



May 7, 2014

CONDITIONAL USE PERMIT CASE NUMBER: 2015-0156

CASE SUMMARY: A request by Mark Maydahl, Ozvest, Inc., owner, for a Conditional Use Permit as to allow a medical marijuana dispensary offsite cultivation location on a General Industrial zoned property located on 2801 N Main Street, San Luis, AZ, Assessor's Parcel No. 210-25-009. This request is based on proposed Text Amendment Case No. 2015-0106, an amendment to the City of San Luis Zoning Ordinance allowing medical marijuana dispensaries and medical marijuana dispensaries offsite cultivation location in General Industrial Zoning District (H-I) as a conditional use (Section 8.2-C.9.10).

PUBLIC HEARING: JUNE 9, 2015

COMMENTS DUE: MAY 18, 2015

Your comments on this case will help us prepare an accurate and timely staff report. Your comments on this case will be inserted "as is" into the staff report with your name, department, and telephone number, should the applicant have any questions. Your comments are a public record and will be available to the public, media, and the applicant, in addition to the Commission hearing on this case. Please complete the section below and return via e-mail. For additional information please contact me at 341-8563, extension 2013, or at Jstarkey@cityofsanluis.org.

Thank you,

John Starkey
Zoning Administrator

Attachment: Location Map, Site Picture and Proposed Amendments

COMMENTS NO COMMENTS

Enter Comments *below*:

Date: 5/14/15
Agency: Yuma County Water Users' Association
Phone: (928) 627-8824

Return to: rpacheco@cityofsanluis.org

Comments attached in letter.



YUMA COUNTY WATER USERS' ASSOCIATION

MAILING ADDRESS:
POST OFFICE BOX 5775
YUMA, ARIZONA 85366-5775
OFFICE: (928) 627-8824

SHIPPING ADDRESS:
3800 WEST COUNTY 15TH STREET
SOMERTON, ARIZONA 85350
FAX: (928) 627-3065

EMAIL ADDRESS:
OFFICE@YCWUA.ORG

May 14, 2015

John Starkey
Zoning Administrator
City of San Luis
PO Box 3750
San Luis, AZ 85349

Subject: Comments for Conditional Use Permit Case Number 2015-0156

Dear John:

The Yuma County Water Users' Association (Association) has received the City of San Luis request for comments for the subject Conditional Use Permit (Permit) on Assessor's Parcel No. 210-25-009. After a review of the case, the Association has no comments nor objection to the issuance of the Permit. However, we have identified that this parcel does have a water right, and as such, this brings about another issue that must be addressed.

Due to the nature of the Permit issuance and the business that will be in operation (cultivation of marijuana), a Bureau of Reclamation policy concerning the use of Reclamation water or the use of Reclamation facilities in the delivery of such water becomes involved. I am providing you with a copy of that Bureau policy for your information. It is not the responsibility of the Association to determine the applicability of this policy nor how it should effect the issuance of this Permit, and I would recommend that legal counsel for the City of San Luis take this Reclamation policy into advisement as to how it may or may not be applicable in this case. You may wish to involve Reclamation in these discussions as well, so that they may lend some insight as to how their policy applies in this situation.

As the Association is involved with water deliveries using Reclamation facilities, we request that you please keep us in any communication that may occur concerning this matter between San Luis and Reclamation in this unprecedented matter. I thank you in advance for this courtesy.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles A. Cowan".

Charles A. Cowan
Head of Technical Services

cc: Maria Ramirez, Area Manager, US Bureau of Reclamation

Reclamation Manual

Policy

TEMPORARY RELEASE
(Expires 05/16/2016)

Subject: Use of Reclamation Water or Facilities for Activities Prohibited by the Controlled Substances Act of 1970

Purpose: The purpose of this Policy is to provide a clear statement of the Bureau of Reclamation’s intent to operate consistently with the CSA with respect to the potential use of Reclamation water or facilities for the production of marijuana.

Authority: Reclamation Act of 1902 (ch. 1093, 32 Stat. 388); Controlled Substances Act of 1970 (Pub. L. 91-513, 84 Stat. 1236; codified as amended in various sections of 21 U.S.C.)

Approving Official: Commissioner

Contact: Director, Policy and Administration

1. **Introduction.** The Controlled Substances Act of 1970 (CSA) and its implementing regulations prohibit the cultivation of marijuana, as defined at subsection 102(16) of the CSA (codified at 21 U.S.C. 802(16))¹. Reclamation’s obligation as a Federal agency to uphold Federal law prohibits it from approving the use of Reclamation water or facilities to facilitate activities prohibited by the CSA. Although the CSA’s relevant prohibitions have not changed, the legalization of marijuana’s cultivation and distribution under some state laws necessitates a clear statement of Reclamation’s obligations under the CSA.
2. **Applicability.** This Policy applies to Reclamation staff involved in the administration of Reclamation water-related contracts.
3. **Definitions.** The definitions cited in PEC P05 apply to this Policy (see especially the terms “Contract Water” and “Water-Related Contract” at Paragraphs 3.D. and 3.R.).
4. **Responsibilities.**
 - A. **Commissioner.** The Commissioner will ensure that appropriate Policy on compliance with the CSA and other laws is issued and kept current.
 - B. **Director, Policy and Administration (Director).** The Director will issue D&S as necessary to provide additional support for implementation of the Commissioner’s policies.

¹Spelled “marihuana” in the statute.

Reclamation Manual

Policy

TEMPORARY RELEASE
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- C. **Regional Directors.** Regional directors are responsible for the implementation of this Policy within their regions in accordance with authority delegated to them by the Commissioner. Along with complying with relevant laws and delegated authority, regional directors are responsible for ensuring that contracts are administered in a manner that protects the interests of the United States and ensures Reclamation's compliance with applicable law. Regional directors are responsible for the reporting required in Paragraph 5.A. of this Policy, and for designating the Reclamation employee responsible for compiling and maintaining the record described in Paragraph 5.C.
5. **Policy.** Reclamation will operate its facilities, make available contract water, execute and administer its water-related contracts, and otherwise perform its contractual and legal duties in a manner that is consistent with the CSA. Specifically:
- A. Reclamation will not approve use of Reclamation facilities or water in the cultivation of marijuana.
- B. Should Reclamation employees become aware that Reclamation facilities or the water they supply are being used to facilitate cultivation of marijuana, they will, through their line management, bring this to the attention of their regional director, who will report such use to the Department of Justice and document the reporting action(s).
- C. Throughout this process, a designated Reclamation employee will compile and maintain a record documenting all activities and communications regarding known or potential uses of Reclamation water or facilities to cultivate marijuana. These records will include all relevant memos, emails, letters, records of telephone conversations, etc. about known or potential uses of Reclamation water or facilities to cultivate marijuana, including responses by Reclamation employees.
- D. Reclamation does not have a responsibility or designated role in actively seeking enforcement of the CSA.
6. **Commingled Water.** This Policy does not apply to non-contract water commingled with contract water in non-Federal facilities.

RECLAMATION MANUAL TRANSMITTAL SHEET

Effective Date: <u>03/20/2015</u>	Release No. <u>495</u>
Ensure all employees needing this information are provided a copy of this release.	
Reclamation Manual Release Number and Subject	
PEC TRMR-63 Use of Reclamation Water or Facilities for Activities Prohibited by the Controlled Substances Act of 1970	
Summary of Changes	
Minor revisions approved to extend the expiration date from 5/16/2015 to 5/16/2016.	
NOTE: This Reclamation Manual release applies to all Reclamation employees. When an exclusive bargaining unit exists, changes to this release may be subject to the provisions of collective bargaining agreements.	
Filing instructions	
Remove Sheets pp 1-2	Insert Sheets pp 1-2
All Reclamation Manual releases are available at http://www.usbr.gov/recman/	
Filed by: _____	Date: _____