



MEMORANDUM

Date: July 14, 2022

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: Jan Lester 
County Administrator

Re: **Proposed New and Revised Marijuana Code Amendments**

Pima County first introduced zoning regulations related to marijuana dispensaries and cultivation facilities in 2010 in response to the voter approved Arizona Medical Marijuana Act. Under these rules, medical marijuana uses were only allowed in the CB-2 zone subject to strict development standards and a Type III conditional use permit. Since adoption of these requirements, only one dispensary successfully obtained a permit in unincorporated Pima County (Ajo), which later moved to another county.

In 2021, staff initiated the changes to Title 18 of the Pima County Code in response to the 2020 voter approved, "Smart and Safe Arizona Act," a ballot initiative that legalized the adult use of marijuana. With the referendum, existing medical marijuana dispensaries were allowed licenses to sell marijuana for adult use. As such, the County proposed changes to the zoning code to make consistent the medical and adult use requirements, and to more closely align the County with the City of Tucson's dispensary regulations. Highlights of the proposed amendment include:

- Expanding the zones in which the marijuana land-uses can be located from CB-2 only to CB-1, CB-2, CI-1 and CI-2, and eliminating the requirement for a Type III conditional use permit.
- Aligning the development standards to that of the City of Tucson's zoning code related to setbacks, dimensions and size, which are less restrictive than the currently established County standards.
- Allowing a cultivation location in the RH zone as a Type II Conditional Use Permit.

In April 2022, the State of Arizona issued additional dispensary licenses coined "social equity" licenses in a lottery to 26 qualified recipients. On May 25, 2022, the Planning and Zoning Commission considered the proposed zoning code changes for marijuana related land uses (dispensaries, cultivation locations and manufacturing locations). A representative from the United Food and Commercial Workers Union advocated retaining a requirement for a conditional use permit, suggesting the public hearing process is important for additional oversight of license holders.

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The Planning and Zoning Commission accepted all of the staff recommendations, but added a requirement for a Type III Conditional Use Permit as an additional means to examine social equity licenses issued by the State of Arizona and to maintain public input. The Commission passed this recommendation by a vote of 4 to 3, and suggested their recommendation and the staff recommendation be presented to the Board of Supervisors.

Staff continues to recommend marijuana land uses be allowed in CB-1, CB-2, CI-1 and CI-2 commercial and industrial zones without a conditional use permit. From a zoning standpoint, these uses are comparable to other outright permitted uses in these zones. The addition of a Type III permit unnecessarily treats marijuana land uses in these zones differently by requiring two public hearings (one by the Planning and Zoning Commission and one by the Board of Supervisors), an additional \$2,280 application fee and adding a minimum of 4 months to the permitting timeframe. Additionally, the zoning code is not the proper means for reviewing aspects of the licenses holder that fall under the authority of the State of Arizona.

This item is scheduled for Board of Supervisors consideration on August 2, 2022.

JKL/anc

c: Carmine DeBonis, Jr., Deputy County Administrator
Carla Blackwell, Director, Development Services