

Proposed Marijuana Cultivation Text Amendment

HISTORICAL BACKGROUND OF CURRENT ZONING REGULATION;

- ❑ Pinal County went through the appropriate legal process to initially enact medical marijuana zoning regulations.

MEETINGS AND WORK SESSIONS;

- In 2010-2011, Pinal County held community meetings and work sessions with the Planning and Zoning Commission along with the Board of Supervisors

Participation by the Commission

ORDINANCE INITIATED:
OCTOBER 2010

WORK SESSIONS:
NOVEMBER AND DECEMBER 2010

COMMUNITY INPUT SOUGHT: COMMUNITY MEETING;

- Held: December 1, 2010
- Items Discussed:
 - County proposal that dispensaries be located further from schools than the Proposition language
 - County proposal for a Special Use Permit for dispensaries
 - Regulating establishments that infuse food with medical marijuana
 - Overly restrictive hours of operation
 - Combining dispensaries with other uses

CONSIDERATIONS DISCUSSED;

- CB-2 Zone was selected because of its high visibility
- Industrial zones were not chosen because they contain large areas of land away from major streets and are less visible.



THE INTENT OF THESE AMENDMENTS ARE TO PROMOTE THE LOCATION OF THESE USES IN HIGHLY VISIBLE ZONES, WHICH SHOULD LEAD TO EASIER LAW ENFORCEMENT AND SAFER AND EASIER ACCESS FOR ILL PATIENTS.

ORDINANCE PROTECTIONS;

Dispensaries, cultivation areas and food establishments only in CB-2 zoning district

- Special Use Permit
- Ten mile spacing between dispensaries
- Cultivation only in completely enclosed and locked building
- Size limitations for cultivation areas
- Tripling setbacks mandated in Proposition for schools to 1500 feet
- 1500 foot setbacks for: libraries, public parks, churches, child care and activity centers, community service agencies and substance abuse facilities
- Dispensary business hours: 9 am until 7 pm
- Cultivation locations must display valid registration card
- Emergency clause allows the ordinance amendments to take effect immediately after Board of Supervisors approval: assures Ordinance protection no matter which timeframe the state uses

FROM PRIOR CONTACT WITH THE PUBLIC;

- ❑ No criticism about off-site cultivation
- ❑ No recommendations that changes were needed with cultivation regulations

SINCE ADOPTION OF REGULATIONS IN 2011;

- ❑ No one has come to Pinal County and said, “we tried to cultivate and your regulations made us fail.”
- ❑ No one, out of the 2145 Pinal County marijuana cardholders, said Pinal County’s cultivation regulations kept them from getting their marijuana.
- ❑ No one out of approximately 50,000 state cardholders have said Pinal County’s cultivation regulation have kept them from getting their marijuana.
- ❑ No dispensary has said that Pinal County’s cultivation regulations have kept them from getting marijuana for their customers.

ADVANTAGES TO CULTIVATION WITHIN A COMPLETELY ENCLOSED BUILDING;

- More harvests; literature exists which asserts that six harvests can be made within a one year period
- Grower controls the environment to their advantage
- No limit to the amount of buildings within the allowed commercial zoning areas
- From applicant's information

“Moreover, if cultivation is done indoors, the cultivator can employ a recycling process and re-use water for further cultivation, which reduces water consumption drastically”.

DISADVANTAGES TO OUTSIDE CULTIVATION;

RISKS

- Attractive nuisance
- Risk to our children
- Public Health and Safety
- Marijuana is not like any other type of cash crop – it's not like growing cotton or tomatoes
- Under A.R.S. 11-812(A)2, cultivation of marijuana does not have an agricultural exemption.

EXAMPLES OF WHAT A MARIJUANA “POT PLANTATION” LOOKS LIKE IN PLACES OUTSIDE OF ARIZONA;

SLIDES PROVIDED BY CINDY SCHAIDER



OUTDOOR GROWERS IN
CALIFORNIA





NORTHSTONE ORGANICS, MENDECINO COUNTY, CA



FROM BIG BUDS - MARIJUANA GROWING MAGAZINE

EXAMPLES OF PUBLIC CONCERNS EXPRESSED AT RECENT ZONING COMMISSION MEETING;

DAVID NILSON (citizen with law enforcement background);

“We have arrested and prosecuted numerous people that actually prey upon the illegal smuggling of marijuana coming through the Pinal County area known as rip crews. Armed people that are going out into the, into the deserts, the west deserts and the Silver Bells, catching marijuana smugglers coming up, taking them at arms and stealing their product. With this, a large grow that’s outside, a person could sincerely, if you have a ten foot wall, they put a twelve foot fence up. Then the four other things that concern me is when the product is harvested. it won’t take a rocket scientist to figure out that it has to be moved to another facility. So, a car will go in, a car will leave, or a truck, or a box truck or however big it is, and there could be an armed encounter going down Interstate 10, which we’ve had, and this is a grave concern for us in law enforcement and a grave concern for me as a citizen in Pinal County that this could potentially erupt here.”

“But, generally in rural areas, you get that one responder and, you know, he rolls up onto a thing where there’s six people trying to climb over a wall. That would be that he’s already outnumbered. That’s just a concern.”

APPLICANT'S ATTORNEY REINFORCES THIS CONCERN;

COMMISSIONER GUTIERREZ: “Yeah, when – during the presentation you mentioned that there was 50,000 permits issued in the State of Arizona, and there’s – looking at the notes there, there was 2,145 permits issued in Pinal County. Is the purpose to export it to other counties? Because obviously that’s a lot more product than would be used in Pinal County, hopefully.”

ATTORNEY ROSE: “Yeah, Chair and Commissioner Gutierrez. Yes. So the purpose is, you know, first to serve Pinal County dispensaries because of the cost benefit of not having to transport it elsewhere. But, those dispensaries could then re – is it resell? Resell. They could resell the product to dispensaries in Maricopa County or Mohave County, or wherever. So, yes, they will reach farther than Pinal County.”

CONCERNS EXPRESSED BY A CITIZEN WHO IS A BUSINESS MAN WITH AN INSURANCE INDUSTRY BACKGROUND;

MR. WADDILL: “My concern as an agent is the attractive nuisance that’s going to be created by the open growing of pot in our communities. GR zoned property includes my home, probably your home and it’s a very wide brush that includes many residential communities and businesses.” “This is considering opening that up for marijuana growth. Fences lead to ladders, ladders lead to armed guards, armed guards lead to armed thieves, armed thieves lead to more armed guards, which lead to even greater groups of armed thieves. This is big money, this isn’t something to be treated lightly. This isn’t some kids running into (inaudible) stealing a watermelon out of a field. It’s not what we’re talking about here. We’re talking about the ability to grab thousands and thousands of dollars in ten minutes by jumping over the fence. If you think that’s not going to lead to additional crime in the area – if you can’t get through the fence, what do you do? You go over and steal the neighbor’s farmer who’s the farmer down the street, you steal his tractor and you run over the fence. And, when that doesn’t work, you start shooting at each other.”

“If you live close to it, does your insurance company have a right to cancel homeowner’s insurance? Are you now a greater risk than a person that doesn’t live by a medical marijuana grower? I mean, let’s face it, they’re going to be running through your backyard, climbing up over your (inaudible) to get to it.”

CONCERNS EXPRESSED BY EDUCATORS;

DR. SHANNON GOODSELL, SUPERINTENDENT OF CASA GRANDE UNION HIGH SCHOOL DISTRICT: “I want to state clearly that I’m opposed to the open grow of medical marijuana. A ten foot wall is not a solution to limit access. As someone who deals with the adverse effects of youth and recreational use of drugs and alcohol on a daily basis, I can tell you that the last thing on my student’s – the last thing my students need is greater access.”

DR. AMY FULLER, SUPERINTENDENT OF FLORENCE UNION HIGH SCHOOL DISTRICT: “The second one is the safety, the high safety risk to the public and the health. However, the cost it will cause our children in the public will be so much greater that the taxes that we could have for the County or any revenue we could even have for the District. It would not be worth it.”

CONCERNS EXPRESSED BY A CITIZEN WHO LIVES NEAR SIDEWINDER DAIRY;

STEPHANIE COLLIER: “I found out where the exact location of the grow site is. I want to comment that Mary C. O’Brien School is very near there. There’s also a Baptist Church very close to there. When I went on Google maps, it only maps the road access, but they’re all about a mile and a half or shorter. The grow site is located off of Highway 287, close to 11 Mile Corner, which is right there by the Pinal County Fairgrounds. Numerous 4-H clubs use that facility and I think this would be a concern for them.”

CONSIDERATIONS;

- ❑ Growing marijuana in the open air, farm-style, increases access.
- ❑ The crop will have to be not only monitored, but defended.
- ❑ The location is in a rapidly growing corridor near Casa Grande, near Phoenix Mart and proposed large housing developments.
- ❑ Conflict with Federal law
- ❑ Cultivation in the General Rural zone runs counter to the protections associated with having medical marijuana activities in commercial zoning areas.

IS THIS WHAT WE WANT FOR PINAL COUNTY?

COLORADO MARIJUANA STUDY;

The top ten states for the highest rate of current marijuana use were all medical marijuana states whereas the bottom ten was all non-medical marijuana states. School age rate (12 to 17 years): Top ten states average of **10.54 percent** compared to national average of **7.55 percent**.

- The top nine states for marijuana use in high school were all medical marijuana states with an average use rate of 1 in 4 students compared to a national rate of 1 in 5 students; at least **5.37 percent higher** than the national median. This national study did not include California, Colorado, Oregon or Washington.
- There was a **32 percent** increase in drug related suspensions and expulsions in Colorado for academic school years 2008/2009 to 2012/2013.

TOP TEN STATES FOR CURRENT MARIJUANA USE IN HIGH SCHOOLS;

1. * New Mexico – 27.8 percent
2. * Connecticut – 26 percent
3. * Vermont – 25.7 percent
4. * Delaware – 25.6 percent
5. * Massachusetts – 24.8 percent
6. * New Hampshire – 24.4 percent
7. * Illinois – 24 percent
8. * Rhode Island – 23.9 percent
9. * Arizona – 23.5 percent
10. * North Carolina – 23.2 percent ***medical marijuana state**

POTENTIAL CRIME CONCERNS;

A veteran border narcotics agent told FoxNews.com that Colorado's legal pot industry will find it hard to keep out criminals from honing in on lucrative business opportunities they once controlled. He states "Legal businesses will likely see a rise in extortion attempts while law enforcement will see a lot of backdoor deals being made." DEA – Denver Field Office spokesperson Albert Villasuso stated, "What is quite possible is that cartels will hire straw owners who have clean records who can apply for a license, then sell large quantities both legally and on the black market." He said that even if legal stores do face extortion efforts by cartel groups, it is unlikely law enforcement will even be made aware of it because the merchants will be too frightened to come to the police. Extortion has proven to be a lucrative enterprise for the cartels in Mexico.

Informant Reports Cartel Activity – A reliable informant reported that an unnamed cartel owns multiple properties in the Denver Metro area. These facilities are operating under the cover of being growing facilities for licensed dispensaries and retail stores. The informant estimates the number of plants being grown is in the thousands.

DRUG TRAFFICKING ORGANIZATIONS;

“Black Market marijuana, which many expected to disappear after the substance was legalized, is thriving”.

“What is most disturbing is who controls these cultivations. According to the USFS, approximately 65% of the sites were believed to be operated by DTOs in 2013. Since 2008, almost 95% of marijuana located on USFS land are believed to be controlled by DTOs.” “This is the first growing season since the passage of Colorado’s recreational marijuana law.” Strebig [U.S. Forest Service spokesperson for the Rocky Mountain Region] explained. “As of yet, we do not have any evidence that the legalization of recreational marijuana has diminished the production or cultivation of marijuana on national forest system lands.”

TRAFFICKING ORGANIZATION OPERATED UNDER THE GUISE OF COLORADO'S MEDICAL MARIJUANA LAWS;

On February 20, 2014, agents from the DEA-Denver Division Office Financial Investigative Team (FIT) restrained for forfeiture a warehouse in Denver valued at \$1.1 million. The warehouse was used by members of the Conley Hoskins Drug Trafficking Organization (DTO) to cultivate and process marijuana. Since January 2010, the Hoskins organization has been distributing at least 106 pounds of marijuana per month through local “medical marijuana” dispensaries. All Care Wellness Centers, Jane Medicals and Higher Health Medical were distributing the marijuana grown in the warehouse under the guise of Colorado’s medical marijuana laws.

COMMENTS FROM COMMISSIONER GRUBB AND CITIZEN KEN WADDILL;

COMMISSIONER GRUBB: “But what we’re ending up with in our GR zoning is what looks like mini penitentiaries here and here and here. These big stone walls and steel gates and, you know, depending on how many of these go up on a paved road, which means that people travel this everyday. To me, you know, it almost looks like an eyesore. It looks like it belongs in a CB zoning, like the picture you showed of the processing plant. That belongs in commercial, that doesn’t belong in farm country. I mean I just don’t think that works. So, that argument, it didn’t sit right with me.”

KEN WADDILL: “The final thing is I thought of a great billboard, you know, we could maybe adopt if this goes through, and that’s welcome to Pinal County, please move here, bring your business, bring your family, bring your beliefs and, you know, we love you, we love business, we love family and we love growing pot, and I just don’t see how that benefits my business or my community. Thank you”.