS

FUTURE AGENDA ITEMS

ADJOURNMENT

Vice Chair Hill asked for a motion to adjourn the meeting.

Commissioner Tyson, moved and Vice Chair Hill second the motion to adjourn the meeting. Meeting adjourned at 7:38 p.m.

CERTIFICATION

I hereby certify that the foregoing are the true and correct minutes of the Marana Planning Commission meeting held on December 16, 2020. I further certify that a quorum was present.

Terri Byler

Terri Byler, Commission Secretary

DRAFT

Planning Commission - Regular Meeting

Meeting Date: 01/27/2021

To: Planning Commission

From: Cynthia Ross, Senior Planner

Date: January 27, 2021

Strategic Plan Focus Area:
Not Applicable

Subject: **CUP2101-001: Copper State Herbal Center, Inc. dba Botanica.** A request for approval of a modification to the existing Copper State Herbal Center, Inc. dba Botanica conditional use permit, which currently allows operation of a non-profit medical marijuana dispensary, to operate a retail marijuana establishment, in a shared location with the existing medical marijuana dispensary at 6205 N. Travel Center Drive. (Cynthia Ross)

Discussion:

Summary

An application has been submitted by Copper State Herbal Center, Inc. dba Botanica, requesting approval of a modification to its existing conditional use permit, which currently allows operation of a non-profit medical marijuana dispensary, to operate a retail marijuana establishment, in a shared location with the existing medical marijuana dispensary at 6205 N. Travel Center Drive. A request to modify, expand, or otherwise change an approved conditional use permit requires the approval of the Planning Commission.

Pursuant to Marana Town Code section 11-9-5, a dual licensee who holds both a valid non-profit medical marijuana dispensary registration and a marijuana establishment license from the Arizona Department of Health Services may operate the two businesses cooperatively at a shared location subject to the provisions and regulations of Town Code section 17-6-14, which regulates the operation and location of nonprofit medical marijuana dispensaries.

Location

The existing Botanica nonprofit medical marijuana dispensary is generally located on the northwest west side of N Travel Center Drive at W Joiner Road within the Orange Grove I-10 Plaza industrial subdivision at 6205 N. Travel Center Drive.

Background

On November 17, 2020, the Marana Town Council adopted Ordinance No. 2020.019, creating new Chapter 11-9 of the Marana Town Code (MTC), regulating recreational marijuana in the Town. MTC Section 11-9-5 provides that operation of a recreational marijuana establishment is prohibited in the town, except when a recreational marijuana establishment is authorized for a “dual licensee” who operates both a non-profit medical marijuana dispensary and marijuana establishment cooperatively in a shared location, subject to the provisions and regulations of MTC Section 17-6-14.

Medical marijuana dispensaries in the Town are allowed in certain zoning districts with a conditional use permit (CUP). CUPs are issued pursuant to the provisions of MTC section 17-23-2. Paragraph H of this section provides that requests to modify, expand or otherwise change an approved conditional use permit, not in substantial conformance with the approved permit, shall be processed as a new application. The Marana Zoning Administrator has determined that the desire to become a “dual licensee” recreational marijuana establishment constitutes a change not in substantial conformance with the original CUP for a medical marijuana dispensary, and a CUP amendment is required.

Marana Medical Marijuana Dispensaries
Section 17-6-14 of the Land Development Code (as incorporated in the Town Code) allows for and regulates medical marijuana dispensaries in the Town. Section 17-6-14(F) limits the number of medical marijuana dispensaries permitted within the Town to two and allows for an increase of one additional medical marijuana dispensary for each Marana population increase of 50,000 over and above the official 2010 census figure for Marana. There are two medical marijuana dispensaries in the town, both operating since 2013: Copper State Herbal Center, Inc. dba Botanica and Nature Med Inc., dba Golden Leaf Wellness located at 5370 W. Ina Road.

Application Compliance
The Copper State CUP application is comprised of the conditional use application requirements outlined in MTC 17-3-2B and all the medical marijuana dispensary material requirements outlined in MTC 17-6-14. Medical Marijuana Dispensary requirements include a request letter/narrative with exhibits, property owner authorization, Botanica Operating Procedures and board member listing and attestations. All of these materials are attached. Staff has reviewed the application materials and finds that the CUP application is complete and that the operation meets the requirements for a medical marijuana dispensary and, thus, a dual licensee.

Proposed Botanica Dual Licensee Operation
As a dual licensee, Copper State will continue to operate on the property as it does today. While Copper State anticipates a slight increase in customers, many of its customers will return as adult-use purchasers to avoid the expense of a medical marijuana use identification card. The new customers may increase vehicle traffic, but not enough to impact the surrounding neighbors. In addition, Copper State is implementing several operational changes, including expanding its online ordering program ("Online Ordering") to reduce the impacts of increased traffic. In response to COVID, Copper State implemented Online Ordering to allow customers to order via the internet and pick up their product in the showroom. This program has been so popular with customers that Copper State will permanently implement it.

<u>Hours of Operation</u>
Copper State's dispensary is currently open between 10:00 am and 7:00 pm. Copper State soon plans to extend its closing until 8:00pm, and likely will implement summer hours to close at 9:00pm (opening time will remain at 10:00am). The cultivation facility operates generally at the same time as the dispensary. These hours are well within the Town Code requirement for medical marijuana uses, which is between 7:00am and 10:00pm.

<u>Number of Employees and Shifts</u>
Copper State currently employs approximately 30 people in total, who work flexible shift schedules that have a maximum of six employees on site at a time. It plans to add up to 10 employees over the next year, with one or two additional employees per shift. To limit the number of new employees, Copper State will implement several internal process changes. First, it will expand Online Ordering, as described above. The expansion of Online Ordering will reduce the number of customers shopping in the showroom and in turn, reduce the demand on sales associate time. Copper State also plans to renovate and reconfigure its showroom to add additional secure display cases to make it easier for customers to browse products on their own. This will free up sales associates to focus on customer questions and final sales transactions. Both process changes allow Copper State to handle additional customers with only slight increases in sales associates.

Copper State expects a slight increase in customer activity once it begins dual licensee sales. This activity will be mitigated by the dispensary's adjustment in its hours of operation, which will be extended an hour or two into the evening. By extending hours in the evening when most surrounding businesses are closed, Copper State will spread out customer traffic and it's burden on others during that time. Overall, Copper State expects dispensary and cultivation facility activities to continue to have no impact on the surrounding area.

Safety and Security Measures

Copper State will continue to operate its business as a Dual Licensee in much the same way it does today. As a medical marijuana dispensary, Copper State is one of the most highly regulated businesses in Arizona, and it strictly complies with all safety and security requirements in selling medical marijuana to qualified patients. This process includes checking and verifying patient ID cards, as well as verifying the patient has not exceeded their monthly purchase quotas. All of this is done within a secure environment that keeps all product in locked storage areas only accessible by authorized employees. The property also contains a state-of-the-art security system with camera coverage throughout the entire building (excluding only the restrooms) and exterior. The dispensary and cultivation facility have separate entrances, and all entrances and exits are controlled access for maximum security. The attached narrative and operating procedures manual provides more detailed information pertaining to safety and security measures.

While the Arizona Department of Health Services (ADHS) has yet to release the final regulations for dual licensee sales, Copper State must follow all such regulations. Copper State anticipates the State regulations and process for selling to adult-use customers will be similar to the current process for medical marijuana.

Copper State will continue to maintain its extensive security system and plans to update the quality of its cameras by the end of 2021. The only changes that Copper State anticipates in its operations are those noted above: increasing Online Ordering and reconfiguring its showroom to allow customers more ability to browse secure display cases. Regarding materials, Copper State's product will remain the same as it is today. Adult-use and medical customers will buy the same product, with a few exceptions based on ADHS mandated quantity limits.

Arizona Department of Health Services Recreational Marijuana Establishment License

As of the date of this report, the ADHS as not begun issuing recreational marijuana establishment licenses and Copper State will likely obtain the dual license after this CUP amendment public hearing, therefore a condition has been added to this amendment that the applicant shall provide the Town with proof of a valid Arizona Department of Health Services Marijuana Establishment license before it can begin operating as a Marijuana Establishment.

Public Notice

The public hearing for this request was appropriately noticed in the Daily Territorial. Notice was mailed to all owners of property within 300 feet of the subject property, informing them of the request as well as the date and time of the public hearing.

Recommended Findings of Fact

Staff finds that this proposal is consistent with the intent of the Town of Marana 2040 General Plan, the Town of Marana Land Development Code, and complies with the requirements of a conditional use permit. Staff finds the following:

1. The applicant has demonstrated that the proposed use is appropriate to the specific location.
2. The proposed use does not appear to be detrimental to the immediate area and to the health, safety, and general welfare of the inhabitants of the area and the Town of Marana.
3. The proposed use will not adversely affect the orderly development of property within the Town.
4. The proposal will not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the Town of Marana.
5. The proposed use is consistent with the objectives, policies, general land uses and programs specified in the Town of Marana General Plan.
6. The proposed use is not anticipated to create a nuisance or enforcement problem within the neighborhood.
7. The proposed use will not encourage marginal development within the neighborhood.
8. The proposed use is not anticipated to create a demand for public services with the Town beyond

that of the ability of the Town to meet in the light of taxation and spending restraints imposed by law.
9. The proposed use does not conflict with the Town's approved funding priorities.
10. The proposed site is adequate in size and shape to accommodate the intended use and all requirements for the zone district including but not limited to setbacks, walls, landscaping and buffer yards.

Case Review:
Ability to comply with Findings 1 through 10 of the Town of Marana Town Code pertaining to Conditional Use Permits, Section 17.3.2.D.

Staff Recommendation:

Staff finds that the proposed development complies with MTC 17-3-2, pertaining to Conditional Use Permits, with the applicable requirements of Marana Town Code section 17-6-14 pertaining to Medical Marijuana Dispensaries, and with Chapter 11-9 pertaining to the regulation of recreational marijuana establishments.

Staff recommends approval of the conditional use permit with the following conditions:

1. Compliance with all applicable provisions of the Town of Marana codes and ordinances current at the time of development including, but not limited to, MTC 17-6-14 and MTC 11-9-5.
2. The applicant shall provide the Town proof of a valid Arizona Department of Health Services Marijuana Establishment license before it can begin operating as a Marijuana Establishment.

Suggested Motion:

I move to approve Case No. CUP2101-001: an amendment to CUP1304-001 to allow Copper State Herbal Center, Inc. dba Botanica, to operate a retail marijuana establishment, in a shared location with the existing non-profit medical marijuana dispensary as a dual licensee at 6205 N. Travel Center Drive, subject to the conditions listed in the staff report.

Attachments

Application
Location Map
Request Letter, Narrative & Exhibits
Property Owner Authorization Letter
Board Member Information and Attestation
Operations Policies & Procedures

Development Services / maranaplanning@maranaAZ.gov
11555 West Civic Center Drive / Marana, AZ 85653
Ph (520) 382-2600 / Fax (520) 382-2641 / maranaAZ.gov

PROJECT APPLICATION

APPLICATION TYPE

❑ Annexation	❑ Development Plan	❑ Development Plan Package	❑ General Plan Amendment
❑ Rezone	❑ Minor Land Division	❑ Significant Land Use Change	❑ Conditional Use Permit
❑ Specific Plan	❑ Landscape Plan	❑ Native Plant Plan/Exception	❑ SWPP
❑ Variance	❑ Hydraulic Model	❑ Sewer Capacity Assurance	❑ Sign Program
❑ Plat	❑ Improvement Plan	❑ Report (Type): _____	❑ Other: _____

PROJECT INFORMATION

Project Name:	
Description of Project:	Number of Lots:
Parcel No.(s):	Gross Area (Acres):
Project Address:	
Ref. Project No.:	

CONTACT INFORMATION

Owner:	Contact Name:		
Address:	City:	State:	Zip:
Email:	Phone No.:		
Applicant:	Contact Name:		
Address:	City:	State:	Zip:
Email:	Phone No.:		
Consultant/Engineer:	Contact Name:		
Address:	City:	State:	Zip:
Email:	Phone No.:		

OWNER/APPLICANT AUTHORIZATION

I hereby certify that the information set forth in this application are true and correct to the best of my knowledge and that I am either the owner of the property or that I have been authorized in writing by the owner to file this application. (If applicant is not the owner, attach written authorization from the owner.)

Applicant Name (PRINT)	Signature	Date

FOR OFFICIAL USE ONLY

Project No._____ **Date Received**_____

Revision Date 03/29/2019

MARANA AZ
DEVELOPMENT SERVICES

Botanica Dispensary
Conditonal Use Permit

CUP2101-001



An application submitted by Copper State Herbal Center, Inc. dba Botanica, requesting approval of a modification to its existing conditional use permit, located at 6205 N. Travel Center Drive.

Data Disclaimer: The Town of Marana provides this map information
"As Is" at the request of the user with the understanding that it is not guaranteed to be accurate, correct or complete and conclusions drawn from such information are the responsibility of the user. In noevent shall The Town of Marana become liable to users of these data, or any other party, for any loss or direct, indirect, special, incidental, or consequential damages, including but not limited to time, money, or goodwill, arising from the use or modification of the data.

Law Offices of
Lazarus & Silvyn, P.C.

January 13, 2021

Ms. Cynthia Ross
Senior Planner
Development Services
Town of Marana
11555 W. Civic Center Dr.
Marana, AZ 85653

Re: Copper State Herbal Center, Conditional Use Permit Amendment for Dual Licensee Sales

Dear Cynthia:

We represent Copper State Herbal Center, Inc. ("Copper State") regarding its application to amend Conditional Use Permit No. 13-011 ("CUP") for a medical marijuana dispensary with on-site cultivation use (the "MM Use"). Copper State, which does business as "Botanica," is located at 6205 N. Travel Center Dr. (APN 101-06-0760, the "Property") where it operates one of the two permitted MM Uses within the Town of Marana ("Town").

As you know Arizona voters recently approved Proposition 207, the voter initiative that legalized adult use marijuana ("Adult Use") subject to regulation, taxation, and local ordinance. In response to this initiative, the Town updated its Code to, in part, to prohibit the operation of a "Marijuana Establishment" (i.e., retail sales of Adult Use), except that a "Dual Licensee" may operate both a MM Use and a Marijuana Establishment together in a shared location. This Dual Licensee operation is subject to the Town's Land Development Code ("Code") § 17-6-14, Medical Marijuana Dispensary.

Copper State will submit its Dual Licensee application to the Arizona Department of Health Services ("ADHS") later this month when the application period begins. In the meantime, Copper State is submitting to the Town this CUP amendment to allow it to operate as a Dual Licensee. This letter is the narrative for the CUP amendment, describing how Copper State will operate at the Property as a Dual Licensee. Included below is the information requested by the Town's Conditional Use Permit Application Checklist, which shows that Copper State's future use as a Dual Licensee will have little to no changes from its existing use. In addition, we have provided justifications of how Copper State's amendment request meets all the Code's CUP findings.

I. Conditional Use Permit – Application Information

A. Neighborhood Impact

In becoming a Dual Licensee, Copper State will use the Property in a way that continues to fit within the surrounding commercial/industrial neighborhood. The Property's location on Travel Center Dr. is ideal, as it is an isolated street with a wide variety of complimentary industrial and commercial businesses. These include an RV storage and repair, an adult boutique, several contractor's offices, and an autobody repair shop.

Copper State's current use fits within this diverse group of uses. Copper State's operations include a retail dispensary (the "Dispensary") where its products are sold to the public, and a small onsite "Cultivation Facility," where much of its product is grown. The bulk of Copper State's business is retail sales of cannabis at the Dispensary, which is wholly done within the building. Therefore, the only noticeable impact Copper State has on the surrounding commercial/industrial neighbors is customers visiting the site. Other than customer traffic, Copper State's operations have no outward impact, as it does not create noise or light, and very little odors that extend beyond its property boundaries. It has few employees, with a maximum of six at any one time. Copper State is a responsible operator and has consistently passed its ADHS licensing inspections.

As a Dual Licensee, Copper State will continue to operate on the Property as it does today. While Copper State anticipates a slight increase in customers, many of its customers will return as Adult-Use purchasers to avoid the expense of a MM Use identification card. The new customers may increase vehicle traffic, but not enough to impact the surrounding neighbors. In addition, Copper State is implementing several operational changes, including expanding its online ordering program ("Online Ordering") to reduce the impacts of increased traffic. In response to COVID, Copper State implemented Online Ordering to allow customers to order via the internet and pickup their product in the showroom. This program has been so popular with customers that Copper State will permanently implement it.

Copper State has operated successfully at the Property since 2013, without any impact on its surrounding neighbors. As a Dual Licensee, Copper State will continue to operate as a responsible neighbor with little to no impact on the surrounding properties.

B. Hours of Operation

Copper State's Dispensary is currently open between 10:00am and 7:00pm. Copper State soon plans to extend its closing until 8:00pm, and likely will implement summer hours to close at 9:00pm (opening time will remain at 10:00am). The Cultivation Facility operates generally at the same time as the dispensary. These hours are well within the Town Code requirement for MM Uses, which is between 7:00am and 10:00pm.

C. Number of Employees and Shifts

Copper State currently employs approximately 30 people in total, who work flexible shift schedules that have a maximum of six employees on site at a time. It plans to add up to 10 employees over the next year, with one or two additional employees per shift. To limit the number of new employees, Copper State will implement several internal process changes. First, it will expand Online Ordering, as described above. The expansion of Online Ordering will reduce the number of customers shopping in the showroom and in turn, reduce the demand on sales associate time. Copper State also plans to renovate and reconfigure its showroom to add additional secure display cases to make it easier for customers to browse products on their own. This will free up sales associates to focus on customer questions and final sales transactions. Both process changes allow Copper State to handle additional customers with only slight increases in sales associates.

D. Times of Operations/Activities

Copper State's activities and times of operation on the Property will generally continue as they do today. The primary activity created by Copper State is customer visits. Currently, customer visits to the Dispensary are steady between 10:00am and 5:00pm, and slightly increase after 5:00pm until closing. This traffic pattern compliments the traffic from the other businesses on Travel Center Dr., most of which close at 5:00pm. Other than customer visits, the Dispensary and Cultivation Facility do not create any measurable operation activity.

Copper State expects a slight increase in customer activity once it begins Dual Licensee sales. This activity will be mitigated by the Dispensary's adjustment in its hours of operation, which will be extended an hour or two into the evening. By extending hours in the evening when most surrounding businesses are closed, Copper State will spread out – and therefore spread out the burden of – customer traffic during that time. Overall, Copper State expects Dispensary and Cultivation Facility activities to continue to have no impact on the surrounding area.

E. Operation Process and Materials

Copper State will continue to operate its business as a Dual Licensee in much the same way it does today. As a medical marijuana dispensary, Copper State is one of the most highly regulated businesses in Arizona, and it strictly complies with all safety and security requirements in selling medical marijuana to qualified patients. This process includes checking and verifying patient ID cards, as well as verifying the patient has not exceeded their monthly purchase quotas. All of this is done within a secure environment that keeps all product in locked storage areas only accessible by authorized employees. The Property also contains a state-of-the-art security system with camera coverage throughout the entire building (excluding only the restrooms) and exterior. The Dispensary and Cultivation Facility have separate entrances, and all entrances and exits are controlled access for maximum security. Section G below details the Property's safety and security measures and methods.

While ADHS has yet to release the final regulations for Dual Licensee sales, Copper State must follow all such regulations. Copper State anticipates the State regulations and process for selling to Adult-Use customers will be similar to the current process for medical marijuana. Copper State will continue to maintain its extensive security system and plans to update the quality of its cameras by the end of 2021. The only changes that Copper State anticipates in its operations are those noted above: increasing Online Ordering and reconfiguring its showroom to allow customers more ability to browse secure display cases. Otherwise, Copper States sales processes will continue as it is today.

Regarding materials, Copper State's product will remain the same as it is today. Adult-use and Medical customers will buy the same product, with a few exceptions based on ADHS-mandated quantity limits.

F. Traffic – Types and Volume

Customer traffic makes up almost all of the Property's vehicle traffic. As noted above, this traffic is steady between its opening at 10:00am until 5:00pm, and slightly increase after 5:00pm until closing. Copper State anticipates a slight increase in customers once it begins selling as a Dual Licensee. To limit the effects of this increase in traffic, Copper State will do the following:

- *Online Ordering*: The expansion of Online Ordering means that customers will spend less time in the Dispensary showroom, therefore reducing the amount of time customers are parked at the Property. This decrease in parking time will increase the availability of parking spaces.
- *Extended Hours*: Copper State traditionally sees more business in the evening hours, after many people get off work. By extending its business hours to 8:00pm (and 9:00pm in the summer), it extends the time that customers can visit the Dispensary. This in turn will spread out the customer visits over a longer timeframe, reducing the traffic impacts in the area.

These activities will help reduce the impact, if any, of additional customer visits to the Property.

G. Safety and Security Measures

As noted above, Copper State places a high degree of importance on the safety and security of its facility, employees, and customers. This security includes both physical security measures on Property and operational procedures that focus on a safe and secure environment. All security is inspected and approved by ADHS as part of the licensing process.

1. ***Physical Security***: Creating a safe and secure physical environment at the Property is done by focusing on access control, intrusion detection, monitoring, and lighting, as follows:
    a. Access Control: During business hours, Copper State monitors and registers all customers who enter the facility. After hours, all exterior doors and windows are secured by roll-up doors that prevent forced entry.
    b. Intrusion Detection: The Property's security system was custom designed by a local security company (Central Alarm). It includes a closed-circuit video system with day/night security cameras covering all interior and exterior areas of the Property (except restrooms). There are also panic buttons in case of emergencies. After business hours, there are intrusion sensors at all doors and windows, glass-break sensors, and motion sensors. The system is backed up by an Uninterrupted Power Supply in case of electric outages. The system is tested on a regular basis.
    c. Monitoring: The security system is monitored 24/7 by Central Alarm, a local security company.
    d. Lighting: The Property is fully lighted to eliminate dark areas and improve camera visibility.

2. ***Operational Security***: Copper State has established operational processes and procedures to ensure the safety of its employees and customers, and to ensure control of the cannabis products it sells. These processes and procedures include, but are not limited to:

    a. Conducting background checks on all prospective employees.
    b. Extensive training of all employees on security protocols.
    c. Check-in procedure for all customers entering the Property.
    d. Detailed inventory procedures, including logs for all inventory and "trip plans" for any off-Property transport of inventory.
    e. Theft reporting requirements, including reports to ADHS.
    f. Strict access control of all inventory and product grown in the Cultivation Facility. Only authorized personnel may be in the areas where inventory is stored. There is no direct access between the Dispensary and the Cultivation Facility, and only authorized personnel may be in Cultivation Facility.
    g. No consumption of marijuana on the Property.

Copper State has had many of these physical and operational security protocols in place since it opened in 2013, pursuant to the CUP. Since then, Copper State has upgraded various components of its physical security system and updated its operational procedures as part of its constant effort to improve operations at the Property.

Copper State does not anticipate changing its physical and operational security when it begins operating as a Dual Licensee. While ADHS regulations are forthcoming, it is unlikely these regulations will modify the current security requirements as these should not differ between the MM and Adult Uses. From a physical security standpoint, the Property's current infrastructure and protocols are at the highest level and more than sufficient for Dual Licensee sales. Copper State will, however, continue to upgrade its system when needed.

Copper State's operational security protocols also likely will not change with Dual Licensee sales, although the final transaction process will be slightly different for MM Use and Adult Use customers. Other than that, Copper State's processes will largely remain as they are today. In all cases, Copper States operations – including security – will be inspected and approved prior to ADHS approving Copper State as a Dual Licensee.

H. Code Sec. 17-6-14 Additional Requirements

Enclosed with this application are the following additional documents required by the Code § 17-6-14(B):

1. Copper State's Officer and Board Member information.
2. Notarized Certification that:
    a. Officers and Board Members have not been convicted of certain offenses.
    b. Officers and Board Members have not served in a similar role for a medical marijuana facility with a revoked license.
    c. Acknowledgement of Pima County Code § 8.80, Medical Marijuana.

3. Latest Copper State Operations Policies and Procedures manual (2020).
4. Use-Separation Exhibit, attached at **Exhibit 1**, showing the Property and its distance from the minimum-separation uses described at Code § 17-6-14(D).
5. Site Plan/Floor Plan Exhibit, attached at **Exhibit 2**, providing the information required for CUPs, including security information specifically required for the MM Use.
6. Aerial Property Map Exhibit, attached at **Exhibit 3**, showing the Property and surrounding area.
7. Property owner authorization.

II. Conditional Use Permit Findings

This request to amend the CUP meets all the Conditional Use Permit Findings set forth at Code § 17-3-2(D), as follows:

A. The use is appropriate at the specific location: As described above, Copper State is in a commercial/industrial area, and its current MM Use has operated there in harmony with the surrounding businesses for approximately seven years. Copper State's addition of Dual Licensee sales will not change its use of the Property, and therefore this use will continue to be appropriate at the Property.

B. The use is not detrimental to the health, safety, and welfare of the Town: Copper State's operations at the Property over the past seven years illustrates that its use is not detrimental to the Town's health, safety, and general welfare. Copper State does not generate crime and its customers come from all walks of life. Copper State is an excellent example of how the cannabis industry is becoming a mainstream business catering to a wide variety of people from a variety of demographics.

Copper State expects that once it begins Dual Licensee sales its customer base to remain similar to what it is today. Many of its medical marijuana customers will simply buy their cannabis product as adult-use customers, foregoing the expense of the medical ID card. New customers will mimic the varied demographics of its medical marijuana customers. Copper State will continue to be a business that has no impact on the Town's health, safety, and welfare.

C. The use will not adversely impact the orderly development in the Town: The Property fits within the existing development in the area and will not negatively impact future development. The Property is on a self-contained commercial/industrial street with numerous existing businesses, some bordering I-10. These businesses are mostly industrial, including an RV storage and repair, several contractor yards, a pest-exterminator, and an auto-repair shop. Copper State is a safe, secure, and successful business that compliments the other businesses on Travel Center Dr. Its continued operation on the Property will not discourage future development in the area.

D. The use will not adversely affect property values and Town revenues: As described above, Copper State is ideally located within a mix of commercial and industrial uses. Its use, current or future, will not adversely affect the surrounding property value, and its success likely will help raise these values. In addition, Copper State's sales of medical and adult-use cannabis are highly taxed, creating additional funding sources for local police and fire departments, community colleges, and the highway user fund. The tax revenues for local police and fire likely will help the Town with funding for these vital services.

E. The use is consistent with the Town's general plan: Copper State's use of the Property is consistent with the Town's recently approved General Plan. The Property is within the Employment Land Use Category, which supports appropriately sited commercial uses. Fig. 2-3. In addition, the General Plan encourages commercial uses in appropriate areas to provide local jobs. Policy BE 1-2.

F. The use will not create nuisance or enforcement problems in the Town: Copper State's use of the Property for the past seven years has not created any nuisance or enforcement issues. As a Dual Licensee, Copper State's operations will be almost identical to its current use and will therefore not create nuisance or enforcement issues in the future.

G. The use will not encourage marginal development within the neighborhood: As noted above, the Property is on a self-contained commercial/industrial street with numerous existing businesses. These businesses are mostly industrial, and the future development along Travel Center Dr. will likely mimic what is there: mostly industrial, stand-alone businesses with some commercial mixed in. Copper State is a safe, secure, and successful business that has enhanced this area and will encourage similar development in the future.

H. The use will not create an unreasonable demand for public services: Copper State will not create a demand for additional public services. The Property is within a subdivision that is self-contained with fully built out streets and public infrastructure. Regarding public services, Copper State's use has not generated the need for additional police and fire service, above what is typical throughout the Town.

I. The use is consistent with the Town's approved funding priorities: Copper States use, now or in the future, is consistent with the Town's funding priorities.

J. The use is appropriate for the proposed site and meets all zoning requirements: Copper State's use meets all Town zoning requirements. It has used the Property for seven years under the approved CUP, which met all the Town's zoning requirements. This CUP amendment is solely being done to confirm Copper State's ability to operate as a Dual Licensee. Other than this use adjustment, Copper State will continue to use the Property pursuant to the CUP's approved Site Plan, and it will not expand the structures or change the parking area in any way. This use will meet all of the Town zoning requirements.

III. CUP Amendment Approval

Based on the above, Copper State's request to become a Dual Licensee is reasonable and will be little changed from its existing MM Use. Therefore, we respectfully request that the Planning Commission approve this request.

Please let us know if you need any additional information. As always, thank you for your time and assistance with this request.

Sincerely,

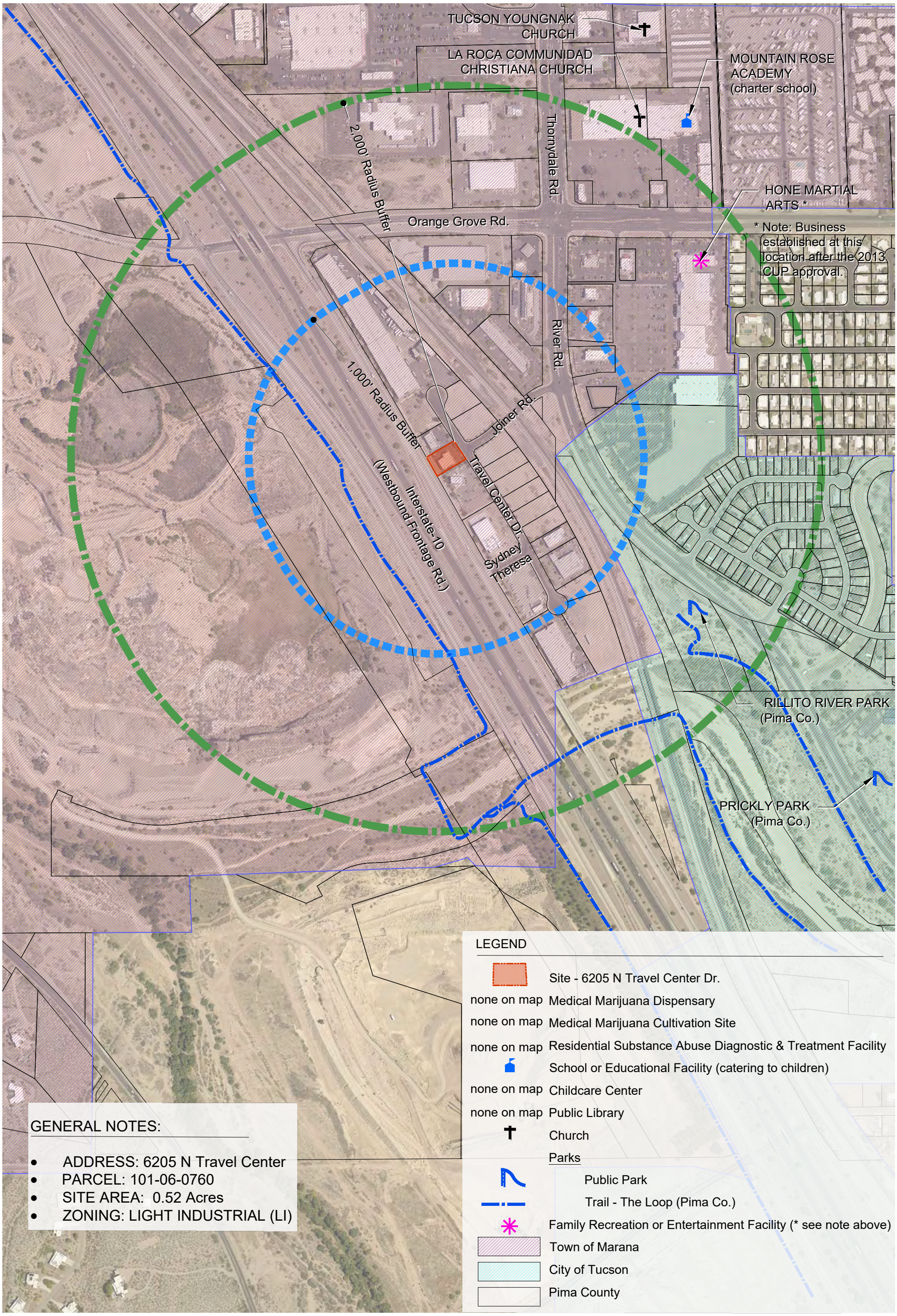


Rory Juneman, Esq.

Enclosures

cc: Bryan Hill

Exhibit 1 - Use-Separation

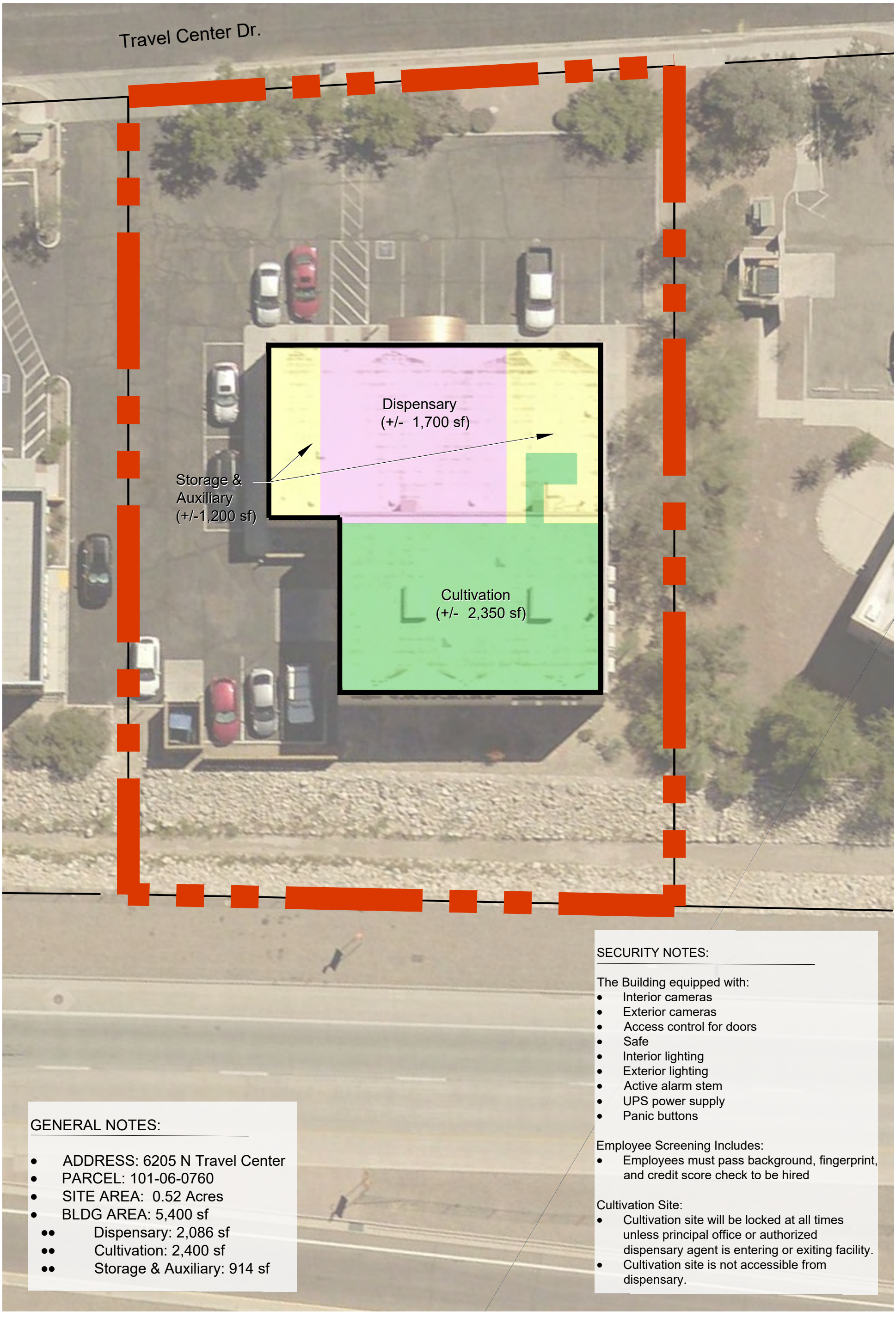


COPPER STATE HERBAL CENTER, INC

NORTH
0' 250" 500'
SCALE: 1"=500'-0"
PROJECT: BOT.01 DATE: 21.01.12
FILE NAME: BOT.01-BASE-210112.DWG

landscape architecture
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Exhibit 2 - Site Plan/Floor Plan



GENERAL NOTES:

- ADDRESS: 6205 N Travel Center
- PARCEL: 101-06-0760
- SITE AREA: 0.52 Acres
- BLDG AREA: 5,400 sf
  - Dispensary: 2,086 sf
  - Cultivation: 2,400 sf
  - Storage & Auxiliary: 914 sf

SECURITY NOTES:

The Building equipped with:

- Interior cameras
- Exterior cameras
- Access control for doors
- Safe
- Interior lighting
- Exterior lighting
- Active alarm stem
- UPS power supply
- Panic buttons

Employee Screening Includes:

- Employees must pass background, fingerprint, and credit score check to be hired

Cultivation Site:

- Cultivation site will be locked at all times unless principal office or authorized dispensary agent is entering or exiting facility.
- Cultivation site is not accessible from dispensary.

COPPER STATE HERBAL CENTER, INC

NORTH

0' 250" 500'

SCALE: 1"=500-'0"

PROJECT: BOT.01 DATE: 21.01.12

FILE NAME: BOT.01-BASE-210112.DWG

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520.405.9642
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Exhibit 3 - Aerial Property Map



NOTES:

- EXISTING ZONE: LI
- PROPOSED ZONE: LI
- SITE AREA: TOTAL: 0.52 AC
- PARKING PROV: 14

COPPER STATE HERBAL CENTER, INC

NORTH

0' 250" 500'

SCALE: 1"=500-'0"

PROJECT: BOT.01 DATE: 21.01.12

FILE NAME: BOT.01-BASE-210112.DWG

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Property Owner Authorization

6205 N Travel Center Dr., Marana, Arizona

Assessor's Parcel No. 101-06-0760

MTL Property LLC is the owner of the above reference property. I authorize Copper State Herbal ("Copper State") to be the agent of MTL Property for the sole purpose of amending the CUP. I consent to Copper State submitting to the Town of Marana, an application to amend the Conditional Use Permit (No. 13-011, the "CUP") that adds adult-use sales to the medical marijuana dispensary.

Signature: Maria Dellheim

Name: Maria Dellheim

Adress: 5240 W. Paseo Del Campo

Tucson, Arizona 85745

Date 1/7/2021

The Copper State Herbal Center, Inc. dba Botanica
Officers and Board Members

Susan Carol Maple
President
1556 N. Himosa Dr.
Casa Grande, AZ 85122
DOB: 12/13/1952

Bryan Hill
Vice President & Director
6336 N. Oracle Rd., No. 326-167
Tucson, AZ 85704

The Copper State Herbal Center, Inc.
Board Member Attestation

To Whom It May Concern:

This is a certification regarding the Board of Directors and Officers for The Copper State Herbal Center, Inc. ("Copper State"), and is in compliance with the Marana Town Code ("Code"), § 17-6-14(B)(5), (6), (10), Medical Marijuana Dispensaries.

I, nor any board member or principal officer of Copper State, has ever been convicted of a violent crime as defined in A.R.S. § 13-901.03(B) that was classified as a felony in the jurisdiction of the conviction. *Code § 17-6-14(B)(5)*

I, nor any board member or principal officer of Copper State, have ever been convicted of violating a 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. § 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. *Code § 17-6-14(B)(5)*

I attest that none of the non-profit medical marijuana dispensary officers or board members of Copper State has served as an officer or board member for a medical marijuana dispensary that has had its dispensary registration certificate revoked. *Code § 17-6-14(B)(6)*

I acknowledge the requirements of Pima County Code Chapter 8.80, Medical Marijuana. *Code § 17-6-14(B)(10)*

By: Bryan Hill
Vice President and Board Member
The Copper State Herbal Center, Inc.

State of Arizona
County of Pima

Copper State Herbal Center Operations Policies and Procedures

Revision 2.6
1/16/2020



BOTANICA

PREMIUM CANNABIS

DISCLAIMER

The portions of this document that refer to cultivation or edibles production are works in progress and are being provided to AZDHS for information purposes only and are not offered for inspection. Because it is a work in progress, there are parts that are either missing or will be revised.

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Revision History

Version	Date	Comments
1.1	8/14/2013	Updated policies and forms to tailor to dispensary-specific workflow. Complete PP Review
1.2	9/18/2013	Revised HR specific policies, Complete PP Review
1.3	6/1/2014	Defined POS procedure in more detail, complete PP Review
1.4	5/1/2015	Complete P&P review.
1.5	6/05/2015	P&P Update for AZDHS
1.6	11/14/2015	Semi Annual Update
1.7	01/29/2017	Semi Annual Update
1.8	08/04/2017	Semi Annual Update
1.9	01/22/2018	Semi Annual Update
2.0	1/11/2019	Semi Annual Update
2.1	1/14/2019	Agent in charge of inventory control system
2.2	3/1/2019	Update to address AZDHS request
2.3	4/3/2019	Update to address new cultivation roles
2.4	7/24/2019	Semi Annual Update
2.5	11/11/19	Update to address digital Dispensary Agent and Patient cards
2.6	1/16/20	General policy and uniform requirements update

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BOTANICA ORG CHART

Copper State Herbal Center, DBA “Botanica,” will be referred to as “Botanica” throughout the remainder of this document.

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Oversight Procedures for Botanica, INC.

Board of Directors

Botanica will be under the direction of its Board of Directors and its bylaws. The Board of Directors is comprised of professionals that collectively have experience in all aspects of business enterprises, including non-profit and for-profit operations. The officers of Botanica will report on a monthly basis to the Board of Directors and will implement by majority rule the directives of the board. The board will convene to review all aspects of Botanica's operations including, but not limited to, the following areas:

- Implementation of our mission statement
- Financial and growth strategy
- Patient safety and security measures
- Community relations
- Product development
- Non-profit status and function

The ED and CFO will be members of the board and will act as liaisons between the board and the company.

Management

Our management consists of executive, compliance, financial, medical and horticultural officers. This team will be entrusted with the responsibility for carrying out Botanica's mission. The responsibilities of each officer are as follows:

Executive Director

The Executive Director (ED) will be responsible for hiring staff, hiring contractors to design and construct the retail and horticultural facilities, budget oversight, furnishing the facilities, working with State and Town administrators and officials to help implement various aspects of the operation including security, development of a product menu and pricing, allocation of resources to various aspects of the venture, and making final executive decisions on all aspects of the operation. The ED will also have oversight of the execution of responsibilities of the other officers.

Chief Financial Officer

The Chief Financial Officer (CFO) provides both operational and programmatic support to our non-profit organization. The CFO supervises the finances component of our operation and is the chief financial spokesperson for the organization. The CFO reports directly to the Executive Director (ED) and directly assists with the strategic and tactical matters as they relate to budget management, cost benefit analysis, forecasting needs and the securing of new funding. The Chief Financial Officer will also oversee compliance. Either the ED or his appointee may perform the duties listed above.

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Director of Business Development

The Director of Business Development will be responsible for developing marketing and growth strategies, establishing key financial and marketing metrics, as well as any and all dispensary growth and outreach. Duties could include community engagement, enhanced marketing materials, overall

dispensary design and aesthetic, edible/horticultural development oversight and strategy, and social media management. The Director of Business Development reports directly to the Executive Director (ED) and directly assists with the strategic and tactical matters as they relate to marketing and strategic growth. Either the ED or his appointee may perform the duties listed above.

Chief Operating Officer

The Chief Operating Officer (COO) will be responsible for strategic and tactical operations. The COO is responsible for daily oversight of the construction and start-up phase of operation, working with contractors to ensure the proper execution of building plans, implementation of staff training and safety measures, development and implementation of inventory controls, development of compliance packaging techniques, development of educational materials and distribution methods, and oversight of employees and functioning during retail hours. Either the ED or his appointee may perform the duties listed above.

Medical Director

The Medical Director will be responsible for oversight of all aspects of patient interaction including development of educational materials, ensuring compliance with State/Federal, OSHA and HIPAA regulations, education of local physicians, product quality control and integration of cannabinoid research into our product development and menu. The medical director for Botanica shall not provide a written certification for medical marijuana for any qualifying patient.

Director of Horticulture

The Chief Horticultural Officer will be responsible for development and implementation of our horticultural program, including site plan design, site plan construction, grow methodology, equipment acquisition, product development and crop oversight in all growth stages. Either the ED or his appointee may perform the duties listed above.

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Management Job Descriptions

Executive Director (ED)

The Executive Director reports directly to the Board of Directors. The ED implements the strategic goals and objectives of the organization and enables the Board to fulfill its governance function. The ED gives direction and leadership towards the achievement of the organization's philosophy, mission, strategy and its annual goals and objectives. He/she may perform any of the duties for any of the listed management or dispensary staff or may designate an appointee to do the same. The Executive Director's duties and responsibilities include:

- Board Administration and Support — Supports operations and administration of the board by advising and informing Board members, interfacing between Board and staff, and supporting Board's evaluation of chief executive
- Program, Product and Service Delivery — Oversees manufacturing, marketing, promotion, delivery and quality of programs, product and services
- ED will be the designated overseer for the AZDHS ICS requirements
- Financial, Tax, Risk and Facilities Management — Recommends yearly budget for Board approval and prudently manages organization's resources within those budget guidelines according to current laws and regulations
- Human Resource Management — Effectively manages the human resources of the organization according to authorized personnel policies and procedures that fully conform to current laws and regulations
- Community and Public Relations — Assures the organization and its mission, programs, products and services are consistently presented in strong, positive image to relevant stakeholders
- Fundraising (nonprofit-specific) — Oversees fundraising planning and implementation, including identifying resource requirements, research funding sources, establishing strategies to approach funders, submitting proposals and administrating fundraising records and documentation

Chief Financial Officer (CFO)

The Chief Financial Officer reports directly to the ED and the Board of Directors. The CFO is responsible for all financial and fiscal management aspects of company operations. The CFO provides leadership and coordination in the administrative, business planning, accounting and budgeting efforts of the company. The CFO works with the Board of Directors to establish methods of achieving Botanica's mission. The Chief Financial Officer's duties and responsibilities include:

- Create, coordinate, and evaluate the financial infrastructure and supporting information systems of the company to include budgeting, tax planning and conservation of assets
- Ensure compliance with local, state and federal budgetary reporting requirements
- Oversee department budgets, mass salary updates, ledger and account maintenance and data entry
- Coordinate the preparation of financial statements, financial reports, special analyses and information reports

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- Develop and implement finance, accounting, billing, and auditing procedures
- Approve and coordinate changes and improvements in automated financial and management information systems for the company
- Establish and maintain appropriate internal control safeguards
- Interact with other managers to provide consultative support to planning initiatives through financial and management information analyses, reports and recommendations
- Ensure records systems are maintained in accordance with generally accepted auditing standards
- Assist in obtaining the necessary licenses and insurance required to start a business
- Analyze cash flow, cost controls and expenses to guide business leaders. Analyze financial statements to pinpoint potential weak areas
- Establish and implement short and long-range departmental financial goals, objectives, policies and operating procedures
- Serve on planning and policy-making committees

Director of Business Development

The Director of Business Development reports directly to the ED Board of Directors. The Director of Business Development implements the strategic growth goals and objectives of the organization, and is responsible for all marketing, community engagement, and new market growth. The Director of Business Development's duties and responsibilities include:

- Board Administration and Support — Supports operations and administration of the board by advising and informing Board members, interfacing between Board and staff, and supporting Board's evaluation of chief executive
- Program, Product and Service Delivery — Oversees manufacturing, marketing, promotion, delivery and quality of programs, product and services
- Financial, Tax, Risk and Facilities Management — Recommends yearly budget for Board approval and prudently manages organization's resources within those budget guidelines according to current laws and regulations
- Human Resource Management — Effectively manages the human resources of the organization according to authorized personnel policies and procedures that fully conform to current laws and regulations
- Community and Public Relations — Assures the organization and its mission, programs, products and services are consistently presented in strong, positive image to relevant stakeholders
- Fundraising (nonprofit-specific) — Oversees fundraising planning and implementation, including identifying resource requirements, research funding sources, establishing strategies to approach funders, submitting proposals and administrating fundraising records and documentation

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Chief Compliance/Operations Officer (COO)

The Chief Compliance/Operations Officer reports directly to the ED and the Board of Directors. The COO is primarily responsible for overseeing the day to day operations of Botanica and for ensuring and overseeing all quality control protocols and programs. The Chief Compliance/Operations Officer's duties and responsibilities include:

- Managing the day-day operations of the dispensary, including dispensary employee management, working with utility providers to ensure continuous provision of services, maintaining steady cash flow and daily bank transactions
- Overseeing the production of medicine after medicine has been provided to the dispensary. This will include quality control testing of medicine for purity and consistency of dose, precise packaging of medicine, tracking of medicine quantities on hand at all times to comply with State law
- Develop and direct the implementation of strategic business and/or operational plans, projects, programs and systems
- Reporting of any and all breaches of protocol and safety to the appropriate channels
- Oversees construction schedule and activities during the start-up phase of operations. Will be on-hand and available for all needed duties to ensure adherence to our start-up timeline
- Will implement patient counseling activities during operating hours and develop programs to meet the education needs of the patient populace
- Advise the management team on key planning issues and make recommendations on important business decisions
- Strategic planning and resource allocation
- Establish operational processes/ process improvement
- Ensure all department heads are fully informed of operational objectives
- Set operational and / or performance goals for each department which are aggressive, achievable and tied to long-term goals
- Establish and monitor performance reporting systems
- Monitor department performance against performance goals to ensure that progress is being made
- Conduct regular meetings with department heads to ensure that priorities are clear, and coordination is good
- Ensure activities comply with organizational requirements for quality management and legal stipulations
- Facilitate resolution of issues between departments
- Take charge in high-priority crises
- Support acquisition activities and direct integration of any acquisitions and growth activities to achieve overall business objectives and plans
- Be a champion for innovation and continuous improvement to achieve a culture of excellence
- Assure that defined problem solving skills are understood, embraced, and used by all employees
- Participate in key decisions pertaining to strategic initiatives, operating model and operational execution

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Medical Director

The Medical Director reports directly to the ED and the Board of Directors. The Medical Director is responsible for overseeing Botanica's on-going compliance with all Arizona health care policies. The Medical Director works in conjunction with executive staff, instituting protocols for the production and delivery of medicine. The Medical Director interacts with local and regional health care providers and health care institutions to inform and educate the professional community about the benefits and risks of medical marijuana.

The Medical director will be responsible for oversight of all aspects of patient interaction including development of educational materials, ensuring compliance with State/Federal, OSHA and HIPAA regulations, education of local physicians, product quality control and integration of cannabinoid research into our product development and menu. The medical director for Botanica shall not provide a written certification for medical marijuana for any qualifying patient. The Medical Director will be onsite or available via phone or pager.

The Medical Director is a Licensed Physician who implements policies and procedures. As a part of the medical director job, The Medical Director also oversees all training and continuing education programs to keep the staff and patients updated; to oversee evaluation and management of clinical practices within the business and performing client patient consultation (as needed). The Medical Director will conduct this training for DA's at a minimum of every 12 months.

Essential Duties

- To ensure there is an educated staff with appropriate training in the business, and exceptional patient service that provides quality health care
- The medical director also has the duty of providing clear and concise verbal and written instructions regarding medical information to ensure they are understood
- The medical director also listens and asks for feedback from staff and patients. Effective interpersonal communication is of utmost importance
- To determine whether patients need any additional assistance in understanding their medicine
- Proper usage of the computer system to obtain necessary patient information
- To ensure the efficient and effective flow of patients throughout the business, while also ensuring that they are being properly treated and cared for
- The medical director abides by policies, procedures and laws to ensure the best interests of the organization are kept in mind while providing quality health care
- Assures personal compliance with licensing, certification and accrediting bodies
- Strong service philosophy and leadership skills
- Liaison with other department heads to ensure the organization's objectives are met facility-wide
- Creating and implementing a best practice program, maintaining a consistent level of quality of care offered to patients
- Coordinating in-service opportunities after determining which sites are most advantageous to our mission
- Meeting with local and regional physicians to analyze case histories of particular patients

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- Reviewing medical marijuana research on an on-going basis and meet monthly with the executive staff to report on latest research findings
- Utilizes an Employee/Team Motivation and Recognition plan

The medical director's job is to participate in fulfilling the mission, vision, goals and objectives of the organization, while ensuring there are arrangements made for providing the best possible health care.

Qualifications

- MD, DO or equivalent
- Strong service philosophy and leadership skills
- Demonstrates a high level of skill with interpersonal relationships and communications
- Excellent critical thinking, deductive reasoning and decision-making skills
- Superior patient/customer service and ethics
- Excellent communication skills

In addition to the preceding duties the Medical Director shall:

1. Develop and provide training to the dispensary's dispensary agents at least once every 12 months from the initial date of the dispensary's registration certificate on the following subjects:
   a. Guidelines for providing information to qualifying patients related to risks, benefits, and side effects associated with medical marijuana;
   b. Guidelines for providing support to qualifying patients related to the qualifying patient's self-assessment of the qualifying patient's symptoms, including a rating scale for pain, cachexia or wasting syndrome, nausea, seizures, muscle spasms, and agitation;
   c. Recognizing signs and symptoms of substance abuse; and
   d. Guidelines for refusing to provide medical marijuana to an individual who appears to be impaired or abusing medical marijuana; and
2. Assist in the development and implementation of review and improvement processes for patient education and support provided by the dispensary.

D. A medical director shall provide oversight for the development and dissemination of:

1. Educational materials for qualifying patients and designated caregivers that include:
   a. Alternative medical options for the qualifying patient's debilitating medical condition;
   b. 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;
   c. Guidelines for notifying the physician who provided the written certification for medical marijuana if side effects or contraindications occur;
   d. A description of the potential for differing strengths of medical marijuana strains and products;
   e. Information about potential drug-to-drug interactions, including interactions with alcohol, prescription drugs, non-prescription drugs, and supplements;
   f. Techniques for the use of medical marijuana and marijuana paraphernalia;

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g. Information about different methods, forms, and routes of medical marijuana administration;
h. Signs and symptoms of substance abuse, including tolerance, dependency, and withdrawal; and
i. A listing of substance abuse programs and referral information;

2. A system for a qualifying patient or the qualifying patient's designated caregiver to document the qualifying patient's pain, cachexia or wasting syndrome, nausea, seizures, muscle spasms, or agitation that includes:
   a. A logbook, maintained by the qualifying patient and or the qualifying patient's designated caregiver, in which the qualifying patient or the qualifying patient's designated caregiver may track the use and effects of specific medical marijuana strains and products;
   b. A rating scale for pain, cachexia or wasting syndrome, nausea, seizures, muscles spasms, and agitation;
   c. Guidelines for the qualifying patient's self-assessment or, if applicable, assessment of the qualifying patient by the qualifying patient's designated caregiver; and
   d. Guidelines for reporting usage and symptoms to the physician providing the written certification for medical marijuana and any other treating physicians; and
3. Policies and procedures for refusing to provide medical marijuana to an individual who appears to be impaired or abusing medical marijuana.

Director of Horticulture

The Director of Horticulture reports directly to the Board of Directors. The Director of Horticulture is responsible for reporting all financial and fiscal management aspects of cultivation operations. The Director of Horticulture provides leadership and coordination in the administrative, business planning, accounting and budgeting efforts of the company. The Director of Horticulture's duties and responsibilities include:

Essential Duties

- Develop a complete horticulture methodology for growth of medical grade organic cannabis
- Work with the executive staff and contractors to build and implement a fully functioning indoor grow facility based upon the above approved methodology
- Develop a team to accomplish the task of producing medicine to meet the demand of Botanica's patient populace
- Create a menu of medicinal strains that provides a broad spectrum of medicinal attributes
- Evaluate on-going trends in the medical marijuana industry to ensure that Botanica stays on the cutting edge of technique, strain technology and organic growth methods
- Maintain a schedule of employment shifts that guarantees continuous daily supervision of the indoor grow environment
- Develop and oversee a medicine inventory system to ensure Botanica is always producing and maintaining a stock that lies within the limits of the State's regulatory guidelines
- Design and maintain an integrated plant/pest management program to scout for pests and/or diseases, and plan and implement solutions as necessary

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- Forecast, develop and implement annual goals in accordance with budgets and demand schedules
- Create, implement and maintain standard operating procedures that will ensure horticultural assets are maintained at the highest standards
- Ensure that staff members are properly trained to operate equipment and perform potentially dangerous tasks safely and for complying with requirements for use of proper personal protective equipment (PPE)
- Ensure staff is trained on the safe use and maintenance of tools, vehicles, safety equipment, and other property equipment
- Oversee and manage all outsourced horticultural contracts according to property requirements
- Maintain an effective inventory system
- Create, implement, maintain and coordinate a horticultural program in consultation with the Managing Director, Operations and Property Managers

Qualifications

- Bachelor's degree or equivalent work experience
- This position requires a minimum of three years of horticultural experience
- Must have excellent leadership, communication, interpersonal, organizational, project management, development, technical and analytical skills
- Must be capable of working additional hours
- Must be capable of handling a diverse range of responsibilities
- Must work as a team member of the horticulture department maintaining positive work relations with staff
- Must be able to operate all tools, vehicles, and equipment required for use by the horticulture department
- Must be able to interact with all levels of management and staff

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Dispensary Staff Member Job Descriptions

Dispensary Manager

The Dispensary Manager reports directly to the ED. The Dispensary Manager is the primary supervisor for all of Botanica's core staff.

Essential Duties

- Employment and employee functions, including performance management, recruitment, interviewing, hiring, training, performance reviews, scheduling, discipline, training, termination, benefits counseling, exit counseling, and recruitment and supervision of volunteers
- Direction and oversight of the Assistant Dispensary Manager
- General supervision and oversight of all operations of Botanica, particularly the implementation of policies and procedures under the direction of Botanica's ED
- Keyholder responsibilities, including opening and closing Botanica. Implementing procedures for emergency reporting, safety, and disasters, if necessary, together with the Security Director
- Daily inventory audits, together with the Supervising Patient Service Representative
- Timekeeping procedures
- All interactions with vendors. In this capacity, the Dispensary Manager will often consult and work in tandem with other core staff members to ensure that vendor services and products meet the needs of Botanica's patients and staff, and are cost-efficient and competitive
- Office systems administration, including workstations, copiers, fax machines, break room, uniforms, and office supplies
- Support the Security Manager with security equipment operation, as directed, including installation, regular servicing, repair, and replacement
- Coordination with the Cultivation Center regarding deliveries, returns, and inventory
- Regular weekly meetings with COO, including weekly written reports
- Utilizes an Employee/Team Motivation and Recognition plan
- Other duties as assigned

Qualifications

- Bachelor's degree or equivalent work experience
- Minimum of 2 years supervisory experience
- Demonstrated expertise in operational skills
- Comfortable with change, enjoys variety in work and thrives on creating novel solutions
- Strong interest and desire to work with people
- Results oriented; demonstrated ability to make informed decisions, complete tasks and problem solve
- Effective oral and written communication skills
- Attention to detail with a high degree of accuracy

The Dispensary Manager and the Assistant Dispensary Manager are full-time positions so that either the Dispensary Manager or the Assistant Dispensary Manager (or both) will always be on duty during the

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hours that Botanica is open to the public, and one hour prior and following normal business hours. It is not anticipated that either the Dispensary Manager or the Assistant Dispensary Manager will regularly work more than forty hours per week.

Assistant Dispensary Manager

The Assistant Dispensary Manager reports directly to the Dispensary Manager and is a full-time employee. The Assistant Dispensary Manager will act as the Dispensary Manager when required, e.g. vacation, sickness, etc. In addition, the Assistant Dispensary Manager shall work under the supervision of the Dispensary Manager. Works under the Dispensary Manager to supervise and/or coordinate all aspects of the business to assure high quality, best-practice delivery of medicinal services to patients, consistent with all legal requirements.

Essential Duties

- Supervise dispensary staff and provide administrative support
- Oversee dispensary intake and appropriate disposition of new patients
- Work with the Dispensary Manager to review and manage workload and staffing
- Oversee patient information to review and examine patient service, compliance with regulations
- Progress towards meeting patient goals and outcomes
- Ensures that weekly high-quality supervision is provided to employees to ensure that performance outcomes and goals are achieved
- Work with the Dispensary Manager to recruit and train additional staff and to provide opportunities for continued staff development
- Facilitate team building and reinforce collaborative communication among staff
- Effectively manage conflicts and crises
- Effectively interacts with colleagues and subordinates to advance organizational mission and performance. Mobilizes others in service of the work

Qualifications

- High school diploma or G.E.D
- Demonstrated expertise in operational skills
- Comfortable with change, enjoys variety in work and thrives on creating novel solutions
- Strong interest and desire to work with people
- Results oriented; demonstrated ability to make informed decisions, complete tasks and problem solve
- Effective oral and written communication skills
- Attention to detail with a high degree of accuracy
- Moderate physical effort required

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Patient Service Representative

Patient service representatives greet patients as they walk through the door, assist patients with the acquisition of medicine as well as spending more than 50% of their time educating patients. These duties are performed under the supervision of a dispensary manager.

Essential Duties

- Greet prospective, new and returning patients
- Registration of qualified patients
- Provide information to non-patients (sales representatives, vendors, etc.)
- Provide patients and prospective patients with all printed information materials requested regarding medical marijuana and the services and products provided by Botanica
- Confirming any changes in the patient's address or physician's recommendation that may have occurred since the patient's last visit
- Organizing the queue of patients so that patients are seen in the order that they arrive or exceptions as needed
- Providing entry to the dispensing area of Botanica, once the patient's registration has been confirmed
- Undergoing an orientation and training/testing session, utilizing Botanica's Training Module Three, which focuses on the important role and duties of the Reception/Registration Specialists, including a thorough working knowledge of Dispensary Management System and Botanica's Privacy Policies
- Administrative Duties - Patient service representatives are often responsible for managing and rotating the inventory within the dispensary. They often receive incoming shipments, handle any accompanying paperwork, and restock medications as needed
- Accuracy - Patient service representatives must be accurate and detailed oriented persons. They are often responsible for tasks where accuracy is highly important such as operating cash registers and updating patient records and profiles
- Listening and Communication - Patient service representatives must have exceptional listening and communication skills. They must be able to follow directions well and communicate effectively with both patients and other medical professionals. They must be able to listen to patients' needs and make sure those needs are updated in patient notes
- Providing patients with a "menu" of currently available medical-marijuana products, while they wait for an available Patient Service Representative
- When serving an individual patient, accessing that patient's record on a dispensing counter terminal; confirming the patient's identity through visual confirmation of on-line documents; confirming the patient's eligibility for purchasing medical marijuana based on Botanica's records of the amount procured by such patient during the previous 14 days; assisting the patient with the selection of medicine and products available; giving advice based on the patient's comments and description of his or her objectives in connection with medical marijuana treatment; and taking payment and recording the procurement in the Dispensary Management System
- Provide patients and prospective patients with all printed information materials requested regarding medical marijuana and the services and products provided by Botanica
- Other duties as assigned
-

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Qualifications

- High school diploma or G.E.D
- Excellent patient service and people skills required
- Experience working with electronic record, preferred
- Ability to work independently, to coordinate multiple tasks, prioritizes work and manages time to accomplish tasks with multiple interruptions
- Excellent organizational skills, detailed oriented

Cultivation Center Manager

The Cultivation Center Manager reports directly to the COO and is the primary supervisor for all of the cultivation center's staff. He or she is responsible for the entire operation of the cultivation center in order to provide high-quality, consistent cannabis for patients. The Cultivation Center Manager is a non-exempt position.

Essential Duties

- Provide employment/employee functions of the growers, including performance management, recruitment, interviewing, hiring, training, performance reviews, scheduling, discipline, termination, benefits counseling, and exit counseling, and give information to the Director of Security for filing and storage
- Maintain key holder responsibilities, including opening and closing the cultivation center (together with the Security Officer)
- Provide weekly inventory reports, via the Dispensary Management System, and participate in audits
- Interact with supply vendors
- Coordinate with Copper State Herbal Center regarding deliveries and inventory
- Conduct routine inspections of all growing rooms and equipment
- Maintain file of maintenance logs
- Maintain updated copies of Material Safety Data Sheets in a prominent location
- Develop and complete a daily cultivation report to the COO
- Utilizes an Employee/Team Motivation and Recognition plan

Qualifications

- Bachelor's degree or equivalent work experience
- Experience as a supervisor/manager
- Experience in the agricultural field

Director of Horticulture / Master Grower / Head Grower

The Director of Horticulture reports directly to the Board of Directors. The Director of Horticulture is responsible for reporting all financial and fiscal management aspects of cultivation operations. The Director of Horticulture provides leadership and coordination in the administrative, business planning,

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accounting and budgeting efforts of the company. The Director of Horticulture's duties and responsibilities include:

Essential Duties

- Develop and complete horticulture methodology for growth of medical grade organic cannabis
- Work with the executive staff and contractors to build and implement a fully functioning indoor grow facility based upon the above approved methodology
- Manage the care and cultivation of the medicine at the facility
- Monitor the quality of the medication during the grow cycle through the use of daily evaluation sheets for each grow room
- Beginning each day with a physical count of the plants in each grow room, followed by evaluation of the plants for health and overall growth
- Review condition to determine the appropriate amount of nutrients, light and water for optimal continued health
- Develop a team to accomplish the task of producing medicine to meet the demand of Copper State Herbal Center's patient populace
- Create a menu of medicinal strains that provides a broad spectrum of medicinal attributes
- Evaluate on-going trends in the medical marijuana industry to ensure that Copper State Herbal Center stays on the cutting edge of technique, strain technology and organic growth methods

- Maintain a schedule of employment shifts that guarantees continuous daily supervision of the indoor grow environment
- Develop and oversee a medicine inventory system to ensure Copper State Herbal Center is always producing and maintaining a stock that lies within the limits of the State's regulatory guidelines
- Design and maintain an integrated plant/pest management program to scout for pests and/or disease, and plan and implement solutions as necessary
- Oversee the assistant growers to have them provide a similar level of care to the plants
- Forecast, develop and implement annual goals in accordance with budgets and demand schedules
- Create, implement and maintain standard operating procedures that will ensure horticultural assets are maintained at the highest standards
- Ensure that staff members are properly trained to operate equipment and perform potentially dangerous tasks safely and for complying with requirements for use of proper personal protective equipment (PPE)
- Ensure staff is trained on the safe use and maintenance of tools, vehicles, safety equipment, and other property equipment
- Oversee and manage all outsourced horticultural contracts according to property requirements
- Maintain an effective inventory system
- Create, implement, maintain and coordinate a horticultural program in consultation with the Managing Director, Operations and Property Managers

Qualifications

- Bachelor's degree or equivalent work experience

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- Prefer degree in plant sciences, biology, etc.
- This position requires a minimum of three years of horticultural experience
- Must have excellent leadership, communication, interpersonal, organizational, project management, development, technical and analytical skills
- Must be capable of working additional hours
- Must be capable of handling a diverse range of responsibilities
- Must work as a team member of the horticultural department maintaining positive work relations with staff
- Must be able to operate all tools, vehicles, and equipment required for use by the horticulture department
- Must be able to interact with all level of management and staff

Assistant Grower

Essential Duties

- Provide assistance to the head grower with regard to care and health of the plants on site.
- Follow the direction of the head grower with duties which may or may not include the following:
- Germinating seeds, growing out of clones, transplanting, watering, feeding, and mixing nutrients and fertilizers
- Maintaining all feeding, watering, and pH logs, and reporting any discrepancies or problems immediately to the Head Grower
- Checking plants daily for evidence of mold or pests and report any negative findings to the Head Grower immediately
- Drying, curing and trimming
- Documenting daily cultivation and reporting to the Cultivation Center Manager
- Maintaining and cleaning equipment
- Cleaning, sterilizing, and maintaining cultivation center, including janitorial tasks using only natural and organic cleaners
- Advise the Cultivation Center Manager of need to reorder supplies
- Packaging and labeling of medical cannabis for delivery to Copper State Herbal Center

Qualifications

- Good communication skills, high school diploma and a basic understanding of gardening principles.

Trimmer

Essential Duties

- Responsible for pruning and trimming medicine after curing.
- Position requires good manual dexterity, care of the medicine when handling and precision.
- Over-handling of the medicine can diminish the overall quality of the product.

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Qualifications

- Minimum qualification includes high school diploma.

Packaging Specialist

Essential Duties

- Maintain equipment for use in the packaging of medicine including cleaning and organizing the scale and packaging materials.
- Operate the equipment with precision when packaging medicine.
- Maintain a clean and sanitary work environment during packaging.
- Wear protective gloves at all times when handling medicine.
- Communicate with other employees to keep steady supply of necessary packaging materials and medicine.

Qualifications

- Minimum qualification includes high school diploma.

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Orientation and Training

Botanica has utilized the broad experience of its Officers and Executive Managers to develop a training program expressly designed to develop and test for the unique skills and knowledge set sought by Botanica in its team members. Under the direct supervision of Botanica's COO, along with training provided by the Medical Director, Dr. Donald Hill, we have compiled a series of Training Modules, based off of Botanica's Policies and Procedures book, designed to focus and enhance both the general and specific knowledge of our team.

Following are Botanica's training modules:

TRAINING MODULE ONE

Laws and regulations governing Medical Marijuana were given to each employee to study followed by a verbal knowledge check.

TRAINING MODULE TWO

All employees attended two mandatory presentations, by Botanica's medical director and acting HR representative, on Confidentiality, Patient's rights, and HIPAA. Following the presentations, a verbal knowledge check was given, and an online knowledge check was taken and passed by each employee.

TRAINING MODULE THREE

Each employee was given a step by step guide on registering each patient. Employees then participated in four ninety-minute sessions of role-playing activities to practice registering a patient and entering information into the database.

TRAINING MODULE FOUR

All Botanica Patient Service Representatives (PSR) participated in a course studying the history of medical marijuana, the ailments that medical marijuana is used to treat, the side effects of traditional medications and medical marijuana, and what chemical compounds are contained in medical marijuana and their effects on the human body.

Medical information packets were given to groups of three PSRs to study and discuss followed by each group giving a presentation on the information they received.

Memory games were played to cover vocabulary and definitions of medical terms, chemical compounds, ailments and strain types.

All PSRs then watched a demonstration on how to use Treez, followed by four ninety-minute hands on sessions where PSRs practiced what they learned in the demonstration with role playing exercises.

Finally, a knowledge check was taken by each PSR to ensure preparedness in helping patients.

TRAINING MODULE FIVE

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All employees were given a tour of the dispensary highlighting the security cameras panic buttons and emergency exits. All employees have been trained to be aware of their surroundings and report suspicious behavior.

Fire and tornado and bomb threat drills were also conducted.

These mandatory Training Modules cover every aspect and detail of the performance, analysis, and cooperative efforts required by Botanica of its team members. Written testing is conducted at orientation and at one-year anniversaries, to confirm that Botanica's procedures are well understood and consistently implemented. The probationary status of an employee will not be lifted prior to the successful completion of Botanica's required training and testing program.

ONGOING EDUCATION

Botanica is committed to providing ongoing education to its staff. Regularly scheduled education meetings will be held to discuss medical ailments, medical cannabis strains and history, Treez training, and additional, relevant topics.

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Patient Education

Per A.R.S. R9-17-310(A)(2)(e), Botanica will meet or exceed all Arizona State Department of Health requirements for Patient Education and Support. Using Treez software and the guidance of its Medical Director, Botanica will develop and execute best practices for developing, delivering, and evaluating patient educational programs. Botanica shall follow all policies and procedures required by AZDHS rules. In addition, patient education materials will be available at initial patient intake (General Information Packet), as well as ad hoc within the dispensary and during return visits. Should a patient accept additional education materials, the time, date and materials given will be digitally logged within the Treez software. Where appropriate, patient education information will be available via Botanica website.

Patient education and support, including:

i. Availability of different strains of marijuana and the purported effects of the different strains;

Bulk inventory and strains can be recorded by dominance, growing medium, grow location, vendor, notes and description. Additionally, our auto menu export shows strains, pricing, and descriptions on a center's website and social networks. This export can be modified to push automatically, only push product with positive inventory and to pull back products with zero inventories.

Independent content in the form of information sheets, testing results, research publications, and audio and video recordings will be also be available through Botanica Web site.

ii. Information about the purported effectiveness of various methods,forms, and routes of medical marijuana administration;

We capture a patient's favorite strain as well as individual notes about both the patient (kept with the patient record) and about the strain (kept in the bulk inventory record).

Dispensaries have the option to use a pre-populated strain database which includes the basic information of each strain as provided by leading social networks and strain encyclopedias.

iii. Methods of tracking the effects of different strains and other forms of medication on a qualifying patient; and

Treez Software will capture a patient's favorite strains and record strain notes and patient notes so we can evaluate the strain's long-term benefit. Treez software can generate a printout/release/disclaimer at the time of new patient signup. This could then be scanned and attached to the patient profile. Typically, dispensaries have their own documentation that they scan and attach to the patient profile to be stored securely following HIPAA guidelines. Treez can store unlimited documents against a patient, vendor or strain.

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iv. Prohibition on the smoking of medical marijuana in public places;

In accordance with A.R.S. R9-17-310(A)(2)(e)(iv), Botanica will publish and enforce a policy of prohibition of the smoking of marijuana in public places.

All patients shall receive an information packet at the time of intake and dependent on their specific ailment. An introduction packet will provide patients with basic information regarding safe and responsible usage (including prohibition of smoking in public) and patient's rights.

In addition, all major conditions for which Medical Marijuana may be recommended shall have packets that include recent research information, current clinical trials, research programs, preferred ingestion modalities, dosage guidelines, strains, conditions and contraindications, patient surveys, and available resources.

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Patient Privacy

All employees of Botanica, INC. shall be familiar with the guidelines of the Health Insurance Portability and Accountability Act (HIPAA) and all Arizona laws related to patient medical records.

To meet our obligation to maintain the highest level of privacy, we will develop an internal training course based on HIPAA and the HIPAA instruction course "HIPAA: Privacy Essentials for the Physician's Office". This course is free on-line HIPAA training curriculum provided by the Ohio University College of Osteopathic Medicine in conjunction with the OHIC Insurance Company. This curriculum and testing program are used by many hospitals and healthcare companies in the United States as a method to satisfy their training requirements. For more information please follow this link: http://www.ouwb.ohiou.edu/hipaa/ohic-oucom/pages/resources.htm

HIPPA Compliance

The Health Insurance Portability and Accountability Act of 1996, commonly known as HIPPA, and the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH) provide strict criteria for the management and oversight of patient health care information.

As a result, health care has been transformed from an industry that relied primarily on one-to-one interactions between patients and clinicians to a system of integrated health care delivery networks and managed care providers. This system requires the collection and processing of information about patients, resulting in the need for the creation of databases that can easily be transmitted or shared between care providers and patients.

In concert with the rise in use of the Internet, an ever-increasing number of people have access to health information. In response, Congress called for steps to improve the "efficiency and effectiveness of the health-care system by encouraging the development of a health information system through the establishment of standards and requirements for the electronic transmission of certain health information. These requirements are outlined in the HIPAA legislation set forth above.

HIPPA applies to "covered entities" that transmit health information in electronic form consisting of Health Plans, Health-care Clearinghouses, and Health-care Providers. Covered entities that violate HIPAA are subject to criminal and civil penalties, including fines up to $250,000.00 and imprisonment for five years if the violation was intentional

The Privacy Rule, which was enacted as part of HIPPA, includes standards to protect the privacy and confidentiality of a patient's personal health information. The Rule presents standards for patient rights, procedures for protecting those rights, and the authorized and required users and disclosures of their personal health information. The Security Rule, also a part of the privacy program, lists a set of requirements that covered entities must be included in their operations to assure that electronic health information remains secure.

Our measures, including those designed to meet HIPPA compliance requirements, are as follows and are set forth in more detail in our privacy policies.

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Commitment to Personal Security and Patient Privacy

It is essential that Botanica maintain, at a minimum, enough identifying information to validate a patient under our care at the point of entry to our facility. Patients will be required to present their cards before entry, and we will have in our medical records, at a minimum, their name and patient ID number. When a new patient visits our facility for the first time, we will ask them to sign our HIPAA Confidentiality Statement.

From that point forward, we will protect all identifying patient information and may not use or disclose any individual patient's health information except for helping them secure an appropriate medicine, for payment purposes, or regular dispensary operations. Any additional uses of a patient's health care information would require an advanced authorization signed by the patient.

Botanica security system includes video cameras that will record our center around the clock and video will stored in our system for at least 30 days. For security purposes, our system will have sufficient resolution for recognition of all patients entering our facilities.

Botanica video will be held in a secured/password-protected video hard drive. After 30 days, our system will automatically delete all video recordings. Our HIPAA/Confidentiality Statement will inform patients of our video surveillance policy and general information and privacy practices. Any and all practices will be fully compliant with State and Federal information and privacy law.

Botanica's software fully complies with R9-17-314(3)-(6), and R9-17-315(1)-(7) with respect to dispensing its medicine and the creation and handling of HIPPA compliant patient records.

Because of the sensitive nature of our business and for protection of our patient's health care information, Botanica stresses a culture of strict privacy. In addition to the above, the following procedures will be vigilantly monitored among all personnel:

- Never e-mail username and password and URL to someone in the same e-mail
- Do not store username and password information in the same file on your desktop. Create a numbered sheet of paper with your password information and then on another piece of paper in a separate location with the numbers, username information and website locations (if possible, laminate the sheets of paper and keep them in two separate secured locations).
- Create different accounts for contractors accessing the same website
- Change passwords every 60-90 days
- Do not ask any internet browser to remember your password for any site
- If purchasing a product and using a secure web form, it is acceptable to put Botanica's e-mail account – otherwise, do not give the company's or your e-mail address out online
- If posting a company sponsored event (i.e., educational seminar) or something online that requests a reply for the general public, create a random e-mail address that will forward to your e-mail

Adherence to software procedure shall be strictly enforced to ensure accurate record keeping, including protocols to ensure that quantities procured do not suggest re-distribution; Botanica recordkeeping will be done through the use of Treez software, a proven medical POS software that uses strict security policies as outlined it its proposal included with Botanica's application.

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Product Safety

It is central to our mission that we provide the highest quality medicine, and deliver it as safely as possible, to our patients. Our medicine will be grown in accordance with organic practices and will be tested for impurities, parasites, and molds.

Labeling will be applied that meets or exceeds Arizona State Department of Health requirements.

Cultivation Practices

We will utilize only organic nutrients, pesticides, herbicides and wetting agents that have undergone the Organic Materials Research Institute (OMRI) certification. The vast majority of Botanica's cultivation will be hydroponic, with a fraction using soil, the selection of which is principally driven by strain dependence. Botanica will carry out on-going research work on crossbreeding, alternative cultivation methodologies, environmental monitoring and analysis, plant science, potency testing, and other areas. As best practices emerge from this work, Botanica will incorporate these into its broader grow operations.

Educational Materials

We will provide safety related pamphlets, as described in this operations manual that will support, inform and instruct patients as to the proper administration techniques and the risks and side effects associated with medical marijuana consumption. These materials, developed under the direction of the Medical Director, include documentation on strains and their effects, delivery modalities, edibles and their use, proper storage and disposal procedures, industry terminology, specific ailments and references to research work by academia and the pharmaceutical industry.

Sanitation & Hygiene

If the Medical Director determines that a dispensary agent has a health condition that may adversely affect the safety or quality of the medical marijuana, the dispensary agent will be prohibited from direct contact with any medical marijuana or equipment or materials for processing medical marijuana until the Medical Director determines that the dispensary agent's health condition will not adversely affect the medical marijuana. The Medical Director will be following the determining guidelines provided in the FDA's "Employee Health and Personal Hygiene Handbook - Employee Health and the Food Establishment" handbook.

All edibles team members will be following the guidelines provided in the FDA's "Employee Health and Personal Hygiene Handbook - Employee Health and the Food Establishment" handbook. Edibles team members will also be certified in proper sanitary food handling techniques by the Pima County Health Department. BOTANICA will be responsible for the content and quality of all edible food products sold or dispensed by the dispensary.

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General Facility Policies

In accordance with Arizona State Statutes, the following must be enforced at all times unless under written permission of AZDHS.

- The dispensary will be open daily from 10:00 – 19:00 to serve patients and caregivers
- The following information must be posted in a place that can be viewed by individuals entering the dispensary-
    - The dispensary's approval to operate;
    - The dispensary's registration certificate
    - The name of the dispensary's medical director and the medical director's license number on a sign at least 20 centimeters by 30 centimeters; and
    - The hours of operation during which the dispensary will dispense medical marijuana to a qualifying patient or designated caregiver
- Cultivation facilities must remain enclosed and locked at all times, permitting access only via key card entry to the following agents:
    - Principal Officers
    - Board Members
    - Authorized Dispensary Agents
    - Visitors strictly following the policy on document page 113
- The dispensary shall provide and ensure onsite parking or parking adjacent to the building
- Each commercial device used at the dispensary or dispensary's cultivation center shall:
    - Ensure that the commercial device is licensed or certified pursuant to A.R.S. 41-2091,
    - Maintain documentation of the commercial device's license or certification
- At least one toilet room shall be on site at each licensed location and must include the following at a minimum:
    - A flushable toilet;
    - Mounted toilet tissue;
    - A sink with running water;
    - Soap contained in a dispenser, and
    - Disposable single use paper towels in a mounted dispenser
- At least one hand washing sink not in a toilet room shall be present at each licensed location
- Designated storage areas for medical marijuana or materials used in direct contact with medical marijuana will be kept separate from storage areas for toxic or flammable materials
- Designated area for the preparation or packaging of medical marijuana products that includes a workspace that can be sanitized, and is only used for the packaging or preparation of medical marijuana

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Dispensing Procedures

Opening Duties for Dispensary

The Dispensary Manager or authorized employee will open the dispensary, pursuant to the following procedures, and disarm the security. The following general policies and procedures apply:

- Open only front door shutter and disable security upon entrance
- Turn on all computers and monitors
- Turn on lights and stereo and prepare dispensary for business
- Check phone for messages
- Make sure Patient Medical information packs and other informational material is stocked
- Opening inventory (Daily Inventory Procedure)
- Remove inventory from safe, stock display walls and shelves
- Check for neat and comprehensive display counter
- Ensure all online menus are up to date and current
- Make sure bathroom is clean
- Meet with retail team to review specials, new products, or new education
- Open rolling shutters at open of business

Closing Duties for Dispensary

The Dispensary Manager or authorized employee will close the dispensary, pursuant to the following procedures, and arm the security system. The following general policies and procedures apply:

- Perform closing inventory
- Close safety shutters
- Restock all items for following business day
- Floor Manager removes cash from registers according to procedure
- Check that all accounts have been logged off for retail and reception computers
- Verify all medicated products are stored in their appropriate secured locations
- Ensure that all doors are closed and locked
- Turn off lights
- Activate alarm

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Patient Intake Procedure

Walk-ins welcome. Any person in the dispensary showroom is to be accompanied by a designated PSR at all times. Children may not be left unattended anywhere on property.

When Someone Arrives at the Door

- Check camera monitor to verify who is at the door and that they are not a threat.
- Welcome the patient via intercom "Welcome to Botanica, please come in."
- Buzz patient in.
- Only the patients who can be seen clearly on the security camera are granted access at one time. (Limits on numbers of patients in each dispensary reception and showroom are dependent on the specific requirements of each location.)
- If patient has a large bag or weapon on them ask them to please leave it in vehicle. (Bag is ok if patient arrived on motorcycle. However, any known firearms are not allowed on premises for any reason.)
- ABSOLUTELY NO WEAPONS of any kind are permitted in any of Botanica's buildings! (Exception: law enforcement officials.)

Entering Reception

Once in reception room the patient should approach the reception office window.

- Greet patient once they enter, *"Hello, welcome to Botanica, how may I help you today?"* or *"Welcome to Botanica, is this your first time here?"*

If a New Patient (First Visit)

- Ask to see their AZ Patient/ Caregiver ID and Driver's License or other ID card with picture. (Any government issued photo ID will be accepted but they must have a physical AMMA card or a be able to present their digital card)
- Verify the patient's AMMA card status through the AZDHS website that patient is within the allowable limit for dispensed medical marijuana. Should the patient exceed or match the allotted 2.5 ounces in the previous 14-day period, a Denial of Medication form must be completed and filed in the dispensary office.
- The ID and AMMA are used to create a profile in Botanica's customer relationship management (CRM) software and copies of each document is stored in this profile.

In all cases, you must verify that:

  - The card is classified as either "Patient" or "Caregiver"
  - The photos all look similar.
  - The name on any identification and AMMA cards match.
  - Patients IDS, AMMA patient/caregiver card, have not expired.
  - There has been no tampering to the ID or AMMA cards. (Check for tampering or fraud by using a flashlight to see the ID cards hologram.)
    - Note: cards issued June 2011 and prior lack the hologram. (Check the Arizona State Department of Health Services website to verify legitimacy and validity all AZ patient/caregivers cards.)

- Give patient a brief overview of Botanica

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- Describe the dispensary services, patient intake process, wait time, etc.
- Provide patient with Patient Intake forms for completion (including contact details, and any other AMMA required information.)
- Scan ID into card reader. With Treez pulled up, this will create a patient profile.
- Scan AMMA card ID number in correct field.
- After patient has completed intake forms, physical cards are handed back to the patient. Receptionist will enter additional information found on the intake form (phone number, email etc.)
- Scan ID and patient form into profile.
- Visually verify patient information.
- Save and check patient in on Treez.
    - If Patient Service Representative is ready for patient, they will call patient by first name into showroom from lobby

If Existing Patient (previously visited)

- Ask to please see their AZ Patient/ Caregiver ID card (AMMA card). Patient must have a physical AMMA card on them or be able to show you a digital copy of their AMMA card to enter showroom!
- Verify AMMA patient/ caregiver card ID number by entering it on Arizona Department of Health Services website for Medical Marijuana Card Status.
    - If card is active it will read, “Card Status: Active”
    - If patient is close to 2.5 ounces, notify Patient Service Representative of amount qualifying patient is able to obtain that day.
    - Should the patient meet or exceed the allotted amount in the previous 14-day period a Denial of Medication form must be completed and filed.
- Check with patient to be sure all information is current and up to date.
- If online order, send message that patient has arrived. For a standard order, check patient into queue.
- If Patient Service Representative is ready for patient, call first name and welcome them into showroom for product selection

All notes on patient profile must be dated and initialed by recording Dispensary Agent.

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Patient Intake – Treez

- From our home page, go to the patient tab and click **Patient Intake.** From this page we can do several things – add new patients, check people in, edit profiles, etc.

Checking Patients In

1. Click the dropdown on the search bar and choose **Medical ID**
2. Use the barcode scanner to scan the 3D barcode on the AMMA card into the search field which should pull up the patient's profile. (If there are any troubles with this, search by name)
3. In another tab, go to https://azmmvs.azdhs.gov/login/signin.aspx? to access the AZ allotment search & sales site. Sign in using your email and password, then click the **Card Search & Sales** tab. Scan the patient's AMMA card into the search field.
4. Verify that the person in front of you matches the patient on the card, that the card is active, and that they have an allotment available to them
5. Once allotment has been verified, go back to Treez where the patient profile will be pulled up. Verify that all information is up to date.
6. From here you can click **Check In**, which will move that person to the bottom of the queue

Creating New Patient Profiles

1. From the patient intake directory, choose **+ADD** in the top left corner.
2. Choose **Sign Up by Scanning Barcode** and scan the driver's license 3D barcode. Only choose the option **Signup without Scanning Driver's License Barcode** if the license won't scan or if we're using a different ID type (passport, military).
3. Switch tabs to your AZDHS verification site. Scan the patient's AMMA card and verify all info.
4. Back in the Treez patient profile, you can see all data pulled from the license and can finish inputting minimum required info. The minimum required information is first and last name, date of birth, AMMA# and expiration, and scans of AMMA and ID. To enter medical info, you must first find the **Adult Use** toggle and turn it *off.* Then you can turn *on* the **State Medical ID #** toggle which will allow you to enter the AMMA#. Be sure to enter AMMA expiration at the top of the profile. Copy and paste the AMMA# into customer notes. Assign the patient group if necessary (ex: veteran) and nickname if they provided one.
5. Now take document scans of the patient's DL and AMMA card. At the top of the patient profile, view the different symbols that represent various requirements. Each of these will receive a green check mark when they're complete.
    a. MD REC EXP DATE: AMMA expiration date entry
    b. IDENTIFICATION EXP DATE: driver's license expiration, pulled from DL scan, not required

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c. DRIVERS LICENSE: This is checked off after doing a barcode scan of the DL, but we want to make sure to also take a digital scan of the DL (if you are unsure, scroll down to **Document Uploads** to view completed scans)
d. PHOTO: This is automatically pulled from the DL or AMMA, whichever is scanned first
e. SIGNATURE: used in other dispensaries that collect a digital signature via iPad
f. MD REC: This is where we will scan the patient's AMMA card

6. Load the scanner with the document you'd like to scan FACE DOWN (as it only takes a one-sided scan), then click the symbol that correlates with that document (will be either DRIVERS LICENSE or MD REC).
7. If the patient has a digital AMMA card, you will need to take a photo of it using the computer camera, then upload it to Treez. Open the camera and hold the patients device that is showing the digital card in front of the camera. Make sure you have a clear photo, and press "enter" to capture. Select Med Rec on the Treez profile and choose "upload". Select the patient's card, and hit "open" to upload.
8. After completion of the profile, click **Save.** Then click **Check In** to add the patient to the queue.
9. When you've come to a point where you can complete inputting FTP forms, search for the needed patient by name and open their profile. Click **Edit** at the top of the profile.
10. Complete the patient profile by filling in any info that was not done when initially creating the profile including address, phone numbers, email, gender, customer source ("how did you hear about us?" on FTP form) and any other applicable info.
    a. Address: Fill out all information. If not provided, type "NOT PROVIDED" into address lines 1 and 2, AZ for state, and 00000 for zip code.
    b. Phone Number: If a phone number is not provided leave blank.
    c. Email: If an email is not provided, type blank@blank.com. Bounced emails should be entered as bounced-shannon@botanica.us when doing patient data clean up.
    d. Customer Source: You must type in one of the options from the FTP form, referencing the list of options next to the intake computer (and typing *exactly* as written). If the customer wrote "Tucson Weekly" you would need to type in "ADVERTISEMENT".
        1. The last step is to upload the FTP form into the patient profile by using the **New Agreement Upload** button.

<u>Creating New Patient Profiles for Caregivers</u>

When a caregiver comes in for the first time, we need to create a profile for both the patient and the caregiver. We need document scans and an FTP form for *both* people.

1. Beginning with the patient, use their ID and AMMA to create and complete their profile following the steps above. If the patient is not present, the caregiver will need to complete an FTP form on their behalf. The only extra step here is to click the **Caregiver/Legal Rep** toggle and to enter the caregiver's name and patient number. Be sure to check this patient into the queue when finished creating the profile.
2. Next we need to create a profile for the caregiver. Following the steps as listed for a normal patient, be sure to swipe their AMMA Caregiver card into the AZDHS site for verification. You

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will turn on the **State Medical ID#** toggle and input their caregiver number and expiration. Turn on the **Caregiver/Legal Rep** toggle and enter the patients name and patient number.

POS Patient/PSR Procedure

- Click on the next "checked in" patient in Sell Treez. If there are multiple patients PSR will start with the patient at the top left of the list, or the patient who arrived first.
- Verify AMMA card on AZDHS database. Make sure the card isn't expired or inactive (red) and photo matches person in front of you.
- Check patient notes (under "Customer Notes" in Sell Treez) for favorite strains, comments, etc. Any notes taken must be dated and initialed by Dispensary Agent assisting patient.
- Ask if they are familiar with the medication. Educate the patient with any relevant cannabis information. Introduce the introduction packet and give a brief overview of the criteria. Also be sure to answer any questions about accessories.
- Medicine will be displayed in small sample jars kept behind the sales counter that PSR will present.
- Patient will select strain they want to see
- PSR will remove sample jar for patient to visually inspect.
- Remove lid. Explain to patient that they cannot touch the medicine, only smell and inspect it. Patient cannot hold the sample jar when smelling.
- The patient will select a strain or product.
- To add a strain or product to an order, use the 3D barcode scanner to scan the barcode into Sell Treez.
- Medical recording of patient acquisition will be submitted to the AZDHS database before patient checks out. (Note: Any mistakes registered in the AZDHS website must be corrected within 72 hours by a Principal Officer or Board Member.)
- Begin the check-out process in Treez. Once every product has been added to the order, tell patient dollar amount of order.
- Take payment from patient and enter amount given in the data field.
- Hit the "cash" button for transactions paid for by cash and the "debit" button for transactions paid for by debit card.
- Double check that the order is ready for completion and answer any final patient questions before finishing closing sale.
- Labels print automatically when adding items to cart, while receipt will print at end of transaction. Make sure the POS location you are at matches the location selected on the Treez Hardware Agent. Once labels are printed, place on designated area on medicine/product.
- Verify each medicated product has the product label and patient label applied before patient leaves the store.
- Offer patient additional educational materials.
- Mention to the patient the safest way to travel home with the medicine (in trunk) and remind patient that there is NO SMOKING IN PUBLIC PLACES.

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Processing a Transaction – Treez

1. Starting from the home page, go to the Retail tab and click **Sell Treez**

2. You will be required to choose your cash drawer. Select your name, count your drawer, and confirm the total (notify the MOD if your drawer is off – you can't edit it here).

This will pull up your patient queue which goes left to right, top to bottom.

3. Choose the next patient in line. After choosing a patient, you will be prompted to choose your name and enter your PIN #. Hit **Login**.
4. Scan the patient's card into the AZMMVS site. Take mental note of the allotment available to the patient and return to your Sell Treez page.
5. Determine if your patient is NEW or RETURNING. NEW patients will have the current date in the **Medical Member Since** field *and* no visit history, but you can double check the #pos channel in Slack to verify. In your product search field, type **AAA.** Prepare for NEW patients by placing an FTP packet on your POS counter and adding "PATIENT ACCEPTED INFORMATION" from the left side menu.
6. Call your patient into the showroom, introduce yourself, and identify the best products for their needs. Once you've found the appropriate items, use your barcode scanner to scan items into the shopping cart. As you scan the items, a patient label will print for each product. Pay attention to prices, product names, discounts, or any other details that may cause an inaccurate transaction.
7. Once all items are scanned and pricing looks accurate, all flower totals are calculated mentally (as should already have been done to check your totals!) and all non-flower totals are calculated with the calculator on the computer desktop. Enter totals into the allotment on AZDHS (without pressing **Submit**). Communicate the total $ with the patient and ask if they'll be paying cash or debit.

8A. For CASH patients, click **Checkout** on the bottom right side of the POS page. This will bring you to the cash tender screen where you can choose how much cash the patient gave you. If you don't see the correct amount suggested, click **Custom** and type the amount (NO DECIMALS - $44.20 = 4420).

8B. For DEBIT patients, notify them of the $3 processing charge, click **Checkout** after communicating the new total to the patient. Proceed to the debit machine and process their debit card for the next $5 increment. For example, if the total is $62, you will charge the card for $65. In Sell

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Treez, click **Charge Debit** and enter the total amount (again without decimals!) and give any change due in cash.

9. Since we have received payment, go back to the AZDHS page and **Submit** the allotment.
10. In Sell Treez, click the **Charge** button to complete the transaction and give change if necessary.
11. Place patient labels onto the appropriate products, paying special attention not to use stickers for any items deleted from your cart. Put all products including the receipt into a black Botanica merch bag.

Cash Handling Procedure

Opening procedures

The designated cash controller will count all the cash drawers to ensure they are at the designated amount. In the event that they are over or under, corrections will be made and documented in the cash handling log.

No more than one Patient Service Representatives will be assigned to a Point of Sale station at a time with the exception of the express station. PSR's must log themselves into Treez as the PSR that is serving the patient. It is against company policy for employees to share logins. PSRs must sign the daily cash sheet verifying the starting balance of their drawer.

Closing procedures

After closing, all registers will be 'counted down' by the manager on duty to the predetermined amount. The 'counted down' drawers will then be locked in place. The money from each register will be sealed individually and put into the drop safe until the Dispensary Manager can verify amounts against the Treez software totals and added to the weekly deposit. Each cash sheet must be signed by the PSR and manager at the end of their shift.

The designated cash controller then fills out a deposit slip, puts the deposit in a locked bag and places in the drop safe until the Executive Director takes it to the bank.

Daily cash forms must be held on site for the current month, then scanned on to a flash drive where it will be secured for no less than seven years. The digital version of the cash forms will also be uploaded to a backup cloud storage system for additional security.

Cash Management Policies and Procedures

Policies

1. Deposits are made daily or when the cash receipts on hand exceed $15K.
2. All cash management processes shall be attended by two staff members.
3. Access to cash outside of the dispensary shall only include the Executive Director, Chief Financial Officer, and Operations Officer.
4. It shall be common practice for the Dispensary Manager to handle all non-transport-related cash management activities, including bookkeeping, deposit and payment preparation, etc.
5. Access to cash handling and storage areas should be restricted to authorized personnel.

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6. When not in use, all cash must be stored in the safe located in the secure area of each location whether dispensary, kitchen, cultivation facility, or main office.
7. Safes must be kept locked at all times except when access by authorized personnel is needed.
8. Never leave an unlocked safe unattended by exiting the room.
9. The amount of funds secured in the safe must be kept to a reasonable minimum. Excess funds must be deposited.
10. All Staff that handle cash will be trained in proper cash handling techniques to improve client service and minimize mistakes. Independent checks on performance will be done periodically and may be done without warning.
11. The Company will bond key individuals that handle cash.

Procedures for Handling Cash at the Point- of Sale (POS)

1. *Communicate the cost of the product*: When the PSR takes the order, he or she should listen and ring up the entire order, then repeat each item to the patient to be sure everything was communicated correctly.
2. *Verbally acknowledge payment*: When the patient hands the PSR a form of payment, the PSR should verbally acknowledge this.
3. *Always run one transaction at a time*: Point of Sale (POS) systems will only allow PSRs to enter one transaction at time. Running more than one sale at a time can easily cause mistakes and accidents.
4. *Give patients their change first before placing the payment inside the drawer*: When PSRs owe the patient change, they should remove the change from the cash drawer, count it, and give it to the patient before placing the payment inside the drawer.
5. *Count back change correctly*: If a larger bill is given to pay for an order, count the change starting with the small change and counting up to the large bill amount.
6. *Never leave a cash register unattended by exiting the room with an active login*:
7. *Have managers retrieve extra change for a drawer*: When a drawer runs short of coins or bills to make change for patients, PSRs should notify a manager to retrieve the change from the safe.
8. *Managers should do cash-drops when necessary*: A cash-drop involves removing some of the cash from the cash drawer and depositing it into the safe.
9. *Involve managers in any "voids"*: When a transaction needs to be cancelled for any reason, the PSR should notify a manager.
10. Empty tills at frequent intervals, irregular times, and *not in front of patients*.
11. *Encourage staff to deposit larger notes immediately* into drop safes or time-release safes (but out of the view of the patient).
12. *Never turn away from a till drawer*.
13. *Report cash overages and shortages to the management*: When a cash drawer has an overage or shortage in a cash drawer the manager will follow the procedure outlined in the section Handling Cash Overage/Shortage.

Policy for Cash Overage/Shortage

1. All cash overages and shortages must be documented by individual cash drawer on a daily basis and documented with that day's activities on that day's designated cash sheet.

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2. Any single shortage of $5 or more must be reported immediately to the Executive Director
3. Any combined daily shortage over $100 must be reported immediately to the Executive Director
4. Daily individual shortages exceeding $100 or combined of over $250 must be submitted to the Executive Director for review
5. Daily shortages of less than $5 per individual cash drawer are recorded on the daily cash log with register number, shortage/overage amount and employee names working each cash drawer.
6. If the shortage is the result of a suspected or documented theft, the shortage must be reported immediately and in writing to the Executive Director for investigation, regardless of amount.
7. When a cash shortage is discovered, the supervisor will review all transactions and recount their funds prior to finalizing the deposit. If the shortage is not resolved, the manager should prepare the Report of Cash Shortage/Overage form and include the shortage on the applicable deposit transmittal sheet. If applicable, both forms should be submitted to the Executive Director during the normal depositing of funds.
8. The Manager must deposit overages into the safe when discovered and the overage will be recorded on the daily cash sheet. or through the Report of Cash Shortage/Overage form and will be included in the deposit if the overage is more than $5.00
9. If the overage is under $5.00 the cash is maintained in a bag in the safe which the manager will use to replace any register shortage of less than $5.00.

Procedures Cash Overage/Shortage

1. Verify work performed so far by recounting the cash and rechecking against register reports.
    a. Re-add all figures on your reconciliation sheet.
    b. Verify beginning and ending sales figures from the register.
    c. Check the cash register tape or the cash drawer for any register over/under rings.
    d. Re-count money, making sure that no bills or checks are stuck under the cash drawer, all denominations are together, and no bills are commingled in the wrong slot (*i.e.*, $10 bill in $1 slot, etc.).
2. Check the office area (trash cans, behind the counter, the floor area around the register, under the register) to see if a check or cash was dropped or misplaced.
3. If any other employees were using the register, ask them if they had any over/under rings, or unusual transactions that could have resulted in the discrepancy.
4. If any unauthorized office employees may have had access to the receipts, check with them to see if they used the receipts in any way.

(NOTE: If this is the case, the matter should be discussed with your supervisor immediately so that this situation does not re-occur.)

5. If the shortage still has not been reconciled, follow specific written and communicated office procedures that were established for reporting and recording shortages and overages.
6. *NOTE: These procedures should include at least the following:*
7. Notify your supervisor immediately upon substantiating the shortage.
8. The supervisor should follow steps a (i- iv), b, c, and d above.
9. Follow the specific office procedures for recording and reporting the discrepancy.
10. Shortages or overages must be officially documented and recorded in the departmental accounting records and on the daily cash sheet.

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Probationary Period

During the initial three (3) month probationary period, the employee may be subject to immediate dismissal for any reason, including, but not limited to, any of the infractions listed below in accordance with all applicable policies.

Performance Improvement Process

Employees shall be subject to the Performance Improvement Plan (PIP) if the following should occur:

- Cash drawer has cumulative differences totaling two hundred and fifty dollars ($250) over or short in any 12-month period.
- An excessive number of cash outage incidents within a 60-day period that may not yield the $250 over/short violation.
- Any other significant deviation from cash handling standards.
- During the PIP period, the employee could be subject to dismissal if the cash drawer is out of balance more than fifty dollars ($50.00) over or short on one or more occurrences.

Dismissal

Employees shall be subject to immediate dismissal in accordance with all applicable policies and procedures if the following should occur:

- An employee has a single unresolved outage of $500.00 or more;
- An employee's cash drawer is out of balance more than fifty dollars ($50.00) over or short on one or more occurrences during the time that that employee is in the PIP period;
- An employee engages in fraudulent activity;
- An employee engages in forced balancing.

Cash Deposit Form

- Cash deposits are made daily or when cash receipts exceed $15K.
- A Cash Deposit Form must be completed in all cases.
- A grand total of the deposit should be provided with the locked cash bag.
- All bills should be facing the same direction and grouped by denomination. Arrange in groups the denominations from largest to smallest ($100's, $50's, $20's, etc.). Coins should be rolled if possible; otherwise, loose coins should go in a coin envelope.
- The Dispensary manager completes a Cash Deposit Form, verifying the amount of cash collected equals the supporting cash register tape total or similar documentation, plus any over or short amounts.
- Two copies of the Cash Deposit Form are placed in the secured, locked cash bag along with the cash
- A scanned copy is retained by the Dispensary Manager in an electronic file for reference and ledger transaction review purposes.
- A scanned copy of the Cash Deposit Form is sent to the Finance Manager.
- The transaction report is given to the finance manager to be stored in the company files.
- Place the cash deposit and accompanying paperwork in a secure, locked cash bag into the safe.

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Policies for Cash-in-Transit and Cash Deposits

- Every cash deposit shall be made by two approved staff members.
- Always have someone with you on every trip to the deposit location for safety reasons.
- Deposits shall be made at random times during the day so your movements cannot be predicted.
- The route taken to make deposits must vary day-to-day.
- Never resist a robber, always cooperate. Think about your personal safety - if attacked surrender cash!
- Train staff to make them aware of what precautions they should take when they are transporting large sums of money.

Procedures for Cash-in-Transit

1. Always put the locked cash bag inside another bag.
2. Always have a second person when transporting the locked cash bag for safety reasons. Take an escort as a witness should anything happen.
3. Check the area outside your premises and any transport before leaving the premises or bank.
4. Transport the cash being deposited to the designated deposit location. The route taken shall be varied using at least three different routes and alternating between them to avoid a pattern.
5. Avoid using quiet streets and alleyways. If possible, you should use a busy route. Establish vulnerable spots in route and maintain extra vigilance in those areas.
6. Do not to use the same car each time and ensure any vehicle used is maintained. Ensure your drivers are insured for business purposes and have a valid license.
7. Work closely with your security company to assess risks and implement the necessary control measures. Choose a reputable company.
8. Inform staff members of expected return time.
9. Obtain confirmation of the deposit total and deposit date on one copy of the Cash Deposit Form received from the Finance Manager
10. The Finance Manager will electronically confirm receipt of the deposit by sending the copy of Cash Deposit Form to the Dispensary Manager. The copy is used by the Dispensary Manager when reconciling the dispensary's general ledger.

Procedure for Making a Cash Deposit

1. All deposits are made with two people present. No single person has access to the cash at any time.
2. Once the cash bag arrives at the deposit location, the bag is opened, and the cash is counted to verify the deposit amount.
3. The safe and the safe room.
4. Remove the deposit/withdrawal ledger and record the details of the cash deposit.
5. One deposit slip remains in the safe with the ledger the second deposit slip is sent to the finance manager to be filed in the company files along with the associated daily reports.
6. Place the cash in the safe, by denomination.
7. Relock the safe and the safe room.
8. Take one deposit slip for entry into quick books and leave the second deposit slip in the safe with the ledger.

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Closing a Shift – Treez

When it is time to close out a drawer and count down a PSRs drawer they will gather their drawer, and all their debit receipts and bring them to the MOD.

1. From the Treez homepage go to **Daily Procedures > Cash Handling**.
2. From the Shift Report, you will see all the open drawers. (By default, you will see the past 7 days of transactions. You can use the filter tab to select the appropriate day.)
3. Locate the appropriate PSRs drawer and write the totals on the Cash Sheet
4. Counting down the drawer:
    a) Bills – Run the bills from the drawer through the money counter – write the totals on the appropriate lines on the Cash Sheet
    b) Coins – Run all the coins from the drawer through the coin counter – write the totals on the appropriate lines on the Cash Sheet
    c) Add up bill and coin total – write the total on the appropriate line on the Cash Sheet
    d) Write any cash discrepancies on the =/- line under the Cash Total
    e) Add up all the totals on the debit receipts - write the total on the Cash Sheet under the Treez total written from earlier
    f) Write any debit discrepancies on the =/- line under the Debit Total
    g) Replace the original $300 starting till back into the drawer and keep the deposit separate.
5. Once you have verified the drawer count and filled out the Cash Sheet you will go back to Treez, to **Shift Options > End Shift**
6. Now that you have ended the shift, you will go to **Daily Procedures > Close Shift**
    **Once you have closed the shift, no edits can be made to the Cash Drop*
7. From the Close Shift page, you will select the appropriate Cash Drawer then the Shift
8. Enter the cash and coin (actual unit) totals into the appropriate cash and coin boxes
9. Enter the debit receipt total into the Debit box.
10. When you have confirmed the cash totals, and are prepared to close the shift, click the long green “Close Shift” bar at the bottom of the page Once you close a shift, it can no longer be edited. You must be 100% sure you are done with the shift before you close it.
11. Put the deposit and the cash sheet in a brown bag with the date, PSR, POS station and total written on the front, into the small drop safe above the large safe.

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12. To verify the shift is closed, go back to **Daily Procedures > Cash Handling**. Filter by appropriate date and you'll see the shift marked as closed.
13. Repeat closing process for every open drawer at EOD, including manager drawers.

Cash Drop - Treez

Cash Drops can be performed (including being edited and deleted) at any point from the time a shift has started to the time has ended. Cash Drops are very rare, and they would only happen on the busier days to help keep the PSRs drawer at a reasonable cash level. For instance, on 4/20, when we do a high volume of sales, we would make a Cash Drop. (i.e., If a PSR is sitting with $5,000 in their drawer at 2pm, we would want to pull some of the money out and make a drop to alleviate some of the cash burden).

** Remember: Once a shift has been **Closed** you cannot make cash drops or make any changes.*

1. From the Treez homepage go to **Daily Procedures > Cash Drop**
2. From the Cash Drops page, you'll see all the **open drawers are in blue**. Closed Drawers are in yellow, and those are *not available for editing*.
3. Select you the drawer you wish to make a drop from. Click on the little green plus sign (+) in the top left corner of the box. This will automatically bring up the "Cash Drop" box.
4. Confirm the amounts entered and click **Complete.** It'll prompt a "confirm cash drop" box, click **confirm** to finalize. Now finished, the cash drop will now be visible on the Shift Report page.

Edit a Cash Drop

To edit a cash drop, click the appropriate drawer and click the Edit icon and input the new cash drop amount.

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Accounts Payable Process Policies and Procedures

Policies

1. Only the Finance Manager and the Bookkeeper are authorized to issue disbursement checks.
2. The standard process is for the Bookkeeper to issue all disbursement checks.
3. Disbursement checks should only be issued by the Finance Manager in the case of an emergency.
4. Owners/officers should refrain from making cash withdrawals from the bank account.
5. Receipts are required for all expense reimbursement. There are no exceptions.
6. The use of Direct Deposit for payroll is strongly preferred. Routing and filing are done electronically by the bookkeeper.

Procedures for Bill Payment:

1. Bills received at the company shall only be routed to the Finance Manager for approval.
2. The Finance Manager will stamp the bill (to record the General Ledger code, Location and Approval initials) indicating authorization to pay.
3. The document will be scanned and forwarded electronically to the bookkeeper.
4. The hard copy will be filed.
5. If another company official needs to be consulted regarding authorization of the expenditure, this will be facilitated by the Finance Manager.
6. Every Thursday, any accumulated invoices will be delivered to the Bookkeeper for processing.
7. The Bookkeeper will record the invoices in QuickBooks and provide an Open Payables list, along with the current bank account balance, to the Finance Manager electronically.
8. The Finance Manager will designate electronically which invoices are to be paid at that time, based on cash flow and due date.
9. Cash for vendor payments will be pulled as needed, sealed in an envelope and put in the safe until vendor pickup. All cash payments will be documented on the deposit sheet with date, amount and PO number.
10. On every other Thursday, the Bookkeeper will arrange with the Finance Manager for pickup/delivery of any payroll checks which have not been direct deposited.

Procedure for Payroll:

1. Signed timesheets are due to the manager from each employee for prior two-week period (Monday-Sunday) on Monday following the last day of the pay period.

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2. The manager reviews the hours of each employee for accuracy, signs each timesheet, scans and sends all timesheets by noon on Monday to the Finance Manager.

3. The Finance Manager reviews all timesheet and forwards them to the bookkeeper for paychecks to be prepared and electronic deposits made.
4. Paychecks will be delivered to the employees on alternate Fridays following the last day of the pay period.

Procedure for Expense Reimbursement

1. Employees requesting expense reimbursements will submit completed expense reports, accompanied by all receipts, to their Manager for approval.
2. Only when all receipts are accounted for, will the Manager sign the report indicating authorization to pay and forward the documents to the Finance Manager for approval.

Procedure for Meals and Entertainment Expenses:

1. All meals, entertainment and travel receipts must have the following items written on them:

    - Who attended, and
    - Purpose of the meeting or travel

2. Disbursement checks will only be issued by the Finance Manager in the case of an emergency. If this occurs, the transaction will be recorded in QuickBooks immediately to ensure accurate cash tracking.

Authorization Approval and Special Circumstances

1. Owners/officers should refrain from cash withdrawals from the bank account.
2. If an urgent payment is needed, a written check request must be submitted to the Finance Manager or Bookkeeper for an immediate check.
3. The Finance Manager cannot both request and issue a check -- a second authorization is always necessary.

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Supply Purchase Process

Non-recurring (one-time) purchases.

For all purchases of items that are non-recurring in nature, such as balloons for dispensary promotion, or a replacement printer, the expense must be pre-approved by CFO, or Finance Manager is CFA is unavailable.

The originator should email or slack the CFO/Finance Manager with details of the required item(s), including preferred supplier, if known. Once the purchase has been approved the buyer may charge the business debit card (when applicable) for the approved amount or request cash from safe from the Dispensary Manager.

Recurring purchases.

Recurring purchases are for items we order more than once, including office supplies (printer ink, labels, paper, etc.), and wholesale products for retail sale. In most cases, the originator should provide the following details:

Item name and details (e.g., Dymo 2x1 labels)
Item SKU (required for on-line ordering)
Quantity needed
Date needed
Current amount of item in our inventory
Estimated 'run rate' (how fast we are going through the item)
Total cost

Purchase Originators

For the time being, the only individuals who may request purchases are those with manager titles. This is meant to ensure that we are making informed and thoughtful purchases. This policy will be reviewed periodically to evaluate if and when to change.

Preferred Suppliers

Preferred Suppliers are companies that we do business with on an on-going basis. In most cases, preferred suppliers have been vetted by us for preference due to product availability, volume pricing, quality of service, existing credit relationship, or other reasons.

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Inventory Control Policies and Procedures

Botanica's ED is the Agent in charge if the inventory system. The ED will oversee all inventory controls and ensure adherence to the following inventory control steps:

1. Conduct an initial comprehensive inventory of all medical marijuana, including usable marijuana available for dispensing and unusable marijuana at Botanica on the date that Botanica first dispenses medical marijuana.
2. Document each day's beginning inventory, acquisitions, harvests, sales, disbursements, disposals of unusable marijuana, and enter inventory using the Dispensary Management System. The record shall include, as a minimum, the date of the inventory, and a summary of the inventory findings. The name of the Dispensary Agent in charge of directing the inventory documentation can be found by either reviewing the schedule for that week or the Dispensary Agent will sign the inventory record. (Compliance with R9-17-310(A)(2)(c), R9-17-316(A)-(E))
3. Conduct a monthly inventory review of stored, usable marijuana.
4. Within twenty-four hours of discovery of a discrepancy in any inventory or other adverse event, the discrepancy will be investigated and, if necessary, notify the Arizona Department of Health, and the City of Marana Police Department, by telephone of the discrepancies identified during inventories.
5. Botanica will utilize an "uninterruptable power supply" (UPS) to ensure inventory transactions are finalized in the event of a power loss.

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Batch Tracking (Bulk Inventory) – Treez

Medicine received by Botanica is tracked using "Batch Numbers." For each strain delivered as a bulk amount of medicine that is accepted by Botanica, the batch number assigned by the vendor will be retained in the inventory control system (Treez). This can be done directly on the PO:

1. Click on the 'Inventory' drop down menu, and select 'Purchase Order'
2. An auto prompt window will pop up, fill out the appropriate vendor name on the 'Distributor' line and hit 'Done'
3. Make sure you have your vendor provided paperwork nearby, click on the yellow + sign to start adding bulk flower to the purchase order
4. When you click on the yellow circle, another auto prompt window will pop up. Since we are only checking in Bulk Flower, select the flower icon
5. Once you have selected flower, you will start to fill in line items on the Purchase Order.
    - Strain= Strain of Flower. (This will also be the name of the product, do not include the words BULK or SHAKE here)
    - Menu Title= Strain of Flower.
    - Brand = If branded flower use the brand name (e.g. Sunday Goods, Grow Sciences, etc.)
      If coming from CSHC Grow use "Botanica Grow"
      If shake/prerolls/kief/sample packs use "Botanica"
      If bulk flower that we packaged "Botanica Flower"
    - Classification= Hybrid, Indica, Sativa, etc.
    - Lot/Package Number= Batch Number (Enter all digits from vendor provided PO, include spaces)
    - Harvest Date= Vendor provided harvest date for that batch of marijuana.
    - Batch Number= Batch Number (this will be the same as the lot/package ID line)
    - Expiration date= leave blank
    - Tier= Botanica Flower
6. Scroll down to Costing and Bag Options.
7. Do not enter anything on the Cost/Lb. Price line. This is price per BAG, not per LB. Instead, enter the price for the whole lb. on the Total Cost for All Items line (for example $1000). Once a number is inputted, the greyed-out area will become available to edit.
8. For a full lb., enter 70 grams for the first bag and hit "Accept Weight & Print". This will generate the bag label to be printed on the Zebra Printer. Physically weigh out 70 grams, jar it up, and put your batch label on the tag.
9. Do the following 5 bags the same as above (70 grams per bag). For the final (7th) bag, enter 34 grams and hit "Accept Weight & Print". The full lb. of marijuana should now be stored in 7 different physical jars with the batch label on the tag.
10. Scroll back up to the costing area, and verify that the total cost is still the appropriate cost for the lb. Adjust if necessary.

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11. At the bottom of the product page, input the strain description referencing the Product Dictionary.
12. Once you have input all the information, click away from the input menu and anywhere on the left of the screen to bring up the Purchase Order. The flower icon should be green at this point, signaling all required information is accounted for. From here, click on “Accept PO” at the top right.
13. Once the “Accept PO” button has been pushed, it will grey out. From here click on the “Make Payment” button, and an auto prompt window will pop up.
14. Enter the payment in full and select “Bank” as the payment source. Click “Enter”. On Payment notes, type in “Cash” and hit “Confirm Payment”. You are now back on this screen and the PO Process is complete!

- Bulk medicine is stored in labeled Mason jars and locked in the steel cabinet in Weights and Measures.

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Non-Flower (Simple Inventory) - Treez

Whether you're adding new products or restocking old ones, Purchase Orders (PO) will help you track outstanding payments and better manage your inventory.

1. From the Treez home screen, navigate to **Inventory > Purchase Order**.
2. Fill out the 'Create PO' card with the required information.
    a. *Vendor/Distributor* - Who the product is being purchased from
    b. *Location* - Where you're intaking the product. (ONSITE)
    c. *Shipment Date* - Defaults to today's date but can be edited.
    d. *PO Notes* - Any additional details you'd like to associate with this PO.
3. Click **Done**. This will create a 'Draft' PO that's ready to have products added to it.

From the "Draft PO" page:

4. Click the yellow plus icon in the center of the screen, this will allow you to enter in the items from the PO
5. Select the product type from the menu (edible). Once you click the product type, Treez will automatically load the information input side bar
6. If this is not a new product when you type in the title it will autofill in the name and once you click on it a side bar will pop up to the left. When choosing an option **always use the "restock" option** to get the correct information auto filled into the PO.
7. Start entering the appropriate information into the required fields
    a. 'Name' with the name of the product you have purchased
    b. 'Brand' (usually the farm, vendor, or company the product was purchased from).
    c. Choose the 'Classification' from the drop-down menu ("Sativa", "Indica", etc.).
    d. 'Total Mg Per Unit' (number of mgs in the product)
    e. 'Subtype'
    f. 'Lot/Package Number' (this is the same as batch number, it's a duplicate field
    g. 'Harvest Date'
    h. 'Batch Number'
    i. 'Price' (the pretax retail price the customer will pay – use the tax tool on the Google Sheets Test Results page to calculate pretax price)
    j. 'Units' (number of units you have purchased)
    k. 'Cost Per Unit' (what you paid per unit)
    l. 'Batches' – this number will be the same number as the quantity listed on the PO
8. Scroll past the product attribute section and stop at Product Barcode. The default view is the "Preview and Print." The fields should already be prepopulated from the info you entered in step 6. From the drop-down menu, select the size of the retail label you'd like your barcode to appear on. Choose the standard 2" x 1" size (You may edit the retail label directly by clicking **Edit** to update the dispensary name, product name, and attributes.)
9. Click on the "Info Label" tab**.** Select 'Info Label' at the top and toggle the grey button to turn it off if it is not already.

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10. Open up compliance label file template in excel. This is where you will input all of your compliance related information. The strain of flower, batch number, harvest date, and product weights will need to be adjusted to match your PO. This is the first set of labels that you will print. The bottom line of the additional information label is to reflect product weights. These will change based on product, based on the weights on the PO.
11. Once your label is complete, click away from the input menu and anywhere on the left of the screen to bring up the PO.

At this point, all of the required fields have been filled out as is indicated by the icon to the left of the cards turning from red to green.

12. From here, click on “Accept PO” at the top right.
13. Once the “Accept PO” button has been pushed, it will grey out. From here click on the “Make Payment” button, and an auto prompt window will pop up.
14. Enter the payment in full and select “Bank” as the payment source. Click “Enter”.
15. Enter “PAID IN FULL – [MOD Initials] and any notes associated with the PO (i.e. ‘$85 vendor discount’ ‘$800 dollars allotted for PO, additional $200 pulled’ etc.) Click ‘Confirm Payment.’
16. A window similar to the Purchase Order screen will open up. Scroll down to the “Product Barcode” section.
17. You will see a drop down for “Print Location” select the appropriate printer.
18. Under “Quantity to Print” enter the number of labels to print (the same amount as entered form the PO), and press “Print”. 20 retail labels with a barcode, and 20 additional info labels with compliance information will print out.

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Packaging Conversions – Treez

1. Sign into your own Treez account, and have the manager produced packaging list on hand.
2. In Treez, go to “Inventory” then click “Packaging”
3. The packaging module will open. Click on “Enter Starting Weights”
4. Locate the first strain to be converted from your manger provided packaging list. Be sure to pay attention to which bag you will be working from.
5. Find the appropriate strain and bag number in the queue on the right side of the screen. *Note- the queue automatically sorts oldest to newest, not alphabetically.*
6. Once you have clicked on the appropriate bag, it will bring up the page to verify weight.
7. Verify that you have the appropriate bag by checking the tag on the jar.
8. Empty the bag onto the scale and write down your starting weight on the packaging sheet.
9. If the weight in Treez and the actual weight is within three grams of each other, click on the grey check mark on the right of the weight (it will change to green once clicked) then click “Submit” at the bottom right.
10. Your starting weights have now been verified and you can click the grey “Back” arrow at the top left of the screen.

    Note- Do not pre-verify your weights, only work on one strain at a time from start to finish.

11. You are now back at the main packaging screen. To start the conversion, click on “Enter Breakdown”
12. Click on the appropriate strain and bag from the queue on the right.
    Note- The bag you just verified in the steps above should be the only option at this point.
13. The conversion breakdown page will open. You will only be working with the “Grade A” and “No Value” areas on this screen.
14. Now we will enter our “float” which is the allowed overweight for packaging. This will go into the “No Value” box and should total remaining weight left to package, in this case it is 6 grams.
15. Verify that all your weights are correct, and the unweighed line at the top says “0” then hit “Review”
16. When the auto prompt window pops up, be sure all your packages equal out to 100%, then press “Submit”
17. The label printer will print out a new jar label. Put this on the tag of the jar you just emptied and weigh your remaining bulk. Write the remaining weight on the “End Weight” line and place all the leftover weight back into the jar and place back in the cabinet.
18. There will be an auto prompt window that opens to print labels. Print the labels from here, then click on “Next Package”
19. Once you’ve clicked “Next Package”, head back to “Inventory” then “Packaging”

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20. From here you will click on the “Review Breakdowns” tab. There should only be 1 strain to review (the one you just completed)
21. Make sure you have entered in the appropriate amount of units, the weight totals 100% and approve your conversion.
22. Next, you’ll be creating and printing the compliance labels as well as making your newly packaged flower “Live.” Click on “Inventory” and then “Inventory Control.” From here type the strain into the search bar.
23. All available bags for that strain will appear. The bag you just converted and reviewed should appear in yellow as “Ready.” Click on the box to the left of the BAG XofX, and it’ll turn green, a pop up from the bottom will appear with the “Go Live” option right in the middle of the bottom of the screen, click “Go Live” and the “Ready” icon will turn to a green “Live” icon.
24. After you have printed the Retail Labels for your conversion, you’ll need to print the compliance label. The excel sheet is located in BOX > Office > Treez Compliance Label
25. The excel sheet has two tabs that are applicabel to Packaging: Weights and Complaince Lables. The “weights” tab is for reference weights depending on what you are packaging. This tab gives you the Total weight, flower weight, and MIP weight
26. The “COMPLIANCE LABEL” tab is the tab you’ll fill out and print for your packaging. This label is mandatory for all products. You will only be changing the Strain, Harvest, Batch, and Total. (Vendor and OPC LIC will always remain the same)
27. You’ll find the information for the compliance label from Inventory Control. Find the appropriate Bag and click on the edit icon on the right side of the bar. After you click the edit icon, a box will appear with all the strain information. Copy the info into the compliance label excel tab and print the approapriate amount of label
28. Once you have both the Retail Label and the Compliance Labels you’ll sitcker the bags with the labels over lapping.
29. Apply the labels to the appropriate packages overlapping them so they look like this:
30. Click on “Back” to return to the main packaging screen and start your next strain.

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Preroll Conversions

Follow Steps 1 - 12

13. The conversion breakdown page will open. You will only be working with the “Grade A Other” and “No Value” areas on this screen. At this point you will start entering your packages into the “Grade A Other” area, into the Preroll 1g Box.

Follow Steps 14 - 30

Shake Conversions

Follow Steps 1 - 12

13. The conversion breakdown page will open. You will only be working with the “Grade A” and “No Value” areas on this screen. At this point you will start entering your packages into the “Grade A” area, into the 3.5g Box.

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A Note on Pre-Packaging of Medicine:

Many patients do not like pre-packaged medicine: they find it to be overly dry, usually slightly underweight, and overall it feels less “personal” than having the medicine weighed out on-demand. We strive to overcome this stigma with our packages, since we cannot at this time justify the staff required to package medicine “on-demand” for patients. Proper humidification in the bulk jar is the first step, and it is not uncommon for bulk medicine to lose as much as a gram of water (to evaporation) per ounce of medicine. To ameliorate this loss, we use humidification packets. This small fraction of retained water weight is in no way dishonest to the patients: flower that has been kept from drying out completely is more potent than flower that has ever completely dried (even if it is re-humidified afterward). The reason for this has to do with the actual chemical processes involved in the decarboxylation of THCA to THC, followed by the further degradation of THC to CBN, but in short, having enough moisture content in the flower limits the amount of oxygen that the fragile resin molecules are exposed to and thus, properly humidified flower retains its texture, smell, and potency much longer than dried flower. The medicine retains more of its potency this way, but it requires a little more attention to store, since too much moisture can lead to mold and moldy product cannot be sold (whereas at least dry product can be made into prerolls if need be). Furthermore, because of our dry climate (average humidity is well-below 30%), bulk medicine dries out incredibly fast, and just an hour of air exposure during packaging can literally evaporate over a gram of moisture from a quarter-pound of flower, so efficiency is important during packaging, and bulk should never be left sitting out, open, unless it is actively being processed in some way. Moisture loss is greatly slowed by the plastic bags used for packaging, but it is not stopped completely, and a package will lose about 1% of its original weight after on the shelf for about a week. For this reason, also, packages should be re-made if they've been on the shelf for longer than one month. It should be assumed that every package will be weighed by the patient after purchase, and we do not want complaints about “short” weights to become an issue. Our reputation is priceless. Factors like this affect how many packages should be created at a time, since it is better to make and sell ten packages in a week than to make twenty and only sell half, leaving the rest to dry out.

Since some moisture loss is expected, we do our patients the courtesy of slightly over-weighing each package, to help ensure that even if some moisture has evaporated since packaging, the medicine will still weigh at least its pricing weight (a package weighed out to 1.05g may only weigh 1.01g by the time a patient buys it, but at least it won't be LESS than a gram). **Packages are weighed within the following ranges: Grams = 1.03 to 1.05g, Eighths = 3.55 to 3.60g, Quarters = 7.09 to 7.15g**. Another good reason for this is the fact that an ounce is about 28.35 grams, not an even 28.00 grams, so if a patient purchase four quarter-ounces to equal an ounce, this method ensures that they receive at least an ounce. That said, no scale is perfect, and though the CZ-1202 is generally very reliable, it never truly settles out (motion in the air combined with the constant evaporation), so it does tend to acquire a variance of about 0.05g over the course of weighing out twenty or thirty packages. Thus, making sure that the tared weighing vessel is still zeroed (within 0.01g) between packages is a good idea since it will need to be periodically re-zeroed. **In the interest of legal compliance (such as never giving a patient MORE medicine in a sale than has been logged for that sale on the AZDHS website), the higher net weight will always be the one recorded in situations of variance.** For example, if the balance is bouncing back and forth between 3.56 and 3.58g, then 3.58g will be recorded on the package. This still ensures that the patient receives at LEAST 3.50g, but also that if we're actually selling 3.58g we're not recording it as 3.56g, which may seem trivial on that scale but it is still illegal, and it quickly adds up, to the point where

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bulk weights would actually be short of their expected value during reconciliation at the end of a big day of packaging.

NOTE: It is very important to save all stems, leaves, and the occasional seed for reconciliation purposes. During packaging it is not uncommon to run across loose stem pieces, or to have to break up larger buds to make appropriately sized packages. If the stem length is greater than about one-quarter the length of the entire bud, trim it close before weighing/packaging. **Save all stem clippings and weigh them between strain conversions: their weight must be subtracted from bulk as "Product Loss"** (comment: "stems from SCMMY-DD packages" or equivalent) and the stems will be stored in the bulk cabinet for subsequent reconciliation. Leaf material can be transferred to shake, and seeds should be labeled with the strain and set aside. Single seeds can be folded up in loose Dymo labels, and groups of seeds can be saved in concentrate vials or J-tubes.

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Moving Inventory from Storage to Dispensary Floor – Treez

Once a product is ready to be taken from back stock and put on the floor for sale, it must be taken from ***Stock*** Inventory and placed in ***Live*** Inventory. Strain-specific flower products (regular flower, shake, prerolls, kief) should already be in ***Live*** inventory when pulling them from backstock, however they need to be "unhidden" from our web menu so that they are available to purchase to online patients.

1. Navigate to **Inventory** > **Inventory Control**
2. Search for the desired product, being as specific as possible.
3. Select which **Type** of product is desired.
4. Once you click the desired type, you will be brought to a new tab called "**Shipment**"
5. Clicking on the desired product will bring you to the next tab called "**Batch**"
6. Click the check box of the desired product with the appropriate batch number.
7. Click the "Go Live" button at the bottom to confirm and move onto the floor.

The product is now active on the sales floor and can be rung up at the POS terminal!

If a product needs to be moved from Live inventory back to Stock inventory (from the sales floor to back stock):

1. Follow steps 1-5 above.
2. From the Batch tab, click the checkbox of the desired product, and select "Restock to Stock Inv" from the menu at the bottom of the screen.

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Naming Convention for Purchase and Transfer Orders

When creating Purchase and Transfer Orders within Treez, a title will be auto assigned in an ascending order.

Inventory Exchange and Movement Procedures

The exchange of medicine on any level needs to be documented and consistent. The ensuing document discusses possible options for exchanges of medication between departments and movements of medication from location to location.

Initial Exchange After the Procurement of New Medicine

The first exchange of medicine will occur when caregivers or another dispensary donate medicine, or when medicine from Botanica's cultivation has been prepared for inventory processing. The Dispensary Manager or Assistant Dispensary Manager will complete these processes. After the approved inspection procedure has been completed, the employee will follow the PO check in process for either flower or non-flower items.

Movement of Medication In and Out of Safe Storage

After the Dispensary or Assistant Dispensary Manager has completed the appropriate intake procedures, entered all bulk and prepackaged medication into the Treez system, and appropriately labeled all packages, the Manager must then safely secure all medicine. Bulk jars are locked in the steel cabinet in the weights and measures room. Prepackaged medication is stored in the safe when not on the sales floor. The Dispensary Manager and/or Assistant Manager are responsible for checking that the number of packages available to be on the floor.

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Product Labeling

A.R.S. R9-17-317 Product Labeling and Analysis establishes practices for measuring, tracking, labeling, packaging, and reporting all MMJ as well as the date of, and processes used, in its cultivation and harvesting. The statute requires tracking and reporting of batches (including origin, batch number and strain info), harvest schedules, additives, and weight. Labeling requirements on packing further require the following:

"ARIZONA DEPARTMENT OF HEALTH SERVICES

Marijuana can be addictive and can impair an individual's ability to drive a motor vehicle or operate heavy machinery. Marijuana smoke contains carcinogens that can lead to an increased risk for cancer, tachycardia, hypertension, heart attack, and lung infection.

KEEP OUT OF REACH OF CHILDREN"

The patient label shall include at a minimum the following information:

- The dispensary's registry identification number
- The amount, strain and batch number of the medical marijuana
- The AZDHS warning statement above
- Whether the medical marijuana was obtained by onsite cultivation, qualifying patient, licensed caregiver, or another dispensary
- The date of harvest
- A list of all chemical additives including non-organic pesticides, herbicides, and fertilizers used in the cultivation and production of the medical marijuana
- The registry identification number of the qualifying patient
- If product is edible- include the total weight of the edible food product

If the dispensary cultivates medical marijuana and provides product to another dispensary, each package will be labeled with the following information:

- The dispensary's registry identification number
- The amount, strain and batch number of medical marijuana
- The date of harvest
- A list of all chemical additives, including non-organic pesticides, herbicides, and fertilizers used in the cultivation of medical marijuana

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Medical Marijuana Waste Disposal Policy

Medical marijuana waste shall be rendered unusable through the following methods:

1. By grinding and incorporating the medical marijuana waste with non-consumable, solid wastes listed below such that the resulting mixture is at least fifty percent non marijuana waste:
    a. Paper waste
    b. Cardboard waste
    c. Soil
2. After the medical marijuana waste is made unusable the solid waste shall be disposed of in facility's dumpster or composted for use in cultivation.

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Refusal of Medication to Patients or Caregivers

Botanica will use the Patient/Caregiver Education Primer's description of abuse as the guideline for refusal of medication to Patients or Caregivers. Any refusal of medication will be documented in the Patient/Caregiver's notes within Treez and the 'Denial of Medication' form.

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Cultivation Center Procedures

Opening Procedures

The Master Grower will open the cultivation facility and disarm the security system in the presence of a Security Officer. Thereupon, the Master Grower will adhere to the following procedure:

- When entering (and working) in the cultivation facility, the Master Grower and Growers will practice sterile/decontamination procedures (including, but not limited to, washing hands and wearing protective body and headwear to combat contamination and pest infiltration).
- The Master Grower shall turn on all lights and machines needed for the day.
- The Master Grower shall complete and sign off all opening tasks listed on the "opening checklist," including examining all plants for healthiness, pests and mold, and appropriate labels.

All individuals, including the Master Grower, shall refrain from smoking or allowing animals in the cultivation center.

Important notes about State compliance and Cultivation plant tracking**

- ALL PLANTS MUST BE LABELED TO INDICATE WHETHER THE PLANT CAME FROM CUTTINGS OR SEEDS.

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Arizona State Mandated Inventory Control Requirements

I. Tracking;

Inventory reports in Treez show current inventory levels and can be filtered by day. Each day's ending inventory is the next day's beginning. Each item has a transaction history that shows every sale (sold weight and actual weight), addition, and removal from inventory, as well as providing a date/time stamp of the event and the user ID of the person who executed the event. Customizable entries designate reasons for inventory adjustments and varying costs can be associated with these adjustments. Additions can also be made through purchase orders with vendors attached and through manual inventory adjustments. All recorded information is visible to users with Admin levels of access only. All transactions are tied to patient records.

II. Packaging;

The Treez system records each individual item procured on every order. It also captures the weight sold and the actual weight removed from inventory, should these two differ even slightly. This ensures that actual weight distributed to the patient is captured. The software integrates with a legal for trade .1 gram or better scale so all actual weights can be captured. MJPlatform software captures harvested and cured product and assigns it a batch number and a package ID before it is distributed to the dispensary. Once received into the dispensary inventory, the package ID and associated batch number remain with that unit of inventory until it is distributed to the patient.

At any point in its lifecycle, from seed to sale, marijuana plants or final product can be traced to their location, package status and history.

III. Accepting marijuana from qualifying patients and designated caregivers;

Botanica currently does not accept any form of marijuana from qualifying patients or designated caregivers. If the current policy changes, the following should be considered.

Caregivers can be attached/linked to patients in Treez. Unlimited supporting documents can be uploaded to a patient profile to provide "hard copy" backup (pdf, doc, jpg and many other formats are allowed). PO forms are used to receive inventory from 3rd party vendors, patients or caregivers. Supporting documentation for these 3rd parties is captured in designated data fields and in scans of uploaded documents. These will contain at a minimum:

- A description of the medical marijuana acquired, the amount, and strain
- The name and registry identification number of the qualifying patient or caregiver
- The name and registry identification number of the dispensary agent receiving the medication
- The date of the acquisition

IV. Acquiring marijuana from other dispensaries;

Treez generates purchase orders which include the product vendor, as well as product batch ID, ingredients, weight and other required fields. The batch ID entered from the receiving vendor will follow

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the marijuana through to the patient and will always tie back to the source of the product. At a minimum the following information will be tracked and stored in the Treez Software:

- A description of the medical marijuana acquired, the amount, and strain
- The name and registry identification number of the dispensary proving the medication
- The name and registry identification number of the dispensary agent delivering the medical marijuana
- The name and registry identification number of the dispensary agent receiving the medication
- The date of the acquisition

V. Disposing of unusable marijuana, which may include submitting any unusable marijuana to a local law enforcement agency;

Inventory adjustment functions account for the disposal of any unusable product.

Adjustments capture the specific product, weight, reason for adjustment, notes, such as to outline the exact steps taken to dispose of the product, and the time/date and user ID. In addition, reports are available for each type of inventory adjustment, making it easy to follow when, where and how such adjustments were made.

In the event that product needs to be disposed of, a waste form must be completed and filed on site with the Operations Officer. All waste forms will be held for a minimum of seven years.

A. A dispensary shall designate in writing a dispensary agent who has oversight of the dispensary's medical marijuana inventory control system.

If not performed by the Executive Director, the Dispensary Manager is Botanica's designated dispensary agent responsible for oversight of the inventory system which will include auditing the system every 30 days according to generally accepted accounting principles. If an audit identifies a reduction in the amount of medicine not due to documented causes, the Dispensary Manager will determine where the loss has occurred and will take and document corrective action(s). If the reduction in the amount of medicine is due to suspected criminal activity by a Dispensary Agent, the Dispensary Manager will complete a Theft Report Form and report the Dispensary Agent to AZDHS and to local law enforcement. The Dispensary documents and reports loss or theft of marijuana from dispensary to Law Enforcement and will maintain all documentation for AZDHS review for at least 12 months.

System administrators create and manage agents using Treez Manage Users features which allow unique permissions by user role. User controls currently are Front Desk, Patient Service Representative, Grower, Store Manager and Administrator. Only agents designated manager or administrators have the ability to manipulate inventory. The account owner and manager can oversee Inventory remotely as well. Scans of any supporting documentation, such as a written designation, can be attached to the dispensary agent's user ID record.

B. A dispensary shall only acquire marijuana from:

1. The dispensary's cultivation site,

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2. Another dispensary or another dispensary's cultivation site,

3. A qualifying patient authorized by the Department to cultivate marijuana, or

4. A designated caregiver authorized by the Department to cultivate marijuana.

The supplier of all products received by the dispensary is captured in the purchase order module. This captures not only all identifying and license information for the supplier, but also records information for the product supplied.

C. A dispensary shall establish and implement an inventory control system for the dispensary's medical marijuana that documents:

1. Each day's beginning inventory, acquisitions, harvests, sales, disbursements, disposal of unusable marijuana, and ending inventory;

Inventory report shows current inventory levels but can also be filtered by day. Each day's ending inventory would be the next day's beginning. Each item has a transaction history that shows every sale (sold weight and actual weight), addition, and removal from inventory. Customizable entries designate reasons for inventory adjustments and cost variance can be associated with these adjustments. Additions can also be made through purchase orders with specific costs and vendors attached or through manual inventory adjustments which are all captured and recorded by username and time stamped.

2. For acquiring medical marijuana from a qualifying patient or designated caregiver:

a. A description of the medical marijuana acquired including the amount and strain,

Purchase orders used to receive inventory include the actual weight received, as well as the reported weight and any variance, and map the received product to specific inventory items in Treez, which include strain, genetics, organic, grow medium, description, etc.

b. The name and registry identification number of the qualifying patient or designated caregiver who provided the medical marijuana,

Treez: Caregivers can be attached/linked to patient profiles in Treez. Unlimited supporting documents can be uploaded to a patient profile to provide "hard copy" backup of identification and state licensure (pdf, .doc, jpg and many other formats are allowed). Purchase orders are used to receive inventory from 3rd party vendors, patients or caregivers. Supporting documentation for these 3rd parties is captured in designated data fields and in scans of uploaded documents, such as state issued licenses.

c. The name and registry identification number of the dispensary agent receiving the medical marijuana on behalf of the dispensary, and

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Purchase orders are used to receive inventory from 3rd party vendors, patients or caregivers. Supporting documentation for these 3rd parties is captured in designated data fields and in scans of uploaded documents, such as state-issued licenses. The user ID of the dispensary agent and date/time of a purchase order check-in are captured.

d. The date of acquisition;

Receipt of purchase orders and the corresponding increase in inventory levels are all date and time stamped.

3. For acquiring medical marijuana from another dispensary:

a. A description of the medical marijuana acquired including the amount, strain, and batch number;

Purchase orders used to receive inventory include the actual weight received, as well as the reported weight and any variance, and map the received product to specific inventory items in Treez, which include strain, genetics, organic, grow medium, description, etc. Batch ID is also required when receiving inventory from a 3rd party. That batch ID will then follow the product through to its sale to the patient.

b. The name and registry identification number of the dispensary providing the medical marijuana;

Purchase orders are used to receive inventory from 3rd party vendors, patients or caregivers. Supporting documentation for these 3rd parties is captured in designated Vendor data fields and in scans of uploaded documents, such as state-issued licenses.

c. The name and registry identification number of the dispensary agent providing the medical marijuana;

Supporting documentation for 3rd party vendors is captured in designated Vendor data fields and in scans of uploaded documents, such as state-issued licenses.

The user ID of the dispensary agent checking it in, and date/time of a purchase order check-in are captured.

d. The name and registry identification number of the dispensary agentreceiving the medical marijuana on behalf of the dispensary; and

The user ID of the dispensary agent checking it in, and date/time of a purchase order check-in are captured. The user ID captures personal identification information for the dispensary agent, as well as state issued license numbers and scans of identification, licenses and supporting documentation.

e. The date of acquisition;

Receipt of purchase orders and the corresponding increase in inventory levels are all date and time stamped.

4. For each batch of marijuana cultivated:

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a. The batch number;

MJPlatform will create a plant within the system, it will be assigned to a batch, and each batch will have a unique number/identifier. These numbers will carry to the store and shelf.

b. Whether the batch originated from marijuana seeds or marijuana cuttings;

MJPlatform will record this information in a one to multiple relationships, so that plants can be grouped into batches upon harvest.

c. The origin and strain of the marijuana seeds or marijuana cuttings planted;

MJPlatform will capture each plant created, its type and origin. Each plant will also have a detailed log associated with it that will allow growers to associate materials (including soil) with the plant. We also record organic, grow location, dominance, test results and many other factors. The planned watering and nutrient schedule and the actual events are captured as they occur.

d. The number of marijuana seeds or marijuana cuttings planted;

Each plant will have its own record within the system, so this information will be available

e. The date the marijuana seeds or cuttings were planted;

This will be captured for each plant.

f. A list of all chemical additives, including nonorganic pesticides, herbicides, and fertilizers used in the cultivation;

Per (c.) above, each plant will have a detailed log that will allow the grower to add materials/consumables, including additives, pesticides, herbicides, and fertilizers. To save on input overhead, the grower will be able to input additives to multiple plants at a time.

g. The number of plants grown to maturity;

Each plant will have its own ID, enabling the retrieval of exactly what happened to each plant, including gender, harvest, test results, etc.

h. Harvest information including:

i. Date of harvest,

This will be captured as part of harvesting a plant.

ii. Final processed usable marijuana yield weight, and

MJPlatform will enable recording of the following Wet and Dry Weights:

- Wet Weights: Whole plant, Stem, Trim, Bud, Shake
- Dry Weights: Stem, Trim, Bud, Shake

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Wet weights will be recorded per plant. Dry weights can be recorded per plant and then batch that can contain multiple plants of the same type.

iii. Name and registry identification number of the dispensary agent responsible for the harvest, and

The User ID associated with harvesting a plant will be captured. User ID must be tied to dispensary agent. Supporting data fields such as registry identification number will be recorded in the User ID record.

1. The disposal of medical marijuana that is not usable marijuana including the:

i. Description of and reason for the marijuana being disposed of including, if applicable, the number of failed or other unusable plants;

ii. Date of disposal;

iii. Method of disposal; and

iv. Name and registry identification number of the dispensary agent responsible for the disposal;

All product harvests and waste are recorded as part of MJPlatform.

Every action in MJPlatform is tied to a specific user with permission to perform that function.

Please also reference the Waste Disposal section in this document.

5. For providing medical marijuana to another dispensary:

a. The amount, strain, and batch number of medical marijuana provided;

b. The name and registry identification number of the other dispensary;

c. The name and registry identification number of the dispensary agent who received the medical marijuana on behalf of the other dispensary; and

d. The date the medical marijuana was provided;

MJPlatform assigns batch IDs to product at harvest. This ID ties to the entire lifecycle record of the plant, including every ingredient applied to it. That batch ID will be provided to other dispensaries to apply to the product as they receive it into their inventory. Each wholesale/outgoing inventory purchase order will consist of a Purchase Order containing amount, type, strain, and batch number of the product, name and registry identification number of the delivering and receiving dispensary agents as well as their respective dispensaries. There will also be a transportation form attached to every outgoing purchase order/wholesale that will include the date, start time, and end time of transport, anticipated route, as well as the amount, type, strain, and batch number of the product, name and registry identification number of the delivering and receiving dispensary agents as well as their respective dispensaries.

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6. For receiving edible food products infused withmedical marijuana from another dispensary:

a. A description of the edible food products received from the dispensary including total weight of each edible food product and estimated amount and batch number of the medical marijuana infused in each edible food product;

b. Total estimated amount and batch number of medical marijuana infused in the edible food products;

c. The name and registry identification number of the:

i. Dispensary and the dispensary agent providing the edible food products to the receiving dispensary, and

ii. Dispensary agent receiving the edible food products on behalf ofthe receiving dispensary; and

d. The date the edible food products were provided to the dispensary.

Treez captures edible products coming into inventory using our purchase order system. When edible products are received, the incoming batch number, net weight of product, net weight of marijuana in the product, expiration date and supplier fields are required. The identifying information for the provider of the edible product is captured as the Vendor on the incoming purchase order. The identifying information for the receiving dispensary agent is captured in the user ID record. The time and date, as well as the receiving user ID, is captured for every checked in purchase order.

D. The individual designatedin subsection (A) shall conduct and document an audit of the dispensary's inventory that is accounted for according to generally accepted accounting principles at least once every 30 calendar days.

Treez system allows the easily reconciliation of bulk inventory, even if it is in multiple different locations (shelf, safe, grow, etc.). All product harvests and waste are captured as part of MJPlatform.

1. If the audit identifies a reduction in the amount of medical marijuana in the dispensary's inventory not due to documented causes, the dispensary shall determine where the loss has occurred and take and document corrective action.

Treez Inventory Report shows real-time quantity on hand for every strain and total overall quantity on location. Any action performed on any product is captured within that product’s inventory transaction history. We also allow for unlimited store defined reconciliation justifications. Any type of known reduction can be documented at any time. If inventory is reconciled by the dispensary with diligence, unexplained reductions in inventory can be dealt with immediately and documented within the appropriate product’s history itself.

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2. If the reduction in the amount of medical marijuana in the dispensary's inventory is due to suspected criminal activity by a dispensary agent, the dispensary shall report the dispensary agent to the Department and to the local law enforcement authorities.

Every action performed on inventory is time stamped and User/Agent stamped.

E. A dispensary shall:

1. Maintain the documentation required in subsections (C) and (D) at the dispensary for five years from the date on the document, and

Inventory transaction history is held securely on redundant servers and cannot be deleted, even by Admin (full privilege) users.

2. Provide the documentation required in subsections (C) and (D) to the Department for review upon request.

Treez and MJPlatform will provide, upon request from its clients, a DVD backup of any data, which could be submitted to the Department if required. In addition, administrators of the system can produce reports on the fly to substantiate any Department request.

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Monthly Inventory Reconciliations - Treez

Monthly Reconciliation must be completed every 3 weeks and includes counting every non-bulk-flower item in the store, both in Live and Stock inventory.

1. To do so, navigate to **Daily Procedure > Inventory Count** and select "Live Inventory" to count the products on the showroom floor.
2. Items can be sorted and filtered by any column header, or manually searched for in the search bar, depending of the user's preference for counting inventory.
3. Match the SKU on the physical product to the SKU listed in the sheet in order to start the product count. *One product type will have multiple SKUs, so it is **crucial** to sort the physical products by SKU before entering in final count numbers.*
4. Enter in the Actual Available amount after counting each product and select the appropriate reason.

If you have a physical product that does not have a matching SKU in the list, search the product's SKU into the search field and enter in the amount in the "Actual Available" field, and select the appropriate reason. ***DO NOT HIT SUBMIT YET, UNTIL ALL PRODUCTS ARE COUNTED.***

5. Once all items are counted and entered into the sheet, press Submit and Click "OK" to accept all changes.
6. Next, select "Stock Inventory" and repeat steps 2-4 for the items in back stock.

If an item is incorrectly counted and must be changed to its original amount:

7. Navigate to **Inventory > Revert Reconciliation** and select "Revert" for the item to be reversed
8. Click OK to confirm the quantity change reversal

Each Monthly Reconciliation MUST be exported from Treez to Excel, printed and filed, and uploaded to BOX.

9. To export all changes made to inventory during Monthly Reconciliation, navigate to **Reports > Reconciliation** and select the desired date range.
10. Click "Export" and select "Export to Excel".
11. This document can then be printed, hole-punched and put at the front of the Monthly Reconciliation binder, located below the printer in Reception.

    Fill out one of the Monthly Reconciliation forms, to be attached to the front of the printed report from Treez, which must be signed by Bryan as soon as possible.

    On the last page of the printed report, stamp your DA and Dispensary info at the bottom of the page, or write out the information. Sign and Date.

12. The Excel document can now be uploaded to Box to the Monthly Reconciliation folder in Retail.

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Cleaning and Sanitation

Botanica shall ensure that any building or equipment used for the cultivation, preparation, packaging, storage, infusion, or sale of medical marijuana is maintained in a clean and sanitary condition, edibles will be dispensed according to 9 A.A.C. 8, Article 1, as well as the following:

1. Medical marijuana in the process of production, preparation, manufacture, packaging, storage, sale, distribution, or transportation is protected from flies, dust, dirt, and all other contamination.
2. Refuse or waste products incident to the manufacture, preparation, packing, selling, distributing, or transportation of medical marijuana are removed from the building used as a dispensary and, if applicable, a building at the dispensary's cultivation site at least once every 24 hours or more often as necessary to maintain a clean condition.
3. All trucks, trays, buckets, other receptacles, platforms, racks, tables, shelves, knives, saws, cleavers, other utensils, or the machinery used in moving, handling, cutting, chopping, mixing, canning, packaging, or other processes are cleaned daily.
4. All stored edible food products are securely covered.

Botanica shall ensure that a dispensary agent at the dispensary or the dispensary's cultivation site:

1. Clean the dispensary agent's hands and exposed portions of the dispensary agent's arms in a hand washing sink:
    a. Before preparing medical marijuana including working with food, equipment, and utensils;
    b. During preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks;
    c. After handling soiled equipment or utensils;
    d. After touching bare human body parts other than the dispensary agent's clean hands and exposed portions of arms; and
    e. After using the toilet room;
2. If working directly with the preparation of medical marijuana or the infusion of marijuana into non-edible products:
    a. Keep the dispensary agent's fingernails trimmed, filed, and maintained so that the edges and surfaces are cleanable;
    b. Wear intact gloves in good repair; and
    c. Wears protective apparel such as coats, aprons, gowns, scrubs, shoe coverings, or gloves to prevent contamination;
3. Wears clean clothing as required by the uniform policy for the assigned tasks;
4. If the medical director determines a dispensary agent has a health condition that may adversely affect the safety or quality of the medical marijuana, the DA is prohibited from direct contact with any medical marijuana or equipment or materials for processing medical marijuana until the medical director determines that the dispensary agent's health condition will not adversely affect the medical marijuana.

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Recordkeeping and Protocols

All sales of medical marijuana will be entered in our Dispensary Management System's database, managed through Treez dispensary software. Each registered patient will have an individual patient profile in our system and each sale entry will indicate at a minimum:

- Patient and/or their Caregiver's full name and ID number
- Date of Birth
- Product procured
- Quantity of product procured
- Date of procurement

Prior to every sale, the Patient Services Representative will log into the patient's profile and examine their sale/procurement history. In accordance with Arizona law, rules and regulations, we will not dispense more than 2.5 oz. of usable marijuana to a qualifying patient, directly or through a qualifying patient's primary caregiver during a 14-day period.

We will track individual patient procurement histories in conjunction with that of their qualified primary care giver. No procurement will be allowed that exceeds the quantities permitted by State law.

Qualifying Patient Recordkeeping

Per A.R.S. R9-17-310(A)(2)(d) and R9-17-315, Botanica will meet or exceed all Arizona State Department of Health requirements for Qualifying Patient Recordkeeping. Using Treez software and best practices for patient recordkeeping, Botanica shall follow policies and procedures that ensure patient records are accurate, private, protected against unauthorized access, protected against data loss, and track and record all data as required by AZDHS rules:

Qualifying patient records, including procurements, denials of sale, any delivery options, confidentiality, and retention;

A dispensary shall ensure that:

1. **A qualifying patient record is established and maintained for each qualifying patient who obtains medical marijuana from the dispensary;**

Customizable patient records can be kept which show ALL past orders and supporting documents. Expiration dates for recommendations stand out in red and bring your attention to cards that are expired, or soon to expire. Notes sections are also available and can be viewed on the patient profile and sale screens. All denials of sales will be documented using the Denial of Medication form.

2. **An entry in a qualifying patient record:**

   a. **is recorded only by a dispensary agent authorized by dispensary policies and procedures to make an entry,**

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Only those agents with specific permissions to modify a patient record may do so. Those permissions are granted to the Dispensary Manager and Dispensary Administrators. Permissions are not mutually exclusive; a Patient Service Representative or Grower could also be granted Patient Access if deemed appropriate by dispensary management.

b. is dated and signed by the dispensary agent,

All transaction information is electronically timed, and user stamped and recorded in the system.

e. includes the dispensary agent's registry identification number, and

User/Agent login ID is attached to every action performed on a patient record (Patient History). The registry identification number for the dispensary agent is captured in the user ID record.

f. is not changed to make the initial entry illegible;

User-level authorization facilities and the logging of all transactions ensure patient records are safeguarded.

3. If an electronic signature is used to sign an entry, the dispensary agent whose signature the electronic code represents is accountable for the use of the electronic signature;

Treez software captures the User/Agent login ID associated with any action performed on a patient record.

4. A qualifying patient record is only accessed by a dispensary agent authorized by dispensary policies and procedures to access the qualifying patient record;

Treez software captures the User/Agent login ID associated with any action performed on a patient record. User access roles prevent access from those who do not have a business need to see aspects of the patient record.

5. A qualifying patient record is provided to the Department for review upon request;

Patient records can be exported from the system and provided upon request by the dispensary.

6. A qualifying patient record is protected from loss, damage, or unauthorized use; and

All patient data is stored electronically and protected from loss, damage or unauthorized use.

7. A qualifying patient record is maintained for five years from the date of the qualifying patient's or, if applicable, the qualifying patient's designated caregiver's last request for medical marijuana from the dispensary.

Provides unlimited data storage and backup to its customers. Customers do not have the ability to expunge records by themselves. Records can be marked as inactive if they are no longer current, but the information is retained in the system indefinitely.

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B. If a dispensary maintains qualifying patient records electronically, the dispensary shall ensure that:

1. There are safeguards to prevent unauthorized access, and

Treez provides individual User/Agent logins, any of which can be disabled or modified by the admin at any time from any location with Internet access. When creating user accounts, we rate the 'strength' of passwords being associated with the user accounts. These and many other features are required to follow HIPAA guidelines for patient security.

2. The date and time of an entry in a qualifying patient record is recorded electronically by an internal clock.

Any modification to the patient record or patient status change (record created, patient checked-in, order completed, order canceled, etc.) is currently recorded in 'Patient History' along with a time stamp and the user/agent that performed the action.

C. A dispensary shall ensure that the qualifying patient record for a qualifying patient who requests or whose designated caregiver on behalf of the qualifying patient requests medical marijuana from the dispensary contains:

1. Qualifying patient information that includes:

a. The qualifying patient's name;

b. The qualifying patient's date of birth; and

c. The name of the qualifying patient's designated caregiver, if applicable;

This information is natively captured in the system and can be pulled from their driver's license swipe when creating a new record or validating an existing patient.

3. Documentation of any patient education and support materials provided to the qualifying patient or the qualifying patient's designated caregiver, including a description of the materials and the date the materials were provided;

Any services that the patient/caregiver utilizes can be captured in the patient profile. Any classes, support, or educational materials can be tracked by setting them as products or checkboxes on the patient profile. Description of the materials or service can be provided in the product description; date and time stamp are generated and recorded by the completion of an order containing the service. Treez software will record free of charge items, and the product setup will capture any cost incurred by the dispensary.

3. For each time the qualifying patient requests and does not obtain medical marijuana or, if applicable, the designated caregiver requests on behalf of the qualifying patient and does not obtain medical marijuana from the dispensary, the following:

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a. The date,

Treez can capture the date and exact time of any action-taking place in the system.

b. The name and registry identification number of the individual who requested the medical marijuana, and

Registry identification will always be associated with an individual once initially entered.

c. The dispensary's reason for refusing to provide the medical marijuana.

Captured within Treez patient notes section.

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Confidentiality Policy

It is the policy of Botanica that employees of Botanica may not disclose, divulge, or make accessible confidential information belonging to, or obtained through their affiliation with Botanica to any person, including relatives, friends, and business and professional associates; other than to persons who have a legitimate need for such information and to whom Botanica has authorized disclosure. Violation of this policy may result in disciplinary action up to and including termination.

Employees shall use confidential information solely for the purpose of performing services as an employee of Botanica. This policy is not intended to prevent disclosure where disclosure is required by law.

Employees must exercise good judgment and care at all times to avoid unauthorized or improper disclosure of confidential information. Employees should be sensitive to the risk of inadvertent disclosure and should, for example, refrain from leaving confidential information on desks or otherwise in plain view and refrain from the use of speaker phones to discuss confidential information if the conversation could be heard by unauthorized persons.

Upon the termination of an employee's relationship with Botanica, the employee shall return all documents, papers, and other materials, regardless of medium, which may contain or be derived from confidential information, in their possession. These materials must be returned at the time of an employee's exit interview. An employee's final paycheck shall be held until all BOTANICA property is returned.

Examples of topics that are considered confidential are, but not limited to:

- Corporate finances
- Security
- Staffing
- Inventory procedures
- Cultivation details

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Corporate Transaction & Compensation Policies

Botanica shall:

- Not lend any part of the dispensary's income or property without receiving adequate security and a reasonable rate of interest
- Not purchase property for more than adequate consideration in money or cash equivalent
- Not pay compensation for salaries or other compensation for personal services that is in excess of a reasonable allowance
- Not sell any part of the dispensary's property or equipment for less than adequate consideration in money or cash equivalent
- Not engage in any other transaction that results in a substantial diversion of the dispensary's income or property
- Not provide compensation for medical marijuana acquired from qualifying patients and designated caregivers

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Policies and Procedures for Business Records

All business records of assets and liabilities, monetary transactions, journals, ledgers, and supporting documents, including agreements, checks, invoices and vouchers are kept in two distinct places. All documents are scanned and filed in an electronic filing system in conjunction with QuickBooks Accounting Software, maintained with our bookkeeper under the supervision of our CPA. In addition, the paper documents are stored in an off-site secure storage location.

Policies:

The following bookkeeping polices shall be followed:

- A customized chart of accounts shall be maintained and current and shall be available for review by the state at any time.
- All transactions shall be recorded in QuickBooks, such that the chart of accounts accurately reflects the current business activities
- Botanica Finance Manager shall have the responsibility to oversee all business transactions of Botanica. Botanica Finance Manager shall approve expenditures for ongoing business operations.
- Botanica Finance Manager shall work with the Bookkeeper and CPA to complete and file all required federal and state documents including tax and licensing documents.

Procedures:

1. A checking account will be maintained on behalf of Botanica. It will employ a duplicate check writing system so there is a carbon copy of each check written. All backup for every check is scanned with associated check and filed in appropriate folder online in electronic files. All Checks and Deposits are recorded in Quickbooks by the Finance Manager as soon as possible.
2. Each paid invoice is scanned with associated check and filed under vendor name in electronic files.
3. All contracts, promissory notes, agreements are scanned and filed online in addition to the original hard copies filed in the off-site files.
4. All employee information (i.e., W-4, A-4, I-9, AZ New Hire Form, etc.) is filed appropriately in electronic HR files. In addition, hard copies are filed in the secure HR files kept offsite.
5. The Finance Manager keeps the list of company assets which have asset tags on file in the online electronic files. The IT manager is responsible for maintaining and updating that list.
6. Botanica will utilize reports generated by both Quickbooks and Treez to track sales and inventory as well as to project corporate assets.

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Development/Review of Policies and Procedures

A complete set of the current Policies and Procedures will be kept on site at each licensed location belonging to Botanica. The triggers for development/review of a policy and/or procedure may include:

- changes to the external operating environment
- changes to government policy or legislation
- review of the strategic directions of Botanica
- new initiatives within or across academic or management areas
- need for consistency across areas of service delivery

Review of Existing Policy and Procedures

Policies and procedures of Botanica must be reviewed, at a minimum, every twelve (12) months. Procedures are likely to be reviewed more frequently. Review dates should be set to allow adequate time for revision and approvals processes. Botanica's Policies and procedures will be made available to AZDH upon request.

Minor editorial updates that do not affect the title or substance of the policy (purpose, scope, policy statement) do not need to go through the formal approvals process. These include correction of typographical errors or changes to:

- stakeholders
- policy owner
- contact person/maintainer

Notify Policy Maintainer Review Due

The policy maintainer is the position/role nominated to be the maintainer of the policy and its associated procedures and is also the contact person for questions about the policy.

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Hiring Policy

It is the policy of Botanica to be an equal opportunity employer and to hire individuals on the basis of their qualifications and ability to do the job to be filled. Unless otherwise provided in writing, employment with the Company is considered to be "at-will", so that either party may terminate the relationship at any time and for any reason.

- Supervisors and department heads who need to fill a job opening or want to add a new job position should inform the COO and/or the Human Resources Department for approval. All requests will be reviewed, but those for new job positions will be evaluated in greater detail before being approved.
- Botanica normally will try to fill job openings above entry level by promoting from within, if qualified internal applicants are available.
- If candidates from within Botanica are to be considered for job openings, the Human Resources Department will post the openings. Current employee candidates for the openings will be considered and processed by submitting a cover letter and resume.
- If candidates from outside Botanica are to be considered for job openings, the Human Resources Department will be responsible for recruiting the candidates and should use the recruitment methods and sources it considers appropriate to fill the openings.
- During the recruitment, hiring, and orientation process, no statement should be made promising permanent or guaranteed employment; and no document should be called a contract unless, in fact, a written employment agreement is to be used. All employees of Botanica should be aware that employment with Botanica is "at-will" and should not make any representations otherwise.
- When candidates from outside Botanica are to be considered for job openings, the following procedures should be implemented:
    - Any candidate for employment must fill out and sign an employment application form in order to be considered for hiring. Upon completion of the application, the candidate becomes an applicant for purposes of company recordkeeping.
    - The COO and the Human Resources Department will consider requests for accommodation of disabilities and religious beliefs and will determine what, if any, accommodation will be made.
    - Applicants determined to possess the minimum qualifications for consideration for available job openings will be interviewed by the Hiring Manager.
    - If the Hiring Manager determines the applicant is qualified for employment, a second interview will be arranged between the applicant and the COO or CFO.
    - The department head has the responsibility to determine whether an applicant has the qualifications for the open position and meets other job-related criteria necessary to perform the job. The decision whether to hire the applicant is to be made by the COO.
    - Following a decision to hire the applicant, the COO or the Human Resources Department will make an offer of employment which should include any necessary contingencies or disclaimers. The Human Resources Department then will determine whether the applicant has the legal right to work in the United States and will conduct background checks. A prior conviction, taken by itself, will not necessarily disqualify an applicant. If the applicant accepts the offer and a medical examination is required, the Human Resources Department should arrange it.

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- If the background, medical, or any other subsequent investigation discloses any misrepresentation on the application form or information indicating the individual is not suited for employment with Botanica, the applicant will be refused employment or, if already employed, may be terminated.
- The COO or the Human Resources Department is responsible for orientation of new employees and the processing of their employment forms; the supervisor is responsible for any necessary job training.

- Botanica is taking affirmative action as required by law to employ and advance in employment qualified individuals without regard to race, color, religion, sex, age, marital status, national origin, handicap, disability, sexual orientation or veteran status.
- Botanica employees that terminated employment in good standing may be considered for reemployment. Former employees who resigned without written notice or who were dismissed for disciplinary reasons may not be considered for reemployment. A former employee who is reemployed will be considered a new employee.

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Notice to AZDHS of Agent No Longer Employed/Change of Address

Botanica will provide written notice to AZDH, including the date of the event, within ten (10) working days after the date, when a dispensary agent no longer:

- Serves as a principal officer or board member for the dispensary
- Serves as the medical director for the dispensary
- Is employed by the dispensary
- Provides volunteer services at or on behalf of the dispensary

When a dispensary agent is no longer employed by Botanica, they will immediately surrender their DA card to the on-duty manager, which will be shredded by the COO. If a digital copy is in possession of the DA, it must be deleted off of the device housing it. Also, a "DA No Longer Employed" form will be completed. AZDHS must receive notice on the date of termination for a Dispensary Agent and cannot be informed in advance.

Botanica will also provide notice to AZDHS in the case of a change of address for a Dispensary Agent.

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Performance Management Review Procedure

Effective management of people is a fundamental aspect of running any successful organization. At Botanica, this responsibility is taken seriously, particularly with regard to ensuring employees get the guidance, support and feedback to be fully effective in their jobs. Employee reviews are an integral aspect of managing people and building effective interpersonal relationships.

Supporting the employee review process are management fundamentals – how people are generally managed, supported, guided and developed. Everyone who manages or supervises people, directly or indirectly, has a responsibility to:

- Ensure everyone understands their role and what is expected of them, know who their manager is and get regular feedback concerning their performance.
- Discuss personal development expectations and needs with each employee and agree to short term development actions that fit with longer term objectives.
- Ensure they are visible and engaged with their teams on a regular basis, so people feel supported, included and valued.
- Ensure their teams understand the wider context of decisions being made and, when appropriate, are involved in the process of decision making.
- Communicate with their teams in a regular, clear and concise manner (face-to-face for 30 minutes every 2 weeks at a minimum).

Consequently, employee review is part of the overall task of managing people effectively. The supporting principles of effective employee review are:

- To create an effective link between individual objectives and the strategic priorities of Botanica's objectives.
- To develop an effective working partnership between managers and staff and gain commitment to agreed objectives.
- To give the opportunity for staff to participate in objective setting and progress review meetings.

Every employee has the right to an employee review, and conversely Botanica expects all employees to participate in the employee review process. This utilizes Botanica's Employee Performance Review process. This should include:

- An objective setting / review meeting on a quarterly basis to review progress and discuss overall performance.
- Adequate and constructive feedback at every review meeting regarding progress and performance.
- An opportunity for effective and meaningful 2-way dialogue.
- An opportunity for employees to write a self-review. This self-review will be summarized by the employee's manager on the employee's review form.
- Discussion about longer term (typically 1-2 year) development needs, specific training and development activities aligned to such needs and committed to in a timely manner.

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All employees who have management responsibility should ensure that employees participate in reviews that meet these criteria. Responsibility for ensuring effective employee review lies with Executive managers. Managers will be asked to confirm that effective employee review arrangements are in place in their areas and that such arrangements are routinely monitored.

This will generally require:

- Regular monitoring of employee review activity with particular emphasis on effective application of this policy.
- Maintaining a record of such monitoring activity.
- Original signed reviews need to be forwarded to COO or the Human Resources Manager for employees personnel file.

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Voice of the Employee

Botanica will have a program in place to survey our employees to encourage communication. This will allow employees to voice any concerns or challenges they face. Our goal is to help maintain a healthy and happy work life balance.

Recognition and Reward Program

Employee morale is of the utmost importance at Botanica; therefore, a task force may be assembled from all levels of the company to find ways to recognize and reward employees for outstanding job performance.

Community and Charity

As a member of the community Botanica feels it is imperative to give back and help those less fortunate. Charitable giving will be an integral part of business operations.

Voice of the Patient

Botanica will be encouraging patients to regularly give feedback by conducting surveys of the patient experience.

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Employee Security Policies

Our employee security policies fall into two categories. Category one includes measures to ensure that employees are protected from possible intruders and all forms of criminal activity. The second category of employee security includes measures to protect Botanica from employee theft and criminal activity.

Category One

Botanica employees will undergo comprehensive training in the use of our security system. Additionally, employees will be provided escort to their cars and we will employ on-site security guards.

Category Two

We will utilize the following situation specific protocols to limit the possibility of employee crime or theft.

- All sections of the facility will be monitored by video cameras, as is required by Arizona rules and regulations. This will help prevent theft and criminal behavior.
- All employees shall park on the south side of Botanica's building so as to be within monitoring view of security cameras.
- Our inventory logs will be checked daily to monitor for lost medicine. Should any inconsistencies be detected in inventory, a full inventory assessment will occur. If the inventory assessment is conclusive in determining that medicine has disappeared, we will review our video log to determine whether any criminal activity has occurred.
- All employees will undergo a background check.
- Any possible candidate for employment with a history of criminal activity will undergo a thorough risk assessment by our COO and ED and will not be hired if we deem them to be a risk to our enterprise.

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Business Expense Policy

The Business Expense Policy applies to an authorized Botanica employee who incurs expenses in the process of conducting business of Botanica.

General Policy

- Expenditures must be a necessary expense of the company and an allowable charge.
- Expenses must have a clear business purpose and be directly related to the business of Botanica.
- Expenses must be reasonable and appropriate.
- All expenses must be fully documented.

Specific Criteria

The following are examples of the type of expenditures that may be paid/reimbursed subject to the general policy stated above and the documentation criteria described below.

- Expenditures for the purpose of recruiting potential employees, soliciting prospective clients, and hosting guests when necessary for the conduct of company business.
- Expenses for meetings of regular company committees or individuals, which may involve only participants from a single location, and which are part of a working session necessitated by travel requirements, schedule conflicts or other unavoidable circumstances solely for the benefit of the company.
- Company events, including recognition/morale activities, public relations, conferences/retreats/seminars. These events may be either company-wide or on a smaller scale and require prior approval.
- Pre-approved tickets for sports, theater, charitable/civic and other events for the entertainment of clients and guests. In all cases the expenses must be shown to benefit the business of the company.

The following are examples of the type of expenditures which should not be paid/reimbursed:

- Excessive or extravagant costs.
- Political contributions.
- Gifts to Botanica employees, other than those provided through official recognition programs and authorized by the Human Resources Manager.
- Expenses incurred with personal business including parking fees, parking tickets, club memberships, stolen articles, etc.
- Non-business meals during working hours.
- Expenses for spouses, except as allowed as part of an institutional event which has received prior approval.
- Any unexplained or undocumented expenses.

Documentation

All expenditures must be accompanied by an original receipt; documentation must include:

- The date, location and description of the expenditure.
- The name(s), title, company, affiliation and business relationship of the person(s) in attendance.
- Business purpose for incurring the expense.

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Corporate Software Policy

- Botanica, INC. (Botanica) licenses the use of computer software from a variety of outside companies. Botanica does not own this software or its related documentation and unless authorized by the software developer, does not have the right to reproduce it except for backup purposes.
- With regard to Client/Server and network applications, Botanica employees shall use the software only in accordance with the license agreements.
- Botanica employees shall not download or upload unauthorized software over the Internet or otherwise place software onto company computers.
- Botanica employees learning of any misuse of software or related documentation within the Company shall notify the department manager and COO.
- According to applicable copyright law, persons involved in the illegal reproduction of software can be subject to civil damages and criminal penalties including fines and imprisonment. Botanica does not condone the illegal duplication of software. Any Apothecary employees who make, acquire, or use unauthorized copies of computer software shall be disciplined as appropriate under the circumstances. Such discipline may include termination.
- Any doubts concerning whether any employee may copy or use a given software program should be raised with your manager before proceeding.

Email Policy

The purpose of this policy is to ensure the proper use of Botanica's email system. Employees should use good judgment and be aware of what is considered acceptable and unacceptable use of its email system.

Botanica considers email an important means of communication and recognizes the importance of proper email content and speedy replies in conveying a professional image and delivering good patient service.

Email Etiquette Guidelines

- Write well-structured emails and use short, descriptive subjects.
- Use the spell checker before you send out an email.
- Do not write emails in all capitals.
- Only send emails of which the content could be displayed publicly.
- Only mark emails as important if they really are important.
- Use "reply to all" judiciously.

Personal Use

Although Botanica's email system is meant for business use, Botanica allows the reasonable use of email for personal use if certain guidelines are adhered to:

- Personal use of email should not interfere with work.
- Personal emails must also adhere to the guidelines in this policy.
- Do not send mass mailings.
- All messages distributed via the company's email system, even personal emails, are Botanica's property.

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Social Media Policy

For the purpose of this policy, social networking refers to the use of web-based and mobile applications for social interaction, and the exchange of user-generated content. Social media (SM) channels include Facebook, Twitter, LinkedIn, YouTube, blogs, review sites, forums, online communities, and any similar online platforms.

The company's SM channels are administered by designated key contacts only, and all official messaging must be approved and distributed by them.

Rules of conduct as outlined in the employee manual also apply to social networking activity. Employees are expected to conduct themselves in a professional manner, to respect the views and opinions of others, and to demonstrate respect for patients, the company, guests, vendors and employees.
The company and its employees are committed to being responsible citizens and community members, to listening and responding to feedback, and to communicating in a courteous and professional manner.

Behavior and content that may be deemed disrespectful, dishonest, offensive, harassing or damaging to patients or the company's interests or reputation are not permitted.

Botanica is committed to honesty, authenticity and accountability in all social media communications. Employees must disclose their identity when engaging in discussions or sharing content related to the company. If voicing an opinion on a topic, employees must include a disclaimer stating that the opinions expressed are their own and not those of the company or its employees.

Employees must not disclose private or confidential information about the company, its patients, employees or suppliers on social networks. Employees must respect trademarks, copyrights, intellectual property and proprietary information. No third-party content should be published without prior permission from the owner.

Failure to comply with these social media policies may result in:

- Withdrawal, without notice, of access to information and/or information resources.

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Document Retention Policy

The corporate records of Botanica are important assets. Corporate records include, but are not limited to, all records produced as an employee, whether paper or electronic. A record may be as obvious as a memorandum, e-mail, contract or case study; or something not as obvious, such as a computerized desk calendar, material on a flash drive, appointment book or an expense record.

The law requires Botanica to maintain certain types of corporate records, usually for a specified period of time. Failure to retain those records for minimum periods could subject the employee and Botanica to penalties and fines, cause the loss of rights, obstruct justice, spoil potential evidence in a lawsuit, place Botanica in contempt of court, or seriously disadvantage Botanica in litigation.

Botanica expects all employees to fully comply with any published records retention or destruction policies and schedules, provided that all employees note the following general exception to any stated destruction schedule: If you believe, or Botanica informs you, Botanica records are relevant to litigation, or potential litigation (i.e., a dispute that could result in litigation), then you must preserve those records until the Legal Department determines the records are no longer needed. That exception supersedes any previously or subsequently established destruction schedule for those records. If you believe that exception may apply or have any question regarding the possible applicability of that exception, please contact your manager.

Occasionally, Botanica will establish retention or destruction policies or schedules for specific categories of records in order to ensure legal compliance, and also to accomplish other objectives, such as preserving intellectual property and cost management. Several categories of documents that bear special consideration are identified below. While minimum retention periods are suggested, the retention of the documents identified below and of documents not included in the identified categories should be determined primarily by the application of the general guidelines affecting document retention identified above, as well as any other pertinent factors.

- Tax Records: Tax records include, but may not be limited to, documents concerning payroll, operational expenses, proof of deductions, business costs, accounting procedures, and other documents concerning Botanica revenues. Tax records should be retained for at least six years from the date of filing the applicable return.
- Employment/Personnel Records: State and federal statutes require the company to keep certain recruitment, employment and personnel information. Botanica should also keep personnel files that reflect performance reviews and any complaints brought against Botanica or individual employees under applicable state and federal statutes. Botanica should also keep all final memoranda and

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correspondence reflecting performance reviews and actions taken by or against personnel in the employee's personnel file. Employment and personnel records should be retained for six years.

- Board and Board Committee Materials: Meeting minutes should be retained in perpetuity in the Botanica minutes book. A clean copy of all Board and Board Committee materials should be kept for no less than three years by the Company.
- Press Releases/Public Filings: Botanica should retain permanent copies of all press releases and publicly filed documents, under the theory that Botanica should have its own copy to test the accuracy of any document a member of the public can theoretically produce against Botanica.
- Legal Files: Legal counsel should be consulted to determine the retention period of particular documents; legal documents are generally maintained for a period of ten years.
- Marketing and Sales Documents: Botanica should keep final copies of marketing and sales documents for the same period of time it keeps other corporate files, generally three years.
    - An exception to the three-year policy may be sales invoices, contracts, leases, licenses and other legal documentation.
        - The above listed documents should be kept for at least three years beyond the life of the agreement.
- Development/Intellectual Property and Trade Secrets: Development documents are often subject to intellectual property protection in their final form (e.g., patents and copyrights). The documents detailing the development process are often also of value to Botanica and are protected as a trade secret where Botanica:
    - Derives independent economic value from the secrecy of the information; and
    - Botanica has taken affirmative steps to keep the information confidential.
    - Botanica should keep all documents designated as containing trade secret information for at least the life of the trade secret.
- Contracts: Final, execution copies of all contracts entered into by Botanica should be retained for at least three years beyond the life of the agreement, and longer in the case of publicly filed contracts.
    - Electronic Mail: E-mail that needs to be saved should be either:
        - printed in hard copy and kept in an appropriate file; or
        - download the email to a computer file and keep electronically or copy to a disk or flash drive as a separate file.
- Commercial Licenses: Botanica shall continuously keep on file all commercial licenses for equipment.
- Copies of Botanica's Policies & Procedures will be kept on-site at all times and will be made available to AZDH upon request.

Failure to comply with this Document Retention Policy may result in punitive action against the employee, including suspension or termination. Questions about this policy should be referred to your manager.

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Version Control Guidelines

Document dates

- The author of the document will ensure the date the document is created or revised is stated on the first page.

Version numbers

- The author of the document will ensure the current version number is identified on the first page and is incorporated into the footer of the document and appears on every succeeding page.

Draft document version number

- The first draft of a document will be Version 0.1.
- Subsequent drafts will have an increase of "0.1" in the version number, e.g., 0.2, 0.3, 0.4, …0.9, 0.10, 0.11.

Final document version number and date

- The author will deem a document final after all reviewers have provided final comments and the comments have been addressed.
- The first final version of a document will be Version 1.0. Include the date when the document becomes final. Subsequent final documents will have an increase of "1.0" in the version number (1.0, 2.0, etc.).

Final documents undergoing revisions

- Final documents undergoing revisions will be Version X.1 for the first version of the revisions. While the document is under review, subsequent draft versions will increase by "0.1", e.g., 1.1, 1.2, 1.3, etc. When the revised document is deemed final, the version will increase by "1.0" over the version being revised, e.g., the draft 1.3 will become a final 2.0.

Documenting substantive changes

A list of changes from the previous draft or final documents will be kept. The list will be cumulative and identify

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Employee Responsibility Regarding Dispensary Agent ID Card

All employees, Principal Officers, Board Members, Medical Directors and volunteers are required to possess and wear their Dispensary Agent ID cards, or a copy of the digital card at all times while on company property and while transporting inventory, without exception. However, employees should not flaunt or unnecessarily advertise their Dispensary Agent ID cards.

In the event an employee loses their Dispensary Agent ID card, the employee must immediately notify their manager. The employee will be suspended without pay pending issuance of a replacement Dispensary Agent ID card and will also be responsible for the cost of replacement.

Until a replacement card is issued, the employee is restricted from all access to secured areas. If the employee possesses an AMMA patient card, the employee will be allowed access to the dispensary as a patient only for the purpose of obtaining medication.

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Drug Testing Policy

Where permitted by law, job applicants may be drug screened as part of the employment hiring process. Employees may be drug and/or alcohol tested at any time when employed by the company for drug and/or alcohol use as a continuing condition of employment.

- **Pre-Employment Drug Testing:** Applicants who are offered a job with the company may be tested for drugs as part of the post job offer employment screening process.
- **For Cause Drug Tests:** Employees may be required to submit to a drug test if a manager believes an employee may be under the influence of illegal drugs or alcohol, which are impairing job performance and for the safety of other company employees.

Employees who test positive for illegal drug use may be subject to disciplinary action up to and including termination and may be required to complete a substance abuse program which must be successfully maintained for continued employment.

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Sexual Harassment Policy

Botanica, in accordance with its non-profit status, adopts the following sexual harassment policy:

- Botanica believes staff and patients should be afforded the opportunity to work and do business in an environment free of sexual harassment. Sexual harassment is a form of misconduct that undermines an individual's relationship to Botanica, and its staff and patients. No individual should be subjected, verbally or physically, to unsolicited and unwelcome sexual overtures or conduct.
- Sexual harassment refers to behavior that is not welcome, is personally offensive, and debilitates morale and, therefore, interferes with their work.
- Behavior that amounts to sexual harassment may result in disciplinary action, including civil or criminal action, banning from Botanica facilities, and resources.
- Reporting suspected sexual harassment: report the issue to your manager or COO for investigation and Botanica will respond appropriately. This response may include, but isn't limited to, suspension and/or termination of any business relationship, reassignment of job.

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Zero Tolerance Policy

The safety of Botanica's employees, patients, and visitors is an important concern to the organization. Threats, threatening behavior or acts of violence against employees, patients, visitors or others while on Botanica's property, whether conducting business or receiving services from Botanica, will not be tolerated. Violation of this policy will lead to disciplinary action, possible dismissal, and criminal prosecution as appropriate.

Any person who engages in violent or threatening behavior on Botanica's property, or who uses any electronic means to make a threat against a staff member, volunteer or consumer of the non-profit shall be removed from the premises as quickly as safety permits, and shall remain off Botanica's premises pending the outcome of an investigation conducted by the Security Manager, or local law enforcement as appropriate. Subsequent to the investigation, Botanica will respond appropriately. This response may include, but isn't limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or the pursuit of criminal prosecution of the person or persons involved. If an employee is suspected of criminal activity, the employee will be suspended without pay pending the completion of any investigation.

This policy includes, but is not limited to, the following behaviors and situations:

- Violent or threatening physical contact (including fights, pushing, and physical intimidation.)
- Direct or indirect threats
- Threatening, abusive or harassing phone calls
- Possession of a firearm or weapon on company property
- Intentional destruction of company property
- Theft of company property
- Any criminal activity on company property
- Destructive or sabotaging actions against company or employees' personal property
- Stalking
- Violation of a restraining order
- Threatening acts or abusive language that leads to tension within the work environment

Non-Progressive Disciplinary Policy

Botanica's employees are considered to be "at-will" employees. This means that Botanica may terminate an employee at any time for any reason, with or without cause or notice.

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Safety, Security, and Disaster Planning Procedures

Cultivation/Dispensary/Edibles Site Visitor Policy

Check in/Check out

All visitors must be registered before entering the Cultivation/Dispensary site. Registration sheet requires the following information:

- Name of Visitor
- Date and Time of Arrival
- Signature of Visitor
- Reason for Visit
- Name and Registry ID Number of Agent Responsible for Sponsorship

Visitor Badge

At check in, each visitor will be given a visitor badge, and will sign the visitor register. This badge must be worn at all times and returned to the office upon signing out.

Visitors Will Be Accompanied by a Sponsoring Employee at All Times

All visitors that are not dispensary agents must be accompanied by the dispensary agent(s) that they are visiting. Special arrangements may also be made to accommodate contractors on long term assignments. Any special arrangements must be cleared with the Security Director and COO.

No photographs may be taken by visitors without prior approval from the legal department or COO. Furthermore, any permitted photographs may not be published without prior approval from the ED, CFO or COO.

Any employee who notices a visitor without a badge should bring the situation to the attention of the Cultivation or Dispensary Manager. The Cultivation or Dispensary Manager has first line responsibility for enforcing site visitor policy.

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Dispensary Security Plan

Botanica dispensary has entered a conditional contract with Central Alarm of Tucson. Its plan includes all of the following required features:

- A signal system interconnected with a radio frequency method, such as cellular, private radio signals, or other mechanical or electronic device
- Exterior lighting to facilitate surveillance
- Electronic monitoring including:
  - At least one 19 inch or greater call-up monitor
  - A video printer capable of immediately producing a clear still photo from any video camera image
  - Video cameras
  - Coverage of all entrances to, and exits from, limited access areas and all entrances to, and exits, from the building, capable of identifying any activity occurring in or adjacent to the building
  - Video cameras with resolution of least at 704 x 480 or the equivalent
  - A video camera at each point of sale location
  - One or more video cameras in each cultivation area (grow room)
  - Storage of 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
- Video cameras and recording equipment with sufficient battery backup to support at least five minutes of recording in the event of a power outage, and
- Panic buttons in the interior of each building
- Establish, through the Director of Security, a database with a hardcopy back-up of all service, testing and breaches of the alarm systems
- Subscribe to a service contract providing that all security systems must be tested and inspected by a certified technician on a regular basis to ensure that the systems are in proper working order, and promptly make all necessary repairs to ensure the proper operation of the alarm system

In the event of any failure of the security-alarm systems, due to loss of electrical support or mechanical malfunction that is expected to exceed an eight-hour period, the Security Manager shall:

- Within twenty-four hours of discovery of the event, notify the Arizona Department of Health by telephone and provide alternative security measures or close the physical address(es) impacted by the failure/malfunction until the impacted security alarm system has been restored to full operation
- Maintain through the Security Manager in an auditable form for a period of at least twenty-four months after the event for:
  - All maintenance inspections/tests conducted, and any servicing, modification, or upgrade performed on the security alarm systems at both facilities. The record shall include, as a

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minimum, the date of the action, a summary of the action(s) performed, and the name, signature, and title of the individual who performed the action(s)
  - Any alarm activation or other event which requires response by the City of Marana Police Department
  - Any unauthorized breach(es) of security

In Case of Camera Loss:

If for any reason video feed is lost on one or more cameras an alarm will sound, strobe light will begin flashing and security keypad will be illuminated.

Camera loss must first be restored before the alarm will turn off. Central Alarm is automatically notified in the case of camera loss. If camera loss cannot be restored, wait for central alarm to arrive.

To reset the system, press '2' Key for two seconds and then enter your user code.

Responsibility of Security Policies

Botanica's COO or Director of Security is also charged with adopting security policies and procedures:

- That restrict access to the areas of the dispensary that contain cannabis and if applicable, the dispensary's cultivation site, to authorized individuals only
- That provide for the identification of authorized individuals
- That prevents loitering
- For conducting electronic monitoring
- For the use of a panic button, and
- For creating and presenting security training to the staff

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Cultivation Security Plan Overview

Based on specific security requirements set forth by the Arizona Department of Health Services (AZDHS), a comprehensive security plan has been designed. The security plan monitors and protects all areas where a compromise to the safety and security of the building might occur. Particular emphasis has been placed on staff safety, safeguarding storage, and handling and distribution of medicine.

Botanica has contracted with a qualified security contractor that specializes in developing thorough security systems to develop and install a superior security system. Botanica will also use internal loss prevention methods, and standard inventory procedures. The security policies and procedures implemented at Botanica have been proven successful in safeguarding cultivation facilities.

Exceeding the security requirements of Arizona law, Botanica will utilize a comprehensive security system designed to monitor and protect all potential areas of Botanica. The principal concept of security Botanica's cultivation facility focuses on the following three areas:

- Safeguarding the storage of medicine.
- Providing a safe and secure environment for Botanica staff, and visitors.
- Developing comprehensive audit procedures for the entire operation as related to the handling and transportation of the product.

The security system at Botanica features four (4) elements that will work together to ensure maximum protection of the facility. These features are described below and include:

- Access Control System
- Intrusion Detection
- Lighting
- Monitoring

Video Surveillance System

Botanica has included a floor plan below to illustrate the design scheme and security features to be used at Botanica. This floor plan applies to the cultivation site utilizing approximately 7000 square feet.

Compliance with Title 9, Chapter 17

Department of Health Services Medical Marijuana Program, § 318

R9-17-318 (A) A cultivation site shall ensure that access to the enclosed, locked facility where marijuana is cultivated is limited to the cultivation site's principal officers, board members, and authorized cultivation site agents.

Response

Botanica will ensure that access to the enclosed, locked cultivation facility is limited to registered cultivation site agents. In addition, access to all areas where marijuana will be processed and stored will be limited to authorized cultivation site agents.

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Botanica will control access to secure areas through the use of access control devices, which will ensure that access is limited to only authorized personnel. In addition, all Botanica staff will be required to visibly wear an AZDHS-provided Cultivation site Agent Registry identification Card at all times while on-site and when making deliveries. Botanica will require a Cultivation site Registry Identification Card for each principal officer/board member, medical doctor, employee, and volunteer, as required by AZDHS.

For added security, Botanica will require that the designated cultivation site agent accompanies any non-cultivation site agent if a non-cultivation site agent needs to enter the enclosed, locked facility where marijuana is stored.

R9-17-318 (B) A cultivation site agent may transport marijuana, marijuana plants, or marijuana paraphernalia between the cultivation site and the cultivation site's cultivation site, a qualifying patient, and another cultivation site.

As permitted by Arizona law, Botanica will only transport marijuana between the cultivation site and a qualifying patient or another cultivation site.

R9-17-318 (C) Before transportation, a cultivation site agent shall complete a trip plan that includes: the name of the cultivation site agent in charge of transporting the marijuana; the date and start time of the trip; a description of the marijuana, marijuana plants, or paraphernalia being transported; and the anticipated route of transportation.

Response

Any time marijuana is transported from Botanica, the Inventory Department will be responsible for generating a duplicate Trip Plan that details specific information regarding the transport of marijuana. One copy will remain with Security at the originating cultivation site; the other copy will accompany the cultivation site agent at all times during transport.

All Trip Plans will include:

- The name of the cultivation site agent in charge of transporting the marijuana
- The date and start time of the trip.
- A description of the marijuana, marijuana plants, or marijuana paraphernalia that is being transported.
- The anticipated route of transportation.
- The model and license number of the vehicle being used for transport.

Before the cultivation site agent in charge of transporting leaves the cultivation site, he or she will receive sign-off on the Trip Plan from a manager of the Security Department, leaving one copy with Security and retaining the other copy for the duration of transport.

- All vehicles used to transport medical marijuana will be equipped with a GPS tracking system so security personnel will know the exact location of the medicine at all times.

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- In addition to a Trip Plan, a duplicate Transport Log will be generated by the Inventory Department and will accompany all marijuana being transported from Botanica. The Transport Log will include the following information:

- Amount, strain, description, and batch number of all marijuana being transported.

- The name and registry identification number of the cultivation site and the cultivation site agent providing the marijuana.

- The name and registry identification number of the cultivation site agent receiving marijuana on behalf of the receiving cultivation site.

- Date of acquisition.

One copy of the Transport Log will be given to the receiving cultivation site with the delivery. The other will accompany the cultivation site agent back to the originating cultivation site and will be archived within the Inventory Department.

R9-17-318 (D) *During transportation, a cultivation site agent shall carry a copy of the Trip Plan in subsection*

{C) with the cultivation site agent for the duration of the trip; use a vehicle without any medical marijuana identification; have a means of communication with the cultivation site; and ensure that the marijuana, marijuana plants, or marijuana paraphernalia are not visible.

Response

During the transportation of marijuana, cultivation site agents will carry the required Trip Plan and Transport Log. In addition, marijuana will only be transported in a vehicle without medical marijuana identification and in which marijuana is never visible from the exterior of the vehicle. The cultivation site agent transporting marijuana will be required to carry a smartphone such as an iPhone, Android, Blackberry, or other device that has GPS technology. Should an employee not own a phone with these features, Botanica will provide a loaner phone for the employee who is making deliveries.

The purpose of requiring a smartphone is to use the GPS Tracker application from AppBrain.com. This application will synchronize cultivation site agent phones and allow staff at the facility to track routes used by the agent making the delivery for expected arrival times at cultivation facilities and in the case of an emergency. This is a safety measure for Botanica staff and also a deterrent so that staff members do not take any unpermitted side trips.

R9-1.7-318 (E) After transportation, a cultivation site agent shall enter the end time of the trip and any changes to the Trip Plan on the Trip Plan required in subsection (C).

Response

After transporting is complete, the cultivation site agent will check in with Security upon return. Security will enter the end time of the trip and any changes to the original Trip Plan per the cultivation site agent completing the transport. The cultivation site agent will sign off on the revised Trip Plan serving as an acknowledgement of the revisions.

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19-17-318 (F) A cultivation site shall maintain the documents required in subsection {C) (2) and (n and provide a copy of the documents required to the Department for review upon request.

Response

A copy of all final Trip Plans will be stored indefinitely in a secured, electronic database within the Security Department and will be made available to the AZDHS upon request. A copy of all final Transport Logs will be stored indefinitely in a secured, electronic database within the Inventory Department and will also be made available to the AZDHS upon request.

RJ-17-318 (G) To prevent unauthorized access to medical marijuana at the cultivation site and, if applicable, the cultivation site's cultivation site, the cultivation site shall have the following:

(1) Security equipment to deter and prevent unauthorized entrance into limited access areas that include:

(a} Devices or a series of devices to detect unauthorized intrusion, which may include a signal system interconnected with a radio frequency methods cellular, private radio signals, or other mechanical or electronic device;

Response

The access control system that will be used at Botanica will deter and prevent unauthorized entry into limited access areas-those areas that house critical assets such as the inventory and control areas. Using state-of-the-art technology, the access system will grant entry to areas of the cultivation site. The access system will allow management to maintain a full audit trail of everyone who enters or leaves any secure area of the cultivation site.

Botanica will use the First Alert Control Panel. An integrated burglary, fire, and access control system that can be configured for users to gain access and disarm the area using a unique code for each user. The system can restrict access by schedule, arming level, or other criteria.

Botanica will install access control devices that will be strategically located in the following areas throughout the cultivation facility:

- On the exterior perimeter doors.
- One (1) on the entry roll-up doors.
- One (1) on the entry door to growing area.
- One (1) on the entry door to the secured Storage area.

Botanica will also install a centrally monitored alarm/intrusion detection system that will be in use and monitored 24 hours each day. The intrusion detection system will be designed to provide protection to the building perimeter and critical storage areas. The system will include the following components:

- Door Contacts
- Glass Break Sensors
- Motion Sensors

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- Duress Alarms
- Photoelectric Beam Sensors

The intrusion detection system will monitor all sensors on a 24/7 basis as designated by a predetermined time schedule that will be established. Security personnel and central monitoring station will receive notification when an alarm is triggered. Intrusion detection devices will be placed at all exterior doors and windows, roof entry points.

R9-17-318 (G) (continued) To prevent unauthorized access to medical marijuana at the cultivation site and, if applicable, the cultivation site's cultivation site, the cultivation site shall have the following:

(1) {continued) Security equipment to deter and prevent unauthorized entrance into limited access areas that include: (b) Exterior lighting to facilitate surveillance

Response

Botanica will install at minimum two (2) exterior day/night cameras at the following strategic locations:

One (1) located outside of the Rear Perimeter Fire Exit area looking at the rear lot and fire exit door.

One (1) located outside the Front Perimeter Entrance area looking at the entry/exit doors and vehicle parking areas to monitor activity outside of the building.

Sufficient lighting will be installed outside of the registered premises for use each day between sunset and sunrise that adequately illuminates the cultivation's site around its immediate surrounding area, including the parking and entry areas.

Exterior lighting will be installed near video surveillance devices to ensure proper illumination for the identification of people, vehicles, and license plates within 40 feet of the building. Sufficient exterior will serve as a deterrent for robbery and burglary.

R9-17-318 (G) (continued) To prevent unauthorized access to medical marijuana at the cultivation site and, if applicable, the cultivation site's cultivation site, the cultivation site shall have the following:

(1) (continued} Security equipment to deter and prevent unauthorized entrance into limited access areas that include:

(c) Electronic monitoring including:

(i) At least one 19-inch or greater call-up monitor;

Response

Botanica will install a closed-circuit video surveillance system, or CCTV system, designed with cameras located throughout the cultivation site. The camera system is digitally recorded in the secured server area and viewed in the security viewing area. The system is designed to be monitored on multiple screens, at least one being 19 inches or greater, controlled by computer and recorded on a digital recording device.

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(ii} [Electronic monitoring including] a video printer capable of immediately producing a clear still photo from any video camera image;

Response

Botanica will maintain a printer in the security viewing area that is capable of immediately producing a clear still photo from any video camera image.

(iii) [Electronic monitoring including] video cameras providing coverage of all entrances to and exits from limited access areas and all entrances to and exits from the building, capable of identifying any activity occurring in or adjacent to the building, and having a recording resolution of at least 704 x 480 or the equivalent;

Response

The video surveillance system to be used at Botanica will *cover* the interior and exterior of the premises, including parking areas and all entrances to the building. The following equipment will be utilized in order to provide optimum coverage:

- Digital day/night cameras
- 24-hour real-time digital recording
- Color flat-screen monitors
- U.P.S. (Uninterrupted Power Supply systems)

The video surveillance system will use digital day/night cameras with a recording resolution of at least 704 x 480 located both inside and outside the cultivation site. Security personnel will monitor all video feed from before opening until all persons have left the premises. Remote viewing will be available for security personnel as well as senior management at any time through an Internet log-in system. In addition, the central monitoring station will monitor all alarms; if alerted to a possible intrusion, the monitoring station will verify the presence of an unauthorized intruder and alert local law enforcement. This ensures law enforcement will be on the scene quickly, since they will have verification that an alarm was due to a real intruder.

(v) *[Electronic monitoring including] a video camera in each grow room capable of identifying any activity occurring within the grow room in low light condition;*

Response

Botanica will install a digital camera in each grow room that is capable of identifying any activity occurring within the grow room's low light conditions.

(vi} [Electronic monitoring including] storage of video recording from the video cameras for at least 30 calendar days;

Response

Botanica's video surveillance system will have the capability to record, archive, and play back video feed for a minimum of 30 days. The electronic recording system hub and all recording will be stored in a locked, tamper-proof compartment within the security viewing area. This will be a limited access

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area with entry restricted only to select authorized cultivation site agents, such as the Security Manger and ED.

(vii} [Electronic monitoring including] a failure notification system that provides an audible and visual notification of any failure in the electronic monitoring system; and

Response

The electronic monitoring system to be used at Botanica includes a failure notification system that provides both an audio and visual notification should a failure in the electronic monitoring system occur. Additionally, senior management will receive email/text notification of the system failure.

{viii) [Electronic monitoring including] sufficient battery backup for video cameras and recording equipment to support at least five minutes of recording in the event of a power outage.

Response

Botanica will utilize an Uninterrupted Power Support system (U.P.S.) to ensure sufficient battery backup in the event of a power outage. Additionally, in order to ensure that the cultivation site is secured and effectively monitored at all times, Botanica will maintain an electronic recording system that is in good working order at all times. The system will run a testing protocol every 24 hours, and has a 24/7-transmission monitor that notifies users if a battery is low or a unit is no longer sending a signal.

Also, each agent who has been authorized to oversee the functioning of the video monitoring system will be required to report any malfunctioning of the system to the cultivation site's General and Security managers immediately.

R9-17-318 (G) (continued) *To prevent unauthorized access to medical marijuana at the dispensary site and, if applicable, the cultivation site's cultivation site, the cultivation site shall have the following:*

(1) (continued) *Security equipment to deter and prevent unauthorized entrance into limited access areas that include:*

(d) Panic buttons in the interior of each building.

Response

Botanica will install several panic buttons for staff in strategic locations throughout the cultivation site. All employees will be trained on the procedures for triggering the panic alarm.

R9-17-318 (G) (continued) *To prevent unauthorized access to medical marijuana at the dispensary site and, if applicable, the cultivation site's cultivation site, the cultivation site shall have the following:*

(2) *Policies and procedures:*

(a) *That restrict access to the areas of the dispensary that contain marijuana and, if applicable, the cultivation site's cultivation site to authorized individuals only;*

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Response

Botanica will store all medical marijuana at the cultivation site in a, secured control room that is climate-controlled and monitored by an external service, 24 hours a day, for both security and changes in environment (temperature and humidity). Botanica will need to store a large amount of processed product.

Access to the secure storage area will be heavily restricted and monitored through the use of the access control system. For example, only select employees who have been authorized by management will have access to the secured storage area. This will be monitored through staff credentials stored in the access control system.

Botanica will require that a member of Security accompany any individual other than another cultivation site agent associated with the cultivation site when the individual is present in the enclosed, locked facility where marijuana is stored.

(b) *[Policies and procedures] that provide for the identification of authorized individuals;*

Response

Botanica will provide all registered cultivation site agents with varying levels of access depending on their position. For example, the General Manager will have access to all areas of the cultivation site, including all limited access areas. Associated level positions, on the other hand, will be limited to only those areas directly related to their department and position within their department, specifically the Stock and Inventory rooms.

The assigned staff credentials will be stored in the access control system. Botanica will post the following statement at all areas of ingress or egress to identify limited-access areas:

"Access to this area is restricted to persons registered with the AZDHS, visibly displaying a registry identification card."

All Botanica staff will be required to visibly wear an AZDHS-provided Cultivation site Agent Registry Identification Card at all times while on-site and when making deliveries. Botanica will obtain a Registry Identification Card for each principal officer/board member, medical director, employee, and volunteer, as required by the AZDHS. Only those employees wearing a valid Cultivation site Registry Identification Card who have been authorized by management will be able to enter the secured areas.

For added security, Botanica will require that a member of Security accompany any individual other than another cultivation site agent associated with the cultivation site when the individual is present in the enclosed, locked facility where marijuana is stored.

(c) *[Policies and procedures] that prevent loitering;*

Response

Botanica will employ security personnel who will routinely patrol the cultivation site perimeter and grounds to prevent nuisance activity or crime. Security personnel will be trained prior to deployment in industry standards and crime prevention. Security personnel will ensure that only eligible employees

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who comply with the facility's Code of Conduct and other cultivation site policies are served and will patrol the area to ensure non-diversion. All security personnel will be required to complete safety training and a formal evaluation as a condition of employment at Botanica. All security personnel will also be required to complete an annual orientation and training seminar.

All new employees will be required to complete a New Employee Orientation upon hire. The orientation will offer a security overview to ensure employees are aware of the security policies implemented at Botanica and the consequences for violating the rules.

Additionally, Botanica will provide employees and neighbors with the name, phone number, and e-mail address of an on-site community relations staff person who will be responsible for addressing any concerns posed by our neighbors. Botanica will encourage all neighboring residences and businesses to call this person to try to resolve any issues, before relying on AZDHS resources.

(d) *[Policies and procedures] for conducting electronic monitoring;*

Response

Botanica will install a closed-circuit surveillance system, or CCTV system, located throughout the cultivation site. The camera system is digitally recorded in the secured server area and viewed in the security viewing area. The system is designed for multi screen monitoring'" at least one screen being 19 inches or greater, controlled by computer and recorded on a digital recording device.

The video surveillance system will cover the interior and exterior of the cultivation site, including parking areas and all entrances to the building. Botanica will utilize cameras, 24-hour real-time digital recording, and CCTV viewing and control equipment in order to provide optimum coverage.

(e) *[Policies and procedures] for use of the panic button.*

Response

Botanica will install several panic buttons for staff use in strategic locations throughout the cultivation site. All employees will be trained on the procedures for triggering the panic alarm during their New Employee Orientation Training as well as in semi-annual training sessions. In addition, Botanica has developed comprehensive security policies and procedures for employees regarding threats and acts of violence, and reporting security-related incidents such as theft, loss, vandalism, malicious or unauthorized use of company equipment or facilities, and allegations of employee misconduct.

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Medication Transport Safety Logistics

Preparing to transport medication:

- Transporting Dispensary Agent ensures delivery vehicle is trip ready
- Inventory Trip Plan
    - Name of delivering DA
    - Date and start time
    - Model and tag number of transport vehicle
    - Description of medication, other inventory items
    - Planned route including all stops
- Before departure, file copies of the Inventory Trip Plan, Sales Order, and any other pertinent paperwork with Dispensary Manager
- If inventory is being moved from an off-site location, transporting agent will keep a copy of the Inventory Trip Plan at Botanica.

  Before and during loading/unloading of inventory to transport, be aware of any persons or vehicles that may be suspicious and continue monitoring for vehicles that may follow as you depart.

To ensure the safety of transporting agents, AZDHS has mandated:

- Transporting agents will at all times carry their valid AZDHS issued DA card or a copy of their digital card
- Use a vehicle without any MMJ identification
- Ensure medication, MMJ plants, or MMJ paraphernalia is not visible

A copy of all finalized Inventory Trip Plans will be stored, as per document retention policy, in a secure electronic database with the Compliance department and will be made available to the AZDHS upon request.

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Theft Reporting Policy

It is the policy of Botanica to document, investigate and report incidents of theft to the AZDHS and local law enforcement authorities. This policy will outline the basic procedure Botanica will take when a theft is discovered/reported.

Theft means an individual(s) committing the act of taking and removing of personal or company property with intent to deprive an employee, patient or Botanica.

Botanica, in its best efforts, will use a standardized approach for reporting theft. This approach will include completion of a standardized form, citing the specifics of the incident, estimates or actual dollar amount involved, or description of personal or company property that is missing.

A. Botanica has the responsibility to

1) Document each reported incident of theft by filling out the 'Theft Report Form'
2) Report incident to AZDHS and local law enforcement authorities
3) Fully cooperate with the investigation of any incidents of theft that are reported to authorities
4) Retain documentation of theft for Department review for at least 12 months

B. Botanica's employees have the responsibility to:

1) Report damage or theft of personal or company property to a manager
2) Respect the property of others as well as the property of Botanica

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Security Policies and Procedure

Per A.R.S. R9-17-318, Botanica will meet or exceed all Arizona State Department of Health requirements for Security Policies and Procedures. Using Treez software and best practices for security, Botanica shall follow policies and procedures that help ensure all that all inventory disposition is recorded and tracked, and stored (archived as required by AZDHS rules:

A. Except as provided in R9-17-31O(A)(7), a dispensary shall ensure that access to the enclosed, locked facility where marijuana is cultivated is limited to the dispensary's principal officers, board members, and authorized dispensary agents.

B. A dispensary agent may transport marijuana, marijuana plants, and marijuana paraphernalia between the dispensary and:

1. The dispensary's cultivation site,

2. A qualifying patient, and

3. Another dispensary.

C. Before transportation, a dispensary agent shall:

1. Complete a trip plan that includes:

a. The name of the dispensary agent in charge of transporting the marijuana;

b. The date and start time of the trip;

c. A description of the marijuana, marijuana plants, or marijuana paraphernalia being transported; and

d. The anticipated route of transportation; and

2. Provide a copy of the trip plan in subsection (C)(I) to the dispensary.

All Dispensary Agents must have their AZDH issued Dispensary Agent ID (or copy of their digital card) and Inventory Manifest on their person at all times during transport as well as completing an Inventory Transport Trip Plan.

D. During transportation, a dispensary agent shall:

1. Carry a copy of the trip plan in subsection (C)(I) with the dispensary agent for the duration of the trip;

~~2. Use a vehicle without any medical marijuana identification;~~

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3. Have a means of communication with the dispensary; and

4. Ensure that the marijuana, marijuana plants, or marijuana paraphernalia are not visible.

E. After transportation, a dispensary agent shall enter the end time of the trip and any changes to the trip plan on the trip plan required in subsection (C)(I).

Treez software records incoming and expected products through our purchase order section. We follow both in-house vendors and outside vendors using this functionality and tie the in-house growers to GrowTracker for grow and batch recording requirements. This includes an "in-transit" location so inventory can be followed as it moves from one location to another.

F. A dispensary shall:

1. Maintain the documents required in subsection (C)(2) and (E), and

2. Provide a copy of the documents required in subsection (C)(2) and (E) to the Department for review upon request.

All documentation and information kept in Treez can be provided to AZDHS by the dispensary upon request.

The following sections are the responsibility of the security system.

G. To prevent unauthorized access to medical marijuana at the dispensary and, if applicable, the dispensary's cultivation site, the dispensary shall have the following:

1. Security equipment to deter and prevent unauthorized entrance into limited access areas that include:

a. Devices or a series of devices to detect unauthorized intrusion, which may include a signal system interconnected with a radio frequency method, such as cellular, private radio signals, or other mechanical or electronic device;

b. Exterior lighting to facilitate surveillance;

c. Electronic monitoring including:

i. At least one 19-inch or greater call-up monitor;

ii. A video printer capable of immediately producing a clear still photo from any video camera image;

iii. Video cameras:

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(1) Providing coverage of all entrances to and exits from limited access areas and all entrances to and exits from the building, capable of identifying any activity occurring in or adjacent to the building, and

(2) Having a recording resolution of at least 704 x 480 or the equivalent;

iv. A video camera at each point of sale location allowing for the identification of any qualifying patient or designated caregiver purchasing medical marijuana;

v. A video camera in each grow room capable of identifying any activity occurring within the grow room in low light conditions;

vi. Storage of video recordings from the video cameras for at least 30 calendar days;

vii. A failure notification system that provides an audible and visual notification of any failure in the electronic monitoring system; and

Provided by the security system.

viii. Sufficient battery backup for video cameras and recording equipment to support at least five minutes of recording in the event of a power outage; and

Provided by the security system.

Panic buttons in the interior of each building; and

Provided by the security system and contract alarm services (Central Alarm).

The panic button will be activated by a BOTANICA Dispensary Agent as a direct result of an imminent threat to the health or safety of any patient, employee or the dispensary premises of Botanica including, but not limited to: ; (1) any person threatening imminent harm to any person; (2) fire; (3) bomb threat; (4) any person who violates any rule involving safety or security of the dispensary, or person therein, and refuses to comply after being requested or instructed to do so; (5) any other situation or event that causes a Dispensary Agent to reasonably believe that he/she is in danger and emergency assistance (police/fire) is required to prevent the potential harm.

The panic button is activated by squeezing the red side buttons at the same time on the device.

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As detailed in Botanica Security Plan, and excerpted here, Botanica will meet or exceed all Arizona State Department of Health requirements regarding equipment, policies and processes for security monitoring, including video surveillance, lighting, intrusion detection and alarms, data storage and archival. Botanica shall adhere to those requirements through the use of a combination of security systems and protocols, employee training, strict policies for patient verification and physical access to secure areas. Those requirements include:

2. Policies and procedures:

a. That restrict access to the areas of the dispensary that contain marijuana and if applicable, the dispensary's cultivation site to authorized individuals only;

b. That provide for the identification of authorized individuals;

c. That prevent loitering;

d. For conducting electronic monitoring; and

e. For the use of a panic button.

Botanica will adhere to policies and procedures that conform to best practices for security. As such, the following policies and procedures shall be followed:

All staff shall be trained, as part of their initial orientation, in the basic layout and function of the security system, use of panic button, personnel, and procedures in the event of a robbery or other incident.

Access to all "Employee Only" areas shall be strictly enforced and for authorized individuals only. Only state-certified Dispensary Agents are permitted access to non-public areas of the dispensary and cultivation site. Access to all locked rooms, including the dispensary showroom, offices, storage, preparation and other secure areas will be limited to personnel with a dispensary agent card, and will be controlled by individually assigned keycards that monitor and record all details of the room entry.

Botanica patient intake process includes the following identification verification and validation measures:

- Identify the patient though validation of their identification (AMMA card and AZ Driver's License or ID card) photos and addresses. The intake staff will always ask the patient if their address is current and update Botanica records as necessary.
- Check the card's tamper-resistant indicators, including the presence of holograms.
- Check the expiration date of the card.
- Verify the current status of the patient's AMMA card by checking the on-line Arizona Department of Health Services Web site (https://www.azmmv.azdhs.gov/default.aspx)

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Any employee that fails to follow all identification verification measures is subject to retraining or disciplinary action up to and including termination.

In cases where the visitor is not a patient, such as a medical marijuana products and services vendor or a laborer performing repair or maintenance, the following procedures apply:

- The visitor must present their business credentials and ID before being authorized to enter any secure area.
- The visitor's date, time, duration, task and meeting attendees shall be logged and archived.
- The visitor may not carry any briefcases, purses, backpacks or other bags into secure areas of the dispensary or cultivation facility.
- Photographs are not permitted in any dispensary areas or cultivation facilities. Any breach of this policy must be reported to the COO or Director of Security immediately upon its occurrence.
- Any employee that admits an unapproved party to a secure area within a Botanica Dispensary or Cultivation facility is subject to disciplinary action up to and including termination.

Issues such as employee or patient loitering shall be addressed by vigilant application of oversight by the Dispensary Manager and staff. Among the policies designed to deter loitering are:

- Employees may not gather in dispensary reception areas, the showroom, or within cultivation facilities without the express permission of the Dispensary Manager.
- Proper attention should always be paid to patient processing and wait time so as to facilitate a positive customer experience and minimize their time in the dispensary waiting area.
- Patients may not congregate within the reception area without the express permission of the Dispensary Manager.
- Individuals smoking cigarettes must do so outside of the building. All Botanica facilities are smoke-free zones. Additionally, staff and patients may not congregate outside of any Botanica facility without express permission of the Dispensary or Cultivation Center Managers.
    - Electronic monitoring of all Botanica facilities shall be accomplished through Closed Circuit television video surveillance, intrusion detection, alarm systems, and on-duty security personnel.
- Electronic monitoring systems at Botanica facilities are meant to run at all times. Any failure of monitoring systems is to be considered an urgent priority to correct. Back-up systems in all facilities should minimize this risk, however all outages should be taken seriously and require immediate reporting to the COO and Director of Security.
- All electronic monitoring data will be captured and logged (recorded), and then archived for a minimum or 30 days. Archival will be accomplished by periodic backups and mirroring (copies) of all video data. All video data is further encrypted and stored off-site.
- Employees using the electronic monitoring facilities in an inappropriate or unapproved manner are subject to disciplinary action up to and including termination.

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No Marijuana Consumption Policy

Marijuana consumption is strictly prohibited on all company property including conference rooms, private offices, reception areas, restrooms, hallways and workstations, as well as all other areas. This policy applies to all employees, patients, contractors and visitors.

Persons observing a violation of this policy should bring it to the attention of their manager. All complaints received will be investigated as confidentially as possible. All personnel are expected to cooperate fully with any such investigation.

Violations of this policy may result in disciplinary action up to and including termination. Retaliation against individuals for reporting violations of this policy will not be tolerated.

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Disaster Planning

In conjunction with the COO, the Director of Security shall be responsible for maintaining a plan for disaster preparedness, including weather, fire, robbery or physical threats to persons or property. Each potentiality will be described, with tips on managing the crisis, including physical and emotional considerations. Disaster planning training will be provided to all new employees and periodic refresher seminars for all employees.

Weather Related Emergencies: Weather emergencies are uncommon in Arizona. In addition, the structural design, sighting of our facility and security plan will greatly reduce the likelihood of a weather-related event causing a breach of our security infrastructure.

The security system is designed to be triggered by any physical breach of the facility, to include a roof or wall collapse due to snow, hurricane or tornado.

Fire Related Emergencies:

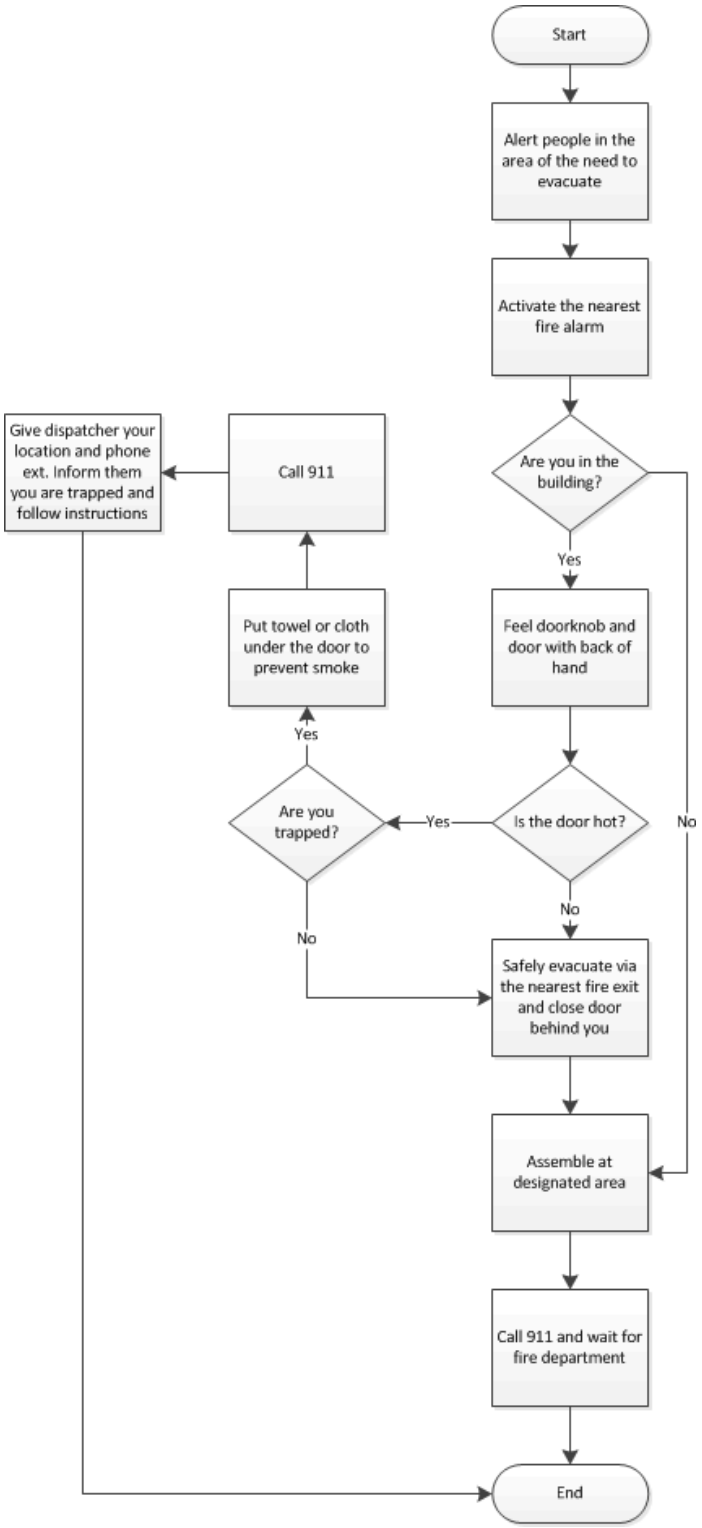
If you discover a fire:

- Alert people in the area of the need to follow evacuation procedures
- Activate the nearest fire alarm
- Call 911

If a building fire alarm is sounding or you receive notification of a fire emergency:

- Feel the door or doorknob to the hallway with the back of your hand. If it feels hot, do not open it – the fire may be on the other side of the door. If you are trapped, put a cloth or towel under the door to help prevent the entry of smoke. Dial 911.
- Safety dispatcher your location and telephone extension and that you are trapped in the room and need rescue. Stay on the phone until instructed otherwise.
- If the door is not hot, open it slowly. If the hallway is clear of smoke, walk to the nearest fire exit and evacuate via the nearest exit.
- Close doors behind you.
- Assemble at the designated area and remain there until instructed by the fire department that it is safe to re-enter the building.

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Fire Training

Only trained personnel may use fire extinguishers. Small fires can be extinguished without evacuation, but you must constantly evaluate and be ready to evacuate if the fire cannot be controlled. NEVER ENTER A SMOKE-FILLED ROOM.

- **Alert** people in the area.
- **Activate** the fire alarm.
- **Smother** the fire or use the correct fire extinguisher. Aim the extinguisher at the base of the fire.
- **Maintain** an accessible exit.
- **Avoid** smoke and fumes.
- **Remain** available to answer questions from the fire or police department.
- **Report** all fires to your supervisor and COO for proper documentation and reporting to authorities.

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Policy for Dealing with Protests

In the event of demonstrations or protests, dispensary employees should maintain an open line of communication to local law enforcement so that, in the event of a civil disturbance, they may be called in as quickly as possible.

The main purpose of this policy is to protect Botanica's patients and employees in the event of a demonstration or protest, as well as to protect Botanica's assets.

Disturbances Outside of the Dispensary

The Dispensary Manager will notify the Security Manager and local law enforcement of the earliest indications of a demonstration or protest.

A designated employee appointed by the Dispensary Manager will monitor the security cameras in order to observe the situation outside and report any changes to the Dispensary Manager.

Emergency Exits must remain clear at all times.

If necessary, law enforcement will be requested to escort patients and employees to their vehicles and safely off of the premises.

Law Enforcement will notify any protesters on the property that anyone who does not leave in a set amount of time will be arrested for trespassing.

Disturbances Inside the Dispensary

Should the disturbance move to the inside of the dispensary, the Dispensary Manager will call the police at 9-1-1 and announce that the dispensary is now closed.

The Dispensary Manager will immediately contact local Law Enforcement and the dispensary's Security Manager and inform them of the situation.

The Dispensary Manager or Security Officer will inform the leader of the group causing the disturbance that the entire group will be charged with trespassing if the group does not vacate the premises immediately.

Only the Dispensary Manager, Assistant Dispensary Manager or Security Officer will address the individuals causing the disturbance. Every attempt shall be made to calm the situation, and all employees will avoid actions that could elevate the confrontation.

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Bomb Threat Policy

It is the policy of Botanica that all bomb threats are to be considered valid and taken seriously until proven otherwise. Safety of the public and of Botanica's patients, employees, buildings and facilities will take precedence over normal activities.

Procedures

Threat received by call

- Keep the caller on the line as long as possible.
- Write down all the information obtained from the caller in their exact words, as possible. The Bomb Threat Call Checklist form should be used to record all information. Copies of the form will be on a clipboard above the phone. The clipboard should be taken with you in the event the threat is deemed credible and results in evacuation. Complete the form as soon as possible.
- Call 911 and notify the Police immediately.

Responsibilities

- All bomb threats directed towards any BOTANICA employee, building, facility or event, whether received in the mail or by phone by any department, will be immediately reported to TPD at 9-1-1 or (520)-791-4444.
- The responsibility for investigating bomb threats rests with the Police Department.
- If the threat is deemed credible, evacuation will be conducted in accordance with Botanica's Emergency Evacuation Plan.

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Personal Safety and Crime Prevention Techniques

Physical Safeguards

Perimeter protection will consist of alarm contacts on all perimeter doors and any interior doors leading to other tenant's locations.

Due to the fact that the facility will have no windows, a motion detector will provide for backup protection in the rare case that someone breaks in through a wall or the roof.

The last person leaving the facility for the day will enter a code to arm the system. Along with the panic button provided on the keypad, a remote panic will be placed in the facility.

Personal Security Training

We will be implementing a personal security training program under the supervision of local law enforcement and other resources. Together, we will train our employees with up-to-date security breach and crime prevention protocols. Prior to opening for business, all new employees will be required to undergo this training.

Our training requires that all employees and officers be trained annually on proper procedures for robberies, larcenies and burglaries. However, we will go beyond the annual training requirements by regularly reminding and quizzing employees of their proper procedures during a robbery. This can be accomplished by sending out memos, distributing newspaper stories or security articles about robberies, which is a form of continuing education.

The following is a list of ten catastrophic mistakes committed by bank employees, and it is illustrative of situations that may occur at a dispensary:

1. Do not treat the hold-up note as a joke or a prank. There have been several instances in which a teller has been handed a hold up note and believes the customer is joking. If the teller does not believe the note is serious, the robber may feel forced to display a weapon, escalating the likelihood of harm.
2. Do not create any surprises for the robber. In some cases, tellers have walked away from their teller station if they don't observe a weapon. Others have been advised to pretend to faint. These actions may be successful in thwarting the robber, who may simply run out of the building. But if the robber is really desperate, the teller's actions may cause the robber to display a weapon and possibly grab a customer in the lobby. Do exactly what the robber tells you to do.
3. Do not carry excess cash in your cash drawer or medicine in the display cases. Robbers will come back if they're given large amounts of cash, or medicine. Employees should adhere to our cash and medicine limits for cash register and product stations. Excess cash should be transferred to the safe immediately.
4. Do not offer to rob the dispensary for the robber. Only give to the robber the money or medicine demanded. Don't ask if the robber wants the cash in your second drawer.
5. Do not attempt to bring attention to the robbery. Statistically bank employees who follow the bank robber's instructions are seldom injured in the course of a robbery. Handle Botanica robber as you would a regular customer. Don't attempt to gain the attention of anyone else to alert them to what

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is going on. The most important role you have in this robbery is to ensure the safety of all employees and customers in the dispensary. Bringing attention to the robber could compromise the safety of all.

6. Do not argue with the robber or attempt to talk him/her out of the robbery. Arguing, confronting or attempting to talk the robber out of the crime will increase the likelihood that others will become aware a robbery is in progress and escalate the level of danger.
7. Do not tell customers that you have just been robbed. After one robbery, just as the robber reached the front door, the employee yelled out "grab him, he just robbed me." This was an extremely dangerous action that places the safety of employees and customers in danger. What if a customer did attempt to grab the robber and a struggle took place in which a weapon was used and either a customer or employee was injured or killed? On occasion customers, believing they are acting as good Samaritans, have confronted or chased robbers and increased the likelihood of danger to themselves and others.
8. Do not ever leave the building after a robbery. In numerous cases, after the robber left the branch, an employee will either exit the building to see if they can observe the robber's getaway or - worse – actually pursue the bank robber in a chase. This type of action not only places the employee in danger but also poses a threat to others. If during such a chase or attempt to observe a robber that someone is injured, Botanica will have potential liability in a possible civil action. This is an especially important message for non-retail employees who may not have been trained properly. Let the police chase the robber.
9. In a take-over robbery, do not make sudden movements. Do not attempt to activate hold up alarms, run out of the bank, or attempt to call the police. Take-over robberies are extremely dangerous because the robbers are most likely displaying weapons. If you are on the telephone when a take-over robbery occurs, hang the telephone up and do not answer any in-coming calls unless the robbers tell you to. Attempting to activate an alarm can also be very dangerous if the robbers observe you during your attempt. Do not try to escape the robbery, as robbers will be closely watching for this activity.
10. Do not ever attempt to engage the robber(s) in a struggle. Although most of us would never imagine engaging a robber in a physical confrontation, there have been cases in which security guards, managers and other employees have physically confronted bank robbers. Remember this type of response to a robber increases the level of danger to all employees and customers in the dispensary.

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Business Continuity Plan

Loss of Internet at Dispensary

In the case of dispensary's loss of internet access, a prepaid wireless router will be activated to restore internet use until the outage is corrected.

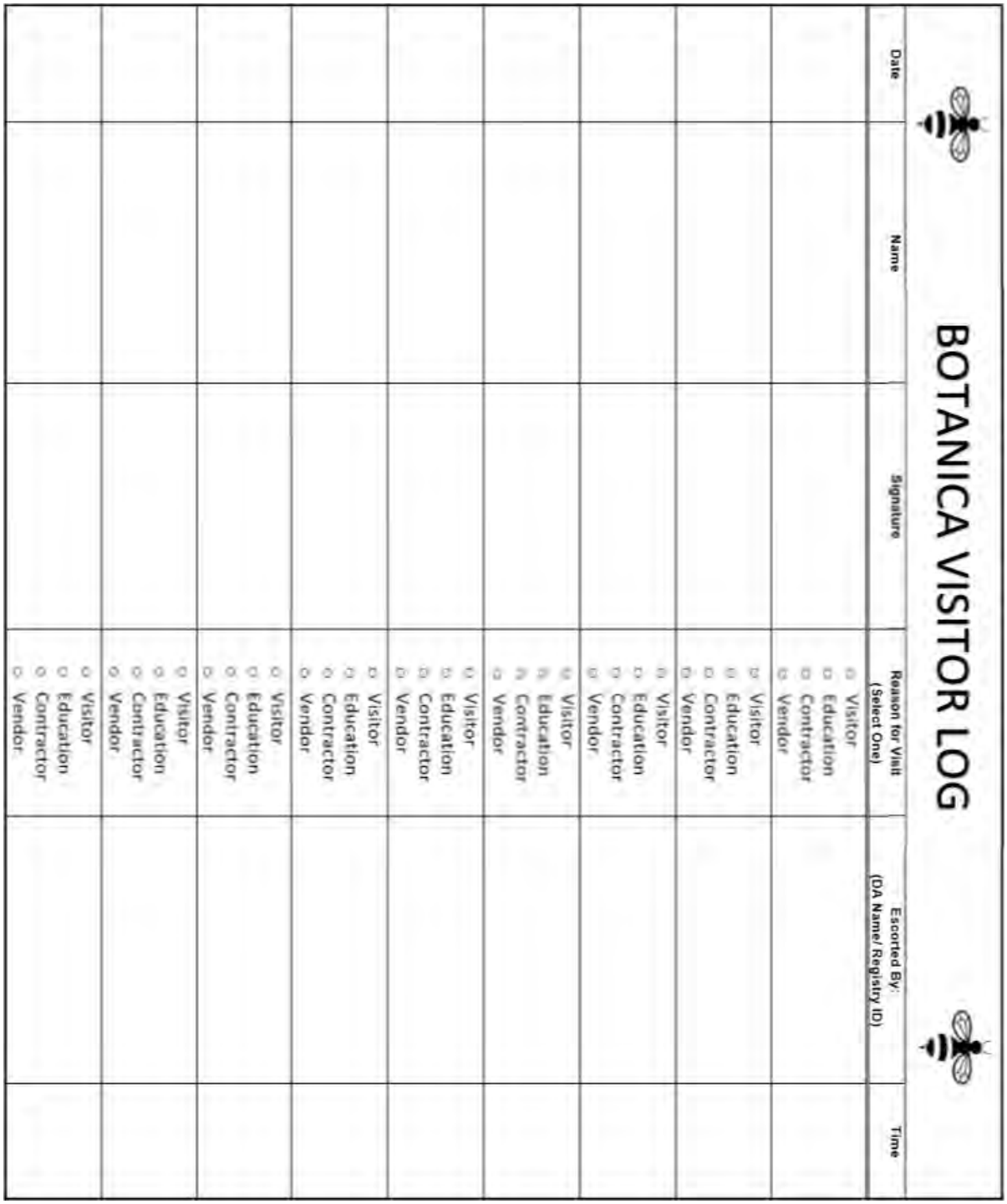
AZDHS Website Outage

In the event of an AZDHS website outage, Botanica will not be able to validate patients' AMMA cards. Botanica will not dispense medication if this occurs.

Botanica will record the impact to business by means of an hourly calculation which will take into account patient impact, as well as dispensary operations.

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Visitor Registration Form



BOTANICA VISITOR LOG

Date	Name	Signature	Reason for Visit (Select One)	Escorted By: (DA Name/ Registry ID)	Time
			☐ Visitor ☐ Education ☐ Contractor ☐ Vendor		
			☐ Visitor ☐ Education ☐ Contractor ☐ Vendor		
			☐ Visitor ☐ Education ☐ Contractor ☐ Vendor		
			☐ Visitor ☐ Education ☐ Contractor ☐ Vendor		
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			☐ Visitor ☐ Education ☐ Contractor ☐ Vendor		

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Personnel Change Form

Employee Name _____

Personal Information:

New Address _____

New Email _____

New Phone Number _____

Name Change _____

Effective Date _____

Job Status Information:

New Position _____

New Rate _____

Reason for Change _____

Effective Date _____

Management Signature _____

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Employee Taxable Gifts and Awards Reporting Form

The following gifts and awards in excess of $25 are taxable to the recipient.

Employee Name (Print):
Department:
Manager:
Value of Gift or Award:
Description of Gift or Award:

Employee Signature:
Date:
Department Approval Signature*:
Approval Name (Print):
Date:

*At least one supervisory level above the recipient

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Cash Reconciliation Form

CASH RECONCILIATION FORM

Date_____ **PSR**_____ **POS#** _____

Beginning Balance:

$20 x _____ = $_____
$10 x _____ = $_____
$5 x _____ = $_____
$1 x _____ = $_____

$.25 x _____ = $_____
$.10 x _____ = $_____
$.05 x _____ = $_____
$.01 x _____ = $_____

Manager: _____ **PSR:** _____ **Total:**_____

Ending Balance:

$100 x _____ = $_____
$50 x _____ = $_____
$20 x _____ = $_____
$10 x _____ = $_____
$5 x _____ = $_____
$1 x _____ = $_____

$.25 x _____ = $_____
$.10 x _____ = $_____
$.05 x _____ = $_____
$.01 x _____ = $_____

Manager: _____ **PSR:** _____ **Total:**_____

Beginning Balance $_____
TREEz Sales $_____
Discrepancy $_____
[Total cash (-) beginning bal (-) MJF Sales = Discrepancy)

Cash Received:
$_____
_____

Notes:
_____
_____
_____
_____

Debit Card:
TREEz: $_____
Receipt: $_____
Discrepancy: $_____

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Point of Sale Process Violation Form

Date of violation _____

Transaction Number_____

Patient Name_____AMMA Card # _____

PSR Name _____

Please describe the incident, being specific in regards to how the mistake was made and how it could be prevented in the future:

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

Please how the violation was corrected and describe below:

___AZDHS must correct ___Corrected by Botanica

_____
_____
_____
_____
_____

Date Reviewed

_____

PSR Signature

_____

Manager Signature

_____

One copy to each: Employee, Dispensary Manager, Chief Operations Officer

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Dispensary Job Matrix

	PSR I	PSR II	Assistant Dispensary Manager	Dispensary Manager
Responsibilities				Employment and employee functions, including performance management, recruitment, interviewing, hiring, training, performance reviews, scheduling, discipline, training, termination, benefits counseling, exit counseling, and recruitment and supervision of volunteers, reward & recognition program
	Patient Service	Support Assistant Dispensary Manager with job responsibilities	Support Dispensary Manager with job responsibilities	General supervision and oversight of all operations of Botanica, particularly the implementation of policies and procedures under the direction of Botanica's COO.
	Patient Intake	Specialized "have & hold" responsibilities, i.e. floor management, inventory management, assistant floor management. Greet patients as they enter the dispensing counter area.	Supervise dispensary staff and provide administrative support.	Key holder responsibilities, including opening and closing Botanica
	Organizing	Organize the queue of patients	Oversee dispensary intake and appropriate disposition of new patients. Opening and closing responsibilities	Daily inventory audits
	Operate cash register. Provide patients with a "menu" of currently available medical-marijuana products.		Oversee patient information for review	Payroll administration
	Assist other PSRs with responsibilities			All interactions with vendors. Ensures that weekly high-quality supervision is provided to employees to ensure that performance outcomes and goals are achieved
	Inventory		Work with the Dispensary Manager to recruit and train additional staff and to provide opportunities for continued staff development	Office systems administration, including workstations, copiers, fax machines, break room, uniforms, and office supplies
				The Dispensary Manager will ensure that services and products meet the needs of Botanica's patients and staff, and are cost-efficient and competitive
Deliverables	High quality customer service through the execution of responsiveness, reliability assurance/confidence, empathy, and professionalism.	Ensure that patients receive explanations, advice, presentation, and sales in regard to medical marijuana.	Effectively interacts with colleagues and subordinates to advance organizational mission and performance. Mobilizes others in service of the work.	Demonstrates all PSR and Floor Manager
Knowledge	Entry Level	Demonstrates all PSR I	Demonstrates all PSR	The Dispensary Manager reports directly to the COO
Supervision	Works independently while under Dispensary Manager supervision	Works independently while under Dispensary Manager supervision	Works independently while under Dispensary Manager supervision	

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Corrective Action Reporting

Date: _____

Employee/Contractor Name: _____

Employee/Contractor's Manager: _____

Report Filed By: _____

Description of the Problem:

_____

_____

_____

Supporting Documentation:

_____

_____

_____

Preliminary Assessment of Potential Impact and/or Risk:

_____

_____

_____

Action To Resolve Problem:

_____

_____

_____

I,_____, understand this document will be retained in my HR file.
(Print Name)

Employee/Contractor Name (Print): _____

Employee/Contractor Signature: _____

Manager Name (Print): _____

Manager Signature: _____

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Notice to Employee of Suspension Without Pay

Employee Name:	Manager Name:
Department:	Manager Title:
Date:	

Summarize the reason for suspension, and state the beginning and ending dates and times of the suspension without pay:

State the results if the employee fails to return to work as expected at the end of the suspension:

Employee Signature: _____

Date: _____

Manager Signature: _____

Date: _____

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Employee Exit Procedure

These procedures are to be followed whenever an employee terminates employment with Botanica. This includes the termination of employment through resignation, retirement, completion of contract employment, or dismissal.

Exiting Employee Name:	Date Effective:
Department:	Manager Name:

Notification of Termination of Employment

PROCEDURE	COMPLETED	
Action	❒ or mark as N/A	Manager's Initials
● Deactivate @apothecarytucson.com email account(s)		
● Change password to: info@apothecarytucson.com		
● Deactivate Treez account		
● If necessary, collaborate with Security Manager to ensure complete denial of access is implemented immediately		
● Deactivate employee alarm code (if applicable)		
● Collect all hardware and software assigned or loaned to the employee		
● Confirm all department obligations have been finalized		
● Collect from the employee - Dispensary Agent Card		
- Botanica Security Access Card & Name Badge		
- Keys to Botanica doors, any desk, cabinet, storage facility		
- Business cards, if applicable		

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- Ensure updating of codes/passwords to which the employee had access (i.e., Central Alarm, business related internet sites)		
- Notify AZDHS of employee termination within 10 days, if applicable		
● Reconcile any outstanding claim forms/expense reimbursement		
● Coordinate with Payroll service to issue the final paycheck within 10 days of termination		

_____ I certify I have returned all equipment, keys, tools, documents (in any media or format), any assets and other property belonging to Botanica. I possess no other company property or copies of my work. I understand I am expected, and agree, to continue to adhere to the Botanica non-disclosure agreement I signed upon employment.

Employee Signature:_____ **Date:** _____

Manager Signature:_____**Date:** _____

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DA No Longer Employed Form

On the final day of employment with Botanica, the exiting employee will surrender their AZDHS issued Dispensary Agent Card to the Dispensary Manager. The Dispensary Manager will deliver the card and this form to the Chief Operations Officer, who will notify the AZDHS of the employee's change in status within 10 days of separation of employment.

Date card surrendered: _____

DA Name: _____

DA Card#: _____ Department: _____

Signature of exiting employee: _____

Signature of Security Manager: _____

Date card delivered to COO/DM: _____

Signature of COO/DM: _____

Date AZDHS notified: _____

Contact Name/Email Address notification sent to: _____

After AZDHS notification, this document will be filed in the exiting employee's HR file

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Accident Report Form

Use this form anytime any person is injured on Botanica premises

Date: _____

Name of injured person (Print): _____

Address: _____

Phone Number(s): _____

Who was injured? (circle) Patient Employee Employee in business related vehicle accident

Type of injury: _____

Details of accident: _____
_____
_____
_____
_____
_____
_____

Immediate medical attention required? (circle) Yes No*

Ambulance called? (circle) Yes No

Signature of injured person: _____

*No medical attention needed or requested.

Signature of injured person: _____

Employees will immediately report work related accidents to the manager on duty. Employees may qualify for Workers Comp medical care and should seek medical care at a Workers Comp certified medical facility.

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Copper State Herbal Center

DRC: 00000058DCQU00115543 Medication Waste and Disposal Form

Type	SKU #	Strain	Batch #	Weight	Disposal Method	Reason

AGENT NAME NUMBER:	**DATE OF DISPOSAL:**
AGENT SIGNATURE:	**TIME OF DISPOSAL:**
VERIFING AGENT:	**DATE OF VERIFICATION:**
VERIFIED SIGNATURE:	**AUTHORITIES NOTIFIED?** **NO**

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Denial Of Medication Form

Date of Denial: _____

Patient/Caregiver Name: _____

Patient/Caregiver AMMA Card#: _____

DA Name & DA Card#: _____

Reason for Denial of Medication, be specific:

_____

_____

_____

_____

_____

_____

_____

_____

_____

Date: _____

DA Name (Print) : _____

DA Signature: _____

Dispensary Manager/Assistant Manager (Print) Name: _____

DM/AM Signature: _____

COMMENTS: _____

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Transportation Form

Copper State Herbal Center

DRC: 00000058DCQU00115543 **Inventory Transportation Log**

6205 N Travel Center Dr
Tucson, AZ 85741

520-395-0230
wholesale@botanica.us

Starting Location:	Copper State Herbal Center	**Destination:**	Catalina Hills Cultivation
Address:	6205 N Travel Center Dr Tucson	**Address:**	2046 W Ironwood Dr Phoenix 85021
DRC:	00000058DCQU00115543	**DRC:**	00000016DCCC00020807
Delivering Agent	Carolie Estes	**Receiving**	Ashley Miller
Agent ID:	0230377DADQ196873003	**Agent ID:**	0098993DADN010862004
Transport Vehicle	Hyundai Elantra		
License Plate:	CDL9244		

Please see attached manifest(s), route, and map. Record any deviations to the route, and reasons below

Trip Start Time: _____ Agent Signature: _____

Trip End Time: _____ Date: _____

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Trip Manifest

Copper State Herbal Center

DRC: 00000058DCQU00115543 **Trip Manifest**

6205 N Travel Center Dr
Tucson, AZ 85741

520-395-0230
erin@botanica.us

Product(s) Included In Trip

Product	Type	Amount (g)	Batch	Package ID

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Security Incident Report

Use this form for any disruptive activity on Botanica premises.

Date:_____ Time of Incident: _____

Location: _____

Brief Description of Incident: _____

_____

_____

_____

_____

_____

_____

Persons involved in incident: (circle) Patient Employee Other

List names/contact information of those involved: _____

_____

_____

_____

_____

Witness names/contact information: _____

_____

_____

_____

_____

_____

If law enforcement was contacted, fill in the information requested below

Police Incident #: _____

Responding Officer Name and Badge # (attach business card, if available): _____

_____

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Security Breach Report

Use this form when Security is breached physically or digitally

Date:_____ Department: _____

Manager Reporting: _____

Security Breach Report Details

Date of breach:_____Location: _____

Name of person(s) committing breach:
Violators' AMMA card #:
Other information such as vehicle make, model, tag#:

Description of breach (include why actions are considered a breach):

Date: _____

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Theft Report Form

Name of Department: _____

Person making report:_____Designation: _____

Theft Report Details:

Date of theft:_____Location: _____

Police Report #: _____

Total Items that went missing (add more pages as necessary):

Items	*ID Numbers*	*Quantity*	*Value*

Any suspect/suspicious activity noticed on the day of theft or before that: (circle) YES NO

Last time/date when those items were seen: _____

The first witness of theft, his/her statement: _____

_____

Were there any signs of forceful entrance/broken doors/walls/other: (circle) YES NO

Were there any law enforcement warnings/advice about security of items: (circle) YES NO

Date submitted: _____

Print name of report recipient: _____

Signature of report recipient: _____

Designation: _____

Date Received: _____

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Shelter-In-Place Order Policy

Law enforcement agencies can issue a Shelter-In-Place Order (SIPO) for various emergencies. If law enforcement or Management issues a Shelter-In-Place order, implement the following process:

Whether the SIPO is a live event, or a drill, maintaining an atmosphere of calm and understanding of procedure is important to the safety of all building occupants. All building occupants are expected to follow instructions.

- ✓ Security Officer
  - o Verify SIPO notification with appropriate law enforcement agency
    - ▪ Physically or digitally
  - o Communicate SIPO information to COO, Dispensary Manager or Assistant Manager

- ✓ DM/AM inform on-duty employees, patients, and guests (All building occupants) to remain in the building until the all-clear order is received from the Law Enforcement agency that called the SIOP.

- ✓ Security Officer
  - o Confirm access to/from physical plant is secure
  - o Account for employees, patients, and guests
  - o Communicate when the all-clear message is received

The Security Officer is responsible for immediate implementation of the SIP process. All building occupants should follow instructions during a SIPO event or drill.

The Security Manager will develop, schedule, and facilitate training for employees.

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Bomb Threat Call Checklist

On a Separate Line – CALL 911; or (520) 382-2000 City of Marana Police

Employee Name_____**Date & Time of Call** _____

Questions to Ask:

Exact Wording of Threat (use extra sheets if necessary)	
When is the bomb going to explode?	
Where is it right now?	
What does it look like?	
What will cause it to explode?	
Did you place the bomb?	
Why?	
What is your address?	
What is your name?	

Sex of caller:_____Age:___Race:_____ Length of call:_____

Caller's Voice:

Calm	Laughing	Lisp	Disguised
Angry	Crying	Raspy	Accent
Excited	Normal	Deep	Familiar
Slow	Distinct	Ragged	If voice is familiar who did it sound like?
Rapid	Slurred	Clearing throat	
Soft	Nasal	Deep breathing	
Loud	Stutter	Cracking Voice	

Background Sounds

Clear	Street Noises	House noises	Office machinery
Static	Crockery	Motor	Booth
Local	Voices	Animal Noises	Factory Machinery
Long distance	PA system	Music	
Other			

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Threat Language

Well Spoken (well educated)	Foul	Incoherent	Message read by threat maker
	Irrational	Taped	

Remarks:	

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Planning Commission - Regular Meeting

Meeting Date: 01/27/2021

To: Planning Commission

From: Anita McNamara, Long-Range Planner

Date: January 27, 2021

Strategic Plan Focus Area:
Not Applicable

Subject: **CUP2101-001: Wild Burro Desert Retreat RV Camping Space**. A request for approval of a conditional use permit to allow the hosting of one RV space via Hipcamp.com at 13350 N. Wild Burro Road, APN 21844046A (Anita McNamara)

Discussion:

Summary of Application

Robert and Cindy Motz have submitted an application requesting approval of a conditional use permit allowing the rental of one RV space as a host for Hipcamp.com on their property, and the site of their home, located at 13350 N. Wild Burro Road. The RV space will be located near the west side of the property, approximately 160 feet east of N. Wild Burro Rd.

Location

The five acre property is generally located approximately 3/4 mile north of Moore Road on the east side of North Wild Burro Road. The property is south and west of the Dove Mountain Specific Plan area and adjacent to State Trust Land to the east.

Existing Land Use and Zoning

The subject property and the surrounding area are located in the Agricultural (AG) zoning district. The property is developed with a single family dwelling located in the southeastern portion of the parcel. Although the project site is located in the AG zoning district, the nature of the neighborhood is very low density, large-lot rural residential. Properties to the immediate north and east are vacant, while the property to south contains an RV that appears to be permanent and a few small outbuildings. To the southeast are parcels developed with single-family residential homes.

Access

Access to the property and RV space is from an unpaved driveway off of North Wild Burro Road. North Wild Burro Road is a named, unpaved private road easement that is not maintained by the Town.

RV Camping Rental Space Use

The applicants are hosts for a vacation reservation service website, Hipcamp.com, which is a sharing economy website similar to AirBnB or VRBO. The primary difference to other services is that, instead of renting out their home or space in their home to guests, the applicants rent out an RV space on their property.

Because this use is relatively new, it was never contemplated in the Land Development Code or specifically in the AG zoning district. The permitted uses in AG are those customarily found in an agricultural area, such as single family dwellings, growing and harvesting, stables, riding arenas, etc. Uses listed as conditional uses are primarily larger agricultural operations such as dairies and feedlots, in addition to veterinary clinics and residential facilities for non-permanent occupancy, including only bed and breakfasts, resorts and guest ranches. Prohibited uses include commercial businesses, manufacturing, multi-family development and recreational vehicle parks.

For uses not specifically listed in the Code, the Planning Director and the Legal Department may consult as to how a use should be classified (permitted, conditional, or prohibited.) The use in question is not similar to any of the permitted uses in AG zoning and is not similar to the prohibited uses such as a recreational vehicle park, as only one space is proposed for this use. The most similar use, bed and breakfast, is allowed by conditional use. Therefore, the Planning Director, after consulting with the Legal Department, determined that a conditional use permit is required for this type of use.

The application submittal describes the operational nature of the RV space rental along with rules set forth by both Hipcamp.com and the applicants themselves to ensure that RV guests do not create a nuisance. In addition, the submittal also states that there have been no compliance issues to date.

Public Notice

The public hearing for this request was appropriately noticed in the Daily Territorial. Notice was mailed to all owners of property within 300 feet of the subject property, informing them of the request as well as the date and time of the public hearing. As of January 15, staff has received one letter of support.

Recommended Findings of Fact

Staff finds that this proposal is consistent with the intent of the Town of Marana 2040 General Plan, the Marana Land Development Code, the Marana Town Code, and complies with the requirements of a conditional use permit. Staff finds the following:

1. The applicant has demonstrated that the proposed use and location is appropriate and complies with the intent of section 05.10.01 of the Land Development Code and section 17-3-2 of the Town Code.
2. The proposal does not appear to be detrimental to the immediate area and to the health, safety, and general welfare of the inhabitants of the area and the Town of Marana.
3. The proposal will not adversely affect the orderly development of property within the Town.
4. The proposal will not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the Town of Marana.
5. The proposal is consistent with the objectives, policies, general land uses and programs specified in the Town of Marana General Plan.
6. The proposal is not anticipated to create a nuisance or enforcement problem within the neighborhood.
7. The proposal is allowable within this zoning designation subject to approval of a conditional use permit and will not encourage marginal development within the neighborhood.
8. The proposal will not create a demand for public services with the Town beyond that of the ability of the Town to meet in the light of taxation and spending restraints imposed by law.
9. The proposal does not conflict with the Town's approved funding priorities.
10. The proposal is adequate in size and shape to accommodate the intended use, and that all requirements for the zone district, including but not limited to, the parking location and circulation.

Case Review

1. Ability to comply with Findings 1 through 10 of Administration and Enforcement, Chapter 17-3 of the Town of Marana Town Code pertaining to conditional use permits, Section 17-3-2.D.
2. Ability to comply with provisions 1 through 6 of General Development Regulations and the purpose and intent of Section 05.10.01.of the Land Development Code.

Staff Recommendation:

Staff recommends approval of the conditional use permit with the following conditions:

1. Only one RV space is allowed.
2. The applicant will provide for, make RV guests aware of, and enforce the following:
    1. Speed limit of 15mph on the private road (Wild Burro Road)

2. Quiet hours are from 10pm - 8am
3. Only one RV and up to two automobiles are allowed
4. No more than six guests per stay
5. No tents or port-a-potties
6. Only RV's with internal toilets provided are allowed
7. No wood fires (propane only)
8. No external generators over 70 decibels (not to be run during quiet hours)
9. Signage and/or instructions regarding no use or access of the adjacent, private properties to the south and north
10. Tortolita Preserve may only be accessed by using the entrance at the end of Moore Road
11. No more than two pets allowed
12. Any pets must always be leashed

Suggested Motion:

I move to approve CUP2101-002, a conditional use permit to allow the hosting of one RV space via Hipcamp.com at 13350 N. Wild Burro Road, APN 21844046A, subject to the conditions listed herein.

Attachments

Application

Narrative

Layout Plan

Location Map Exhibits

Development Services / maranaplanning@maranaAZ.gov
11555 West Civic Center Drive / Marana, AZ 85653
Ph (520) 382-2600 / Fax (520) 382-2641 / maranaAZ.gov

PROJECT APPLICATION

APPLICATION TYPE

❑ Annexation	❑ Development Plan	❑ Development Plan Package	❑ General Plan Amendment
❑ Rezone	❑ Minor Land Division	❑ Significant Land Use Change	☒ Conditional Use Permit
❑ Specific Plan	❑ Landscape Plan	❑ Native Plant Plan/Exception	❑ SWPP
❑ Variance	❑ Hydraulic Model	❑ Sewer Capacity Assurance	❑ Sign Program
❑ Plat	❑ Improvement Plan	❑ Report (Type): _____	❑ Other: _____

PROJECT INFORMATION

Project Name: Wild Burro Desert Retreat			
Description of Project: One RV Camping spot			Number of Lots: 1
Parcel No.(s): 21844046a			Gross Area (Acres): 5
Project Address: 13350 N Wild Burro Rd			
Ref. Project No.:			

CONTACT INFORMATION

Owner: Roberto & Cindy Motz	Contact Name: Roberto Motz		
Address: 13350 N Wild Burro Rd	City:	State:	Zip:
Email: bober47@aim.com	Phone No.: (520) 235-3738		
Applicant: Roberto & Cindy Motz	Contact Name: Bob Motz		
Address: 13350 N Wild Burro Rd	City: Marana	State: AZ	Zip: 85658
Email: bober47@aim.com	Phone No.: (520) 235-3738		
Consultant/Engineer:	Contact Name:		
Address:	City:	State:	Zip:
Email:	Phone No.:		

OWNER/APPLICANT AUTHORIZATION

I hereby certify that the information set forth in this application are true and correct to the best of my knowledge and that I am either the owner of the property or that I have been authorized in writing by the owner to file this application. (If applicant is not the owner, attach written authorization from the owner.)

Roberto Motz	Roberto Motz Digitally signed by Roberto Motz Date: 2020.12.15 18:24:36 -07'00'	12/15/2020
Applicant Name (PRINT)	Signature	Date

FOR OFFICIAL USE ONLY

Project No. CUP2101-002 **Date Received** 1/4/2021

Revision Date 03/29/2019

Dear Planning Commission,

The intent of this narrative is to explain the details of our Hipcamp site. We have been delighted to have had the opportunity to share our beautiful property, and the diverse beauty of the Town of Marana, with other RV campers, as their hosts using the platform, “Hipcamp”. We will explain who were are, what Hipcamp is, its role regarding the environment, why we decided to start our own Hipcamp site and what it looks like as well as how well it has gone.

We are a retired couple who have thoroughly enjoyed living on our beautiful 5 acre property, at 13350 N. Wild Burro Road, for the last 9 1/2 years. We love the natural desert and all that it has to offer. The wildlife, the beautiful views, the peace and quiet, the feeling of being in the middle of nowhere, yet being close to so many amenities, is priceless. We previously resided in The Villages at Dove Mountain and raised our family there. Our current home is our retirement home. We plan to remain here for the rest of our natural lives and have no intentions of leaving our little slice of heaven.

Bob has lived in the Tucson area for a total of 30 plus years and Cindy is a native. Cindy has never lived anywhere else and her entire biological family resides in Tucson. Together, we have 6 married children and 15 grandchildren and most are nearby. Our family is most important to us. Gathering together and spending time with them is what we enjoy most. We love hosting them with their RV’s here at our Hipcamp spot. It is nice to have plenty of room to spread out and have fun. We believe this is what the best memories in life are made of.

We purchased a 19 foot travel trailer a couple years ago. We made a few long distance trips and several shorter ones here in AZ. We have found this to be a wonderful, safe (Covid-19), affordable, and meaningful way to travel. This new venture of ours led us to a brilliant platform, “Hipcamp” used by many who love to travel and who love and appreciate the outdoors. Many are retirees who own beautiful RV’s such as Airstreams. Others are young couples and small families, in RV’s, who love to explore the outdoors.

Our priorities for creating are own Hipcamp site were: safety, the preservation of our land and surrounding areas, preserving the serenity in the area, the ability to vet our guests, and a small way to supplement our retirement income. With full appreciation of other permitted (private or public) activities in our area such as; petting zoos, spas, public stables, riding arenas, kennels, etc. we appreciated the idea of low traffic, the ability to vet our campers, and the nearly non-existent impact on the beauty of the land desert all while allowing non-Arizonians the ability to appreciate the beauty of our town.

Hipcamp is all over social media and was created in 2013.They advertise themselves as being the “AirBnB for campers”. They have been spotlighted in publications such as: USA Today, The New York Times, The Wall Street Journal, and the Smithsonian. It is quickly growing and widely used as they cover National, State, Regional and Army Corps Parks in all 50 States. This comes out to 14,043 Parks, 27,015 Campgrounds and 432,539 Campsites across the USA.

"The next wave of conservation has to be about engaging private landowners."
Rand Wentworth, President, Land Trust Alliance
Over 60% of the United States is privately owned. It is essential to the future of our planet that much of this land remains undeveloped to maintain wilderness habitats and corridors that allow plants and animals to thrive and migrate naturally.

We have owned and rented a duplex in the University of Arizona area for over 17 years. We have vetted dozens of potential renters with much success. We have our own rules for our rentals/renters and we were pleased to see that Hipcamp requires a strict set of rules/standards for both hosts and campers.

We began by choosing the area for our one and only single site. One that would allow all involved privacy, yet provide beautiful views. We had the land professionally excavated and placed a picnic table along with brand new garbage cans (regular and recycle) at the site. Cindy, being the aesthetic person she is, added a few special touches for guests on the picnic table which includes things such as; local tourism information, water and snacks, and playing cards. We created a small welcome sign that sits inside the entrance to our property. We recently installed water and electric and have no intentions of installing a septic system. We refer guests to the local dump station on Tangerine and I-10. (Our site is COVID-19 certified. All items are sanitized between uses.)

We were also able to set our own rules such as: (not all inclusive)

- Driving no more that 15mph on our private road
- Quiet hours from 10pm - 8am
- No more than 6 guests per stay/1 RV only and up to 2 automobiles
- No tents or porta potties
- RV's only with toilets provided
- No wood fires (Propane only)
- No external generators over 70 decibels/Not to be run during quiet hours
- Signage and/or instructions for no use of the private properties to our south, north, and the path leading to our home.
- Enjoyment of the Preserve only by using the entrance at the end of Moore Road.
- No more than 2 , always leashed, pets

We have always felt a responsibility for the environment. The fact that self-contained RV's (the only ones we allow) are also allowed in environmentally sensitive and protected areas such as Yellowstone and almost all national parks, we can have the peace of mind that nothing is left behind other than tire tracks. (Which we rake away so each guest feels a fresh welcome.)

We are happy and grateful to report that we have had zero issues with compliance and often say we have hardly noticed the 23 guests who have stayed with us. (To date, we have had less than two guests per month with an average stay of 2 nights. Our guests have been amazingly great folks who love our site and the Town of Marana. The reviews of our Hipcamp site reflect this. We have been able to vet our guests prior to confirming their reservation, which offers us the greatest peace of mind. Per Hipcamp policy, and our own personal standards, we are to be no more than one hours' drive away (24/7) during our guest's stay. We find that our guests appreciate serenity and privacy and that is great because we do too. We are able to monitor the

site as we enter and exit our property and at any other time we deem necessary. All guests have left our site in as good as condition , or better, than they found it.

We share our Hipcamp site with many family and friends and have been very pleased with the Hipcamp platform. We hope to be able to continue to safely and responsibly share our beautiful land, the great Town of Marana, and surrounding areas with others. We invite you to visit our Hipcamp site, "The Wild Burro Desert Retreat" at www.Hipcamp.com.

Thank you for your time and consideration,

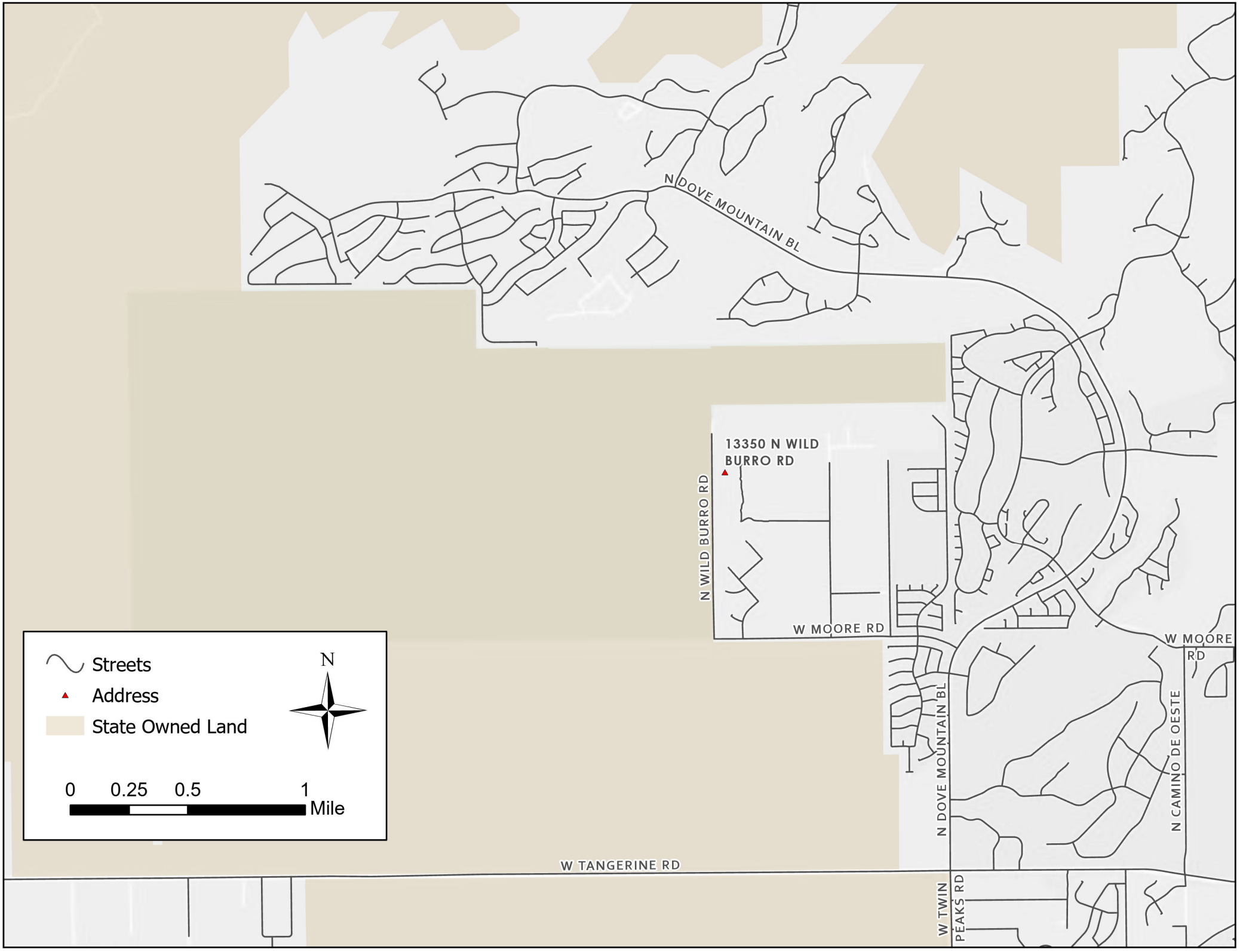
Bob and Cindy Motz

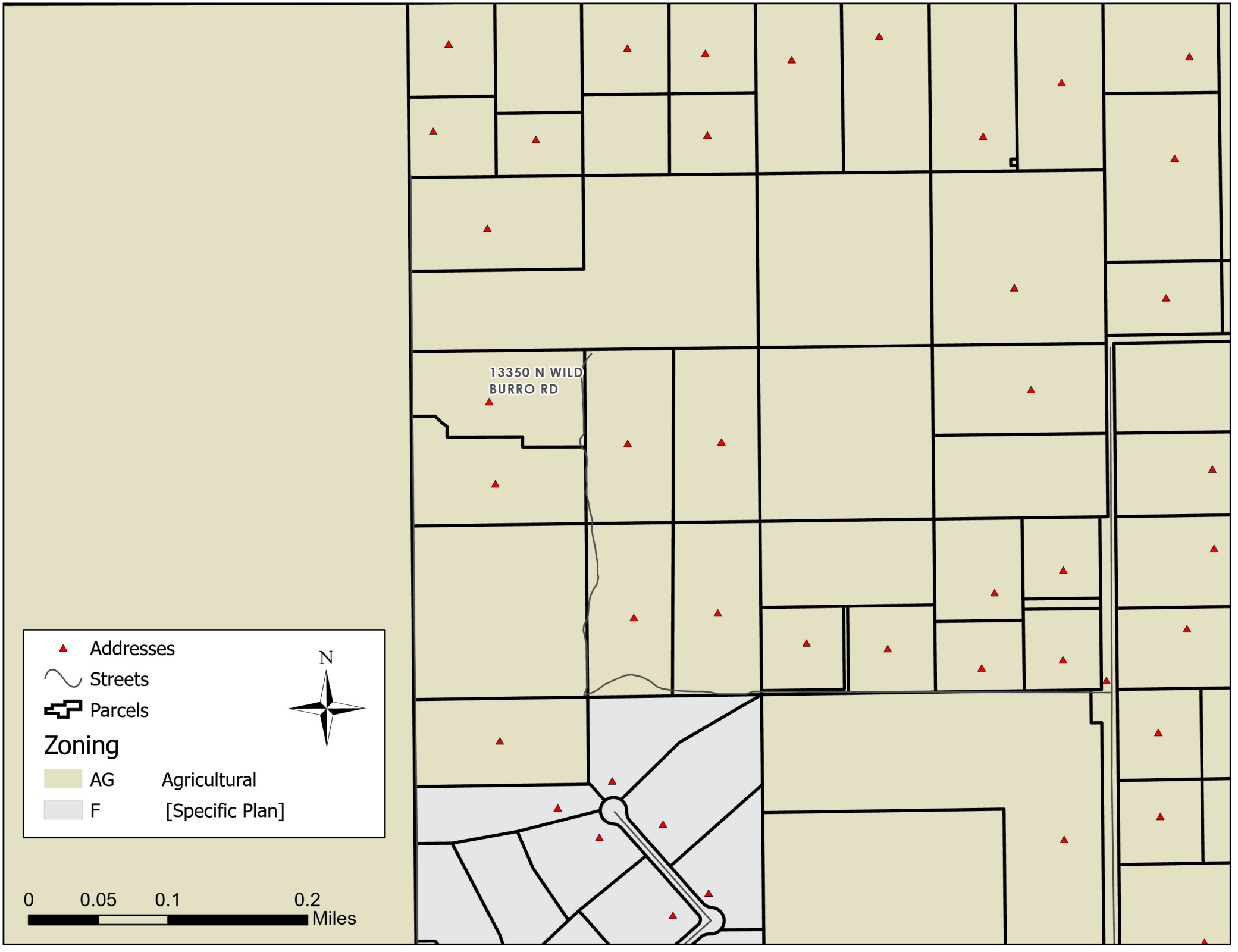
Wild Burro Desert Retreat

North



07/14/2020


N DOVE MOUNTAIN BL
13350 N WILD BURRO RD
N WILD BURRO RD
W MOORE RD
W MOORE RD
N DOVE MOUNTAIN BL
N CAMINO DE OESTE
W TANGERINE RD
W TWIN PEAKS RD
Streets
Address
State Owned Land
N
0 0.25 0.5 1
Mile


13350 N WILD BURRO RD
Addresses
Streets
Parcels
Zoning
AG Agricultural
F [Specific Plan]
N
0 0.05 0.1 0.2
Miles

Planning Commission - Regular Meeting

Meeting Date: 01/27/2021

To: Planning Commission

From: Anita McNamara, Long-Range Planner

Date: January 27, 2021

Strategic Plan Focus Area:
Not Applicable

Subject: **PCZ2012-001: Phil's Sheds Rezoning.** A request for a recommendation to the Marana Town Council for approval to rezone approximately 1.84 acres of land from R-36 (Residential) to Village Commercial (VC). The property is located at 4535 W. Ina Road, on the south side of West Ina Road, 0.10 mile east of Interstate 10, in a portion of Section 6, Township 13S, Range 13E. (Anita McNamara)

Discussion:

Request
Phillip and Henry (Tom) Toole, property owners of a 1.84 acre parcel known as Pima County Assessor's Parcel #10105009E, and owners of the Phil's Sheds business currently operating on the site at 4535 W. Ina Road, request a recommendation to the Marana Town Council for approval to rezone the parcel from R-36 (Residential) to Village Commercial (VC).

History
The proposed rezoning area was annexed in to Marana in 1993 by Ordinance #1993.12. The Pima County zoning of Suburban Homestead (SH), which has a 36,000 square feet minimum parcel area, was translated to the Town zoning of R-36 (Residential). Prior to and since annexation, the property has been in continual use as a commercial business (retail sheds)

Surrounding and Existing Land Use and Zoning
The rezoning area is surrounded by commercial uses. To the west of the subject property, on the south side of Ina Road, is a now vacant commercial parcel that previously contained a car rental agency zoned VC, while to the east are the proposed El Rancho Market and Fascinations store, which are also zoned VC. To the southeast is a power sub-station zoned VC and Heavy Industry. Directly to the south is the Union Pacific Railroad and Interstate 10 right-of-way, which are both zoned Light Industrial. On the north side of Ina Road are additional properties, all zoned VC, with a mix of restaurant, hotel, convenience store/gas station and similar uses.

Make Marana General Plan 2040
The 2040 General Plan designates this area as Commercial, which accommodates commercial land uses. Rezoning to VC will bring the zoning into compliance with the 2040 General Plan and facilitate sale and redevelopment of the property.

Access and Circulation
The property has existing, direct access off of West Ina Road in the area of the recently completed Ina Road/I10 interchange project. As part of the project, the right-of-way was widened and received beautification elements such as landscaping, new streetlights, sidewalks, and accessibility ramps.

Utilities
The rezoning area is located within the Tucson Water service area and currently has service. Sewer is provided by septic system on the site. The property is located within the service area for Pima County

Regional Wastewater Reclamation Department. Future development of the site will require connecting to the sewer system. The rezoning area lies within the service areas of TEP, Southwest Gas, Century Link and Comcast.

Fire District Services
The rezoning area is located within the Northwest Fire service area.

Public Notification
The public hearing was appropriately noticed in The Daily Territorial and all property owners within 300 feet of the boundary of the rezoning area were noticed, by United States mail, of the date, time and topic of the public hearing. Additional notice was posted at various locations within the community. There has been no contact to the staff regarding the rezoning.

Recommended Findings of Fact
1. The property is currently zoned R-36 (Residential). The proposed change in zoning to Village Commercial (VC) is supported by the Commercial (C) land use category of the Marana General Plan.

2. With the acceptance of the recommended conditions, the proposed rezoning is in compliance with all other development standards of the Land Development Code related to the proposed zoning classification.

3. The proposed rezoning, with acceptance of the recommended conditions, does not appear to be detrimental to the immediate area or to the health, safety, and welfare of the inhabitants of the area and the Town of Marana.

Case Analysis Review Criteria
1. Ability to comply with development regulations, i.e. water, sanitation, access, developable parcel, etc.: With the acceptance of the recommended conditions this amendment complies with the requirements of all agencies.

2. Ability to comply with requirements of the zoning regulations, i.e. lot size, frontage, setbacks, etc.: With the acceptance of the recommended conditions this amendment complies with the requirements of the zoning and the purpose and intent of the Land Development Code.

3. Consistent with the purpose of the zoning regulations and with the intent of the General Plan: This amendment is consistent with the purpose and intent of the Land Development Code and the Town of Marana General Plan.

4. Compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the Town:

Based upon the requirements and conditions, this amendment will not be detrimental to the immediate area or to the general health, safety, and welfare of the inhabitants of the area and the Town of Marana.

Staff Recommendation:

Staff recommends that the Planning Commission recommend to the Marana Town Council approval of PCZ2012-001, based upon the recommended findings of fact and subject to the following conditions.
1. Compliance with all applicable provisions of the Town's codes and ordinances current at the time of any subsequent development including, but not limited to, requirements for public improvements and payment of application fees and applicable development impact fees.
2. A master drainage study must be submitted by the property owners and accepted by the Town Engineer prior to Town approval of a preliminary plat or development plan for any portion of the

Rezoning Area.
3. A detailed traffic impact analysis must be submitted by the property owners and accepted by Town staff prior to approval of a preliminary plat or development plan for any portion of the Rezoning Area.
4. A water infrastructure and phasing plan (WIP) must be submitted by the property owners and accepted by the water provider prior to approval of a preliminary plat or development plan for any portion of the Rezoning Area. The WIP shall identify all on-site and off-site water facilities needed to serve the proposed development. The WIP shall include all information required by the water provider, such as (but not limited to) analysis of water use and fire flow requirements, and well source, reservoir, and booster station infrastructure needed to serve the proposed development. If the water provider requires a water service agreement as a condition of service to the proposed development, the future owners must enter into a water service agreement with the water provider consistent with the accepted WIP.
5. A master sewer plan must be submitted by the property owners and accepted by Pima County Regional Wastewater Reclamation Department (the "wastewater utility") prior to the approval of any final plat or development plan for the Rezoning Area. The master sewer plan shall identify all on-site and off-site wastewater facilities needed to serve the proposed development, and shall include all information required by the wastewater utility. If the wastewater utility requires a sewer service agreement as a condition of service to the proposed development, the future owners must enter into a sewer service agreement with the wastewater utility consistent with the accepted master sewer plan.
6. The property owners must design and construct any roadway, drainage, water, and wastewater improvements, and dedicate or acquire any property rights associated with those improvements, that the Town requires based on the data and findings of the accepted traffic impact analysis, the accepted master drainage study, the accepted WIP, the accepted master sewer plan, and other studies approved in connection with the approval of a preliminary plat or development plan for any portion of the Rezoning Area.
7. The property owners shall transfer to the water provider, by the appropriate Arizona Department of Water Resources form, those water rights being IGR, Type I or Type II for providing designation of assured water supply and water service to the Rezoning Area. If Type I or Type II is needed on the Rezoning Area, the water provider and the property owners shall arrive at an agreeable solution to the use of those water rights appurtenant to the affected portion of the Rezoning Area.
8. The final design of all streets and circulation facilities, including gated access (if applicable), must be accepted by the Northwest Fire District prior to Town Council consideration of a final plat for any portion of the Rezoning Area.
9. No approval, permit or authorization by the Town of Marana authorizes violation of any federal or state law or regulation or relieves the future owners from responsibility to ensure compliance with all applicable federal and state laws and regulations, including the Endangered Species Act and the Clean Water Act. The property owners should retain appropriate experts and consult appropriate federal and state agencies to determine any action necessary to assure compliance with applicable laws and regulations.
10. Prior to the issuance of any grading permits, the property owners shall submit evidence to the Town that all federal permit requirements have been met through the Corps of Engineers and the State Historic Preservation Office, if federal permits are required for the development of the Rezoning Area.
11. The property owners shall not cause any lot split of any kind without the written consent of the Town of Marana.

Suggested Motion:

I move to recommend to the Marana Town Council approval of the rezoning of approximately 1.84 acres of land located at 4535 W. Ina Road from R-36 (Residential) to VC (Village Commercial), subject to the recommended conditions.

Attachments

Application
Applicant's Narrative
Location Map
Rezoning Exhibits
Survey

MARANA AZ

Development Services / maranaplanning@maranaAZ.gov
11555 West Civic Center Drive / Marana, AZ 85653
Ph (520) 382-2600 / Fax (520) 382-2641 / maranaAZ.gov

PROJECT APPLICATION

APPLICATION TYPE

❑ Annexation	❑ Development Plan	❑ Development Plan Package	❑ General Plan Amendment
☒ Rezone	❑ Minor Land Division	❑ Significant Land Use Change	❑ Conditional Use Permit
❑ Specific Plan	❑ Landscape Plan	❑ Native Plant Plan/Exception	❑ SWPP
❑ Variance	❑ Hydraulic Model	❑ Sewer Capacity Assurance	❑ Sign Program
❑ Plat	❑ Improvement Plan	❑ Report (Type): _____	❑ Other: _____

PROJECT INFORMATION

Project Name: 4535 W. Ina Rd. rezone	
Description of Project: Rezone 1.84 acres	Number of Lots: 1
Parcel No.(s): 101-05-009E	Gross Area (Acres): 1.84
Project Address: 4535 W. Ina Rd.	
Ref. Project No.:	

CONTACT INFORMATION

Owner: Phil & Tom Toole	Contact Name: Phil Toole		
Address: 4535 W. Ina Rd	City: Tucson	State: AZ	Zip: 85741
Email: PhilsSheds@yahoo.com	Phone No.: (520) 867-3415		
Applicant: Phil Toole	Contact Name: Phil Toole		
Address: 4535 W. Ina Rd	City: Tucson	State: AZ	Zip: 85741
Email: PhilsSheds@yahoo.com	Phone No.: (520) 867-3415		
Consultant/Engineer: None	Contact Name:		
Address:	City:	State:	Zip:
Email:	Phone No.:		

OWNER/APPLICANT AUTHORIZATION

I hereby certify that the information set forth in this application are true and correct to the best of my knowledge and that I am either the owner of the property or that I have been authorized in writing by the owner to file this application. (If applicant is not the owner, attach written authorization from the owner.)

Phil Toole	Phil Toole	12/18/2020
Applicant Name (PRINT)	Signature	Date

FOR OFFICIAL USE ONLY **Project No.** PCZ2012-001 **Date Received** 12/21/2020

Revision Date 03/29/2019

Anita McNamara, AICP, CFM
Long Range Planner
Town of Marana
11555 W Civic Center Dr
Marana, AZ 85653
520.382.2658
amcnamara@maranaaz.gov

January 21, 2021

RE: Rezoning application for 4535 W. Ina Rd.

We are applying to rezone a 1.84 acre property that has been our family residence since 1959. It has also been our business, Phil's Sheds and Garages, Inc. since 1990. We currently have a Marana business license number 148156. The commercial use has typically represented about 90% of the property area.

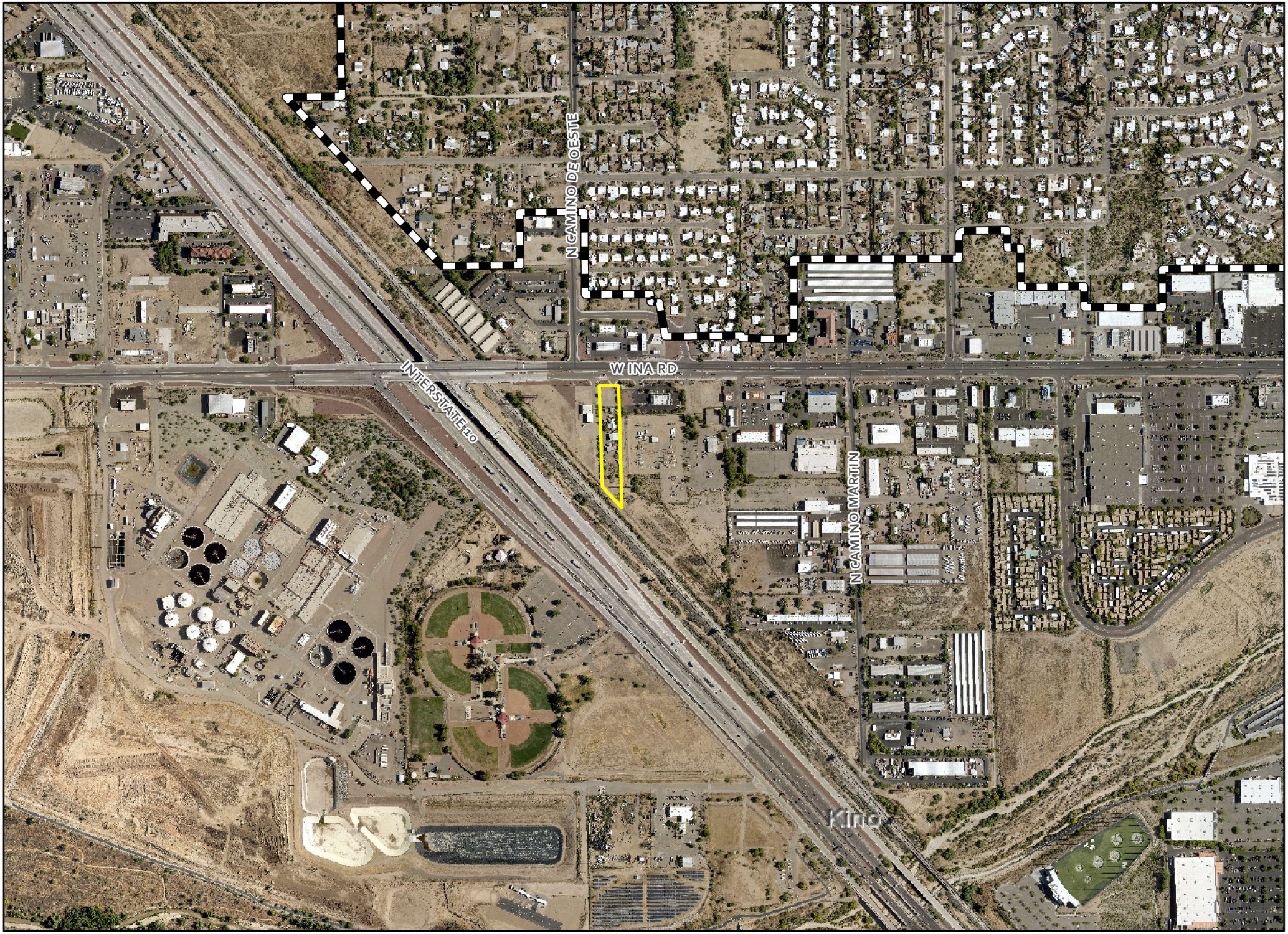
The property was farm land back in 1959 when we moved onto it. So it is flat. Since then there are a few Mesquite and Palo Verde trees throughout. TEP has an easement across the back 200ft of the property and they have built an elevated all weather road across the back property line but they have assured us that it will not impact our drainage. As a result of the recent Ina road construction the driveway, sidewalks, and front landscaping are to current standards. The only thing a future developer will have to contend with is larger capacity utilities.

The permanent structures are represented on the survey I originally provided. We have a few remaining old sheds that are up for sale or are scheduled to be removed. Our plan is to demolish the house and the front most structures later this year. We will leave the back most awning as we anticipate moving the shed business to the back of the property when the front half sells. We will not be doing any constructions of sheds, just sales from dealer inventory.

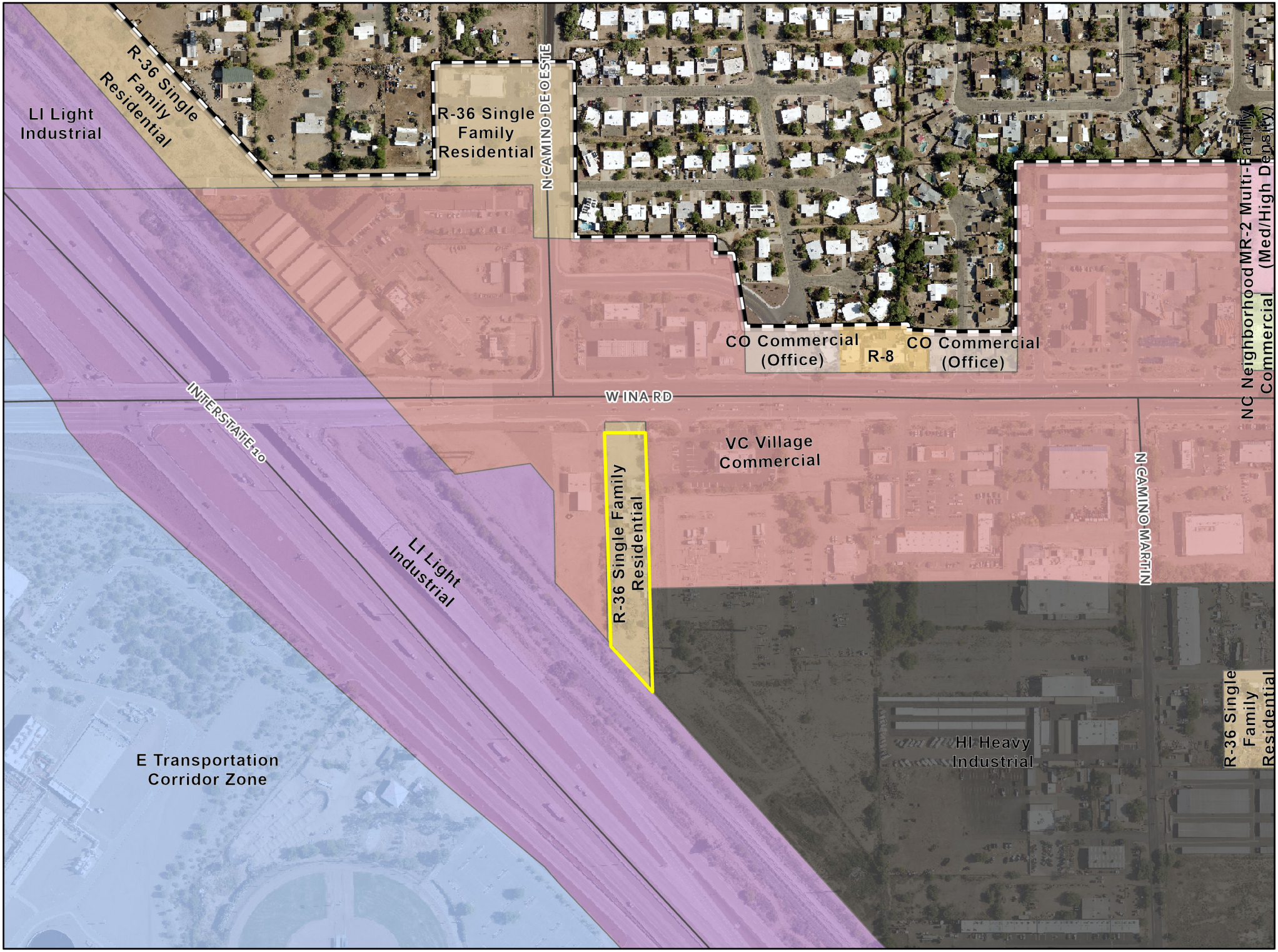
We have worked with the fire department in the past to bring the property up to their standards for a commercial establishment. We have also dealt with OSHA to meet their standards.

When the property sells and is developed it will likely be to a fast food or retail user but no impacts to local services such as schools, police, parks, fire service, sanitary pick-up, and other similar services are anticipated.

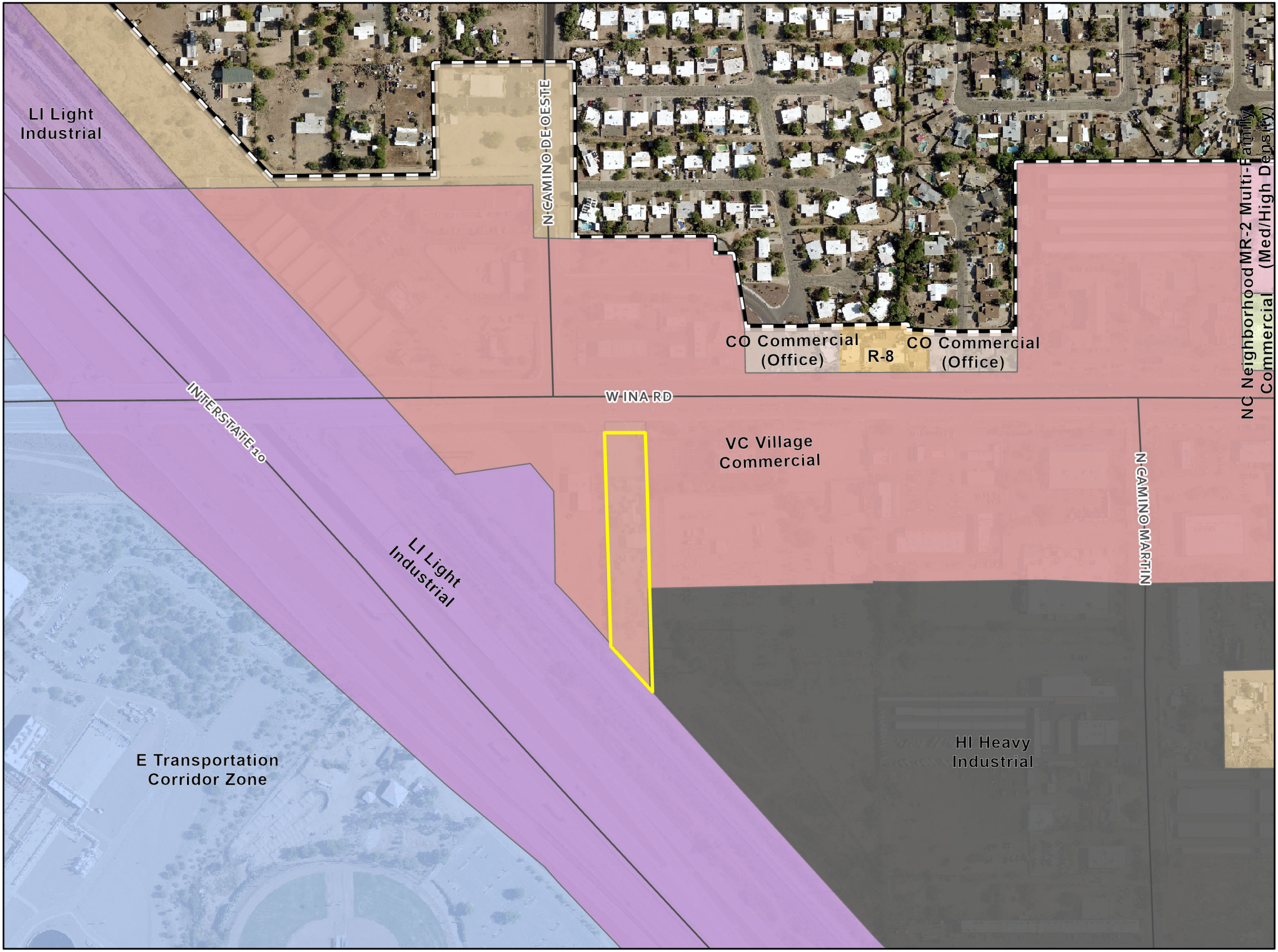
Phil Toole
(520) 867-3415
PhilsSheds@Yahoo.com



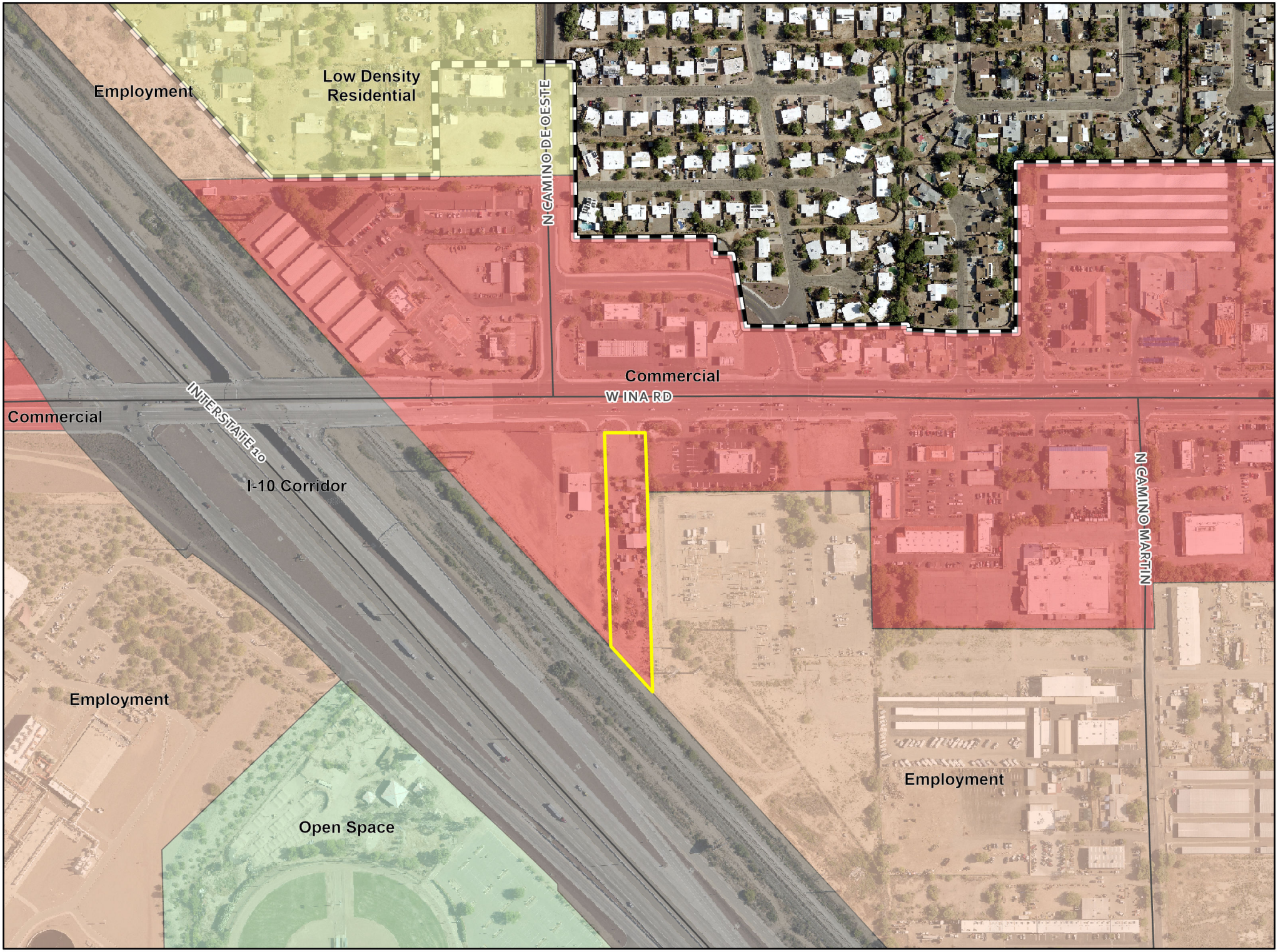
Subject Property Location



Current Zoning



Proposed Zoning



General Plan 2040 Future Landuse



Floodplain (Zone X) and Topography

CERTIFICATION

To: Phillip M. Toole and Henry T Toole, III, and Fidelity National Title Agency, Inc., who issued ALTA Commitment for Title Insurance Commitment Number 51010263–051–51–PK3, dated October 19, 2019.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes at a minimum Items #1, 3, 4, 7(a), 8, 9, 11 (observed only), 13, 16, of Table A thereof. The field work was completed on Dec. 03, 2019.

REGISTERED LAND SURVEYOR CERTIFICATE NO. 26928 CHRIS E. MORRISON 12 03 2019 ARIZONA U.S.A.

Date of Plat or Map: December 2019
Chris E. Morrison
Arizona RLS 26928

CHRIS MORRISON
Expires 03/31/2020

ZONING

The property lies within Zone R–36, Single Family Residential, Town of Marana zoning as shown on the Pima County GIS website.

FLOOD ZONE

The subject property lies within Zone X (areas determined to be outside 0.2% annual chance flood plain) of the Flood Insurance Rate Map identified as Community Panel No. 04019C1660L and 04019C1655L, bearing an effective date of June 16, 2011.

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF PIMA, STATE OF ARIZONA,
AND IS DESCRIBED AS FOLLOWS:

Parcel No. 1:

The South 300.00 feet of the North 330.00 feet of the East 120.00 feet of the West 271.92 feet of Lot 4, Section 6, Township 13 South, Range 13 East, of the Gila and Salt River Base and Meridian, Pima County, Arizona, which lies Northerly of the following described right–of–way line, and as described in Final Order of Condemnation recorded in Recording No. 20190770096, described as follows:
Commencing at a 3 inch brass cap marking the Northwest corner of said Section 6, being North 02°01'27" West, 2615.93 feet from a 3 inch brass cap on 1 inch pipe marking the West quarter corner of said Section 6;
Thence along the West line of said Section 6, South 02°01'27" East, a distance of 100.05 feet to the POINT OF BEGINNING;
Thence North 89°48'46" East, a distance of 272.06 feet;
Thence North 02°01'27" West, a distance of 25.01 feet to the POINT OF ENDING on the existing South right–of–way line of Ina Road; and EXCEPT that portion conveyed in Deed recorded in Docket 5782, Page 1062, described as follows: The South 45.00 feet of the North 75.00 feet of said East 120.00 feet of the West 271.92 feet of Lot 4, Section 6.

Parcel No. 2:

That portion of Lot 4, Section 6, Township 13 South, Range 13 East, of the Gila and Salt River Base and Meridian, Pima County, Arizona, described as follows:
Commencing at the Northwest corner of said Section 6;
Thence Southerly along the West line of said Section 6, a distance of 30.00 feet;
Thence Easterly and parallel with the North line of said Section 6, a distance of 151.92 feet;
Thence Southerly and parallel with the West line of said Section 6, a distance of 300.00 feet to the TRUE POINT OF BEGINNING;
Thence continuing Southerly and parallel with the West line of said Section 6, a distance of 401.85 feet to a point on the Northeasterly right–of–way line of the Southern Pacific Railroad;
Thence in a Southeasterly direction along the Northeasterly right–of–way line of the Southern Pacific Railroad, to a point of intersection with a line parallel with and 271.92 feet Easterly from the West line of said Section 6;
Thence Northerly and parallel with the West line of said Section 6, to a point 330.00 feet Southerly from the North line of said Section 6;
Thence Westerly and parallel with the North line of said Section 6, a distance of 120.00 feet to the TRUE POINT OF BEGINNING.

SCHEDULE "B II" ITEMS – EXCEPTIONS – 4535 W. INA ROAD

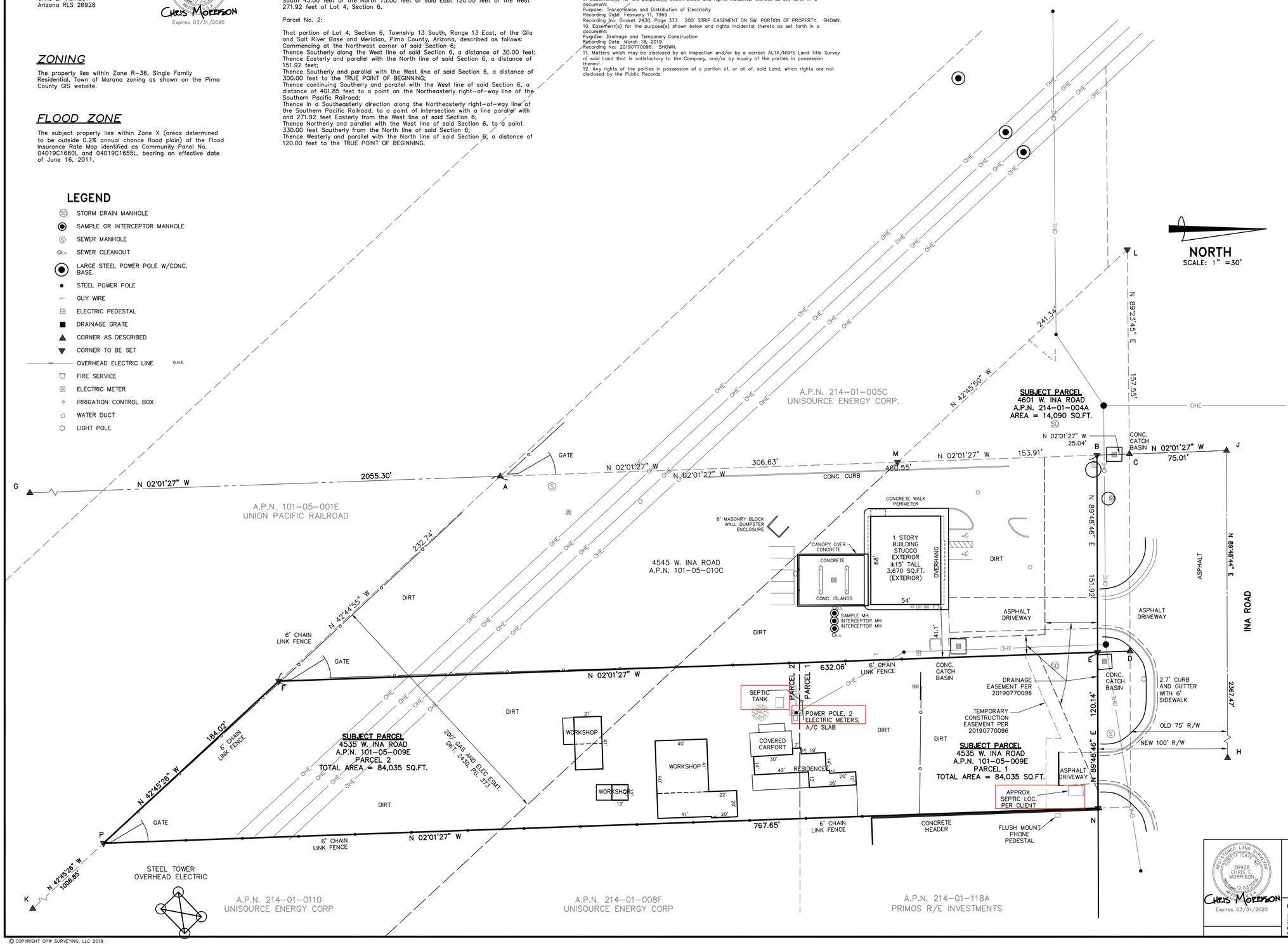
1. Property taxes, including any personal property taxes and any assessments collected with taxes, for the second installment of 2019 Taxes.
2. Reservations, exceptions and provisions contained in the patent and in the acts authorizing the issuance thereof.
3. Rights, easements, interest or title of the Railroad Company hereinafter set forth, as to any portion of said Land lying within the lines of the right–of–way granted to said Railroad. Railroad: Southern Pacific Railroad
4. Water rights, claims or title to water, whether or not disclosed by the public records.
5. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:
Purpose: Telephone and Telegraph Lines
Recording Date: November 02, 1946
Recording No: Book 103 of Miscellaneous Records, Page 225. LOCATION INDETERMINATE. NOT SHOWN.
6. Reservation of all underground or percolating waters in Cortaro Water User's Association, except that purchasers will be allowed to produce domestic water by well and pump at their own expense, the capacity of which shall not exceed 50 gallons per minute, as set forth in Deed recorded in Book 314 of Deeds, Page 445. BLANKET OVER ENTIRE SITE. NOT SHOWN.
7. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:
Purpose: Canal Rights–of–Way and Well Sites
Recording Date: January 22, 1947
Recording No: Book 314 of Deeds, Page 429. NOTHING ON SITE, NOTHING TO SHOW.
8. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:
Purpose: Well Sites and Easements
Recording Date: January 23, 1947
Recording No: Book 107 of Miscellaneous Records, Page 151. DOCUMENT ILLEGIBLE. NOTHING TO SHOW.
9. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:
Purpose: Transmission and Distribution of Electricity
Recording Date: February 11, 1965
Recording No: Docket 2430, Page 373. 200' STRIP EASEMENT ON SW. PORTION OF PROPERTY. SHOWN.
10. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:
Purpose: Drainage and Temporary Construction
Recording Date: March 18, 2019
Recording No: 20190770096. SHOWN.
11. Matters which may be disclosed by an inspection and/or by a correct ALTA/NSPS Land Title Survey of said Land that is satisfactory to the Company, and/or by inquiry of the parties in possession thereof.
12. Any rights of the parties in possession of a portion of, or all of, said Land, which rights are not disclosed by the Public Records.

NOTES

1. NO WETLANDS MARKERS WERE OBSERVED.
2. THERE ARE NO PARKING SPACES.
3. WHILE THERE ARE A NUMBER OF STRUCTURES ON THE PROPERTY, ALL NOT SHOWN ARE TEMPORARY AND MOVABLE, PER CLIENT'S DESCRIPTION.

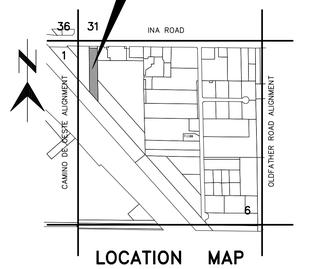
LEGEND

- STORM DRAIN MANHOLE
- SAMPLE OR INTERCEPTOR MANHOLE
- SEWER MANHOLE
- SEWER CLEANOUT
- LARGE STEEL POWER POLE W/CONC. BASE.
- STEEL POWER POLE
- GUY WIRE
- ELECTRIC PEDESTAL
- DRAINAGE GRATE
- CORNER AS DESCRIBED
- CORNER TO BE SET
- OVERHEAD ELECTRIC LINE O.H.E.
- FIRE SERVICE
- ELECTRIC METER
- IRRIGATION CONTROL BOX
- WATER DUCT
- LIGHT POLE



NORTH
SCALE: 1" =30'

THIS PROJECT



LOCATION MAP

NW. 1/4 SEC. 6, T 13 S, R 13 E,
G&SRBM, PIMA COUNTY,
A R I Z O N A

SCALE: 3" = 1/2 MILE

GRAPHIC SCALE

30' 0 15' 30' 60' 120'

(IN FEET)
1 inch = 30 ft.

SURVEY NOTES:

1. THE BOUNDARY OF THE PROPERTY ADJACENT TO THE WEST, 4545 W. INA ROAD, IS BASED ON AN UNRECORDED SURVEY SUPPLIED BY THE CLIENT, PRODUCED BY "EVERETT TRUEBLOOD LAND SURVEYING", THEIR JOB NO. 03–97, DATED NOV. 5. 2003.

2. AT THE TIME OF THE 4545 W. INA ROAD SURVEY IN JANUARY, 2019, DUE TO INA ROAD CONSTRUCTION AND THE OBLITERATION OF ALL EXISTING MONUMENTATION ALONG INA ROAD, THIS SURVEY USES THE FOUND SW. CORNER OF THE ABOVE REFERENCED SURVEY, A FOUND 50' WITNESS CORNER TO THE WEST QUARTER CORNER, AND REFERENCE POINTS FOR THE NORTH QUARTER CORNER AS OBTAINED FROM CHRIS VAN WAGENEN THROUGH HOWARD BLACKMORE WITH THE TOWN OF MARANA. DIMENSIONS TO THOSE POINTS ARE AS SHOWN.

3. USING THE ABOVE METHODOLOGY, THE CALCULATED DISTANCE FROM THE NW. CORNER OF SECTION 6 TO THE NORTH QUARTER CORNER OF SECTION 6 IS 2367.47'. IN RECORD OF SURVEY BOOK 68, PAGE 34, THIS DISTANCE WAS MEASURED AT 2367.42 FEET. THIS SURVEY CALCULATES THE DISTANCE FROM THE NW. COR. SEC. 6 TO THE WEST 1/4 CORNER OF SEC. 6 TO BE 2615.89. OTHER VARIOUS SOURCES SHOW THIS DISTANCE TO BE 2615.83 FEET, 2615.93 FEET AND 2615.87 FEET.

4. THE BASIS OF BEARING IS THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 6, PER THE "LINE DESCRIPTION" IN THE LEGAL DESCRIPTION AND PER THE ADOT IMPROVEMENT PLANS. SAID BEARING BEING N 02° 01' 27" W.

5. CORNER DESCRIPTIONS AS FOLLOWS:
A. FOUND 5/8" REBAR, NO TAG
B. 5/8" REBAR TAGGED "RLS 26928". (P.O.B. 4601 W INA LEGAL DESC.)
C. 1/2" REBAR PER TRUEBLOOD SURVEY.
D. 1/2" REBAR PER TRUEBLOOD SURVEY.
E. 5/8" REBAR TAGGED "RLS 26928".
F. 1/2" REBAR TAGGED "PE 7076" PER TRUEBLOOD SURVEY.
G. CALCULATED POINT 50' NORTH OF AN LCP LABELED "1052 WC 50FT S 1/4 12.57"
H. N. 1/4 CORNER, SECTION 6, CALCULATED POINT FROM REFERENCE POINTS PER TOWN OF MARANA.
J. NW. CORNER SECTION 6 / NE. CORNER SECTION 1. CALCULATED POSITION FROM POINTS A, H AND G.
K. 1/2" REBAR TAGGED "RLS 19863" IN 2" I.D. OPEN PIPE

6. CORNER DESCRIPTIONS AMENDED AS FOLLOWS:
C, F, L, M – SET 5/8" REBAR TAGGED "RLS 26928". NEW PROPERTY CORNERS AND REPLACING CORNERS FOUND BY TRUEBLOOD SURVEY.

7. CORNER DESCRIPTIONS CONTINUED.
N. SET 5/8" REBAR TAGGED "RLS 26928"
P. SET 5/8" REBAR TAGGED "RLS 26928"

REGISTERED LAND SURVEYOR CERTIFICATE NO. 26928 CHRIS E. MORRISON 12 03 2019 ARIZONA U.S.A.

CHRIS MORRISON
Expires 03/31/2020

ALTA/NSPS LAND TITLE SURVEY
4535 W. INA ROAD
A PORTION OF LOT 4 OF
SEC. 6, T13S, R13E, G&SRM,
PIMA COUNTY, ARIZONA

Design by	
Checked by	C.E.M.
Drawn by	C.E.M.
Scale Horz.	1"=30'
Vert.	
Date	DEC. 2019
Sheet	1 of 1
Job Number	2019141

OPW SURVEYING, L.L.C.
7135 N. Skyway Drive
Tucson, Arizona 85718
Phone (520) 990–1568
opwsurveying@comcast.net

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Planning Commission - Regular Meeting

Meeting Date: 01/27/2021

To: Planning Commission

From: Brian Varney, Senior Planner

Date: January 27, 2021

Strategic Plan Focus Area:
Not Applicable

Subject: **PCZ2011-001: Tangerine 40 Rezoning.** A request for a recommendation to the Marana Town Council for approval to rezone approximately 40 acres of land from Zone C - Large Lot Zone to Heavy Industry (HI). The property is generally located south of Tangerine Road and west of Breakers Road in a portion of Section 5, Township 12S, Range 12E. (Brian D. Varney)

Discussion:

Request
Paradigm Land Design, LLC is requesting a recommendation to the Marana Town Council for approval to rezone approximately 40 acres of land from Zone C - Large Lot Zone to Heavy Industry (HI). The property subject is the site of the former Breakers Water Park, as well as two adjacent 10-acre parcels to the north.

Marana General Plan
The 2040 Marana General Plan designates the proposed rezoning area as the land use category of Employment (E). The Employment designation applies to areas best suited for the development of industrial, warehousing, manufacturing, business park, corporate center, research and development, and similar land uses. The land uses proposed with this rezoning are consistent with the General Plan.

Surrounding and Existing Land Use
The rezoning area is bordered on the north by both Zone C and HI zoning that is occupied by commercial and industrial uses. Property to the east is also zoned Zone C and HI with commercial and industrial land uses as well as undeveloped land. Agricultural land use and undeveloped land is located south of the rezoning area, and zoned Zone C. The zoning of the property west of the rezoning area is Mixed Use Zone (MU-1), and contains single-family residential as well as commercial / industrial land uses.

The topography of the property is characterized by relatively flat terrain with a typical slope from the northeast to the southwest. As the applicant moves forward with plans for development of the site, a grading plan and additional drainage study will be required that will evaluate all on-site and off-site drainage in greater detail. All appropriate drainage infrastructure, including an on-site drainage basin, will be required to be constructed by the developer.

Proposed Land Use
The land uses proposed for the development of this property include recreational vehicle storage, indoor storage, and contractor storage yards. The applicant also plans to operate his contracting business office on the site. The Land Use Concept Plan, Exhibit III-D-2 of the site analysis document, indicates that approximately half of the site is proposed to be utilized as contractor yards, and the remaining area to be used for RV and indoor storage. The plan indicates that the size of the individual yards may vary depending upon the demand of the market.

Future development of the site will be subject to the development plan process to include; site plan

review, landscaping, design review, improvement plans, and ultimately followed with construction plan documents. Applicable development within the site will be subject to the Town's commercial design standards to ensure quality development.

Access and Circulation
Two points of access are proposed off of Breakers Road. One access will serve both the RV and indoor storage components, and a second access will be provided for the contractor storage yards. The Town is requiring the dedication of land for additional right-of-way along Breakers Road at a width of approximately 30 feet to align with existing right-of-way north of the project. The Town is also requiring road improvements (paving) to Breakers Road along the project's frontage that is appropriate for the accommodation of industrial vehicle traffic in accordance with Town standards and the approved traffic statement. The Town's Traffic Engineering Division has approved the traffic statement submitted for the project.

Utilities
The rezoning area is located within the Marana Water service area and will be served by the Town. The Town is requiring an extension of the existing water infrastructure, including a 16" water line, to the southern boundary of the rezoning area. A proposed plan identifying water use, fire flow requirements and all on-site and off-site water facilities will be required during the development plan process. A water service agreement and all necessary on-site and off-site water infrastructure will be required to be constructed by the property owner / developer at time of development.

Sewer service will be provided by private on-site septic systems. The rezoning area lies within the service areas of Northwest Fire District, TRICO Electric, Southwest Gas, and Century Link.

Citizen Participation
The applicants held an online neighborhood meeting on September 9, 2020 to introduce the proposed rezoning to the nearby property owners and determine the level of support or concern regarding the project. The applicant indicated the meeting was attended by three property owners who concurred the use was appropriate for the location. There was concern that water pressure could be an issue and felt that future water infrastructure improvements by the Town would be beneficial.

Public Notification
The public hearing was appropriately noticed in The Daily Territorial, and all property owners within 300 feet of the boundary of the rezoning area were noticed by United States mail of the date, time, and topic of the public hearing. Additional notice was posted at various locations within the community.

Recommended Findings of Fact

1. The property is currently zoned Zone C - Large Lot Zone. The proposed change in zoning to Heavy Industry (HI) is supported by the Employment (E) land use category of the 2040 Marana General Plan.
2. With the acceptance of the recommended conditions, the proposed rezoning is in compliance with all other development standards of the Land Development Code related to the proposed zoning classification.
3. The proposed rezoning, with acceptance of the recommended conditions, does not appear to be detrimental to the immediate area or to the health, safety, and welfare of the inhabitants of the area and the Town of Marana.

Case Analysis Review Criteria
1. *Ability to comply with development regulations, i.e. water, sanitation, access, developable parcel, etc.:*
With the acceptance of the recommended conditions this rezoning complies with the requirements of all agencies.
2. *Ability to comply with requirements of the zoning regulations, i.e. lot size, frontage, setbacks, etc.:*
With the acceptance of the recommended conditions this rezoning complies with the requirements,

the purpose and intent of the Marana Land Development Code.
3. *Consistent with the purpose of the zoning regulations and with the intent of the General Plan:*
This amendment is consistent with the purpose and intent of the Town of Marana General Plan.
4. *Compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the Town:*
Based upon the requirements and conditions, this amendment does not appear to be detrimental to the immediate area or to the general health, safety, and welfare of the inhabitants of the area and the Town of Marana.

Staff Recommendation:

Staff recommends the Planning Commission recommend to the Marana Town Council, approval of PCZ2011-001, Tangerine 40 Rezoning, based upon the recommended findings and subject to the following conditions:

1. Compliance with all applicable provisions of the Town's codes and ordinances current at the time of any subsequent development including, but not limited to, requirements for public improvements and payment of application fees and applicable development impact fees.
2. Any preliminary plat or development plan for any portion of the Rezoning Area shall be in general conformance with the Land Use Concept Plan presented to and approved by the Town Council as part of this Rezoning.
3. A master drainage study must be submitted by the Property Owners and accepted by the Town Engineer prior to Town approval of a preliminary plat or development plan for any portion of the Rezoning Area.
4. A water infrastructure and phasing plan (WIP) must be submitted by the Property Owners and accepted by the water provider prior to approval of a preliminary plat or development plan for any portion of the Rezoning Area. The WIP shall identify all on-site and off-site water facilities needed to serve the proposed development. The WIP shall include all information required by the water provider, such as (but not limited to) analysis of water use and fire flow requirements, and well source, reservoir, and booster station infrastructure needed to serve the proposed development. If the water provider requires a water service agreement as a condition of service to the proposed development, the Property Owners must enter into a water service agreement with the water provider consistent with the accepted WIP.
5. The Property Owners must design and construct any roadway, drainage, water, and wastewater improvements, and dedicate or acquire any property rights associated with those improvements, that the Town requires based on the data and findings of the accepted traffic impact analysis, the accepted master drainage study, the accepted WIP, the accepted master sewer plan, and other studies approved in connection with the approval of a preliminary plat or development plan for any portion of the Rezoning Area.
6. The final design of all streets and circulation facilities, including gated access (if applicable), must be accepted by the Northwest Fire District prior to Town Council consideration of a final plat for any portion of the Rezoning Area.
7. No approval, permit or authorization by the Town of Marana authorizes violation of any federal or state law or regulation or relieves the Property Owners from responsibility to ensure compliance with all applicable federal and state laws and regulations, including the Endangered Species Act and the Clean Water Act. The Property Owners should retain appropriate experts and consult appropriate federal and state agencies to determine any action necessary to assure compliance with applicable laws and regulations.
8. The Property Owners shall transfer to the water provider, by the appropriate Arizona Department of Water Resources form, those water rights being IGR, Type I or Type II for providing designation of assured water supply and water service to the Rezoning Area. If Type I or Type II is needed on the Rezoning Area, the water provider and the Property Owners shall arrive at an agreeable solution to the use of those water rights appurtenant to the affected portion of the Rezoning Area.
9. Prior to the issuance of any grading permits, the Property Owners shall submit evidence to the Town that all federal permit requirements have been met through the Corps of Engineers and the

State Historic Preservation Office, if federal permits are required for the development of the Rezoning Area.

10. A 100% clearance survey for the desert tortoise shall be completed by a qualified biologist at the Property Owner's expense prior to issuance of any grading permits. If a desert tortoise is found during the survey or at any time during construction, the Property Owners shall immediately notify the AZGFD, and the tortoise shall be moved in accordance with the most current AZGFD Tortoise Handling Guidelines at the Property Owners' expense.
11. The Property Owners shall not cause any lot split of any kind without the written consent of the Town of Marana.
12. Right-of-way at a width of 30 feet along the project's frontage in accordance with the approved traffic statement will be dedicated to the Town of Marana by the Property Owner prior to approval of a development plan or upon demand by the Town of Marana.

Suggested Motion:

I move to recommend to the Town Council approval of PCZ2011-001, Tangerine 40 Rezoning subject to the recommended conditions.

Attachments

PCZ2011-001 Tangerine 40 Location Map

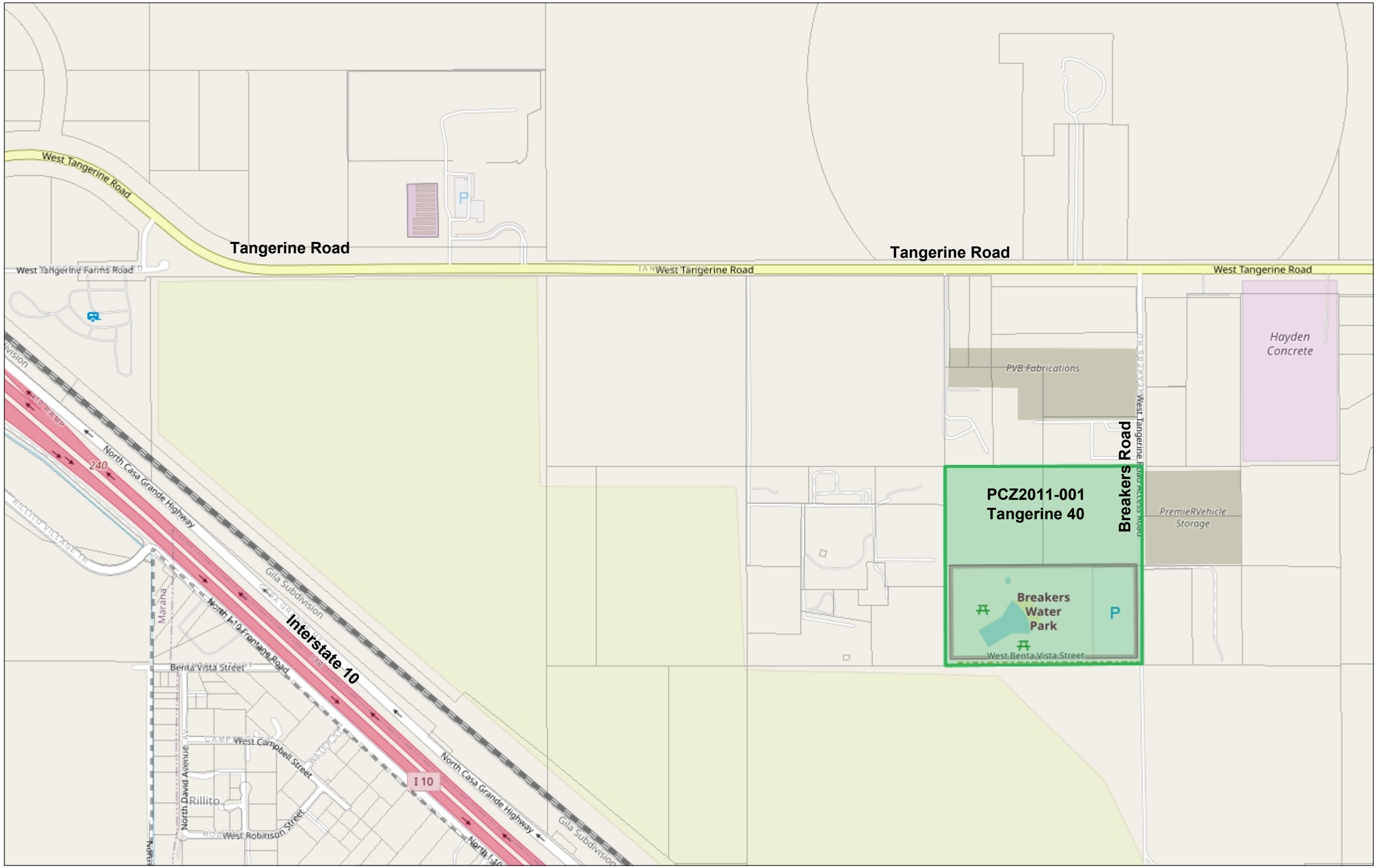
PCZ2011-001 Tangerine 40_App

PCZ2011-001 Tangerine 40_Site Analysis

PCZ2011-001 Tangerine 40_LUCP

Town of Marana Planning

PCZ2011-001: Tangerine 40 Rezoning



Legend

- Marana Addresses
- Parcels (Black)
- Marana Town Limits
- Parcels (Black)
- Marana Street Labels

1: 9,028

0.3 0 0.14 0.3 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Enter Map Notes

Development Services / maranaplanning@maranaAZ.gov
11555 West Civic Center Drive / Marana, AZ 85653
Ph (520) 382-2600 / Fax (520) 382-2641 / maranaAZ.gov

PROJECT APPLICATION

APPLICATION TYPE

❑ Annexation	❑ Development Plan	❑ Development Plan Package	❑ General Plan Amendment
❑ Rezone	❑ Minor Land Division	❑ Significant Land Use Change	❑ Conditional Use Permit
❑ Specific Plan	❑ Landscape Plan	❑ Native Plant Plan/Exception	❑ SWPP
❑ Variance	❑ Hydraulic Model	❑ Sewer Capacity Assurance	❑ Sign Program
❑ Plat	❑ Improvement Plan	❑ Report (Type): _____	❑ Other: _____

PROJECT INFORMATION

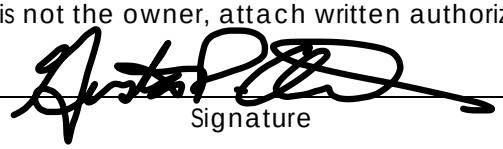
Project Name:	
Description of Project:	Number of Lots:
Parcel No.(s):	Gross Area (Acres):
Project Address:	
Ref. Project No.:	

CONTACT INFORMATION

Owner:	Contact Name:		
Address:	City:	State:	Zip:
Email:	Phone No.:		
Applicant:	Contact Name:		
Address:	City:	State:	Zip:
Email:	Phone No.:		
Consultant/Engineer:	Contact Name:		
Address:	City:	State:	Zip:
Email:	Phone No.:		

OWNER/APPLICANT AUTHORIZATION

I hereby certify that the information set forth in this application are true and correct to the best of my knowledge and that I am either the owner of the property or that I have been authorized in writing by the owner to file this application. (If applicant is not the owner, attach written authorization from the owner.)

Applicant Name (PRINT)	Signature	Date
		

FOR OFFICIAL USE ONLY

Project No._____ **Date Received**_____

Revision Date 03/29/2019

July 23, 2020

Town of Marana
11555 W. Civic Center Drive
Marana, AZ 85653

Re: Breakers 40 Acres
Authorization of Rezoning Application
Paradigm #20aya01

To Whom it May Concern:

This letter shall serve as authorization for Paradigm Land Design LLC to represent Breakers 95 LLC in the application for a rezoning affecting the property referenced above (APNs 216-08-0100, 0110 & 0160).

Breakers 95 LLC

Signature: James Davenport

Printed Name: James Davenport

Title: Owner

TANGERINE 40

REZONING SITE ANALYSIS

(PCZ2011-001)

PREPARED BY:

PARADIGM LAND DESIGN LLC

CONTACT: PAUL OLAND

GPO@PARADIGMLAND.US

(520) 664-4304

IN COLLABORATION WITH:

CMG DRAINAGE ENGINEERING, INC.

CYPRESS CIVIL

M Esparza Engineering, LLC

DECEMBER 2020

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I. INTRODUCTION

A. PROJECT OVERVIEW

The Tangerine 40 project ("Tangerine 40") is a proposed non-residential development consisting of 20 acres of contractor yards and 20 acres of RV / self-storage located along the west side of Breakers Road approximately one-quarter mile south of Tangerine Road. The Make Marana 2040 General Plan's "Employment" designation for the Tangerine 40 property indicates that these proposed uses are appropriate for this location. This is further supported by the General Plan's identification of the Tangerine Road Corridor being ideal for business growth. The proposed development under HI zoning is an appropriate and permitted use within the Employment land use designation, especially at this location in close proximity to Tangerine Road and Interstate-10.

The Make Marana 2040 General Plan also encourages redevelopment of outdated or obsolete properties. The Breakers Water Park was a regional recreational amenity for many years, but since it shut down several years ago the Tangerine 40 property has become a haven for illicit activity. This proposed redevelopment of the Breakers property will not only reduce the demand on the Marana PD but will replace the dilapidated property with new businesses meeting current demand.

This document has been prepared in support of a request to rezone the Tangerine 40 property from "C – Large Lot Zone" to "HI – Heavy Industry". The RV / self-storage element is proposed in response to increasing demand for secure storage facilities in Marana and the northwest Tucson area. The contractor yards element will provide a variety of secure, fenced yards for local trade contractors. The proposal is modelled after similar successful businesses in the Phoenix metropolitan area that answer demand for such yard space from local contractors who may not need many acres for their yard, and who are often prohibited by their home HOA from storing their equipment and supplies at their residence.

The project developer, Marcon Excavating & Construction, plans to relocate their existing headquarters from their current location in unincorporated Pima County to this site, within the "contractor yards" portion of the project. For more than 20 years, Marcon has provided construction services to dozens of top builders and developers in the greater Tucson area. Marcon's stated goal is to make expertise in the residential and commercial construction trades available to anyone tackling a major construction project.

B. PRIMARY OBJECTIVES

- Provide RV storage, self-storage, and contractor yards to help meet demand for these uses in the Town of Marana.
- Fulfill the Town of Marana's vision for business growth in the Tangerine Road corridor.
- Redevelop an existing blighted property.

C. STRATEGIC PLAN CONFORMANCE

The Tangerine 40 project will help indirectly fulfil a number of goals listed in the Marana Strategic Plan. Business attraction is an important goal of Marana's, and this project not only will bring a successful Tucson-area business into Marana's boundary, but it will also result in the creation of two new enterprises (the RV/self-storage and the contractor yards). The contractor yards are expected to support primarily local small business, which is another important goal of Marana's. Lastly, the defunct Breakers Water Park had become a hotspot for activities that required frequent allocation of Marana Police Dept. resources. The project developer has already acquired and secured the Tangerine 40 property, helping to make Marana a safer place.

II. INVENTORY & ANALYSIS

The purpose of the Inventory & Analysis section of this document is to catalog the various developmental opportunities and constraints impacting the property in order to provide a meaningful and relevant context for the development proposal detailed in Section III of this document. Through careful consideration of these existing conditions a design can be deemed appropriate for the area and made compatible with its surroundings.

A. EXISTING LAND USES

1. Site Location

   The Tangerine 40 property consists of three parcels located within Township 12, Range 12 East, Section 5, Town of Marana, Pima County, Arizona. The subject property totals approximately 39.9± acres and is located on the west side of Breakers Road one quarter mile south of Tangerine Road.

   The Pima County Tax Assessor designates the Tangerine 40 property as parcels 216-08-0100, 216-08-0110, and 216-08-0160.

   Per Marana Addressing, the administrative address for this development is 11731 N. Breakers Rd., Marana, AZ 85658. Please refer to Exhibit II-A-1: Site Location Map.

2. Existing Onsite Zoning and Land Uses

   The two northern parcels of the Tangerine 40 property are currently undeveloped and vacant. The southern parcel contains the now defunct Breakers Water Park. Please refer to Exhibit II-A-2: Aerial Photograph & Existing Land Uses and Exhibit II-A-2: Aerial Photograph.

   The Tangerine 40 property is currently zoned C – Large Lot (Marana). Please refer to Exhibit II-A-3: Existing Zoning.

   The Make Marana 2040 General Plan designates the Tangerine 40 property as "Employment (E)". As stated in the General Plan, the Employment land use designation is applied to areas within Marana that are best suited for development of industrial, warehousing, manufacturing, business park, corporate center, research & development, and other such land uses. Please refer to Exhibit II-A-4: Existing General Plan Land Uses.

3. Existing Adjacent Zoning and Land Uses

   a. Surrounding Zoning & Land Uses

      The Tangerine 40 property is surrounded by the following existing zonings and existing land uses. Please refer to Exhibit II-A-2: Aerial Photograph & Existing Land Uses, and Exhibit II-A-3: Existing Zoning.

      N: Existing zoning: C Large Lot Zone and HI Heavy Industrial
      Existing land use: Buhrke Pet Resort, Arizona Rattlesnake Avoidance Training, International Towers

      NE: Existing zoning: HI Heavy Industrial
      Existing land use: Premier RV Storage, Hayden Concrete Products, Ray Ready Mix

      E: Existing zoning: HI Heavy Industrial and C Large Lot Zone
      Existing land use: Undeveloped Commercial Land, Mission Steel, Dorado Rock & Materials

      SE: Existing zoning: C Large Lot Zone
      Existing land use: Undeveloped

      S: Existing zoning: C Large Lot Zone
      Existing land use: Agricultural

      SW: Existing zoning: C Large Lot Zone
      Existing land use: Agricultural

      W: Existing zoning: MU-1 Mixed Use Zone
      Existing land use: We Fab Holdings, Hudson Arizona Properties, Animal Boarding, Residential/Quasi-Residential Uses

      NW: Existing zoning: C Large Lot Zone
      Existing land use: Undeveloped

   b. Surrounding Building Heights

      Existing buildings both on the Tangerine 40 property and properties adjacent to the subject property are single story.

c. Surrounding Pending Rezonings

There are no pending rezonings within one-quarter mile of the Tangerine 40 property.

d. Surrounding Conditionally Approved Zonings

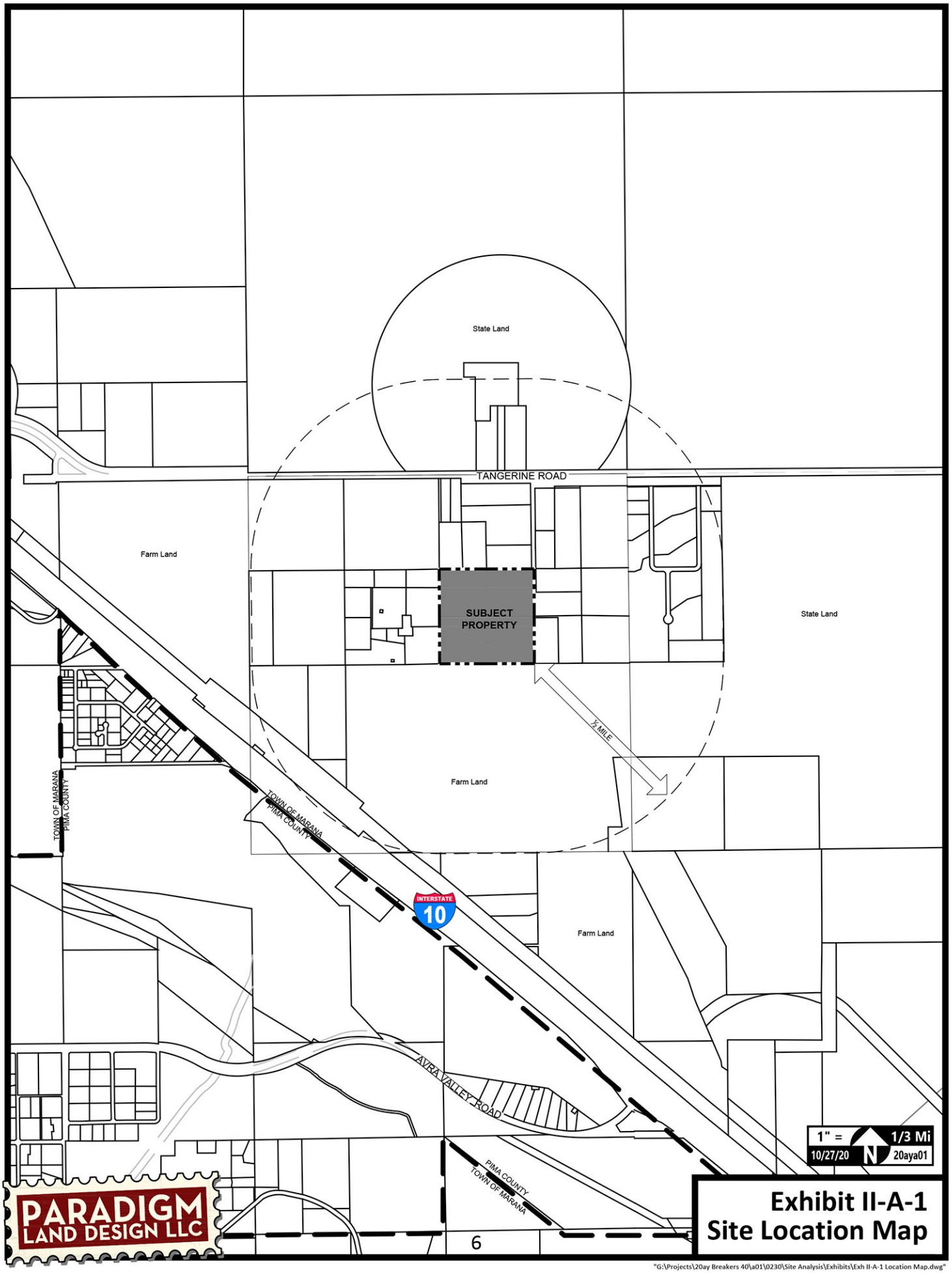
There are no conditionally approved zonings within one-quarter mile of the Tangerine 40 property.

e. Approved Subdivisions & Development Plans

Tangerine Business Park is a 78-acre subdivision located northeast along Tangerine Road. The block plat has ten blocks. Park Sol Dog, a proposed veterinary clinic to the east, has a current Development Plan in review. Premier RV Storage, an existing facility to the east, has a development plan for an expansion in review. PVB Fabrication, to the north, has a current Development Plan in review. The Park 'n Shade of Tucson & Contractor's Yards development plan was approved roughly one quarter mile northeast of the Tangerine 40 property. The International Towers development plan was approved adjacent to the Tangerine 40 property's northern edge.

f. Architectural Styles used in Adjacent Properties

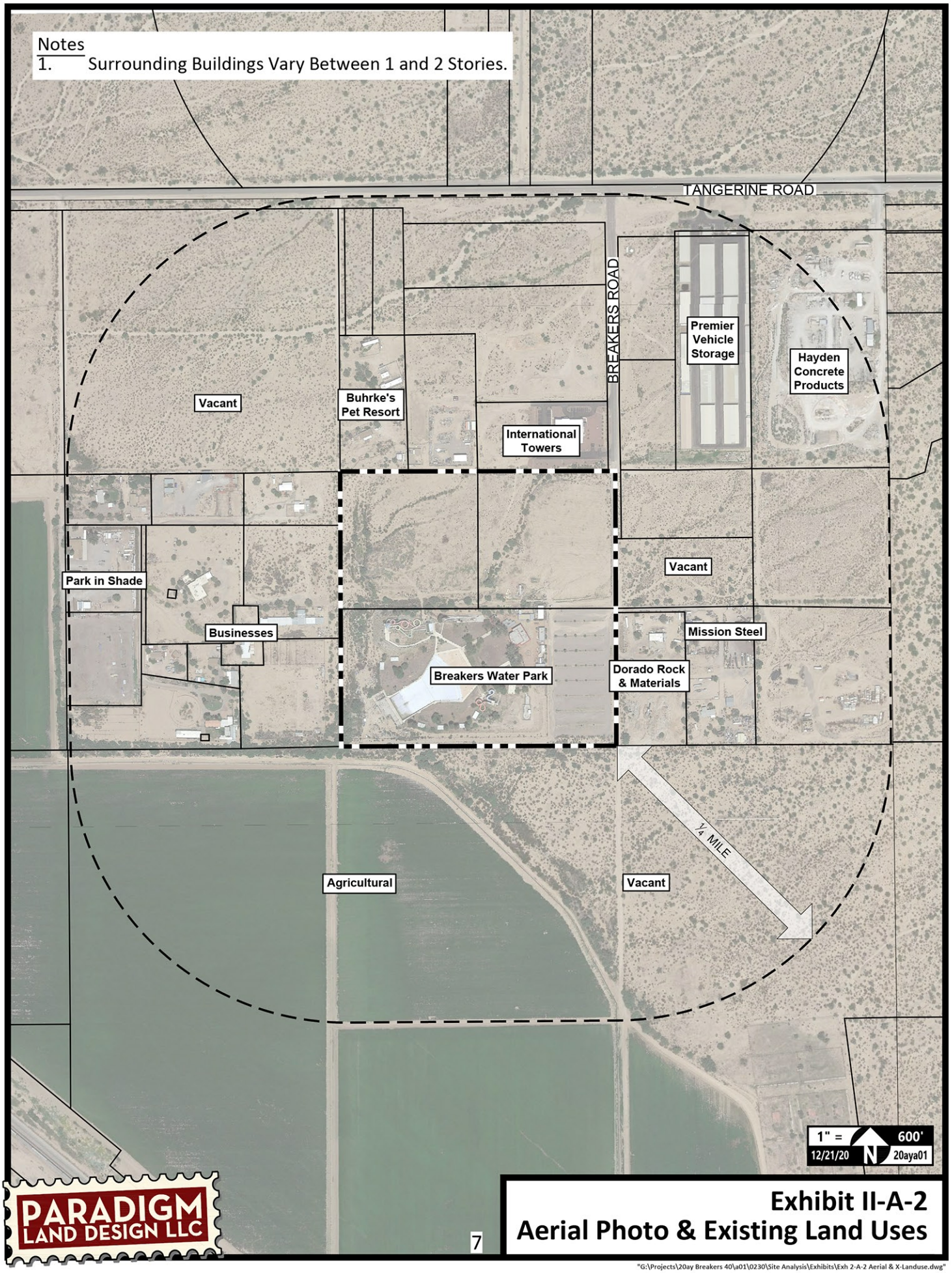
Architectural styles near the Tangerine 40 property are generally built of either brick or metal siding in either the ranch or the contemporary style.



PARADIGM LAND DESIGN LLC

Exhibit II-A-1
Site Location Map

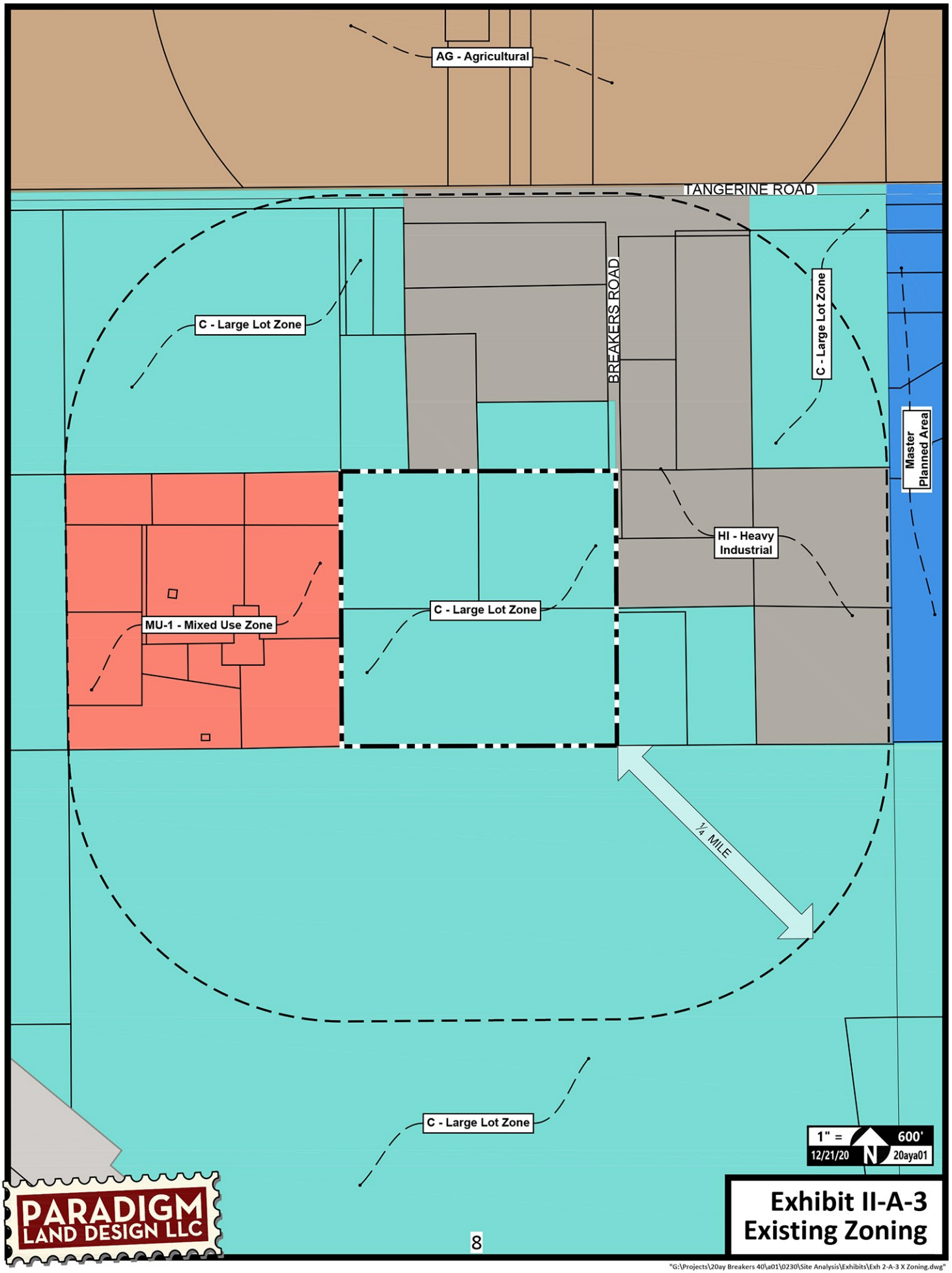
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PARADIGM LAND DESIGN LLC

Exhibit II-A-2
Aerial Photo & Existing Land Uses

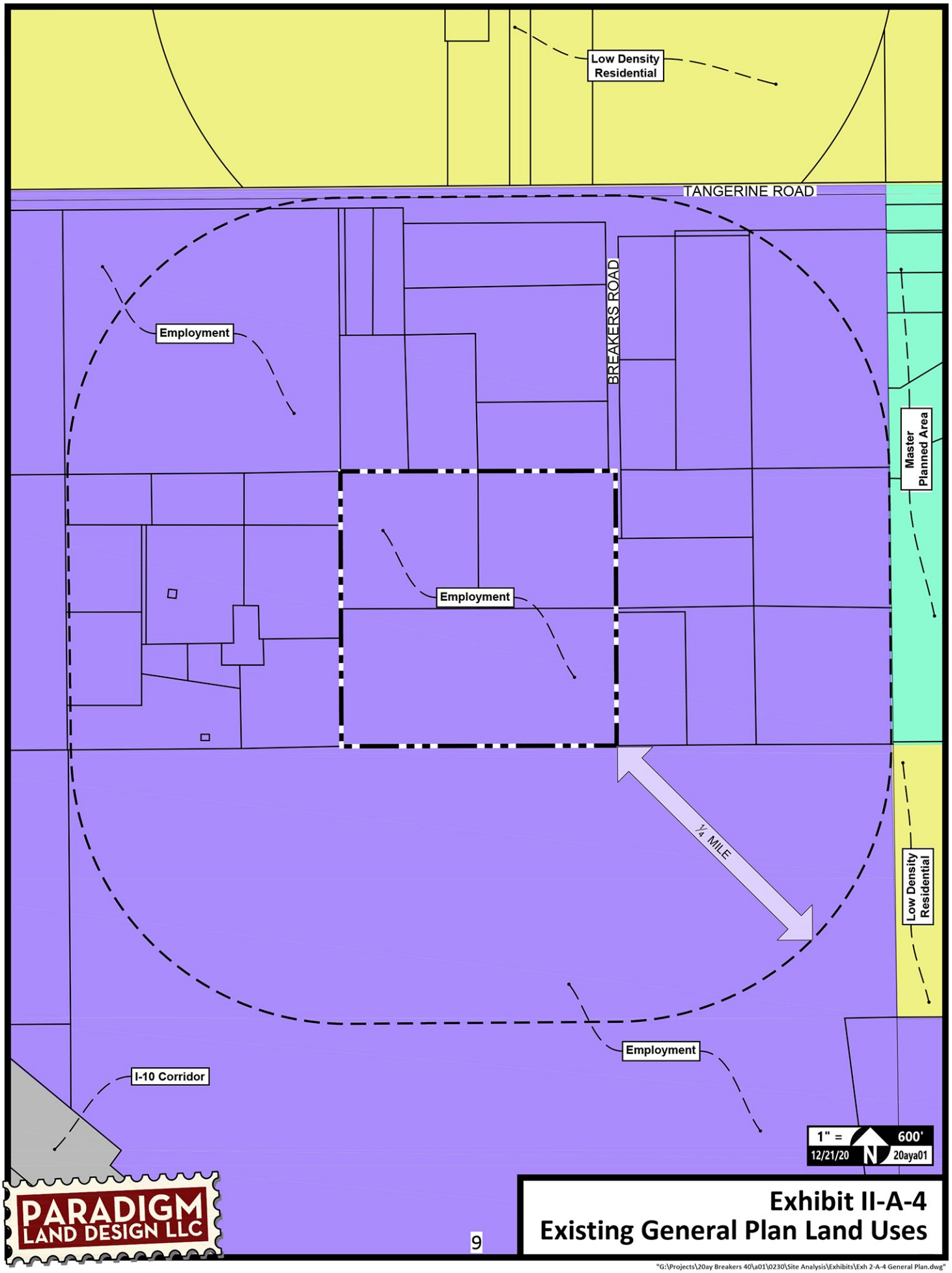
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PARADIGM LAND DESIGN LLC

Exhibit II-A-3
Existing Zoning

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PARADIGM LAND DESIGN LLC

Exhibit II-A-4
Existing General Plan Land Uses

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B. TOPOGRAPHY

1. Existing Topographic Character

   The topography of the Tangerine 40 property is generally characterized by relatively flat terrain with a very gentle downward slope from northeast to southwest.

   Slopes less than 15% characterize the entire Tangerine 40 property with elevations ranging from approximately 2,104 feet at the highest point near the northeast corner of the subject property to 2,066 feet at the lowest point near the southwest corner of the subject property. The site features a single, shallow drainageway. The site does not contain any hillside conservation areas, rock outcrops, or other significant topographic features. Please refer to Exhibit II-B-1: Topography.

2. Pre-Development Slope

   a. Average Cross-Slope

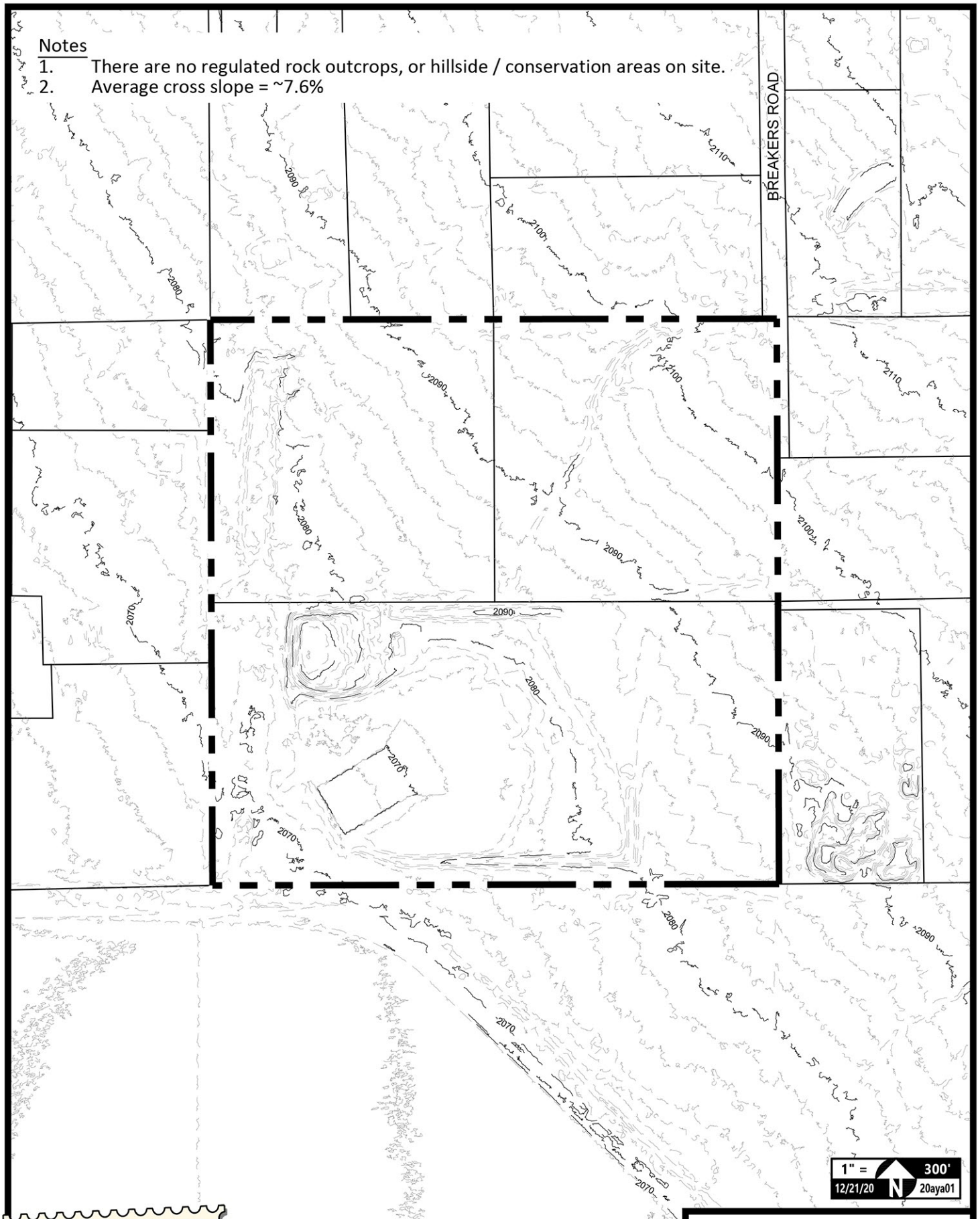
   The pre-development average cross-slope for the Tangerine 40 property is approximately 7.6 percent, according to the following formula:

   C= Contour Interval
   L= Length of Topographic Contours
   A= Acreage of Site

   (C x L x 0.0023) / A = Average Cross Slope
   (2' x 65,555' x 0.0023) / 39.9 ac. = 7.6%

   b. Average Overall Slope

   The pre-development average overall slope is 2% from the northeast corner to the southwest corner of the Tangerine 40 property. The significant difference between the average cross slope and the overall slope is due to the large berm onsite that was constructed as part of the Breakers Water Park improvements.



PARADIGM LAND DESIGN LLC

Exhibit II-B-1
Existing Topography

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C. HYDROLOGY

This section of the site analysis describes pre-development onsite and offsite hydrologic and hydraulic characteristics. CMG Drainage Engineering, Inc. (CMG) conducted a preliminary drainage assessment for the development site based on the results of recent hydrologic computations using the PC Hydro method.

1. Offsite Features Affecting Site

   There are no significant offsite features that affect the development site. Upstream floodplain conditions can be defined as sheet flow and watershed divides are difficult to identify. As such, flows can cross watershed boundaries during higher magnitude storms. Roads and small earthen berms may direct or divert flows during small storms but are inconsequential during the 100-year event.

2. Acreage of Upstream Offsite Watersheds

   Exhibit II-C-1: Onsite & Offsite Hydrology shows the boundaries of offsite watersheds that impact the Tangerine 40 property. This development is located within a critical hydrologic basin as defined by the Town of Marana. The upstream watersheds impact the subject property at four concentration points along the north and east property boundaries. These flow Concentration Points, identified as CP-1, CP-2, CP-3, and CP-4 are labeled numerically on the exhibit, and their respective 100-year discharges and watershed acreages are listed in tabular form on the exhibit. There is one concentration point along the downstream boundary labeled as CP-1 on the exhibit.

Concentration Point	Area (Acres)	Q100 (CFS)
1 (Incl. CP 1-5)	851.6	607.8
2	42.7	128.9
3	60	120
4	697.4	611.5
5	11.5	40.1

3. Onsite Hydrology Characteristics

   There are no well-defined onsite watershed boundaries due to the sheet flow conditions present throughout the area. The land surface slopes toward the southwest property corner.

   Please refer to Exhibit II-C-1: Onsite & Offsite Hydrology.

   a. 100-year Floodplains with Peak Discharges ≥ 50 CFS

   All peak discharges entering and exiting the site, as well as their contributing drainage areas have been shown on Exhibit II-C-1: Onsite & Offsite Hydrology.

   b. Areas of Sheet Flooding and Average Depths

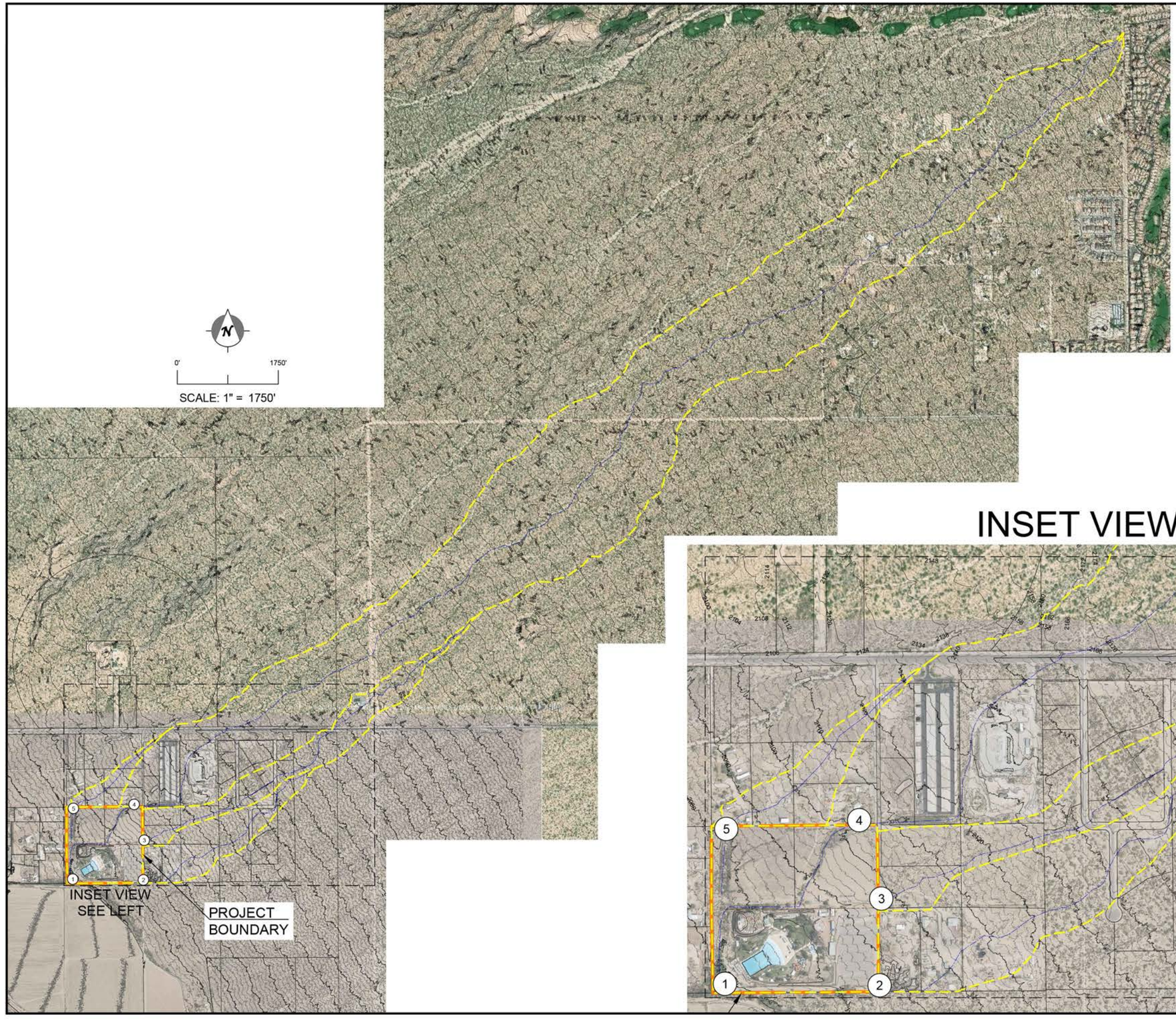
   Areas of sheet flooding are present across this entire development site.

   c. Federally Mapped Floodways and Floodplains

   The effective FEMA floodplain limits and zone designations have been shown on Exhibit II-C-2: Effective FEMA Floodplain Map. FEMA shows the Tangerine 40 property to be in Zone A01 which indicates average flooding depths of about one foot.

4. Existing Drainage Conditions along the Downstream Property Boundary

   Stormwater runoff leaving the site along the south and west boundaries as sheet flow. The primary point of concentration is the southwest corner of the Tangerine 40 property. Existing earthen ditches and berms direct low flows to this location. An existing earthen berm directs flow due west along the north side of a farm field.

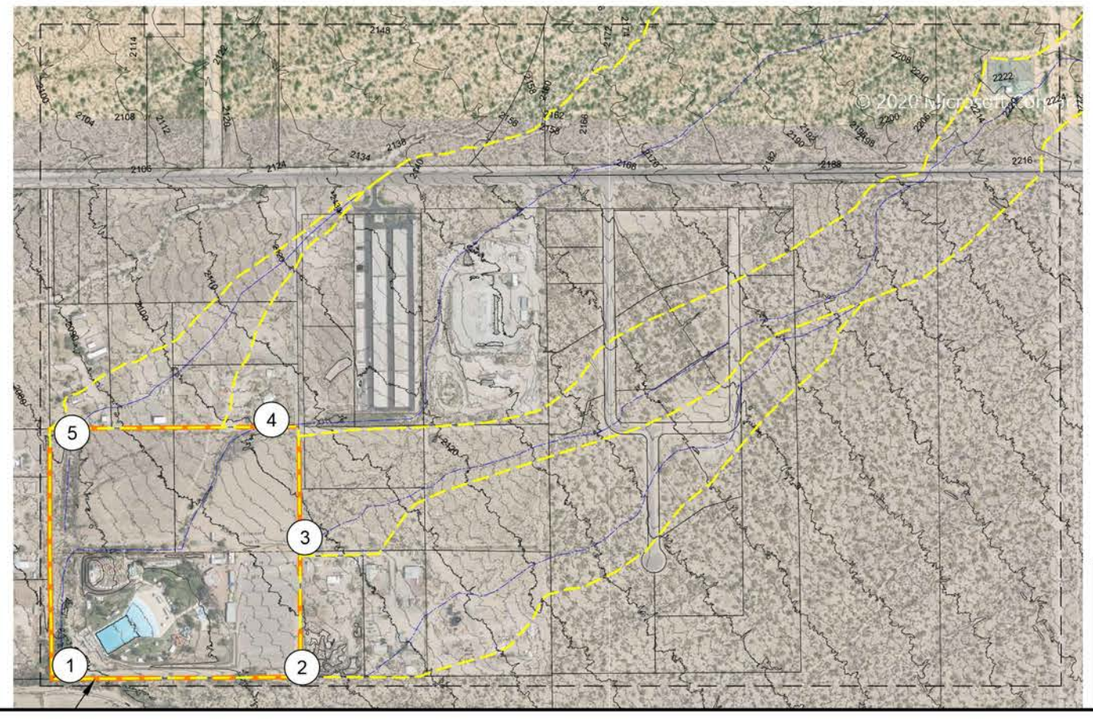


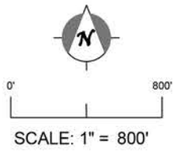
LEGEND

- PROPERTY BOUNDARY
- WATERSHED BOUNDARY
- STREAMLINE
- (1) CONCENTRATION POINT (CP)

CP SUMMARY TABLE		
CP	AREA (AC)	Q100 (CFS)
1 (INC. CP-1-5)	851.6	607.8
2	42.7	128.9
3	60	120
4	697.4	611.5
5	11.5	40.1

INSET VIEW





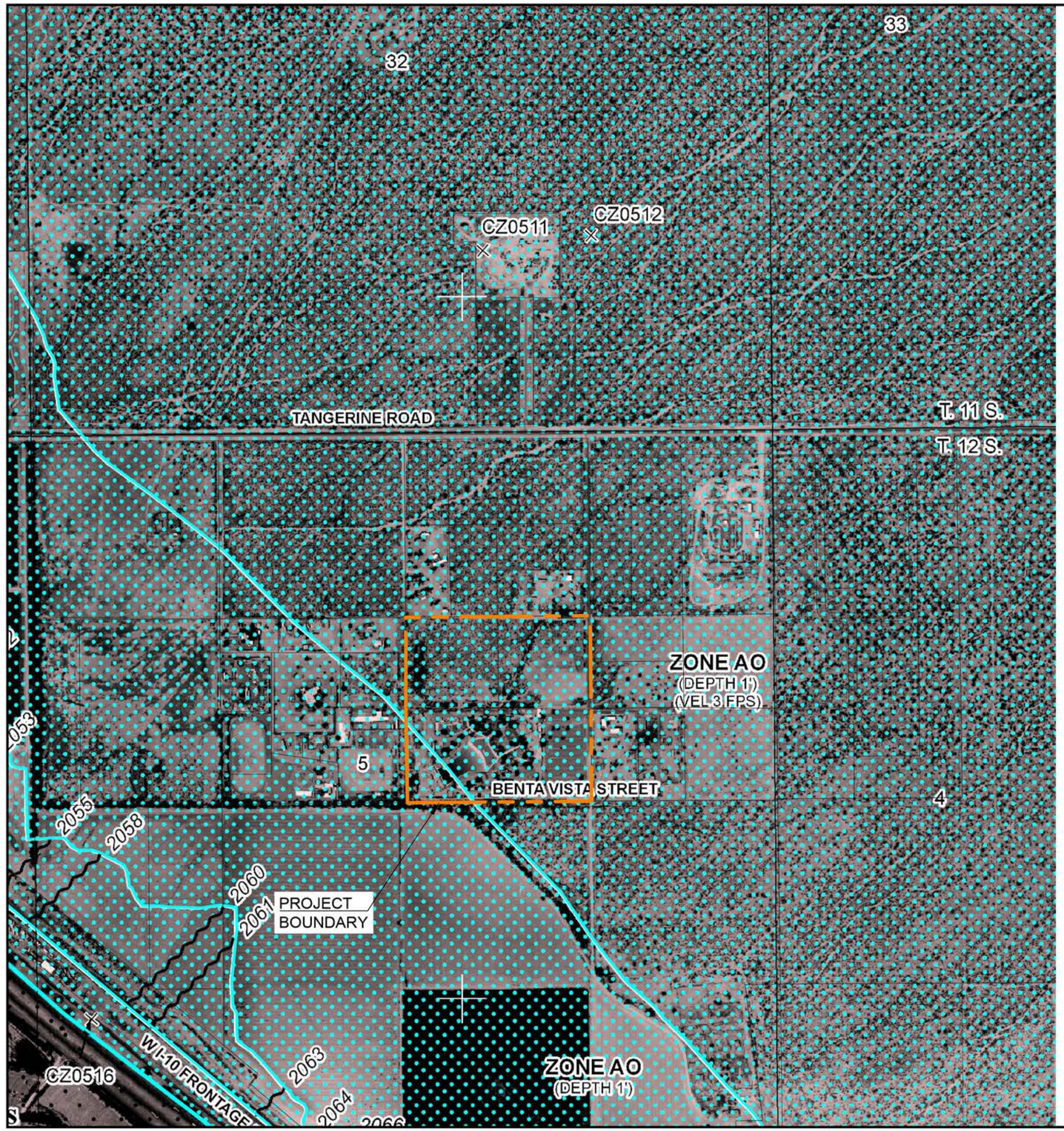
CMG DRAINAGE ENGINEERING, INC.
3555 N. Mountain Ave. Tucson, Arizona 85719
Phone (520) 882-4244 Fax (520) 888-1421

EXHIBIT II-C-1:
ONSITE & OFFSITE HYDROLOGY

BREAKERS40 RV STORAGE

SHEET 1 OF 1

Z:\PROJECTS\2020\20-031_Breakers40_Rv_Storage\CADD\20-031-cmgbase.dwg (Exh II-C-1 Onsite & Offsite Hydrol)





SCALE: 1" = 800'

LEGEND

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

ZONE A	No Base Flood Elevations determined.
ZONE AE	Base Flood Elevations determined.
ZONE AH	Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
ZONE AO	Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
ZONE AR	Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
ZONE A99	Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
ZONE V	Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
ZONE VE	Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X — Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE X — Areas determined to be outside the 0.2% annual chance floodplain.

ZONE D — Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

- 1% annual chance floodplain boundary
- 0.2% annual chance floodplain boundary
- Floodway boundary
- Zone D boundary
- CBRS and OPA boundary
- Boundary dividing Special Flood Hazard Area Zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.
- Limit of Moderate Wave Action
- 513 — Base Flood Elevation line and value; elevation in feet*

PROPERTY BOUNDARY

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 1045L

FIRM

FLOOD INSURANCE RATE MAP

PIMA COUNTY, ARIZONA AND INCORPORATED AREAS

PANEL 1045 OF 4750

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS

COMMUNITY	NUMBER	PANEL	SUFFIX
MARANA, TOWN OF	040118	1045	L
UNINCORPORATED AREAS	040073	1045	L

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
04019C1045L

MAP REVISED
JUNE 16, 2011

Federal Emergency Management Agency

CMG DRAINAGE ENGINEERING, INC.
3555 N. Mountain Ave. Tucson, Arizona 85719
Phone (520) 882-4244 Fax (520) 888-1421

EXHIBIT II-C-2: EFFECTIVE FEMA FLOODPLAIN MAP

BREAKERS40 RV STORAGE

SHEET 1 OF 1

Z:\PROJECTS\2020\20-031_Breakers40_Rv_Storage\CADD\20-031-cmgbase.dwg (Exh II C-2 Effec FEMA Fpl Map)

D. VEGETATION

1. Onsite Vegetative Communities and Associations

   Most of the site has been previously disturbed by agricultural activities and the Breakers Water Park development. Undisturbed portions of the site feature vegetation typically found within the Arizona Upland Sonoran Desert Scrub Biotic Community, Paloverde – Mixed Cacti series. On the northern parcels native species include creosote (Larea tridentata), native mesquite (Prosopis velutina), Palo Verde (Cercidium microphyllum), and Desert Willow (Chilopsis linearis). On the southern parcel vegetation consists of Date Palms (Phoenix dactylifera), Fan Palms (Washingtonia robusta), Eucalyptus (Eucalyptus sp.), and Aleppo Pine (Pinus halepensis).

2. Significant, Threatened or Endangered Flora

   The site is not characterized by unusually high native plant density or an unusually large number of mature specimens of individual trees or columnar cactus species. Grading and clearing have substantially altered the landscape onsite. No threatened or endangered flora are known to exist onsite.

3. Vegetative Densities

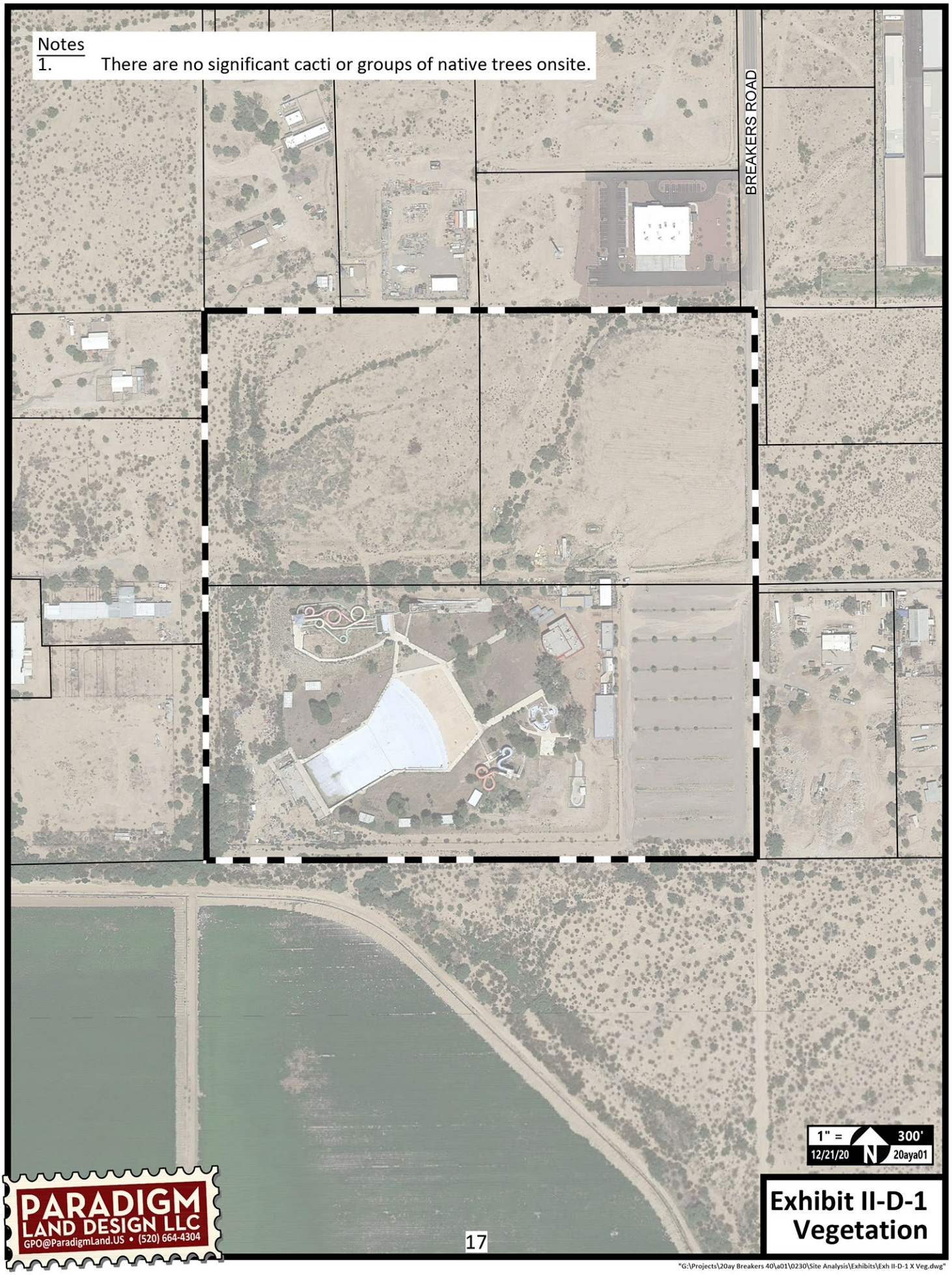
   Native vegetative density within the Tangerine 40 property is approximately 7% plant cover. Please refer to Exhibit II-D-1: Vegetation.











"G:\Projects\20ay Breakers 40\a01\0230\Site Analysis\Exhibits\Exh II-D-1 X Veg.dwg"

E. WILDLIFE

1. Arizona Game and Fish Department Report

   The Arizona Game and Fish Department's online review tool has been consulted, and the Environmental Review report, dated August 3, 2020, indicates that several federally listed species have been known to exist in the vicinity of this development. Any protected species encountered onsite will be handled according to applicable regulatory criteria. Please refer to Exhibit II-E-1: AZ Game and Fish Department Report.

Exhibit II-E-1: AZ Game and Fish Department Report

Arizona Environmental Online Review Tool Report

Arizona Game and Fish Department Mission
To conserve Arizona's diverse wildlife resources and manage for safe, compatible outdoor recreation opportunities for current and future generations.

Project Name:
Breakers 40

Project Description:
Rezoning of three parcels near Tangerine Rd. and Breakers Rd.

Project Type:
Development Within Municipalities (Urban Growth), Commercial/industrial (mall) and associated infrastructure, New construction

Contact Person:
Paul Oland

Organization:
Paradigm Land Design LLC

On Behalf Of:
CONSULTING

Project ID:
HGIS-11770

Please review the entire report for project type and/or species recommendations for the location information entered. Please retain a copy for future reference.

Page 1 of 11

Disclaimer:

1. This Environmental Review is based on the project study area that was entered. The report must be updated if the project study area, location, or the type of project changes.
2. This is a preliminary environmental screening tool. It is not a substitute for the potential knowledge gained by having a biologist conduct a field survey of the project area. This review is also not intended to replace environmental consultation (including federal consultation under the Endangered Species Act), land use permitting, or the Departments review of site-specific projects.
3. The Departments Heritage Data Management System (HDMS) data is not intended to include potential distribution of special status species. Arizona is large and diverse with plants, animals, and environmental conditions that are ever changing. Consequently, many areas may contain species that biologists do not know about or species previously noted in a particular area may no longer occur there. HDMS data contains information about species occurrences that have actually been reported to the Department. Not all of Arizona has been surveyed for special status species, and surveys that have been conducted have varied greatly in scope and intensity. Such surveys may reveal previously undocumented population of species of special concern.
4. HabiMap Arizona data, specifically Species of Greatest Conservation Need (SGCN) under our State Wildlife Action Plan (SWAP) and Species of Economic and Recreational Importance (SERI), represent potential species distribution models for the State of Arizona which are subject to ongoing change, modification and refinement. The status of a wildlife resource can change quickly, and the availability of new data will necessitate a refined assessment.

Locations Accuracy Disclaimer:
Project locations are assumed to be both precise and accurate for the purposes of environmental review. The creator/owner of the Project Review Report is solely responsible for the project location and thus the correctness of the Project Review Report content.

Recommendations Disclaimer:

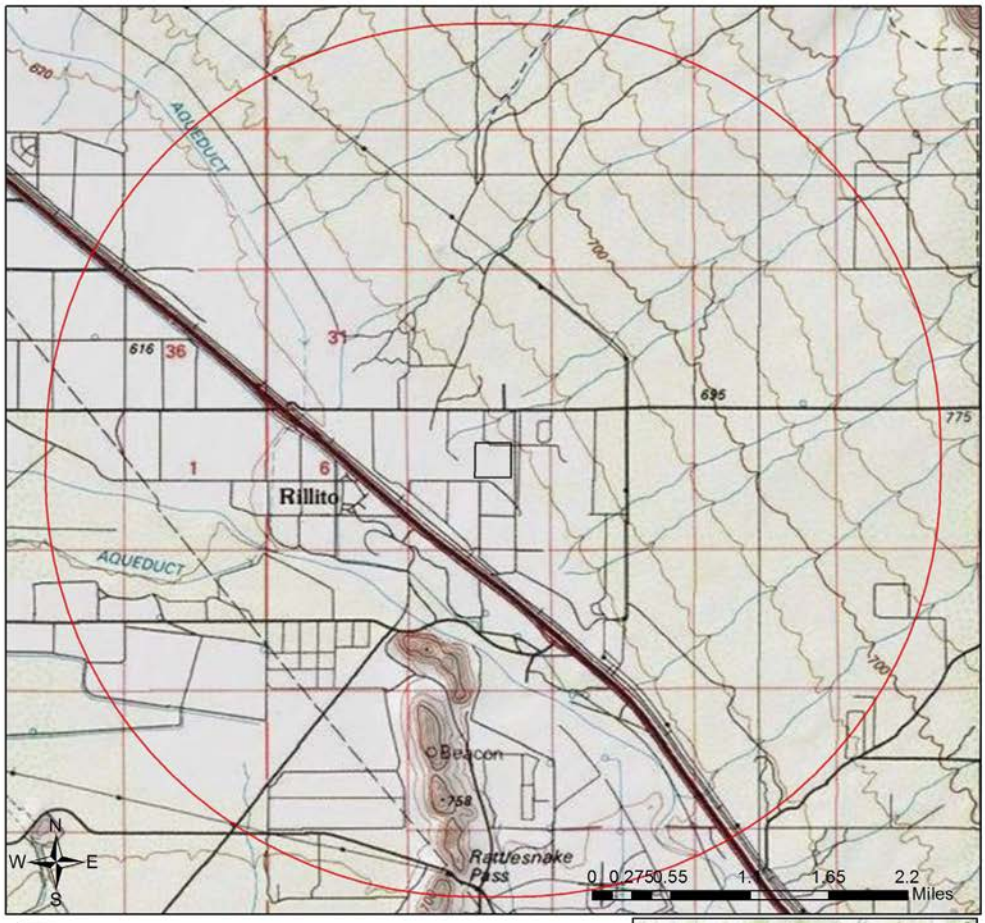
1. The Department is interested in the conservation of all fish and wildlife resources, including those species listed in this report and those that may have not been documented within the project vicinity as well as other game and nongame wildlife.
2. Recommendations have been made by the Department, under authority of Arizona Revised Statutes Title 5 (Amusements and Sports), 17 (Game and Fish), and 28 (Transportation).
3. Potential impacts to fish and wildlife resources may be minimized or avoided by the recommendations generated from information submitted for your proposed project. These recommendations are preliminary in scope, designed to provide early considerations on all species of wildlife.
4. Making this information directly available does not substitute for the Departments review of project proposals, and should not decrease our opportunity to review and evaluate additional project information and/or new project proposals.
5. Further coordination with the Department requires the submittal of this Environmental Review Report with a cover letter and project plans or documentation that includes project narrative, acreage to be impacted, how construction or project activity(s) are to be accomplished, and project locality information (including site map). Once AGFD had received the information, please allow 30 days for completion of project reviews. Send requests to:
   Project Evaluation Program, Habitat Branch
   Arizona Game and Fish Department
   5000 West Carefree Highway
   Phoenix, Arizona 85086-5000
   Phone Number: (623) 236-7600
   Fax Number: (623) 236-7366
   Or
   PEP@azgfd.gov
6. Coordination may also be necessary under the National Environmental Policy Act (NEPA) and/or Endangered Species Act (ESA). Site specific recommendations may be proposed during further NEPA/ESA analysis or through coordination with affected agencies

Arizona Game and Fish Department
Project ID: HGIS-11770

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Breakers 40

USA Topo Basemap With Locator Map



Project Boundary

Buffered Project Boundary

Project Size (acres): 39.94

Lat/Long (DD): 32.4190 / -111.1381

County(s): Pima

AGFD Region(s): Tucson

Township/Range(s): T12S, R12E

USGS Quad(s): MARANA



Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap

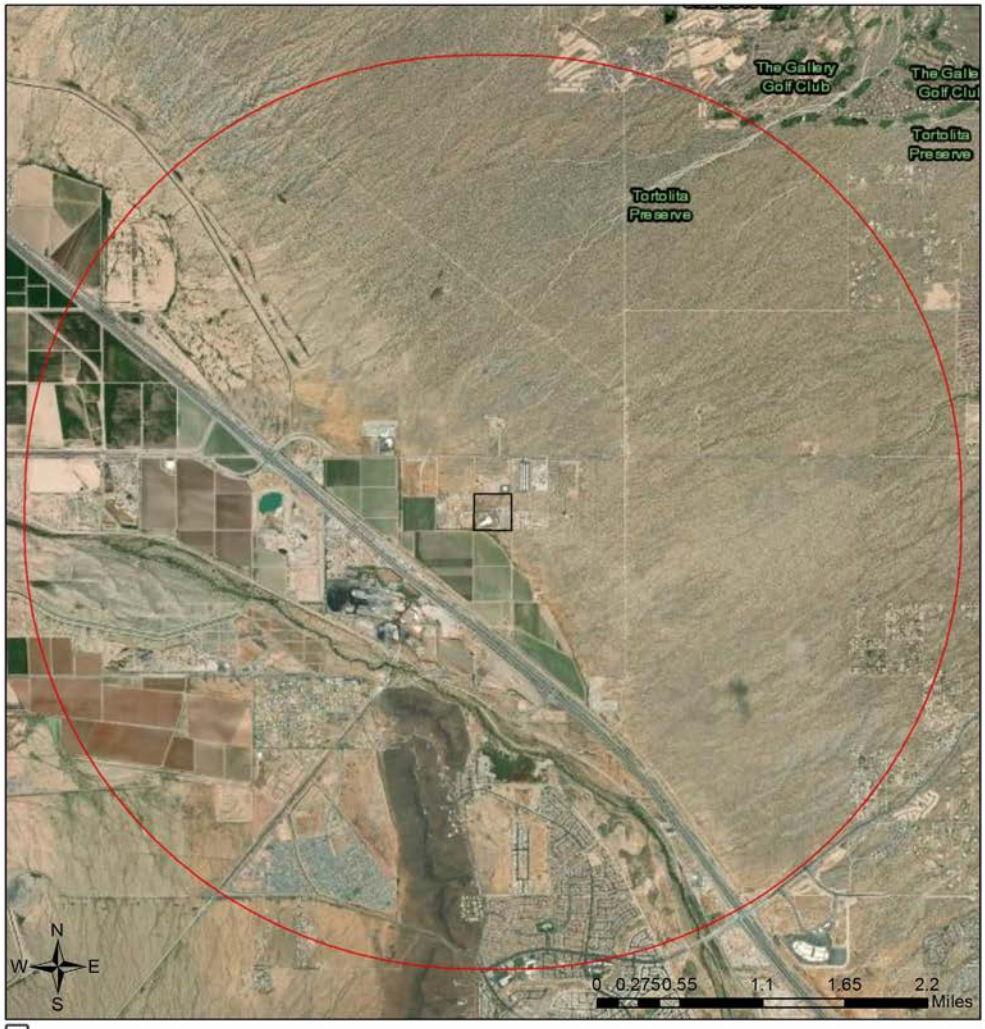
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Arizona Game and Fish Department
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Breakers 40

Web Map As Submitted By User



Project Boundary
Buffered Project Boundary

Project Size (acres): 39.94
Lat/Long (DD): 32.4190 / -111.1381
County(s): Pima
AGFD Region(s): Tucson
Township/Range(s): T12S, R12E
USGS Quad(s): MARANA

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

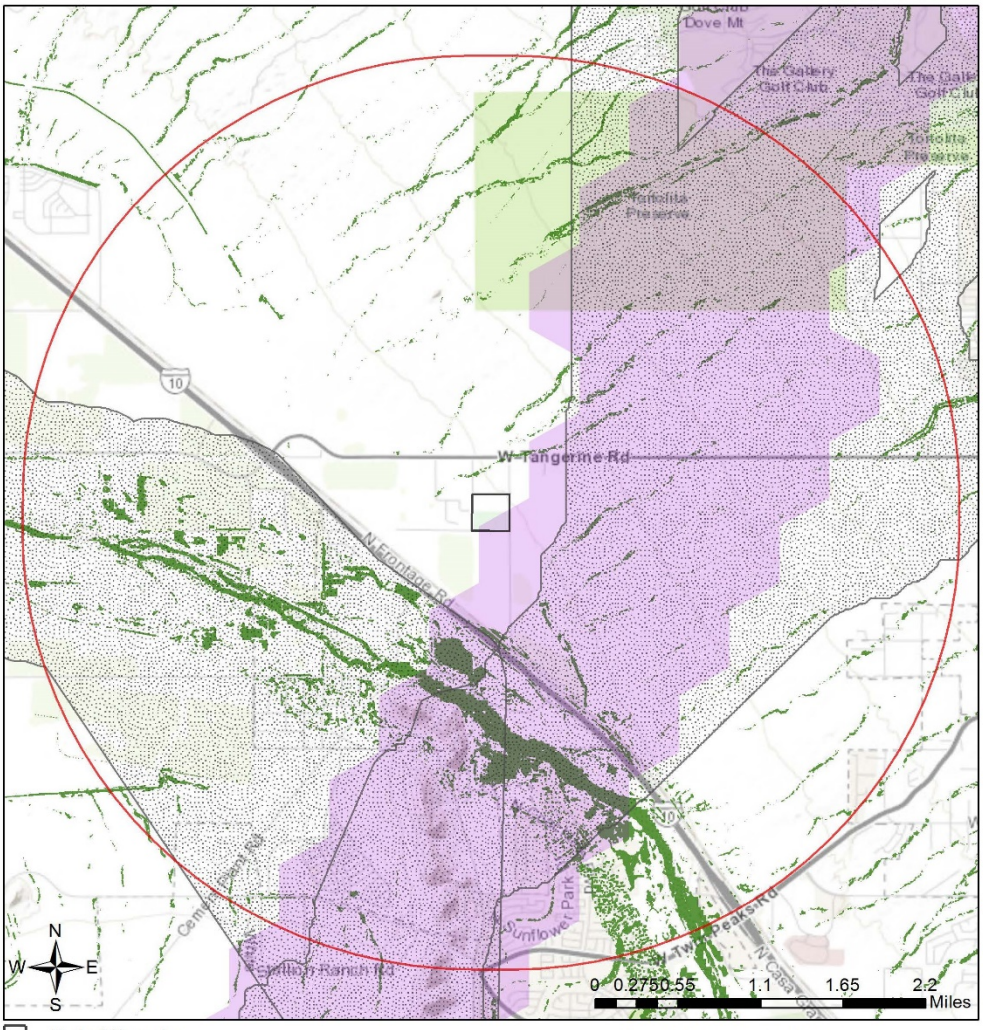
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Arizona Game and Fish Department
Project ID: HGIS-11770

project_report_breakers_40_38156_39381.pdf
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Breakers 40

Important Areas



- Project Boundary
- Buffered Project Boundary
- Wildlife Connectivity
- Important Connectivity Zones
- Pinal County Riparian
- Critical Habitat
- Important Bird Areas

Project Size (acres): 39.94
Lat/Long (DD): 32.4190 / -111.1381
County(s): Pima
AGFD Region(s): Tucson
Township/Range(s): T12S, R12E
USGS Quad(s): MARANA

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

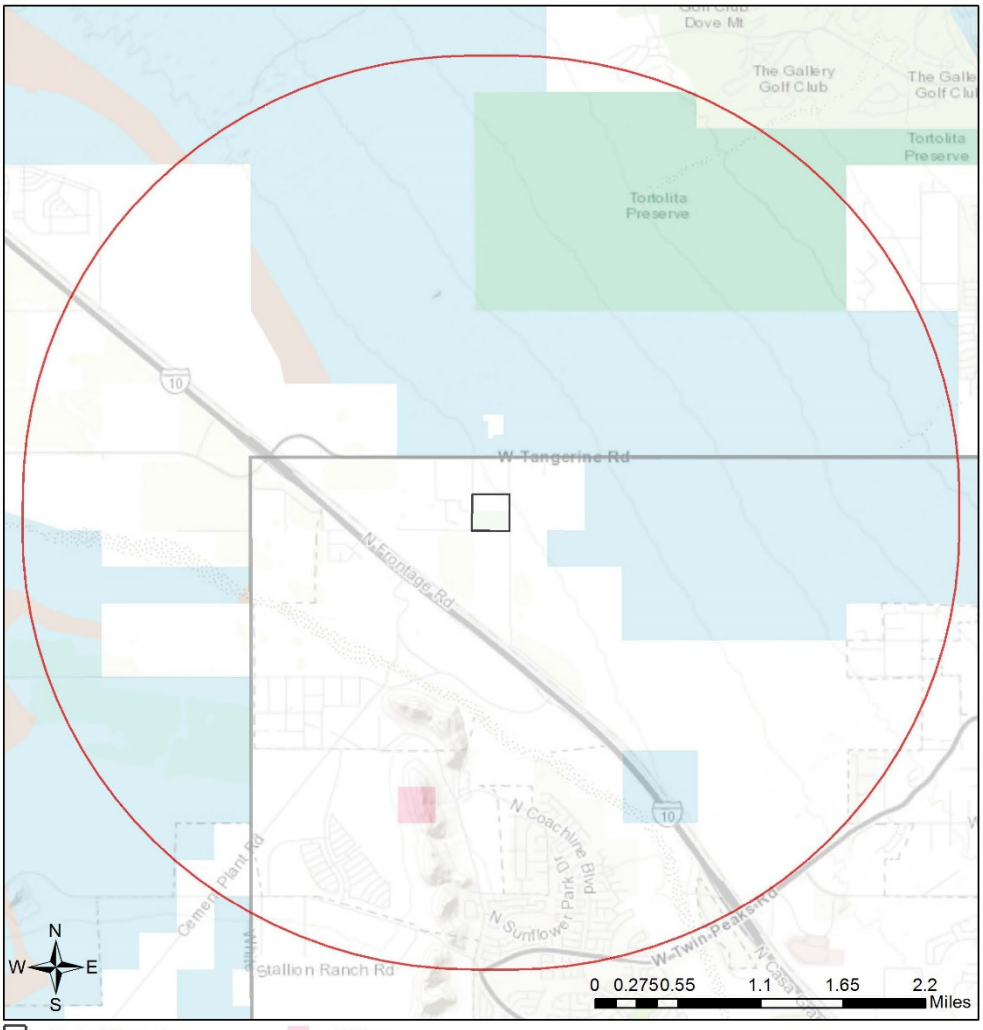
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Arizona Game and Fish Department
Project ID: HGIS-11770

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Review Date: 8/3/2020 01:16:16 PM

Breakers 40

Township/Ranges and Land Ownership



- Project Boundary
- Buffered Project Boundary
- Township/Ranges

Land Ownership

- AZ Game & Fish Dept.
- BLM
- BOR
- Indian Res.
- Military
- Mixed/Other
- National Park/Mon.
- Private
- State & Regional Parks
- State Trust
- US Forest Service
- Wildlife Area/Refuge

Project Size (acres): 39.94
Lat/Long (DD): 32.4190 / -111.1381
County(s): Pima
AGFD Region(s): Tucson
Township/Range(s): T12S, R12E
USGS Quad(s): MARANA

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Arizona Game and Fish Department
Project ID: HGIS-11770

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Special Status Species Documented within 3 Miles of Project Vicinity

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Aquila chrysaetos	Golden Eagle	BGA		S		1B
Athene cunicularia hypugaea	Western Burrowing Owl	SC	S	S		1B
Chionactis occipitalis klauberi	Tucson Shovel-nosed Snake	SC				1A
Glaucidium brasilianum cactorum	Cactus Ferruginous Pygmy-owl	SC	S	S		1B
Gopherus morafkai	Sonoran Desert Tortoise	CCA	S	S		1A
Heloderma suspectum	Gila Monster					1A
Tumamoca macdougalii	Tumamoc Globeberry		S	S	SR	

Note: Status code definitions can be found at https://www.azgfd.com/wildlife/planning/wildlifeguidelines/statusdefinitions/
.

Special Areas Documented within the Project Vicinity

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Important Connectivity Zone	Wildlife Connectivity					

Note: Status code definitions can be found at https://www.azgfd.com/wildlife/planning/wildlifeguidelines/statusdefinitions/
.

Species of Greatest Conservation Need Predicted within the Project Vicinity based on Predicted Range Models

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Aix sponsa	Wood Duck					1B
Ammospermophilus harrisii	Harris' Antelope Squirrel					1B
Anaxyrus retiformis	Sonoran Green Toad			S		1B
Antrostomus ridgwayi	Buff-collared Nightjar		S			1B
Aquila chrysaetos	Golden Eagle	BGA		S		1B
Athene cunicularia hypugaea	Western Burrowing Owl	SC	S	S		1B
Botaurus lentiginosus	American Bittern					1B
Buteo regalis	Ferruginous Hawk	SC		S		1B
Calypte costae	Costa's Hummingbird					1C
Chilomeniscus stramineus	Variable Sandsnake					1B
Chionactis occipitalis klauberi	Tucson Shovel-nosed Snake	SC				1A
Cistothorus palustris	Marsh Wren					1C
Colaptes chrysoides	Gilded Flicker			S		1B
Coluber bilineatus	Sonoran Whipsnake					1B
Corynorhinus townsendii pallescens	Pale Townsend's Big-eared Bat	SC	S	S		1B
Crotalus tigris	Tiger Rattlesnake					1B
Cynanthus latirostris	Broad-billed Hummingbird		S			1B
Cyprinodon macularius	Desert Pupfish	LE				1A
Dipodomys spectabilis	Banner-tailed Kangaroo Rat			S		1B
Empidonax wrightii	Gray Flycatcher					1C
Euderma maculatum	Spotted Bat	SC	S	S		1B

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Arizona Game and Fish Department
Project ID: HGIS-11770

project_report_breakers_40_38156_39381.pdf
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Species of Greatest Conservation Need Predicted within the Project Vicinity based on Predicted Range Models

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Eumops perotis californicus	Greater Western Bonneted Bat	SC		S		1B
Falco peregrinus anatum	American Peregrine Falcon	SC	S	S		1A
Glaucidium brasilianum cactorum	Cactus Ferruginous Pygmy-owl	SC	S	S		1B
Gopherus morafkai	Sonoran Desert Tortoise	CCA	S	S		1A
Haliaeetus leucocephalus	Bald Eagle	SC, BGA	S	S		1A
Heloderma suspectum	Gila Monster					1A
Incilius alvarius	Sonoran Desert Toad					1B
Kinosternon sonoriense sonoriense	Desert Mud Turtle			S		1B
Lasiurus blossevillii	Western Red Bat		S			1B
Lasiurus xanthinus	Western Yellow Bat		S			1B
Leopardus pardalis	Ocelot	LE				1A
Leptonycteris yerbabuenae	Lesser Long-nosed Bat	SC				1A
Lepus alleni	Antelope Jackrabbit					1B
Melanerpes uropygialis	Gila Woodpecker					1B
Melospiza lincolnii	Lincoln's Sparrow					1B
Melozone aberti	Abert's Towhee		S			1B
Micrathene whitneyi	Elf Owl					1C
Micruroides euryxanthus	Sonoran Coralsnake					1B
Myiarchus tyrannulus	Brown-crested Flycatcher					1C
Myotis velifer	Cave Myotis	SC		S		1B
Myotis yumanensis	Yuma Myotis	SC				1B
Nyctinomops femorosaccus	Pocketed Free-tailed Bat					1B
Oreoscoptes montanus	Sage Thrasher					1C
Oreothlypis luciae	Lucy's Warbler					1C
Panthera onca	Jaguar	LE				1A
Passerculus sandwichensis	Savannah Sparrow					1B
Perognathus longimembris	Little Pocket Mouse	No Status				1B
Peucaea carpalis	Rufous-winged Sparrow					1B
Phrynosoma solare	Regal Horned Lizard					1B
Phyllorhynchus browni	Saddled Leaf-nosed Snake					1B
Poeciliopsis occidentalis occidentalis	Gila Topminnow	LE				1A
Progne subis hesperia	Desert Purple Martin			S		1B
Setophaga petechia	Yellow Warbler					1B
Sphyrapicus nuchalis	Red-naped Sapsucker					1C
Spizella breweri	Brewer's Sparrow					1C
Sturnella magna	Eastern Meadowlark					1C
Tadarida brasiliensis	Brazilian Free-tailed Bat					1B

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Arizona Game and Fish Department
Project ID: HGIS-11770

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Review Date: 8/3/2020 01:16:16 PM

Species of Greatest Conservation Need Predicted within the Project Vicinity based on Predicted Range Models

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Toxostoma lecontei	LeConte's Thrasher			S		1B
Troglodytes pacificus	Pacific Wren					1B
Vireo bellii arizonae	Arizona Bells Vireo					1B
Vulpes macrotis	Kit Fox	No Status				1B

Species of Economic and Recreation Importance Predicted within the Project Vicinity

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Callipepla gambelii	Gambel's Quail					
Odocoileus hemionus	Mule Deer					
Pecari tajacu	Javelina					
Puma concolor	Mountain Lion					
Zenaida asiatica	White-winged Dove					
Zenaida macroura	Mourning Dove					

Project Type: Development Within Municipalities (Urban Growth), Commercial/Industrial (mall) and associated infrastructure, Newconstruction

Project Type Recommendations:
Minimization and mitigation of impacts to wildlife and fish species due to changes in water quality, quantity, chemistry, temperature, and alteration to flow regimes (timing, magnitude, duration, and frequency of floods) should be evaluated. Minimize impacts to springs, in-stream flow, and consider irrigation improvements to decrease water use. If dredging is a project component, consider timing of the project in order to minimize impacts to spawning fish and other aquatic species (include spawning seasons), and to reduce spread of exotic invasive species. We recommend early direct coordination with Project Evaluation Program for projects that could impact water resources, wetlands, streams, springs, and/or riparian habitats.

Based on the project type entered, coordination with Arizona Department of Water Resources may be required (https://new.azwater.gov/).

The Department requests further coordination to provide project/species specific recommendations, please contact Project Evaluation Program directly at PEP@azgfd.gov.

Project Location and/or Species Recommendations:
HDMS records indicate that one or more native plants listed on the Arizona Native Plant Law and Antiquities Act have been documented within the vicinity of your project area. Please contact
Arizona Department of Agriculture
1688 W Adams St.
Phoenix, AZ 85007
Phone: 602.542.4373
https://agriculture.az.gov/sites/default/files/Native%20Plant%20Rules%20-%20AZ%20Dept%20of%20Ag.pdf starts on page 44

Page 1 0 of 11

Arizona Game and Fish Department
Project ID: HGIS-11770

project_report_breakers_40_38156_39381.pdf
Review Date: 8/3/2020 01:16:16 PM

HDMS records indicate that one or more Listed, Proposed, or Candidate species or Critical Habitat (Designated or Proposed) have been documented in the vicinity of your project. The Endangered Species Act (ESA) gives the US Fish and Wildlife Service (USFWS) regulatory authority over all federally listed species. Please contact USFWS Ecological Services Offices at http://www.fws.gov/southwest/es/arizona/ or:

Phoenix Main Office
9828 North 31st Avenue #C3
Phoenix, AZ 85051-2517
Phone: 602-242-0210
Fax: 602-242-2513

Tucson Sub-Office
201 N. Bonita Suite 141
Tucson, AZ 85745
Phone: 520-670-6144
Fax: 520-670-6155

Flagstaff Sub-Office
SW Forest Science Complex
2500 S. Pine Knoll Dr.
Flagstaff, AZ 86001
Phone: 928-556-2157
Fax: 928-556-2121

HDMS records indicate that Western Burrowing Owls have been documented within the vicinity of your project area. Please review the western burrowing owl resource page at:
https://www.azgfd.com/wildlife/speciesofgreatestconservneed/burrowingowlmanagement/.

HDMS records indicate that Sonoran Desert Tortoise have been documented within the vicinity of your project area. Please review the Tortoise Handling Guidelines found at: https://www.azgfd.com/wildlife/nongamemanagement/tortoise/

Analysis indicates that your project is located in the vicinity of an identified *wildlife habitat connectivity feature*.
The Statewide Wildlife Connectivity Assessment's Important Connectivity Zones (ICZs) represent general areas throughout the landscape which contribute the most to permeability of the whole landscape. ICZs may be used to help identify, in part, areas where more discrete corridor modeling ought to occur. The reports provide recommendations for opportunities to preserve or enhance permeability. Project planning and implementation efforts should focus on maintaining and improving opportunities for wildlife permeability. For information pertaining to the linkage assessment and wildlife species that may be affected, please refer to: https://s3.amazonaws.com/azgfd-portal-wordpress/azgfd.wp/wp-content/uploads/0001/01/23120719/ALIWCA_Final_Report_Perkl_2013_lowres.pdf.
Please contact the Project Evaluation Program (pep@azgfd.gov) for specific project recommendations.

Page 11 of 11

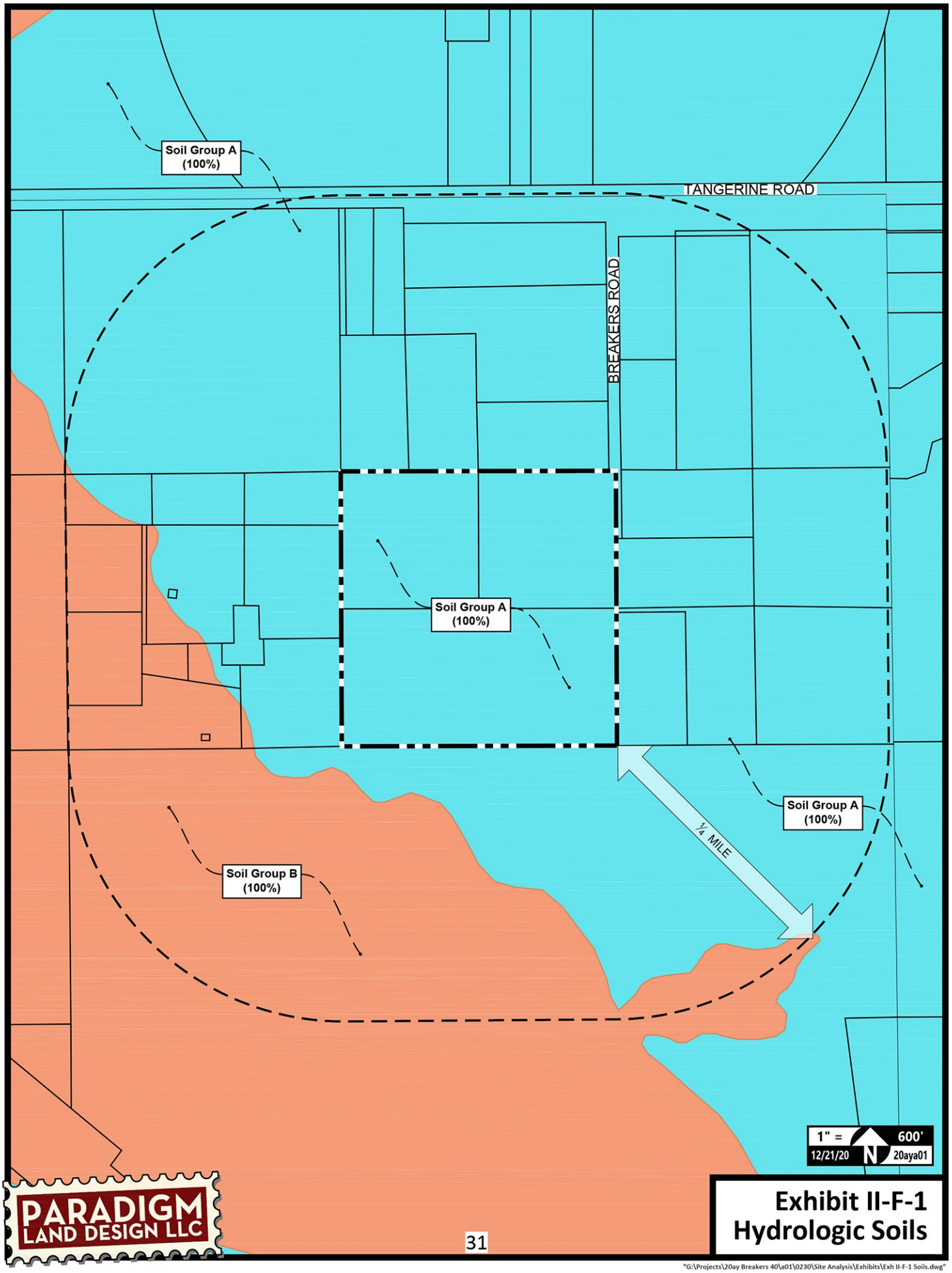
F. SOILS & GEOLOGY

1. Soils

   Soils in the vicinity of this development are classified by the U.S. Natural Resources Conservation Service (NRCS) as 100% "Soil Group A" hydrologic soil group (Anthony gravelly sandy loam, 1-3% slopes). A detailed geotechnical investigation will be performed prior to development. Please refer to Exhibit II-F-1: Hydrologic Soils.

2. Geology

   According to the Arizona Geological Survey's online Geologic Map of Arizona (data.azgs.az.gov/geologic-map-of-arizona/) the Tangerine 40 property's geology is described as "Quaternary Surficial deposits, undivided (0-2 Ma): Unconsolidated to strongly consolidated alluvial and eolian deposits. This unit includes coarse, poorly sorted alluvial fan and terrace deposits on middle and upper piedmonts and along large drainages; sand, silt and clay on alluvial plains and playas; and wind-blown sand deposits."



PARADIGM LAND DESIGN LLC

Exhibit II-F-1
Hydrologic Soils

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G. VIEWSHEDS

1. Views onto and across the Site from Adjacent Properties

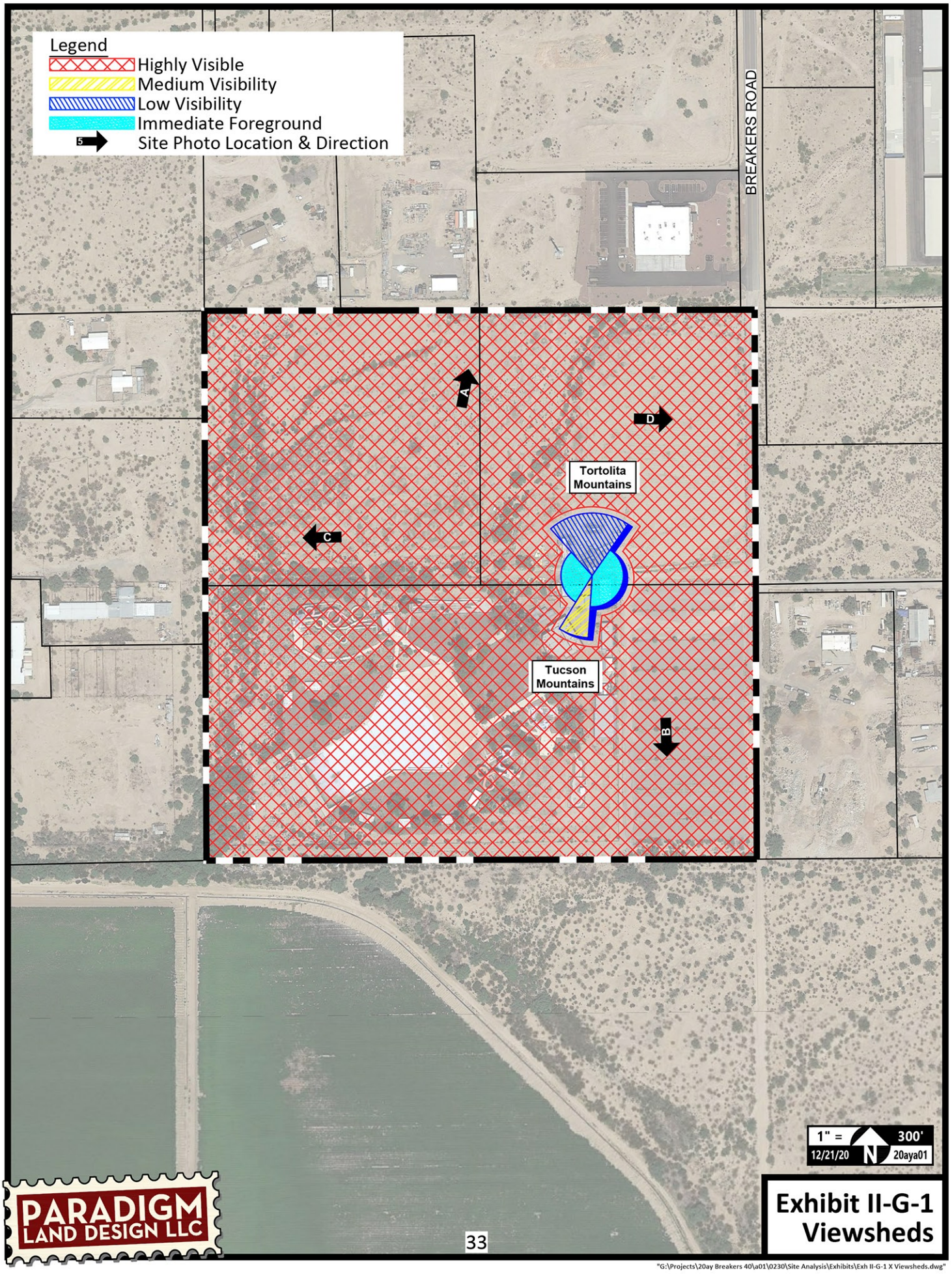
   There are no extraordinary mountain views appreciable from or across the Tangerine 40 property. The most visible mountains are to the south where Safford Peak and the extreme northern end of the Tucson Mountains is reasonably visible. Distant views of the Catalina Mountains are to the northeast, while to the east the Catalina Mountains are barely visible. Please refer to Exhibit II-G-1: Viewsheds and Exhibit II-G-2: Viewshed Photographs.

2. Viewsheds which May be Blocked by the Proposed Development

   None.

3. Areas of High Visibility from Adjacent Offsite Locations

   Given the relatively flat terrain of this development's vicinity, the Tangerine 40 property is reasonable visible from all sides. Please refer to Exhibit II-G-1: Viewsheds and Exhibit II-G-2: Viewshed Photographs.



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Exhibit II-G-1 Viewsheds

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Exhibit II-G-2: Viewshed Photographs





Exhibit II-G-2: Viewshed Photographs (cont'd)





H. TRAFFIC

1. Existing and Proposed Offsite Streets between the Development and the Nearest Arterial Streets

   Breakers Road connects the Tangerine 40 property to Tangerine Road, which is the nearest arterial street. The 2045 P.A.G. Regional Mobility and Accessibility Plan Draft Update shows Tangerine Road programmed to be widened to a 4-lane divided roadway from Interstate-10 to Dove Mountain Blvd. by 2025. Please refer to Exhibit II-H-1: Roadway Network.

2. Nearby Arterial Streets

   All traffic generated by this development will be accommodated by Breakers Road and Tangerine Road. The nearest major intersection to the site is the Tangerine Road / Interstate-10 traffic interchange. This intersection is located northwest of the site. An analysis of capacity has been prepared by M. Esparza Engineering. Please refer to Exhibit II-H-1: Roadway Network and Traffic Impact Analysis submitted under separate cover.

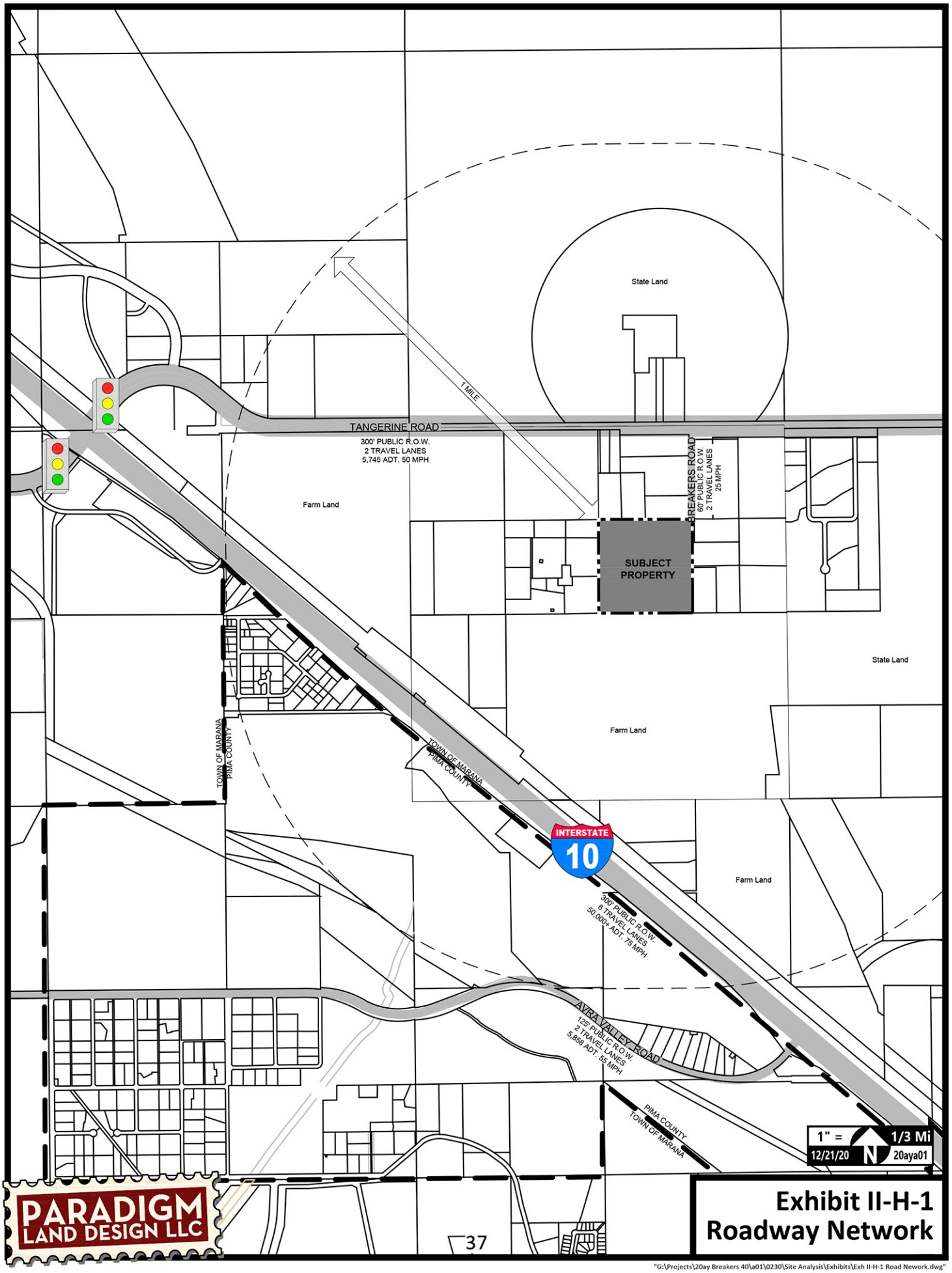
Roadway Name	Planned Right-of-Way Width	Exist. Lanes	Median Type	Speed Limit	General Plan Designation
Breakers Rd.	60′	2	None	25 mph	None
Tangerine Rd.	250′+	2	None	50 mph	Arterial
Interstate 10	Varies	6	Depressed	75 mph	Interstate

3. Nearby Arterial Intersections

   The only arterial intersection within one mile of the site that will likely carry traffic generated by this development is at Breakers Road. The intersection currently features a dedicated west-bound left-turn lane onto Breakers Road. Please refer to Exhibit II-H-1: Roadway Network.

4. Nearby Bicycle / Pedestrian Ways

   There are no nearby bicycle or pedestrian ways.



PARADIGM LAND DESIGN LLC

Exhibit II-H-1
Roadway Network

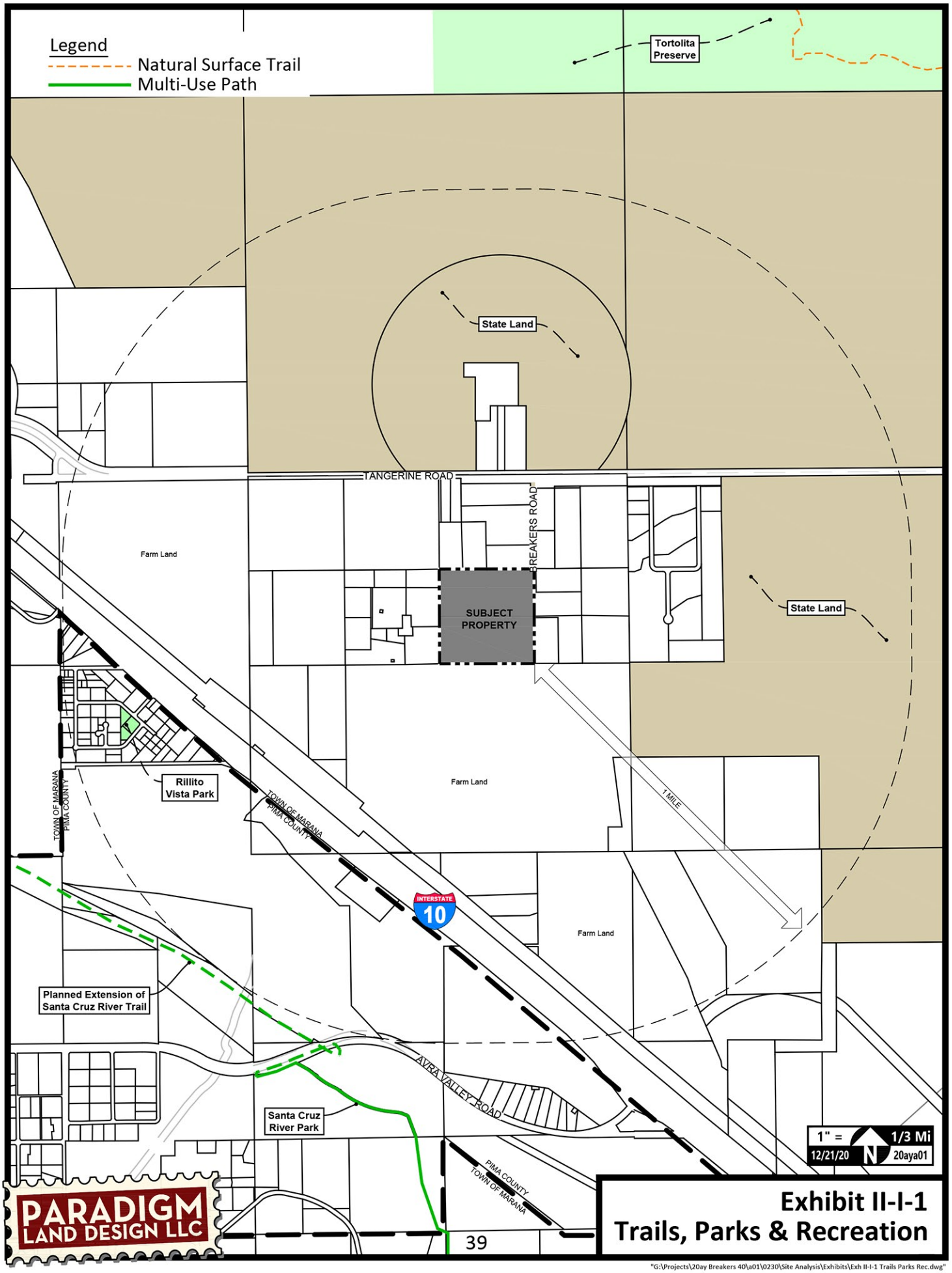
"G:\Projects\20ay Breakers 40\a01\0230\Site Analysis\Exhibits\Exh II-H-1 Road Nework.dwg"

I. RECREATION & TRAILS

1. Trails, Parks, and Recreation Areas within One Mile of the Site

   The only recreation area within one mile of the Tangerine 40 property is the Rillito Vista Park, which is west of Interstate-10. The Town of Marana is proposing to construct the CAP trailhead 1.5 miles northwest of the site. There are no parks or recreation areas within one mile of the site.

   Please refer to Exhibit II-I-1: Trails, Parks, & Recreation.


Legend
Natural Surface Trail
Multi-Use Path
Tortolita Preserve
State Land
TANGERINE ROAD
BREAKERS ROAD
Farm Land
SUBJECT PROPERTY
State Land
Farm Land
1 MILE
Rillito Vista Park
TOWN OF MARANA
PIMA COUNTY
TOWN OF MARANA
PIMA COUNTY
INTERSTATE 10
Farm Land
Planned Extension of Santa Cruz River Trail
AVRA VALLEY ROAD
Santa Cruz River Park
PIMA COUNTY
TOWN OF MARANA
1" = 1/3 Mi
12/21/20
N
20aya01
PARADIGM LAND DESIGN LLC
Exhibit II-I-1
Trails, Parks & Recreation
39
"G:\Projects\20ay Breakers 40\a01\0230\Site Analysis\Exhibits\Exh II-I-1 Trails Parks Rec.dwg"

J. CULTURAL, ARCHAEOLOGICAL, & HISTORIC RESOURCES

1. Onsite Resources

   An archaeological site is located within the Tangerine 40 property and has been thoroughly studied by Westland Resources. On 12/10/2020 Town staff accepted Westland's *End-Of-Fieldwork Report for Phased Data Recovery for a Portion of AZ AA:12:674(ASM) at the Former Breakers Waterpark Property*. A Certificate of Approval has been issued, and the Tangerine 40 property has been cleared or development as proposed.

2. Archaeologist Letter

   N/A. Please see above.

K. EXISTING INFRASTRUCTURE & PUBLIC FACILITIES

1. Sewer

   Not applicable. This development will utilize private onsite wastewater treatment systems. One septic system is known to exist onsite, and it is planned to continue to serve the office building that is proposed to remain onsite. Please refer to Exhibit II-K-1: Existing Wells & Septic Systems.

2. Water

   This development is within the Town of Marana service area. Please refer to Exhibit II-K-1: Existing Wells & Septic Systems.

3. Natural Gas

   The Tangerine 40 property is located within the Southwest Gas service area.

4. Electric

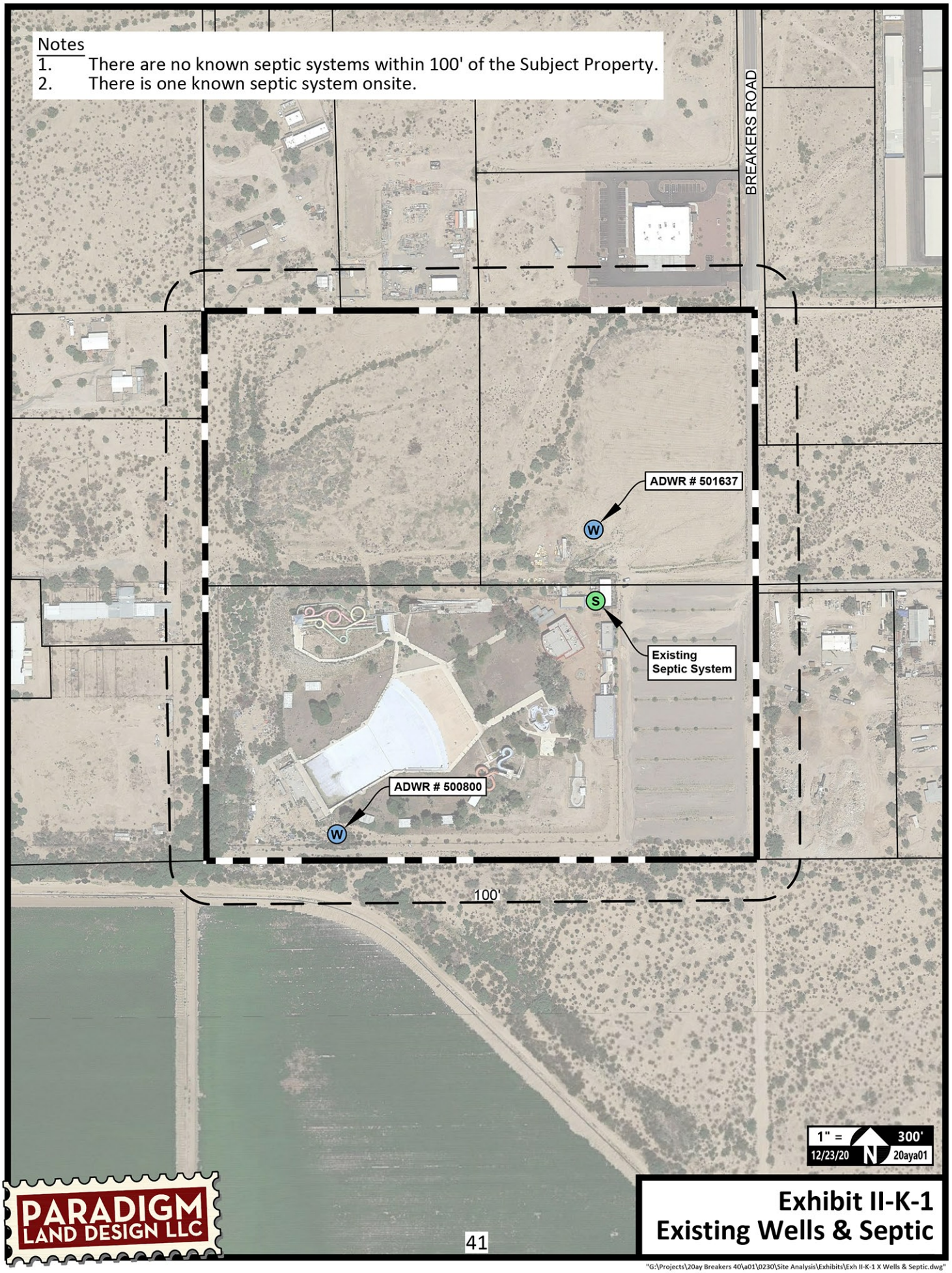
   The Tangerine 40 property is located within the TRICO Electric service area.

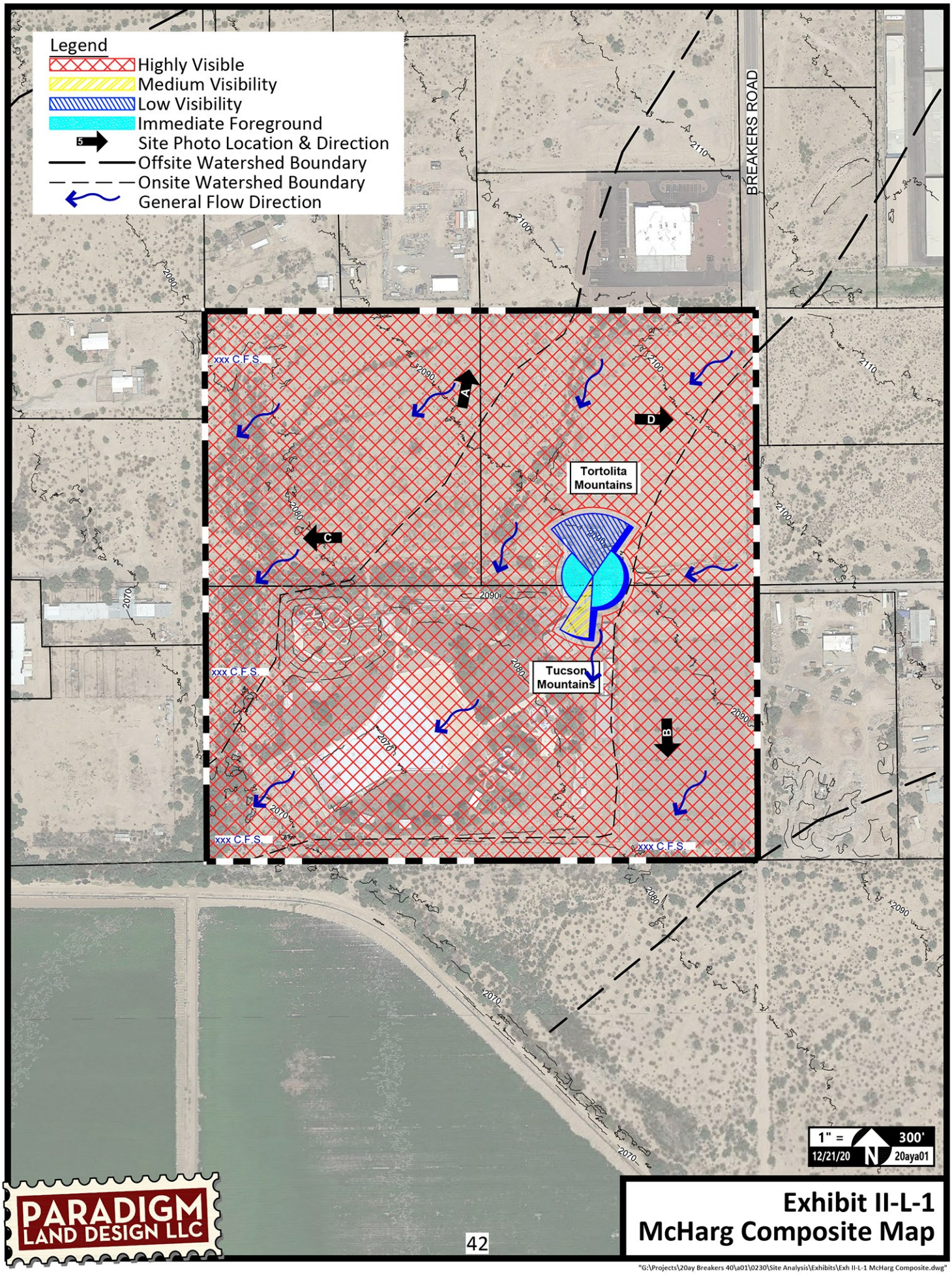
5. Fire Service

   The southern half of the Tangerine 40 property is located within the Northwest Fire District. The north half of the Tangerine 40 property will need to be annexed into the District. NWFD indicated that the development will be served and will need to construct fire hydrants along the aforementioned waterline extension.

6. Police Service

   The Tangerine 40 property is located within the Town of Marana Police service area.


Notes
1. There are no known septic systems within 100' of the Subject Property.
2. There is one known septic system onsite.
BREAKERS ROAD
ADWR # 501637
W
S
Existing
Septic System
ADWR # 500800
W
100'
1" = 300'
12/23/20
N
20aya01
PARADIGM
LAND DESIGN LLC
Exhibit II-K-1
Existing Wells & Septic
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PARADIGM LAND DESIGN LLC

Exhibit II-L-1
McHarg Composite Map

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III. LAND USE PROPOSAL

A. PURPOSE & INTENT

This section describes how the development responds to the opportunities and constraints described in the Inventory & Analysis section of this rezone, along with the Town of Marana Land Development Code. The site's minimal natural constraints and its primarily non-residential surroundings make the proposed development very appropriate.

B. RELATIONSHIP TO THE TOWN OF MARANA ADOPTED PLANS

The Make Marana 2040 General Plan designates the Tangerine 40 property as "Employment (E)". As stated in the General Plan, the Employment land use designation is applied to areas within Marana that are best suited for development of industrial, warehousing, manufacturing, business park, corporate center, research & development, and other such land uses. The General Plan recognizes the need for economic development and business attraction and highlights the Tangerine Road Corridor as one area in Marana that is ideal for business growth. The proposed development under HI zoning is an appropriate and permitted use within the Employment land use designation, especially at this location in close proximity to Tangerine Road and Interstate-10.

The Make Marana 2040 General Plan also encourages redevelopment of outdated or obsolete properties. The Breakers Water Park was a regional recreational amenity for many years, but since it shut down several years ago the Tangerine 40 property has become a haven for illicit activity. The Marana Police Department will attest to this problem. The proposed redevelopment of the Breakers property will not only reduce the demand on the Marana PD but will replace the dilapidated property with new and vibrant businesses.

The Tangerine 40 project will help indirectly fulfil a number of goals listed in the Marana Strategic Plan. Business attraction is an important goal of Marana's, and this project not only will bring a successful Tucson-area business into Marana's boundary, but it will also result in the creation of two new enterprises (the RV/self-storage and the contractor yards). The contractor yards are expected to support primarily local small business, which is another important goal of Marana's. Lastly, the defunct Breakers Water Park had become a hotspot for activities that required frequent allocation of Marana Police Dept. resources. The project developer has already acquired and secured the Tangerine 40 property, helping to make Marana a safer place.

C. COMPATIBILITY TO ADJOINING DEVELOPMENT

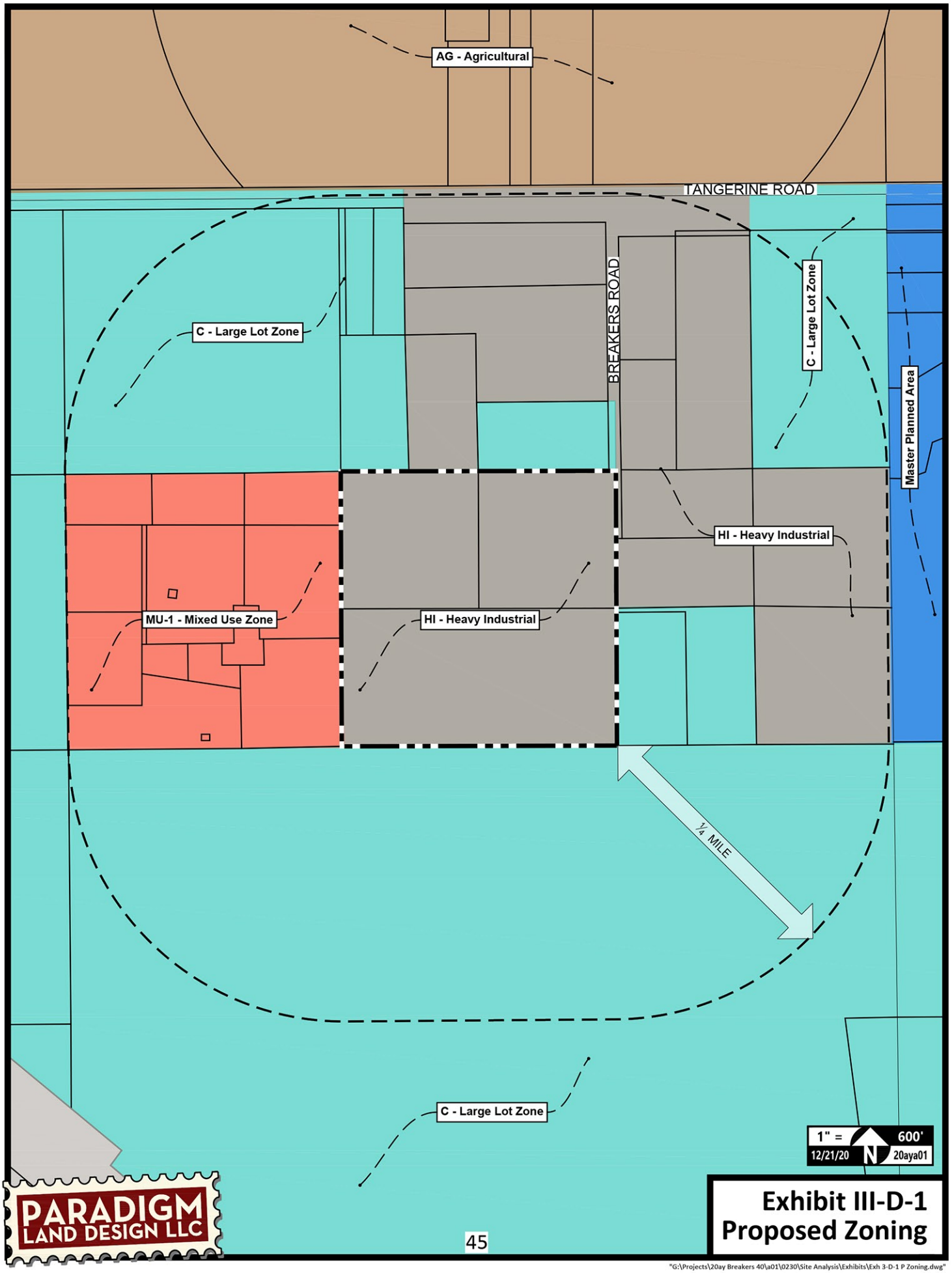
This development will be compatible with surrounding land uses, which are primarily vacant or non-residential in nature.

D. LAND USE PROPOSAL

We are requesting a rezone to an HI heavy industry designation. As such, this development will adhere to all applicable development standards associated with the HI zoning requirements. Please refer to Exhibit III-B-1: Proposed Zoning.

The RV / self-storage element is proposed in response to increasing demand for secure storage facilities in Marana and the northwest Tucson area. The contractor yards element will provide a variety of secure, fenced yards for local trade contractors. The proposal is modelled after similar successful businesses in the Phoenix metropolitan area that answer demand for such yard space from local contractors who may not need many acres for their yard, and who are often prohibited by their home HOA from storing their equipment and supplies at their residence.

Please refer to Exhibit III-D-1: Proposed Zoning and Exhibit III-D-2: Land Use Concept.



PARADIGM LAND DESIGN LLC

Exhibit III-D-1
Proposed Zoning

"G:\Projects\20ay Breakers 40\a01\0230\Site Analysis\Exhibits\Exh 3-D-1 P Zoning.dwg"

Property Data

1.	Property Area	39.9± Ac.
2.	Assessor Parcels	216-08-0100, 0110 & 0160
3.	Existing Zoning	C - Large Lot Zone
4.	Proposed Zoning	HI - Heavy Industry
5.	FEMA Designation	AO-1

Proposal Summary (General)

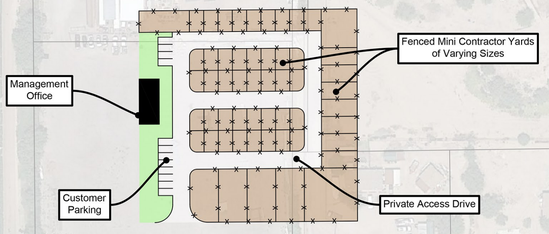
1. All proposed buildings will comply with applicable floodplain regulations.
2. Landscape bufferyard widths will be determined by Town staff during the development plan review process.
3. The project will be served by Marana Water.
4. This project will comply with applicable ADA regulations.

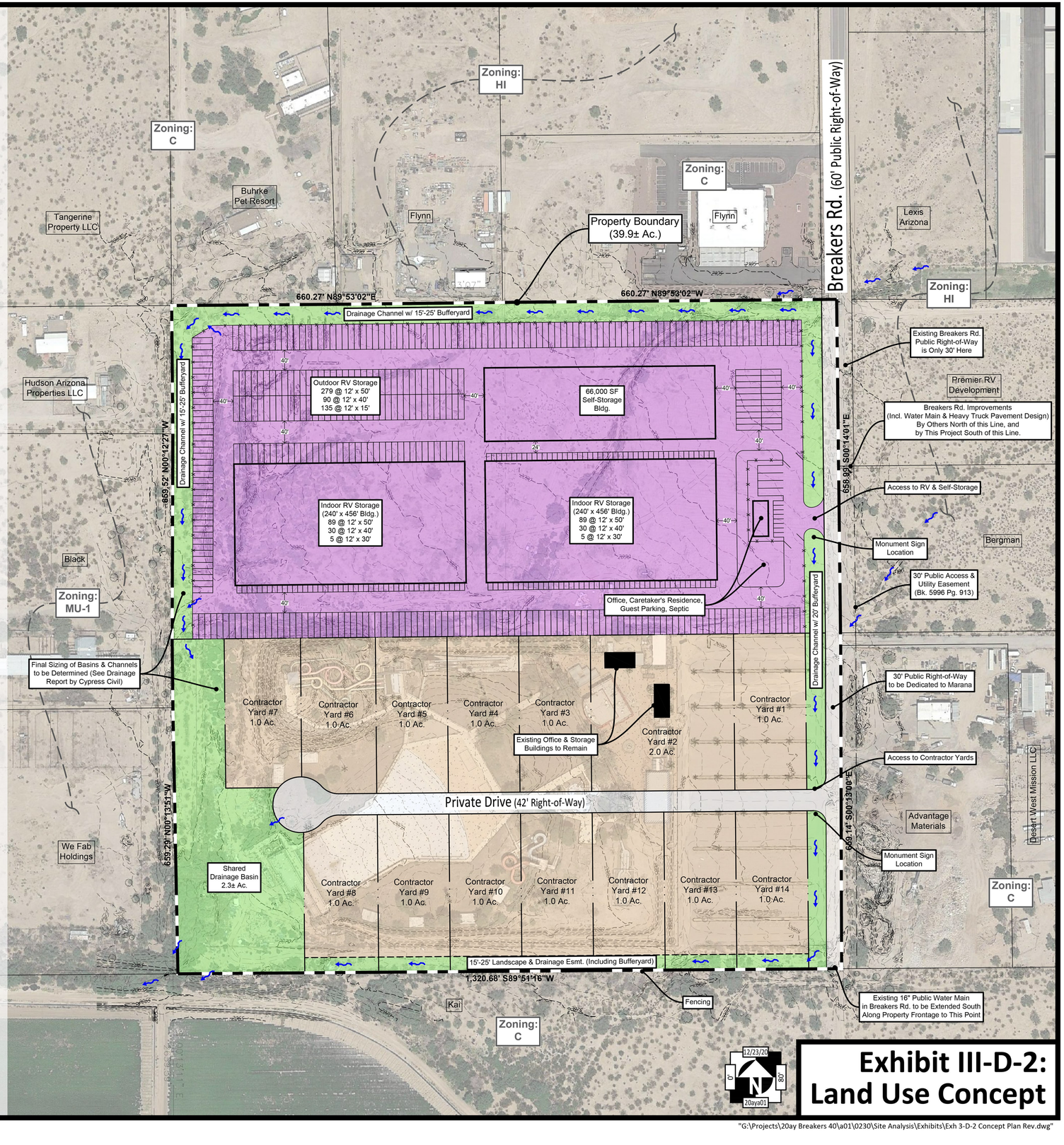
Proposal Summary (RV Storage / Self-Storage)

1.	Building Area	290,000± Sq. Ft.
2.	Building Height	35 Ft.
3.	Parking Provided	12 Spaces (For Customers at Office)
4.	RV Storage Provided	As Noted on Plan

Proposal Summary (Contractor Yards)

1. Modular buildings (including septic systems) on each yard to be permitted individually as needed by lessees. Yards may include storage of equipment, vehicles, and materials. Metal shade structures / canopies may be erected by lessees.
2. Dry utilities to be extended and stubbed to each yard.
3. All existing Breakers Water Park improvements to be removed except as noted.
4. Yards will be fenced.
5. Yard sizes are subject to change based on tenant needs.
6. Video surveillance to be provided if warranted.
7. A portion of the project may be developed as mini contractor yards, serving the needs to smaller contractors who only need several hundred square feet of storage area. A schematic site plan for mini contractor yards is shown below.





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GPO@ParadigmLand.US • (520) 664-4304

Exhibit III-D-2: Land Use Concept

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E. TOPOGRAPHY

The entire site is proposed to be graded, which is not out of character for this part of Marana, nor does it present any significant environmental or viewshed concerns. The overall cross-slope of the Tangerine 40 property will be maintained approximately.

F. HYDROLOGY

This section was prepared by CMG Drainage Engineering, Inc.

The sheet flow conditions that cover the entire Tangerine 40 property will necessitate construction of a perimeter channel system that collects and conveys offsite storm water to the downstream boundary at the southwest property corner. This maintains historical drainage patterns at the downstream boundary since existing sheet flow is directed to this location by earthen berms and shallow drainage swales.

The perimeter channels will have a top width of 20- to 30-feet and depth of 4- to 5-feet. Channel banks will be stabilized to control potential erosion due to high flow velocities. Channel side slope angles will vary from 1:1 to 3:1 with the stabilization materials being stones, riprap, soil cement or gunite.

This development will not produce any adverse drainage impacts to upstream or downstream properties. Post-development discharges flowing onto the site will remain the same as under pre-development conditions. Due to the critical basin retention/detention requirements, overall discharge rates exiting the site from onsite developed watersheds will be reduced in accordance with the North Marana design criteria. Onsite retention/detention storage will be located at the southwest property corner and possibly on a lot-by-lot basis depending on site specific needs.

All building pads will be designed to be a minimum of 1 foot above adjacent 100-year flood elevations.

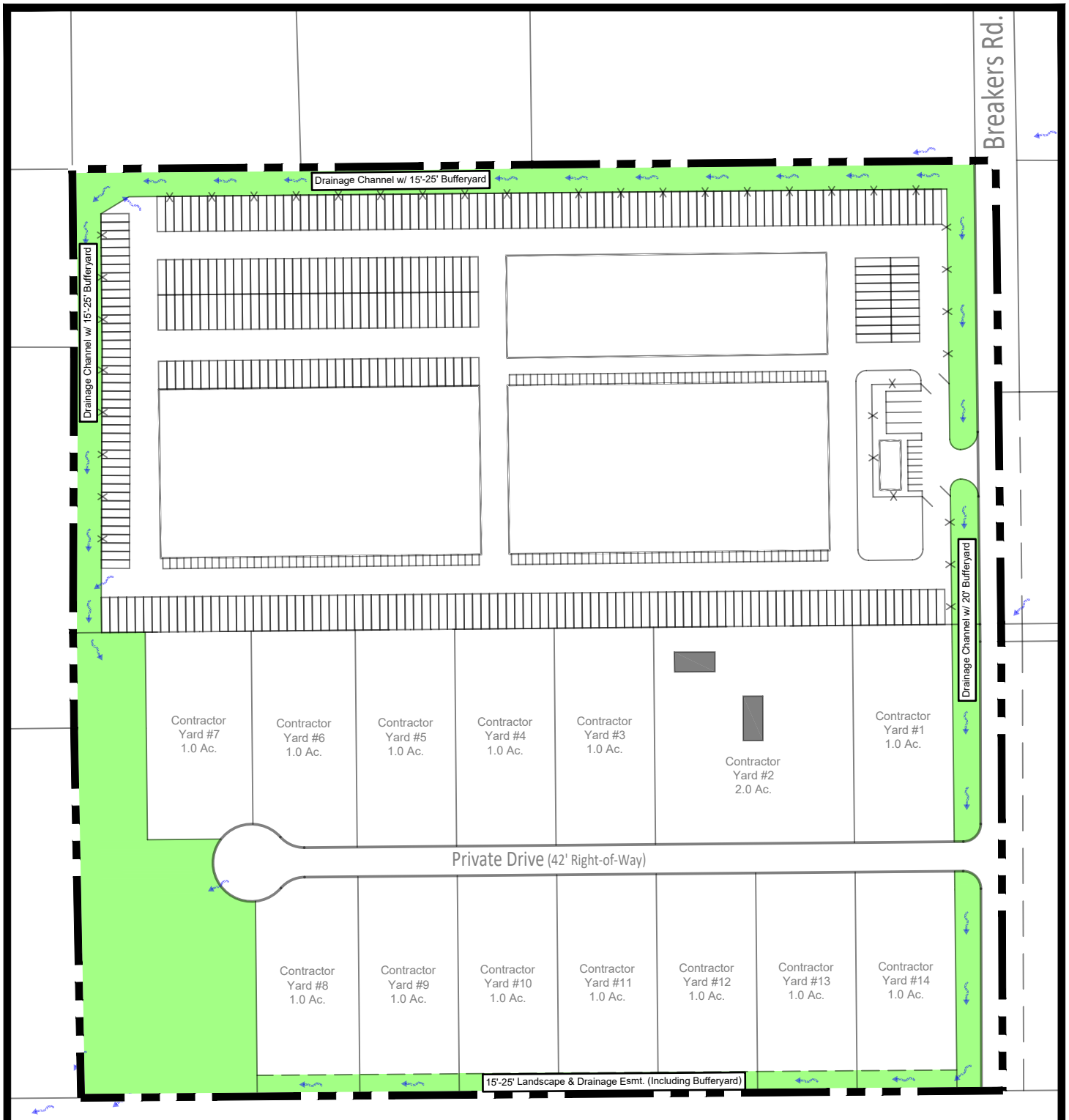
This development will provide onsite retention/detention in accordance with Town of Marana policies and the Pima County detention/retention manual. Onsite stormwater flows will be detained down to below existing (pre-development) conditions per critical basin requirements.

The Tangerine 40 property is currently designated by FEMA as AO-1. All proposed structures will comply with applicable floodplain regulations.

G. VEGETATION

As part of the platting process, the Town of Marana's native plant reservation requirements (as defined in Section 17.02 of the Marana Land Development Code) will be followed and an inventory will be prepared for the entire site, identifying vegetation to be preserved in place or transplanted onsite.

The development features a drainage channel around the entire perimeter, which will be partially landscaped and thus will fulfill the 15' – 25' landscape bufferyard requirement. Common area landscaping will be drought tolerant. Please refer to Exhibit III-G-1: Proposed Bufferyards.



1" = 200'
12/21/20 N 20aya01

PARADIGM LAND DESIGN LLC

Exhibit III-G-1 Bufferyards

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H. WILDLIFE

Larger wildlife that may traverse the Tangerine 40 property will continue to be able to cross from one side to the other via the proposed perimeter drainage channels.

At least 30 days before grading, a 100% area survey must be completed by a qualified wildlife biologist for the Sonoran Desert Tortoise, with a copy of the survey form being sent to the Town prior to issuance of a grading permit.

I. VIEWSHEDS

As mentioned in Section I, there are no extraordinary mountain views appreciable from or across the Tangerine 40 property, thus viewshed impacts of this development will be minimal. Even so, the wide perimeter channel areas will further mitigate any potential impacts to surrounding viewsheds.

J. TRAFFIC

The proposed development will have two connections to the existing public street system, both of which will be onto Breakers Road. The northern connection location is proposed several hundred feet from the nearest existing or proposed connection. The southern connection is proposed at the middle of the southern parcel's frontage on Breakers Road, in close proximity but not directly across from the access drive for the existing construction yard east of Breakers Road. To meet Marana's street design standards regarding proximity of roadway connections, this development will relocate the existing construction yard's access drive.

Along the Tangerine 40 property frontage Breakers Road is currently a dirt road partially within existing public-right-of-way and partially within existing public access and utility easements. The northern 660' of Breakers Road is proposed to be improved by the Premier RV Storage development. This development will be required to dedicate 30' of public right-of-way and improve the remainder of Breakers Road to the southern property boundary.

This development is expected to generate fewer than 100 AM peak hour trips and fewer approximately 1,000 vehicular average daily trips (ADT), according to the Traffic Impact Analysis (TIA) submitted by Esparza Engineering, which is included in Appendix A – Traffic Impact Statement.

K. PUBLIC UTILITIES

1. Water

   Marana Water has indicated that this development will be served, and that an extension of Marana's public water system will be required to be constructed by the developer.

2. Sewer

   This development will utilize private onsite wastewater treatment systems.

3. Electric

   The Tangerine 40 property is located within the TRICO Electric service area.

4. Natural Gas

   Southwest Gas will supply natural gas services to this development.

5. Telecommunications

   The development is within the Qwest service area.

L. PUBLIC SERVICE IMPACTS

1. Police

   The development is within Marana's town limits and law enforcement jurisdiction. This development will benefit the Marana Police Department by eliminating the dilapidated Breakers Water Park that has become a frequent destination for Marana police offers responding to unlawful activity.

2. Fire

   This development will be serviced by Northwest Fire District.

3. Trash & Recycling

   The Town of Marana does not provide trash and recycling services. The developer will contract with a private solid waste pick-up provider.

4. Schools

   Not applicable.

5. Parks

   Not applicable.

M. RECREATIONS & TRAILS

Not applicable.

N. CULTURAL, ARCHAEOLOGICAL, AND HISTORIC RESOURCES

As described in Section I, an archaeological site is located within the Tangerine 40 property and has been thoroughly studied by Westland Resources. On 12/10/2020 Town staff accepted Westland's *End-Of-Fieldwork Report for Phased Data Recovery for a Portion of AZ AA:12:674(ASM) at the Former Breakers Waterpark Property*. A Certificate of Approval has been issued, and the Tangerine 40 property has been cleared or development as proposed.

IV. APPENDIX A – TRAFFIC IMPACT STATEMENT

The Traffic Impact Statement has been submitted to the Town of Marana as a separate bound report.

Property Data

1.	Property Area	39.9± Ac.
2.	Assessor Parcels	216-08-0100, 0110 & 0160
3.	Existing Zoning	C - Large Lot Zone
4.	Proposed Zoning	HI - Heavy Industry
5.	FEMA Designation	AO-1

Proposal Summary (General)

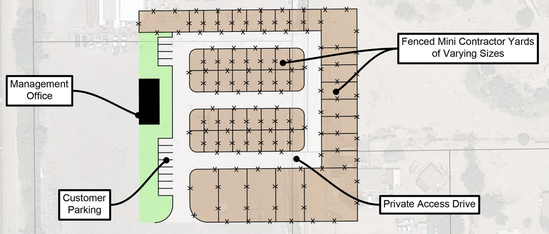
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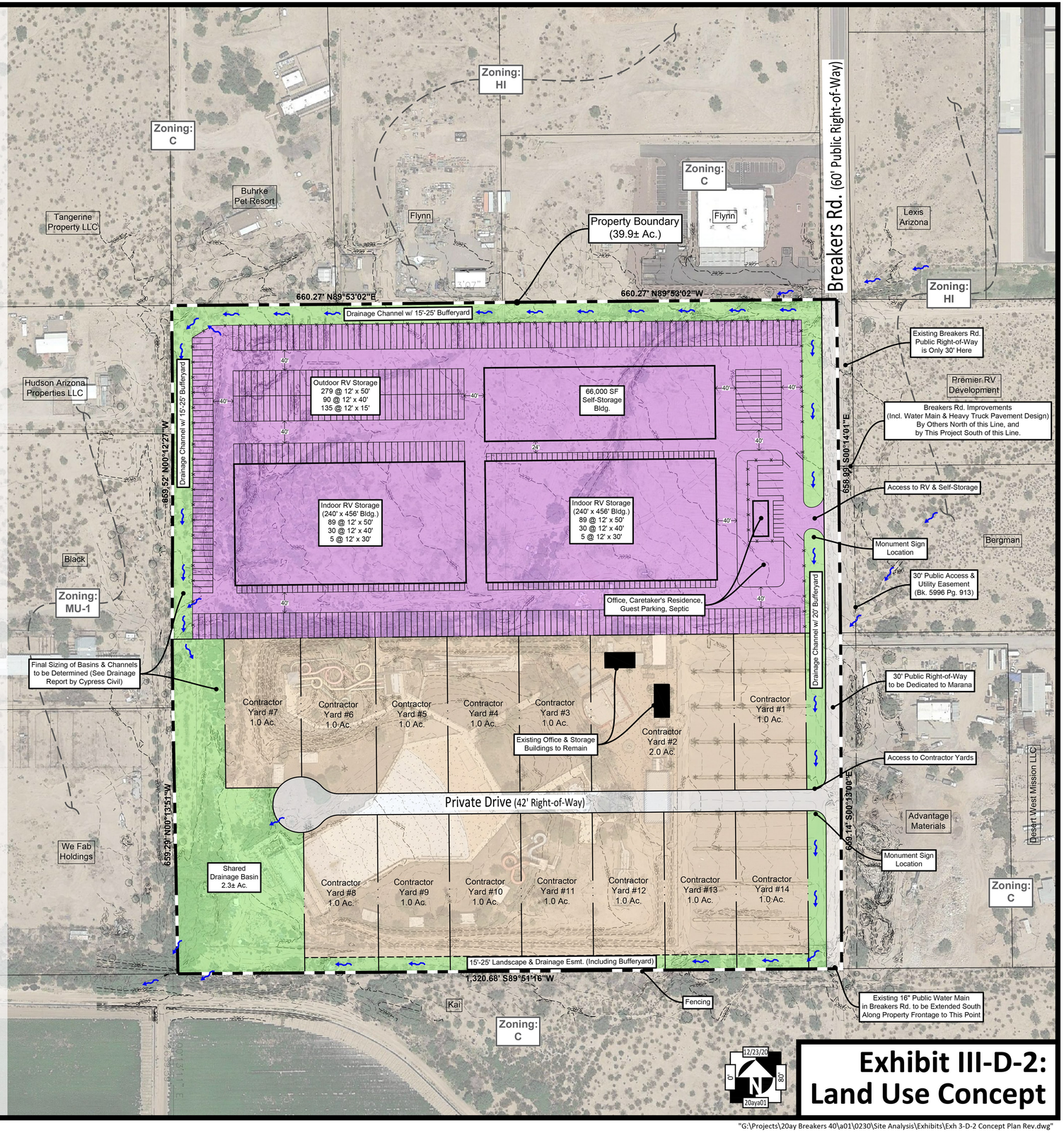
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2. Dry utilities to be extended and stubbed to each yard.
3. All existing Breakers Water Park improvements to be removed except as noted.
4. Yards will be fenced.
5. Yard sizes are subject to change based on tenant needs.
6. Video surveillance to be provided if warranted.
7. A portion of the project may be developed as mini contractor yards, serving the needs to smaller contractors who only need several hundred square feet of storage area. A schematic site plan for mini contractor yards is shown below.





PARADIGM LAND DESIGN LLC
GPO@ParadigmLand.US • (520) 664-4304

Exhibit III-D-2: Land Use Concept

"G:\Projects\20ay Breakers 40\a01\0230\Site Analysis\Exhibits\Exh 3-D-2 Concept Plan Rev.dwg"

Planning Commission - Regular Meeting

Meeting Date: 01/27/2021

To: Planning Commission

From: Justin Currie, Planner

Date: January 27, 2021

Strategic Plan Focus Area:
Not Applicable

Subject: **SLU2008-001 Welding Shop Operations.** A request for approval of a Significant Land Use Change to allow for operation of a commercial welding shop on the property located at 15131 N. Wentz Road. The property is generally located at the southwest corner of Wentz Road and Hardin Road. (Justin Currie)

Discussion:

History
Joe Parsons, of Hardin and Wentz LLC, has submitted a request for the approval of a Significant Land Use Change (SLUC) to use six acres of a 16 acre site, located at 15131 N. Wentz Rd. at the southwest corner of Wentz Road and Hardin Road, as a commercial welding shop. The proposed area of the SLUC is currently developed as an equestrian facility with a covered arena and event related site operations. An SLUC for the equestrian facility was approved administratively on January 22, 2015 (Town project SLU1412-001). No protests in accordance with section 05.03 of the Marana Land Development Code were received by the Town regarding the previous SLUC on this property.

Proposed Use
Under the proposed SLUC, equestrian uses will cease at the site and the existing, covered arena will be used for preparing and welding steel components such as columns, beams, wrought iron handrails and guard rails for residential, commercial and industrial projects. Material loading, unloading and storage will occur where the existing outdoor arena is located on the northeast portion of the site. It is estimated that there will be 10 to 15 employees for the operation. The hours of operation will be from 7:00 am to 5:00 pm Monday through Friday. Operation on Saturday may occasionally occur from 7:00 am to 3:00 pm. It is anticipated that two deliveries of steel by trucks and trailers will occur per day.

The remaining acreage of the site will continue to be used for agricultural uses.

Current Zoning
The current zoning for this property is B-Medium Lot Zone. Within Zone B any residential, commercial, industrial, or quasi-public land use is permitted so long as each separate land use is conducted on a lot larger than 2.5 acres but no larger than 25 acres. Approval of a Significant Land Use Change is required to significantly alter the existing land use as described in Section 05.03 of the Land Development Code.

Surrounding and Existing Land Use
The area surrounding the property consists primarily of single-family residential and agricultural zoning and land use, as well as undeveloped property. The property is bordered on the north by undeveloped R-144. The property to the east is zoned F-Sanders Grove Specific Plan and is currently used for agricultural purposes. The property is bordered on the south by Zone B, partially developed as large lot single-family residential and agricultural. The property to the southwest and west is also Zone B and consist of agricultural uses and has large lot single-family residential.

Public Notification

In accordance with the procedures defined in Section 05.03.01 of the Marana Land Development Code, public notice was mailed to 36 property owners within a 1/2-mile radius of the subject property. All property owners were sent notice by first class mail on October 13, 2020, notifying them of the requested land use change, and informing them of the process for protesting or supporting the request within the 35 calendar day comment period. Pursuant to Section 05.03.01, notice was also mailed to all members of the Planning Commission as well as the Mayor and Town Council, and the Town Clerk.

Section 05.03.02 of the Code states that if a member of the Town Council or the Planning Commission who does not have a substantial interest as defined in the Arizona Revised Statutes, or if any fee title owner of real property located immediately adjacent to the lot or parcel for which the Significant Land Use Change has been proposed, or if 25% of the owners of 'Nearby Land' (1/2-mile notification area) protest the proposed Significant Land Use Change in writing to the Town Clerk within 35 calendar days of the date of the notification letter, then the Town Clerk shall notify the applicant in writing of the protest, and the application shall proceed to a public hearing before the Marana Planning Commission.

Within the 35-day public notice period, the Town Clerk's Office received 3 letters or emails protesting the request. Two of the items of correspondence were received from owners of real property located immediately adjacent to the lot or parcel for which the Significant Land Use Change has been proposed, thus, meeting the criteria sufficient to require the application to proceed to a public hearing. Section 05.03.03 requires that an applicant present rebuttal to the protest at the public hearing. In accordance with the Land Development Code, the Planning Commission shall weigh the merits of the proposed Significant Land Use Change and either approve the request, deny the request, or approve the request based upon any reasonable adjustment or compromise that is acceptable to both the applicant and the majority of the Planning Commission. If approved, the land use will be subject to the regulations and requirements of the Marana Land Development Code and any other applicable codes, including any requireemnt to install necessary improvements to support the use.

Staff Recommendation:

Per Section 05.03.05 of the Land Development Code, the Planning Commission shall weigh the merits of the proposed Significant Land Use Change and either approve the land use change or deny such approval or grant approval based on any reasonable adjustment or compromise that is acceptable to both the applicant and the majority of the Planning Commission. If approved, the land use will be subject to the regulations and requirements of the Marana Land Development Code and any other applicable codes, including any requirement to install necessary improvements to support the use.

Suggested Motion:

Option 1:
I move to approve SLU2008-001, Significant Land Use Change for Welding Shop Operations.

Option 2:
I move to deny SLU2008-001, Significant Land Use Change for Welding Shop Operations.

Option 3:
I move to approve SLU2008-001, Significant Land Use Change for Welding Shop Operations subject to the following revisions and/or additional conditions.

Attachments

Project Narrative
Application
Location Map

Site Plan
Surrounding Zoning
Applicant Correspondence
Protest Letters

Development Services
Town of Marana
11555 West Civic Center Drive
Marana, AZ 85653

RE: Significant Land Use Change – Hardin Wentz LLC

August 13, 2020

Jason Angell,

We are proposing a Significant Land Use Change to our property located at the corner of Hardin and Wentz. Currently it has the land use of an equestrian facility. We intend to utilize the existing shade structure as a metal welding shop. We will fabricate and manufacture steel components used in normal residential, commercial and industrial construction.

We will only utilize the Northeast portion of the 16 acre property and the rest of the land will remain in agriculture growing alfalfa and bermuda hay.

We anticipate 10 to 15 employees and will work a normal work week schedule with a few Saturdays as necessary. We expect traffic to be reduced due to the fact it is not a retail facility and employees and a few deliveries a day all during day light hours is all we anticipate.

Please contact me with any questions.

Sincerely,

Joe M. Parsons

Joe Parsons
520-444-0990
joe@steelaz.com

MARANA AZ

Development Services / maranaplanning@maranaAZ.gov
11555 West Civic Center Drive / Marana, AZ 85653
Ph (520) 382-2600 / Fax (520) 382-2641 / maranaAZ.gov

PROJECT APPLICATION

APPLICATION TYPE

❑ Annexation	❑ Development Plan	❑ Development Plan Package	❑ General Plan Amendment
❑ Rezone	❑ Minor Land Division	☒ Significant Land Use Change	❑ Conditional Use Permit
❑ Specific Plan	❑ Landscape Plan	❑ Native Plant Plan/Exception	❑ SWPP
❑ Variance	❑ Hydraulic Model	❑ Sewer Capacity Assurance	❑ Sign Program
❑ Plat	❑ Improvement Plan	❑ Report (Type): _____	❑ Other: _____

PROJECT INFORMATION

Project Name: Hardin Wentz LLC SLUC	
Description of Project: Welding shop	Number of Lots: 1
Parcel No.(s): 217-18-001J	Gross Area (Acres): 16
Project Address: 15131 N. Wentz Road Marana, AZ 85653	
Ref. Project No.:	

CONTACT INFORMATION

Owner: Hardin Wentz LLC	Contact Name: Joe Parsons		
Address: 15131 N. Wentz Road	City: Marana	State: AZ	Zip: 85653
Email: joe@steelaz.com	Phone No.: 520-444-0990		
Applicant: Joe Parsons	Contact Name: Joe Parsons		
Address: 13580 W. Kirby Hughes Rd.	City: Marana	State: AZ	Zip: 85653
Email: joe@steelaz.com	Phone No.: 520-444-0990		
Consultant/Engineer:	Contact Name:		
Address:	City:	State:	Zip:
Email:	Phone No.:		

OWNER/APPLICANT AUTHORIZATION

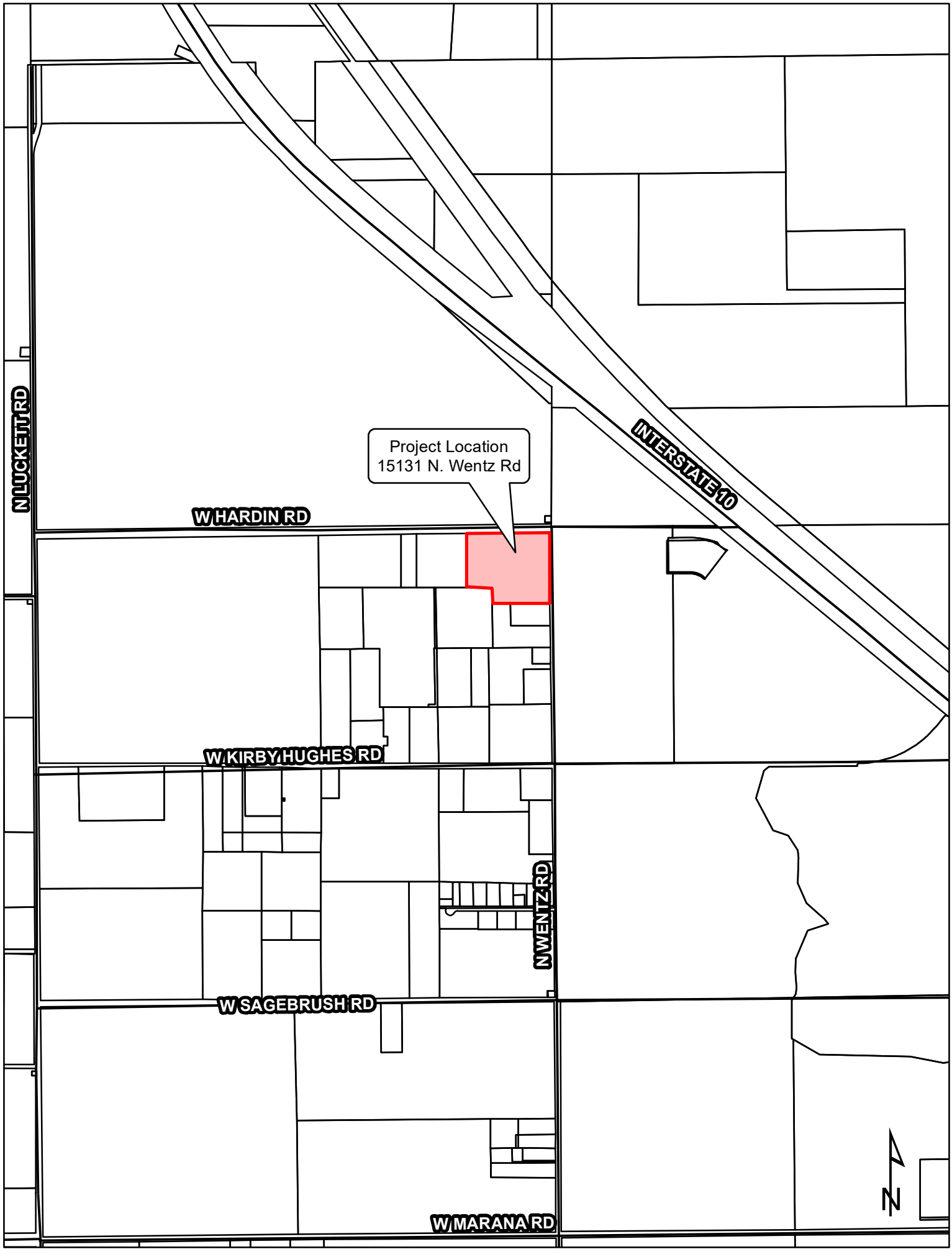
I hereby certify that the information set forth in this application are true and correct to the best of my knowledge and that I am either the owner of the property or that I have been authorized in writing by the owner to file this application. (If applicant is not the owner, attach written authorization from the owner.)

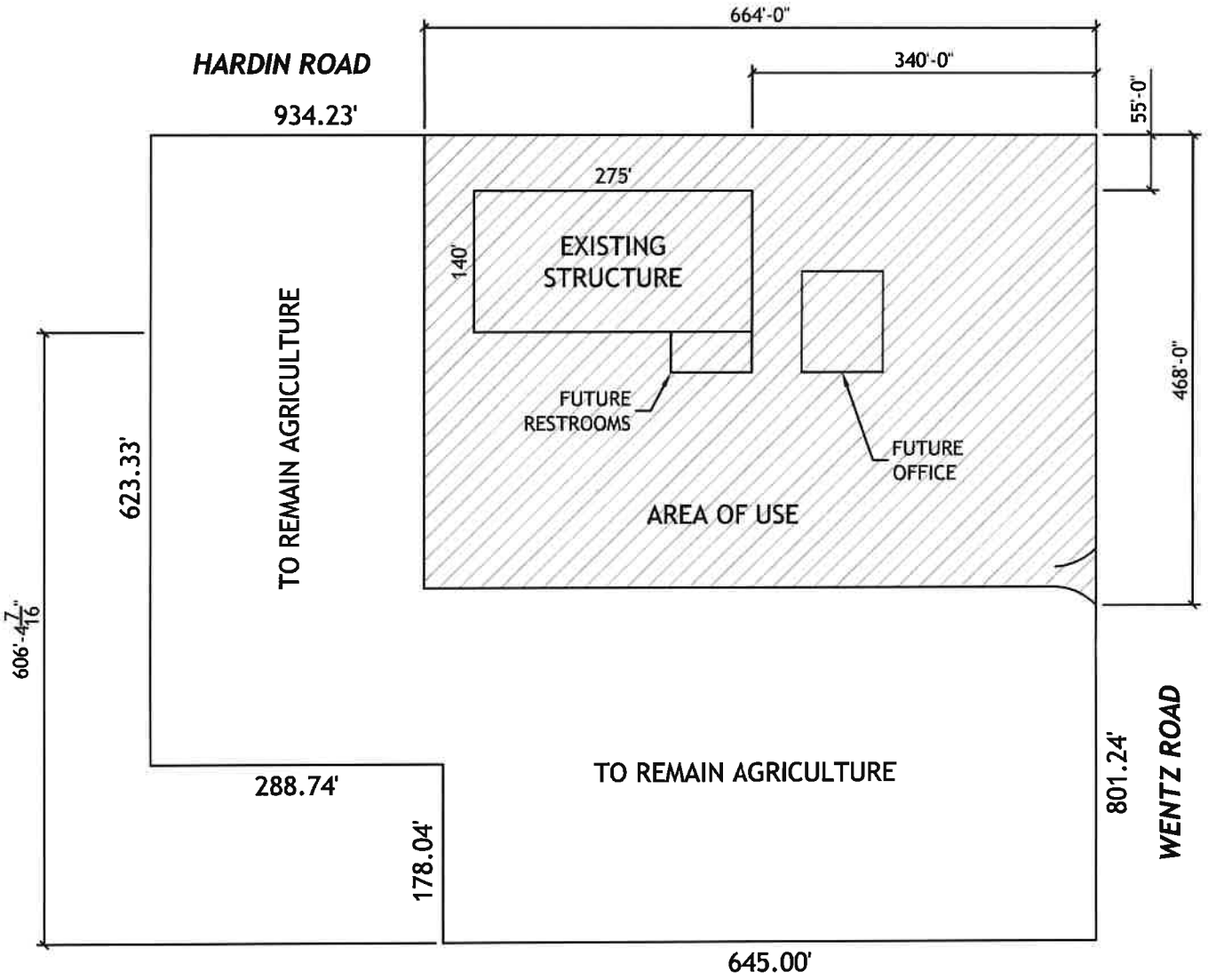
Joe Parsons	Joe M. Parsons	8-14-20
Applicant Name (PRINT)	Signature	Date

FOR OFFICIAL USE ONLY

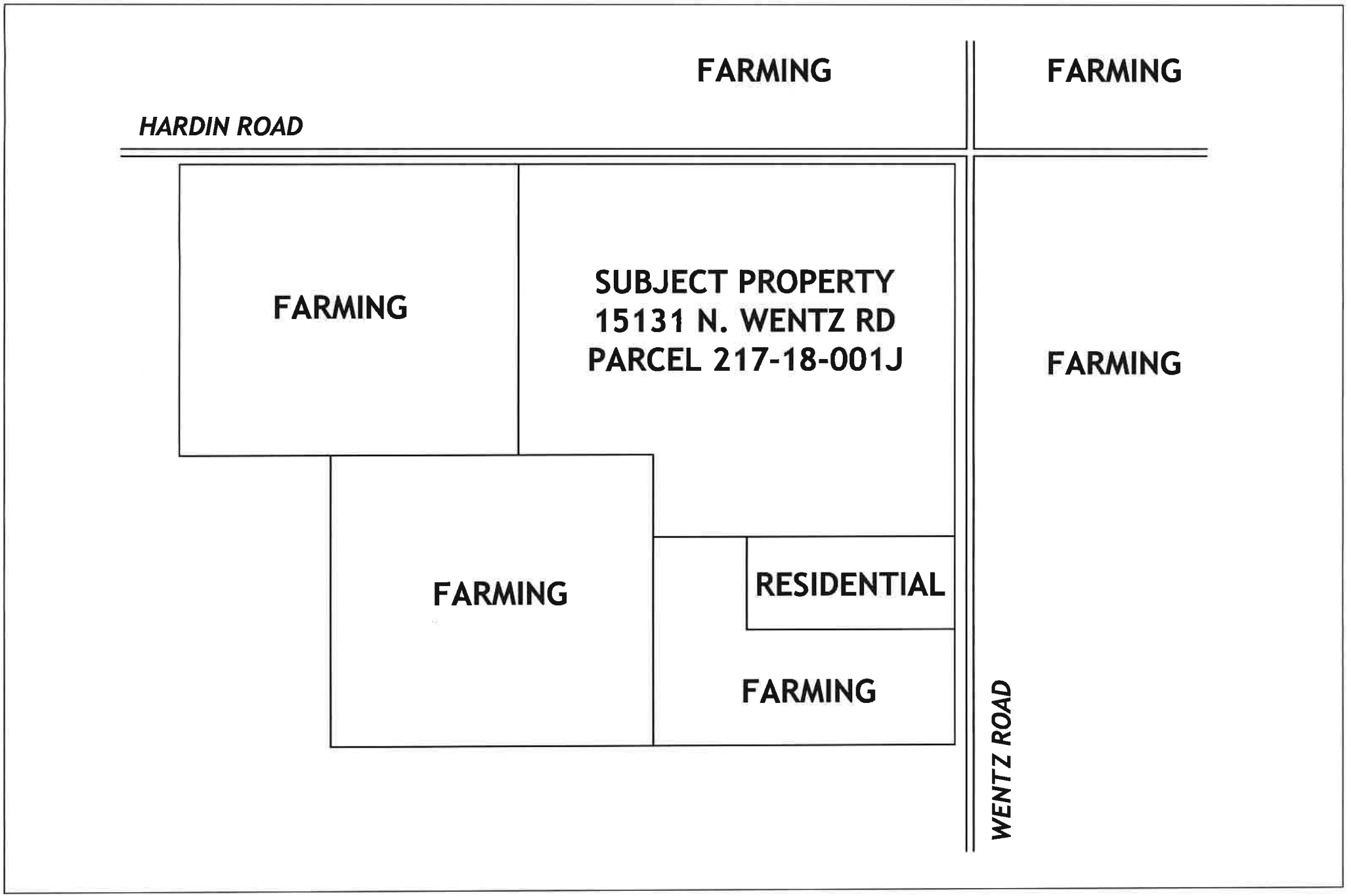
Project No. SLU 2008-001 **Date Received** 8/13/2020

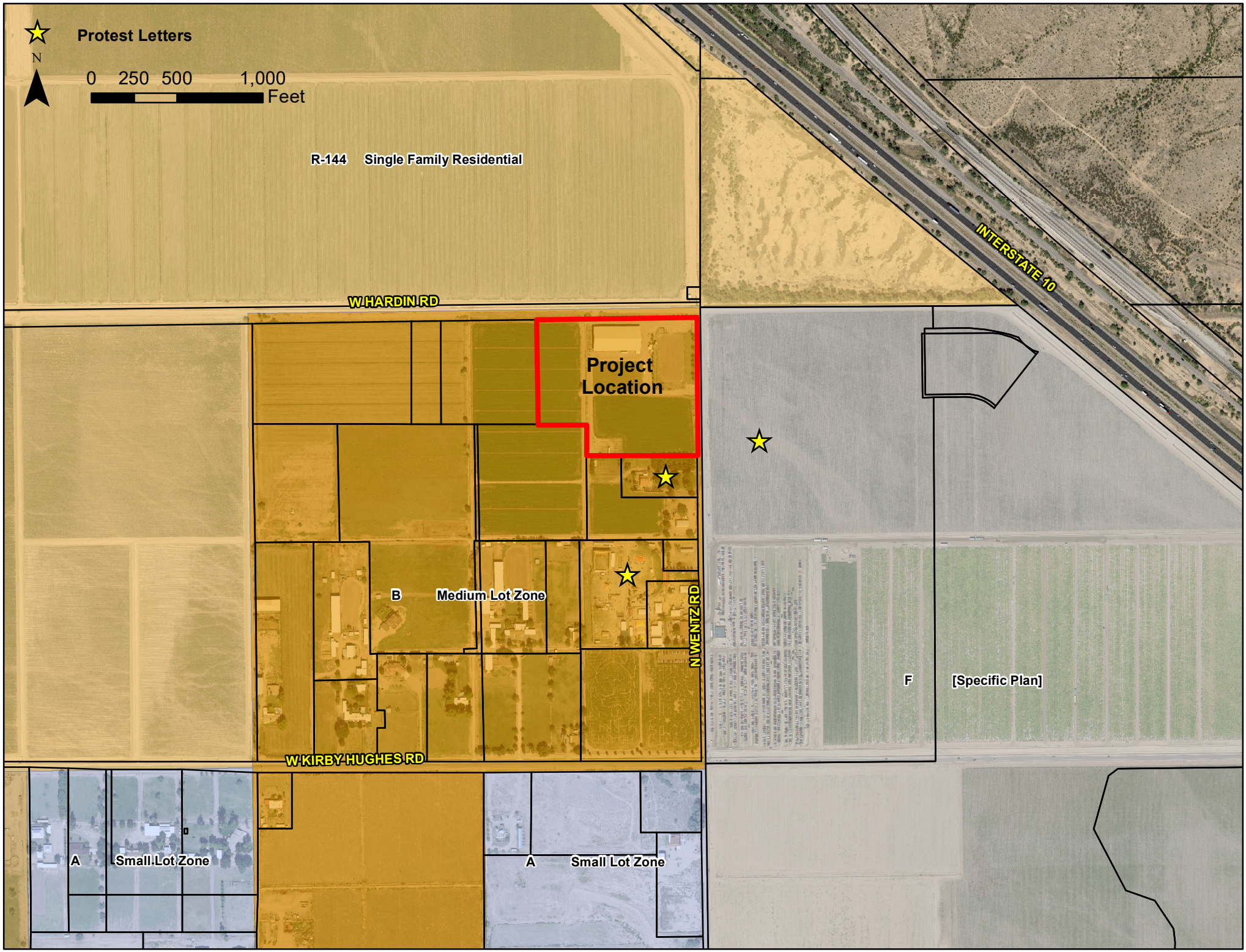
Revision Date 03/29/2019


Project Location
15131 N. Wentz Rd
N LUCKETT RD
W HARDIN RD
INTERSTATE 10
W KIRBY HUGHES RD
N WENTZ RD
W SAGEBRUSH RD
W MARANA RD
N



15131 N. WENTZ ROAD
PARCEL 217-18-001J


FARMING
FARMING
HARDIN ROAD
FARMING
SUBJECT PROPERTY
15131 N. WENTZ RD
PARCEL 217-18-001J
FARMING
FARMING
RESIDENTIAL
FARMING
WENTZ ROAD


Protest Letters
N
0 250 500 1,000
Feet
R-144 Single Family Residential
INTERSTATE 10
W HARDIN RD
Project Location
B Medium Lot Zone
N WENTZ RD
F [Specific Plan]
W KIRBY HUGHES RD
A Small Lot Zone
A Small Lot Zone

STUBBS & SCHUBART, P.C.
ATTORNEYS AND COUNSELLORS AT LAW
340 NORTH MAIN AVENUE
TUCSON, AZ 85701
(520) 623-5466
FAX: (520) 882-3909

G. Lawrence Schubart*
Thomas M. Parsons
Jeremy T. Shorbe
Robert C. Stubbs
(1927 - 2012)

TParsons@StubbsSchubart.com

(520) 623-5466
Fax: (520) 882-3909
www.StubbsSchubart.com
*Also admitted in Pennsylvania

January 6, 2021

SENT VIA EMAIL

Justin Currie
Senior Planner
Town of Marana
11555 W. Civic Center Dr.
Marana, AZ 85653

Email: jcurrie@maranaaz.gov

Re: Hardin & Wentz, LLC (the "LLC")
15131 N. Wentz Rd. (the "Property")
Application No. SLU2008-001

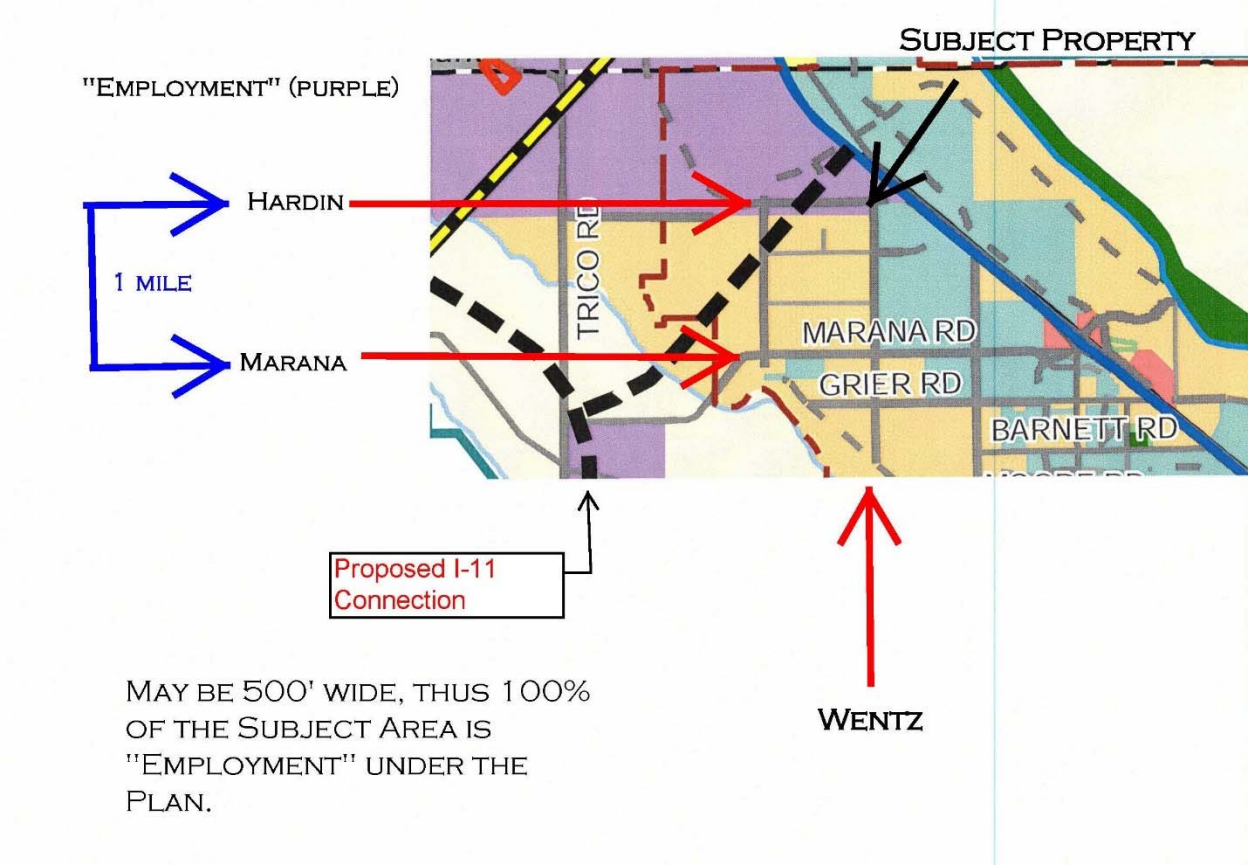
SUPPLEMENTAL LETTER IN SUPPORT OF THE APPLICATION

Dear Mr. Currie:

On behalf of the LLC, this Firm welcomes the opportunity to present this significant and important business to the community. Unlike some struggling communities across the country, the Town of Marana (the "Town") has welcomed new business and planned carefully for a balanced, vibrant and prosperous future.

The Property is zoned Small Lot B which permits: "any . . . Industrial" use. The latest plan, "Make Marana 2040•General Plan," (the "General Plan") approved December 10, 2019, was the result of years of public outreach and public hearings. The Property is within the General Plan's "E" or Employment category. The LLC will bring many new jobs to Marana. Among the many uses featured under the "Employment" category are "Industrial Operations" and "HI" (Heavy Industry). See, Figure 1, below.

FIGURE 1



Parsons Steel's current location at Ruthrauff and I-10 faces challenges due to ADOT's reconstruction of the Ruthrauff Interchange. Business growth is problematic given these new routes. Trucks with long or tall loads are unable to turn safely between Highway Drive and Violet. The new Davis Avenue underpass is limited in height and width. See Bridge Maps, attached as **EXHIBIT A**.

ADOT: The ADOT Tangerine Road to Ina Road Plan, adopted, shows 10 lanes from Avra Valley Road to Ina Road.[1] Ultimately, 10 lanes will be built between Tucson and Phoenix.

Figure 1, above, also incorporates the recommended I-11 connection to I-10 in Pima County. See, Figure 6-4, Recommended Alternative, ADOT Project #M5180 010P, March 2019, attached as **EXHIBIT B**. This is the only I-11 and I-10 connection proposed in Pima County. The Property's proximity to this future interstate interchange is a significant land-use consideration.

The LLC's manufacturing and job creation are compatible with this future I-11 interchange. Of perhaps greater importance is that this enterprise was grown by folks who make Marana their home. Many of their employees also call Marana home. Once underway, new employees may call Marana their home. The Sun Corridor (of which the Town is an Investor) and the National Site Selector Guild have identified I-10 from Phoenix to Tucson as one of the nation's premier growth corridors for small and large businesses. Voting to support this use is to realize this good planning, support for local businesses, and just makes good sense. See, www.suncorridorinc.com.

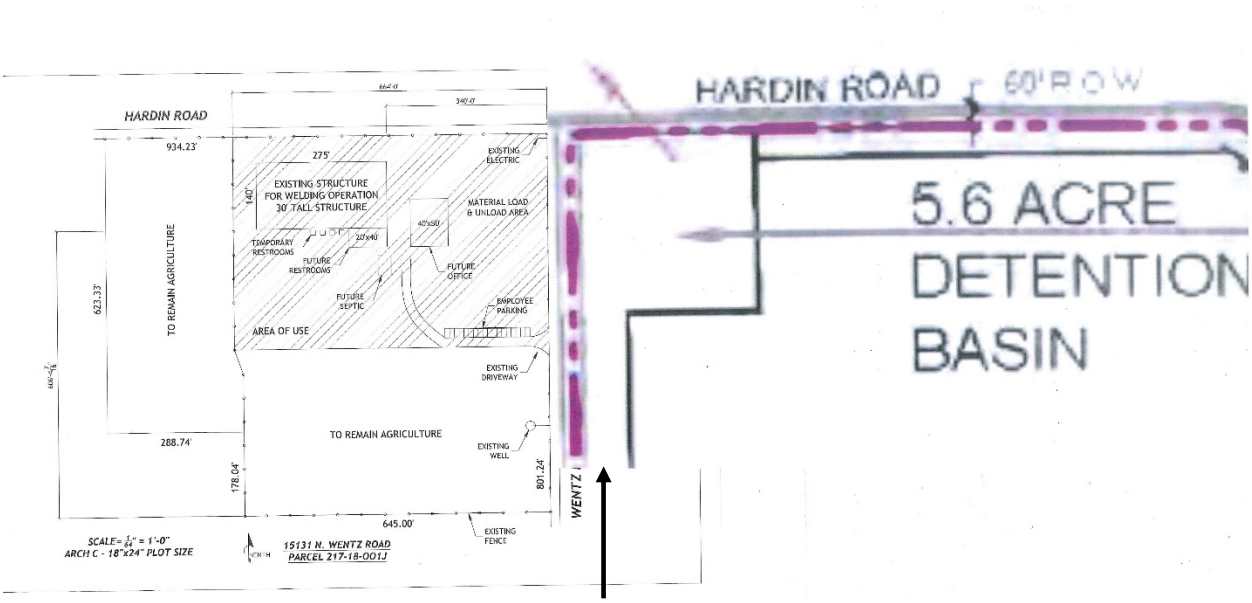
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[1] Interstate 10 Corridor Study, Tangerine Road to Ina Road, Final Design Concept Report, ADOT Project No.: 010 PM 240 H7960 01L, Federal Aid No.: 010-D(209)A.

THE PROTESTS: The undersigned spoke with each of three owners of Nearby Lands who filed protests. The first conversation was with Randy Bury, RB Land, LLC,[2] for Sanders Grove T.I.C. Below is a depiction of the Hardin SLU Map with the Sanders Grove Detention Basin shown next to the property.



100 - 150' drainage channel

The conversation with Mr. Bury was cordial and productive. Mr. Bury may not have been aware that the LLC is directly across Wentz from a similarly sized detention basin -- not homesites. Mr. Bury also asked for the I-11 information which we provided. Mr. Bury expressed a possible future increase of residential densities for Sanders Grove due to the possible I-11 interchange. I expressed the unlikely probability of protest from the LLC. Mr. Bury indicated he would not attend the Planning Commission Hearing.

[2] I believe Mr. Bury speaks for the property owners, but I note that RB Land is a minority owner (2.06%), and the entity is only one of the three owners of Parcels 217-17-002B and 217-17-003F. See, Deed, attached as **EXHIBIT C**.

Justin Currie
Senior Planner
Town of Marana

Re: Hardin & Wentz, LLC (the "LLC")
15131 N. Wentz Rd. (the "Property")
Application No. SLU2008-001
SUPPLEMENTAL LETTER IN SUPPORT OF THE APPLICATION

I also spoke with protestors Clay Parsons, Bradley and Carly Labanow. The conversation was cordial. Discussions continue. Clay Parsons requested that we agree to a Planning Commission hearing on a date different than a Wednesday. This is agreeable. However, I understand that by rule, the Planning Commission meets on Wednesdays and notice to the neighborhood at variance with the rule may be problematic. The LLC is prepared to proceed January 27, 2021 as scheduled.

CONCLUSION: The reasons to approve the LLC's request are:

1. The proposed uses are permitted on zone Small Lot B.

2. The uses conform to the Town's 2040 General Plan

3. Access to Parsons Steel's existing location at Ruthrauff has been compromised by ADOT's TI.

4. The Town will continue its public image, as part of the Sun Corridor and elsewhere, as a business-friendly community that welcomes high paying jobs.

Hardin & Wentz asks that this letter be included in the packet presented to the Commission. Finally, Hardin & Wentz asks the Commission to confirm the allowable uses and approve SLU2008-001.

Sincerely,

STUBBS & SCHUBART, P. C.

Thomas M. Parsons

TMP/jd
Enclosures:
EXHIBIT A - BRIDGE MAPS
EXHIBIT B - ADOT FIGURE 6-4
EXHIBIT C - SPECIAL WARRANTY DEED (RB LAND)
cc: Client (w/encls.)
Town Clerk (w/encls.)
J. Fairall (w/encls.)
R. Bury
C. Parsons (w/encls.)
Mr. & Mrs. Labanow (w/encls.)

Exhibit A

● PARSONS STEEL PROPERTY

Figure 4 **Local Circulation Streets Along Ruthrauff Road**

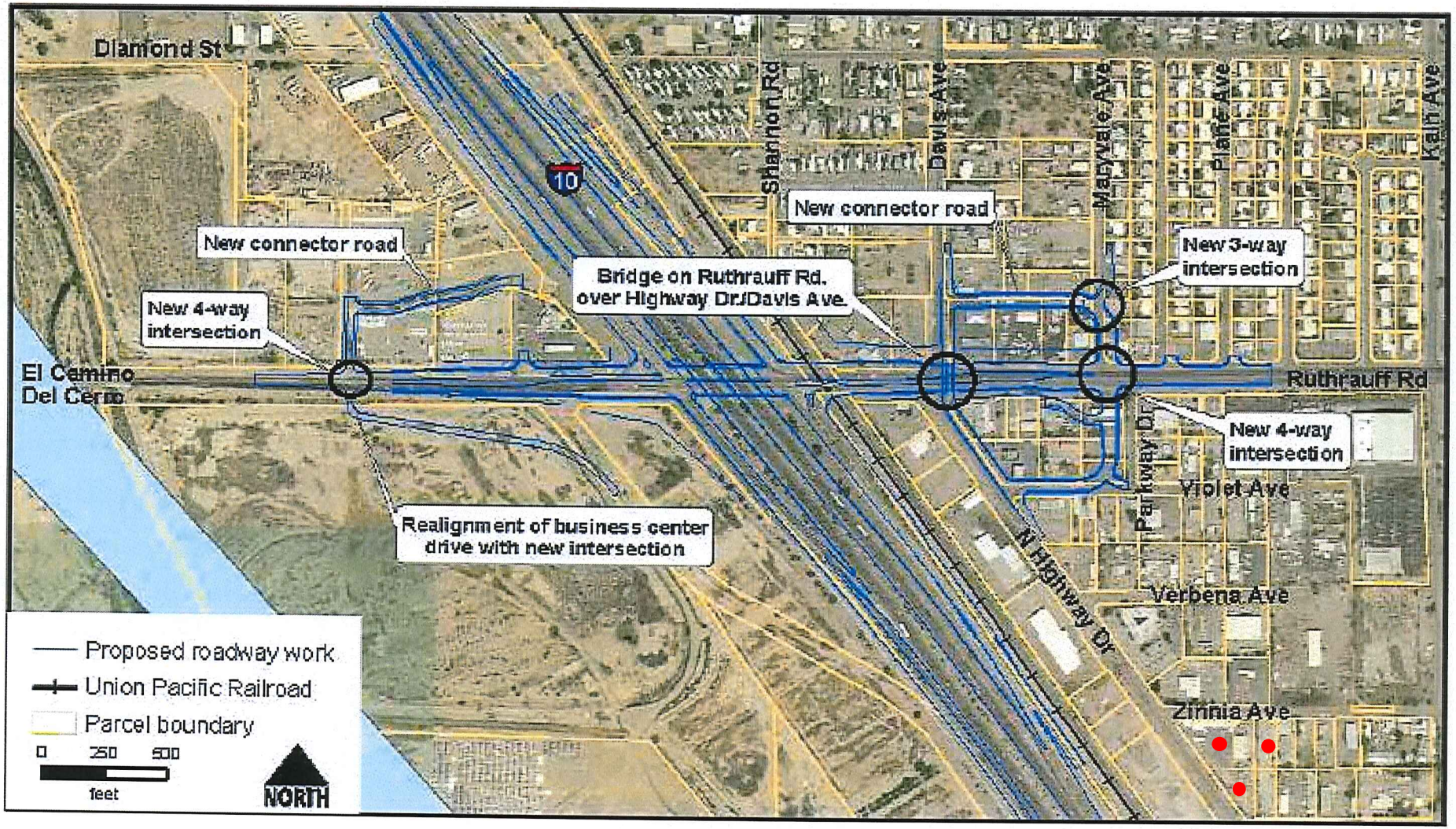


EXHIBIT A

F.H.W.A. REGION	STATE	PROJECT NO.	SHEET NO.	TOTAL SHEETS	AS BUILT
9	ARIZ.	010-D(213)S	180	826	

010 PM 252

+0.040'/ft

-0.040'/ft

Axis of Rotation

e=-0.0200'/ft Left & Right EOP

+0.040'/ft

-0.040'/ft

Sta 108+63.37 Ruthrauff Road Cst ℄ =
Sta 20+00.00 Highway Drive Cst ℄
Elev=2274.33

Ruthrauff Rd Finished Profile Grade @ Cst ℄

-5.0000%

PI 114+00.00
Elev=2247.65
Corr=4.05'

Sta 115+00.76 Ruthrauff Road Cst ℄ =
Sta 20+00.00 North Loop Road Cst ℄
Elev=2249.84

Sta 115+01.76 Ruthrauff Road Cst ℄ =
Sta 20+00.00 South Maryvale Ave Cst ℄
Elev=2249.83

PI 118+10.00
Elev=2249.29
QT Driveway ℄
Sta 118+17.08

Plane Avenue ℄
Sta 120+07.65

0.4000%

Existing Groundline

2'-6"
16'-7"
2'-9"
46.5'
15'-6" Min. Clearance

PVT 109+17.50
Elev=2271.77

800' VC
SSDs=465'

New 1-10'x5' RCBC

PVC 111+00.00
Elev=2262.65

600' VC
SSDs=481'

Overexcavate
See Detail Q

PVT 117+00.00
Elev=2248.85

RUTHRAUFF RD STA 118+10.00
END PROJECT 010-D(213)S

Remove and Replace with suitable material per ADOT Std Spec. 203-3.03 D.

2290 2285 2280 2275 2270 2265 2260 2255 2250 2245 2240 2235 2230 2225

108 109 110 111 112 113 114 115 116 117 118 119 120 121 122

	NAME	DATE
DESIGN	A. HATHCOCK	06-18
DRAWN	V. CASTANEDA	06-18
CHECKED	A. HATHCOCK	06-18

Kimley»Horn
© 2018 KIMLEY-HORN AND ASSOCIATES, INC.

ARIZONA DEPARTMENT OF TRANSPORTATION
INFRASTRUCTURE DELIVERY AND OPERATIONS DIVISION
ROADWAY DESIGN SERVICES

RUTHRAUFF ROAD
PROFILE SHEET
STA 108+00 TO 122+00

PRELIMINARY
STAGE IV
Review
NOT FOR CONSTRUCTION OR RECORDING

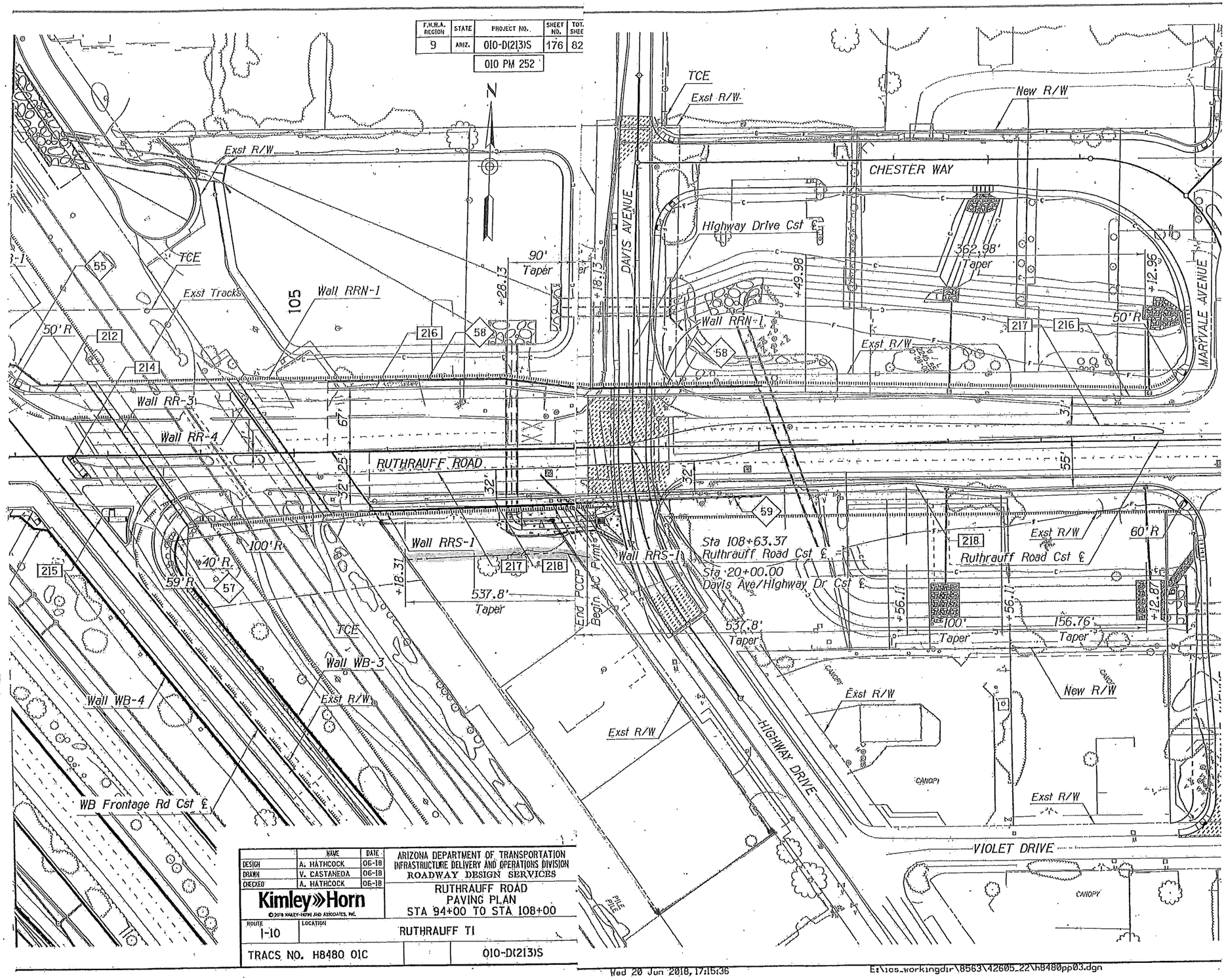
ROUTE I-10 | LOCATION RUTHRAUFF TI | DWG NO.

TRACS NO. H8480 01C | 010-D(213)S | ___ OF ___

SURVEY NO. | FINISHED PLANS | REVISIONS | LOCATION | DATE

Wed 20 Jun 2018, 18:56:57 \\PWICS\ics_workingdir\87551\42605_29\h8480pp06.dgn

F.H.W.A. REGION	STATE	PROJECT NO.	SHEET NO.	TOT. SHEE
9	ARIZ.	010-D(213)S	176	82
		010 PM 252		



	NAME	DATE
DESIGN	A. HATHCOCK	06-18
DRAWN	V. CASTANEDA	06-18
CHECKED	A. HATHCOCK	06-18

Kimley»Horn
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ARIZONA DEPARTMENT OF TRANSPORTATION
INFRASTRUCTURE DELIVERY AND OPERATIONS DIVISION
ROADWAY DESIGN SERVICES

RUTHRAUFF ROAD
PAVING PLAN
STA 94+00 TO STA 108+00

ROUTE	LOCATION
I-10	RUTHRAUFF TI

TRACS NO. H8480 01C | 010-D(213)S

Wed 20 Jun 2018, 17:15:36

E:\ics_workingdir\8563\42605_22\h8480pp03.dgn

Exhibit B

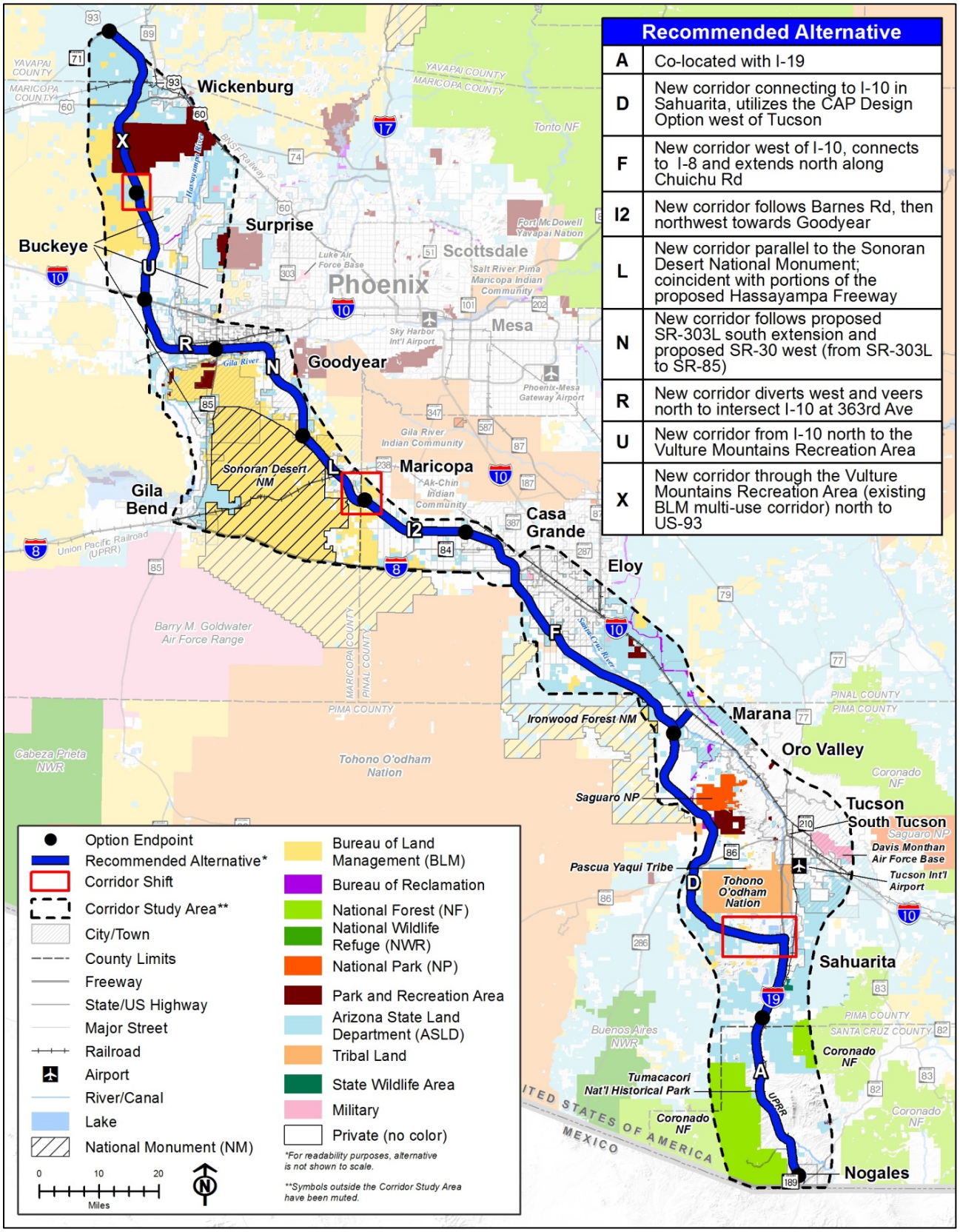


Figure 6-4 Recommended Alternative

Exhibit C

EASTSIDE

F. ANN RODRIGUEZ, RECORDER
Recorded By: KS
DEPUTY RECORDER
1964

LANTI
LANDMARK TITLE
PICKUP

SEQUENCE: 20112580524
NO. PAGES: 7
WTDEED 09/15/2011
AFFIDAVIT 18:00
PICK UP
AMOUNT PAID: $16.00

SPECIAL WARRANTY DEED

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Fidelity National Title Agency, Inc., an Arizona corporation, as Trustee under Trust No. 60,400 ("Grantor") hereby grants, sells and conveys to: SREP Tucson II Associates LLC, a Delaware limited liability company, as to an undivided 89.69% interest; David Moore as Trustee of The Jeito Foundation, as to an undivided 8.25% interest; and RB Land, LLC, an Arizona limited liability company, as to an undivided 2.06% interest, the following described property located in Pima County, Arizona, together with improvements and appurtenances, if any (the "Property"):

SEE EXHIBIT A ATTACHED HERETO AND BY
THIS REFERENCE MADE A PART HEREOF

SUBJECT TO current taxes not yet due and payable; patent reservations; all covenants, conditions, restrictions, reservations, easements, encumbrances, liens and declarations or other matters of record or to which reference is made in a public record; any and all conditions, easements, encroachments, rights of way, or restrictions which a physical inspection, or accurate survey, of the Property would reveal; and the applicable zoning and use regulations of any municipality, county, state, or the United States affecting the Property (the "Permitted Exceptions").

AND THE GRANTOR hereby binds itself and its successors to warrant and defend the title against the acts of the Grantor and no other, subject to the Permitted Exceptions.

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed this 15th day of September, 2011.

Fidelity National Title Agency, Inc.,
an Arizona corporation, as Trustee under
Trust No. 60,400, only and not in its
corporate capacity

Dated: 9.15, 2011

By: _____
Trust Officer

EXHIBIT C

7

STATE OF ARIZONA)
) ss.
COUNTY OF PIMA)

The foregoing instrument was acknowledged before me this 15th day of September, 2011, by Martha L. Hill, the Trust Officer of Fidelity National Title Agency, Inc., an Arizona corporation, on behalf of the corporation.

WITNESS my hand and official seal.

Rita L. Kippes
Notary Public

My Commission Expires: 5-9-2014

OFFICIAL SEAL
RITA L. KIPPES
NOTARY PUBLIC-ARIZONA
PIMA COUNTY
My Comm. Exp. May 9, 2014

Exhibit A
Legal Description

Parcel A

Section 17 and the North half of Section 20, Township 11 South, Range 11 East, Gila and Salt River Base and Meridian, Pima County, Arizona.

EXCEPT THEREFROM the following described Parcels:

Parcel 1

That portion of the North half of Section 17, Township 11 South, Range 11 East, Gila and Salt River Base and Meridian, Pima County, Arizona, lying Northeasterly of the Southwesterly right-of-way line of Casa Grande-Tucson Highway (Interstate 10);

Parcel 2 (Northern Church parcel)

That portion of the Northwest quarter of Section 17, Township 11 South, Range 1 East, Gila and Salt River Base and Meridian, Pima County, Arizona, described as follows:

COMMENCING at the Northwest corner of said Section 17;

THENCE North 89 degrees 24 minutes 46 seconds East, along the North line of said Section 17, a distance of 1270.07 feet;

THENCE at a right angle, South 00 degrees 35 minutes 14 seconds East, a distance of 90.00 feet to the TRUE POINT OF BEGINNING;

THENCE North 89 degrees 24 minutes 46 seconds East, parallel with and 90.00 feet South of said North line of Section 17, a distance of 210.32 feet to the beginning of a curve to the right having a radius of 1010.00 feet;

THENCE Easterly along said curve, through a central angle of 19 degrees 25 minutes 45 seconds, an arc distance of 342.49 feet to the beginning of a non-tangent curve to the left having a radius point which bears North 56 degrees 51 minutes 31 seconds East, 203.51 feet;

THENCE Southeasterly along said curve, through a central angle of 32 degrees 23 minutes 46 seconds, an arc distance of 122.17 feet;

THENCE South 67 degrees 32 minutes 18 seconds East, a distance of 23.13 feet;

THENCE South 37 degrees 55 minutes 33 seconds West, a distance of 397.93 feet;

THENCE North 50 degrees 29 minutes 00 seconds West, a distance of 18.50 feet to the beginning of a curve to the left having a radius of 250.00 feet;

THENCE Westerly, along said curve, through a central angle of 40 degrees 06 minutes 14 seconds, an arc distance of 174.99 feet;

THENCE South 89 degrees 24 minutes 46 seconds West, a distance of 236.44 feet;

THENCE North 00 degrees 35 minutes 14 seconds West, a distance of 385.00 feet to the TRUE POINT OF BEGINNING.

Parcel 3

Those portions of the South half of Section 17 and the North half of Section 20, Township 11 South, Range 11 East, Gila and Salt River Base and Meridian, Pima County, Arizona., described as follows:

COMMENCING at the East quarter corner of said Section 20;

THENCE North 00 degrees 30 minutes 58 seconds West, along the East line of the Northeast quarter of said Section 20, a distance of 1834.76 feet;

THENCE at a right angle, South 89 degrees 29 minutes 02 seconds West, a distance of 75.00 feet to the POINT OF BEGINNING;

THENCE North 00 degrees 30 minutes 58 seconds West, parallel with and 75.00 feet West of said East line of the Northeast quarter of Section 20, a distance of 801.42 feet to a point on the section line common to said Sections 17 and 20;

THENCE North 00 degrees 37 minutes 24 seconds West, parallel with and 75.00 feet West of the East line of the Southeast quarter of said Section 17, a distance of 174.35 feet;

THENCE North 89 degrees 24 minutes 22 seconds East, a distance of 0.99 foot to the beginning of a curve to the left having a radius of 25.00 feet;

THENCE Northeasterly, along said curve, through a central angle of 90 degrees 01 minutes 46 seconds, an arc distance of 39.28 feet;

THENCE North 00 degrees 37 minutes 24 seconds West, parallel with and 49.00 feet West of said East line of the Southeast quarter of Section 17, a distance of 1017.02 feet to the beginning of a curve to the right having a radius of 1149.00 feet;

THENCE Northeasterly, along said curve, through a central angle of 16 degrees 47 minutes 35 seconds an arc distance of 336.77 feet to a point on said East line of the Southeast quarter of Section 17;

THENCE North 00 degrees 37 minutes 24 seconds West, along said East line, a distance of 821.35 feet to a point on the Southwesterly right-of-way line of Casa Grande-Tucson Highway (Interstate 10);

THENCE North 50 degrees 29 minutes 00 seconds West, along said right-of-way line, a distance of 1154.87 feet to the beginning of a curve to the left having a radius of 25.00 feet;

THENCE Westerly, along said curve, through a central angle of 90 degrees 00 minutes 00 seconds, an arc distance of 39.27 feet;

THENCE South 39 degrees 31 minutes 00 seconds West, a distance of 141.16 feet to the beginning of a curve to the right having a radius of 1145.00 feet;

THENCE Southwesterly, along said curve, through a central angle of 49 degrees 24 minutes 22 seconds, an arc distance of 987.33 feet to the beginning of a curve to the left having a radius of 25.00 feet;

THENCE Southwesterly, along said curve, through a central angle of 89 degrees 30 minutes 37 seconds, an arc distance of 39.06 feet;

THENCE South 00 degrees 35 minutes 15 seconds East, a distance of 5.04 feet;

THENCE South 89 degrees 24 minutes 45 seconds West, parallel with and 75.00 feet South of the East-West mid-section line of said Section 17, a distance of 742.43 feet to a point on the North-South mid-section line of said Section 17;

THENCE South 89 degrees 26 minutes 14 seconds West, parallel with and 75.00 feet South of said East-West mid-section line, a distance of 248.32 feet;

THENCE South 52 degrees 19 minutes 53 seconds West, a distance of 68.83 feet;

THENCE South 15 degrees 37 minutes 37 seconds West, a distance of 321.41 feet;

THENCE South 27 degrees 43 minutes 42 seconds East, a distance of 405.99 feet;

THENCE South 71 degrees 01 minutes 58 seconds East, a distance of 177.55 feet;

THENCE South 33 degrees 41 minutes 42 seconds East, a distance of 198.63 feet;

THENCE South 06 degrees 07 minutes 58 seconds East, a distance of 79.85 feet;

THENCE South 02 degrees 04 minutes 59 seconds West, a distance of 288.74 feet;

THENCE South 23 degrees 50 minutes 33 seconds East, a distance of 246.64 feet;

THENCE South 48 degrees 36 minutes 23 seconds East, a distance of 265.79 feet;

THENCE South 38 degrees 56 minutes 39 seconds East, a distance of 71.79 feet;

THENCE South 71 degrees 52 minutes 22 seconds West, a distance of 243.51 feet;

THENCE South 22 degrees 53 minutes 14 seconds West, a distance of 342.28 feet;

THENCE South 02 degrees 19 minutes 19 seconds West, a distance of 151.65 feet;

THENCE South 05 degrees 13 minutes 55 seconds East, a distance of 172.63 feet;

THENCE South 09 degrees 28 minutes 55 seconds West, a distance of 71.11 feet;

THENCE South 31 degrees 45 minutes 51 seconds West, a distance of 81.76 feet;

THENCE South 00 degrees 04 minutes 30 seconds West, a distance of 430.93 feet;

THENCE South 60 degrees 20 minutes 40 seconds East, a distance of 356.88 feet;

THENCE South 88 degrees 40 minutes 47 seconds East, a distance of 1016.16 feet;

THENCE South 79 degrees 18 minutes 05 seconds East, a distance of 374.59 feet;

THENCE North 83 degrees 42 minutes 10 seconds East, a distance of 382.62 feet;

THENCE South 69 degrees 32 minutes 57 seconds East, a distance of 276.54 feet;

THENCE North 83 degrees 16 minutes 26 seconds East, a distance of 261.23 feet to the POINT OF BEGINNING.

Parcel 4

That portion of the Southeast quarter of the Northeast quarter of Section 20, Township 11 South, Range 11 East, Gila and Salt River Base and Meridian, Pima County, Arizona, described as follows:

COMMENCING at the East quarter corner of said Section 20;

THENCE North 00 degrees 30 minutes 58 seconds West, along the East line of said Northeast quarter of Section 20, a distance of 842.25 feet;

THENCE South 89 degrees 27 minutes 32 seconds West, parallel with and 842.25 feet North of the East-West mid-section line of said Section, a distance of 55.00 feet to the TRUE POINT OF BEGINNING;

THENCE continuing South 89 degrees 27 minutes 32 seconds West, a distance of 544.50 feet;

THENCE North 00 degrees 30 minutes 58 seconds West, a distance of 400.00 feet;

THNECE North 89 degrees 27 minutes 32 seconds East, a distance of 544.50 feet;

THENCE South 00 degrees 30 minutes 58 seconds East, parallel with and 55.00 feet West of said East line of the Northeast quarter, a distance of 400.00 feet to the TRUE POINT OF BEGINNING.

Parcel 5

That portion of the Southeast quarter of the Northeast quarter of Section 20, Township 11 South, Range 11 East, Gila and Salt River Base and Meridian, Pima County, Arizona, described as follows:

COMMENCING at the East quarter corner of said Section 20;

THENCE North 00 degrees 30 minutes 58 seconds West, along the East line of said Northeast quarter of said Section 20, a distance of 802.25 feet;

THENCE South 89 degrees 27 minutes 32 seconds West, parallel with and 802.25 feet North of the East-West mid-section line of said Section, a distance of 75.00 feet to the POINT OF BEGINNING;

THENCE continuing South 89 degrees 27 minutes 32 seconds West, a distance of 1165.21 feet;
THENCE South 00 degrees 00 minutes 00 seconds East, a distance of 677.28 feet;

THENCE North 89 degrees 27 minutes 32 seconds East, parallel with and 125.00 feet North of said East-West mid-section line, a distance of 1146.32 feet to the beginning of a curve to the left having a radius of 25.00 feet;

THENCE Northeasterly, along said curve, through a central angle of 89 degrees 58 minutes 30 seconds, an arc distance of 39.26 feet;

THENCE North 00 degrees 30 minutes 58 seconds West, parallel with and 75.00 feet West of said East line of the Northeast quarter of Section 20, a distance of 652.26 feet to the POINT OF BEGINNING.

Parcel B
A temporary construction easement as set forth in Docket 12585 at page 2405, corrected in Docket 12652 at page 1 and in Docket 12754 at page 3789.

The name and address of the Beneficiary of Fidelity Trust 60,400 is as follows:

F.S. Law, L.L.C.
8710 N. Thornydale Rd. #120
Tucson, AZ 85742

RECEIVED
OCT 26 2020
Town of Marana
Clerk's Office
26 OCT 2020 PM03:51

October 20, 2020

To Whom in May Concern,

My name is Carly Labanow. My husband, Brad Labanow and our two children live at 15051 N. Wentz Rd Marana, AZ 85653. We are the direct neighbors of Hardin & Wentz LLC. I have lived in Marana for thirty-three years. My husband and I bought our home in 2013. We call it our "forever" home. We are raising our two young children here and enjoy living on our beautiful and peaceful property. The reason for this letter is to protest the proposal of land use change, that was submitted by the applicant Hardin & Wentz LLC.

I have many reasons to protest this land use change. When we purchased our home in August of 2013, there was nothing but picturesque irrigated pastures that surrounded us and no traffic traveled down our tranquil street. In just five years, Hardin & Wentz LLC changed the use of this land numerous times. When I became aware of an outdoor equestrian arena being built years ago, we were disappointed that a business was being assembled so close to our resistance. We were never notified by the town that this arena was going in. The owner showed me the plans of the arena while we sat in his truck in a parking lot, after the town had already approved the build. The "plans" of an outdoor arena were very downscaled to what was actually installed. Not one, but two arenas were constructed, one covered and one uncovered. With the arenas came late night barrel races, loud music and announcers, arena lights, hundreds of people, and overnight campers. The traffic increased enormously and was hectic down the narrow Wentz road. What was constructed and the events that occurred was not what was "proposed" to us at all by the owners.

After that business venture was very short lived, it became Wentz Point Hay where they sold and distributed hay. The use of this faculty was more comfortable to live next too due to the lesser late events, traffic, noise, and people. They just finished building and installing their enormous hay scale and once again, this business venue is quickly annulling. Here we are again with another request to change land use. My point is, in less than five years Hardin & Wentz LLC has requested to change their land use three times, and they have continued to build and "change" their land use and structures even if it was not in the proposed plans. When is this EVER going to end?

A steel shop is not ideal to live next to by any means. We chose to purchase land and a home in the country for a reason. Not to live by a year-round busy industrial business. Not only is this business going to increase traffic and noise it is going to depreciate my property as well as any additional properties that may build near and around us in the future. When the town is doing temporary construction around your home that benefits your property, that is one thing, but this is going to be a permanent construction site that is only going to devalue my property. This business property is going to set the stage for the vision of the surrounding land. Do you think the homes that are proposed to go in across the street on Wentz are going to be eager to live next to a large steel business? I see this devaluing this precious land immensely. As described in the letter, Hardin & Wentz LLC yet again, is downplaying what is actually going to occur on their land. It will be constant building, pounding, welding, and loading noise from the early morning to the evening. I think they have exhausted their request to change land use and I do not support a steel company going in yards away from my front door.

I appreciate you taking the time to read my letter, and I am grateful for the opportunity to communicate my concerns since my home and family will be directly affected being the closest residence to this establishment.

Sincerely,

Carly and Bradley Labanow

30 OCT 2020 PM03:5
RECEIVED
OCT 30 2020
Town of Marana
Clerk's Office

Cherry Lawson

Marana Town Clerk

Marana Municipal Center

1155 W. Civil Center Dr.

Marana Az, 85653

To: Cherry Lawson

Land use change request for 15131 N Wentz. Rd.

My wife and I are property owners at 14901 N. Wentz Rd a property currently known as the "Pumpkin Patch." We purchased this property in late 2017 with the intent for the future to make these separate parcels into ranchettes to be able to market to others in the agricultural community. My son is currently living in the home on this property and plans on purchasing it from us in the near future. However, he has stated that his interest in this home would be skewed if this change request is granted. My daughter Carly Labanow's home borders this property where she and her husband have started a family and are raising their two young children. It is understandable to put up and live with minor inconveniences when they are for the betterment of the community. We also believe that a permanent construction site can only lead to a devaluation of the neighboring properties as well as a burden on those currently living in the immediate area. We are writing this letter as being heavily opposed to the rezoning request in mention and ask that it be denied.

Clay Parsons

Karen Parsons

Karen Parsons

30 OCT 2020 PM03:5

Town of Marana
Clerk's Office

OCT 30 2020

RECEIVED

10/26/2020

Cherry Lawson
Marana Town Clerk
Marana Municipal Center
11555 W. Civic Center Drive
Marana, AZ. 85653

Dear Ms Lawson,

As a Tenant In Common property owner and Manager of the Sanders Grove Approved Specific Plan, I received a note of the Significant Land Use Change request for the property located at 15131 N. Wentz Rd. Sanders Grove (SG) is approximately 825 acres located at the NWC of Sanders Road and Marana Road. In addition, the 15131 N. Wentz Road property is directly across the street from the Northwest corner of the Sanders Grove masterplan.

As you know, a significant amount of time and effort was spent initially approving the SG masterplan in 2005 and amended in 2015. The western boundary of Sanders Grove, and in particular, the northwestern corner was designated with lower density development, single story restrictions, and large setbacks to buffer the larger lot residential/agriculture in the area.

Approving this commercial use contradicts those restrictions. Sanders Grove Management, LLC, RB Land, and SREP as owners/managers respectfully request that this rezoning be **denied.**

Thank you.

Randy Bury

Randy Bury
RB Land, LLC
Sanders Grove Management, LLC (representative of Sanders Grove T.I.C.)

Planning Commission - Regular Meeting

Meeting Date: 01/27/2021

To: Planning Commission

From: Brian Varney, Senior Planner

Date: January 27, 2021

Strategic Plan Focus Area:
Not Applicable

Subject: **SLU2010-001: Significant Land Use Change for Head to Tail Riding School.** A request by property owner, Sheryl Gonnsen, for approval of a Significant Land Use Change to allow for the operation of a horseback riding school offering horseback riding instruction, horse training, and stabling of school horses and horses in training on the property located at 5880 W. Cortaro Farms Road. The property is generally located east of Interstate 10, north of Cortaro Farms Road, west of Hartman Lane, and south of Linda Vista Boulevard in a portion of Section 23, Township 12S, Range 12E. (Brian D. Varney)

Discussion:

Background / History

An application was received from property owner, Sheryl Gonnsen, requesting approval of a Significant Land Use Change for the property located at 5880 W. Cortaro Farms Road, Marana, AZ 85742, also identified as Pima County Assessor's parcel 221-06-006B. The application requests approval to operate a horseback riding school offering horseback riding instruction, horse training, and stabling of school horses and horses in training. The property measures approximately 9.3 acres and serves as the residence of the applicant. The zoning of the property is Large Lot Zone C, which allows any residential, commercial, industrial, or quasi-public land use, but requires approval of a Significant Land Use Change to significantly alter the existing land use. The existing land use of the property is single-family residential, and in accordance with Section 17-6-12 of the Marana Land Development Code, large livestock, including horses, may be kept on such property with a minimum lot size of at least one acre. Although the applicant is currently entitled to keep horses on her property providing compliance with the regulations and standards defined in Section 17-6-12, a Significant Land Use Change is required to allow the business operation of the riding school.

Proposed Land Use

The Head to Tail Riding School proposes to offer horseback riding instruction, horse training, and stabling of school horses and horses in training. The proposed hours of operation are 7:00 am to 11:00 am and 5:00 pm to 7:30 pm during the spring and summer months. During the fall and winter, the hours are 8:00 am to 6:00 pm. The anticipated number of staff persons is two, including the owner and one part-time employee. Occasionally, volunteers from the University of Arizona Animal Science Department and/or youth 4-H members may work on the property. The applicant anticipates traffic Monday through Saturday to consist of approximately 5 vehicles in the morning hours and approximately 3 vehicles in the afternoon and evening. The school is generally closed on Sunday; however, with infrequent exceptions. Animal feed is proposed to be delivered to the property every 3 to 4 months, and manure disposal is proposed to occur by truck once per month. The property may be accessed via Joplin Lane from Cortaro Farms Road as well as from Camino Horizante from Hartman Lane. The applicant is currently working with her legal counsel to definitively determine legal access from both roadways, and staff recommends that the applicant be required to provide proof of legal access as a condition of approval.

Surrounding and Existing Land Use

The area surrounding the subject property consists primarily of single-family residential zoning and land use, as well as some undeveloped property. The property is bordered on the north by undeveloped R-3.5 and R-6 zoned land. The R-3.5 zoned land has been platted as a portion of the Joplin Estates. The property to the east is zoned R-8 and consists of a large tract of natural undisturbed open space drainage area as part of the existing Marana 59 subdivision. The subject property is bordered on the south and southeast by land zoned Large Lot - C, partially developed as large lot single-family residential. The property to the southwest and west is also Zone C and partially developed as large lot single-family residential.

Public Notification

In accordance with the procedures defined in Section 05.03 Significant Land Use Change of the Marana Land Development Code, public notice was mailed to 430 property owners within a 1/2-mile radius of the subject property. All property owners were sent notice by first class mail on October 29, 2020 notifying them of the requested land use change, and informing them of the process for protesting or supporting the request within the 35 calendar day comment period. Pursuant to Section 05.03, notice was also mailed to all members of the Planning Commission as well as the Mayor and Town Council, and the Town Clerk.

Section 05.03.02 of the Code states that if a member of the Town Council or the Planning Commission who does not have a substantial interest as defined in the Arizona Revised Statutes, or if any fee title owner of real property located immediately adjacent to the lot or parcel for which the Significant Land Use Change has been proposed, or if 25% of the owners of 'Nearby Land' (1/2-mile notification area) protest the proposed Significant Land Use Change in writing to the Town Clerk within 35 calendar days of the date of the notification letter, then the Town Clerk shall notify the applicant in writing of the protest, and the application shall proceed to a public hearing before the Marana Planning Commission.

Within the 35-day public notice period, the Town Clerk's Office had received 23 letters or email protesting, and two letters supporting, the request. One of the items of correspondence was received from a member of the Marana Town Council, thus, meeting the criteria sufficient to require the application to proceed to a public hearing. Section 05.03.03 requires that an applicant present rebuttal to the protest at the public hearing. In accordance with the Land Development Code, the Planning Commission shall weigh the merits of the proposed Significant Land Use Change and either approve the request, deny the request, or approve the request based upon any reasonable adjustment or compromise that is acceptable to both the applicant and the majority of the Planning Commission. If approved, the land use will be subject to the regulations and requirements of the Marana Land Development Code and any other applicable code, including any requirement to install necessary improvements to support the use.

Staff Recommendation:

Pursuant to Section 05.03.05 of the Marana Land Development Code, the Planning Commission shall weigh the merits of the proposed Significant Land Use Change and either approve the request, deny the request, or approve the request based upon any reasonable adjustment or compromise that is acceptable to both the applicant and the majority of the Planning Commission. If approved, the land use will be subject to the regulations and requirements of the Marana Land Development Code and any other applicable codes, including any requirement to install necessary improvements to support the use.

If the Planning Commission determines that the proposed Significant Land Use Change should be approved, staff recommends that the following conditions be applied to the approval:

Conditions:

1. It must be demonstrated that legal access to the property exists, and the appropriate documentation establishing such access shall be provided to the Town of Marana Development

Services Department prior to use of the property as a riding school.

2. A formal site plan or development plan must be submitted to, reviewed, and approved by the Marana Development Services Department that complies with all development standards and regulations applicable to the approved use including, but not limited to, those pertaining to animal keeping.

3. Compliance with all development standards and regulations pertaining to the approved use including, but not limited to, Section 17-6-12 *Animal Keeping and Related Structures* of the Marana Land Development Code, shall be maintained by the property owner in perpetuity.

4. Any significant expansion of the facility, as determined by the Town of Marana Development Services Director, shall require additional review and approval by the Town of Marana Development Services Department and/or the Marana Planning Commission.

Suggested Motion:

Option 1:
I move to approve SLU2010-001, Significant Land Use Change for Head to Tail Riding School subject to the conditions recommended by staff.

Option 2:
I move to deny SLU2010-001, Significant Land Use Change for Head to Tail Riding School.

Option 3:
I move to approve SLU2010-001, Significant Land Use Change for Head to Tail Riding School subject to the conditions recommended by staff, as well as the following revisions and/or additional conditions.

Attachments

SLU2010-001 Head to Tail Location Map
SLU2010-001 Head to Tail Area Land Use
SLU2010-001 Head to Tail Narrative
SLU2010-001 Head to Tail Site Plan
SLU2010-001 Head to Tail Neighbor Letter
SLU2010-001 Head to Tail Protest Letters
SLU2010-001 Head to Tail Support Letters
SLU2010-001 Head to Tail Pima County Letter

Town of Marana Planning

SLU2010-001 Head to Tail Riding School



Legend

- Marana Addresses
- Parcels (Black)
- Marana Town Limits
- Parcels (Black)

Notes

0.6 0 0.28 0.6 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Town of Marana Planning

SLU2010-001 Head to Tail Riding School



Legend

- Marana Addresses
- Parcels (Black)
- Marana Town Limits
- Parcels (Black)
- Marana Street Labels

1: 9,028

0.3 0 0.14 0.3 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Enter Map Notes

5880 West Cortaro Farms Road
Marana, Arizona 85742
October 7, 2020

Town of Marana
Development Services
11555 West Civic Center Drive
Marana, Arizona 85653

I respectfully request your approval for property use as described below.

Description of Proposed Use: The property located at 5880 West Cortaro Farms Road is the residence of Sheryl Gonnsen, as well as the proposed location of her business, Head to Tail Riding School, LLC, a small school which opened in Oro Valley in 1991. The main activities are horseback riding instruction, horse training, and stabling of school horses and horses in training.

Hours of Operation: Spring and summer hours: 7:00 a.m. – 11:00 a.m. and 5:00 p.m. – 7:30 p.m.
Fall and winter hours: 8:00 a.m. – 6:00 p.m. Classes are 9:00 a.m. – 11:00 a.m. and 2:30 - 5:00 p.m.

Number of Employees: Staff includes the owner and one part-time employee. Occasionally, a few volunteers from University of Arizona Animal Science Department and youth 4-H members work on an as-needed basis.

Details of operation: Head to Tail Riding School has purposely maintained a limited size, because this fosters a higher quality of horsemanship and equine education. For the past 29 years, the school has sought to focus on a family environment in which clients wish to stay long-term. To date, many students have been with Head to Tail through multiple siblings and even generations of families progressing from beginner to advanced levels of riding accomplishment.

Head to Tail is a private equine training facility. Ms. Gonnsen, who holds a degree in Equine Science and Stable Management, has coached the University of Arizona Western Equestrian Team for the past 7 years, has been a part of the Pima County 4-H Horse Project for more than 20 years, serving as a Horse Project board member for more than 15 years. Students at Head to Tail are educated in riding technique, respectful care and training of horses, cooperative concerns of good stable management, stable etiquette, and care for the environment. (The U of A Equestrian Team is considering the removal of unlawfully dumped items in the neighborhood as a possible community service project.)

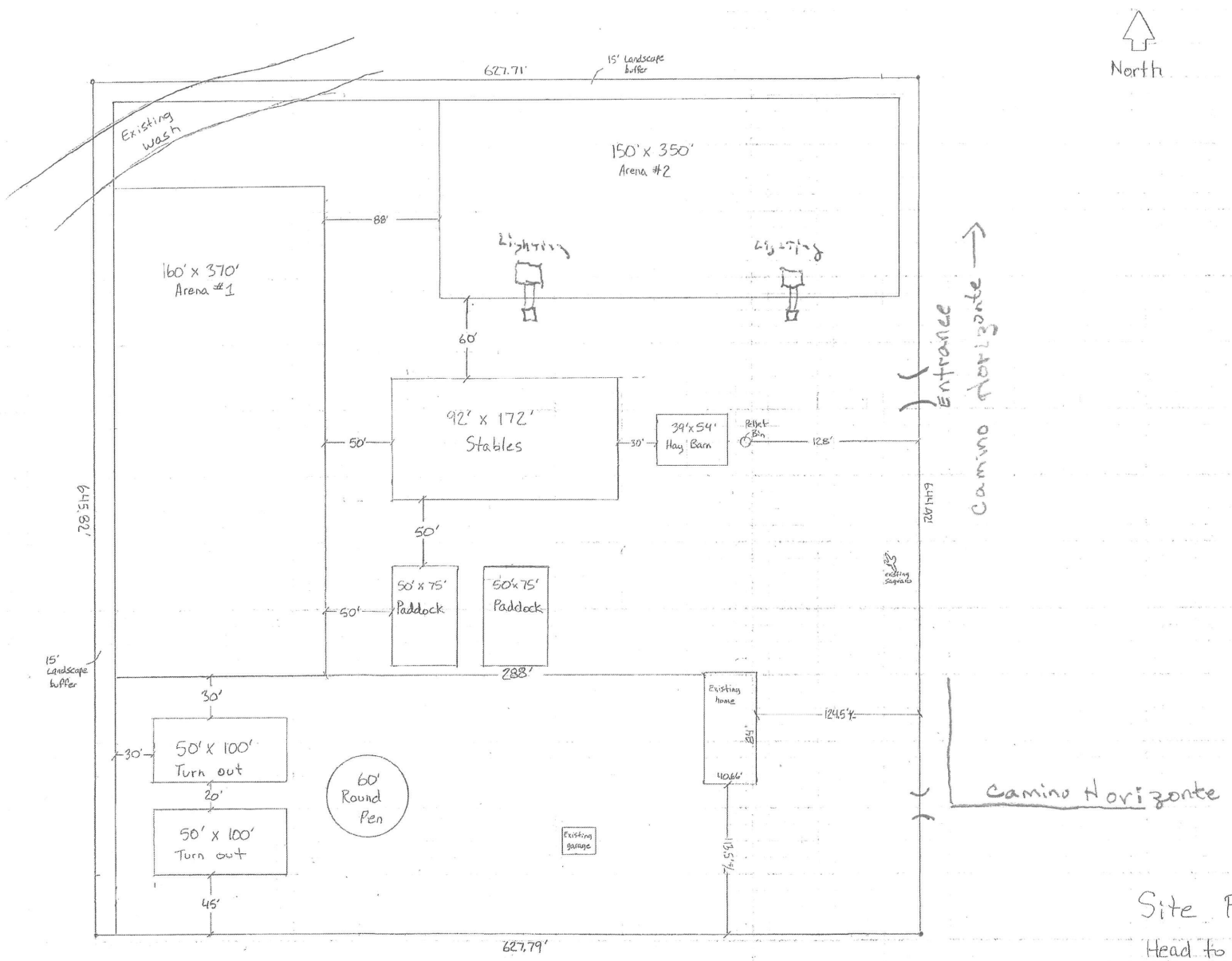
Type of Traffic and Volume: Monday through Saturday traffic is approximately 5 cars for a.m. classes and 3 cars for p.m. classes. Legal access: Client access will be from Joplin Lane as well as *Camino Horizonte. The school is closed on Sundays, with the exception of special classes infrequently. Feed delivery occurs every 3-4 months. Manure disposal is done by truck once a month.

For any questions or concerns please contact me at 520-977-8678 or headtotailridingschool@gmail.com. Thank you for your consideration.

Respectfully yours,

Sheryl Gonnsen
Head to Tail Riding School

*Note: My attorney, Ari Ramras and I believe that my legal access is a prescriptive easement over the existing graded road described on the attached exhibit.



Site Plan

Head to Tail
riding school

1" = 50'

5880 West Cortaro Farms Road
Marana, Arizona 85742
October 7, 2020

Dear Neighbors,

This request is *not* for any change in current zoning on the property I have purchased. The property has a long standing history of agricultural uses, Broad Use Commercial Zoning.
So that you may have a clear understanding of the attached request to Marana Development Services, I want to tell you about myself and what I want to do at my new residence.

When I was growing up in northwestern Iowa, my family raised hogs and horses, showing them in local 4H competitions. From this came my passion for horses and my life's mission: to help people use and enjoy horses responsibly and safely. I graduated in 1983 from Kirkwood Community College in southern Iowa with a degree in Equine Science.

In 1984, I moved to Tucson, pursuing an equine career in a warmer climate. I became a riding instructor and assistant manager of Old Adobe Riding School on River Road. In 1991, I opened Head to Tail Riding School at 655 West Calle Concordia in Oro Valley. In 2003 this location was sold, and I moved my business to Cielo Tierra Ranch at 11600 North Oracle Road. Along with running my riding school, I was the stable manager at those last two locations.

After 29 years, at last I have the opportunity for my riding school and my residence to be at the same location. I love walking out my door at any time of day to care for my horses, and having a permanent place for my school.

Since my four children were active in 4H, in 1992 I became a 4H Horse Project Leader. In 2000, I became a 4H Horse Board Member. After stepping down as a project leader seven years ago, I became the coach of the University of Arizona Western Equestrian Team, which has practice sessions at Head to Tail. I am also the president of the local Southern Arizona Appaloosa Promoters Open Shows held at Brandi Fenton Park.

I love promoting my passion for 4H, horses, and ranching to our youth and to young-at-heart adults. Horses have so much to teach all of us. Marana's agricultural and ranching heritages lend an appropriate background and a continued potential for future educational growth. The Marana Chamber of Commerce has expressed interest in having Head to Tail Riding School participate in chamber activities. I look forward to that involvement. I'm excited about living and working in this community, meeting new neighbors, and establishing Head to Tail Riding School in its new Marana home. I will appreciate your approval of this endeavor.

For information about specific details and structure of Head to Tail, please see my enclosed letter to Marana Development Services. If you have any questions or concerns about my plans, I'm available. You're welcome to call me, or I'll be happy to meet with you in person.



Sincerely,

30 NOV 2020 PM01:29

RECEIVED

NOV 30 2020

Town of Marana
Clerk's Office

11/24/20

Cherry L. Lawson
Town Clerk
Marana Municipal Complex
11555 W. Civic Center Drive
Marana, AZ 85653

Re: SLUC Request Notification for 5880 W. Cortaro Farms Rd.

File #: SLU2010-001

Ms. Lawson,

My wife and I live at 5439 W. Kara Nicole Ct. and are writing in response to the SLUC application for the property located at 5880 W. Cortaro Farms Rd.

First, I'd like to make the point that Sheryl Gonnsen is currently operating this business illegally without the proper zoning and without a business license.

We object to the SLUC based mainly on the fact that the access to this property is not suitable for the increased amount of traffic, and is definitely not suitable for heavy commercial traffic. The access road that she and her customers are using is an easement across our property that she does not have a legal right to use for commercial use. This road is not designed for this type of use and we are concerned about the safety of others and about our liability.

I am very surprised that the Town of Marana is allowing this business to operate illegally without proper zoning, no business license, and no legal commercial access. This is definitely a public safety concern, and I believe someone could be seriously injured on this road.

Please deny this application until there is a suitable and safe access to this property.

Thank you,

Levi & Inga Brchan
5439 W. Kara Nicole Ct

December 2, 2020

Mayor & Town Council
Marana Municipal Complex
11555 W. Civic Center Drive
Marana, AZ 85653

Re: Gonnsen SLUC Request Notification Letter Dated 29 October 2020

Dear Mayor and Town Council,

My wife and I are contacting you to request that the Mayor and Town Council recommend that the Significant Land Use Change Request Notice SLU2010-001 proceed through all necessary review channels including a full plan review as well as public hearing to allow for public comment on this proposed change of use. As residents that live along Kara Nicole Court (Hartman Ten Subdivision) with property adjacent to the vehicular access route for the property seeking this zoning change we seek to have our concerns heard by all departments within the Town of Marana to ensure all facts relevant to this matter are considered.

The proposed change of use is being sought because the property owner in question, Sheryl Gonnsen is already operating a business at this location without the necessary zoning to do so per the Town of Marana zoning map. The residents including us that live adjacent to this vehicular access point have observed a significant increase in traffic which includes large commercial vehicles such as hay delivery vehicles, trucks pulling horse trailers as well as other heavy equipment to service the horse operation at the property in question. This access is a dirt road (with portions of it this road being a residential easement, not commercial easement) that was not engineered to handle this type of traffic that is now present. The roadway in question has large blind hills and is often in poor condition including significant wash boarding. This creates a safety hazard and brings a question of liability for both the Town of Marana as well as the residents that own portions of this road/access. We would also like for you to consider the dust control issue that allowing commercial use in a residential zoned area will create for the residents of Hartman Ten Subdivision as well as the future residents in the area. Air quality and air quality standards are top of mind for our neighborhood.

Thank you in advance for hearing our objections and reviewing all the facts.

Respectfully,

Levi Brchan and Inga Brchan

TOWN CLERK 2020 NOV 17 PM 02:02

November 4, 2020

Cherry L Lawson

Town Clerk

Marana Municipal Complex

11555 W. Civic Center Drive

Marana, AZ 85653

RE: Objection to SLUC @ 5880 W. Cortaro Farms Road / Parcel 221-06-006B

Dear Ms Lawson:

I am the owner of the residential home located at 9284 N. Red Diamond Avenue, in the Hartman Vistas Subdivision. I am writing to object to the proposed SLUC at the address and Parcel Number listed above.

I live not far from what used to be a similar stable and riding school, and can attest to the fact that this usage is completely incompatible with any residential neighborhoods nearby. The smell of horse urine and feces is overpowering, and brings with it a huge population of flies to the surrounding area. The proposed usage will adversely impact the livability and value of the nearby homes.

Please do not approve this SLUC. Thank you for your assistance.

Very truly yours,

Mon Meran LLC

By: Cheryl L Brown, Manager

5990 E. Placita de las Luces

Tucson, AZ 85750

520-299-2533

03 DEC 2020 PM01:57
RECEIVED
DEC 03 2020
Town of Marana
Clerk's Office

Town of Marana

My name is Leon Camarata. I own a home in Hartman Ten Subdivision. I have been living at 5475 W Kara Nicole ct. since 2016. When we moved in we were greeted by the neighbor Denise Howard. Mrs. Howard had been living here for over 30 years. She shared with us that the main intention of the road behind our home was designed for ingress and egress for her and her neighbor only. She also indicated that there in a sign on the road that states that the road was for residents and guests only. At that time and until early this year we have been noticing an increase in traffic. It got so bad that our neighbor put up a hunting camera to track the amount of traffic. He was tracking 50-70 cars/truck a day. Honestly, it used to be very quiet.

We moved here after living in Alaska for over 40 years. We moved here to retire and to enjoy all aspects of Arizona life. We have enjoyed our home and the many aspects of it that bring us joy and happiness. Our view of the city at night is amazing and sunsets are as well. We also have a beautiful pool and hot tub that overlooks our view.

All that changed this year when we had to constantly clean and change out filters for our pool. We would daily try and get vehicles to slow down because of the dust trail they leave behind. I also installed a couple of signs on the road trying to get people to slow down, but I think people went the opposite direction causing much more dust and dirt in our pool.

Everything became clearer to my wife and I when we got a letter from Mrs. Gonssen. She was suing us for our easement. We were able at that point to understand where the increase in traffic was coming from.

Our easement was never designed for through traffic, much less commercial. We are under the impression that she is trying to re-zone her property for commercial use. We are opposed to that for several reasons. That would increase traffic and the roads are not designed for that kind of traffic. The infastructure for commercial traffic is not in place i.e.. Signage, road width and depth, weights and measures, designated speed limits etc. There could be unforeseen liabilities if you allow commercial traffic without proper road improvements.

We and our neighbors are a little frustrated. We certainly did not move/retire to Tucson/Marana to deal with these issues.

Please consider our situation seriously as if you were living here.

Respectfully,

Leon Camarata

Leon Camarata

5475 W Kara Nicole ct.

Tucson, AZ 85742

Feel free to call me if you have any questions.

907-251-1683

01 DEC 2020 PM02:59

28 November 2020

Cherry L. Lawson
Town Clerk
Marana Municipal Complex
11555 W. Civic Center Drive
Marana, AZ 85653

Re: Gonnsen SLUC Request Notification Letter Dated 29 October 2020

Dear Ms. Lawson,

We are submitting this letter to voice our objection as affected property owners in the matter of the Significant Land Use Change request notice SLU2010-001.

Specifically, we reside in the Hartman Ten development on Kara Nicole Court (5419 W. Kara Nicole, parcel number 221-06-0330).

We are astonished at the letter the applicant included with the SLUC request with the "Hi Neighbor" salutation. As for us, and our neighbors here in Hartman Ten, our first encounter with this person was a rude letter from her attorney threatening a lawsuit against us all unless we comply with her demands. We are just a humble couple living quietly in retirement. We came here in peace to retire and live out our years. We could have picked virtually anywhere in the world to retire, and we chose Marana. Now this awful wretch of a woman has sued the five of us who would not cave in to her demands and has never reached out as a neighbor. Her action amounts to elder abuse as far as we are concerned, and you may like to know that three of the five homeowners she has assaulted here *are* retirees.

We insist that the dirt road at the rear of our property is in no way adequate for commercial traffic or any business that solicits and serves the general public. The road was not designed, engineered, or constructed with such traffic in mind. We have not been here long enough to have seen what happens to the road during really heavy rains, but our neighbors have expressed serious concerns about that road washing out (because they have seen it happen). None of us should be bearing the liability that would go along with traffic to and from a public business along that crude dirt road. Surely we must have some sort of standard requirement here in our town that applies to access which would require her to upgrade that road (and then maintain it) to support her application. If so, please invoke it and deny her request as it stands.

If not, please advise us as that would mean we made a big mistake in coming here and going all in on this property.

The applicant has already been operating as if the town has approved her venture and we have noticed significantly more traffic and heavy commercial traffic (i.e hay trucks, unloading equipment, horse trailers, etc.) that was not present before she started illegally operating her business. Please do not reward this presumptuous assumption of rights and reject this zoning request unless the applicant offers roadway improvements that would meet normal requirements for the Town of Marana in commercial applications.

Thank you for considering our strong objection.

Sincerely,



George Carter

5419 W. Kara Nicole Ct

(949) 466-5153 [mobile]

10 NOV 2020 AM07:24

November 4, 2020

Cherry L Lawson

Town Clerk

Marana Municipal Complex

11555 W. Civic Center Drive

Marana, AZ 85653

RE: Objection to SLUC @ 5880 W. Cortaro Farms Road / Parcel 221-06-006B

Dear Ms Lawson:

I am the owner of the residential home located at 5670 W. Copperhead Drive, Hartman Vistas Sub. I am writing to object to the proposed SLUC for the referenced address and Parcel No.

Having lived near a similar stable and riding school, I can attest to the fact that this usage is wholly incompatible with residential housing in the vicinity. The smell of equine urine and feces can be overpowering, and the introduction of livestock brings a large population of flies to the surrounding area. This usage will depress home values and the livability of the nearby homes.

Please do not approve this SLUC. Thank you.

Sincerely yours,

Cooper's Grove II LLC

By: Curtis K Matuna, Manager

5990 E. Placita de las Luces

Tucson, AZ 85750

520-299-2533

03 DEC 2020 PM01:56

RECEIVED
DEC 03 2020
Town of Marana
Clerk's Office

27 November 2020

Cherry L. Lawson
Town Clerk
Marana Municipal Complex
11555 W. Civic Center Drive
Marana, AZ 85653

Re: Gonnsen SLUC Request Notification Letter Dated 29 October 2020

Dear Ms. Lawson,

We are submitting this letter jointly to voice our objection as an affected neighborhood in the matter of the Significant Land Use Change request notice SLU2010-001.

Specifically, we are all residents in or near the Hartman Ten development on Kara Nicole Court.

At the center of our objection is the "road" along the back of our properties and its profound inadequacy as a potential commercial thoroughfare. The "road" in question was not engineered, designed, developed, or implemented with heavy commercial vehicles in mind for transit. Approval of the subject request would place an unreasonable burden upon we innocent homeowners. We fear significant assumption of liability that cannot be quantified. Certainly none of us had any inkling that something like this would ever be permitted on our property when we chose to live in Marana.

The applicant has already been operating as if the town has approved her venture and we have noticed significantly more traffic and heavy commercial traffic (i.e hay trucks, unloading equipment, horse trailers, etc.) that was not present before she started illegally operating her business. Please do not reward this presumptuous assumption of rights and reject this zoning request unless the applicant offers roadway improvements that would meet normal requirements for the Town of Marana in commercial applications.

Thank you for considering our heartfelt objection.

Respectfully,

Residents of Hartman Ten

Name	Address	Signature
GEORGE CARTER	5419 W. Kara Nicole	
Fernanda Ortiz	5418 W. Kara Nicole	
Jeff Wheeler	5436 W. Kara Nicole	
	5439 W. Kara Nicole	
Lori Curry	5454 W. Kara Nicole	
Hossein Hameed	5461 W. Kara Nicole	
Daniel Sorenson	5472 W. Kara Nicole	
LEON CAMACHO	5475 W. Kara Nicole	
Jeremy Thompson	5489 W. Kara Nicole	
GREGORY A. MULLER	5490 W. Kara Nicole	
GUILLERMO TAVARES.	9051 Hartman	

Respectfully,

Residents of Hartman Ten

Name	Address	Signature
GEORGE CARTER	5419 W. Kara Nicole	
Fernanda Ortiz	5418 W. Kara Nicole	
Jeff Wheeler	5436 W. Kara Nicole	
Inga Brchan	5439 W. Kara Nicole	
lori Curry	5454 W. Kara Nicole	
Hossein Hameed	5461 W. Kara Nicole	
	5472 W. Kara Nicole	
LEON CAMACHO	5475 W. Kara Nicole	
	5489 W. Kara Nicole	
	5490 W. Kara Nicole	
WILLIAMS.	9051 Hartman	

27 November 2020

Cherry L. Lawson
Town Clerk
Marana Municipal Complex
11555 W. Civic Center Drive
Marana, AZ 85653

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The applicant has already been operating as if the town has approved her venture and we have noticed significantly more traffic and heavy commercial traffic (i.e hay trucks, unloading equipment, horse trailers, etc.) that was not present before she started illegally operating her business. Please do not reward this presumptuous assumption of rights and reject this zoning request unless the applicant offers roadway improvements that would meet normal requirements for the Town of Marana in commercial applications.

Thank you for considering our heartfelt objection.

Respectfully,

Residents of Hartman Ten

Name	Address	Signature
_____	5419 W. Kara Nicole	
_____	5418 W. Kara Nicole	
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_____	5439 W. Kara Nicole	
_____	5454 W. Kara Nicole	
_____	5461 W. Kara Nicole	
_____	5472 W. Kara Nicole	
_____	5475 W. Kara Nicole	
_____	5489 W. Kara Nicole	
_____	5490 W. Kara Nicole	
_____	9051 Hartman	

30 NOV 2020 PM01:28
RECEIVED
NOV 30 2020
Town of Marana
Clerk's Office

November 25, 2020

Dear Ms. Lawson,

I am writing to express my concern about the proposed change of land use at 5880 W. Cortaro Farms Rd., Parcel 221-06-006B. I am a homeowner within 1.5 miles of the property and I am worried about the increase in flies and mosquitoes and also the odors that would come from the property with more animals to accommodate a riding school and stables. I have been a Marana resident since this area was annexed. I grew up on the northwest side of Tucson and I have no plans to move. I think there are other areas, possibly north of Tangerine, that would be better suited for this business. Please share my concerns with the town council. I hope there is an opportunity to further explore the implications of any changes. Thank you very much for your time.

Sincerely,

Ariane Kelly
520.419.3340
arikelly30@gmail.com
Resident of Hartman Vistas

10 NOV 2020 AM07:24

November 4, 2020

Cherry L Lawson

Town Clerk

Marana Municipal Complex

11555 W. Civic Center Drive

Marana, AZ 85653

RE: Objection to SLUC @ 5880 W. Cortaro Farms Road / Parcel 221-06-006B

Dear Ms Lawson:

I am the owner of the residential home located at 5670 W. Copperhead Drive, Hartman Vistas Sub. I am writing to object to the proposed SLUC for the referenced address and Parcel No.

Having lived near a similar stable and riding school, I can attest to the fact that this usage is wholly incompatible with residential housing in the vicinity. The smell of equine urine and feces can be overpowering, and the introduction of livestock brings a large population of flies to the surrounding area. This usage will depress home values and the livability of the nearby homes.

Please do not approve this SLUC. Thank you.

Sincerely yours,

Cooper's Grove II LLC

By: Curtis K Matuna, Manager

5990 E. Placita de las Luces

Tucson, AZ 85750

520-299-2533

Cherry L Lawson,

We would like to protest the proposed land use that Sherly Gonnsen is proposing to operate at her residence. (SLUC)

Feel like though this might be a good business for her it is way too close to homes in Sterling Meadows.

New KB home development being built and I am sure the homes will be affected, not sure if she has spoken with them regarding her proposal.

There will most certainly be a lot more dust in the area especially with multiple horses, in the arena racing, riding. Dust can travel far as well as the unpleasant smells of manure that travel with the winds. Increase in insects, flies, packrats....

Extra traffic can also be a hinderance & potential for accidents especially now with more homes being built this year (can have slower traffic in & out of drive due to horse trailers).

Also, this does not limit the growth to the property if passed. This SLUC is permanent and stays with the land regardless of owner.

Thank you for your time,

Deann Osborne

Roger Sack

9179 N Jade Sky Place

Tucson, Arizona

85742

24 NOV 2020 04:17:22

13 NOV 2020 AM08:46

IN REFERENCE TO: SLU2010-001

RECEIVED
NOV 13 2020
Town of Marana
Clerk's Office

9 November 2020

Doug and Lori Patton
5421 W Jade Hollow Place
Tucson, AZ 85742

Dear Marana Planning Commission and Town Council,

We protest the Significant Land Use Change (SLUC) request, File Number SLU2010-001, for the property located at 5880 W. Cortaro Farms Road, Marana, AZ, parcel number 221-06-006B, and ask the Commission and Council to deny the request. If you approve this SLUC request and thereby allow the creation of a livestock based business, you are potentially affecting our property value and quality of life. Additionally, the fact your decision creates a permanent change that stays with the land regardless of land owner significantly increases our risks as neighbors of the property. Lastly, an approval would appear incongruous with the zoning of the surrounding land and the Make Marana 2040 General Plan.

We grew up in rural Illinois, and prior to returning to Arizona, we lived in rural Michigan. We are familiar with the challenges of balancing the rights and desires of land owners owning livestock, and the rights and desires of neighboring residents who are sometimes subject to the negative consequences of livestock. However, while the property in question may have once been in a predominantly rural area, that is no longer the case. You have approved a significant number of residential developments all along Hartman Lane, and there is another development just beginning construction. And while the property in question appears to fall within a Low Density Residential zone, in no way can this area be considered rural or agricultural given the zoning of the surrounding land and the Make Marana 2040 General Plan. Given these facts, it would appear incongruous for you to approve an SLUC request for a livestock based business on the property in question.

If you approve the SLUC request, manure odor, significantly increased dust levels, noise, and light pollution are just a few of the potential consequences we may be forced to live with as

neighbors of the property in question. These were not concerns when we bought our property in August 2018, and our rights and property values should be respected. Having lived in rural areas, to include living on a dirt/gravel road, we know how far manure odors can carry, and how much dust can be raised by extra vehicle traffic and horses running around in dirt arenas. Additionally, the dust can also travel far distances, especially in dry air like we have here in Marana.

Additional concerns:

1) There is no limit on the number of horses or customers. This owner, or a future owner may decide to enlarge their business without anyone's approval, or regard for the impact on their neighbors.

2) This owner, or future owners could decide to host large equestrian/rodeo events. (Regardless of the property owner's current intent, financial hardship has a way of changing minds.)

In summary, we understand this SLUC request is for a use that is not an approved Accessory Use given the existing zoning of the property in question, and therefore, the landowner has no inherent right to build and use a public, lighted riding arena and/or rodeo grounds, and that this zoning designation existed when she bought the property. As such, her legal rights to use her land in this manner does not outweigh our rights as property owners, and potentially has less legal standing since we bought our property under the existing approved land use conditions.

Respectfully,

Douglas C Patton

Lori Patton

Doug and Lori Patton

30 NOV 2020 AM08:23

Fredric Richmond, Ph.D.
Hartman Vistas Homeowner
5749 W. Rattler St
Tucson, AZ 85742

RECEIVED
NOV 30 2020
Town of Marana
Clerk's Office

Cherry L. Lawson

11/22/2020

Town Clerk

Marana Development Service Department

Marana Municipal Complex

11555W. Civic Center Drive

Marana, Arizona 85653

Dear Ms. Lawson, Mr. Varney, Marana Planning Committee Members, and Members of Town Council:

I strongly and vehemently protest the proposed change for the land use at 5880 West Cortaro Farms Rd Marana, Parcel 221-06-006B, and from a deeply concerned and sincere perspective, I offer a brief summary taken from a sample of research from academic institutions , our Centers for Disease Control and industry leading journals and veterinary reviews and articles abound warning about the documented Medical Health & Safety Risks to Humans from the operation of horse stables, dealing with the volume of manure in storage near the stables and the only other effective way to deal with it by regularly spreading it across the 9.33 acre. The business owner stated in her introductory letter that she will have the manure removed monthly. Even daily removal cannot reduce the enormity and danger of this problem.

The dangerous illnesses spread from horse to human is quite long so I will only mention a couple:

Leptospira: this bacterium is transmitted between species by infected body fluid commonly urine as well as contaminated water and soil and can enter minor skin lesions in humans can range from mild to severe and result in death.

Gardia: Horses shed an organism in their feces called Gardia. Iit is believed that Gardia intestinalitis is a pathogen in horses that, if transmitted, becomes a parasitic infection in humans.

MRSA: Is becoming increasingly prominent, farm workers and others who have increased contact with horses and other animals develop this highly resistant disease that can manifest on the horses skin, transfers to plants and caretakers by contact and with other materials, and in humans who are infected can permanently alter their immune system to render standard and advanced antibiotics ineffective in treating bacterial infections

ultimately able to cause death due to the inability of our best and latest antibiotics to have an effect.

These illnesses are a result of gathering those horses together that have undergone stressors, having contact with each other and their caretakers, student riders and maintenance workers. Competition and shipping are high risk situations for disease transmission.

You can read the full article about this and other research at the end.

The CDC (Center for Disease Control), reports that Hydrogen Sulfide is considered the most dangerous of by- products of manure composition: distinct smell of rotten egg, it is heavier than air, low concentration of H2S affects the eyes, while moderate exposure causes head ache, nausea and dizziness.

My other concerns are as follows: Vehicular access and storage: increase traffic flow, horse trailers and ATV, storage of manure is dangerous and can contaminate water and air. The proposal mentions only one removal of waste per month, clearly this is not acceptable.

Lighting: the proposed arenas will add to the light pollution and inhibit enjoying the night sky that we Arizonians so proudly boast of and protect.

Water Quality: horse manure if not properly disposed of or stored in a manner unfit can contaminate the water supply.

Odor: manure and urine smell will keep homeowners from enjoying their backyards forcing many to leave, those who stay will not be able to sell and the property value will drop tremendously, leaving vacant neighborhoods and the potential for crime will increase.

Noise pollution: extra traffic and people competing, attending classes and competitions.

First Responder Facilities: added stress of a business that has a potentially high risk for fire and safety.

The manure and urine produced by each horse on that business property will yield 50 lbs of raw waste daily. It is well known that once a land use change is made, it is legally much easier for the property owner to request further changes that are even more troubling to the residential owner, a legal provision that is written in language supporting "By Way Of" provision, easing the ability of Horse Stables and Riding Schools to obtain further changes to the original land use zoning restrictions that prove loathsome to residents of adjoining and nearby neighborhoods concerned with the increased risk of pathogens spread in waste production and disposal, risks for horse to human transmission by parasitic feces transferring to human skin, horses infected with bacterial and viral infections similarly acquired in the handling of waste, the slow soil and ground water contamination as a result of the manure spreading process and runoff during rain. Numbers are staggering: potentially this fully operating business may grow to 30 horses, it will have to manage 50lbs x 30 horses x 30 days equals 18 tons or, 36,000 lbs per month which contains the ingested phosphorous horses are given for bone growth as well as the airborne pathogens

blown by our strong winds across the 9.33 acres or carried by flies and mosquitos into our yards and open windows.

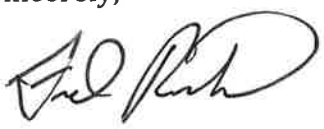
Along with increased risks for fire, a strain on our local first responders, I protest the glare of the business facility's lights disrupting local resident's views of the night sky, a recreational pastime enjoyed by many here, and which would be unacceptable to many.

Last but extremely important for your consideration, is the effect that one person's business aspirations will have on LOWERING OUR HOME VALUES, which will certainly go down in value as realtors and residents alike STRUGGLE TO SELL OUR HOMES when we decide to-they will not be worth our investment because the stench and the attendant health and safety concerns will repel buyers expecting to become an owner and resident of the community. More and more homes will become rentals and these neighborhoods will be filled with the problems created by absentee landlords who also may be out of town owners. Vacancies will contribute to levels because people don't want to live next to stable with an overpowering stench of horse waste.

Please remember that this was never intended or supposed to have happened to all the communities that were built here since 2004, like Hartman Vistas, this was not meant to be next to or near a business that stabled horses because of its negative impact on residents apparent in the risks identified above. Please help us prevent this place we call home from suffering the ill effects noted throughout above.

I can be reached daily at 520 461 8399.

Sincerely,



Fred Richmond, PhD

For your information relevant to the most dangerous health hazards, contained below, summarizes the horse to human problem of disease transmission and the links below are to the supporting evidence referenced in my letter of protest.

Zoonoses Associated with Horses

This document provides information on various diseases that can be passed from horses to humans. Often these diseases do not make the animal appear sick but can cause serious illness in humans. Persons with specific medical conditions such as an immunodeficiency and pregnancy may be at higher risk of developing disease or complications from a zoonotic disease and should consult with their physician before working with horses. The diseases associated with horses include rabies, ringworm, methicillin-resistant strains of *Staphylococcus aureus,* leptospirosis, salmonellosis, campylobacterosis, cryptosporidiosis and infections with *Rhodococcus equi.*
Diseases associated with direct contact:

Rabies is a fatal viral infection that can be transmitted by bites, and mucus membrane exposure from an infected animal. Rabies in horses in the Northwest is very rare but horses can be infected from contact with wildlife such as bats, skunks, and raccoons. Infected animals often exhibit neurological symptoms and unusual behavior. There is an effective vaccine available for people and most domestic animals including horses.

Dermatophytosis is a fungal skin infection commonly known as "ringworm" and is seen in both animals and people as scaly round areas of hair loss. Transmission of ringworm is by direct contact with an infected animal. For prevention, wear gloves when handling infected animals and wash hands after contact.

Methicillin-resistant *Staphylococcus aureus* (MRSA) has been identified in both normal horses and those with clinical symptoms of wound infections. It is possible to contract the infection through direct contact with an infected horse. Once infected, people may or may not develop symptoms. While transmission is unlikely, it is recommended to wash your hands after handling horses and to cover any open wounds that are susceptible to infection.

Diseases associated with vectors or contaminated materials:

Leptospirosis is most commonly associated with eye infections, abortion or kidney disease in horses and is typically shed in the urine of infected animals. People acquire the infection by oral ingestion and contact with contaminated urine, placenta, and fetal tissues. The organism can infect people through abraded skin.

Rhodococcus equi is a bacterium that causes pneumonia in foals and is found in manure and contaminated soil around horse facilities. Inhalation of dust particles laden with virulent *R. equi* is the major route of infection. *R. equi* is an opportunistic pathogen in immunocompromised people and does not cause disease in persons with normal immune function.

Salmonellosis, campylobacterosis, and cryptosporidiosis are acquired by contact and accidental oral ingestion of fecal material from infected animals. Animals infected with these diseases typically have diarrhea but some animals may show no symptoms of disease. Any animal with diarrhea should be suspect of having a zoonotic disease.

Individuals with exposure to animals and animal environments may develop allergic reactions to animal proteins (allergens). Approximately 20-30 percent of individuals working with laboratory animals will develop an allergic reaction to animal proteins and 5-10 percent of individuals will develop asthma. Personnel may be exposed to allergens through inhalation and contact with skin, eyes and mucous membranes. Animal allergens may be present in animal dander, hair, skin, urine, saliva, serum and any contaminated feed or bedding materials. Risk factors for developing an allergic reaction include history of previous allergies to animals. The signs and symptoms of an allergic reaction are nasal discharge and congestion, conjunctivitis, tearing and eye itching, skin redness, rash or hives and lower airway symptoms (coughing, wheezing and shortness of breath). Individuals with symptoms suggestive of an allergic reaction related to a workplace allergen should report their concerns to their supervisor and consult a physician.

Transmission of zoonotic diseases from horses is primarily by direct contact when handling and grooming horses, contact with contaminated objects such as grooming tools, accidental ingestion of feces or urine or inhalation of aerosolized materials.

REFERENCES

References

www.equisearch.com/discoverhorses/horse-friendly-zoning

mail.google.com/mail/...bda0a1

lpelc.org/managing-manure-on-horse-farms/

ctmirror.org/2011/11/11/water-contamination-horse-manure-no-joke-state/

g.co/kgs/96sE6s

www.cdc.gov/healthypets/pets/horses.html

www.dvm360.com/view/zoonotic-diseases-horses-humans

Search

From: Cherry Lawson
To: Jason Angell; Steven Cheslak; Brian Varney
Cc: Jane Fairall; Hilary Hiser; Terri Byler
Subject: FW: Protest / Hold for Public Hearing - SLUC File # SLU2010-001
Date: Thursday, December 03, 2020 7:30:21 AM

Good morning,

I am forwarding to you the below email received by the Town this morning related to the above SLUC application.

Cherry

From: Linda Dralle <ldralle@MARANAAZ.GOV> **On Behalf Of** Ed Honea
Sent: Thursday, December 3, 2020 7:26 AM
To: Terry Rozema <trozema@MARANAAZ.GOV>; Erik Montague <emontague@MARANAAZ.GOV>; Cherry Lawson <clawson@MARANAAZ.GOV>
Subject: Fw: Protest / Hold for Public Hearing - SLUC File # SLU2010-001

Email the Mayor and Council received.

Thanks,
Linda

From: criester <criester@aol.com>
Sent: Wednesday, December 2, 2020 5:29 PM
To: Guillermo Tavares; Ed Honea; Jon Post; Patti Comerford; Herb Kai; Roxanne Ziegler; John Officer; Jackie Craig; Terry Rozema
Cc: George Carter; Levi Brchan; Lee Camarata; Hossein Hameed; cork96@comcast.net; hectorjbustamante@gmail.com; Jim; Fred Richmond
Subject: RE: Protest / Hold for Public Hearing - SLUC File # SLU2010-001

PLEASE BE CAUTIOUS
THIS MESSAGE AND SENDER COME FROM OUTSIDE THE TOWN OF MARANA. IF YOU DID NOT EXPECT THIS MESSAGE, PROCEED WITH CAUTION. VERIFY THE SENDER'S IDENTITY BEFORE PERFORMING ANY ACTION, SUCH AS CLICKING ON A LINK OR OPENING AN ATTACHMENT.

As a homeowner, in the affected area, I too protest this and request notification of any future public hearings regarding this matter.

Chad Riester

-------- Original message --------
From: Guillermo Tavares <guillermo.tavares@gtg-sa.com>
Date: 12/2/20 4:37 PM (GMT-05:00)
To: ehonea@maranaaz.gov, jpost@maranaaz.gov, pcomerford@maranaaz.gov, hkai@maranaaz.gov, rziegler@maranaaz.gov, jofficer@maranaaz.gov, jcraig@maranaaz.gov, trozema@maranaaz.gov
Cc: George Carter <cartergeorge89@gmail.com>, Levi Brchan <levi@becklegacygroup.com>, Lee Camarata <papacamarata@gmail.com>, Hossein Hameed <hossein.hameed@gmail.com>, cork96@comcast.net, Chad Riester <criester@aol.com>, hectorjbustamante@gmail.com, Jim <jhparet@comcast.net>, Fred Richmond <drfredricrichmond@gmail.com>
Subject: Protest / Hold for Public Hearing - SLUC File # SLU2010-001

Mayor, Town Manager and Members of the City Council.

This opinion does not necessarily represent the voice of all of us who together and / or individually have expressed our opposition (protest) to the SLUC's request.
However, surely We all share the same feeling that scares us and worries us from the most vulnerable part of our lives and our interests.

My Wife - Jenitza Serrano MD - Medical Chief Officer - Marana Health Center.
Me - 8 Years collaborator with Bedrosians Tile & Stone - Founded 1948 - established in Marana.
We arrived to town in 2012.
We have been lived and contributed to well being of this town at all times.
For Us the motivation of living on the property where my family and I live today was a very planned one, more than 3 years ago.

- Months of research on the area and its plans were spent before deciding that this would be the chosen site.
- Many visits to the planning department of Marana are in records so that this decision was supported.
- The semi-rural life wrapped in the growth of the city and the plans to maintain that balance, seemed a perfect formula.

Our property located in 9051 N. Hartman Ln
Is part of the area being rezoned as part of Marana plans - Large C Lot (officially known as non conforming zoning)
same zoning and situation than the SLUC applicant property.

- Marana's development plan was evident from the moment in which an area zoned as "Large C lot" that in an ambiguous way allowed many options would have been "canceled" to give rise to a meticulous study by the Marana authorities in order to preserve semi-rural in balance with the new residential areas that surround it.
- Commercial activity, excessive traffic, unexpected traffic appearance, pollution, noise, did not exist in any scenario, not in time or location.

Today this has changed, a request for openly commercial activity has appeared that, even though it points to an "unnecessary change of zoning and this has been expressed" is attentive to the harmonic balance of the immediate area where it arises.
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- What zoning would be appropriate for the SLUC applicant property ?
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property, next door property to the East, and the "huge wild protected area Pima County owns along Camino Horizonte".
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- Wild animal activity has been reduced significantly during 2020 around houses in Camino Horizonte.

The process of notifying the families-properties close to the property that requests commercial activity, reaches approximately 300 properties according to the cartographic maps and approximately 400 according the marana computation, within a radius of .5 miles.
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- Neighborhoods all along Hartman may be permanently affected although they may not have realized.
- Directly affected properties are the ones that have already seen changes due to a very possible illegal-anticipated commercial activity.
This puts in serious doubt the responsibility of who try to develop open commercial activity.
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but there are some who are truly and directly affected at this point and potentially permanently affected.
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- Houses in the subdivisions from Camino Horizonte to the North including Hartman Vistas. Those who by the configuration end up being close to the requesting property.

Those who are affected already and directly affected for any reason think the due all the circumstances should be unacceptable.
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I would include that the requested SLUC violent not only the rights, peace and safety of Us, but also implicitly the tendency or harmony that everyone else has respected, as well as it is violating the trend of growth and planning.

Hoping that the effects already caused as well as the environment of uncertainly and discomfort are relevant reasons to request your intervention and ask for your help to avoid the potential approval of a SLUC application that is attacking many directly and many others indirectly.

Respectfully,
Guillermo Tavares
Jenitza Serrano
520.907.5051



13 NOV 2020 AM08:45
RECEIVED
NOV 13 2020
Town of Marana
Clerk's Office

November 9, 2020

To: Marana Town Clerk,

RE: Proposed Land Use Change

Dear Town Counsel,

Please DO NOT approve this land use change...

Reasons that I oppose this proposed land use ,

1- This horse property is sitting right in the middle of residential property's! the proposed use is in direct opposition to the surrounding properties!

I'm sorry that the woman has purchased this property with this in mind, but I feel that it would impact the surrounding residential property to a great extent.

2- The proposed use is for animals, and the flies and the stench that it would create, is too much, for the houses and residents to bear!

I did read that she is going to try to keep the manure and such down, however that is a huge job and if it doesn't happen in a timely fashion, then it is the surrounding residents that will suffer, with no recourse for a solution!!

I can see this property from my back yard, where I entertain and enjoy the outdoors! I would highly oppose the ramifications of the horse property, if approved....

Please DO NOT APPROVE this land use change!!!

Please, also, add me to the list of being informed of the outcome of the proposal!!

Respectfully,

Debbie Shepherd

5571 W. Cottonmouth St

Tucson, AZ 85742

(520)784-9084

December 2, 2020

File Number SLU2010-001

Attn: Cherry L. Lawson – Town Clerk – Town of Marana

This letter is to oppose the Significant Land Use Change (SLUC) for the property located at 5880 W. Cortaro Farms Road, Marana, AZ identified by the Pima County Assessor's Office as parcel number 221-06-006B.

Hartman Vistas Homeowners Association on behalf of its 353 homeowners oppose the proposed SLUC for several reasons, which are detailed below.

A community like Hartman Vistas, with a mixed-use variance zoning classification right outside the border of Hartman Vista, where the intended facility is to be housed, there are no places where horses or farm animals in any capacity are allowed. They prohibited them for several great reasons. Disease, increase in rat and snake population, insect infestation, especially disease transmitters like flies and mosquitos, waste water contamination, soil contamination resulting from manure spreading, transfer of disease airborne in the form of dust and by contact with skin or mouth, fire, and the diminishing housing values as a result of the strong urine and feces odors permeating a 2 to 3 mile radius forever. Chemicals like dried Phosphorus and Hydrogen Sulfide are toxic to humans and will be in the wind when the strong breezes blow across the 9 acres gathering up the manure dust containing these chemicals and depositing them onto our backyard chairs, lounges, pools and other equipment and in through our open doors. and finding their way throughout each home. How would young parents know whether chemicals and toxins from a known hazardous source like the riding academy stables or the acres of spread dried manure surrounding the facility were implicated in their baby's medical respiratory illnesses or other infections? We do not have the time nor are we able to study hospital and outpatient illnesses reported in areas near known horse riding academies nor will we ever obtain records indicating causal relationships between the farm and the illnesses of residential home owners but it is not our burden to provide proof or information. The wise men and women involved in the creation of this great residential community secured zoning around the neighborhood's borders to ensure that we would have safety and peace of mind.

Additionally, the school will be 9 acres and it is directly behind our community along with several of our neighbors' communities. I do not know how familiar the council or planning/zoning are with horses, but one horse produces 37lbs of manure per day, so just say she has only 5 horses that will be 185lbs per day x 7 days per week 1,295lbs x 4 weeks is

5,180lbs per month. The owner proposes only one pick up per month, clearly this is not enough, imagine the smell, the flies, people will move, our home values will drop. Frankly, it will be a nuisance. I did not even mention the 2lbs of urine per horse, and the hay they will use to try to cover their storage of the excrement. If your home sat less than a 1/4 mile from this horse farm and you enjoyed everything about your home, your yard, except no one could enjoy the swimming pool or the hot tub or the swings or just the beautiful day outside with friends and family.

Finally, we have been in contact with several other homeowners' associations and residents who live in the impacted area and they too oppose this SLUC. The resulting impact of allowing such a change could drastically affect the property values in Hartman Vistas and the surrounding communities. We believe the Town of Marana has an obligation to ensure that the home values of these communities are given due regard to best protect their value and quality of life.

Thank you for your time, attention, and consideration. Please feel free to contact me with any questions. Below are the sources used to support our opposition.

Sincerely,

Bret Summers

President

Hartman Vistas Homeowners Association

References:

https://lpelc.org/managing-manure-on-horse-farms/

https://ctmirror.org/2011/11/11/water-contamination-horse-manure-no-joke-state/

https://g.co/kgs/96sE6s

https://www.cdc.gov/healthypets/pets/horses.html

https://www.dvm360.com/view/zoonotic-diseases-horses-humans

RECEIVED
NOV 30 2020
Town of Marana
Clerk's Office
30 NOV 2020 PM01:27

Cherry L. Lawson
Town Clerk
Marana Municipal Complex

This letter is in response to the application received from Marana Planning Division about the request for Significant Land Use Change from the property located at 5880 W Cortaro Farms Rd in Marana AZ.

We as neighbors directly affected by the requested plans, we express our absolute opposition to the SLUC request.

- The applicant has constantly misused this property and without having properly consulted the authorities
- There were attempts to talk with some neighbors who expressed certain concerns and we pretended that they were negotiated, however the solicitant did not show any interest or concern in this, with arrogant and arbitrary attitude has been continue running a business on that property causing a terrible deterioration in the road Camino Horizonte with the constant traffic.
- Heavy Trucks and trailers with horses have been traveling in the road that is not designed for that use.
- Water lines that supply my property are along Camino Horizonte, reaching the main meter on Hartman Street. it is my responsibility to take care and maintain those lines from the meter to my house and the heavy traffic will inevitably cause damage. however, and having already expressed that to the applicant, it has not mattered to her.
- The traffic has been causing deterioration and dust affecting the houses along Camino Horizonte.
- Sheryl Gonssen has refused to agree any type of negotiation or take any kind of responsibility in the consequences that its operations are causing and will cause, which by far exceed residential use.
- This area is in the process of rezoning and based on the configuration and design of the accesses and road structure, as well as the more than clear and evident tendency to residential use, I understand that Marana should not allow such a business that causes extreme disturbances especially if the person who handles it has no empathy towards the families that it affects with their actions.
- Besides all this Mrs. Gonnsen has started to run that business without any permission and responsibility.
- I really hope that Town of Marana will do its best to prevent laws being violated in that way and do not allow Mrs Gonssen continue destroying and affecting or neighborhood.

Guillermo Tavares / Jenitza Serrano
9051 N. Hartman Lane
Tucson Az. 85742

From: Cherry Lawson
To: Jason Angell; Steven Cheslak; Brian Varney
Cc: Jane Fairall; Hilary Hiser; Terri Byler
Subject: FW: Protest / Hold for Public Hearing - SLUC File # SLU2010-001
Date: Thursday, December 03, 2020 7:30:21 AM

Good morning,

I am forwarding to you the below email received by the Town this morning related to the above SLUC application.

Cherry

From: Linda Dralle <ldralle@MARANAAZ.GOV> **On Behalf Of** Ed Honea
Sent: Thursday, December 3, 2020 7:26 AM
To: Terry Rozema <trozema@MARANAAZ.GOV>; Erik Montague <emontague@MARANAAZ.GOV>; Cherry Lawson <clawson@MARANAAZ.GOV>
Subject: Fw: Protest / Hold for Public Hearing - SLUC File # SLU2010-001

Email the Mayor and Council received.

Thanks,
Linda

From: criester <criester@aol.com>
Sent: Wednesday, December 2, 2020 5:29 PM
To: Guillermo Tavares; Ed Honea; Jon Post; Patti Comerford; Herb Kai; Roxanne Ziegler; John Officer; Jackie Craig; Terry Rozema
Cc: George Carter; Levi Brchan; Lee Camarata; Hossein Hameed; cork96@comcast.net; hectorjbustamante@gmail.com; Jim; Fred Richmond
Subject: RE: Protest / Hold for Public Hearing - SLUC File # SLU2010-001

PLEASE BE CAUTIOUS
THIS MESSAGE AND SENDER COME FROM OUTSIDE THE TOWN OF MARANA. IF YOU DID NOT EXPECT THIS MESSAGE, PROCEED WITH CAUTION. VERIFY THE SENDER'S IDENTITY BEFORE PERFORMING ANY ACTION, SUCH AS CLICKING ON A LINK OR OPENING AN ATTACHMENT.

As a homeowner, in the affected area, I too protest this and request notification of any future public hearings regarding this matter.

Chad Riester

-------- Original message --------
From: Guillermo Tavares <guillermo.tavares@gtg-sa.com>
Date: 12/2/20 4:37 PM (GMT-05:00)
To: ehonea@maranaaz.gov, jpost@maranaaz.gov, pcomerford@maranaaz.gov, hkai@maranaaz.gov, rziegler@maranaaz.gov, jofficer@maranaaz.gov, jcraig@maranaaz.gov, trozema@maranaaz.gov
Cc: George Carter <cartergeorge89@gmail.com>, Levi Brchan <levi@becklegacygroup.com>, Lee Camarata <papacamarata@gmail.com>, Hossein Hameed <hossein.hameed@gmail.com>, cork96@comcast.net, Chad Riester <criester@aol.com>, hectorjbustamante@gmail.com, Jim <jhparet@comcast.net>, Fred Richmond <drfredricrichmond@gmail.com>
Subject: Protest / Hold for Public Hearing - SLUC File # SLU2010-001

Mayor, Town Manager and Members of the City Council.

This opinion does not necessarily represent the voice of all of us who together and / or individually have expressed our opposition (protest) to the SLUC's request.
However, surely We all share the same feeling that scares us and worries us from the most vulnerable part of our lives and our interests.

My Wife - Jenitza Serrano MD - Medical Chief Officer - Marana Health Center.
Me - 8 Years collaborator with Bedrosians Tile & Stone - Founded 1948 - established in Marana.
We arrived to town in 2012.
We have been lived and contributed to well being of this town at all times.
For Us the motivation of living on the property where my family and I live today was a very planned one, more than 3 years ago.

- Months of research on the area and its plans were spent before deciding that this would be the chosen site.
- Many visits to the planning department of Marana are in records so that this decision was supported.
- The semi-rural life wrapped in the growth of the city and the plans to maintain that balance, seemed a perfect formula.

Our property located in 9051 N. Hartman Ln
Is part of the area being rezoned as part of Marana plans - Large C Lot (officially known as non conforming zoning)
same zoning and situation than the SLUC applicant property.

- Marana's development plan was evident from the moment in which an area zoned as "Large C lot" that in an ambiguous way allowed many options would have been "canceled" to give rise to a meticulous study by the Marana authorities in order to preserve semi-rural in balance with the new residential areas that surround it.
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Respectfully,
Guillermo Tavares
Jenitza Serrano
520.907.5051



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Respectfully,
Guillermo Tavares
Jenitza Serrano
520.907.5051

08 DEC 2020 AM08:21

File # SLU 2010-001

RECEIVED

DEC 08 2020

Town of Marana
Clerk's Office

November 30,2020
Gene & Jordan Taylor
5660 W. Jade Hollow Place
Tucson, AZ 85742

To City of Marana

This letter is to protest the proposed change of use for parcel 221-06-006B at 5880 W. Cortaro Farms Rd., Marana, AZ which would allow the property to be titled for use as a riding school, horse training and horse boarding - stabling facility as well as a 4-H Club.

A horse business like Head to Tail Riding School, LLC. is a significant common nuisance when located this close to residential areas. Our homes (in Sterling Meadows) are only 1/4 mile east of the property and the smell of manure and the flies it attracts has the potential to severely lower our property values. Since the arrival of the current owners we have noticed a cyclical increase in the number of large biting black flies associated with horse manure and the odor that goes along with it. We are concerned about waste management removal in their proposal, which states they will be doing "once a month pickup". Nowhere in the owners' proposal to the City is there a figure identifying the maximum number of horses their facility would limit to for stabling and boarding on a fulltime basis on the property. Given this lack of information there is no way to do long range planning and projections for removal of waste, need for planning feed deliveries, or what the impact special events with extra people, animals and equipment would have on a private residential neighborhood. The wash area around the Sterling Meadows Development is "private protected wildlands" and should remain as such.

Manure piles draw rats and are a health hazard in the best of situations. When you have 4-H clubbers for clinics or horse projects or UA Western Equestrian Team practicing you will have large groups on your property. This will likely bring more trucks and trailers as well as horses and people who think that our protected wildlife area is their playground. We do not want to clean up after you or have pay the county to provide medical services for their injuries.

The owner has already been giving lessons and training on the property since her arrival and may already be boarding horses on the property. There is an established pattern of people coming and going from her home with trucks and horse trailers that has been going on since summer.

The additional trucks & trailer traffic pulling out on Hartman Lane will be a hazard for residents using the road, too. We have another high-density residential development under construction just south of us on the west side of Hartman Lane which is impacting this change. The City of Marana has extremely strict lighting issues. Safety issues around a barn require appropriate measures to ensure both animals and humans needs are met without compromising our neighborhood given its proximity. We realize that once the property receives the new designation, it will remain in perpetuity. We want others in our community to understand this.

To sum it up, in our opinion it is inappropriate to change the zoning designation for a private home with horse property to – a business as a working horse ranch/riding school an area that is already designated for residential use.

Sincerely,

Gene Taylor
Gene Taylor
12/1/2020

Jordan Taylor
Jordan Taylor
11/30/2020

11/18/2020

Significant Land Use Change Protest (Case # SLU2010-001)

This letter is in reference to the significant land use change notice received in the mail at 5489 W Kara Nicole Ct Tucson AZ 85742. As a property owner within ½ mile of the property under land use change consideration, I highly protest the land use change without some additional planning and considerations.

There are several concerns that must be addressed before the land use change is approved. If these conditions cannot be remedied the land use change should **not** be approved.

Property access:

It is my understanding within the towns planning and zoning rules that any business must have motor vehicle access from a public street. The property in question does not have a public street going to it. Both streets as described below and in the notice are partially if not entirely private easements, not streets. Even if my understanding is not correct, I do know that this land use change will change the nature of the activity on the land in such a way that it will exceed the structural integrity of the current ingress/egress easements listed below.

1. The easement Camino Horizonte mentioned within the plan is not meant for commercial business use and is for residential use only. It has been accessed this way since I moved into my residence in 2009. Signs have been posted on this easement for years stating for residential use only. The road crosses several private property owners land not making it suitable for business traffic of any level.
2. Joplin road is posted that access can be revoked at any time as it is also an easement. Public record shows that when TEP builds a second transmission line Joplin Road access will be closed.

This concern can be addressed by the town of Marana assuming easements and building a proper paved road that will be maintained by the town. This would provide the property a public access via motor vehicle as this does not exist today.

Nuisance:

Nuisance defined in town code is annoying, unpleasant, or obnoxious and out of character with the neighboring area.

1. Camino Horizonte runs right behind several homes (including mine). Doing traffic monitoring with a camera there are 50-70 ingress/egress vehicles passing by every day. Sitting in my backyard it is a nuisance to my kids, family, and visitors to see so many vehicles passing by each day on an easement that is not meant for that level of traffic.
2. Smell is a concern being within ½ a mile. This is not simply someone wanting to keep horses on a personal basis, but board horses of an unspecified quantity and complete riding lessons.
3. Bugs are also a concern. Like smell the proposed land use change is for a commercial business with an unspecified amount of large livestock creating the potential for unwanted bugs like flies.
4. Lighting has already been installed by the property owner within the arenas. This lighting will create light pollution in an area that is otherwise not lighted with neighbors who appreciate the dark skies.

5. Dust is a concern given she plans to do riding lessons in arena's and will also have nonprofit organizations using the facilities.

This concern can be addressed by addressing not only the road situation, but also placing limits on size and scope of business, to include limiting operating hours, capacity of facilities, and number of large livestock that can be kept at any one time. While the property owner estimated the size of the operation and its operating hours, I do not know of a business that does not want to grow. In addition, the property owner only specifies the number of volunteers and employees. She does not include traffic from riding lesson participants or people visiting their horses that are boarded.

Health and Safety:

There are several health and safety issues that need to be addressed.

1. Many people have allergies including my family. My youngest daughter has significant allergies that require several medical visits a year. The dust on Camino Horizonte as well as the dust from the stable's/arena's create issues for the health and well being of those around the property.
2. Property values can be damaged if size and scope of business is not taken into consideration. Most homes within the vicinity are single family residential homes that would be harmed if the nuisances mentioned above are not remediated.
3. Enforcement of safety and law lacks today on the current easements and will continue to lack as there is not public access to the property. If a crime occurred or someone were to become hurt on the private owned portions of the easement it can put the town as well as the property owners in a precarious situation.

This concern can be addressed by coming up with solutions to mitigate the dust and other nuisances while also enforcing the laws of the current easements.

I hope the planning and zoning team understands that I as well as the neighbors I have spoken to do not want to stop someone from opening a business or succeeding with something they have a passion for. My daughters both go to horse camp every summer in Vail. My hope is that the planning and zoning team puts together a comprehensive report of what gaps exist today, works with all residences within the vicinity to come to a solution, and that ultimately the property owner can have a successful business. But at this time until all concerns can be remediated we cannot in good conscious support the significant land use change.

Sincerely,

Jeremy and Angela Thompson

5489 W Kara Nicole Ct

Tucson, AZ

85742

1-520-232-3824

RECEIVED
16 NOV 2020 PM05:04
NOV 16 2020
Town of Marana
Clerk's Office

Kenneth J. Yeaglin

9167 N. Jade Sky Place, Tucson, AZ 85742

520-572-0906
Kjy85743@aim.com

Nov. 12. 2020

Cherry L. Lawson, Town Clerk

Marana Municipal Complex

11555 W. Civic Center Drive, Marana, AZ 85653

Dear Ms. Lawson,

Regarding SLUC at 5880 W. Cortaro Farms Road, Marana, AZ,

Parcel # 221-06-006B

We applaud Sheryl Gonnsen for her entrepreneurship and expertise on equine management. We live approximately ¼ mile from said property in the Sterling Meadows subdivision, and directly east of the property. For fifteen years we lived in the Tucson Mountains west of Belmont and Silverbell, where there was an equine facility built with stables, corrals and boarding of horses. Luckily, the wind usually blew from the west, and we were spared the smell of manure most of the time. However, when the wind blew from the east, we would have to close all windows and stay inside. Insects were prominent from this facility, which was built a few years after we moved to the area.

We are lovers of horses and I used to ride often when I was young. But my wife and I are deeply concerned about the smell coming from the west in the summer heat, especially with manure removal set at once per month. There will be dust from

working the horses, which will carry towards our property. Insects, especially black flies, will be a common nuisance. Increased traffic on Camino Horizonte, an unpaved road adjacent to Sterling Meadows will end up serving as the main access to the horse facility, increasing dust levels to us and all our neighbors who are close to that road.

With the area between Cortaro on the south, Linda Vista and Twin Peaks Road on the north, railroad tracks on the west, and Hartman Lane on the east, developing at a rapid rate, this is not the best location for this facility. There are plans for more development east of the rail tracks north of Cortaro. There is a large housing development on the west side of Hartman being prepared now. The outlet mall area will continue to see more development as the economy improves. I'm sure in the next ten years you will not be able to recognize any vacant land east of the railroad tracks between Cortaro and Twin Peaks Road.

We oppose the approval of the Significant Land Use Change.

Warm regards,

Kenneth J Yeaglin

K. Diane Yeaglin

Kathy Diane Yeaglin

Brian Varney

From: Jason Angell
Sent: Monday, November 30, 2020 8:42 AM
To: Brian Varney
Subject: FW: Proposed Riding School/Horse Stabling business

FYI

Jason Angell
Development Services Director
Town of Marana
11555 West Civic Center Drive
Marana, AZ 85653
(520) 382-2647
jangell@maranaaz.gov

From: Cherry Lawson <clawson@MARANAAZ.GOV>
Sent: Monday, November 30, 2020 8:19 AM
To: Jason Angell <jangell@MARANAAZ.GOV>; Jane Fairall <jfairall@MARANAAZ.GOV>; Steven Cheslak <scheslak@MARANAAZ.GOV>
Cc: Hilary Hiser <hhiser@MARANAAZ.GOV>; Erik Montague <emontague@MARANAAZ.GOV>; Terry Rozema <trozema@MARANAAZ.GOV>; Terri Byler <tbyler@MARANAAZ.GOV>
Subject: FW: Proposed Riding School/Horse Stabling business

Good morning,

I am forwarding the below email to you that was received by the Town related to an SLUC at or in the area of the Hartman Vistas neighborhood for your review.

Cherry

From: Josh Donat <joshdonat@gmail.com>
Sent: Wednesday, November 25, 2020 2:47 PM
To: Cherry Lawson <clawson@MARANAAZ.GOV>
Cc: TownManager <TownManager@MARANAAZ.GOV>
Subject: Proposed Riding School/Horse Stabling business

PLEASE BE CAUTIOUS
THIS MESSAGE AND SENDER COME FROM OUTSIDE THE TOWN OF MARANA. IF YOU DID NOT EXPECT THIS MESSAGE, PROCEED WITH CAUTION. VERIFY THE SENDER'S IDENTITY BEFORE PERFORMING ANY ACTION, SUCH AS CLICKING ON A LINK OR OPENING AN ATTACHMENT.

To whom it may concern -

I have heard of some of my fellow Marana residents seeking to oppose the proposed Equine Riding/Boarding facility near the Hartman Vistas neighborhood. There are individuals who have zero experience around horses (or livestock in general) claiming the facility will be a nuisance and a public health hazard.

I have two brief comments I would like added to the public record on this matter, should the item come to review by town council or a zoning commission:

- As a resident of Marana and a neighbor of the Hartman Vistas community I wholeheartedly support the owner of this property opening such an Equine facility. Please disregard any opposition claiming to represent the community as a proxy for my voice.
- I frankly find it gross overreach such an issue would even merit an official communication from the town to residents of the proposed business. As I understand the issue, the use of the land fits within existing zoning standards and a proposed business opening is not an issue that would ordinarily warrant such a notice to community residents. Why this particular business would prompt an official communication belies potential personal bias in our local government that needs to be eradicated immediately.

Thank you for your time.

-josh

--
Josh Donat
joshdonat@gmail.com
630.544.9508

03 DEC 2020 PM01:58
RECEIVED
DEC 03 2020
Town of Marana
Clerk's Office

Kelle M Maslyn
5448 W Mosquito Dr
Tucson AZ 85742
520.488.9424 • kmaslyn@comcast.net

November 30, 2020

RE: File Number SLU2010-001

Ms. Lawson,

I am writing to support the Significant Land Use Change requested by Sheryl Gonnsen for the horseback riding school at 5880 W Cortaro Farms Rd.

This is a great use for the land and has much less impact on the environment than the KB Homes subdivision in that area that decimated the desert and wildlife habitat off Hartman near Cortaro Farms Road.

Ms. Gonnsen's horseback riding school will also create very little traffic impacts on Hartman, unlike the hundreds of cars that will be added to traffic on Hartman because of the KB Homes subdivision. While I know Marana doesn't maintain the parts of Hartman that are in Pima County, it would be the responsible thing to do for its residents who use it.

Finally, supporting small businesses, like Ms. Gonnsen's horseback riding school, should be at the core of Marana's strategic plan for community growth since it is a sustainable revenue source.

I hope that the Marana Planning & Zoning Commission as well as the Marana Town Council wholeheartedly approve this Significant Land Use Change for Sheryl Gonnsen and her horseback riding school.

With regards,

Kelle Maslyn
Marana Resident

1723 East Allen Road
Tucson, Arizona 85719

January 21, 2021

Marana Planning Commission
11555 West Civic Center Drive
Marana, Arizona 85653

IN SUPPORT OF SHERYL GONNSEN:

I am a 73-year-old retired teacher. I live mid-town Tucson, at least 30 minutes from Sheryl's barn. She is worth the drive. I've been taking lessons from Sheryl for nine years. I take a group lesson each week, and private lessons occasionally, when my horse and I need help with a specific issue. If I'm having a certain problem with my horse, Sheryl can watch me ride and immediately identify the source of the problem. Then we begin work on correcting it.

People often ask me why I am still taking lessons after nine years. "Don't you know how to ride yet?" they ask. Part of the fun of riding is you will never know it all. Horses are complicated living beings. They have reactive personalities, just as we do. Refining riding technique is a long process. But let me back up a bit.

At about the age of 7, I began dreaming of riding a horse. But that dream was far beyond our family's economic means, and as a frail child with severe asthma, riding a horse was out of the question for me. Yet I continued to fantasize about riding throughout my life.

At age 64 I took my first lesson with Sheryl. She is a talented teacher and horse trainer. She is all about safety, and has a specific plan for every lesson. A lesson with her is both mentally and physically challenging, because she teaches that in order to be a really good rider, one must understand the nature of horses and why they react to us and to their surroundings as they do. This understanding helps the rider have fewer surprises in the saddle.

Sheryl's barn is a pleasant place. It is well organized and well maintained, with rules based on safety. Stalls are cleaned daily. The atmosphere between Sheryl's clients is one of camaraderie and encouragement. We cheer accomplishments of our fellow riders. We look out for the welfare of all the horses, not just our own. We have learned this from Sheryl, because when we have a breakthrough moment in riding and do something really well, she is the one cheering the loudest for us. She loves teaching. She loves sharing her passion for horses, and seeing us have big lightbulb moments.

Because of Sheryl, I have achieved my childhood dream and much more. Riding helps me stay healthy. On the horse, I feel like I'm 17 again! It gives me deep satisfaction to achieve harmony with my horse during a ride. The trust between us is a great source of joy. I owe that joy to the dedication, patience, and skill of Sheryl Gonnsen.

Sincerely,

Kaye Craig
BA, English and Education; MEd, Reading

PIMA COUNTY
Sustainability, Conservation
& Historic Preservation

December 18, 2020

Cherry L. Lawson, Town Clerk
Marana Municipal Complex
11555 W. Civic Center Drive
Marana, AZ 85653
clawson@maranaaz.gov

Submitted via email

Re: File # SLU2010-001; Significant Land Use Change Request for 5880 W. Cortaro Farms Road

Dear Ms. Lawson,

Pima County and Pima County Regional Flood Control District (FCD) own and manage a 113-acre complex of Conservation Lands located directly adjacent to the southeast and southwest corners of the project site boundary (parcels 221-06-0230, 221-06-0240, 221-06-0260, 221-06-0270 and 221-06-728B). These lands are managed specifically for the purpose of preserving the open space, natural area character, and the natural, biological, and cultural resources found on these properties, as well as for maintenance of natural hydrologic and hydraulic stream flow processes in accordance with Pima County Code Title 16 - Floodplain Management.

These lands are located within the Special Species Management Area and Multi-Use Management Area designations of the County's Maeveen Marie Behan Conservation Lands System and they contribute to the Hardy Wash Riparian Wildlife Movement Area as identified by the Arizona Game and Fish Department (2013). Because of their high biological value, these lands will serve as federal mitigation for the County's Multi-Species Conservation Plan (MSCP) and associated Endangered Species Act Section 10 permit (#TE84356A). The individual parcels closest to the project site (221-06-0230 and 221-06-0260) are encumbered by a restrictive covenant which prohibits uses that are incompatible with the MSCP's strict conservation mandate.

During a recent inspection, FCD staff observed increased equestrian use on the Conservation Lands, including newly created equestrian trails throughout the property. Creation of new trails without Pima County or FCD approval is not allowed. These illegally built trails may adversely impact important cultural and biological resources and cause erosion.

Recommendation: While we do not protest the approval of this proposal, we ask that Marana include as a condition of approval an acknowledgement by the applicant that 1) they understand

they are prohibited from entering or using any portion of the Pima County- and FCD-owned Conservation Lands for commercial purposes, including horseback riding, horse training, or any other activity related to the proposed business operation without a permit; and 2) they shall make every effort to exclude horses and any other animals from entering the Conservation Lands inadvertently or otherwise, including constructing appropriate fencing should it become necessary.

We appreciate the opportunity to provide feedback on this matter.

Sincerely,

Suzanne Shields, P.E.
Director and Chief Engineer
Pima County Regional Flood Control District

Linda Mayro
Linda Mayro
Director
Pima County Office of Sustainability and Conservation

c: Brian D. Varney, Senior Planner
Town of Marana
bvarney@maranaaz.gov

Planning Commission - Regular Meeting

Meeting Date: 01/27/2021

To: Planning Commission

From: David Udall, Associate Town Attorney

Date: January 27, 2021

Strategic Plan Focus Area:
Not Applicable

Subject: **PCM2101-002: Amendment to the Marana Town Code, Title 17 (Land Development Code), Chapter 17-3 (Administration and Enforcement).** A request for a recommendation to the Town Council for approval of amendments to Marana Town Code Title 17 (Land Development), revising chapter 17-3 (Administration and Enforcement) to revise provisions related to the issuance of conditional use permits, including findings for approval; to rewrite provisions regarding the issuance of temporary use permits; and to revise provisions related to the classification and enforcement of violations of Title 17 (David Udall)

Discussion:

Town staff has been working for some time on migrating the Land Development Code into Title 17 of the Marana Town Code, as well as revising Title 17 as needed. As part of these efforts, staff has modified chapter 17-3 (administration and enforcement). In addition to minor corrections and stylistic changes throughout the chapter, the proposed amendment revises section 17-3-2 (conditional use permits), section 17-3-3 (temporary use permits) and section 17-3-6 (responsibility for enforcement) and adds a new section related to enforcement.

Town staff felt it would be prudent to bring the proposed amendments revising chapter 17-3 before the Planning Commission at this time, separate from the remaining title 17 revisions, for several reasons. First, the conditional use permit (CUP) revisions in section 17-3-2 account for recent case law, where the Ninth Circuit Court of Appeals found language similar to some of the Town's current CUP language regarding the findings for approval of a CUP to be unconstitutional. Second, the Town's current temporary use permit (TUP) provisions currently do not provide much guidance to Town staff or the community. The proposed TUP revisions rewrite section 17-3-3 to specify different types of temporary uses with appropriate zones for each use, outline application procedures, and provide detailed approval criteria and appellate procedures. Finally, the proposed amendment revising chapter 17-3 adds an enforcement classification designating violations of title 17 as civil, rather than criminal, violations and allows the planning director to delegate enforcement.

If approved, existing chapter 17-3 of the Marana Town Code will be deleted and replaced with the new version of the chapter. The existing chapter, the proposed new chapter with deletions signified by strikeouts and additions signified by double underlining, and a clean copy of the new chapter are included in the Commission packet.

Staff Recommendation:

Staff recommends that the Planning Commission forward the proposed amendments revising chapter 17-3 (Administration and Enforcement) of the Marana Town Code, to the Town Council with a recommendation for approval.

Suggested Motion:

I move to recommend to the Town Council approval of PCM2101-002, revising chapter 17-3 (Administration and Enforcement) of the Marana Town Code.

Attachments

Existing Chapter 17-3

Revised Chapter 17-3

Revised Chapter 17-3, Clean Copy

Chapter 17-3 Presentation

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c. Identifying cultural resources historic significance in the town, and developing, maintaining, and from time to time amending plans for the preservation of those resources;

d. Establishing and maintaining the Marana historic register;

e. Inventorying historic properties and recommending to the council designation for historic property districts;

f. Establishing guidelines for evaluation of historic and archaeological resources;

g. Coordinating resources and providing technical assistance;

h. Developing criteria and review procedures;

3. General.

a. Providing public information and education on preservation;

b. Conferring with other city, county, regional, state and national historic preservation boards and commissions;

c. Developing partnerships with groups such as the Arizona historical society and the state historic preservation office;

d. Reporting its progress to the council.

CHAPTER 17-3. ADMINISTRATION AND ENFORCEMENT

Chapter 17-3 was inserted into the town code by Ordinance 2015.021

Sections:

17-3-1 Amendment procedure 17-20
17-3-2 Conditional use permits 17-21
17-3-3 Temporary use permit 17-25
17-3-4 Compliance with code 17-26
17-3-5 Responsibility for violation 17-26
17-3-6 Responsibility for enforcement 17-26

17-3-1 Amendment procedure

A. This development code, including the zoning map, may be amended. Any person seeking an amendment to this development code shall first submit to the planning director an application designating the change desired and the reasons therefor, and shall pay a filing fee as established by the council. The filing fee shall not be returned to the petitioner requesting the amendment. Any member of the planning commission or the council, acting in an official capacity, or the planning director, the town building official, the town attorney, or the town engineer may also initiate an amendment to this development code without the payment of said filing fee.

B. Application requirements shall be established by the planning director. However, at a minimum, applications for an amendment to the zoning map, or change in zoning classification, shall include the following:

1. A preliminary site plan of the property showing the use(s) proposed for the site, showing setbacks, heights, floor area ratio's, parking areas, landscaping, and other information to assist the planning commission and the council to evaluate the request. This plan shall become part of the record of the case, and final plan review shall substantially comply with the preliminary site plan.
2. Appropriate public service and utility information, including how the project will be served by water, sewer, gas, electricity, telephone, and other utilities.
3. Public service information, including how the project will impact local services such as schools, police, parks, fire service, sanitary pick-up, and other similar services. Included shall be how the developer will provide public paved roads, provisions of parks and playgrounds for residential development, and other services required by the project.
4. Site information, such as site topography, preliminary hydrology and drainage information, and preliminary grading considerations.
5. In addition, the planning director, or the planning commission, may request other information that will be helpful to the planning commission and the council in their evaluation of the request.

17-3-2 Conditional use permits

A. Purpose. The town recognizes certain uses which may be appropriate in a specific zoning district, but which may have characteristics that, depending upon the location, design, and standards of operation, may have a greater impact than permitted uses on adjoining properties, businesses, or residences. Such uses require more comprehensive review, including the ability of the town to establish specific conditions for the project to mitigate any potential impacts. The planning commission can evaluate only conditional uses listed, and is empowered to grant, grant with conditions, or deny any application for a use permit. The planning commission's review is subject to findings and the application meeting requirements of this section. The burden of proof shall be the responsibility of the applicant.

B. Application. Applications shall be filed with the planning director on an application form with the required documentation specified on guidelines provided by the planning director with appropriate fees. The application, at a minimum, shall include the following:

1. Name and address of the applicant. If the applicant is not the owner of the property, the name and address of the owner shall be supplied along with authorization that the applicant is the agent of the owner and may apply for the use permit. Proof of ownership must be submitted with the application.

2. A statement describing the proposed use, and any pertinent data required to evaluate the use, including but not limited to: hours of operation, numbers of employees and shifts, processes and materials involved in the use, and types and volume of traffic generated by the use.
3. A list of all owners of property within 300 feet of the exterior boundaries of the property subject to the application. The list shall be accompanied by a map showing the location of these properties.
4. A site plan including dimensions showing the type and location of buildings, structures, floor plans, parking, landscaping, circulation and other relevant site information.

C. Public hearing. The planning commission shall hold a public hearing on the application. Prior to the public hearing, notice shall be given in the manner provided in A.R.S. § 9-462.04 (A).

D. Findings. A conditional use permit may be granted only after a determination by the planning commission that the proposed use:

1. is appropriate to the specific location;
2. is not detrimental to the health, safety, and general welfare of the town;
3. will not adversely affect the orderly development of property within the town;
4. will not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the town;
5. is consistent with the objectives, policies, general land uses and programs specified in the general plan and applicable specific plan, if any;
6. will not create a nuisance or enforcement problem within the neighborhood;
7. will not encourage marginal development within the neighborhood;
8. will not create a demand for public services within the town beyond that of the ability of the town to meet in the light of taxation and spending restraints imposed by law;
9. is consistent with the town's approved funding priorities; and,
10. that the proposed site is adequate in size and shape to accommodate the intended use and that all requirements for the zone district, included but not limited to, the setbacks, walls, landscaping and bufferyards will be met.

E. Action by the planning commission. The planning commission may grant, grant with conditions, or deny the application. The planning commission may place any conditions which are deemed necessary

to mitigate potential impacts and insure compatibility of the use with surrounding development and the town as a whole. These conditions may include, but are not limited to:

1. requirements for setbacks, open spaces, buffers, fences or walls to mitigate conflicts from visual, noise, lighting and similar impacts associated with the use;
2. dedication and/or paving of street or other public rights-of-ways, and control in location of access points and on-site circulation to mitigate traffic impacts from increased volumes or nature of traffic activity associated with the use;
3. regulations pertaining to hours of operation, methods of operation, and phasing of the development of the site to mitigate impacts to surrounding properties and the neighborhood;
4. time limits on the duration of the permit to determine if the use, after a temporary period of operation, is materially detrimental or to evaluate whether changed conditions in the neighborhood effect the capability of the use to continue to adequately mitigate impacts to the surrounding area or the town as a whole.

F. Effective date of the conditional use permit. The decision of the planning commission shall be final and effective 15 days from the date of decision unless an appeal is filed as provided below.

G. Appeal procedure.

1. The action of the planning commission may be appealed to the council by the applicant, any member of the council, the town manager or any property owner within 300 feet of the property subject to the request. Such requests for appeal must be filed on an application form provided by the planning director, with the appropriate fee, within the 15 days following the date of the planning commission action.
2. Consideration of the appeal shall be made at a public hearing only after notice of the hearing has been placed in the newspaper of general circulation in the area designated by the council for legal public notice, at least 15 days prior to the hearing.
3. The council shall act to affirm, or reverse, in whole or in part, or modify the planning commission's decision including adding to or deleting the conditions attached to the approval by the planning commission. Any action to grant a conditional use permit, either by affirmation, modification, or reversal of the planning commission's decision, must include the required findings for use permits as provided in this section.

H. Modification of conditional use permits. A request to modify, expand, or otherwise change an approved conditional use permit, not in substantial conformance with the approved permit, shall be processed according to the provisions of this section as a new application.

I. Exercise and use. A permit automatically expires if the use is not established within six months of its grant or within the time otherwise specified in the permit, whichever is greater. For a use requiring a building permit, the use is established when a building permit is issued or a development plan is approved for the use. If the use does not require a building permit, the use is established when the planning director finds clear and visible evidence of the use's establishment.

J. Extension of initial period for use. Upon a showing of good cause, the planning director may, after notice to the planning commission, extend the period for initially exercising the permit for a maximum of one additional year.

K. Expiration upon discontinuance. If a use established under a conditional use permit is discontinued for any reason for a period of six months, the permit becomes void and the use may not be resumed. Upon applications during the six month period by the owner and upon showing of good cause, the planning director may grant another extension not to exceed a total of six additional months.

L. Revocation. Failure to comply with the conditions, stipulations or terms of the approval of a conditional use permit is a violation of this code and will be enforced as such. Repeated offenses shall be cause for revocation of the permit.

M. Grounds for revocation. The planning commission may revoke a permit on any of the following grounds:

1. Violation of a zoning regulation of the town.
2. Violation of a term, limitation or condition of the conditional use permit.
3. Causing or allowing a nuisance in connection with the premises.
4. Conviction of a violation of federal or state law or town ordinance in connection with the operation of the permitted use.

N. Termination upon change of use. A conditional permit for an established use terminates upon the establishment of a new use.

O. Status of the conditional use permit. A use permit granted pursuant to the provisions if this section shall run with the land and continue to be valid regardless of ownership of the property or structure so long as it operates within the conditions, stipulations, and terms of the permit.

P. Conditional uses upon annexation

1. Purpose. The uses and densities permitted under county zoning and in county zoning districts do not directly correlate to the uses and densities permitted in the most closely comparable town of Marana zoning classifications. Upon annexation, this paragraph P is intended to authorize the council to conditionally permit uses and densities permitted by the county immediately

before annexation upon translation of county zoning to the most closely comparable town of Marana zoning classification.

2. Applicability. The special procedures and authority set forth in this paragraph P apply only to the translation of county zoning to town of Marana zoning upon annexation of property.

3. Procedure. Except as specifically set forth below, paragraphs A through G, I through K, and O of this section 17-3-2 shall not apply to conditional uses authorized upon annexation pursuant to this paragraph P. Conditional uses granted upon annexation shall be included in the ordinance adopted by council translating county zoning upon annexation.

4. Findings. In determining whether to grant conditional uses upon annexation pursuant to this paragraph P, the council shall consider the factors set forth in paragraph D of this section.

5. Conditions. Conditional uses permitted by the council upon annexation may include conditions the council deems necessary to mitigate potential impacts and insure compatibility of the use with surrounding development and the town as a whole, including without limitation those conditions set forth in paragraph E of this section.

6. Effect. Paragraphs H (modification of conditional use permits), L (revocation), M (grounds for revocation), and N (status of conditional use permit) shall apply to conditional uses permitted by the council upon annexation pursuant to this paragraph P.

17-3-3 Temporary use permit

A. Temporary uses or structures not otherwise permitted by code provisions may be permitted provided:

1. That the need for the temporary use or structure has arisen from circumstances constituting a substantial hardship, including but not limited to a natural disaster, fire or governmental action, or construction or development of a permanent structure.

2. That the setback structure will not violate any applicable yard setbacks.

3. That any temporary use permitted must be capable of being removed within 15 days' notice if the temporary permit is revoked.

4. That the temporary use shall not be granted for more than nine months except that up to an additional one-year period may be granted for good cause shown.

5. That a mutual consent agreement between the town and the applicant be signed and guaranteed by cash or a bond acceptable to the town attorney in an amount set by the council to guarantee termination of the temporary use and performance of the provisions of the mutual consent agreement.

B. The council may approve an application with such conditions, modifications and restrictions as the council finds necessary to make the temporary use more compatible with the surrounding neighbors and to carry out the plans and policies of the town.

17-3-4 Compliance with code

Permits shall not be granted for the construction or substantial modification of any building or structure or for the moving of a building or structure onto a lot or for the change in use of any land, building, or structure if such construction, moving, modification, or change in use would be a violation of any of the provisions of this code, nor shall any sewer or water service line or electric or gas utilities be installed to service the premises if such use would be a violation of this code. Any license or permit issued by any official or employee of the town which would not be in conformance with the provisions of this code shall be null and void. Any use, arrangement, or construction that is not in conformance with plans, specifications, or other documents approved under the terms of this code shall be deemed a violation of this code.

17-3-5 Responsibility for violation

It shall be the responsibility of the owner of the land and any and all builders, contractors, sub-contractors, real estate agents, and any other person having appropriate decision-making authority in the establishment of any use of land or the erection, modification, or relocation of any building or structure or other use of the land to make sure that a proper permit has been obtained before work is begun. Any person doing any work on a project for which a proper permit has not been obtained shall be deemed in violation of this ordinance.

17-3-6 Responsibility for enforcement

A. The planning director shall be responsible for the enforcement of zoning ordinances codified in this land development code, with the assistance of the town attorney.

B. The town engineer shall be responsible for the enforcement of subdivision and floodplain regulations codified in this land development code, with the assistance of the town attorney.

CHAPTER 17-4. ZONING

Chapter 17-4 was inserted into the town code by Ordinance 2018.010.

Sections:

17-4-1 New zone districts established 17-27
17-4-2 – 17-4-18 (Reserved) 17-27
17-4-19 Mixed-use zoning districts 17-27
17-4-20 Mixed-use streets 17-40
17-4-21 Blended-use (BU) 17-51
17-4-22 Downtown Marana overlay (DO) 17-53
17-4-23 Downtown neighborhood (DN) 17-54
17-4-24 Downtown (DT) 17-55

CHAPTER 17-3. ADMINISTRATION AND ENFORCEMENT

Chapter 17-3 was inserted into the town code by Ordinance 2015.021

Sections:

67-3-1 Amendment procedure…..……..6
17-3-2 Conditional use permits…..……...7
17-3-3 Temporary use permit…..……11
17-3-4 Compliance with code…..……...16
17-3-5 Classification; enforcement; continuing violations…….....16
~~17-3-5~~17-3-6 Responsibility for violation…..…….. 16
~~17-3-6~~17-3-7 Responsibility for enforcement……...16

17-3-1 Amendment procedure

A. This development code, including the zoning map, may be amended. Any person seeking an amendment to this development code shall first submit to the planning director an application designating the change desired and the reasons ~~therefor~~for the change, and shall pay a filing fee as established by the council. The filing fee shall not be returned to the petitioner requesting the amendment. Any member of the planning commission or the council, acting in an official capacity, or the planning director, the town building official, the town attorney, or the town engineer may also initiate an amendment to this development code without the payment of said filing fee.

B. Application requirements shall be established by the planning director. However, at a minimum, applications for an amendment to the zoning map, or change in zoning classification, shall include the following:

1. A preliminary site plan of the property showing the use(s) proposed for the site, showing setbacks, heights, floor area ratio~~'~~s, parking areas, landscaping, and other information to assist the planning commission and the council to evaluate the request. This plan shall become part of the record of the case, and final plan review shall substantially comply with the preliminary site plan.

2. Appropriate public service and utility information, including how the project will be served by water, sewer, gas, electricity, telephone, and other utilities.

3. Public service information, including how the project will impact local services such as schools, police, parks, fire service, sanitary pick-up, and other similar services. Included shall be how the developer will provide public paved roads, provisions of parks and playgrounds for residential development, and other services required by the project.

4. Site information, such as site topography, preliminary hydrology and drainage information, and preliminary grading considerations.

5. In addition, the planning director, or the planning commission,

may request other information that will be helpful to the planning commission and the council in their evaluation of the request.

17-3-2 Conditional use permits

A. Purpose. The town recognizes certain uses which may be appropriate in a specific zoning district, but which may have characteristics that, depending upon the location, design, and standards of operation, may have a greater impact than permitted uses on ~~adjoining~~nearby properties, businesses, or residences. Such uses require more comprehensive review, including the ability of the town to establish specific conditions for the project to mitigate any potential impacts. The planning commission can evaluate only conditional uses listed, and is empowered to grant, grant with conditions, or deny any application for a use permit. The planning commission's review is subject to findings and the application meeting requirements of this section. The burden of proof shall be the responsibility of the applicant.

B. Application. Applications shall be filed with the planning director on an application form with the required documentation specified on guidelines provided by the planning director with appropriate fees. The application, at a minimum, shall include the following:

1. Name and address of the applicant. If the applicant is not the owner of the property, the name and address of the owner shall be supplied along with authorization that the applicant is the agent of the owner and may apply for the use permit. Proof of ownership must be submitted with the application.

2. A statement describing the proposed use, and any pertinent data required to evaluate the use, including but not limited to: hours of operation, numbers of employees and shifts, processes and materials involved in the use, and types and volume of traffic generated by the use.

~~3. A list of all owners of property within 300 feet of the exterior boundaries of the property subject to the application. The list shall be accompanied by a map showing the location of these properties.~~

~~4.~~3. A site plan including dimensions showing the type and location of buildings, structures, floor plans, parking, landscaping, circulation and other relevant site information.

4. Any additional information required by the planning director.

C. Public hearing. The planning commission shall hold a public hearing on the application. Prior to the public hearing, notice shall be sent to all owners of property located within 300 feet of the property subject to the request and shall be given in the manner provided in A.R.S. § 9-462.04 (A).

D. Findings. A conditional use permit may be granted only after a

determination by the planning commission that the proposed use:

~~1. is appropriate to the specific location;~~

~~2. is not detrimental to the health, safety, and general welfare of the town;~~

~~3.~~1. ~~will~~Will not adversely affect the orderly development ~~of~~and improvement of surrounding property for uses permitted within the ~~town~~zoning district;

2. ~~will not adversely affect the preservation of~~Will not be injurious to the use and enjoyment of the property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair the property values ~~and~~within the ~~protection of~~neighborhood;

~~4.~~3. Will not adversely affect the tax base and other substantial revenue sources within the town;

~~5.~~ 4. ~~is consistent with~~ Conforms to the ~~objectives, policies, general land uses and programs specified in the general plan and applicable specific plan, if any;~~

~~6. will not create a nuisance or enforcement problem~~character of the neighborhood, within the ~~neighborhood;~~

~~7. will not encourage marginal development within~~same zoning district, in which it is located, giving consideration to the ~~neighborhood;~~

~~8. will not create a demand for public services within the town beyond that of the ability~~location, type, and height of the ~~town to meet in~~buildings or structures and the ~~light of taxation~~type and ~~spending restraints imposed by law;~~

~~9. is consistent with the town's approved funding priorities;~~extent of landscaping and~~,~~ screening on the site;

~~10. that the~~

5. Is on a proposed site ~~is~~ adequate in size and shape to accommodate the intended use, and ~~that~~ all requirements for the zone district~~, included~~will be met, including but not limited to, the setbacks, walls, landscaping, and bufferyards ~~will be met~~;

6. Will have ingress and egress designed to minimize traffic hazards and to minimize traffic congestion on the public roads;

7. Is consistent with the general plan and other adopted town plans;

8. Shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas;

9. Will have adequate utilities, access roads, drainage, fire protection, and other necessary facilities; and

10. Benefits the public interest and welfare to an extent sufficient to outweigh the individual interests adversely affected by the

establishment of the proposed use.

E. Action by the planning commission. The planning commission may grant, grant with conditions, or deny the application. If the application is denied, the planning commission shall make factual findings on the public record with the reasons for the denial. The planning commission may place any conditions which are deemed necessary to mitigate potential impacts and insure compatibility of the use with surrounding development and the town as a whole. These conditions may include, but are not limited to:

1. ~~r~~Requirements for setbacks, open spaces, buffers, fences or walls to mitigate conflicts from visual, noise, lighting and similar impacts associated with the use;

2. ~~d~~Dedication and/or paving of street or other public rights-of-ways, and control in location of access points and on-site circulation to mitigate traffic impacts from increased volumes or nature of traffic activity associated with the use;

3. ~~r~~Regulations pertaining to hours of operation, methods of operation, and phasing of the development of the site to mitigate impacts to surrounding properties and the neighborhood;

4. tTime limits on the duration of the permit to determine if the use, after a temporary period of operation, is materially detrimental or to evaluate whether changed conditions in the neighborhood effect the capability of the use to continue to adequately mitigate impacts to the surrounding area or the town as a whole.

F. Effective date of the conditional use permit. The decision of the planning commission shall be final and effective 15 days from the date of decision unless an appeal is filed as provided below.

G. Appeal procedure.

1. The action of the planning commission may be appealed to the council by the applicant, any member of the council, the town manager or any property owner within 300 feet of the property subject to the request. Such requests for appeal must be filed on an application form provided by the planning director, with the appropriate fee, within the 15 days following the date of the planning commission action.

2. Consideration of the appeal shall be made at a public hearing. ~~only after~~

3. ~~n~~Notice of the hearing shall be~~has been~~ placed in the newspaper of general circulation in the area designated by the council for legal public notice~~,~~ at least 15 days prior to the hearing.

~~3.~~ 4. The council shall act to affirm, or reverse, in whole or in part, or modify the planning commission's decision including adding to or deleting the conditions attached to the approval by the planning commission. Any action to grant a conditional use permit, either by affirmation, modification, or reversal of the

planning commission's decision, must include the required findings for use permits as provided in this section.

H. Modification of conditional use permits. A request to modify, expand, or otherwise change an approved conditional use permit, not in substantial conformance with the approved permit, shall be processed according to the provisions of this section as a new application.

I. Exercise and use. A permit automatically expires if the use is not established within six months of its grant or within the time otherwise specified in the permit, whichever is greater. For a use requiring a building permit, the use is established when a building permit is issued or a development plan is approved for the use. If the use does not require a building permit, the use is established when the planning director finds clear and visible evidence of the use's establishment.

J. Extension of initial period for use. Upon a showing of good cause, the planning director may~~, after notice to the planning commission,~~ extend the period for initially exercising the permit for a maximum of one additional year.

K. Expiration upon discontinuance. If a use established under a conditional use permit is discontinued for any reason for a period of six months, the permit becomes void and the use may not be resumed. Upon applications during the six month period by the owner and upon showing of good cause, the planning director may grant another extension not to exceed a total of six additional months.

L. Revocation. Failure to comply with the conditions, stipulations or terms of the approval of a conditional use permit is a violation of this code~~ and will be enforced as such~~. Repeated offenses shall be cause for revocation of the permit.

M. Grounds for revocation. The planning commission may revoke a permit on any of the following grounds:

1. Violation of a zoning regulation of the town.
2. Violation of a term, limitation, or condition of the conditional use permit.
3. Causing or allowing a nuisance in connection with the premises.
4. Conviction of a violation of federal or state law or town ordinance in connection with the operation of the permitted use.

N. Termination upon change of use. A conditional permit for an established use terminates upon the establishment of a new use.

O. Status of the conditional use permit. A use permit granted pursuant to the provisions ~~if~~of this section shall run with the land and continue to be valid regardless of ownership of the property or structure so long as it operates within the conditions, stipulations, and terms of the permit.

P. Conditional uses upon annexation

1. Purpose. The uses and densities permitted under county zoning and in county zoning districts do not directly correlate to the uses and densities permitted in the most closely comparable town of Marana zoning classifications. Upon annexation, this paragraph P is intended to authorize the council to conditionally permit uses and densities permitted by the county immediately before annexation upon translation of county zoning to the most closely comparable town of Marana zoning classification.

2. Applicability. The special procedures and authority set forth in this paragraph P apply only to the translation of county zoning to town of Marana zoning upon annexation of property.

3. Procedure. Except as specifically set forth below, paragraphs ~~A through G, I through K, and O~~ A (purpose) through G (appeal procedure) and I (exercise and use) through K (expiration upon discontinuance) of this section 17-3-2 shall not apply to conditional uses authorized upon annexation pursuant to this paragraph P. Conditional uses granted upon annexation shall be included in the ordinance adopted by council translating county zoning upon annexation.

4. Findings. In determining whether to grant conditional uses upon annexation pursuant to this paragraph P, the council shall consider the factors set forth in paragraph D (findings) of this section.

5. Conditions. Conditional uses permitted by the council upon annexation may include conditions the council deems necessary to mitigate potential impacts and insure compatibility of the use with surrounding development and the town as a whole, including without limitation those conditions set forth in paragraph E of this section.

6. Effect. Paragraphs ~~H (modification of conditional use permits), L (revocation), M (grounds for revocation),~~ H (modification of conditional use permits), L (revocation), M (grounds for revocation), and ~~N (status of conditional use permit)~~ O (status of the conditional use permit) shall apply to conditional uses permitted by the council upon annexation pursuant to this paragraph P.

17-3-3 Temporary use permit

~~A. Temporary uses or structures not otherwise permitted by code provisions may be permitted provided:~~

~~1. That the need for the temporary use or structure has arisen from circumstances constituting a substantial hardship, including but not limited to a natural disaster, fire or governmental action, or construction or development of a permanent structure.~~

~~2. That the setback structure will not violate any applicable yard~~

~~setbacks.~~

~~3. That any temporary use permitted must be capable of being removed within 15 days' notice if the temporary permit is revoked.~~

~~4. That the temporary use shall not be granted for more than nine months except that up to an additional one-year period may be granted for good cause shown.~~

~~5. That a mutual consent agreement between the town and the applicant be signed and guaranteed by cash or a bond acceptable to the town attorney in an amount set by the council to guarantee termination of the temporary use and performance of the provisions of the mutual consent agreement.~~

~~B. The council may approve an application with such conditions, modifications and restrictions as the council finds necessary to make the temporary use more compatible with the surrounding neighbors and to carry out the plans and policies of the town.~~

A. Purpose. The temporary use permit is for the following uses and is allowed only in the zoning districts indicated:

1. A real estate sales office in any zoning district, except where it is a permitted use as set forth in section 17-4-19 table 1.
2. A single-family dwelling in a temporary structure in any zoning district.
3. A donation bin located in a neighborhood commercial, village commercial, light industrial, or heavy industry zoning district.
4. Temporary retail located in an agricultural, multi-family residential, resort and recreation, neighborhood commercial, village commercial, light industrial, or heavy industry zoning district.

B. Application procedures.

1. A temporary use permit application shall include a description of the use and a site plan.
2. The planning director shall determine whether the application is complete.
3. If the application is incomplete, the application shall be returned to the applicant with an explanation of the reasons it is incomplete.
4. If the application is complete, the planning director shall approve, approve with conditions, or deny the temporary use permit.

C. Approval criteria.

1. Findings. The planning director shall not approve or modify an application for a temporary use permit unless the use meets the findings set forth in paragraph 17-3-2 D above.
2. Owner permission. The applicant must provide written

authorization from the owner of the land where the use is to be located.

a. When the use is to be located on public right-of-way, the applicant must provide written authorization from the town.

b. When the use is in a commercial center, the applicant must provide written authorization of one of the following:

i. The anchor tenant of the commercial center.

ii. The association of commercial owners.

iii. The management company responsible for managing the commercial center.

3. Traffic and adverse effects. The use shall be located and operated to minimize adverse effects on surrounding properties, particularly traffic generated by the use and traffic circulation in the area.

4. Parking and access.

a. Adequate off-street parking, in accordance with this code, shall be provided to serve the use.

b. The use shall not displace the required off-street parking spaces or loading areas of the principal permitted uses on the site.

c. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.

5. Property line setbacks. Structures and merchandise displays shall comply with the yard and property line setback requirements of the zoning district where the use is located.

6. Sight visibility triangle. Structures and merchandise displays shall not interfere with the sight visibility triangle of the intersection.

7. General site maintenance.

a. During the temporary use, the site shall be maintained in a clean and orderly condition, free of refuse and other debris.

b. After the temporary use, the site shall be cleaned and restored to a condition acceptable to the property owner.

D. Additional approval criteria for specific uses. The planning director shall not approve or modify an application for a temporary use permit for the following unless the use meets the following additional criteria:

1. Temporary retail.

a. Automobile, boat, or RV sales.

i. Shall not exceed 14 days.

ii. Shall be located on a paved, gravel, or other dust-stabilized surface.

b. Seasonal sale of products.

i. Shall not exceed four consecutive months per calendar year.

ii. The building or display booth must be portable and completely removed at the end of the permit period.

c. Temporary outdoor merchant(s). Does not include "mobile food vendors" as defined in section 9-13-2(C). Mobile food vendors are regulated by chapter 9-13.

i. Limited to the sale of food, beverages, or merchandise from a stand, motor vehicle, or person.

ii. Shall not exceed four consecutive months.

3. Real estate development and construction-related temporary uses.

a. General criteria.

i. Zoning clearance and building permit authorization for construction shall be obtained prior to issuance of the temporary use permit, unless otherwise specified below.

ii. The temporary building, travel trailer, or manufactured home shall be located on the lot or parcel on which construction is occurring and shall be occupied and used only by the property owner or authorized representative.

iii. Shall be removed from the property within 14 days after completion of the construction work, or within 14 days after the expiration of the authorized building permit for the construction work, whichever comes first.

iv. If an accessory building has been used for temporary residential use during construction, the building shall be returned to its accessory use state and any kitchen facilities placed in the building shall be removed within ten days after the expiration of the authorized building permit for the construction work, whichever comes first.

b. Real estate sales office. One temporary structure such as a trailer or manufactured home may be used as a real estate sales office in any new construction project for the sale of units within that project only, subject to the following:

i. The permit shall be valid until all units for the project are sold.

ii. An all-weather emergency access road approved by the fire department and the town engineer shall be provided to the site.

iii. An off-street parking area shall be provided.

c. Single family dwelling in temporary structure. During the active construction period (after a building or grading

permit has been issued) of a construction project involving a non-residential use or a residential development, one manufactured home, trailer, or recreational vehicle may be allowed on the same property to be used as a temporary residence or for a night watchman for a period not to exceed 12 months or the active construction period, whichever is less. The temporary home shall be removed from the site within 14 days of the approved final building permit inspection or the final certificate of occupancy.

3. Donation bins.

a. Permitted only as an accessory use, on the same lot or in the same commercial center as an existing permitted use.

b. The permit shall be valid for a period of one year.

c. Must be constructed of painted metal, rubber, wood, or plastic.

d. Shall be maintained in a safe condition and free of graffiti.

e. The area immediately surrounding the donation bin must be maintained so as to be free of trash or debris. Items may not be placed or left outside of the donation bin.

f. Each donation bin shall be no more than six cubic yards in capacity and must have a locking lid or a latch.

g. No more than two donation bins shall be permitted on any one property, except that only two donation bins shall be permitted in a commercial center, even if it consists of multiple properties.

h. One 12-cubic-yard donation bin may be used in lieu of two six-cubic-yard donation bins.

i. The planning director may approve more than two donation bin on properties that are greater than ten acres in size if the additional donation bins are located on a different street frontage and spaced a minimum of 500 feet from any other donation bin.

j. Each donation bin shall be clearly marked as follows:

i. To identify the specific items and materials requested to be left for donations;

ii. To identify the name, telephone number and email address of the owner or operator of the donation bin that may be used for contact at any time;

iii. The temporary use permit number associated with the donation bin shall be clearly located on the donation bin.

iv. A notice shall also be on the donation bin that items shall not be left outside of the donation bin and that no hazardous materials may be placed inside the donation

bin.

v. To identify the name of the non-profit entity that shares the donated item profits.

k. The property owner or authorized agent may rescind authorization for the donation bin at any time and the permit shall be revoked.

E. Appeal. Upon receiving notification of the approval or denial of a temporary use permit, the applicant or any party aggrieved by the decision may file an appeal to the board of adjustment.

17-3-4 Compliance with code

Permits shall not be granted for the construction or substantial modification of any building or structure or for the moving of a building or structure onto a lot or for the change in use of any land, building, or structure if such construction, moving, modification, or change in use would be a violation of any of the provisions of this code, nor shall any sewer or water service line or electric or gas utilities be installed to service the premises if such use would be a violation of this code. Any license or permit issued by any official or employee of the town which would not be in conformance with the provisions of this code shall be null and void. Any use, arrangement, or construction that is not in conformance with plans, specifications, or other documents approved under the terms of this code shall be deemed a violation of this code.

17-3-5 Classification; enforcement; continuing violations

A. Except as otherwise provided in this title, any violation of this title is a civil infraction, and may be enforced in any manner provided by town ordinances and state laws.

B. Each day any violation continues shall constitute a separate offense.

~~17-3-5~~17-3-6 Responsibility for violation

It shall be the responsibility of the owner of the land and any and all builders, contractors, sub-contractors, real estate agents, and any other person having appropriate decision-making authority in the establishment of any use of land or the erection, modification, or relocation of any building or structure or other use of the land to make sure that a proper permit has been obtained before work is begun. Any person doing any work on a project for which a proper permit has not been obtained shall be deemed in violation of this ~~ordinance~~title.

~~17-3-6~~17-3-7 Responsibility for enforcement

A. The planning director or designee shall be responsible for the enforcement of zoning ordinances codified in this land development code, with the assistance of the town attorney or designee.

B. The town engineer or designee shall be responsible for the enforcement of subdivision and floodplain regulations codified in this land development code, with the assistance of the town

attorney or designee.

C. The planning director, town engineer, town attorney and respective designees may designate and authorize code compliance officers to assist in enforcement of this title, consistent with the provisions of chapter 1-9.

CHAPTER 17-3. ADMINISTRATION AND ENFORCEMENT

Chapter 17-3 was inserted into the town code by Ordinance 2015.021

Sections:

67-3-1 Amendment procedure…..……..6
17-3-2 Conditional use permits…..……..7
17-3-3 Temporary use permit…..……11
17-3-4 Compliance with code…..……...15
17-3-5 Classification; enforcement; continuing violations…..…..15
17-3-6 Responsibility for violation…..…….. 15
17-3-7 Responsibility for enforcement…..……..15

17-3-1 Amendment procedure

A. This development code, including the zoning map, may be amended. Any person seeking an amendment to this development code shall first submit to the planning director an application designating the change desired and the reasons for the change, and shall pay a filing fee as established by the council. The filing fee shall not be returned to the petitioner requesting the amendment. Any member of the planning commission or the council, acting in an official capacity, or the planning director, the town building official, the town attorney, or the town engineer may also initiate an amendment to this development code without the payment of said filing fee.

B. Application requirements shall be established by the planning director. However, at a minimum, applications for an amendment to the zoning map, or change in zoning classification, shall include the following:

1. A preliminary site plan of the property showing the use(s) proposed for the site, showing setbacks, heights, floor area ratios, parking areas, landscaping, and other information to assist the planning commission and the council to evaluate the request. This plan shall become part of the record of the case, and final plan review shall substantially comply with the preliminary site plan.

2. Appropriate public service and utility information, including how the project will be served by water, sewer, gas, electricity, telephone, and other utilities.

3. Public service information, including how the project will impact local services such as schools, police, parks, fire service, sanitary pick-up, and other similar services. Included shall be how the developer will provide public paved roads, provisions of parks and playgrounds for residential development, and other services required by the project.

4. Site information, such as site topography, preliminary hydrology and drainage information, and preliminary grading considerations.

5. In addition, the planning director, or the planning commission,

may request other information that will be helpful to the planning commission and the council in their evaluation of the request.

17-3-2 Conditional use permits

A. Purpose. The town recognizes certain uses which may be appropriate in a specific zoning district, but which may have characteristics that, depending upon the location, design, and standards of operation, may have a greater impact than permitted uses on nearby properties, businesses, or residences. Such uses require more comprehensive review, including the ability of the town to establish specific conditions for the project to mitigate any potential impacts. The planning commission can evaluate only conditional uses listed, and is empowered to grant, grant with conditions, or deny any application for a use permit. The planning commission's review is subject to findings and the application meeting requirements of this section. The burden of proof shall be the responsibility of the applicant.

B. Application. Applications shall be filed with the planning director on an application form with the required documentation specified on guidelines provided by the planning director with appropriate fees. The application, at a minimum, shall include the following:

1. Name and address of the applicant. If the applicant is not the owner of the property, the name and address of the owner shall be supplied along with authorization that the applicant is the agent of the owner and may apply for the use permit. Proof of ownership must be submitted with the application.

2. A statement describing the proposed use, and any pertinent data required to evaluate the use, including but not limited to: hours of operation, numbers of employees and shifts, processes and materials involved in the use, and types and volume of traffic generated by the use.

3. A site plan including dimensions showing the type and location of buildings, structures, floor plans, parking, landscaping, circulation and other relevant site information.

4. Any additional information required by the planning director.

C. Public hearing. The planning commission shall hold a public hearing on the application. Prior to the public hearing, notice shall be sent to all owners of property located within 300 feet of the property subject to the request and shall be given in the manner provided in A.R.S. § 9-462.04 (A).

D. Findings. A conditional use permit may be granted only after a determination by the planning commission that the proposed use:

1. Will not adversely affect the orderly development and improvement of surrounding property for uses permitted within the zoning district;

2. Will not be injurious to the use and enjoyment of the property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair the property values within the neighborhood;

3. Will not adversely affect the tax base and other substantial revenue sources within the town;

4. Conforms to the character of the neighborhood, within the same zoning district, in which it is located, giving consideration to the location, type, and height of the buildings or structures and the type and extent of landscaping and screening on the site;

5. Is on a proposed site adequate in size and shape to accommodate the intended use, and all requirements for the zone district will be met, including but not limited to, the setbacks, walls, landscaping, and bufferyards;

6. Will have ingress and egress designed to minimize traffic hazards and to minimize traffic congestion on the public roads;

7. Is consistent with the general plan and other adopted town plans;

8. Shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas;

9. Will have adequate utilities, access roads, drainage, fire protection, and other necessary facilities; and

10. Benefits the public interest and welfare to an extent sufficient to outweigh the individual interests adversely affected by the establishment of the proposed use.

E. Action by the planning commission. The planning commission may grant, grant with conditions, or deny the application. If the application is denied, the planning commission shall make factual findings on the public record with the reasons for the denial. The planning commission may place any conditions which are deemed necessary to mitigate potential impacts and insure compatibility of the use with surrounding development and the town as a whole. These conditions may include, but are not limited to:

1. Requirements for setbacks, open spaces, buffers, fences or walls to mitigate conflicts from visual, noise, lighting and similar impacts associated with the use;

2. Dedication and/or paving of street or other public rights-of-ways, and control in location of access points and on-site circulation to mitigate traffic impacts from increased volumes or nature of traffic activity associated with the use;

3. Regulations pertaining to hours of operation, methods of operation, and phasing of the development of the site to mitigate impacts to surrounding properties and the neighborhood;

4. Time limits on the duration of the permit to determine if the use, after a temporary period of operation, is materially detrimental

or to evaluate whether changed conditions in the neighborhood effect the capability of the use to continue to adequately mitigate impacts to the surrounding area or the town as a whole.

F. Effective date of the conditional use permit. The decision of the planning commission shall be final and effective 15 days from the date of decision unless an appeal is filed as provided below.

G. Appeal procedure.

1. The action of the planning commission may be appealed to the council by the applicant, any member of the council, the town manager or any property owner within 300 feet of the property subject to the request. Such requests for appeal must be filed on an application form provided by the planning director, with the appropriate fee, within the 15 days following the date of the planning commission action.

2. Consideration of the appeal shall be made at a public hearing.

3. Notice of the hearing shall be placed in the newspaper of general circulation in the area designated by the council for legal public notice at least 15 days prior to the hearing.

4. The council shall act to affirm, or reverse, in whole or in part, or modify the planning commission's decision including adding to or deleting the conditions attached to the approval by the planning commission. Any action to grant a conditional use permit, either by affirmation, modification, or reversal of the planning commission's decision, must include the required findings for use permits as provided in this section.

H. Modification of conditional use permits. A request to modify, expand, or otherwise change an approved conditional use permit, not in substantial conformance with the approved permit, shall be processed according to the provisions of this section as a new application.

I. Exercise and use. A permit automatically expires if the use is not established within six months of its grant or within the time otherwise specified in the permit, whichever is greater. For a use requiring a building permit, the use is established when a building permit is issued or a development plan is approved for the use. If the use does not require a building permit, the use is established when the planning director finds clear and visible evidence of the use's establishment.

J. Extension of initial period for use. Upon a showing of good cause, the planning director may extend the period for initially exercising the permit for a maximum of one additional year.

K. Expiration upon discontinuance. If a use established under a conditional use permit is discontinued for any reason for a period of six months, the permit becomes void and the use may not be resumed. Upon applications during the six month period by the owner and upon showing of good cause, the planning director may

grant another extension not to exceed a total of six additional months.

L. Revocation. Failure to comply with the conditions, stipulations or terms of the approval of a conditional use permit is a violation of this code. Repeated offenses shall be cause for revocation of the permit.

M. Grounds for revocation. The planning commission may revoke a permit on any of the following grounds:

1. Violation of a zoning regulation of the town.
2. Violation of a term, limitation, or condition of the conditional use permit.
3. Causing or allowing a nuisance in connection with the premises.
4. Conviction of a violation of federal or state law or town ordinance in connection with the operation of the permitted use.

N. Termination upon change of use. A conditional permit for an established use terminates upon the establishment of a new use.

O. Status of the conditional use permit. A use permit granted pursuant to the provisions of this section shall run with the land and continue to be valid regardless of ownership of the property or structure so long as it operates within the conditions, stipulations, and terms of the permit.

P. Conditional uses upon annexation

1. Purpose. The uses and densities permitted under county zoning and in county zoning districts do not directly correlate to the uses and densities permitted in the most closely comparable town of Marana zoning classifications. Upon annexation, this paragraph P is intended to authorize the council to conditionally permit uses and densities permitted by the county immediately before annexation upon translation of county zoning to the most closely comparable town of Marana zoning classification.
2. Applicability. The special procedures and authority set forth in this paragraph P apply only to the translation of county zoning to town of Marana zoning upon annexation of property.
3. Procedure. Except as specifically set forth below, paragraphs A (purpose) through G (appeal procedure) and I (exercise and use) through K (expiration upon discontinuance) of this section 17-3-2 shall not apply to conditional uses authorized upon annexation pursuant to this paragraph P. Conditional uses granted upon annexation shall be included in the ordinance adopted by council translating county zoning upon annexation.
4. Findings. In determining whether to grant conditional uses upon annexation pursuant to this paragraph P, the council shall consider the factors set forth in paragraph D (findings) of this section.

5. Conditions. Conditional uses permitted by the council upon annexation may include conditions the council deems necessary to mitigate potential impacts and insure compatibility of the use with surrounding development and the town as a whole, including without limitation those conditions set forth in paragraph E of this section.

6. Effect. Paragraphs H (modification of conditional use permits), L (revocation), M (grounds for revocation), and O (status of the conditional use permit) shall apply to conditional uses permitted by the council upon annexation pursuant to this paragraph P.

17-3-3 Temporary use permit

A. Purpose. The temporary use permit is for the following uses and is allowed only in the zoning districts indicated:

1. A real estate sales office in any zoning district, except where it is a permitted use as set forth in section 17-4-19 table 1.

2. A single-family dwelling in a temporary structure in any zoning district.

3. A donation bin located in a neighborhood commercial, village commercial, light industrial, or heavy industry zoning district.

4. Temporary retail located in an agricultural, multi-family residential, resort and recreation, neighborhood commercial, village commercial, light industrial, or heavy industry zoning district.

B. Application procedures.

1. A temporary use permit application shall include a description of the use and a site plan.

2. The planning director shall determine whether the application is complete.

3. If the application is incomplete, the application shall be returned to the applicant with an explanation of the reasons it is incomplete.

4. If the application is complete, the planning director shall approve, approve with conditions, or deny the temporary use permit.

C. Approval criteria.

1. Findings. The planning director shall not approve or modify an application for a temporary use permit unless the use meets the findings set forth in paragraph 17-3-2 D above.

2. Owner permission. The applicant must provide written authorization from the owner of the land where the use is to be located.

a. When the use is to be located on public right-of-way, the applicant must provide written authorization from the town.

b. When the use is in a commercial center, the applicant must provide written authorization of one of the following:

i. The anchor tenant of the commercial center.

ii. The association of commercial owners.

iii. The management company responsible for managing the commercial center.

3. Traffic and adverse effects. The use shall be located and operated to minimize adverse effects on surrounding properties, particularly traffic generated by the use and traffic circulation in the area.

4. Parking and access.

a. Adequate off-street parking, in accordance with this code, shall be provided to serve the use.

b. The use shall not displace the required off-street parking spaces or loading areas of the principal permitted uses on the site.

c. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.

5. Property line setbacks. Structures and merchandise displays shall comply with the yard and property line setback requirements of the zoning district where the use is located.

6. Sight visibility triangle. Structures and merchandise displays shall not interfere with the sight visibility triangle of the intersection.

7. General site maintenance.

a. During the temporary use, the site shall be maintained in a clean and orderly condition, free of refuse and other debris.

b. After the temporary use, the site shall be cleaned and restored to a condition acceptable to the property owner.

D. Additional approval criteria for specific uses. The planning director shall not approve or modify an application for a temporary use permit for the following unless the use meets the following additional criteria:

1. Temporary retail.

a. Automobile, boat, or RV sales.

i. Shall not exceed 14 days.

ii. Shall be located on a paved, gravel, or other dust-stabilized surface.

b. Seasonal sale of products.

i. Shall not exceed four consecutive months per calendar year.

ii. The building or display booth must be portable and completely removed at the end of the permit period.

c. Temporary outdoor merchant(s). Does not include "mobile food vendors" as defined in section 9-13-2(C). Mobile food vendors are regulated by chapter 9-13.

i. Limited to the sale of food, beverages, or merchandise from a stand, motor vehicle, or person.

ii. Shall not exceed four consecutive months.

2. Real estate development and construction-related temporary uses.

a. General criteria.

i. Zoning clearance and building permit authorization for construction shall be obtained prior to issuance of the temporary use permit, unless otherwise specified below.

ii. The temporary building, travel trailer, or manufactured home shall be located on the lot or parcel on which construction is occurring and shall be occupied and used only by the property owner or authorized representative.

iii. Shall be removed from the property within 14 days after completion of the construction work, or within 14 days after the expiration of the authorized building permit for the construction work, whichever comes first.

iv. If an accessory building has been used for temporary residential use during construction, the building shall be returned to its accessory use state and any kitchen facilities placed in the building shall be removed within ten days after the expiration of the authorized building permit for the construction work, whichever comes first.

b. Real estate sales office. One temporary structure such as a trailer or manufactured home may be used as a real estate sales office in any new construction project for the sale of units within that project only, subject to the following:

i. The permit shall be valid until all units for the project are sold.

ii. An all-weather emergency access road approved by the fire department and the town engineer shall be provided to the site.

iii. An off-street parking area shall be provided.

c. Single family dwelling in temporary structure. During the active construction period (after a building or grading permit has been issued) of a construction project involving a non-residential use or a residential development, one

manufactured home, trailer, or recreational vehicle may be allowed on the same property to be used as a temporary residence or for a night watchman for a period not to exceed 12 months or the active construction period, whichever is less. The temporary home shall be removed from the site within 14 days of the approved final building permit inspection or the final certificate of occupancy.

3. Donation bins.

a. Permitted only as an accessory use, on the same lot or in the same commercial center as an existing permitted use.

b. The permit shall be valid for a period of one year.

c. Must be constructed of painted metal, rubber, wood, or plastic.

d. Shall be maintained in a safe condition and free of graffiti.

e. The area immediately surrounding the donation bin must be maintained so as to be free of trash or debris. Items may not be placed or left outside of the donation bin.

f. Each donation bin shall be no more than six cubic yards in capacity and must have a locking lid or a latch.

g. No more than two donation bins shall be permitted on any one property, except that only two donation bins shall be permitted in a commercial center, even if it consists of multiple properties.

h. One 12-cubic-yard donation bin may be used in lieu of two six-cubic-yard donation bins.

i. The planning director may approve more than two donation bin on properties that are greater than ten acres in size if the additional donation bins are located on a different street frontage and spaced a minimum of 500 feet from any other donation bin.

j. Each donation bin shall be clearly marked as follows:

i. To identify the specific items and materials requested to be left for donations;

ii. To identify the name, telephone number and email address of the owner or operator of the donation bin that may be used for contact at any time;

iii. The temporary use permit number associated with the donation bin shall be clearly located on the donation bin.

iv. A notice shall also be on the donation bin that items shall not be left outside of the donation bin and that no hazardous materials may be placed inside the donation bin.

v. To identify the name of the non-profit entity that shares the donated item profits.

k. The property owner or authorized agent may rescind

authorization for the donation bin at any time and the permit shall be revoked.

E. Appeal. Upon receiving notification of the approval or denial of a temporary use permit, the applicant or any party aggrieved by the decision may file an appeal to the board of adjustment.

17-3-4 Compliance with code

Permits shall not be granted for the construction or substantial modification of any building or structure or for the moving of a building or structure onto a lot or for the change in use of any land, building, or structure if such construction, moving, modification, or change in use would be a violation of any of the provisions of this code, nor shall any sewer or water service line or electric or gas utilities be installed to service the premises if such use would be a violation of this code. Any license or permit issued by any official or employee of the town which would not be in conformance with the provisions of this code shall be null and void. Any use, arrangement, or construction that is not in conformance with plans, specifications, or other documents approved under the terms of this code shall be deemed a violation of this code.

17-3-5 Classification; enforcement; continuing violations

A. Except as otherwise provided in this title, any violation of this title is a civil infraction, and may be enforced in any manner provided by town ordinances and state laws.

B. Each day any violation continues shall constitute a separate offense.

17-3-6 Responsibility for violation

It shall be the responsibility of the owner of the land and any and all builders, contractors, sub-contractors, real estate agents, and any other person having appropriate decision-making authority in the establishment of any use of land or the erection, modification, or relocation of any building or structure or other use of the land to make sure that a proper permit has been obtained before work is begun. Any person doing any work on a project for which a proper permit has not been obtained shall be deemed in violation of this title.

17-3-7 Responsibility for enforcement

A. The planning director or designee shall be responsible for the enforcement of zoning ordinances codified in this land development code, with the assistance of the town attorney or designee.

B. The town engineer or designee shall be responsible for the enforcement of subdivision and floodplain regulations codified in this land development code, with the assistance of the town attorney or designee.

C. The planning director, town engineer, town attorney and respective designees may designate and authorize code compliance officers to assist in enforcement of this title, consistent with the provisions of

chapter 1-9.

MARANA AZ

Proposed Revisions to Chapter 17-3 of the Marana Town Code

David Udall, Assistant Town Attorney

January 27, 2021

Town Code Chapter 17-3
Administration and Enforcement

- **Conditional Use Permit (CUP) revisions account for recent case law**
  - **9th Circuit case found language similar to some of our current CUP language unconstitutional**
- **Temporary Use Permit (TUP) revisions provide more guidance**
  - **Current TUP provisions do not provide much guidance for staff or for the community**
  - **Revisions specify different types of temporary uses with appropriate zones for each use, outline application procedures, and provide detailed approval criteria and appellate procedures**

MARANA AZ

Town Code Chapter 17-3
Administration and Enforcement

- **Enforcement adjustments**
  - **Unless otherwise designated, violations of title 17 would now be civil rather than criminal**
  - **Revisions allow the planning director to delegate enforcement**

MARANA AZ

Questions?

MARANA AZ

Planning Commission - Regular Meeting

Meeting Date: 01/27/2021

To: Planning Commission

From: Justin Currie, Planner

Date: January 27, 2021

Strategic Plan Focus Area:
Not Applicable

Subject: **PRV2009-003; Gladden Farms Blocks 31 & 33 Preliminary Plat and PRV2010-002 Gladden Farms Block 37 Preliminary Plat.** A request for a recommendation to the Town Council for approval of a preliminary plat for Gladden Farms Blocks 31 & 33 lots 1-235, Common Areas A-1 - A-11 (Landscape, Utilities, Drainage and Grading) and B-1 - B-5 (Recreation, Landscape, Utilities, Drainage and Grading) north of the Midfield Rd. and Mike Etter Blvd. intersection; and for approval of a preliminary plat for Gladden Farms Block 37 Lots 1-275, A-1 - A-14 (Landscape, Utilities, Grading and Drainage) and B-1 - B-7 (Recreation, Landscape, Utilities, Drainage and Grading) at the southeast corner of Midfield Rd and Mike Etter Blvd. (Justin Currie)

Discussion:

Request
Rick Engineering, on behalf of Crown West Realty LLC, is requesting the approval of two preliminary plats within the Gladden Farms II development: Blocks 31 & 33 consisting of 235 lots and common areas "A" and "B" on approximately 57.16 acres and Block 37 consisting of 275 lots and common areas "A" and "B" on approximately 52.3 acres.

Location
The Blocks 31 & 33 subdivision, of the Gladden Farms Blocks 26-43 block plat (Book 62, Page 64), is located north of the Midfield Rd. and Mike Etter Blvd. intersection. The Block 37 subdivision, of the Gladden Farms Blocks 26-43 block plat (Book 62, Page 64), is located at the southeast corner of Midfield Rd and Mike Etter Boulevard.

Zoning
The zoning for Blocks 31 & 33 is F (Specific Plan - Gladden Farms II) with a land use designation of Single Family Detached-6 (SFD-6). The SFD-6 land use permits small lot, single family detached homes with a minimum lot size of 6,000 square feet. The proposed average lot size is 6,430 square feet. The proposed minimum lot size is 6,000 square feet (Lot 56). The proposed maximum lot size is 9,995 square feet (Lot 126).

The zoning for Block 37 is F (Specific Plan - Gladden Farms II) with a land use designation of High Density Residential (HDR). The HDR land use permits small lot, single family detached homes with a minimum lot size of 3,500 square feet. The proposed average lot size is 4,800 square feet. The proposed minimum lot size is 4,767 square feet (Lot 56). The proposed maximum lot size is 7,083 square feet (Lot 197).

Transportation
The main entry for Blocks 31 & 33 is proposed to be off Mike Etter Blvd at the western and southern boundary of the subdivision. One other access point is proposed at the northern boundary of the subdivision from Block 27.

The main entry for Block 37 is proposed to be off Mike Etter Blvd at the northern boundary of the subdivision. Two other access points are proposed at the southern boundary of the subdivision from Block 42 and off of Birchfields Drive.

Both of the subdivisions will use the Town's typical 42 foot wide public right-of-way street section for internal roads.

Park Requirements
Per the Gladden Farms II Specific Plan, 185 square feet of on-site recreation area per single family detached residence is required. Block 37 requires a minimum 50,875 square feet of recreation area. The active recreation area total is approximately 59,072 square feet.

Per the Gladden Farms II Specific Plan, Block 32 will feature a 6 acre park and will serve as the recreation requirement for Blocks 31 & 33.

Neighborhood Design Plan
The Gladden Farms II Specific Plan, adopted by Town Council per Ordinance 2006.03 on March 7, 2006, will serve as the neighborhood design plan for the development of blocks 26 through 43 within the Gladden Farms II Specific Plan area.

Recommended Findings of Fact

1. The properties are currently zoned F, Specific Plan - Gladden Farms II with a land use designation of High Density Residential (Block 37) and Single Family Detached-6 (Blocks 31 & 33). The proposed subdivisions are in compliance with the specific plan and all other development standards.
2. The General Plan land use designation for this area is MPA (Master Plan Area). The purpose of the MPA is to allow flexibility in site planning and design. The proposed subdivisions are consistent with the purpose and intent of the Town of Marana General Plan.
3. The proposed subdivisions do not appear to be detrimental to the immediate area or to the health, safety and welfare of the inhabitants of the area and the Town of Marana.

Case Analysis:
Review Criteria:

1. The ability to comply with development regulations, i.e. water, sanitation, access, developable parcel, etc.: Adequate area exists for the development on these sites. The proposed subdivisions will be in compliance with the requirements of all agencies prior to action by the Town Council.
2. Ability to comply with requirements of zoning regulations, i.e. lot size, frontage, setbacks, etc.: The proposed subdivisions comply with the requirements of the Gladden Farms II Specific Plan.
3. Consistent with the purpose of the zoning regulations and with the intent of the General Plan: The proposed subdivisions are consistent with the purpose of the Gladden Farms II Specific Plan and intent of the Town of Marana General Plan.
4. Compatible with the surrounding area, suitable with the character of the neighborhood, not detrimental to the immediate area of the development and not detrimental to the health, safety or welfare of the inhabitants of the area and the Town: The proposed subdivisions are consistent with the existing and planned development within the specific plan area. These proposals do not appear to be detrimental to the immediate area or to the general health, safety and welfare of the inhabitants of the area and the Town of Marana.

Staff Recommendation:

Staff has reviewed the requests against the requirements of the Gladden Farms II Specific Plan, the Marana Land Development Code, the Town Code and the Marana General Plan. Both preliminary plats are in substantial conformance with all required development regulations. Staff recommends that the Planning Commission recommend approval of the preliminary plats to the Town Council.

Suggested Motion:

I move to recommend to the Town Council approval of PRV2009-003, a preliminary plat for Gladden Farms Blocks 31 & 33 lots 1-235, Common Areas A-1 - A-11 and B-1 - B-5, and PRV2010-002, a preliminary plat for Gladden Farms Block 37 Lots 1-275, A-1 - A-14 and B-1 - B-7.

Attachments

PRV2009-003 Gladden Farms 31/33 PP
PRV2010-002 Gladden Farms 37 PP
PRV2009-003 Location Map
PRV2010-002 Location Map
PRV2009-003 Application
PRV2010-002 Application

BASIS OF BEARING

THE BASIS OF BEARING FOR THIS PROJECT IS WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 11 SOUTH, RANGE 11 EAST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA. SAID LINE MONUMENTED BY A FOUND 1 1/2" ALUM CAP STAMPED "17436" AT THE WEST QUARTER AND A FOUND 1/2" REBAR TAGGED "PCHD3" AT THE SOUTHWEST CORNER OF SAID SECTION. SAID BEARING BEING S00°30'03"E.

BASIS OF ELEVATION

PIMA COUNTY OPUS CONTROL POINT 11S11E_17. A "+" ON THE SOUTHEAST CORNER OF A CONCRETE BOX W/GRATE. 41'+/- NORTHWEST OF THE WEST QUARTER SECTION 35 AND 16'+/- SOUTH OF THE SOUTHEAST CORNER OF A WELL SITE. ELEVATION = 2011.61 (NAVD 88)

GENERAL NOTES

1. THE GROSS AREA OF THIS DEVELOPMENT IS 57.16 ACRES; 2,489,889 SF.

2. THE EXISTING ZONING IS F (SPECIFIC PLAN - GLADDEN FARMS II) PER ORDINANCENO. 2006.03. THE LAND USE DESIGNATION IS SINGLE FAMILY DETACHED-6 (SFD-6 ZONE).

3. THIS SUBDIVISION IS SUBJECT TO THE REQUIREMENTS OF THE GLADDEN FARMS II SPECIFIC PLAN ADOPTED BY MARANA ORDINANCE NO. 2006.03 ON MARCH 7, 2006, AS AMENDED BY THE FIRST AMENDMENT ADOPTED BY MARANA BY ORDINANCE NO. 2006.35 ON DECEMBER 19, 2006 AND THE SECOND AMENDMENT ADOPTED BY MARANA ORDINANCE NO. 2018.006 ON MARCH 6, 2018.

   THIS DEVELOPMENT IS SUBJECT TO THE CONDITIONS AND AGREEMENTS OF THE GLADDEN FARMS II DEVELOPMENT AGREEMENT ADOPTED BY MARANA RESOLUTION 2006-38, THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT ADOPTED BY MARANA RESOLUTION 2006-218, THE SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT ADOPTED BY MARANA RESOLUTION 2018-074, THE THIRD AMENDMENT TO THE DEVELOPMENT AGREEMENT ADOPTED BY MARANA RESOLUTION 2018-100, AND THE FOURTH AMENDMENT TO THE DEVELOPMENT AGREEMENT ADOPTED BY MARANA RESOLUTION 2019-122.

4. THE TOTAL NUMBER OF RESIDENTIAL LOTS IS 235. DENSITY IS 4.11 RAC.

5. PER THE SFR-6 LAND USE DESIGNATION OF THE GLADDEN FARMS II SPECIFIC PLAN, THE MINIMUM LOT SIZE IS 6,000 SF, THE AVERAGE LOT SIZE IS 6,430 SF AND THE MAXIMUM LOT SIZE IS 9,995 SF FOR SMALL LOT SINGLE-FAMILY DETACHED. THE MINIMUM LOT SIZE IN THIS SUBDIVISION IS 6,000 SF.

6. MINIMUM SITE SETBACKS;

   FRONT: 10 FEET.
   -MAY BE REDUCED TO 5 FEET WITH SIDE-LOADED GARAGE•
   -FRONT PORCH: 5 FEET•
   -FRONT-LOADED GARAGE: 20 FEET
   -SIDE-LOADED GARAGE: 5 FEET•
   •MAY NOT ENCROACH INTO THE PUBLIC UTILITY EASEMENT, IF REQUIRED
   SIDE: 0 FEET.
   -MUST PROVIDE A 3-FOOT ACCESS EASEMENT ON ADJACENT LOT Z-LOT LINES.
   -STREET: 10 FEET
   -ACCESSORY STRUCTURES: 5 FEET
   REAR: 5 FEET
   -MAY BE REDUCED TO 5 FEET IF FRONT LOADED GARAGE IS RECESSED 10 FEET OR MORE FROM THE FONT LIVING AREA.
   -MAY BE REDUCED TO 5 FEET WITH REAR-LOADED GARAGE.
   -PATIO STRUCTURES: 5 FEET IF OPEN ON 3 SIDES
   -ACCESSORY STRUCTURES: 5 FEET

7. MAXIMUM BUILDING HEIGHT ALLOWED IS 30 FEET.

8. MAXIMUM LOT COVERAGE IS 55%.

9. PARKING SPACES REQUIRED: 2 OFF-SITE SPACES PER UNIT WITHIN A FULLY ENCLOSED GARAGE = 470 SPACES.
   PARKING SPACES PROVIDED: 2 PER GARAGE & 2 PER DRIVEWAY = 940 SPACES.

10. APPROXIMATE AREA OF PARKS, DRAINAGEWAYS, NATURAL OPEN SPACES AND OTHER PROPOSED NON-RESIDENTIAL:

    COMMON AREA "A" (LANDSCAPE, UTILITIES, DRAINAGE AND GRADING) IS 1.54 AC OR 66,946 SF SF
    COMMON AREA "B" (RECREATION, LANDSCAPE, UTILITIES, DRAINAGE AND GRADING)IS 11.76 AC OR 512,3427 SF

11. THE DESIGN SPEED FOR THESE STREETS IS 25 MPH. THE DESIGN VEHICLE IS WB-40.

12. ALL WALLS SHALL BE CONSTRUCTED OF, OR PAINTED, WITH GRAFFITI-RESISTANT MATERIALS.

13. ALL SIGNAGE TO BE APPROVED UNDER SEPARATE PERMIT.

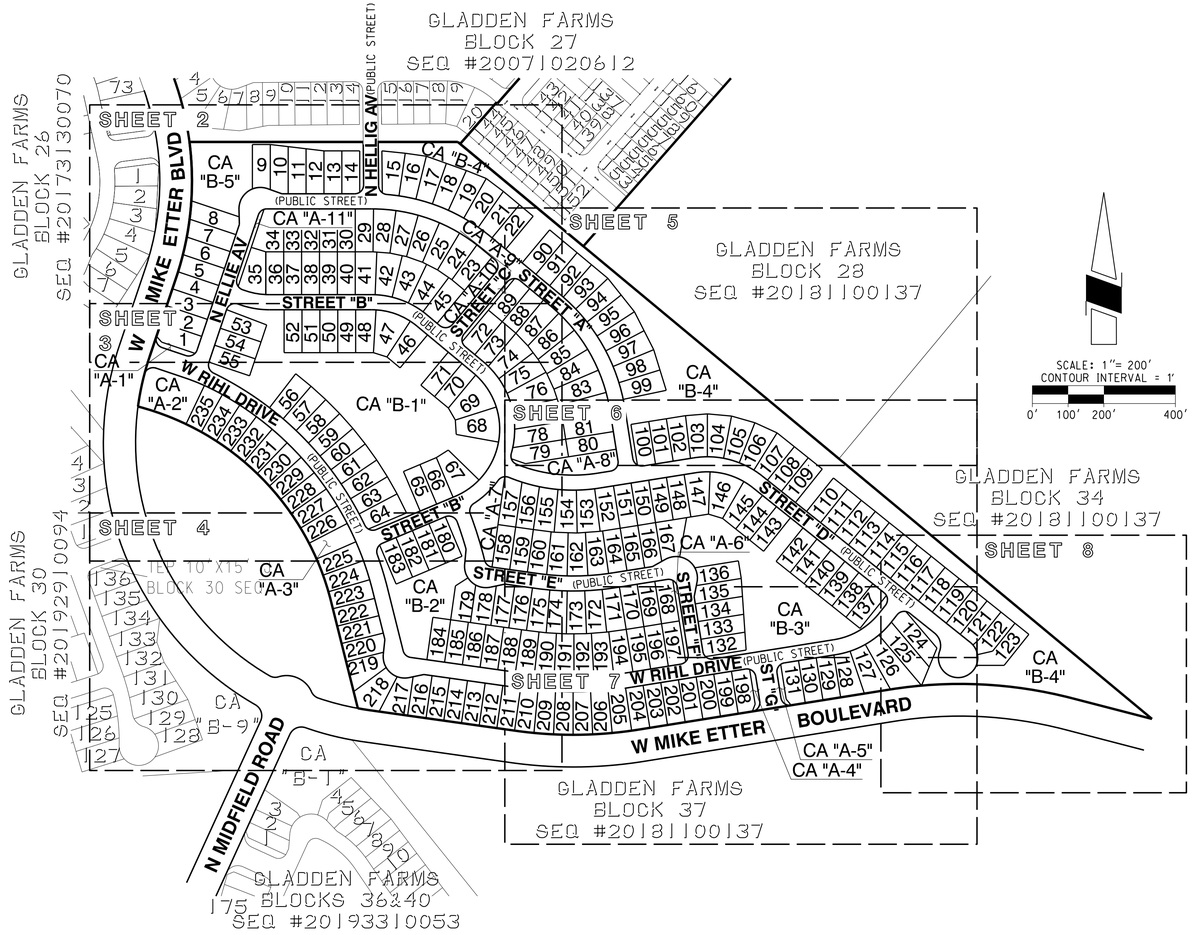
14. THE DEVELOPER WILL COVENANT TO HOLD TOWN OF MARANA, ITS SUCCESSORS AND ASSIGNS, HARMLESS IN THE EVENT OF FLOODING.

15. DRAINAGE WILL NOT BE ALTERED, DISTURBED, OR OBSTRUCTED WITHOUT THE APPROVAL OF THE MARANA TOWN COUNCIL.

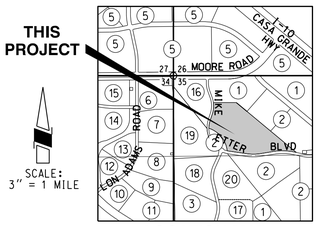
16. THE GLADDEN FARMS COMMUNITY ASSOCIATION WILL BE RESPONSIBLE FOR MAINTENANCE, CONTROL, SAFETY AND LIABILITY OF PRIVATE DRAINAGEWAYS, DRAINAGE EASEMENTS, AND COMMON AREAS.

17. TOTAL MILES OF NEW PUBLIC STREETS IS: 1.77 MILES

18. OBJECTS AND MATERIALS WITHIN SIGHT VISIBILITY TRIANGLES SHALL BE PLACES SO AS NOT TO INTERFERE WITH A VISIBILITY PLANE DESCRIBED BY TWO HORIZONTAL LINES LOCATED 30" AND 72" ABOVE FINISHED GRADE OF THE ROADWAY SURFACE, AND SHALL CONFORM TO THE TOWN OF MARANA SUBDIVISION STREET STANDARDS.



1. SEQ #20071020612
2. SEQ #20181100137
3. SEQ #20121740308
4. SEQ #20071071340
5. SEQ #20051340763
6. SEQ #20040110791
7. SEQ #20032160454
8. SEQ #20052030148
9. SEQ #20051970423
10. SEQ #20061300698
11. SEQ #20072170310
12. SEQ #20060970432
13. SEQ #20051750608
14. SEQ #20032160452
15. SEQ #20040700645
16. SEQ #20173130070
17. SEQ #20190530029
18. SEQ #20182500081
19. SEQ #20192910094
20. SEQ #20193310053



LOCATION MAP
SECTION 35, T 11 S, R 11 E
G & SRM TOWN OF MARANA
PIMA COUNTY, ARIZONA

OWNER/DEVELOPER

FIDELITY NATIONAL TITLE TRUST 60423
ATTN: CROWN WEST REALTY LLC
3808 N SULLIVAN RD. BLDG N15-202
SPOKANE VALLEY, WA 99216-1615
(520) 888-3962
CONTACT: DEAN WINGERT

SHEET INDEX

1 COVER SHEET
2-8 PRELIMINARY PLAT SHEETS

LEGEND

ITEM	SYMBOL
CENTERLINE	
SECTION LINE	
EXIST BCSM	
SUBDIVISION BOUNDARY	
PROPERTY LINE	
EXIST ROW LINE	
EASEMENT BOUNDARY	
EXIST CONTOUR LINE	2750
EXIST SPOT ELEVATION	X 2751.1
LANDSCAPE BUFFERYARD LIMITS	
DRIVEWAY ORIENTATION	
EXIST PAVEMENT EDGE	
EXIST SEWER LINE W/MH	S
EXIST WATERLINE W/VALVE	W
EXIST UNDERGROUND LINE	E
EXIST GAS LINE	G
PROPOSED STORM DRAIN W/MH	
PROPOSED SEWER W/MH	
PROPOSED SEWER MANHOLE DATA — RIM ELEVATION	RIM 50.2
PROPOSED SEWER MANHOLE DATA — INVERT ELEVATION	IE 43.2 (1)
PROPOSED SEWER MAIN, LENGTH AND SLOPE	100' @ 1.00%
FLOW ARROW	
APPROX FINISH SURFACE	FS 00.0
EXIST GRADE	(0.00)
APPROX FINISH GRADE	FG 00.0
PROPOSED SLOPE	
CURB ACCESS RAMPS	
SIGHT VISIBILITY TRIANGLE	
RIP-RAP	
DRYWELL	

GENERAL NOTES -CONTINUED

19. INSTALLATION OF ITEMS SUCH AS LANDSCAPING, IRRIGATION, SIGNAGE, MONUMENTS, WALLS AND DRAINAGE IMPROVEMENTS IN THE PUBLIC RIGHTS-OF-WAY SHALL REQUIRE A PERPETUAL LICENSE AGREEMENT FOR INSTALLATION, MAINTENANCE AND INDEMNIFICATION. THE HOMEOWNER'S ASSOCIATION SHALL REVIEW AND APPROVE ALL INSTALLATIONS WITHIN THE RIGHTS-OF-WAY PRIOR TO AND UPON COMPLETION, AS THESE ITEMS WILL BE REGULATED UNDER THE LICENSE AGREEMENT EXECUTED BETWEEN THE HOMEOWNER'S ASSOCIATION AND THE TOWN OF MARANA.

20. ALL NEW AND EXISTING UTILITIES WITHIN OR CONTIGUOUS TO THE SITE SHALL BE PLACED UNDERGROUND EXCEPT ELECTRICAL TRANSMISSION LINES CARRYING 48KV OR GREATER, AND THOSE LINES WHICH CAN BE SHOWN TO EXIST IN CURRENT OR FUTURE ELECTRICAL TRANSMISSION CORRIDORS.

21. ALL EXTERIOR LIGHTING SHALL BE PER THE CURRENTLY ADOPTED TOWN OF MARANA OUTDOOR LIGHTING CODE.

22. THIS PROJECT LIES WITHIN THE PLANNED WATER SERVICE AREA OF THE TOWN OF MARANA WATER DEPARTMENT WHICH IS DESIGNATED BY THE DEPARTMENT OF WATER RESOURCES AS HAVING AN ASSURED WATER SUPPLY.

23. THIS PROJECT LIES WITHIN THE PLANNED WASTEWATER SERVICE AREA OF THE TOWN OF MARANA WATER DEPARTMENT.

24. PRIOR TO RECEIVING A GRADING PERMIT, A STORM WATER POLLUTION PLAN (SWPPP) AND FEE WILL NEED TO BE SUBMITTED TO THE TOWN FOR REVIEW OF BOTH PARCELS.

25. IF EASEMENTS WILL BE DEDICATED TO THE TOWN, A PHASE I ENVIRONMENTAL SITE ASSESSMENT MUST BE SUBMITTED, DATED NO MORE THAN 180 DAYS PRIOR TO THE DEDICATION DATE.

26. IF ANY HUMAN REMAINS OR FUNERARY ITEMS ARE DISCOVERED DURING CONSTRUCTION, OR AT ANYTIME, ALL WORK MUST STOP IN THE AREA OF THE REMAINS AND MR. JOHN MADSEN, REPATRIATION COORDINATOR AT THE ARIZONA STATE MUSEUM, MUST BE CONTACTED IMMEDIATELY AT (520) 621-4795, PURSUANT TO A.R.S.§ 41-865.

27. CONTRACTOR SHALL CALL IN AN ARIZONA 811 REQUEST AT LEAST 48 HOURS PRIOR TO ANY CONSTRUCTION ACTIVITY OR HEAVY EQUIPMENT TRAVEL WITHIN 25' OF THE EL PASO NATURAL GAS PIPELINE, AND ARRANGE FOR AN EPNG STANDBY.

28. AN AGREEMENT FOR THE CONSTRUCTION OF FACILITIES UNDER PRIVATE CONTRACT MUST BE OBTAINED BEFORE ANY WATER UTILTIES ARE INSTALLED WITHIN THIS SUBDIVISION.

FOR MISCELLANEOUS NOTES SEE SHEET 5

ADMINISTRATIVE ADDRESS

10552 WEST MIKE ETTER BOULEVARD

Registered Professional Engineer (Civil)
CERTIFICATE NO.
28674
BRUCE
PATON
Date Signed 12-17-20
ARIZONA U.S.A.

PRELIMINARY PLAT FOR

GLADDEN FARMS

BLOCK 31 & 33

LOTS 1-235 & COMMON AREA "A-1"-"A-11" & "B-1"-"B-5"

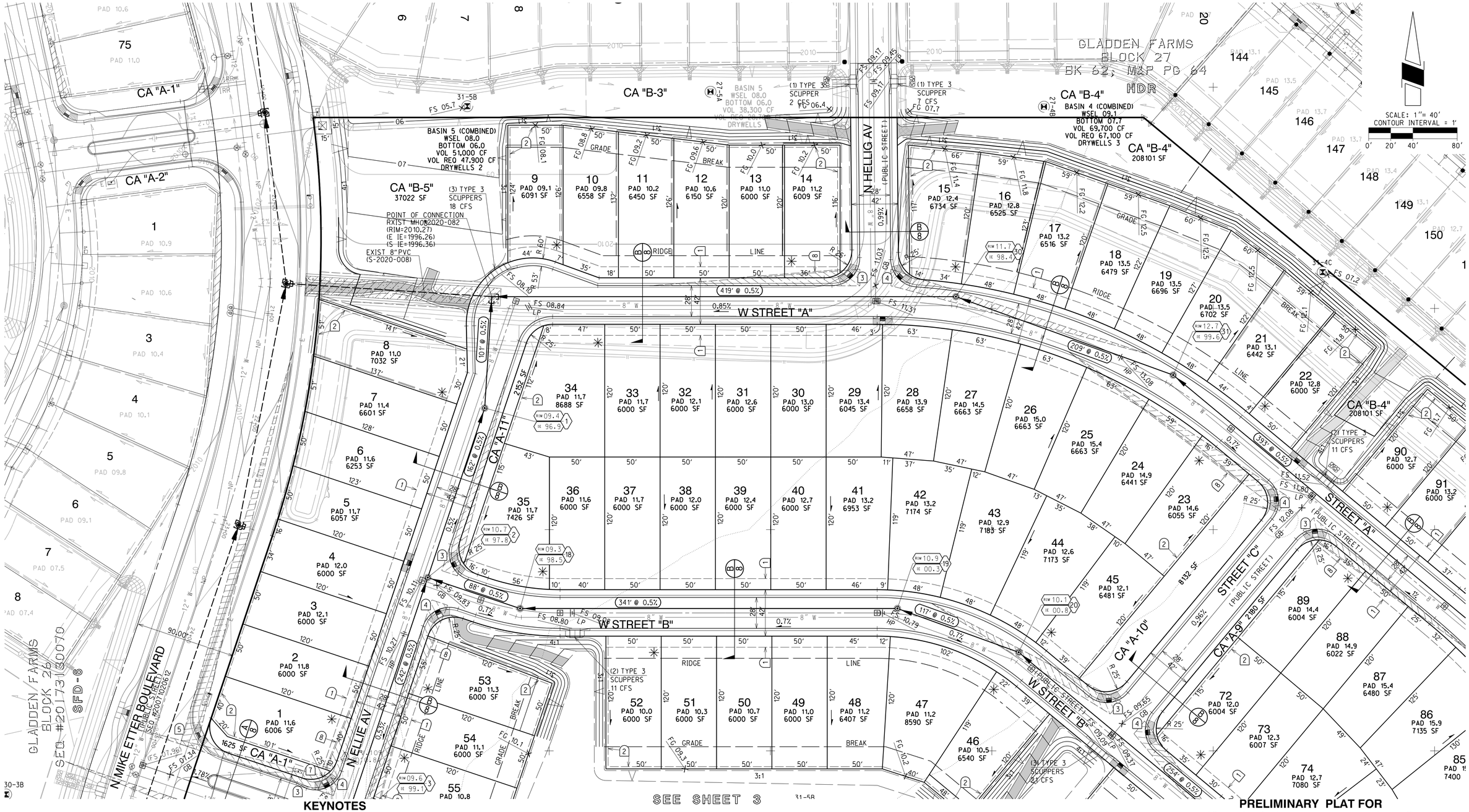
COMMON AREA "A-1 THRU "A-11" (LANDSCAPE, UTILITIES, DRAINAGE AND GRADING)
COMMON AREA "B-1" THRU "B-5" (RECREATION LANDSCAPE, UTILITIES, DRAINAGE AND GRADING)

BEING A RESUBDIVISION OF BLOCKS 31 AND 33 OF GLADDEN FARMS 28,31-34, 37, 38 42 AND 43, SEQ#20181100137, SECTION 35, TOWNSHIP 11 SOUTH, RANGE 11 EAST GILA & SALT RIVER MERIDIAN, TOWN OF MARANA, PIMA COUNTY, ARIZONA.

PCZ1708-002 PRV1710-002 PRV2009-003
OCTOBER 222, 2020 SHEET 1 OF 8

RICK ENGINEERING COMPANY
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3945 EAST FORT LOWELL ROAD - SUITE 111
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San Diego - Riverside - Orange - Sacramento - San Luis Obispo - Phoenix - Denver

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KEYNOTES

1. 10' PUBLIC UTILITY EASEMENT GRANTED TO PUBLIC UTILITY COMPANIES AND TOWN OF MARANA BY FINAL PLAT
2. 1' PUBLIC NO ACCESS EASEMENT GRANTED BY FINAL PLAT
3. 15'x190' SIGHT VISIBILITY TRIANGLE (FAR SIDE)
4. 15'x240' SIGHT VISIBILITY TRIANGLE (NEAR SIDE)
5. 15'x370' SIGHT VISIBILITY TRIANGLE (FAR SIDE)
6. 15'x480' SIGHT VISIBILITY TRIANGLE (NEAR SIDE)
7. ELECTRIC EASEMENT GRANTED TO TEP BY FINAL PLAT
8. SIGHT VISIBILITY EASEMENT GRANTED BY FINAL PLAT

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Registered Professional Engineer
CERTIFICATE NO.
28674
BRUCE
PATON
12-17-2020
Date Signed
ARIZONA U.S.A.

PRELIMINARY PLAT FOR

GLADDEN FARMS

BLOCK 31 & 33

LOTS 1-235 & COMMON AREA "A-1"-"A-11" & "B-1"-"B-5"

COMMON AREA "A-1 THRU "A-11½ (LANDSCAPE, UTILITIES, DRAINAGE AND GRADING)
COMMON AREA "B-1" THRU "B-5½ (RECREATION LANDSCAPE, UTILITIES, DRAINAGE AND GRADING)

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PCZ1708-002 PRV1710-002

PRV2009-003
SHEET 2 OF 8



KEYNOTES

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PRELIMINARY PLAT FOR
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BLOCK 31 & 33

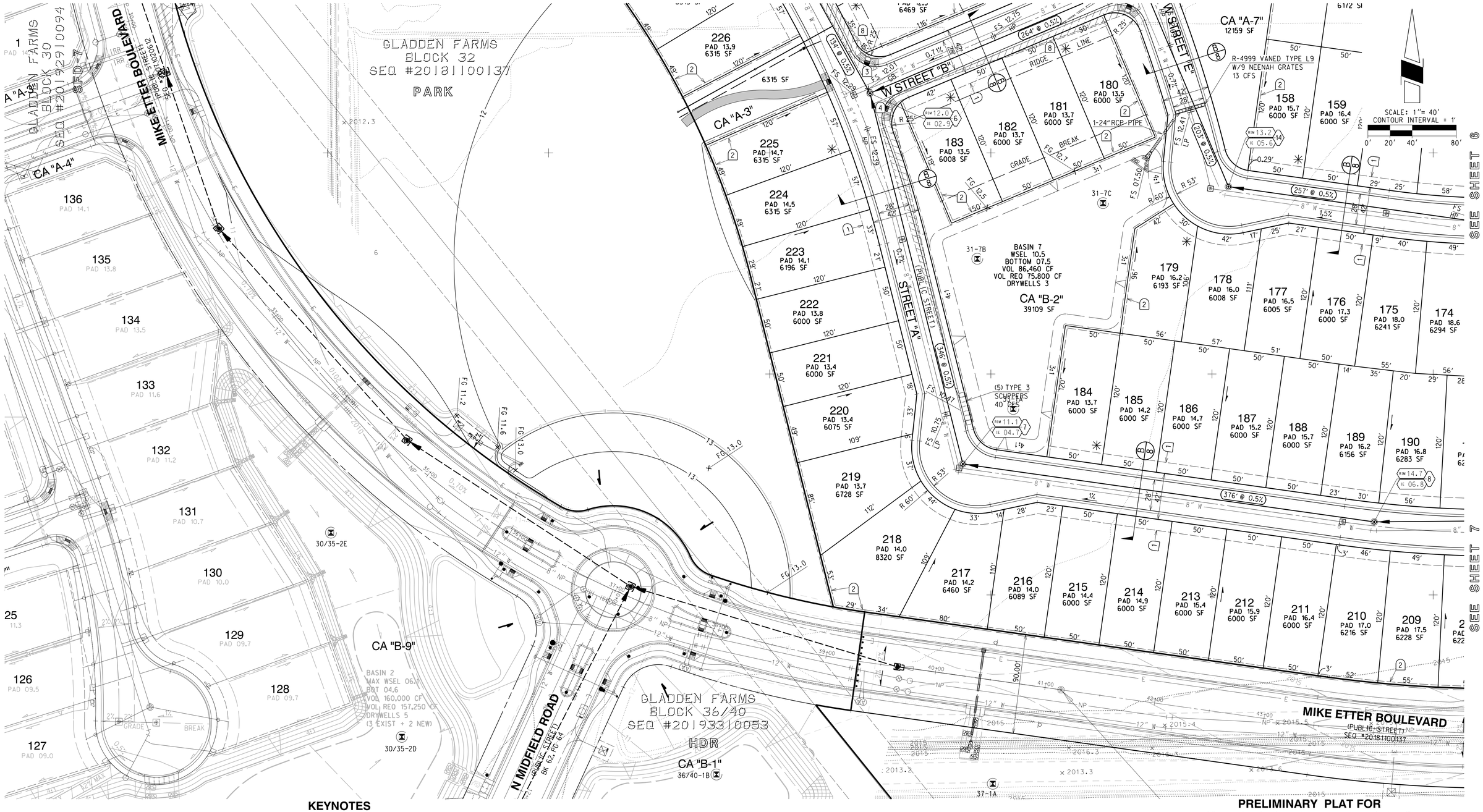
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PCZ1708-002 PRV1710-002 **PRV2009-003**

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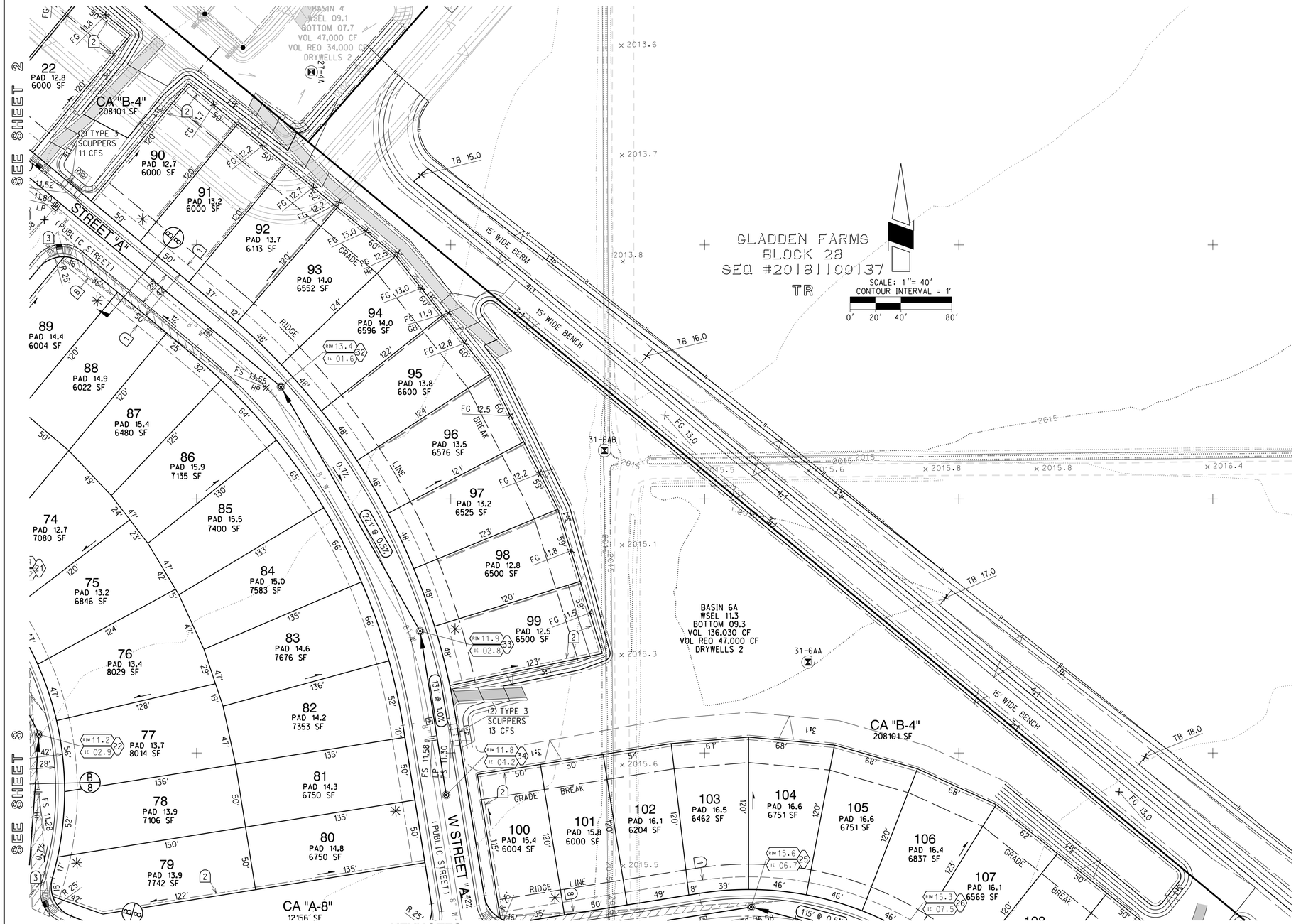
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PCZ1708-002 PRV1710-002 **PRV2009-003**

SHEET 4 OF 8



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MISCELLANEOUS NOTES

1. ALL ROADS AND DRAINAGE IMPROVEMENTS WITHIN OR ADJACENT TO THIS SUBDIVISION SHALL BE CONSTRUCTED ACCORDING TO PLANS AS REVIEWED AND APPROVED BY THE TOWN OF MARANA.
2. APPROVAL OF THIS PLAN DOES NOT AFFIRM, CERTIFY OR APPROVE ANY LAND DIVISION THAT MAY BE CONTRARY TO STATE LAW, NOR DOES IT CERTIFY THE EXISTENCE OF COMPLIANCE WITH ANY DEED RESTRICTIONS OR EASEMENTS.
3. THIS PROJECT IS SUBJECT TO ALL APPLICABLE TRANSPORTATION, WATER RESOURCE, WATER INFRASTUCTURE, WASTEWATER INFRASTRUCTURE AND PARK IMPACT FEES, DUE UPON BUILDING PERMIT ISSUANCE FOR EACH LOT.
4. NO FURTHER LOT SPLITTING OR SUBDIVIDING SHALL BE DONE WITHOUT THE WRITTEN APPROVAL OF THE TOWN OF MARANA.
5. ALL RIP RAP AND EROSION PROTECTION ROCK SHALL BE CORONADO BROWN IN COLOR.
6. POTENTIAL BUYERS ARE ADVISED THAT THIS PROJECT FALLS IN THE AIRPORT INFLUENCE AREA AS DELINEATED IN THE NORTHWEST MARANA AREA PLAN AND IS SUBJECT TO FREQUENT OVERFLIGHT BY GENERAL AVIATION AIRCRAFT. AN AVIATION EASEMENT WAS RECORDED WITH THE BLOCK PLAT AT DOCKET 13063, PAGE 4202.
7. PER SECTION 6.6 OF THE GLADDEN FARMS II DEVELOPMENT AGREEMENT, THE DEVELOPER SHALL PAY FOR BANK PROTECTION AS SET FORTH HEREINAFTER. THEREFORE, THIS RESIDENTIAL SUBDIVISION PLAT SHALL BE REQUIRED TO PAY THEIR TOTAL OBLIGATION, OF $18,625.88, PRIOR TO RELEASE OF ASSURANCES. WITHIN BLOCKS THAT ARE NOT SUBDIVIDED AND A DEVELOPMENT PLAN IS THE ONLY PROCESS, THE OBLIGATION FOR THOSE BLOCKS SHALL BE PAID PRIOR TO DEVELOPMENT PLAN APPROVAL.
8. PER SECTION 6.5 OF THE GLADDEN FARMS II DEVELOPMENT AGREEMENT, A VOLUNTARY SCHOOL IMPROVEMENT IN-LIEU FEE OF $1,200 PER LOT SHALL BE PAID TO THE MARANA UNIFIED SCHOOL DISTRICT UPON THE ISSUANCE OF BUILDING PERMITS FOR EACH INDIVIDUAL RESIDENTIAL UNIT WITHIN THIS BLOCK.
9. THIS PLAT FALLS UNDER THE REQUIREMENTS OF THE GLADDEN FARMS II SPECIFIC PLAN. IF AN ISSUE, CONDITION OR SITUATION ARISES FROM THIS PLAN THAT IS NOT COVERED OR PROVIDED FOR IN THE SPECIFIC PLAN, THOSE REGULATIONS IN THE TOWN OF MARANA LAND DEVELOPMENT CODE THAT ARE APPLICABLE FOR THE MOST SIMILAR ISSUE, CONDITION OR SITUATION SHALL BE USED BY THE PLANNING DIRECTOR AS THE GUIDELINES TO RESOLVE THE UNCLEAR ISSUE, MATTER OR SITUATION.
10. PER THE GLADDEN FARMS II SPECIFIC PLAN SECTION III.L OPEN SPACE, RECREATION, PARKS AND TRAILS CONCEPT AND SECTION IV.C.4.E DEVELOPMENT STANDARDS - SINGLE-FAMILY DETACHED OF THE SFD-6 LAND USE DESIGNATION, THE MINIMUM AREA (IN SQUARE FEET) FOR PRIVATE, COMMON ON-SITE RECREATION AREAS SHALL BE 185 SF PER SINGLE FAMILY RESIDENCE. THIS PROJECT with 235 LOTS SHALL REQUIRE 43,475 SF OF DEVELOPED RECREATIONAL AREA. 142,219 SF IS PROVIDED IN COMMON AREA "B-1".
11. FIRE HYDRANTS AT 500 FOOT MAXIMUM INTERVALS SHALL BE INSTALLED WITHIN PUBLIC STREETS. THE FIRE FLOW REQUIREMENT IS 1,500 GALLONS/MINUTE APPROVED BY NORTHWEST FIRE DISTRICT. ALL HYDRANTS MUST BE INSTALLED AND OPERATIONAL PRIOR TO BEGINNING COMBUSTIBLE CONSTRUCTION MATERIALS ON SITE.
12. ANY BUILDING OVER 3,600 SQUARE FEET UNDER ONE ROOF MUST BE EVALUATED BY THE NORTHWEST FIRE DISTRICT FOR ADDITIONAL FIRE PROTECTION MEASURES. ANY BUILDING HAVING LIMITED ACCESS IN EXCESS OF 150 FEET, OR 12% ACCESS GRADE, OR LOW CLEARANCE, MUST BE EVALUATED BY THE NORTHWEST FIRE DISTRICT FOR ADDITIONAL FIRE PROTECTION MEASURES. ALL HYDRANTS SHALL BE INSTALLED AND TESTED AND ACCESSIBLE VIA AN ALL WEATHER ACCESS ROAD PRIOR TO ANY COMBUSTIBLE CONSTRUCTION.
13. THIS PROPOSED SUBDIVISION IS LOCATED IN THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) 500-YR FLOODPLAIN, WHICH DOES NOT REGULATE THE DEVELOPMENT OF THIS PROJECT. THE SUBDIVISION IS WITHIN DFIRM MAP 1040 OF 4750 AND HAS A FEMA FLOODPLAIN DESIGNATION OF SHADED ZONE X.
14. THE SUBDIVIDING LAND OWNERS DESIGNATED ON THIS PLAT AND THEIR SUCCESSORS IN INTEREST RETAIN AN INTEREST IN THE REAL PROPERTY IN OR UPON WHICH WHAT WOULD BE "PUBLIC INFRASTRUCTURE" (AS SUCH TERM IS DEFINED IN SECTION 48-701, ARIZONA REVISED STATUTES, AS AMENDED) MAY BE CONSTRUCTED AS DESCRIBED ON THE FINAL SUBDIVISION PLAT. PURSUANT TO THE DISTRICT DEVELOPMENT, FINANCING, PARTICIPATION AND INTERGOVERNMENTAL AGREEMENT (GLADDEN FARMS (PHASE II) COMMUNITY FACILITIES DISTRICT) DATED JANUARY 1, 2008 (AS AMENDED, THE GFCFD#2 DA"), IF THE PUBLIC INFRASTRUCTURE IS CONSTRUCTED PURSUANT TO THE GFCFD#2 DA, THE INTEREST AND THE PUBLIC INFRASTRUCTURE MAY BE ACQUIRED BY THE GLADDEN FARMS (PHASE II) COMMUNITY FACULTY DISTRICT (GFCFD#2) PURSUANT TO THE GFCFD#2 DA.
15. CONTRACTOR TO COORDINATE WITH OWNER TO DETERMINE EXACT LIMITS AND TIMING OF REMOVALS OF EXISTING FARM ACCESS AND IRRIGATION CANALS.

Registered Professional Engineer (Civil) CERTIFICATE NO. 28674 BRUCE PATON 12-17-20 Date Signed ARIZONA U.S.A.

PRELIMINARY PLAT FOR
GLADDEN FARMS
BLOCK 31 & 33

LOTS 1-235 & COMMON AREA "A-1"-"A-11" & "B-1"-"B-5"

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PCZ1708-002 PRV1710-002 **PRV2009-003**

SHEET 5 OF 8

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SEE SHEET 5

SEE SHEET 3

SEE SHEET 4

SEE SHEET 6

SEE SHEET 7

GLADDEN FARMS
BLOCK 28
SEQ #20181100137
TR

GLADDEN FARMS
BLOCK 34
SEQ #20181100137
TR

SCALE: 1"= 40'
CONTOUR INTERVAL = 1'
0' 20' 40' 80'

CA "B-4"
208101 SF

CA "A-8"
12156 SF

CA "B-3"
85896 SF

CA "A-6"
2178 SF

W STREET "A" (PUBLIC STREET)

W STREET "D" (PUBLIC STREET)

W STREET "E" (PUBLIC STREET)

N STREET "D"

N STREET "I"

15' WIDE BENCH

15' WIDE BERM

BASIN 68
WSEL 13.5
BOTTOM 12.0
VOL 35,800 CF
VOL REQ 20,500 CF
DRYWELLS 1

BASIN 8
WSEL 13.5
BOTTOM 10.5
VOL 215,500 CF
VOL REQ 103,200 CF
DRYWELLS 3

(2) TYPE 3 SCUPPERS 13 CFS

(4) TYPE 3 SCUPPERS 32 CFS

(3) TYPE 3 SCUPPERS 20 CFS

(1) TYPE 3 SCUPPERS 6 CFS

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PCZ1708-002 PRV1710-002 PRV2009-003

SHEET 6 OF 8

SEE SHEET 6

SEE SHEET 4

SEE SHEET 8

CA "B-3"
85896 SF

BASIN 8
WSEL 13.5
BOTTOM 10.5
VOL 215,500 CF
VOL REQ 103,200 CF
DRYWELLS 3

(1) TYPE 3
SCUPPERS
6 CFS

CA "A-6"
2178 SF

CA "A-4"
1625 SF

CA "A-5"
1625 SF

W RIHL DR

N STREET "F"

N STREET "G"
(PUBLIC STREET)

W STREET "D"

MIKE ETTER BOULEVARD
(PUBLIC STREET)
SEQ #20181100137

GLADDEN FARMS
BLOCK 37
SEQ #20181100137
HDR

SCALE: 1"= 40'
CONTOUR INTERVAL = 1'
0' 20' 40' 80'

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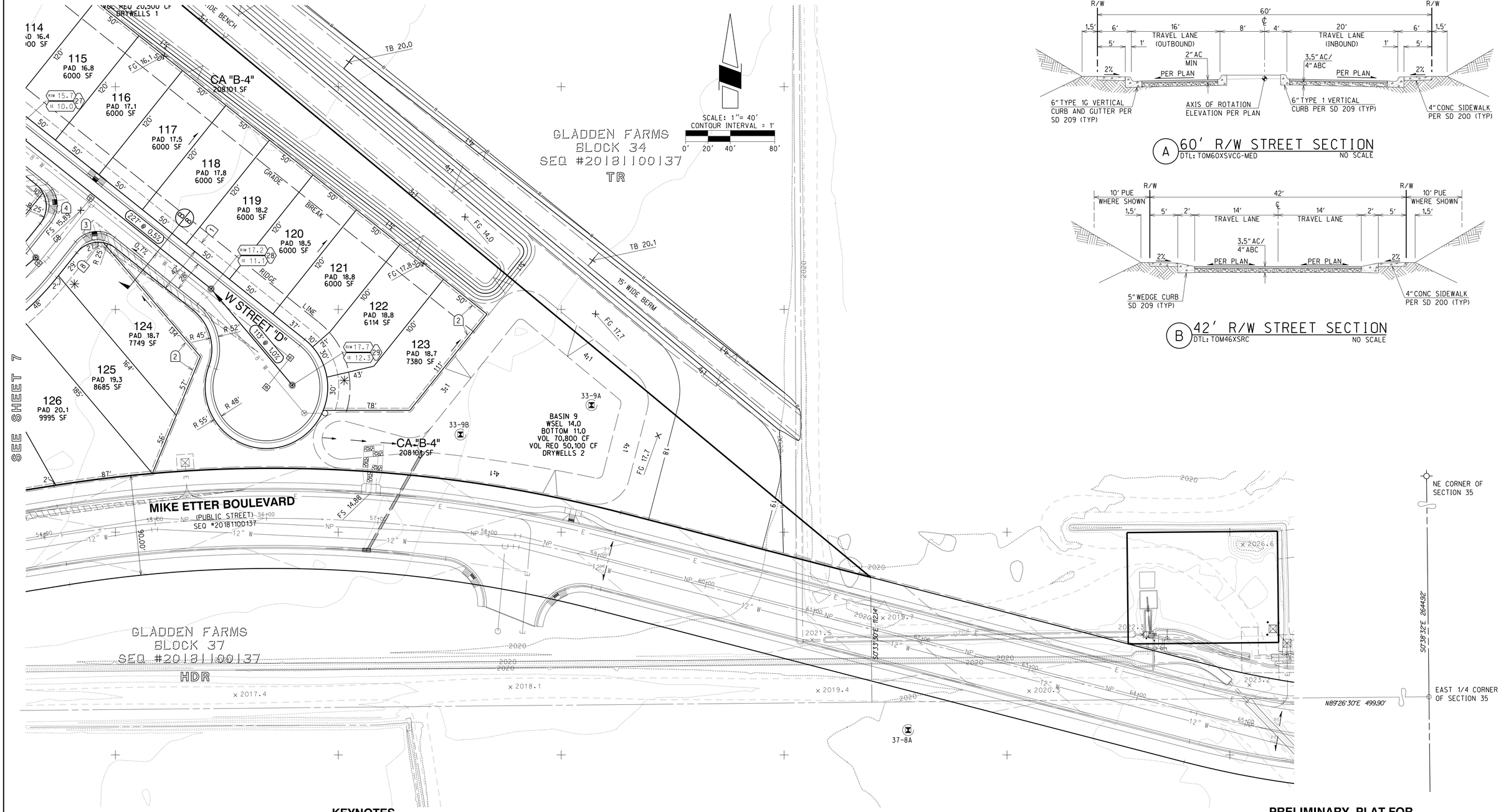
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PCZ1708-002 PRV1710-002 PRV2009-003

SHEET 7 OF 8



A 60' R/W STREET SECTION
DTL: TOM60XSVCG-MED NO SCALE

B 42' R/W STREET SECTION
DTL: TOM46XSRC NO SCALE

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PCZ1708-002 PRV1710-002 PRV2009-003

SHEET 8 OF 8

BASIS OF BEARING

THE BASIS OF BEARING FOR THIS PROJECT IS WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 11 SOUTH, RANGE 11 EAST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA. SAID LINE MONUMENTED BY A FOUND 1 1/2" ALUM CAP STAMPED "17436" AT THE WEST QUARTER AND A FOUND 1/2" REBAR TAGGED "PCHD3" AT THE SOUTHWEST CORNER OF SAID SECTION. SAID BEARING BEING S00°30'03"E.

BASIS OF ELEVATION

PIMA COUNTY OPUS CONTROL POINT 11S11E_17. A "+" ON THE SOUTHEAST CORNER OF A CONCRETE BOX W/GRATE. 41'+/- NORTHWEST OF THE WEST QUARTER SECTION 35 AND 16'+/- SOUTH OF THE SOUTHEAST CORNER OF A WELL SITE. ELEVATION = 2011.61 (NAVD 88)

GENERAL NOTES

1. THE GROSS AREA OF THIS DEVELOPMENT IS 52.295 ACRES; 2,277,971 SF.

2. THE EXISTING ZONING IS F (SPECIFIC PLAN - GLADDEN FARMS II) PER ORDINANCE NO. 2006.03. THE LAND USE DESIGNATION IS HIGH DENSITY RESIDENTIAL (HDR ZONE).

3. THIS SUBDIVISION IS SUBJECT TO THE REQUIREMENTS OF THE GLADDEN FARMS II SPECIFIC PLAN ADOPTED BY MARANA ORDINANCE NO. 2006.03 ON MARCH 7, 2006, AS AMENDED BY THE FIRST AMENDMENT ADOPTED BY MARANA BY ORDINANCE NO. 2006.35 ON DECEMBER 19, 2006 AND THE SECOND AMENDMENT ADOPTED BY MARANA ORDINANCE NO. 2018.006 ON MARCH 6, 2018.

   THIS DEVELOPMENT IS SUBJECT TO THE CONDITIONS AND AGREEMENTS OF THE GLADDEN FARMS II DEVELOPMENT AGREEMENT ADOPTED BY MARANA RESOLUTION 2006-38, THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT ADOPTED BY MARANA RESOLUTION 2006-218, THE SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT ADOPTED BY MARANA RESOLUTION 2018-074, THE THIRD AMENDMENT TO THE DEVELOPMENT AGREEMENT ADOPTED BY MARANA RESOLUTION 2018-100, AND THE FOURTH AMENDMENT TO THE DEVELOPMENT AGREEMENT ADOPTED BY MARANA RESOLUTION 2019-122.

4. THE TOTAL NUMBER OF RESIDENTIAL LOTS IS 275. DENSITY IS 5.26 RAC.

5. PER THE HDR LAND USE DESIGNATION OF THE GLADDEN FARMS II SPECIFIC PLAN, THE MINIMUM LOT SIZE IS 3,500 SF, THE AVERAGE LOT SIZE IS 4800 SF AND THE MAXIMUM LOT SIZE IS 7083 SF FOR SMALL LOT SINGLE-FAMILY DETACHED. THE MINIMUM LOT SIZE IN THIS SUBDIVISION IS 4767 SF.

6. MINIMUM SITE SETBACKS;

   FRONT: 10 FEET.
   - -MAY BE REDUCED TO 5 FEET WITH SIDE-LOADED GARAGE•
   - -FRONT PORCH: 5 FEET•
   - -FRONT-LOADED GARAGE: 20 FEET
   - -SIDE-LOADED GARAGE: 5 FEET•
   - •MAY NOT ENCROACH INTO THE PUBLIC UTILITY EASEMENT, IF REQUIRED

   SIDE: 0 FEET.
   - -MUST PROVIDE A 3-FOOT ACCESS EASEMENT ON ADJACENT LOT Z-LOT LINES.
   - -STREET: 10 FEET
   - -ACCESSORY STRUCTURES: 5 FEET

   REAR: 10 FEET
   - -PATIO STRUCTURES: 5 FEET IF OPEN ON 3 SIDES
   - -MAY BE REDUCED TO 5 FEET WITH REAR-LOADED GARAGE.

7. MAXIMUM BUILDING HEIGHT ALLOWED IS 30 FEET.

8. MAXIMUM LOT COVERAGE IS 55%.

9. PARKING SPACES REQUIRED: 2 OFF-SITE SPACES PER UNIT X 275 WITHIN A FULLY ENCLOSED GARAGE = 550 SPACES.
   PARKING SPACES PROVIDED: 2 PER GARAGE & 2 PER DRIVEWAY X 275 = 1100 SPACES.

10. APPROXIMATE AREA OF PUBLIC STREETS, PARKS, DRAINAGEWAYS, NATURAL OPEN SPACES AND OTHER PROPOSED NON-RESIDENTIAL:

    PUBLIC STREETS IS 9.78 AC OR 425,482 SF
    COMMON AREA "A" (LANDSCAPE, UTILITIES, GRADING AND DRAINAGE) IS 1.71 AC OR 74,622 SF
    COMMON AREA "B" (RECREATION, LANDSCAPE, UTILITIES, GRADING AND DRAINAGE)IS 11.7 AC OR 509,433 SF

11. THE DESIGN SPEED FOR THESE STREETS IS 25 MPH. THE DESIGN VEHICLE IS WB-40.

12. ALL WALLS SHALL BE CONSTRUCTED OF, OR PAINTED, WITH GRAFFITI-RESISTANT MATERIALS.

13. ALL SIGNAGE TO BE APPROVED UNDER SEPARATE PERMIT.

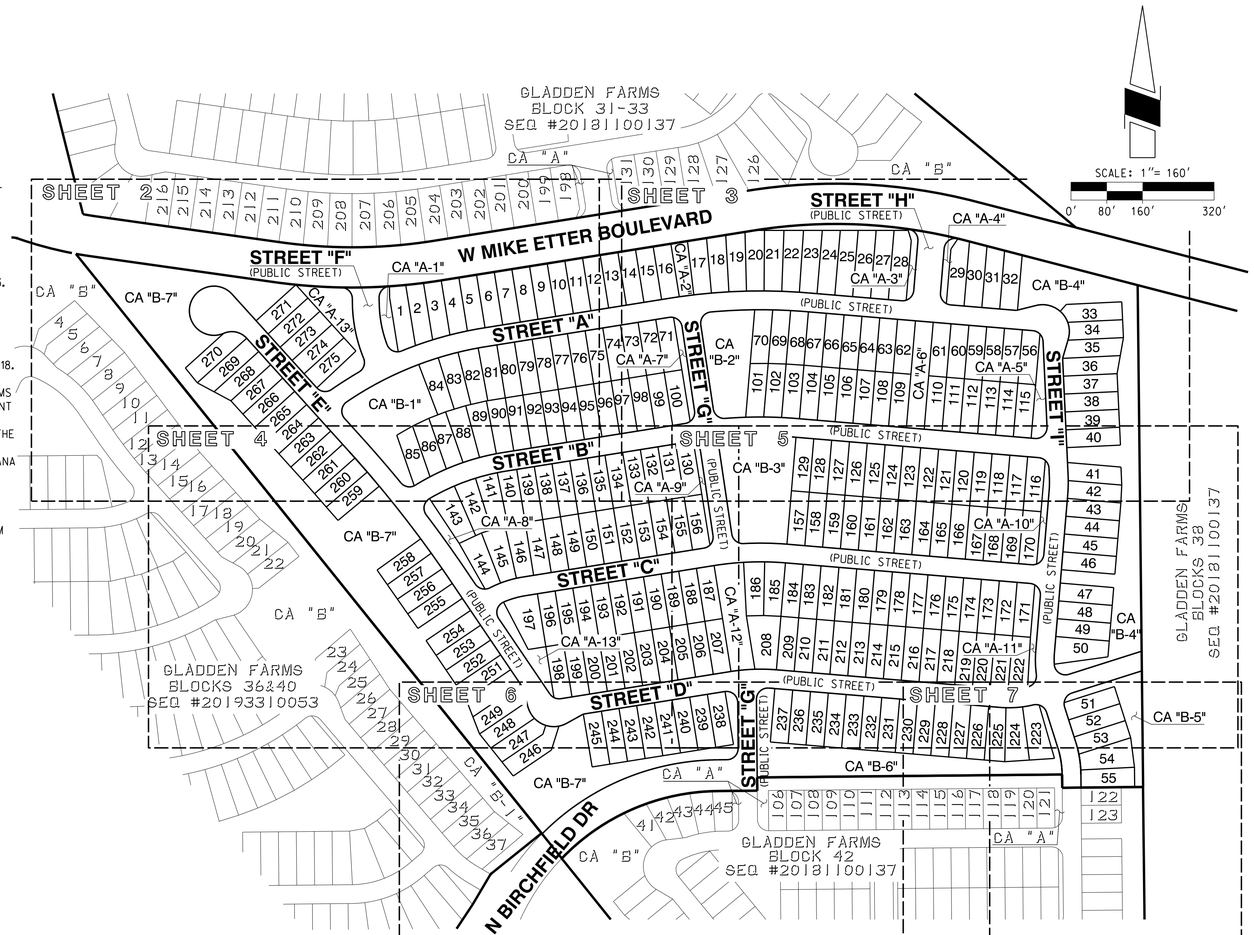
14. THE DEVELOPER WILL COVENANT TO HOLD TOWN OF MARANA, ITS SUCCESSORS AND ASSIGNS, HARMLESS IN THE EVENT OF FLOODING.

15. DRAINAGE WILL NOT BE ALTERED, DISTURBED, OR OBSTRUCTED WITHOUT THE APPROVAL OF THE MARANA TOWN COUNCIL.

16. THE GLADDEN FARMS COMMUNITY ASSOCIATION WILL BE RESPONSIBLE FOR MAINTENANCE, CONTROL, SAFETY AND LIABILITY OF PRIVATE DRAINAGEWAYS, DRAINAGE EASEMENTS, AND COMMON AREAS.

17. TOTAL MILES OF NEW PUBLIC STREETS IS: 1.60 MILES

18. OBJECTS AND MATERIALS WITHIN SIGHT VISIBILITY TRIANGLES SHALL BE PLACES SO AS NOT TO INTERFERE WITH A VISIBILITY PLANE DESCRIBED BY TWO HORIZONTAL LINES LOCATED 30" AND 72" ABOVE FINISHED GRADE OF THE ROADWAY SURFACE, AND SHALL CONFORM TO THE TOWN OF MARANA SUBDIVISION STREET STANDARDS.

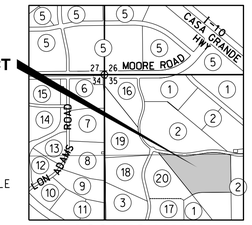


SCALE: 1"= 160'
0' 80' 160' 320'

1. SEQ #20071020612
2. SEQ #20181100137
3. SEQ #20121740308
4. SEQ #20071071340
5. SEQ #20201810353
6. SEQ #20040110791
7. SEQ #20032160454
8. SEQ #20052030148
9. SEQ #20051970423
10. SEQ #20061300698
11. SEQ #20072170310
12. SEQ #20060970432
13. SEQ #20051750608
14. SEQ #20032160452
15. SEQ #20040700645
16. SEQ #20173130070
17. SEQ #20190530029
18. SEQ #20182500081
19. SEQ #20192910094
20. SEQ #20193310053

THIS PROJECT

SCALE: 3" = 1 MILE



LOCATION MAP
PORTION OF SECTION 35, T 11 S, R 11 E
G & SRM TOWN OF MARANA
PIMA COUNTY, ARIZONA

OWNER/DEVELOPER

GLADDEN PHASE II, L.L.C.
c/o CROWN WEST LAND GROUP
333 EAST WETMORE ROAD, SUITE 250
TUCSON, ARIZONA 85705
(520) 888-3962
CONTACT: DEAN WINGERT

SHEET INDEX

1 COVER SHEET
2-7 PRELIMINARY PLAT SHEETS

LEGEND

ITEM	SYMBOL
CENTERLINE	
SECTION LINE	
EXIST BCSM	
SUBDIVISION BOUNDARY	
PROPERTY LINE	
EXIST ROW LINE	
EASEMENT BOUNDARY	
EXIST CONTOUR LINE	2758
EXIST SPOT ELEVATION	X 2751.1
LANDSCAPE BUFFERYARD LIMITS	
DRIVEWAY ORIENTATION	
EXIST PAVEMENT EDGE	
EXIST SEWER LINE W/MH	S
EXIST WATERLINE W/VALVE	W
EXIST UNDERGROUND LINE	E
EXIST GAS LINE	G
PROPOSED STORM DRAIN W/MH	
PROPOSED SEWER W/MH	
PROPOSED SEWER MANHOLE DATA (RIM ELEVATION / INVERT ELEVATION)	RIM 50.2 (1) IE 43.2
PROPOSED SEWER MAIN, LENGTH AND SLOPE	100' @ 1.00%
FLOW ARROW	
APPROX FINISH SURFACE	FS 00.0
EXIST GRADE	(0.00)
APPROX FINISH GRADE	FG 00.0
PROPOSED SLOPE	
CURB ACCESS RAMPS	
SIGHT VISIBILITY TRIANGLE	
RIP-RAP	
DRYWELL	

GENERAL NOTES -CONTINUED

19. INSTALLATION OF ITEMS SUCH AS LANDSCAPING, IRRIGATION, SIGNAGE, MONUMENTS, WALLS AND DRAINAGE IMPROVEMENTS IN THE PUBLIC RIGHTS-OF-WAY SHALL REQUIRE A PERPETUAL LICENSE AGREEMENT FOR INSTALLATION, MAINTENANCE AND INDEMNIFICATION. THE HOMEOWNER'S ASSOCIATION SHALL REVIEW AND APPROVE ALL INSTALLATIONS WITHIN THE RIGHTS-OF-WAY PRIOR TO AND UPON COMPLETION, AS THESE ITEMS WILL BE REGULATED UNDER THE LICENSE AGREEMENT EXECUTED BETWEEN THE HOMEOWNER'S ASSOCIATION AND THE TOWN OF MARANA.

20. ALL NEW AND EXISTING UTILITIES WITHIN OR CONTIGUOUS TO THE SITE SHALL BE PLACED UNDERGROUND EXCEPT ELECTRICAL TRANSMISSION LINES CARRYING 48KV OR GREATER, AND THOSE LINES WHICH CAN BE SHOWN TO EXIST IN CURRENT OR FUTURE ELECTRICAL TRANSMISSION CORRIDORS.

21. ALL EXTERIOR LIGHTING SHALL BE PER THE CURRENTLY ADOPTED TOWN OF MARANA OUTDOOR LIGHTING CODE.

22. THIS PROJECT LIES WITHIN THE PLANNED WATER SERVICE AREA OF THE TOWN OF MARANA WATER DEPARTMENT WHICH IS DESIGNATED BY THE DEPARTMENT OF WATER RESOURCES AS HAVING AN ASSURED WATER SUPPLY.

23. THIS PROJECT LIES WITHIN THE PLANNED WASTEWATER SERVICE AREA OF THE TOWN OF MARANA WATER DEPARTMENT.

24. PRIOR TO RECEIVING A GRADING PERMIT, A STORM WATER POLLUTION PLAN (SWPPP) AND FEE WILL NEED TO BE SUBMITTED TO THE TOWN FOR REVIEW OF BOTH PARCELS.

25. IF EASEMENTS WILL BE DEDICATED TO THE TOWN, A PHASE I ENVIRONMENTAL SITE ASSESSMENT MUST BE SUBMITTED, DATED NO MORE THAN 180 DAYS PRIOR TO THE DEDICATION DATE.

26. IF ANY HUMAN REMAINS OR FUNERARY ITEMS ARE DISCOVERED DURING CONSTRUCTION, OR AT ANYTIME, ALL WORK MUST STOP IN THE AREA OF THE REMAINS AND MR. JOHN MADSEN, REPATRIATION COORDINATOR AT THE ARIZONA STATE MUSEUM, MUST BE CONTACTED IMMEDIATELY AT (520) 621-4795, PURSUANT TO A.R.S. § 41-865.

27. CONTRACTOR SHALL CALL IN AN ARIZONA 811 REQUEST AT LEAST 48 HOURS PRIOR TO ANY CONSTRUCTION ACTIVITY OR HEAVY EQUIPMENT TRAVEL WITHIN 25' OF THE EL PASO NATURAL GAS PIPELINE, AND ARRANGE FOR AN EPNG STANDBY.

FOR MISCELLANEOUS NOTES SEE SHEET 7

ACCEPTED

ADMINISTRATIVE ADDRESS

10651 WEST MIKE ETTER BOULEVARD, MARANA, ARIZONA 85653

Registered Professional Engineer (Civil) CERTIFICATE NO. 28674 BRUCE PATON ARIZONA U.S.A.
Date Signed 12-17-20

PRELIMINARY PLAT FOR
GLADDEN FARMS BLOCK 37

LOTS 1-275 & COMMON AREA "A-1"-"A-14" & "B1"-"B-7"

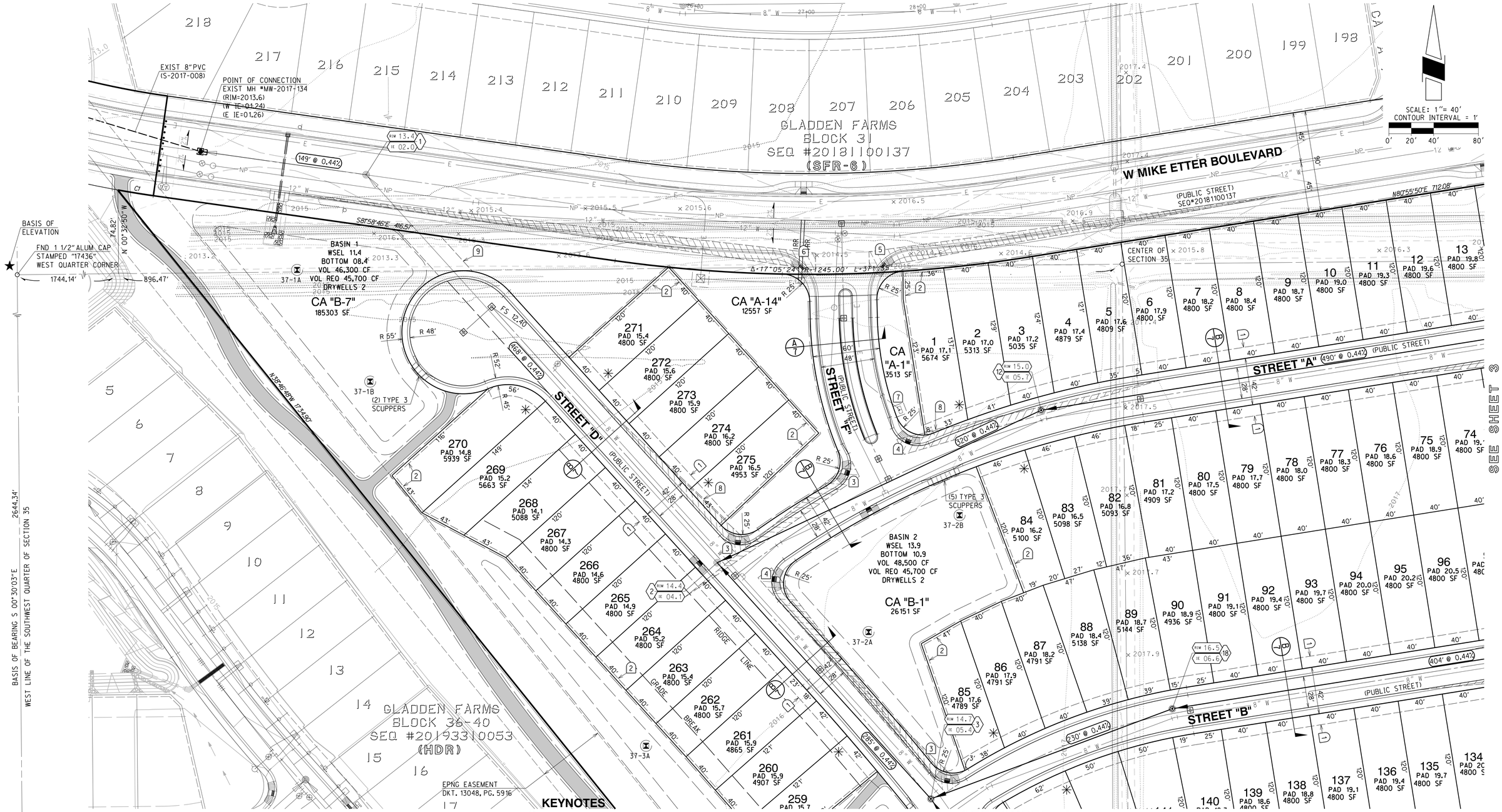
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PCZ-05028 PRV-06073F

PRV2010-002
SHEET 1 OF 7

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KEYNOTES

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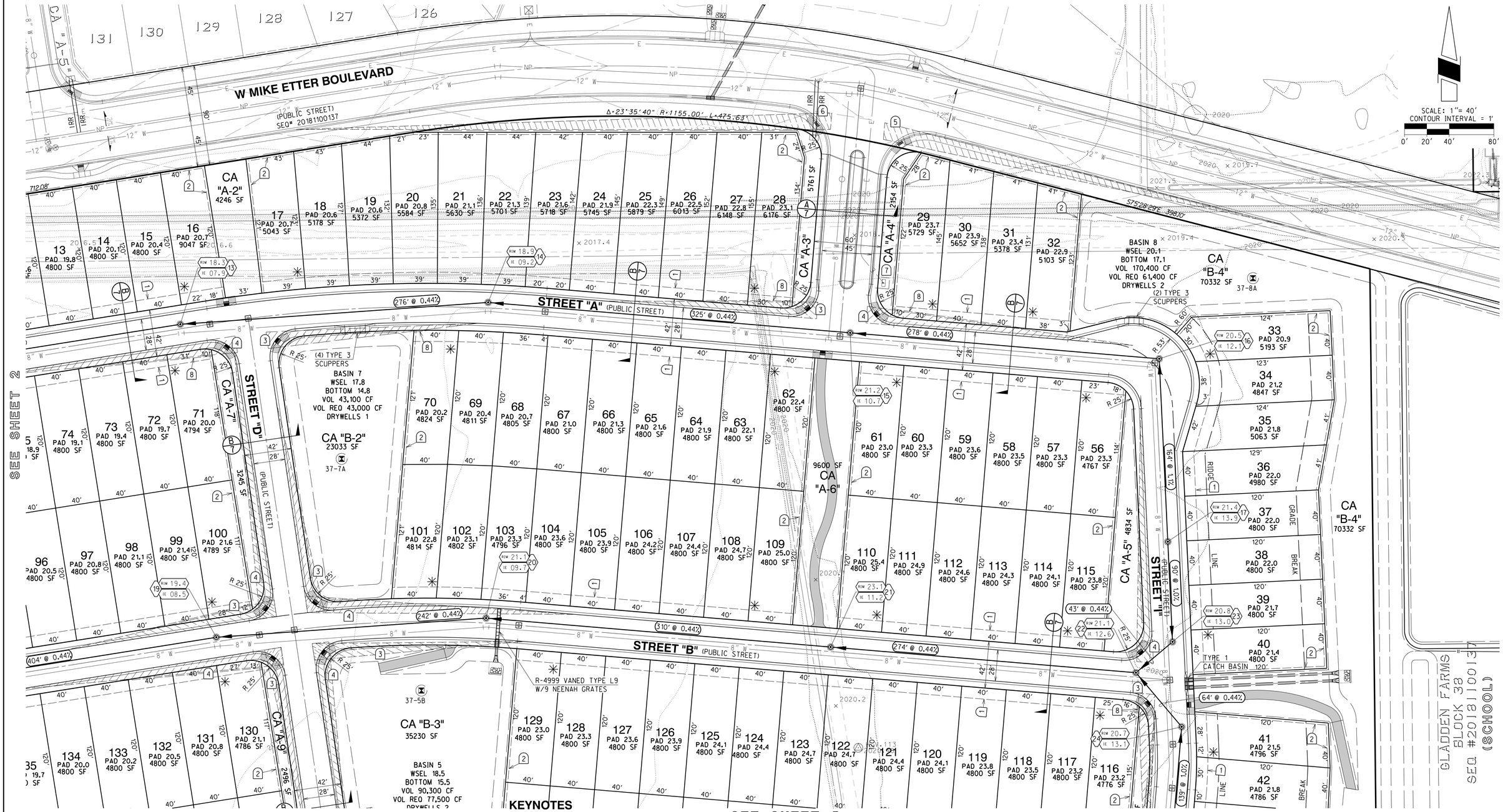
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PRV2010-002
SHEET 3 OF 7

SEE SHEET 2

GLADDEN FARMS
BLOCK 38-40
SEQ #20193310053
(HDR)

EPNG EASEMENT
DKT. 13048, PG. 5916

EPNG EASEMENT
DKT. 13048, PG. 5916

CA "B-1"
185303 SF

CA "A-8"
4653 SF

CA "A-13"
6009 SF

CA "A-14"
13668

BASIN 3
WSEL 14.3
BOTTOM 11.3
VOL 167,100 CF
VOL REQ 107,600 CF
DRYWELLS 3

(5) TYPE 3 SCUPPERS

TYPE 1 CATCH BASIN

(3) TYPE 3 SCUPPERS

STREET "B" (PUBLIC STREET)

STREET "C" (PUBLIC STREET)

STREET "D" (PUBLIC STREET)

SCALE: 1"= 40'
CONTOUR INTERVAL = 1'
0' 20' 40' 80'

SEE SHEET 5

SEE SHEET 4

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PRV2010-002
SHEET 4 OF 7

SEE SHEET 3

SEE SHEET 4

SEE SHEET 7

STREET "B" (PUBLIC STREET)

STREET "C" (PUBLIC STREET)

STREET "D" (PUBLIC STREET)

STREET "E" (PUBLIC STREET)

STREET "F" (PUBLIC STREET)

STREET "G" (PUBLIC STREET)

CA "A-9" 2496 SF

CA "B-3" 35230 SF

BASIN 5
WSEL 18.5
BOTTOM 15.5
VOL 90,300 CF
VOL REQ 77,500 CF
DRYWELLS 2

CA "A-10" 3015 SF

CA "A-11" 3194 SF

CA "A-12" 13668 SF

CA "B-4"

CA "B-4" 70332 SF

BASIN 8
WSEL 20.1
BOTTOM 17.1
VOL 170,400 CF
VOL REQ 61,400 CF
DRYWELLS 2

CA "B-5" 10678 SF

(3) TYPE 3 SCUPPERS

(2) TYPE 3 SCUPPERS
BASIN 9
WSEL 20.1
BOTTOM 17.1
VOL 27,600 CF
VOL REQ 14,400 CF
DRYWELLS 1

TYPE 1 CATCH BASIN

R-4999 VANED TYPE L9 W/9 NEENAH GRATES

GLADDEN FARMS
BLOCK 38
SEQ #20181100137
(SCHOOL)

GLADDEN FARMS
BLOCK 38
SEQ #20181100137
(C)

SCALE: 1"= 40'
CONTOUR INTERVAL = 1'
0' 20' 40' 80'

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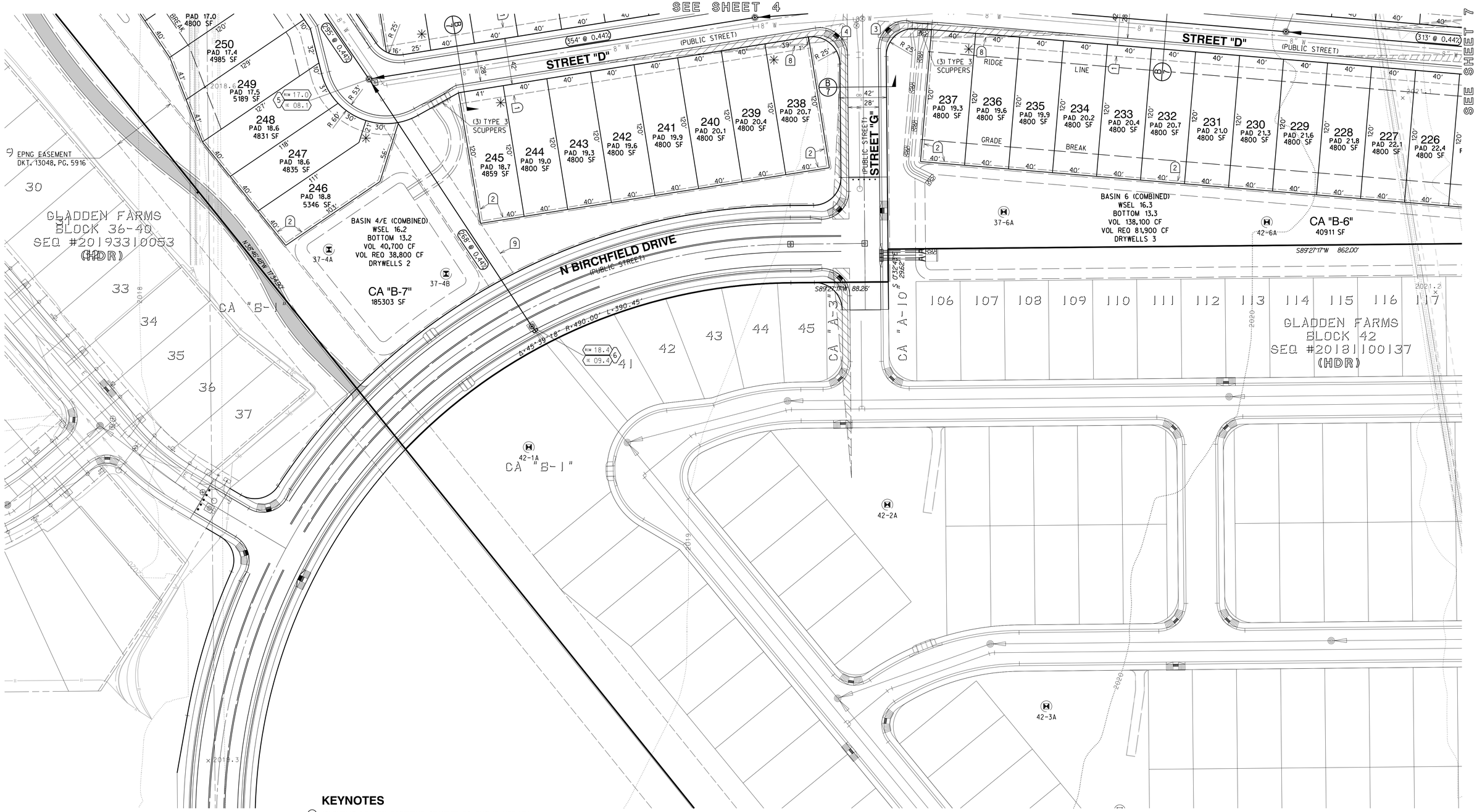
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SHEET 5 OF 7

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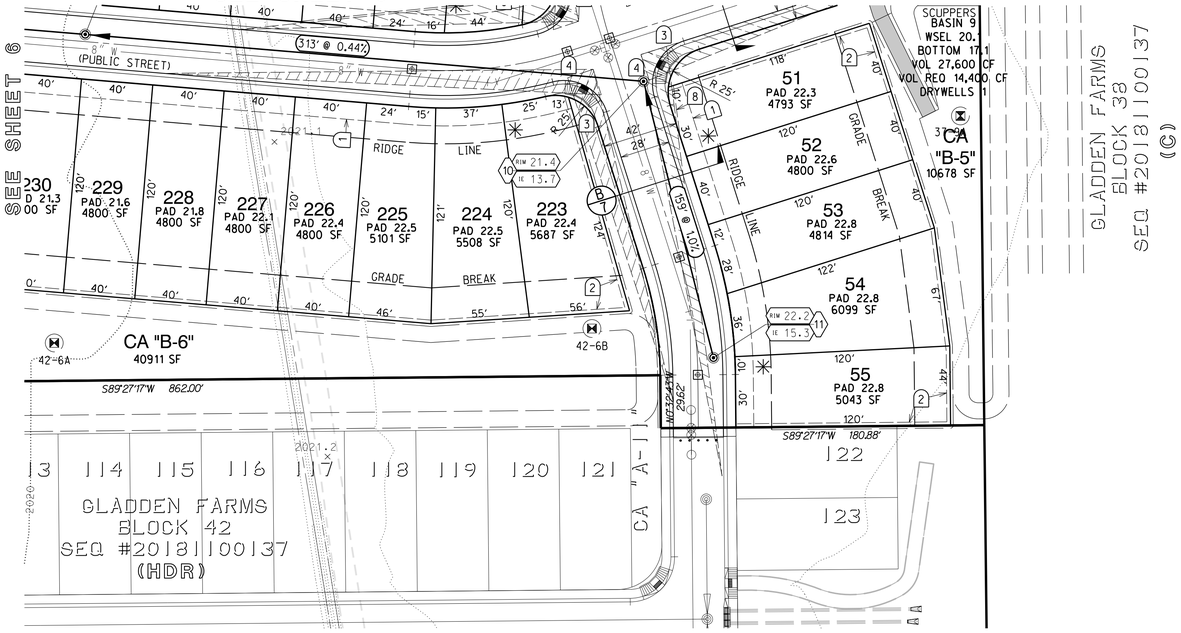
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PRV2010-002
SHEET 6 OF 7



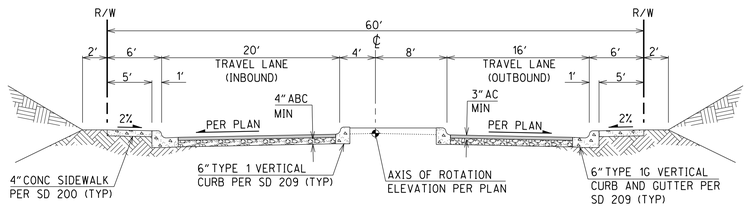


MISCELLANEOUS NOTES

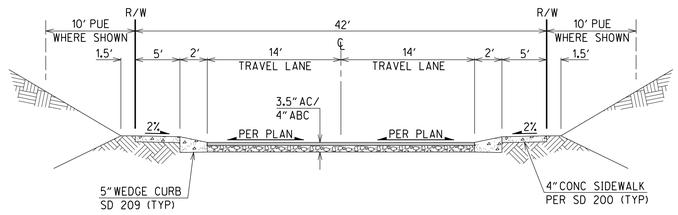
1. ALL ROADS AND DRAINAGE IMPROVEMENTS WITHIN OR ADJACENT TO THIS SUBDIVISION SHALL BE CONSTRUCTED ACCORDING TO PLANS AS REVIEWED AND APPROVED BY THE TOWN OF MARANA.
2. APPROVAL OF THIS PLAN DOES NOT AFFIRM, CERTIFY OR APPROVE ANY LAND DIVISION THAT MAY BE CONTRARY TO STATE LAW, NOR DOES IT CERTIFY THE EXISTENCE OF COMPLIANCE WITH ANY DEED RESTRICTIONS OR EASEMENTS.
3. THIS PROJECT IS SUBJECT TO ALL APPLICABLE TRANSPORTATION, WATER RESOURCE, WATER INFRASTRUCTURE, WASTEWATER INFRASTRUCTURE AND PARK IMPACT FEES, DUE UPON BUILDING PERMIT ISSUANCE FOR EACH LOT.
4. NO FURTHER LOT SPLITTING OR SUBDIVIDING SHALL BE DONE WITHOUT THE WRITTEN APPROVAL OF THE TOWN OF MARANA.
5. ALL RIP RAP AND EROSION PROTECTION ROCK SHALL BE CORONADO BROWN IN COLOR.
6. POTENTIAL BUYERS ARE ADVISED THAT THIS PROJECT FALLS IN THE AIRPORT INFLUENCE AREA AS DELINEATED IN THE 2040 GENERAL PLAN AND IS SUBJECT TO FREQUENT OVERFLIGHT BY GENERAL AVIATION AIRCRAFT. AN AVIATION EASEMENT WAS RECORDED WITH THE BLOCK PLAT AT DOCKET 13063, PAGE 4202.
7. PER SECTION 6.6 OF THE GLADDEN FARMS II DEVELOPMENT AGREEMENT, THE DEVELOPER SHALL PAY FOR BANK PROTECTION AS SET FORTH HEREINAFTER. THEREFORE, THIS RESIDENTIAL SUBDIVISION PLAT SHALL BE REQUIRED TO PAY THEIR TOTAL OBLIGATION, OF $18,625.88, PRIOR TO RELEASE OF ASSURANCES. WITHIN BLOCKS THAT ARE NOT SUBDIVIDED AND A DEVELOPMENT PLAN IS THE ONLY PROCESS, THE OBLIGATION FOR THOSE BLOCKS SHALL BE PAID PRIOR TO DEVELOPMENT PLAN APPROVAL.
8. PER SECTION 6.5 OF THE GLADDEN FARMS II DEVELOPMENT AGREEMENT, A VOLUNTARY SCHOOL IMPROVEMENT IN-LIEU FEE OF $1,200 PER LOT SHALL BE PAID TO THE MARANA UNIFIED SCHOOL DISTRICT UPON THE ISSUANCE OF BUILDING PERMITS FOR EACH INDIVIDUAL RESIDENTIAL UNIT WITHIN THIS BLOCK.
9. THIS PLAT FALLS UNDER THE REQUIREMENTS OF THE GLADDEN FARMS II SPECIFIC PLAN. IF AN ISSUE, CONDITION OR SITUATION ARISES FROM THIS PLAN THAT IS NOT COVERED OR PROVIDED FOR IN THE SPECIFIC PLAN, THOSE REGULATIONS IN THE TOWN OF MARANA LAND DEVELOPMENT CODE THAT ARE APPLICABLE FOR THE MOST SIMILAR ISSUE, CONDITION OR SITUATION SHALL BE USED BY THE PLANNING DIRECTOR AS THE GUIDELINES TO RESOLVE THE UNCLEAR ISSUE, MATTER OR SITUATION.
10. PER THE GLADDEN FARMS II SPECIFIC PLAN SECTION III.L OPEN SPACE, RECREATION, PARKS AND TRAILS CONCEPT AND SECTION IV.C.4.E DEVELOPMENT STANDARDS - SMALL-LOT SINGLE-FAMILY DETACHED OF THE HDR LAND USE DESIGNATION, THE MINIMUM AREA (IN SQUARE FEET) FOR PRIVATE, COMMON ON-SITE RECREATION AREAS SHALL BE 185 SF PER SINGLE FAMILY RESIDENCE. THIS PROJECT SHALL REQUIRE 50,875 SF OF DEVELOPED RECREATIONAL AREA. 59,072 SF IS PROVIDED IN COMMON AREA "C-1".

MISCELLANEOUS NOTES - CONTINUED

11. FIRE HYDRANTS AT 500 FOOT MAXIMUM INTERVALS SHALL BE INSTALLED WITHIN PUBLIC STREETS. THE FIRE FLOW REQUIREMENT IS 1,500 GALLONS/MINUTE APPROVED BY NORTHWEST FIRE DISTRICT. ALL HYDRANTS MUST BE INSTALLED AND OPERATIONAL PRIOR TO BEGINNING COMBUSTIBLE CONSTRUCTION MATERIALS ON SITE.
12. ANY BUILDING OVER 3,600 SQUARE FEET UNDER ONE ROOF MUST BE EVALUATED BY THE NORTHWEST FIRE DISTRICT FOR ADDITIONAL FIRE PROTECTION MEASURES. ANY BUILDING HAVING LIMITED ACCESS IN EXCESS OF 150 FEET, OR 12% ACCESS GRADE, OR LOW CLEARANCE, MUST BE EVALUATED BY THE NORTHWEST FIRE DISTRICT FOR ADDITIONAL FIRE PROTECTION MEASURES. ALL HYDRANTS SHALL BE INSTALLED AND TESTED AND ACCESSIBLE VIA AN ALL WEATHER ACCESS ROAD PRIOR TO ANY COMBUSTIBLE CONSTRUCTION.
13. THIS PROPOSED SUBDIVISION IS LOCATED IN THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) 500-YR FLOODPLAIN, WHICH DOES NOT REGULATE THE DEVELOPMENT OF THIS PROJECT. THE SUBDIVISION IS WITHIN DFIRM MAP 1040 OF 4750 AND HAS A FEMA FLOODPLAIN DESIGNATION OF SHADED ZONE X.
14. THE SUBDIVIDING LAND OWNERS DESIGNATED ON THIS PLAT AND THEIR SUCCESSORS IN INTEREST RETAIN AN INTEREST IN THE REAL PROPERTY IN OR UPON WHICH WHAT WOULD BE "PUBLIC INFRASTRUCTURE" (AS SUCH TERM IS DEFINED IN SECTION 48-701, ARIZONA REVISED STATUTES, AS AMENDED) MAY BE CONSTRUCTED AS DESCRIBED ON THE FINAL SUBDIVISION PLAT. PURSUANT TO THE DISTRICT DEVELOPMENT, FINANCING, PARTICIPATION AND INTERGOVERNMENTAL AGREEMENT (GLADDEN FARMS (PHASE II) COMMUNITY FACILITIES DISTRICT) DATED JANUARY 1, 2008 (AS AMENDED, THE GFCFD#2 DA"), IF THE PUBLIC INFRASTRUCTURE IS CONSTRUCTED PURSUANT TO THE GFCFD#2 DA, THE INTEREST AND THE PUBLIC INFRASTRUCTURE MAY BE ACQUIRED BY THE GLADDEN FARMS (PHASE II) COMMUNITY FACULTY DISTRICT (GFCFD#2) PURSUANT TO THE GFCFD#2 DA.
15. CONTRACTOR TO COORDINATE WITH OWNER TO DETERMINE EXACT LIMITS AND TIMING OF REMOVALS OF EXISTING FARM ACCESS AND IRRIGATION CANALS.
16. EL PASO NATURAL GAS USE REQUIREMENTS:
    A. DRAINAGE: THE EPNG EASEMENT, OR RIGHT-OF-WAY (ROW) WILL NOT BE USED FOR DRAINAGE, NOR WILL THE DRAINAGE BE ALTERED.
    B. UTILITIES: UTILITIES SHALL CROSS THE EPNG EASEMENT AS NEAR A 90 DEGREE ANGLE AS POSSIBLE; BELOW THE EPNG PIPELINE; WITH A MINIMUM VERTICAL SEPARATION OF 24 INCHES; AND (EXCEPT FOR GRAVITY-FED UTILITIES) AT A CONSTANT ELEVATION ACROSS THE ENTIRE WIDTH OF THE ROW. FOREIGN UTILITY STRUCTURES SUCH AS POLES, MANHOLES, PEDESTALS, ETC. ARE NOT ALLOWED WITHIN THE ROW.
    C. LANDSCAPING: TREES, SAGUARO CACTI AND SHRUBS WITH A MATURE HEIGHT OVER 5 FEET ARE NOT ALLOWED IN THE EASEMENT OR ROW.



A 60' R/W STREET SECTION
DTL: TOM60XSVCG-MED NO SCALE



B 42' R/W STREET SECTION
DTL: TOM46XSRC NO SCALE

KEYNOTES

1. 10' PUBLIC UTILITY EASEMENT GRANTED TO PUBLIC UTILITY COMPANIES AND TOWN OF MARANA BY FINAL PLAT
2. 1' PUBLIC NO ACCESS EASEMENT GRANTED BY FINAL PLAT
3. 15'x190' SIGHT VISIBILITY TRIANGLE (FAR SIDE)
4. 15'x240' SIGHT VISIBILITY TRIANGLE (NEAR SIDE)
5. 15'x370' SIGHT VISIBILITY TRIANGLE (FAR SIDE)
6. 15'x480' SIGHT VISIBILITY TRIANGLE (NEAR SIDE)
7. 10'x10' ELECTRIC EASEMENT GRANTED TO TEP BY FINAL PLAT
8. SVT EASEMENT BY FINAL PLAT
9. 30' PUBLIC SEWER EASEMENT GRANTED BY SEPARATE INSTRUMENT



PRELIMINARY PLAT FOR

GLADDEN FARMS BLOCK 37

LOTS 1-275 & COMMON AREA "A-1"-"A-14" & "B1"-"B-7"

COMMON AREA "A-1"-"A-14"; (LANDSCAPE, UTILITIES, GRADING AND DRAINAGE)
COMMON AREA "B-1"-"B-8"; (RECREATION, LANDSCAPE, UTILITIES, GRADING AND DRAINAGE)
BEING A RESUBDIVISION OF BLOCK 37 AND A PORTION OF BLOCK 42
OF GLADDEN FARMS BLOCKS 26-43, BOOK 62, PAGE 64, SECTION 35, TOWNSHIP 11 SOUTH, RANGE 11 EAST, GILA & SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA.

PRV2010-002
SHEET 7 OF 7

RICK ENGINEERING COMPANY
Tucson
3945 EAST FORT LOWELL ROAD - SUITE 111
TUCSON, AZ 85712
520-795-1000
J-5049
rickengineering.com
San Diego - Riverside - Orange - Sacramento - San Luis Obispo - Phoenix - Denver

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Town of Marana Planning

PRV2009-003 Gladden Farms Blk 31/33 Lots 1-235





Legend

Marana Town Limits

Notes

1.1 0 0.57 1.1 Miles

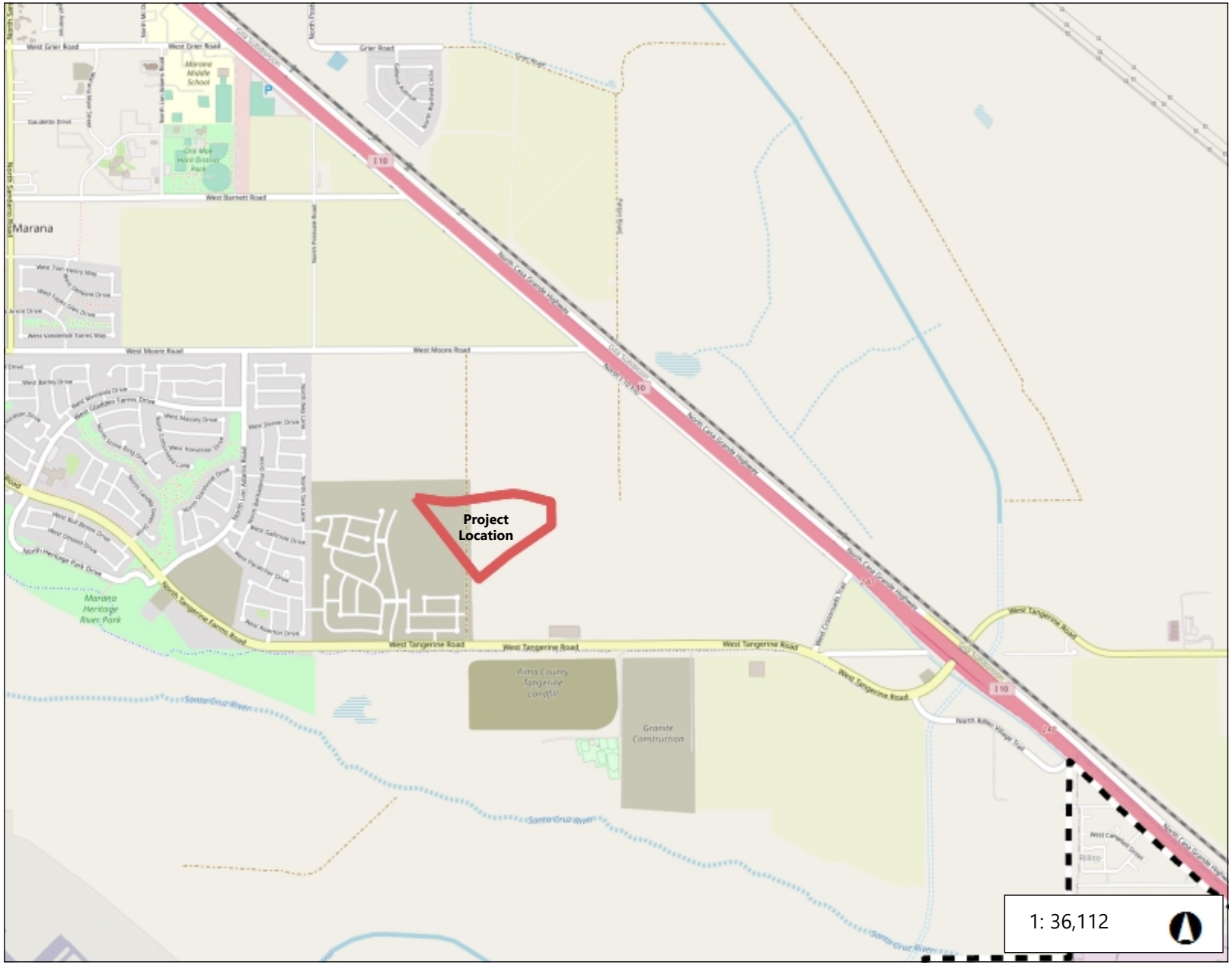
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Town of Marana Planning

PRV2010-002 Gladden Farms Blk 37 Lots 1-275





Legend

Marana Town Limits

Notes

1.1 0 0.57 1.1 Miles

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MARANA AZ

Development Services / maranaplanning@maranaAZ.gov
11555 West Civic Center Drive / Marana, AZ 85653
Ph (520) 382-2600 / Fax (520) 382-2641 / maranaAZ.gov

PROJECT APPLICATION

APPLICATION TYPE

❑ Annexation	❑ Development Plan	❑ Development Plan Package	❑ General Plan Amendment
❑ Rezone	❑ Minor Land Division	❑ Significant Land Use Change	❑ Conditional Use Permit
❑ Specific Plan	❑ Landscape Plan	❑ Native Plant Plan/Exception	❑ SWPP
❑ Variance	❑ Hydraulic Model	❑ Sewer Capacity Assurance	❑ Sign Program
☒ Plat	❑ Improvement Plan	❑ Report (Type): _____	❑ Other: _____

PROJECT INFORMATION

Project Name: Gladden Farms Block 31-33	
Description of Project: Detached Single Family	Number of Lots: 235
Parcel No.(s): 217-54-3370, 217-54-3390	Gross Area (Acres): 57.7
Project Address:	
Ref. Project No.:	

CONTACT INFORMATION

Owner: Fid Nat Title TR 60423 Attn: Crown West	Contact Name: Dean Wingert		
Address: 333 East Wetmore Road Suite 250	City: Tucson	State: AZ	Zip: 85705
Email: dwingert@crownwest.com	Phone No.: (520) 888-3962		
Applicant: Rick Engineering Company, Inc.	Contact Name: Chuck Martin		
Address: 3945 E. Ft. Lowell Rd. #111	City: Tucson	State: AZ	Zip: 85732
Email: cmartin@rickengineering.com	Phone No.: (520) 795-1000		
Consultant/Engineer: Rick Engineering Company, In	Contact Name: Bruce Paton		
Address: 3945 E. Ft. Lowell Rd. #111	City: Tucson	State: AZ	Zip: 85732
Email: bpaton@rickengineering.com	Phone No.: (520) 795-1000		

OWNER/APPLICANT AUTHORIZATION

I hereby certify that the information set forth in this application are true and correct to the best of my knowledge and that I am either the owner of the property or that I have been authorized in writing by the owner to file this application. (If applicant is not the owner, attach written authorization from the owner.)

CHUCK MARTIN	Chuck Martin	9/10/20
Applicant Name (PRINT)	Signature	Date

FOR OFFICIAL USE ONLY
Revision Date 03/29/2019

Project No._____ **Date Received**_____

MARANA AZ

Development Services / maranaplanning@maranaAZ.gov
11555 West Civic Center Drive / Marana, AZ 85653
Ph (520) 382-2600 / Fax (520) 382-2641 / maranaAZ.gov

PROJECT APPLICATION

APPLICATION TYPE

❑ Annexation	❑ Development Plan	❑ Development Plan Package	❑ General Plan Amendment
❑ Rezone	❑ Minor Land Division	❑ Significant Land Use Change	❑ Conditional Use Permit
❑ Specific Plan	❑ Landscape Plan	❑ Native Plant Plan/Exception	❑ SWPP
❑ Variance	❑ Hydraulic Model	❑ Sewer Capacity Assurance	❑ Sign Program
☒ Plat	❑ Improvement Plan	❑ Report (Type): _____	❑ Other: _____

PROJECT INFORMATION

Project Name: Gladden Farms Block 37			
Description of Project: Detached Single Family			Number of Lots: 275
Parcel No.(s): 217-54-3410			Gross Area (Acres): 52.3
Project Address:			
Ref. Project No.:			

CONTACT INFORMATION

Owner: Fid Nat Title TR 60423 Attn: Crown West	Contact Name: Dean Wingert		
Address: 333 East Wetmore Road Suite 250	City: Tucson	State: AZ	Zip: 85705
Email: dwingert@crownwest.com	Phone No.: (520) 888-3962		
Applicant: Rick Engineering Company, Inc.	Contact Name: Chuck Martin		
Address: 3945 E. Ft. Lowell Rd. #111	City: Tucson	State: AZ	Zip: 85732
Email: cmartin@rickengineering.com	Phone No.: (520) 795-1000		
Consultant/Engineer: Rick Engineering Company, In	Contact Name: Bruce Paton		
Address: 3945 E. Ft. Lowell Rd. #111	City: Tucson	State: AZ	Zip: 85732
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CHUCK MARTIN	Chuck Martin	10/5/20
Applicant Name (PRINT)	Signature	Date

FOR OFFICIAL USE ONLY
Revision Date 03/29/2019

Project No. PRV2010-001 **Date Received** 10/6/2020

CROWN WEST
LAND GROUP

333 East Wetmore Road, Suite 250 Tucson, AZ 85705 520-888-3962

April 4, 2018

Mr. Steven Vasquez
Town of Marana Planning Department
11555 West Civic Center Drive
Building A2
Marana, Arizona 85653

RE: Gladden Farms II

Dear Steven,

Gladden Phase II, LLC authorizes RICK Engineering Company to submit plats and plans for our project Gladden Farms II.

If you have any questions, concerns or need anything further please feel free to give me a call.

Sincerely,

GLADDEN PHASE II, LLC

OK Rihl
Crown West Land Group
Development Manager

OK/kp
OK.00022

c: Dean Wingert

Planning Commission - Regular Meeting

Meeting Date: 01/27/2021

To: Planning Commission

From: Brian Varney, Senior Planner

Date: January 27, 2021

Strategic Plan Focus Area:
Not Applicable

Subject: **PCM2012-001; Waiver of Subdivision Requirements for the Summerstone subdivision** . A request for a waiver of subdivision requirement to underground existing electrical utilities adjacent to the Summerstone proposed residential development located south and west of Coachline Boulevard, north of Twin Peaks Road, and east of Silverbell Road. (Brian D. Varney)

Discussion:

Request
Perry Engineering, representing Coachline 2020, LLC, (Crown West Land Group), is requesting a waiver from the requirement to underground existing overhead electrical utilities adjacent to the proposed Summerstone residential subdivision located south and west of Coachline Boulevard, north of Twin Peaks Road, and east of Silverbell Road.

The applicant is currently in the process of final platting the subdivision. Per Section 17-5-3.B.12 of the Marana Town Code, electric power (except electrical transmission lines carrying 48 kV or more) shall be located underground except where the subdivider can show the Planning Commission that underground installation is not feasible. The applicant is planning to underground an existing overhead electrical line on Coachline Boulevard along the north boundary of the proposed subdivision; however, is requesting relief from the requirement to underground the existing line east of the proposed subdivision.

Waiver
The applicant is requesting a waiver from the requirement to underground an existing 13.8kV electrical power line along the east boundary of the proposed Summerstone subdivision due to the following conditions:

1. In order to keep stormwater runoff out of the interior of the Summerstone subdivision to the maximum extent possible, the eastern corridor will be utilized for drainage conveyance, and will also be very near to several storm drain inlets. An underground electric corridor in the same location, and running in the same direction, would likely represent incompatible uses of this corridor, which features limited space.
2. There are mature trees and desert vegetation located within the existing easement, and along the property line. This vegetation would likely be damaged or destroyed during such undergrounding construction activities.
3. It is an unusual practice to underground electric facilities on two different sides of a development project. The developer will already be undergrounding, at their expense, the existing overhead line along Coachline Boulevard. The run along Coachline Blvd is the more important and sensitive run of overhead line in the project vicinity, as determined by staff. This line runs along the most highly traveled roadway in the project vicinity, and will be the primary access point in and out of the project site, thereby being the most visible. The lines along the east boundary are not as highly visible to the public as the line along Coachline Blvd.
4. Tucson Electric Power (TEP) has completed its design to accommodate the future electric service

needs of the Summerstone subdivision. Its design does not propose to underground the overhead run along the east side of the proposed development. A redesign at this time would represent a burden to TEP.

5. To underground the roughly one-half mile of overhead line along the east side of the project site would represent a sizeable financial burden for the developer, with relatively little perceived benefit.

Staff Recommendation:

Planning Division staff has no objection to the Planning Commission approving this waiver.

Suggested Motion:

I move to approve PCM2012-001, a request to waive the subdivision requirement to place underground existing overhead electrical utilities adjacent to the proposed Summerstone subdivision, as indicated in the attached exhibits.

Attachments

PCM2012-001 Utility waiver request letter

PCM2012-001 Area Location Map

PCM2012-001 Utility line exhibit

PCM2012-001 Application

December 23, 2020

PERRY ENGINEERING

VIA EMAIL: bvarney@maranaaz.gov

Brian Varney
Town of Marana Planner
11555 W. Civic Center Drive
Marana, AZ 85653

Re: Overhead Utility Line Waiver Request for Summerstone Subdivision, Lots 1-150, PRV2008-001

Dear Brian:

The developer for the Summerstone project, Crown West Land Group, is requesting a waiver of the utility line undergrounding requirement along the east perimeter of the proposed Summerstone Subdivision. The relevant Town of Marana Activity No. is PRV2008-001.

Per Section 17-5-3.B.12 of the Marana Town Code, electric power (except those lines carrying 48 kV or more) shall be located underground except where undergrounding the lines is not feasible. Currently, there is one existing overhead power line that is proposed to remain after completion of the proposed subdivision. This is the line that is running along the east perimeter of the project site. The remaining overhead power lines surrounding the project site are to be removed or undergrounded per TEP's design for Summerstone Subdivision. The most notable of these is the overhead line along Coachline Blvd., which is the northern project boundary. The developer is seeking relief from the undergrounding requirement for the 13.8 kV power line along the east side of the project, with the following justifications:

In order to keep storm water runoff out of the interior of Summerstone Subdivision to the maximum extent possible, the eastern corridor will be utilized for drainage conveyance, and will also be very near to several storm drain inlets. An underground electric corridor in the same location, and running in the same direction, would likely represent incompatible uses of this corridor, which features limited space.

There are mature trees and desert vegetation located within the existing easement, and along the property line. This vegetation would likely be damaged or destroyed during such undergrounding construction activities.

It is an unusual practice to underground electric facilities on two different sides of a development project. The developer will already be undergrounding, at their expense, the existing overhead line along Coachline Blvd. The run along Coachline is the more important/sensitive run of overhead line in the project vicinity, as determined by staff. It runs along the most highly travelled roadway in the project vicinity, and will be the primary access point in and out of the project site, thereby being the most visible. The lines along the east boundary are not as highly visible to the public as the ones along Coachline Blvd.

Tucson Electric Power Company (TEP) has already completed their design to accommodate the future electric service needs of Summerstone Subdivision. In their design, they did not propose to underground the overhead run along this east side. To redesign at this time would represent a burden to TEP.

Finally, to underground the roughly one half mile of overhead line along the east side of the project site, would represent a sizeable financial burden for the developer, with relatively little perceived benefit.

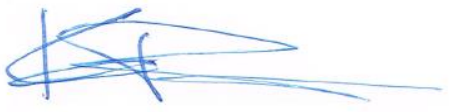
Between all these contributing factors, we feel it is reasonable to waive the requirement to underground the existing overhead lines along the east side of the project site.

Attached is an exhibit highlighting the overhead lines around the project site, including the east run, which is the subject of this waiver request.

We appreciate your time and consideration. Please let us know if you have any questions, or need additional information.

Sincerely,

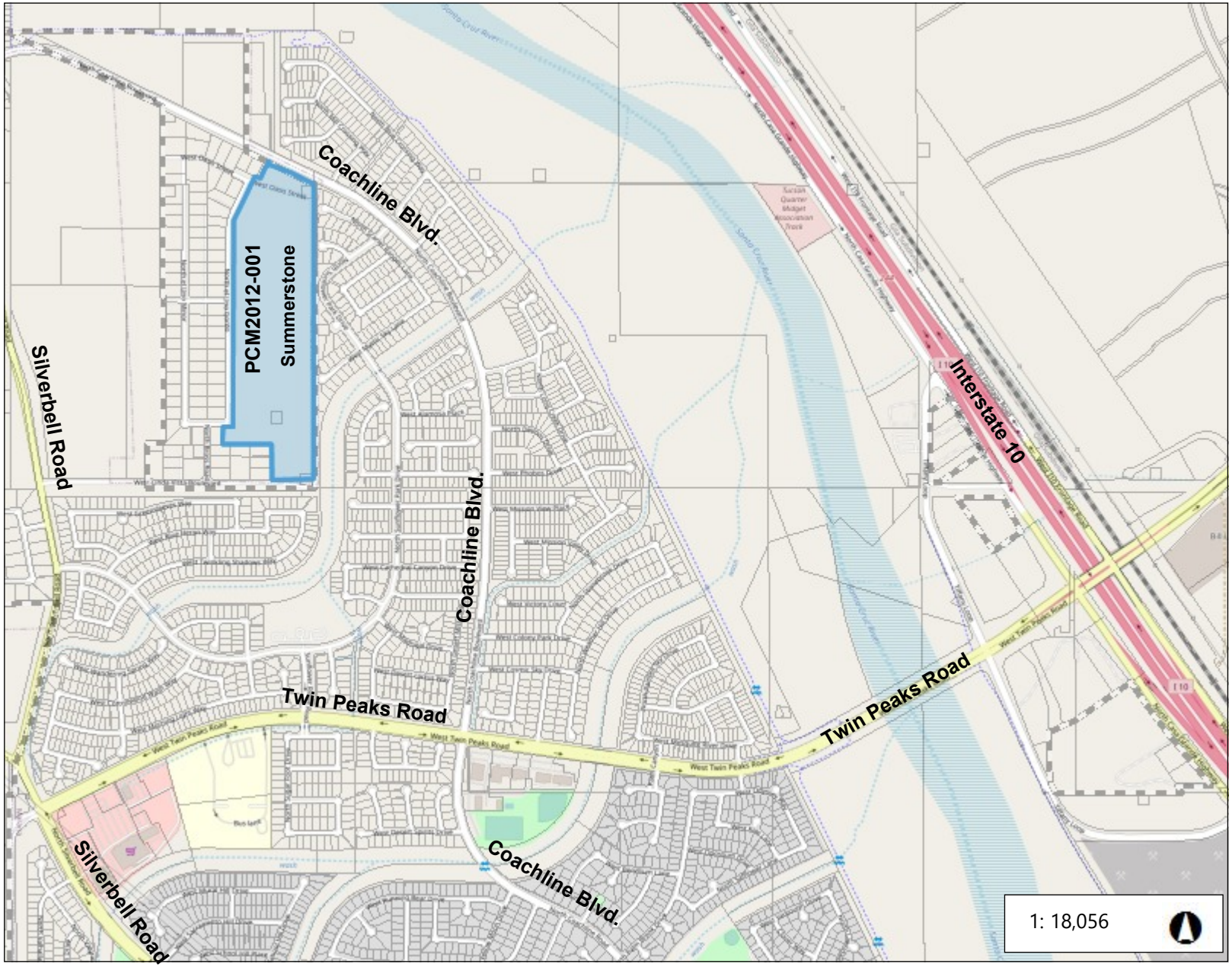
PERRY ENGINEERING, LLC



Kenneth D. Perry, PE
Principal

Town of Marana Planning

PCM2012-001 Summerstone Utility Waiver



Legend

- Marana Addresses
- Marana Town Limits
- Parcels (Black)

Notes

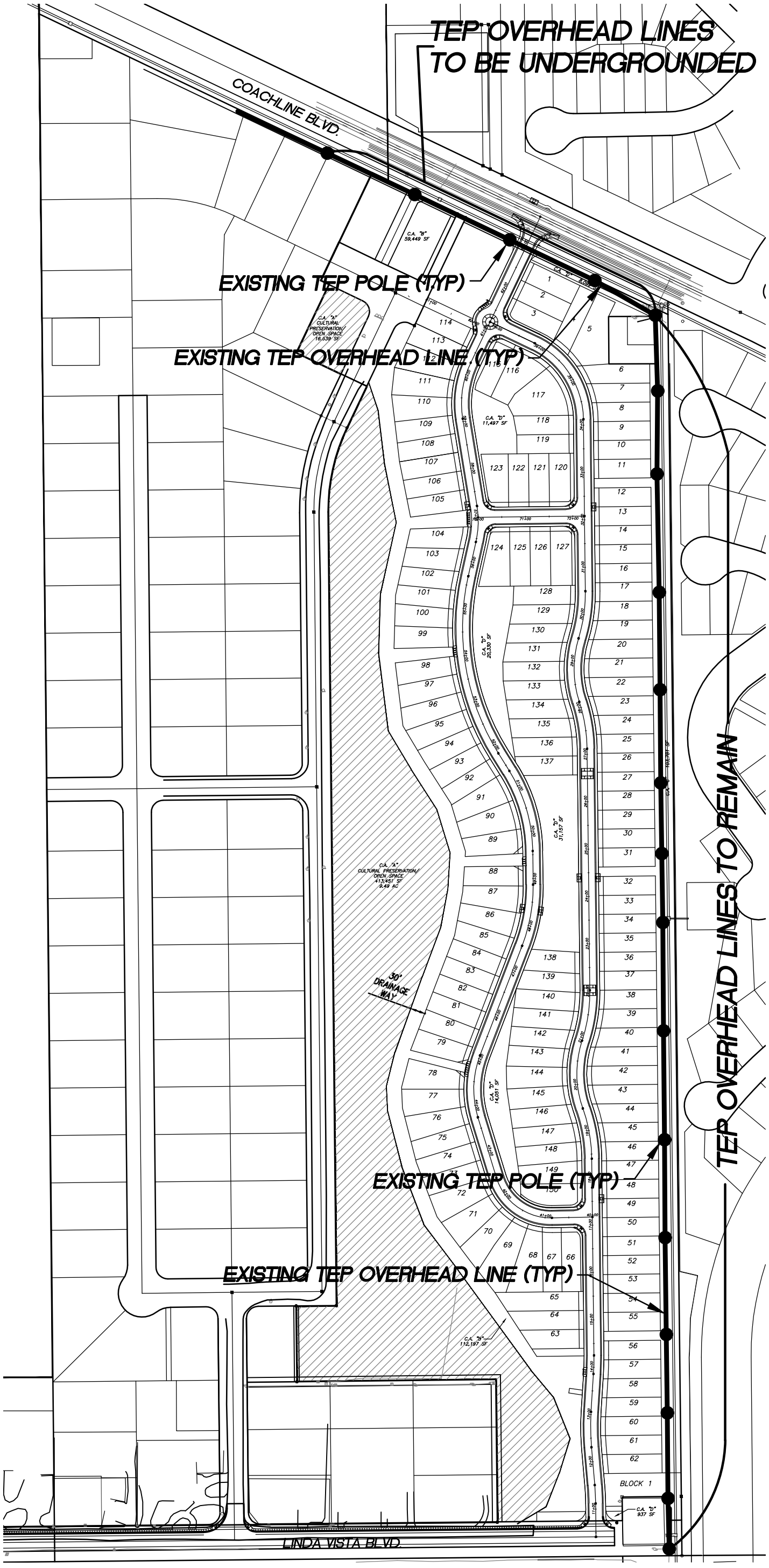
0.6 0 0.28 0.6 Miles

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PERRY ENGINEERING
501 W WETMORE ROAD
TUCSON, AZ 85705
CONTACT: KEN PERRY, P.E.
PHONE: 520.620.9870

TEP UNDERGROUNDING EXHIBIT

FOR

SUMMERSTONE

LOTS 1 - 150 & COMMON AREAS A - D

DATED 12-23-2020

MARANA AZ

Development Services / maranaplanning@maranaAZ.gov
11555 West Civic Center Drive / Marana, AZ 85653
Ph (520) 382-2600 / Fax (520) 382-2641 / maranaAZ.gov

PROJECT APPLICATION

APPLICATION TYPE

❑ Annexation	❑ Development Plan	❑ Development Plan Package	❑ General Plan Amendment
❑ Rezone	❑ Minor Land Division	❑ Significant Land Use Change	❑ Conditional Use Permit
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❑ Variance	❑ Hydraulic Model	❑ Sewer Capacity Assurance	❑ Sign Program
❑ Plat	❑ Improvement Plan	❑ Report (Type): _____	☒ Other: Utility Line Waiver

PROJECT INFORMATION

Project Name: Summerstone	
Description of Project: SFR Subdivision requesting waiver	Number of Lots: 150
Parcel No.(s): 226-05-0070,0080,149B,0610,and 1570.	Gross Area (Acres): 40
Project Address: 10015 N. Coachline Bl.	
Ref. Project No.: PRV2008-001	

CONTACT INFORMATION

Owner: Coachline 2020, LLC	Contact Name: Dean Wingert		
Address: 330 E. Wetmore Road, Suite 250	City: Tucson	State: AZ	Zip: 85705
Email: dwingert@crownwest.com	Phone No.: (520) 888-3962		
Applicant: Perry Engineering	Contact Name: Ken Perry		
Address: 501 W. Wetmore Road	City: Tucson	State: AZ	Zip: 85705
Email: kperry@perryengineering.net	Phone No.: (520) 620-9870		
Consultant/Engineer: Perry Engineering	Contact Name: Ken Perry		
Address: 501 W. Wetmore Road	City: Tucson	State: AZ	Zip: 85705
Email: kperry@perryengineering.net	Phone No.: (520) 620-9870		

OWNER/APPLICANT AUTHORIZATION

I hereby certify that the information set forth in this application are true and correct to the best of my knowledge and that I am either the owner of the property or that I have been authorized in writing by the owner to file this application. (If applicant is not the owner, attach written authorization from the owner.)

Dean Wingert		12-30-20
Applicant Name (PRINT)	Signature	Date

FOR OFFICIAL USE ONLY

Project No._____ **Date Received**_____

Revision Date 03/29/2019