




MEMORANDUM

PUBLIC HEARING – August 10, 2022

DATE: August 3, 2022

TO: Jim Portner, AICP, Hearing Administrator

FROM: Anita McNamara, AICP, Senior Planner 

SUBJECT: **P22CU00005 WILLIAMS – E. RINCON CREEK RANCH ROAD**
(Elizabeth Williams – Applicant/Owner)
Type I Conditional Use – Medical Marijuana Designated Caregiver
Cultivation

LOCATION:

The subject property is located at 15090 E Rincon Creek Ranch Road, approximately 1 mile northeast of the intersection of E. Rincon Creek Road and S. Rincon Vista Trail. The subject property is a 4.16 acre parcel.

SURROUNDING LAND USE OR CONTEXT:

The subject property is zoned RH (Rural Homestead) zone. The subject property is located just south and east of Saguaro National Park East Rincon District. The surrounding area is very rural in nature and is also zoned RH (Rural Homestead) zone.

PUBLIC COMMENT:

As of the writing of this report staff has received four comments in support and sixteen in opposition related to the compatibility of the caregiver cultivation use, the availability of water, traffic and the condition of Rincon Creek Ranch Road.

PREVIOUS CASES ON PROPERTY:

None.

BACKGROUND INFORMATION

The request is for a Type I Conditional Use to allow a medical marijuana designated caregiver cultivation use per Section 18.13.30.36 of the Pima County Zoning Code. This section of the Zoning Code contains a reference to Section 18.45.040.E.5 for development standards, conditions and restrictions. The requirements include that cultivation must occur in a permanent building and have minimum separation distances from dispensaries, off-site cultivation, schools and school bus stops, child care centers, religious institutions, libraries, parks and rehab centers. The proposed caregiver cultivation location is consistent with these requirements.

Per 18.13.30.36 of the Pima County Zoning Code, a medical marijuana caregiver cultivation use allows a designated caregiver to cultivate marijuana in an enclosed facility that does not

exceed two hundred fifty square feet of cultivation space. The applicant's submittal depicts the cultivation structure toward the rear of the property at a 50-foot setback. The rear setback for non-animal use accessory structures in RH is ten feet. The proposed grow space is 225 square feet, which is consistent with the maximum 250 square feet requirement.

ENVIRONMENTAL PLANNING

No objections.

DEPARTMENT OF TRANSPORTATION

The proposed use is an accessory use to the property for the caregiver, and no product sales are expected on site. The Department of Transportation has no objection to this Conditional Use Permit Request.

REGIONAL FLOOD CONTROL DISTRICT

No objections.

CULTURAL RESOURCES

No objections.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of this conditional use subject to standard conditions of Section 18.13.030.36 and Section 18.45.040.E.5.

c: Tom Drzazgowski – Chief Zoning Inspector
Elizabeth Williams – Applicant