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April 14, 2016

Rosevelt Arellano
Town of Oro Valley
Development & Infrastructure Services Department
11000 N. La Canada Drive
Oro Valley, AZ 85737RE: Text Amendment Request pertaining to the hours of operation for a
medical marijuana dispensary

Dear Rosevelt,

Thank you for meeting with Steve Cottrell and myself on January 8, 2016. As you know, this firm represents Catalina Hills Care, the owner and operator for a medical marijuana dispensary at 12152 N. Rancho Vistoso Blvd, Suite C-140. The purpose of this correspondence is to formally request a text amendment to the Town Ordinance that pertains to the operation of a medical marijuana dispensary. Specifically, we request the following Text Amendment:

25.1.(V) Medical Marijuana Uses1.b.xi. The permitted hours of operation of a medical marijuana dispensary are between the hours of ~~9:00 a.m. and 5:00 p.m.~~ 7:00 a.m. and 10:00 p.m.

Medical marijuana hours of operation are established by Section 25-1, Section V.1.b.xi of the Oro Valley Zoning Code. As a dispensary operator, Catalina Hills Care has found that the current 9 a.m. to 5:00 p.m. operating hours are not appropriate. By limiting the hours of operation, the ordinance unfairly restricts patient access to prescribed medicine.

Oro Valley is a suburban community, with the vast majority of residents commuting to work in Tucson. Due to the limited hours of operation, Catalina Care is closed when patients leave for and return home from work. As a result, patients are forced to either leave work early, or to drive to other dispensaries, the closest being 10 miles away. This condition is not in the best interest of patients.

Background:

The establishment of the medial marijuana industry in Arizona in 2010, and particularly in Oro Valley, has gone smoother than expected. It went well because Oro Valley took a very involved and strategic approach to regulating a new industry and to make sure that Oro Valley has responsible operators. Looking back with hindsight, combined with Catalina Hills Care's operational experience, we believe the community could benefit from modifying the hours of operation.

Catalina Care has been operating as a medical marijuana dispensary for more than three years. Since opening, without incident – there have been no police reports filed or complaints to the owner of the shopping center. We've worked directly with the Police Department to implement a successful security plan to ensure the safety of our patients, our employees and surrounding business owners.

Like other communities, Oro Valley originally established dispensary business operation hours to coincide with daylight hours. This concern has remained unfounded due to the extensive security measures in place. The following security measures have been put in place after consultation with the Police Department:

- Glass security film for breakage;
- Strike plates on back and safe room doors;
- Peep holes on doors;
- Replace style of panic button;
- Battery backup for camera system;
- Name of business on rear door;
- Light above back door;
- Panoramic peep hole on back door;
- Security and password upgrades to wifi range, signal output and bandwidth;
- Security video DVR backup;
- Green cross for front door;
- Increase amount of security camera monitoring for outside perimeter; and
- Security video coverage for 100% of interior of dispensary.

Request

Oro Valley took a very conservative approach to regulating medical marijuana in 2010. In fact, the Town's operational requirements, including the hours of operation are among the most conservative in the state. Since there have been no real issues associated with dispensaries in Oro Valley, we believe it is appropriate to re-evaluate and ease the hours of operation consistent with adjacent communities.

By modifying the hours of operation to 7am – 10pm, Oro Valley will improve access to patients within our community. Patients will have access to vital medicine in the evening hours in a location that is convenient, safe and the most importantly, near home.

As part of this text amendment, we are requesting NO changes to other provisions in the Zoning Ordinance. The existing spacing requirements, operational restrictions and extensive security measures in place as requested by the Police Department – will remain unchanged. This change only applies to dispensaries and not cultivation facilities.

City Comparison of Hours of Operation

Pima County –	9 a.m. to 5 p.m.
Tucson –	7 a.m. to 10 p.m.
South Tucson –	9 a.m. to 5 p.m.
Marana –	7 a.m. to 7 p.m.
Casa Grande –	7a.m to 7 p.m.
Sahuarita –	7 a.m. to 7 p.m.
Tempe –	8 a.m. to 8 p.m.

Approval of this text amendment will not have a detrimental impact to the community. In fact, expanded hours of operation will result in improved access for Oro Valley patients by providing a safe and centrally located dispensary to fill their prescriptions. This proposal only modifies the hours of operation that a medical marijuana dispensary can operate, consistent with other nearby communities. This request does not modify any other zoning ordinance requirement, security and operational measure in place. The Town's sole dispensary – Catalina Hills Care – has operated without an incident since opening and serves to demonstrate that medical marijuana can operate in a safe and responsible manner.

Please let us know if you require additional information or documents to address this text amendment. Otherwise, we look forward to addressing these requests with you at the forthcoming hearing.

Sincerely,

Zoning Strategies LLC

Jenifer Corey
Principal