

**TOWN OF PRESCOTT VALLEY
REQUEST FOR COUNCIL ACTION
Date: February 10, 2011**

SUBJECT: ZOA10-006 -Medical Marijuana Code Amendment (Prop 203)

SUBMITTING DEPARTMENT: Community Development Department

PREPARED BY: Richard T. Parker, Community Development Director

AGENDA LOCATION: Comments/Communications , Consent , Work/Study ,
New Business , Public Hearing , Second Reading

ATTACHMENTS: a) Ordinance No. 753 b) Arizona Draft Rules c) The Initiative Prop 203 d)
Written Comments e) Jurisdiction Comparisons f) Resolution 1733

As the Commission is aware, Prop 203 was considered and passed by the voters on November 2, 2010; therefore, Council is being asked to consider an amendment to CHAPTER 13 ZONING of the Prescott Valley Town Code to establish standards for Medical Marijuana dispensaries and cultivation.

The Planning and Zoning Commission discussed this matter at the December 13, 2010 work-study session and also on January 10, 2011 for a public hearing. During the meeting, staff reviewed provisions of the draft ordinance.

Following discussion and having received comments from the public, the Commission directed that modifications to the draft ordinance be made that have been incorporated into the most recent draft attached hereto. Specifically, the draft now includes separation requirements to public buildings and leaves open for discussion the size limitations presently proposed on dispensaries and growing facilities.

Since the Commission's last review, the Arizona Department of Health Services (ADHS) published their administrative rules for the Medical Marijuana program. These rules, although not administered by the Town of Prescott Valley, are attached for informational and reference purposes. The director of ADHS will finalize the Administrative Rules and Procedures after receiving public comment until mid January. Staff will formally respond to the draft rules within the allotted timeframe.

During a recent MATFORCE meeting held in Prescott, a concept proposing that the State promulgate minimal separation requirements between dispensaries as part of the draft administrative rules was proposed. This proposal would support issuing distribution licenses throughout the State on a geographic, as well as population basis. This proposed geographic distribution of licenses would increase the probability that most, if not all of the population of the State would be covered by an available dispensary. This proposal, if embraced by ADHS, would cause a more equalized distribution of permits and make marijuana uniformly available throughout the State. In addition, this concept, if approved, would eliminate concerns relative to home growing facilities made possible by the act.

Two (2) members of the audience at the Planning Commission's work-study commented on the size of cultivating and dispensary facilities now proposed to be regulated by Town Code. Attached are letters or emails from these speakers in relation to their proposals. Additionally, a comparative chart is included depicting jurisdictional regulatory approaches by various communities on Medical Marijuana throughout the State.

The Planning and Zoning Commission reviewed this item during regular session on January 10, 2011 and voted to approve ZOA10-006 and forward to Town Council. The Council approved the first reading of Ordinance No.753 at its meeting on January 27, 2011. Council is now being asked to approve same.

As the Ordinance has been prepared to address all aspects of the enabling act established under Proposition 203, Staff recommends approval of ZOA10-006.

OPTIONS ANALYSIS: Town Council may approve this Ordinance Amendment (ZOA10-006), table the item and direct staff to make modifications to the Ordinance Amendment prior to approval, or decline approval.

ACTION OPTION: Motion to read Ordinance No. 753 by title only on two separate occasions, and then place the same on final passage, **OR** Motion not to read Ordinance No.753. **VOTE.**

[if the vote is in favor of reading Ordinance No. 753, the Mayor asks the Town Clerk to read the Ordinance once by title only for the first reading]

RECOMMENDATION: As the Ordinance has been prepared to address all aspects of the enabling act established under Proposition 203, Staff recommends approval of ZOA10-006.

FISCAL ANALYSIS: There is no direct fiscal analysis associated with this request.

REVIEWED BY:

Management Services Director _____

Town Clerk _____

Town Attorney _____

Town Manager _____

COUNCIL ACTION:

Approved Denied Tabled/Deferred Assigned to _____