

## MINUTES

REGULAR MEETING  
PLANNING AND ZONING COMMISSION  
SAN LUIS COUNCIL CHAMBERS  
1090 E. UNION STREET  
DECEMBER 8, 2020  
7:00 PM

**1. CALL TO THE ORDER /ROLL CALL:** The meeting was called to order at 7:00 PM, by Chairman Marco A. Pinzon.

**2. PLEDGE OF ALLEGIANCE:**

*No Pledge of Allegiance was held due to all had been connected through technological means.*

*Chairman, members of the Planning and Zoning Commission and some members of staff participated remotely.*

**PRESENT:**

- Chairman Marco A. Pinzon
- Commission Member Javier Barraza
- Commission Member Guillermina Fuentes (arrived at 7:10 p.m.)
- Commission Member Veronica Zavala
- Commission Member Case Van Veen
- Commission Member George Amaya

**ABSENT:**

- Commission Member Hugo Garcia

**OTHERS PRESENT:**

- Jose A. Guzman, Director of Planning and Zoning
- Dylan Stackpole, Associate Planner
- Kay Macuil, City Attorney
- Glenn Gimbut, Assistant City Attorney

Tadeo A. De La Hoya, City Manager (remotely)

### **3. CONSENT AGENDA**

#### **3. A. APPROVAL OF MINUTES**

-Regular Planning and Zoning Commission meeting held November 10, 2020.

**MOTION: Commission Member Javier Barraza / Commission Member Veronica Zavala** to approve the consent agenda as presented. The Motion passed unanimously.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Commission Member Javier Barraza	Aye
Commission Member Veronica Zavala	Aye
Commission Member George Amaya	Aye

### **4. PUBLIC HEARINGS**

**4. A. Public Hearing followed by discussion and possible action on any and all matters regarding Text Amendment Case No. 2020-0689. A request by the City of San Luis for a text amendment to the City Code of San Luis City Chapter 152 Zoning Regulations by amending Section 152.013, Definitions and Section 152.225 Medical Marijuana to provide for the regulation of marijuana establishments and/or marijuana testing facilities; repealing conflicting provisions; and providing for severability.**

#### **A. Open public hearing**

**MOTION: Chairman Marco A. Pinzon / Commission Member Case Van Veen** to approve the consent agenda as presented. The Motion passed unanimously.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Commission Member Javier Barraza	Aye
Commission Member Veronica Zavala	Aye
Commission Member George Amaya	Aye

### 1. Staff Presentation

**Jose A. Guzman, Director of Planning and Zoning**, stated that Mr. Glenn Gimbut, Assistant City Attorney was going to do the presentation for Text Amendment case No. 2020-0689.

**Glenn Gimbut, Assistant City Attorney**, stated that the State passed prop 207 in November 3<sup>rd</sup> election which brought recreational marijuana sales to Arizona. In doing this, it created new category of license called marijuana establishments and it is license marijuana establishments that will be allow to sell recreational marijuana. It made other statutory changes allowing people to grow and process their own marijuana at home and some changes as well to our regulations regarding marijuana in the state. Basically, staff is recommending to council, and council has held two work session on this, essentially we are bringing fully three different ordinances. One is a regulatory ordinance that will be part of the general City Code. The second is to make a change to the City Code which it is what you see in front of you tonight, and the third is to an amendment to the Fire Code. The League of Arizona Cities and Towns oppose what was called modern ordinance with a lot of options on it. Prop 207 allows cities and towns to banned marijuana establishment, while it said those words it also said in another section that we are not allow to regulate marijuana establishments any different than how we regulate medical marijuana. The laws with respect to medical marijuana have not change at all. As you may recall while we can regulate medical marijuana we cannot out right banned it. So how can you banned something and not banned something at the same time. Furthermore, Mr. Gimbut stated the safest core of action would be to do what it is called a dual license facility meaning that marijuana establishment can exist only at a place that they offer medical marijuana. As a result, the propose change to the zoning code section 152.225 is basically saying that marijuana establishments are banned in San Luis

except in at medical marijuana dispensary. So what this means is first you got to get your license to be a medical marijuana dispensary, get your conditional use permit to be one in San Luis and establish that business, then get your marijuana establishment license and locate that marijuana establishment business at the medical marijuana dispensary. Today you might recall that the public in San Luis really did not like the idea of marijuana been offer for sale in San Luis. The way how things work in Arizona for medical marijuana dispensary is you get one license per community health areas or "CHAA" we got our two CHAA in San Luis and there is an overall upper cap on how many licenses are going to be in the state. As a result the only way that one can get license down here is if you win the annual lottery that the Department of Health Services hold or if you transfer an already existing license. So far no one has been able to win the lottery and no one wants to move an existing license. For marijuana establishments they organize differently in the state statutes, there is one license for every ten license pharmacy in the state and the current estimate is about 145 licenses will be available state wide. But they are not necessarily so many licenses per area. It also set up the state must accept applications for these licenses on January 19<sup>th</sup> and the state must give an answer on those application within 60 days. So that means that licenses for marijuana establishments would start been issue on March. We had already inquiry down here of somebody wanting to try establish a business. However when they were inform that they had to be a dual license facility, meaning you have to have a medical marijuana dispensary license as well there no longer show an interest in San Luis. We will also be banning marijuana testing facilities in our city. These are facilities that test for how powerful your marijuana is, we do not want or desire to have those kind of chemical process run around in our city and there is no need or law that requires us to have them.

Marijuana growing - you are going to have to allow for people at their home for individuals to go grow up to 6 plants a couple to grow up to 12 plants at their home. They have to be either grown in doors or if it is in an agriculture area at a place where you can only see the plants with the use of binoculars. We will be adopting the 2018 Fire Code which has chapter 38 which has special provisions regarding marijuana. The bottom line is that if you are going to do extraction or processing of any kind you have to comply with the fire code. Furthermore, Mr. Gimbut stated that this is an overview of what we are doing and if there were any questions for him, he would be more than happy to answer them.

**Commission Member Guillermina Fuentes** do we have a particular place where people can grow their medical marijuana. **Mr. Gimbut** responded that this is where the law change with the November election. The medical marijuana you are correct. If you had a medical marijuana dispensary you were prevented from been able to grow at your own home and the only way you could grow at your home if it was not a medical marijuana dispensary within 20 miles. But the law change within the November election. Whether there is a dispensary or not, a marijuana establishments or not, you are allow to grow at your own home.

## **2. Call to the Public on this item**

There were no public comments

## **B. Close public hearing**

**MOTION: Commission Member Guillermina Fuentes / Commission Member Veronica Zavala** to approve the consent agenda as presented. The Motion passed unanimously.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Commission Member Javier Barraza	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Veronica Zavala	Aye
Commission Member George Amaya	Aye

## **B. Action on Text Amendment Case No. 2020-0689**

**MOTION: Chairman Marco A. Pinzon / Commission Member Javier Barraza** to forward the Text Amendment Case No. 2020-0689 to the City Council with recommendation of approval. Motion passed unanimously.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Commission Member Javier Barraza	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Veronica Zavala	Aye
Commission Member George Amaya	Aye

## 6. ADJOURNMENT

**MOTION: Commission Member Guillermina Fuentes / Commission Member Javier Barraza** adjourn the Regular Planning and Zoning Commission meeting at approximately 7:22 p.m. Motion passed unanimously.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Commission Member Javier Barraza	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Veronica Zavala	Aye
Commission Member George Amaya	Aye

APPROVED:

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Marco A. Pinzon, Chairman

ATTEST:

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Roman Pacheco, Planning Technician

CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING MINUTES ARE A TRUE AND CORRECT COPY OF THE MINUTES OF THE PLANNING AND ZONING COMMISSION, SAN LUIS, ARIZONA HELD ON DECEMBER 8, 2020. I FURTHER CERTIFY THAT THE MEETING WAS DULLY CALLED AND HELD AND THAT A QUORUM WAS PRESENT.

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Roman Pacheco, Planning Technician