



## Santa Cruz County Community Development Department

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Frank Dillon, Director

### RE: Interpretation of Santa Cruz County Zoning and Development Code

This is an interpretation regarding the application of zoning requirements for a retail marijuana establishment, single retail location located at 3720 North State Route 82 Sonoita, AZ.

#### Background:

Gammage and Burnham is representing KOR Holdings LLC ("KOR"), the owner of property located at 3720 State Route 82, Sonoita ("Property"), and MK Associates LLC, the applicant and licensee of the Marijuana Establishment on the Property.

The applicant is requesting a Santa Cruz County ("County") zoning interpretation regarding use of approximately 320 square-foot pre-manufactured, engineered structures ("Pods"), for temporary use of marijuana cultivation on the Property for a period not to exceed six (6) months, as part of a Marijuana Establishment, as defined by Article 2, Section 202 ("Article 2") of the Santa Cruz County Zoning and Development Code ("Code"). The Property is zoned B-2, General Business, which permits by-right the Marijuana Establishment use, subject to compliance with various separation and operational requirements. The property meets these separation and operational requirements; thus, a Marijuana Establishment is permitted by-right on the property.

#### Applicable Code Sections:

Article 2 of the Code defines *Marijuana Establishment* as:

*"An entity defined in A.R.S. §36-2850(18) licensed by the Arizona Department of Health Services to operate all of the following: (a) A single retail location at which the licensee may sell marijuana and marijuana products to consumers, cultivate marijuana and manufacture marijuana products. (b) A single off-site cultivation location at which the licensee may cultivate marijuana, process marijuana and manufacture marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers (see Marijuana Dispensary Offsite Cultivation Location). (c) A single off-site location at which the licensee may manufacture marijuana products and package and store marijuana and marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers."*

Article 30 of the Code sets forth various standards for marijuana-related uses within the County. Specifically, Article 30, Section 3004.2 ("Sec. 3004.2") sets forth standards related to Marijuana Establishments. Sec. 3004.2 states that Marijuana Establishments, *"Be a maximum of 2,500 gross square feet, with, no more than 25% of the gross floor area dedicated to cultivation, manufacture or processing; . . ."*

#### Considerations:


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- The Marijuana Establishment principal structure is a permanent building that meets Santa Cruz County Zoning and Development Code requirements at a gross floor area of 2,472 square feet.

- From time-to-time, due to building renovations, supply chain delays, grow schedules, or other unforeseen circumstances, it may be necessary for a Marijuana Establishment to cultivate or manufacture in these Pods on a temporary basis. Such Pods are specifically engineered to provide a secure, state-of-the-art environment for cultivation and manufacture at a very limited scale consistent with the purpose and intent of the Code.
- KOR is proposing to locate a maximum of four (4) Pods on the northern portion of the Property, behind the building, which will be screened from public view, fenced, and secured.

**Conclusion:**

After reviewing the information provided in your request, staff research, the Zoning and Development Code requirements, I have determined that a Marijuana Establishment may utilize the Pods, for a temporary period not to exceed six (6) months for the cultivation and/or manufacture, as permitted under the Code. The placement, installation, design, and screening of these structures shall be reviewed by the County, which may include Development Plan review, on a case-by-case basis to ensure that such structures are secure and safe and meet Code.

December 20, 2022 by Frank Dillon, Director of Community Development: \_  \_

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