

MEMO

To: Board of Supervisors

From: Robert Gould
Community Development Director

Date: April 1, 2011

Re: Board Consideration of Medical Marijuana Ordinance

Background Information

Arizona Department of Health Services will start accepting applications from Qualified Patients and Caregivers on April 14, 2011. They will be accepting applications for Dispensaries and Cultivation Sites during the month of June.

The final rules for the program were distributed on March 28, 2011. Based on these rules all qualified patients will either have to cultivate their own marijuana or obtain it from a designated caregiver. This means that most marijuana cultivation will occur in our residential neighborhoods in the beginning. This will change when they renew their registration card after the first year and if there is a dispensary within 25 miles of their home they will lose the right to continue cultivating.

It is anticipated that Gila County will be eligible to have two Medical Marijuana Dispensaries.

This proposed ordinance will help to regulate how marijuana affects the residents of Gila County.

Evaluation

The proposed ordinance allows a Marijuana Dispensary and their cultivation to occur in M1 (Industrial) zoning. It also requires the acquisition of a Conditional Use Permit. It also requires that medical marijuana dispensaries be separated by at least 35 miles. This was done to achieve maximum County coverage and fewer homes that could grow marijuana.

The ordinance requires that a dispensary must be at least 1500 feet distance from schools, preschool, kindergarten, elementary, secondary or high school, place of worship, public park, or public community center.

The requirement for a conditional use permit also includes an upgraded public notice area of 1500 feet. This means that everyone within 1500 of the proposed dispensary will be notified of the public hearing to consider the conditional use permit.

This ordinance also requires the qualified patient and caregiver to obtain a conditional use permit and have a public hearing to consider their application to cultivate marijuana. If they don't grow medical marijuana this ordinance does not apply to them. The noticing requirements are the same as that for the dispensary.

Conclusion

The Planning and Zoning Commission has had several meetings to consider the regulations needed to ensure the public safety in implementing this program. They were very concerned over the safety of our residents if marijuana were to be grown in their neighborhoods. This was their main focus as they debated how to develop and implement this program.

Recommendation

The Planning & Zoning Commission held a public hearing on this application to amend our current Zoning Ordinance on February 3, 2001 they have recommended to the Board of Supervisors that this proposed ordinance be approved.