

ZONING REGULATION 21__

A RESOLUTION OF THE BOARD OF SUPERVISORS OF COCHISE COUNTY, ARIZONA AMENDING THE COCHISE COUNTY ZONING REGULATIONS TO PERMIT MARIJUANA CULTIVATION FACILITIES, MARIJUANA ESTABLISHMENT, MARIJUANA ESTABLISHMENT CULTIVATION FACILITIES, MARIJUANA INFUSION FACILITIES, MARIJUANA TESTING FACILITIES AS SPECIAL USES AND ESTABLISHING SITE DEVELOPMENT STANDARDS FOR THOSE USES

WHEREAS, the Cochise County Board of Supervisors recognizes that Proposition 207, the Smart and Safe Arizona Act, A.R.S. § 36-2857, allows counties to enact reasonable zoning regulations of recreational marijuana uses; and

WHEREAS, nothing in this ordinance is intended to permit or assist in the violation of either the Federal Controlled Substances Act or the Arizona Controlled Substances Act; and

WHEREAS, medical marijuana dispensaries are currently permitted use of land in Cochise County; and

WHEREAS, medical marijuana cultivation is currently permitted use of land in Cochise County; and

WHEREAS, the amendments in this ordinance will allow for the use of a property as a Marijuana Cultivation Facility, Marijuana Establishment, Marijuana Establishment Cultivation Facility, Marijuana Infusion Facility, or Marijuana Testing Facility per the provisions of Proposition 207, the Smart and Safe Arizona Act remain in full force and effect; and

WHEREAS, this ordinance does not create new restrictions on the use of property, and this ordinance is not intended to, nor should it be construed to, reduce any existing rights to use, divide, sell or possess private real property; and

WHEREAS, on April 14, 2021, the Planning and Zoning Commission held a duly noticed public hearing on the proposed amendments to the Zoning Regulations, hereby

known as Docket R-21-01, and attached hereto as **Exhibit A**, which will permit the development of marijuana uses; and

WHEREAS, existing local zoning regulations do not address recreational marijuana uses.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Cochise County Zoning Regulations be amended to define marijuana cultivation facilities, marijuana establishment, marijuana establishment cultivation facilities, marijuana infusion facilities, marijuana testing facilities as distinct land use categories.

IT IS FURTHER RESOLVED that said regulations be amended to establish regulations as to where marijuana uses shall be permitted as special uses and to establish site development standards for those uses as described in **Exhibit A**.

PASSED AND ADOPTED by the Board of Supervisors of Cochise County, Arizona, this 4th day of May 2021.

Ann English
Chair of the Board of Supervisors

ATTEST:

Kim Lemons, CPCC
Clerk of the Board

APPROVED AS TO FORM:

Paul Correa
Civil Deputy Cochise County Attorney