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Resolution No. 10652

Planning Commission Hearing 11/09/2016

City Council Hearing 12/02/2016

**Case History**

635-PA-2015

**10-UP-2015#2**

**Byers Dispensary Renewal**

# PLANNING COMMISSION REPORT



Meeting Date: November 9, 2016  
General Plan Element: *Land Use*  
General Plan Goal: *Create a sense of community through land uses*

## ACTION

### Byers Dispensary Renewal 10-UP-2015#2

#### Request to consider the following:

1. Find that the Conditional Use Permit criteria have been met, and recommend approval of a Conditional Use Permit renewal for an existing Medical Marijuana Use (dispensary) in a 6,800 square foot facility located at 15190 N. Hayden Road with Industrial Park (I-1) zoning.

#### Key Items for Consideration

- Compliance with the Conditional Use Permit criteria
- No schools or residential properties within 500 feet
- Public Safety and Refuse Control Plan approved by the Scottsdale Police Department
- No known violations or complaints reported regarding existing use
- Proposed 5-year expiration term

## OWNER

CLG Investments, LLC  
30600 N. Pima Road  
480-220-1313

## APPLICANT CONTACT

Amanda Coats  
Byers Dispensary, Inc.  
253-225-9128

## LOCATION



Action Taken \_\_\_\_\_

15190 North Hayden Road

## BACKGROUND

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### General Plan

General Plan Land Use Element designates the property as Employment. This category is intended to support a variety of employment uses including office, light manufacturing, and light industrial. Locations have been identified for employment areas where impacts on residential neighborhoods are limited and access is available to labor pools and transportation facilities.

### Character Area Plan

The subject property is located within the boundaries of the Greater Airpark Character Area Plan (GACAP). The GACAP future land use map designates this site as Employment (EMP). The Employment area is intended to include an array of office, commercial, warehousing, and light industrial land uses that provide for business enterprises, as well as regional and local jobs.

### Zoning

The site is zoned Industrial Park (I-1) district. The I-1 zoning district allows for a variety of light manufacturing, light industrial, aeronautical, office, and support uses to sustain and enhance major employment opportunities. The I-1 district allows a medical marijuana use, subject a Conditional Use Permit.

### Context

The subject property is located at the east corner of N. Hayden Road and N. 83<sup>rd</sup> Place. The existing dispensary occupies the entire existing building (previously used as a bank). Surrounding uses include office, aviation, warehouse, and retail.

Please refer to context graphics attached.

### Adjacent Uses and Zoning

- North: Office, zoned Industrial Park (I-1) district.
- South: Retail, showroom, zoned Industrial Park (I-1) district.
- East: Office, zoned Industrial Park (I-1) district.
- West: Retail, showroom, zoned Industrial Park (I-1) district.

### Other Related Policies, References:

- 10-UP-2015: Existing Conditional Use Permit for a Medical Marijuana Use (Dispensary) at the subject site
- 8-TA-2010: Text amendment to Zoning Ordinance to allow Medical Marijuana related uses
- 8-TA-2010#2: Revision to text amendment case 8-TA-2010 to clarify separation requirements
- 8-TA-2010#3: Text Amendment to Zoning Ordinance amending the location criteria for medical marijuana uses to increase separation requirements and add 3 new protected uses

- Arizona Revised Statutes, Title 36, Chapter 28.1
- Arizona Department of Health Services, Title 9, Chapter 17

## **APPLICANTS PROPOSAL**

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### **Goal/Purpose of Request**

The applicant is requesting approval of a Conditional Use Permit renewal to continue operations of an existing +/- 6,800 square foot Medical Marijuana Use in a building with Industrial Park (I-1) zoning. The existing medical marijuana dispensary is operating under a use permit which was approved January 11, 2016. The existing use permit was stipulated to expire after one (1) year, unless it is amended or renewed. The applicant is requesting a renewal of the conditional use permit, with a new five (5) year term. There has been no change in the operations of the proposed use since its original approval (10-UP-2015).

### **Development Information**

- Existing Use: Medical Marijuana dispensary
- Proposed Use: Medical Marijuana dispensary
- Parcel Size: 1.08 acres
- Parking Required: 28 spaces
- Parking Provided: 31 spaces
- Floor Area: 6,800 square feet (including drop-off bay area)

## **IMPACT ANALYSIS**

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### **Land Use**

The dispensary occupies the existing building in its entirety. The facility operates similar to a medical office use, with foot traffic limited to patients and/or caregivers. The dispensary is a non-profit organization, as required by State and Federal law, and will not function as a retail use open to the general public. The surrounding area is home to a variety of professional offices and retail uses, similar in intensity and character to the proposed use. The applicant is not proposing any changes to the existing dispensary operations, and there have been no reported complaints regarding the existing use.

### **City Regulations**

The City allows Medical Marijuana Uses, including dispensaries, in only a few zoning district's (Industrial Park (I-1), Commercial Office (C-O), and Special Campus (SC)). In each of these zoning districts, a Conditional Use Permit is required for Medical Marijuana Uses to demonstrate compliance with specific criteria, including separation and compatibility requirements. A recent text amendment, initiated and adopted by the City Council, amended the location criteria for Medical Marijuana uses by increasing the required separation between a Medical Marijuana uses, and between Medical Marijuana uses and specified protected uses. It also added three (3) new protected uses (church, day care, and public parks). The adopted text amendment included

provisions for existing Medical Marijuana uses operating under an approved use permit prior to effective date of the text amendment. This “grandfather” provision allows the existing Medical Marijuana Use to continue operation as long as it maintains compliance with the prior Conditional Use Permit criteria. These criteria are outlined in detail below.

### **Conditional Use Permit (Active Permitted Uses Existing as of September 30, 2016)**

Conditional Use Permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and City Council has found as follows:

- A. That the granting of such Conditional Use Permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council’s consideration shall include, but not be limited to, the following factors:
  1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
    - **All operations associated with this use will be conducted within the building. No processing or cultivation is proposed at this location that might require the use of machinery. All products offered for sale will arrive prepackaged in sealed, air tight, bar coded packages ready to sell. No damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination is anticipated.**
  2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
    - **As the proposed use is a dispensary only with no cultivation or processing, it is anticipated the facility will generate traffic similar to a medical or professional office use, both of which are prominent in this area. No significant impacts to existing traffic patterns, or increase in traffic volume is anticipated.**
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
  - **It is anticipated the use will continue to operate similar to a medical or professional office use, both of which are prominent in this area. The subject site is located in an area occupied by a variety of professional office, retail, and restaurant uses of similar or higher intensity than the proposed use. The proposed use is reasonably compatible with the uses in the area.**
- C. The additional conditions in Section 1.403 have been satisfied:

The proposal meets the provisions for Medical Marijuana use as identified in Zoning Ordinance Section 1.403.M., including:

  1. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.
    - **All operations are conducted within a fully enclosed building, with the exception of necessary security measures as required by the Public Safety and Refuse Control Plan.**

2. The Medical Marijuana use is not located within 500 feet of any of the following protected districts or uses:
  - a. Any residential zoning district, or the residential portion of a Planned Community District (PCD), or any portion of a Planned Residential Development (PRD) with an underlying residential zoning district.
  - b. Manufactured Home District (M-H).
  - c. Any elementary or secondary school.
  - **The facility is not located within 500 feet of any of the above uses or districts.**
3. The Medical Marijuana use is at least 1,320 feet from the following uses within the City limits:
  - a. Medical marijuana caregiver cultivation use.
  - b. Any medical marijuana use; however, no separation between these uses is required in the Industrial Park District (I-1) where a medical marijuana caregiver cultivation use and a medical marijuana use hold a state issued caregiver registry identification card and a non-profit medical marijuana dispensary registration certificate under the same name or entity.
  - **The facility is not located within 1,320 feet of any other medical marijuana facility.**
4. All distances are measured from the wall of the medical marijuana dispensary use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.
  - **All separation requirements were measured and confirmed as indicated above.**
5. The applicant has provided a written exterior refuse control plan, subject to City approval.
  - **A Public Safety and Refuse Control Plan has been reviewed and approved by the Scottsdale Police Department. Conditions of the plan will be implemented and enforced by the City's Code Enforcement Division and the Scottsdale Police Department.**
6. The applicant has provided a written public safety plan, subject to City approval.
  - **A Public Safety and Refuse Control Plan has been reviewed and approved by the Scottsdale Police Department. Conditions of the plan will be implemented and enforced by the City's Code Enforcement Division and the Scottsdale Police Department.**
7. The hours of operation for a medical marijuana use that provides, shares, exchanges, sells, or dispenses medical marijuana are no earlier than 6:00 AM and not later than 7:00 PM.
  - **The proposed hours of operation for this facility are Monday thru Sunday, 6:00 AM to 7:00 PM.**

8. There is no drive-through service, take-out window, or drive-in service.
  - **Although the existing bank building includes a drive-through service bay, none of the services listed above are proposed as part of this request. The existing drive-through bay is used for product deliveries only, and contains garage doors that will remain closed except to allow entry of authorized vehicles for deliveries.**

### **Water/Sewer**

No cultivation is proposed for this location. Existing water and sewer infrastructure is sufficient to accommodate a Medical Marijuana Use.

### **Public Safety**

A comprehensive Public Safety and Refuse Control Plan has been reviewed and approved by the Scottsdale Police Department. The nearest fire station is located at 14970 N 78<sup>th</sup> Way. No significant impacts to existing service levels are anticipated.

### **Community Involvement**

The applicant notified all property owners within 750 feet of the site by mail, and City staff also notified all property owners within 750 feet of the site by mail. Additionally, the site has been posted with required signage.

As of the date of this report, staff has received one (1) phone call in opposition to the Conditional Use Permit renewal.

## **RECOMMENDATION**

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### **Recommended Approach:**

Find that the Conditional Use Permit criteria have been met, and recommend approval of a Conditional Use Permit renewal for an existing Medical Marijuana Use (dispensary) in a 6,800 square foot facility located at 15190 N. Hayden Road with Industrial Park (I-1) zoning.

## **RESPONSIBLE DEPARTMENT**

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### **Planning and Development Services**

Current Planning Services



**STAFF CONTACT**

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Bryan Cluff  
Senior Planner  
480-312-2258  
E-mail: bcluff@ScottsdaleAZ.gov

**APPROVED BY**

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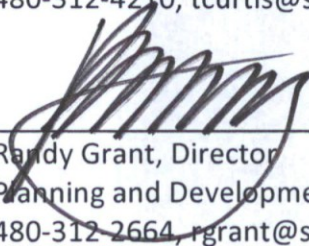
\_\_\_\_\_  
Bryan Cluff, Report Author

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10/24/16  
Date



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Tim Curtis, AICP, Current Planning Director  
480-312-4210, tcurtis@scottsdaleaz.gov

\_\_\_\_\_  
11/2/2016  
Date



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Randy Grant, Director  
Planning and Development Services  
480-312-2664, rgrant@scottsdaleaz.gov

\_\_\_\_\_  
11/3/16  
Date

## ATTACHMENTS

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1. Context Aerial
- 1A. Aerial Close-Up
2. Stipulations
  - Exhibit A to Attachment 2: Site Plan
  - Exhibit B to Attachment 2: Floor Plan
  - Exhibit C. Additional Criteria for Medical Marijuana Use
3. Applicant's Narrative
4. Zoning Map
5. Public Safety and Refuse Control Plan
6. Citizen Involvement
7. City Notification Map



Q.S.  
34-47

Google Earth Pro Imagery



Byers Dispensary Renewal

10-UP-2015#2



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Google Earth Pro Imagery

# Byers Dispensary Renewal

10-UP-2015#2

**Stipulations for the Conditional Use Permit**  
**For a Medical Marijuana Use**  
**Byers Dispensary Renewal**  
**Case Number: 10-UP-2015#2**

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale.

**OPERATIONS**

1. **CONFORMANCE TO SITE PLAN.** The location of the medical marijuana use on the property shall be in substantial conformance with the site plan provided by the applicant, with the city staff date of 10/11/16, and attached as Exhibit A to Attachment 2. Any proposed significant change to the conceptual site plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
2. **CONFORMANCE TO FLOOR PLAN.** The interior layout of the facility shall be in substantial conformance with the floor plan provided by the applicant, with the city staff date of 10/11/16, and attached as Exhibit B to Attachment 2. Any proposed significant change to the conceptual floor plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
3. **PUBLIC SAFETY AND REFUSE CONTROL PLAN.** The operations of the Medical Marijuana Dispensary shall conform to the Public Safety and Refuse Control Plan approved by, and on record with, the Scottsdale Police Department and the Planning, Neighborhoods and Transportation Division. A copy of the approved Public Safety and Refuse Control Plan shall be maintained on-site. Within 10 days after a request by the City Manager or designee, the owner shall provide an update of the Public Safety and Refuse Control Plan to the Scottsdale Police Department and the Planning, Neighborhoods and Transportation Division. At least 10 days prior to any operational changes to the Medical Marijuana Dispensary that modify the requirements or contents of the Public Safety and Refuse Control Plan, the owner shall submit a revised Public Safety and refuse Control Plan to the Scottsdale Police Department and the Planning, Neighborhoods and Transportation Division. Any proposed amendments to the Public Safety and Refuse Control Plan are subject to approval by the Scottsdale Police Department and the Planning, Neighborhoods and Transportation Division.
4. **HOURS OF OPERATIONS.** Per the applicant's Operation Plan, the hours of operation for this facility shall be limited to:

	Open to Customers	Close to Customers
Sunday	6:00 AM	7:00 PM
Monday	6:00 AM	7:00 PM
Tuesday	6:00 AM	7:00 PM
Wednesday	6:00 AM	7:00 PM

Thursday	6:00 AM	7:00 PM
Friday	6:00 AM	7:00 PM
Saturday	6:00 AM	7:00 PM

**ADMINISTRATIVE/PROCESS**

5. TERM OF CONDITIONAL USE PERMIT. This conditional use permit is valid for five (5) years, unless it is first amended or renewed.
6. CONDITIONAL USE PERMIT ADMINISTRATIVE REVIEW. Within ten (10) days after a request by the Zoning Administrator or designee, the owner shall submit a letter to the Zoning Administrator or designee demonstrating compliance with all stipulations. A deviation from any stipulations or change in the floor plan may be grounds for revocation of the Conditional Use Permit.
7. CHANGES IN OWNERSHIP. Within ten (10) days after a change in ownership, the owner shall provide notice to the Zoning Administrator in writing of any such ownership change.
8. COMPLIANCE WITH STATE LAW. The owner shall maintain in good standing all appropriate permits, licenses and certificates from the State of Arizona.







## ADDITIONAL CRITERIA FOR MEDICAL MARIJUANA USE

### M. Medical marijuana use.

1. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.
2. The medical marijuana use is at least five hundred (500) feet from the following uses within the City limits:
  - a. Any residential use in a residential district shown on Table 4.100.A., or the residential portion of a Planned Community PC or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., and
  - b. Any elementary or secondary school.
3. The medical marijuana use is at least one thousand three hundred twenty (1,320) feet from the following uses within the City limits:
  - a. Medical marijuana caregiver cultivation, or
  - b. Another medical marijuana use.However, no separation between these uses is required in the Industrial Park District I-1 where a medical marijuana caregiver cultivation use or a medical marijuana use hold a state issued caregiver registry identification card and/or a nonprofit medical marijuana dispensary registration certificate under the same name or organization.
4. All distances are measured from the wall of the medical marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.
5. The property owner has provided a written exterior refuse control plan, subject to City approval.
6. The property owner has provided a written public safety plan, subject to City approval.
7. The hours of operation for a medical marijuana use that provides, shares, exchanges, sells, or dispenses medical marijuana are no earlier than 6:00 a.m. and no later than 7:00 p.m.
8. There is no drive-through service, take-out window, or drive-in service.

## **Application Narrative**

The purpose for this submittal is to renew a Conditional Use Permit for a medical marijuana dispensary located at the address 15190 North Hayden Road in Scottsdale, Arizona. This application is being submitted to renew the Conditional Use Permit issued to Byers Dispensary, Inc., and will be doing business as Harvest of Scottsdale. This facility will dispense medical marijuana and is licensed by the Arizona Department of Health Services.

### **Conditional Use Permit Criteria**

#### **Damage or nuisance arising from noise, smoke, odor, dust, vibration, or illumination.**

The operations of this use (i.e., the retail sales of medical marijuana products) will not create a detriment to public health, safety, or welfare in the form of smoke, vibration, noise, dust, or illumination. A sophisticated odor remediation system will be used to ensure that odor is not detectable outside of the facility. Air within the facility will be re-circulated throughout the building, passing through activated carbon and HEPA filters. Any air expelled from the building will be filtered again through activated carbon and HEPA filters to ensure clean, odor-free air.

#### **Impact on surrounding areas resulting from an unusual volume or character of traffic.**

The location of the proposed medical marijuana dispensary is a commercial area. As this is a commercial use without unusual volume, there will be no impact on the surrounding areas in the form of an unusual volume or character of traffic.

#### **The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.**

The proposed use will be a retail facility in a commercial area. Therefore, it is compatible with the types of uses in the surrounding area.

#### **Additional conditional use permit criteria, as outlined in Section 1.403 of the Zoning ordinance.**

Improvements on this parcel will result in a completely enclosed building. The location of the proposed medical marijuana dispensary is 1) more than 500 feet from any residential use or the residential portion of a Planned Community or any portion of a Planned Residential Development with an underlying zoning district comparable to residential zoning districts, 2) more than 500 feet from any elementary or secondary school, and 3) more than 1,320 feet from another medical marijuana use. All distances were measured from the wall of the proposed facility nearest these uses to the nearest property line of these uses.

A Public Safety and Refuse Control Plan has been submitted to Detective John Miller of the Scottsdale Police Department for review and has been approved for our use.

The proposed medical marijuana dispensary will operate between the hours of 6:00 a.m. and 7:00 p.m., Monday – Sunday.

The proposed medical marijuana facility will not offer a drive-through service, take-out window, or drive-in service.

- A well lit exterior of the entire building, at all times
- Three-hundred sixty degree view from the roof
- Secured trash and recycling areas
- Multiple angles of entire interior facility, excluding bathrooms
- Parking lot and rear exterior
- CCTV cameras used will be capable of monitoring all light spectrums and will be placed in the interior and exterior of the dispensary
- Video cameras will have a recording resolution of at least 704x480, or the equivalent, and will record 24 hours/day
- Cameras and recording equipment will have sufficient battery backup to support at least 60 minutes of recording in the event of a power outage
- A computer will be used to store all video recordings, and it will have the capacity to store recordings for the previous 30 calendar days. This computer will be secured on-site within a locked cabinet located in the General Manager's office
- Connected to the computer will be a video printer capable of immediately producing a clear, still photo from any video camera image, and will display the time and date of capture
- A failure notification system will provide an audible and visual notification of any failure of the surveillance system. In addition, cellular SMS transmissions (such as a text message) will alert authorized dispensary personnel of the malfunction
- A dispensary agent shall monitor the cameras during all hours of operation
- The dispensary shall employ an off-site and/or cloud based storage system capable of storing 60 days of video recordings

### **Exterior Building Security**

The following security protocols will ensure that the exterior of the dispensary is secure while providing a safe, welcoming, and professional environment:

- Video cameras will provide exterior coverage of all entrances and windows and any activities occurring outside or adjacent to the building
- The perimeter of the property line may be enclosed with a concrete wall in compliance with local and state regulations and development standards
- Only one entrance will be used for patient access
- During business hours, a Security Officer will be charged with monitoring the parking lot and area surrounding the dispensary, securing safe ingress and egress to patients' transportation, and strictly enforcing loitering policies, while adding to the safety of the patients and the neighboring community by maintaining a visible presence
- A Greeter will be posted inside the room accessed by the patient entrance to perform an initial examination of the patient's credentials and ask patients to remove hats and/or sunglasses (except for religious headwear), if necessary, to facilitate video capture for identification of the patient
- The entrance will be protected with an electronically controlled locking mechanism that automatically engage to prevent entrance to the facility without proper authorization

## **Authorized Access**

The dispensary will provide for the accurate and continuous identification of individuals authorized to enter the dispensary. The dispensary will restrict access to the areas of the dispensary that store marijuana to authorized individuals only.

Before dispensing medical marijuana to a qualified patient or caregiver, the dispensary agent will enter the patient's or caregiver's registry identification number from the patient's or caregiver's registry identification card into the Electronic Verification System and verify the validity of the registry identification card. Access to the dispensary building will be denied to any individual not providing the credentials listed above and satisfactorily proving eligibility and authorization to enter.

## **Controls to Detect and Prevent Unauthorized Access**

To prevent unauthorized access to medical marijuana, edibles, and medical marijuana-infused products, the dispensary will have security equipment to deter and prevent unauthorized entrance into limited-access areas that includes a series of devices to detect unauthorized intrusion, which may include a signal system interconnected with a radio frequency method, such as cellular, private radio signals, or other mechanical or electronic device. In addition, a burglar alarm shall be installed that will activate upon motion via entrance through the doors, glass, rooftop access and cover any shared wall. The alarm will be monitored by an alarm company.

Access to the controlled areas will be limited to state licensed dispensary agents, and when needed, licensed contractors.

To ensure the safety of our employees and patients, only state licensed dispensary agents will have access to areas where marijuana is packaged and stored. These secure areas will have locked doors and key fob/electronic access at points of entry.

## **Panic Buttons**

Harvest of Scottsdale will install and maintain working panic buttons in the interior of the dispensary. All dispensary agents within the dispensary building will be trained to use and will have access to multiple panic buttons throughout the site. Panic buttons will be located within the dispensary at the receptionist desk, all cashier stations, and within the vault. Dispensary agents will be trained on the specific location of panic buttons and the specific circumstances under which panic buttons should be used, including threatening conduct, criminal invasion, and other security emergencies. The General Manager will ensure that all interior panic buttons are properly functioning at all times.

## **Security Equipment**

## **Electronic Monitoring**

The dispensary will conduct electronic monitoring in and around the dispensary building. The dispensary will conduct electronic video monitoring of all visitors in the parking lot and in the entry area of the dispensary building. All patients entering the dispensary shall remove their hats, sunglasses, and other similar objects, which obstruct physical identification. This shall not apply to clothing worn over the face for established religious reasons. At all times during business hours, at least one dispensary agent within the dispensary building will be tasked with monitoring the electronic video monitoring systems and responding to any issues of security or safety that may arise. To prevent unauthorized access to medical marijuana at the dispensary, the dispensary will have security equipment to deter and prevent unauthorized entrance into limited access areas, which will include electronic video and visual monitoring. The Manager on Duty will be responsible for ensuring that all electronic video and visual monitoring security equipment is properly functioning at all times.

## **Loitering**

Harvest of Scottsdale will provide for the accurate and continuous identification of individuals authorized to enter the dispensary. The dispensary will post signs stating "no loitering" throughout the parking area utilized by patrons. Signs shall be placed in locations visible to all patrons. The Security Officer will monitor the public areas around the dispensary building to ensure no loitering is taking place and will escort individuals away from the public areas around the dispensary, or if necessary, contact law enforcement for assistance, in the event any loitering occurs.

## **Security Officer**

The Security Officer will be readily identifiable by his/her uniform-style shirt and/or jacket, on which the word "SECURITY" will be printed on both front and back in, at minimum, 2-inch lettering. At least one Security Officer will be on the premises at all times when patients are in the facility and for at least thirty minutes after closing. The following responsibilities will be required of the security officer:

- Patrol of all areas inside and outside of the dispensary, including parking areas and secure recycle/refuse areas, at all times when patients are in the facility
- Identify hazards, problems, and potential issues of patient safety, and either remedy those issues or report them to the proper authorities (e.g., General Manager, Scottsdale Police Department)
- Prevent criminal activities, maintain the peace, prevent refuse issues, and prevent the gathering of patients during business hours and for at least thirty minutes after closing
- Ensure no persons consume marijuana products on dispensary or adjacent property
- Report all acts of violence to management, complete a written report, log the act of violence, and contact the Scottsdale Police Department immediately

## **Product Security**

## Product Quantity

Harvest of Scottsdale will limit its inventory of marijuana and marijuana-infused products to meet the needs of patients while remaining in compliance with all state and local laws and regulations.

## MJ Freeway Inventory Tracking System

The Dispensary will use the MJ Freeway POS and inventory management system. The software product is fully integrated with scale, label, and receipt printers. MJ Freeway is a fully integrated seed-to-sale tracking software that tracks all marijuana seeds, plants, and produce and verifies product identification and weight measures.

## **Secure and Safe Storage**

All medicine will be stored in a secure vault during non-business hours. Only pre-packaged medical marijuana, edibles, and medical marijuana-infused products that are ready to be sold to qualifying patients are accessible in the secure cashier area during business hours. All products are clearly labeled and tracked within MJ Freeway.

Medical marijuana will be pre-packaged and labeled by dispensary employees using Cannaline secure packaging before being sold to patients. This packaging offers a clear front enabling dispensary agents and patients to view and visually inspect the medicine. Dispensary team members have used this packaging widely and consider it to be of high quality. The packing will also be heat-sealed and tamper-proof ensuring that the medical marijuana is not subject to humidity or other external factors. Keeping the medicine in tamper-proof packaging helps reduce the risk of theft, spoilage, and damage to the medicine.

At the dispensary, medical marijuana, edibles, and medical marijuana-infused products will be stored in enclosed, locked locations. These locations include secure devices, display cases, cabinets, and rooms, all protected by locks or locking mechanisms. All bulk medicine will be stored in the secure vault at all times. Packaged, sealed medicines will be stored in the secure access-controlled dispensing area (Cashier Stations) during business hours and will stored inside the secure vault during non-business hours.

Once the medical marijuana, edibles, and medical marijuana-infused products are purchased from a licensed cultivation or production facility, the product will be entered into the MJ Freeway System. Once the product has been entered in the MJ Freeway System, the product will be securely moved into the vault for storage and safekeeping.

From the main vault, the dispensary Manager on Duty will transfer enough medical marijuana, edibles, and medical marijuana-infused products for one day's operations into the access-controlled dispensing area/cashier station to which only authorized personnel will have access.

## **Waste Disposal**

Contaminated and unwanted medical marijuana, edibles, and infused products will be stored in a properly labeled secure container that will be kept inside the climate-controlled dispensary vault. The waste is collected, ground into a fine powder, and mixed with biodegradable kitty litter<sup>1</sup> on a 1:1 ratio and stored in the Disposal Container. Each week, a dispensary employee will check the disposal container and will notify the designated Waste Disposal Company. The Waste Disposal Company will send a representative to collect and dispose of the waste. The following procedures will be followed to document the outgoing disposal:

1. The waste is collected and stored in the Disposal Container
2. When the waste and Chain of Custody forms are ready for transportation, a dispensary agent will notify the Waste Disposal Company
3. The Waste Disposal Company will pick up the waste from the Dispensary and will complete necessary Chain of Custody documents
4. The documents provided to the Waste Disposal Company representative will be stored according to the dispensary's document storage and retention plan
5. Inventory records will then be updated by the Manager on Duty to reflect medicines that were disposed of

## **Transportation**

Transportation of medical marijuana plays a vital role in a safe, successful, and patient-oriented medical marijuana establishment. Harvest of Scottsdale will adopt the following procedures and guidelines to ensure the needs of patients, employees, medicines, and the community are best served.

### Transportation to/from Licensed Dispensaries and Cultivation Facilities

Dispensary agents shall follow these procedures and guidelines when transporting medical marijuana to/from other licensed medical marijuana dispensaries and cultivation facilities.

#### Guidelines

- Dispensary agents who qualify to transport medical marijuana must possess a current, valid Driver's License and have successfully completed Harvest of Scottsdale's Transportation Training. As with all dispensary employee-agents, those who deliver medical marijuana must also pass a criminal background check
- Deliveries and movements of marijuana-based medicines will always occur using an unmarked vehicle
- Routes and schedules shall be randomized such that delivery patterns are not predictable

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<sup>1</sup> Biodegradable litters are made from various plant resources, including pine wood pellets, recycled newspaper, clumping sawdust, cassava, barley, okra and dried orange peel. This medium renders the disposed marijuana unusable in a safe, non-toxic, storage process.

## Guidelines

- A team of two qualified dispensary agents will conduct each outpatient delivery
- Dispensary agents who qualify to transport medical marijuana must possess a current, valid Driver's License and have successfully completed Harvest of Scottsdale's Transportation Training. As with all dispensary employee-agents, those who deliver medicines must also pass a criminal background check
- Deliveries and movements of marijuana-based medicines will always occur using an unmarked vehicle
- Cash will always be stored in a locked safe within the delivery vehicle
- All medical marijuana, edibles, and infused products will be placed in Cannaline packing, which is transported in a secure, non-transparent transportation box in the vehicle's trunk
- Routes and schedules shall be randomized such that delivery patterns are not predictable
- Vehicles used for deliveries shall be duly registered in Arizona and be covered by an active insurance policy. Vehicles should have no less than 1/2 tank of gasoline
- Vehicles used for deliveries must be properly maintained, using dealership standards
- Dispensary agents shall always travel with at least one mobile phone with no less than one half battery life
- Dispensary agents shall follow all applicable traffic laws including, but not limited to, using a hands-free device while using the phone in the vehicle
- Dispensary agents shall wear and his/her state-issued credentials shall be visible at all times
- Vehicles used shall be equipped with GPS tracking device that stores routes taken with time stamps and can be recorded and monitored remotely by the Manager on Duty

## Procedures

- Prior to departure, the dispensary agents must complete a Trip Form and a Chain of Custody form and a sales receipt. All three documents must be approved by the General Manager (or designee) prior to departure
- The patient's proposed purchase must be approved through the EVS to ensure that the quantity limitations have not been reached (i.e. no more than 2.5 ounces every 14 days) and that the patient holds a valid registry card
- The transaction will be entered into MJ Freeway, the POS and inventory management system
- The dispensary agents shall follow the prescribed route outlined on the Trip Form
- The dispensary agents shall inform the Manager on Duty of any route deviations during the delivery
- Upon arrival at the destination, the dispensary agent will verify the patient's registry card, identification (i.e. Driver's License) and form of payment. Upon verification of these three items, the patient (or authorized caregiver) will sign the Chain of Custody form and the sales receipt. The dispensary agent shall then deliver the medicine to the patient or caregiver



An authorized dispensary agent will visually inspect all medical marijuana products that arrive at Harvest of Scottsdale to ensure there are no signs of mold or insects. Any unsuitable product will be destroyed according to the procedures outlined in the Security Plan for product disposal.

Harvest of Scottsdale will record the following information regarding acquired medical marijuana products into MJ Freeway:

#### Medical marijuana from another dispensary

- A description of the medical marijuana acquired, including the amount, strain, and batch number
- The name and registry identification number of the dispensary providing the medical marijuana
- The name and registry identification number of the dispensary agent providing the medical marijuana
- The name and registry identification number of the dispensary agent receiving the medical marijuana on behalf of the dispensary
- The date of acquisition

#### Cultivated marijuana

- The batch number
- Whether the batch originated from marijuana seeds or cuttings
- The origin and strain of the marijuana seeds or cuttings
- The number of marijuana seeds or cuttings
- The date the marijuana seeds or cuttings were planted
- A list of all chemical additives, including non-organic pesticides, herbicides, and fertilizers used in cultivation
- The number of plants grown to maturity
- Harvest information, including
  - Date of harvest
  - Final processed usable marijuana yield weight
  - Name and registry identification number of the dispensary agent responsible for the harvest
- The disposal of medical marijuana that is not usable, including the
  - Description of and reason for the marijuana being disposed of, including, if applicable, the number of failed or other unusable plants
  - Date of disposal
  - Method of disposal
  - Name and registry identification number of the dispensary agent responsible for the disposal

#### Edible food products infused with medical marijuana from another dispensary

- A description of the edible food products received from the dispensary, including total weight of each edible food products and estimated amount and batch number of the medical marijuana infused in each edible food product

Harvest of Scottsdale will maintain all inventory-related documents for at least five years from the date the document was created, and will provide all documentation to the Department for review upon request.

### **Product Labeling and Analysis**

Harvest of Scottsdale will ensure that all medical marijuana provided to qualifying patients or caregivers will be labeled with the following information:

- The dispensary's registry identification number
- The amount, strain, and batch number of medical marijuana
- The following statement "ARIZONA DEPARTMENT OF HEALTH SERVICES' WARNING: Marijuana can impair an individual's ability to drive a motor vehicle or operate heavy machinery. Marijuana smoke contains carcinogens and can lead to an increased risk for cancer, tachycardia, hypertension, heart attack, and lung infection. KEEP OUT OF REACH OF CHILDREN "
- If not cultivated by the dispensary, whether the medical marijuana was obtained from a qualifying patient, a designated caregiver, or another dispensary
- The date of manufacture, harvest, or sale
- A list of all chemical additives, including non-organic pesticides, herbicides, and fertilizers, used in the cultivation and production of the medical marijuana
- The registry identification number of the qualifying patient.

For all medical marijuana provided by Harvest of Scottsdale to another dispensary, the labeling will include:

- The dispensary's registry identification number
- The amount, strain, and batch number of medical marijuana
- The date of harvest or sale
- A list of all chemical additives, including nonorganic pesticides, herbicides, and fertilizers, used in the cultivation and production of the medical marijuana

For all edible food products infused with medical marijuana the labeling will include:

- The dispensary's registry identification number
- The amount, strain, and batch number of medical marijuana
- The following statement "ARIZONA DEPARTMENT OF HEALTH SERVICES' WARNING: Marijuana can impair an individual's ability to drive a motor vehicle or operate heavy machinery. Marijuana smoke contains carcinogens and can lead to an increased risk for cancer, tachycardia, hypertension, heart attack, and lung infection. KEEP OUT OF REACH OF CHILDREN "
- If not cultivated by the dispensary, whether the medical marijuana was obtained from a qualifying patient, a designated caregiver, or another dispensary
- The date of manufacture, harvest, or sale
- The total weight of the edible food product
- A list of all chemical additives, including non-organic pesticides, herbicides, and fertilizers, used in the cultivation and production of the medical marijuana

While in the dispensary, a dispensary agent will report to the Medical Director any health condition that may adversely affect the safety or quality of any medical marijuana with which the dispensary agent may come into contact. Harvest of Scottsdale will ensure that all dispensary agents receive appropriate training regarding reporting adverse health conditions to the Medical Director and that the policy regarding reporting is enforced.

If the Medical Director determines that a dispensary agent has a health condition that may adversely affect the safety or quality of the medical marijuana, the Medical Director will prohibit the dispensary agent from direct contact with any medical marijuana or equipment or materials for processing medical marijuana until it is determined that the dispensary agent's health condition will not adversely affect the medical marijuana. In addition, the dispensary agent will have no interaction with patients or caregivers. Harvest of Scottsdale will ensure that all dispensary agents receive appropriate training regarding reporting adverse health conditions to the Medical Director and that the policy regarding reporting is enforced.

### **Medical Director**

Harvest of Scottsdale will appoint William D. Troutt, NMD, as its Medical Director. As Medical Director, Dr. Troutt will be present onsite or available by telephone during the hours of operation.

Harvest of Scottsdale is committed to providing employees and patients with training and up-to-date information that will help them better understand the legal, operational and medical issues regarding the use of medical marijuana and marijuana-infused products. Employees will be trained before working in the dispensary and will be required to fulfill mandatory on-going training and evaluations. Patients will be offered access to patient education materials and free seminars created and organized by Dr. Troutt. Dr. Troutt has consulted with thousands of medical marijuana patients, top physicians, researchers, public servants, and industry leaders on a wide array of medical marijuana issues, and he has conducted dozens of lectures on various aspects of medical marijuana.

The main components of Harvest of Scottsdale's employee training plan include the following:

- Initial Employee Training and Education
- Americans for Safe Access Core Cannabis Certification
- Annual Employee Training and Education
- Annual Employee Evaluations
- Employee and Patient Education Materials
- Weekly staff meetings

### **Initial Employee Training**

Qualified candidates will be hired on a three-month probationary status. During this period, they will participate in a rigorous training process and be evaluated for suitability in a restricted-access medical environment. Training will begin with a four-hour session that includes familiarization with legal, medical, security, and operations. Employees will also be introduced to

Oaksterdam University Certification Program. Patient Advisors who have not completed a qualifying certification will be required to spend four hours training with the Medical Director.

### **Americans for Safe Access Core Cannabis Certification**

All future employees will be required to complete the Americans for Safe Access Core Cannabis Certification. This training program is offered by the Cannabis Training Institute and can be taken online and covers the following topics:

#### Understanding Cannabis Law

##### ASA 101: Federal Cannabis Law

This module introduces the federal Controlled Substances Act (CSA) and goes on to explain the role of the Drug Enforcement Administration (DEA). The difference between sentencing laws and sentencing guidelines is also explored. A review of other federal laws applicable to the cannabis community concludes the module.

##### ASA 102: History of Medical Cannabis Laws

This module covers the many efforts to reform medical cannabis law as well as opposing efforts to stop reform. Federal legislative efforts (Truth in Trials Act) and federal landmark cases continue the discussion. Finally, protecting state and patient rights and coverage of the current status of medical cannabis law conclude this module.

#### Cannabis as Medicine

##### ASA 121: Cannabis Research and Clinical Data

This module covers what research is revealing about the therapeutic potential of cannabis, and what types of pain, disorders and diseases are potentially relieved by this plant. Clinical trials and their importance as well as groundwork for future cannabis research are also covered.

##### ASA 122: The Endocannabinoid System

This module gives a brief history of opioids and cannabinoids, and explains how the endocannabinoid system was discovered. The workings of the endocannabinoid system as well as the physiological role of endocannabinoids are also discussed.

##### ASA 123: Cannabis 101

This module provides a fundamental understanding of the cannabis plant by covering the varieties of cannabis and their uses; the most common cannabinoids; the effects of cannabis as well as the difference between psychoactive and non-psychoactive cannabinoids.

##### ASA 124: Cannabis-based Medicines

Cannabis-based Medicines covers the cannabis pharmaceuticals that are currently available. It also takes a look at cannabis extracts and concentrates as well as how they might be used. The module concludes with a section on cannabis edibles and a brief discussion about how cannabis might be incorporated into food and drink.

#### Cannabis Business Operations

##### ASA 141: Quality of Care

The Medical Director will also develop and distributes patient education materials. On a continuing basis, but no less than once annually, the Medical Director will update, review, and revise Harvest of Scottsdale' patient education materials to incorporate new medical findings with regard to medical marijuana and any feedback and suggestions from dispensary agents and the patients and caregivers purchasing medical marijuana from the dispensary.

Harvest of Scottsdale ensures that the education materials distributed to qualified patients and designated patient caregivers include, at a minimum:

- Availability & Effects of Different Strains of Marijuana
- Methods, Forms, and Routes of Administration
- Prohibition on the Smoking of Medical Marijuana in Public Places
- Alternate Medical Options
- Information About Possible Side-Effects of and Contraindications of Marijuana Use (including possible impairment with use and operation of motor vehicles or heavy machinery; caring for children; or job performance)
- Information about potential drug-to-drug interactions to include alcohol, prescription drugs, non-prescription drugs, and supplements
- Techniques for the use of medical marijuana and marijuana paraphernalia
- Signs and Symptoms of Substance Abuse to include tolerance, dependency, and withdrawal
- A List of Substance Abuse Programs and Referral Information
- Marijuana Smoking is Prohibited in Public Places, and Places Exposed to Public View

Among the requirements of a dispensary agent dispensing medical marijuana is the requirement that the dispensary agent offer patient education and support materials to every patient or caregiver requesting medical marijuana. The dispensary will distribute education and support materials through its dispensary agents at the time of any dispensing of medical marijuana and will track through the MJ Freeway system when a patient or caregiver accepts or denies such materials.

The dispensary has developed a system for a patient or the patient's caregiver to document the patient's pain, cachexia or wasting syndrome, nausea, seizures, muscle spasms, or agitation that includes:

- A log book, maintained by the patient and or the patient's caregiver, in which the patient or the patient's caregiver may track the use and effects of specific medical marijuana strains and products
- A rating scale for pain, cachexia or wasting syndrome, nausea, seizures, muscles spasms, and agitation
- Guidelines for the patient's self-assessment or, if applicable, assessment of the patient by the patient's caregiver
- Guidelines for reporting usage and symptoms to the physician providing the written certification for medical marijuana and any other treating physicians

### **Dispensing Medical Marijuana**

Dispensary agents will adhere to the following procedure when dispensing medical marijuana to qualifying patients.



Byers Dispensary Renewal

10-UP-2015#2

# CITY OF SCOTTSDALE

## Public Safety and Refuse Control Plan

### For Medical Marijuana Facilities

Please indicate by Circling: Dispensary Cultivation, or Both

Scottsdale Police Department, 3700 North 75<sup>th</sup> Street, Scottsdale, AZ 85251

Phone: 480-312-5000

City of Scottsdale Current Planning, 7447 E. Indian School #105, Scottsdale AZ 85251

Phone: 480-312-7000

Project # 1035-PA-2015 or Case # \_\_\_-UP-2011

Assigned Planner:

BRYAN CLUFF

Police Detective:

JOHN MILLER

Facility Name:

BYBRS DISPENSARY INC D.B.A. HARVEST OF SCOTTSDALE

Facility State I.D. Number:

00000054DCOV0032189

Address:

15190 N HAYDEN RD. SCOTTSDALE AZ 85260

Business Phone:

480-948-3737

Business FAX:

\_\_\_\_\_

Maximum Occupancy:

54

Effective Date of the Plan:

\_\_\_\_\_

Date of Plan Review:

\_\_\_\_\_

Use Permit Issue Date:

\_\_\_\_\_

Contact Person (1):

AMANDA COATS

Home Phone:

253-225-9128

Contact Person (2):

MATT WALTZ

Home Phone:

602-723-3005

## Purpose of the Plan

To address security measures, maintenance, waste management and operations for a facility that requires a Security, Maintenance and Operations Plan pursuant to Scottsdale Revised Codes. The applicable uses are as follows: Medical Marijuana Dispensary, Medical Marijuana Cultivation and Medical Marijuana Processing, all of which require a Conditional Use Permit. The contents of this plan will address the listed concerns as well as community concerns regarding:

- Compatibility with surrounding structures and uses
- Dispensary security and patron safety
- Waste disposal measures related to the dispensing, cultivation or processing of the product

It is the intent of the City of Scottsdale to provide an environment that enhances the safeguarding of property as well as public welfare and to limit the need for law enforcement involvement.

The Permittee agrees that successful execution and enforcement of this Plan are a required condition of the use permit. Termination, cancellation, deviation or non-approval of the Plan constitutes a breach of the Plan and could result in the revocation of the use permit.

## Operations and Hours

1. Permittee: BYERS DISPENSARY INC  
Type of Organization:  Arizona Corporation  Corporation  
 Sole Proprietorship  LLC  
 Partnership  Other
2. Managing Agents Name: MATT WALTZ  
Title: PRESIDENT / DIRECTOR  
Address: 627 S. 48TH ST. STE 100 TEMPE AZ 85281  
Phone Numbers: 602-723-3005  
Fax or Other Numbers:
3. Business Owner(s) (if different than Managing Agent) Name, Address, Phone: CLG INVESTMENTS, LLC  
30600 N. PIMA RD NO 79, SCOTTSDALE AZ 85262  
RYAN MILLER 480-220-8193



4. Property Owner or Property Manager (if different from Managing Agent)  
Name, Address, Phone:

5. Hours of Operation:

	Open	Closed
Monday	<u>10AM</u>	<u>7PM</u>
Tuesday	<u>10AM</u>	<u>7PM</u>
Wednesday	<u>10AM</u>	<u>7PM</u>
Thursday	<u>10AM</u>	<u>7PM</u>
Friday	<u>10AM</u>	<u>7PM</u>
Saturday	<u>10AM</u>	<u>7PM</u>
Sunday	<u>10AM</u>	<u>7PM</u>

6. Cooperation/Complaints/Concerns:

Permittee will maintain communications with establishments located on and adjacent to the premises, and with residents and other businesses that may be affected by patrons or operations of the Permittee. Permittee designates the following person to receive and respond to concerns or complaints from other residents or businesses:

Name: MATT WALTZ Address: 1027 S. 48<sup>th</sup> ST. Phone: 602-723-3005  
TEMPE AZ 85281

Permittee, managing agents, on-duty managers, supervisors and security personnel will cooperate closely with Scottsdale Police, City of Scottsdale Code Enforcement staff or other City staff as well as business and residential neighbors in addressing and investigating complaints, criminal acts, refuse issues and any other concerns.

## Security and Maintenance

### Security Attire

- Security personnel must be readily identifiable to police, patrons, and other employees to ensure the safety of the security staff when engaged with patrons.
- If on-site security personnel are utilized, they should wear an appropriate uniform-style shirt with the word "security" on both the front and back, in two

(2) inch lettering and clearly visible. During cold weather, a jacket with the same inscription should be worn.

### **Security Officer Responsibilities**

The Permittee or management must clearly delineate the below responsibilities to all new security personnel and ensure these responsibilities are explained and understood.

- Civilian Security Officers will be responsible for patrolling the full property of the facility during all hours when patrons are in the facility, outside the facility, and in the facility parking areas.
- The Permittee warrants that there will be a minimum of 1 uniformed security officer(s). (Wearing the above-described uniform). The following responsibilities shall be agreed upon and adhered to:
  1. 1 Security officer(s) will be responsible for roaming the interior of the business and identifying hazards, problems, and maintaining patron safety.
  2. 1 Security officer(s) will be responsible for conducting roaming patrol of the exterior in an effort to prevent criminal behavior, maintain the peace and prevent refuse issues. This patrol shall include all parking areas to prevent a gathering of patrons during business hours and up to thirty (30) minutes after closing.
  3. 1 Security officer(s) will be responsible for ensuring that no persons are consuming marijuana on the dispensary property, or on adjacent properties.
- In addition, security officers will report all acts of violence to management personnel, complete a written report, log the act of violence, and contact Scottsdale Police Department immediately. Unreported acts of violence may result in revocation of the Permittee's Conditional Use Permit. Facility management, company members, corporate officers/shareholders, or facility ownership has the ultimate responsibility for the recording of the act of violence, logging of the act of violence, and reporting the act of violence to the Police Department and the Arizona Department of Health Services.

### **Management Responsibilities**

The Permittee must clearly delineate the below responsibilities to all managers, assistant managers, and person(s)-in-charge and ensure these responsibilities are understood and followed.

- The manager(s) shall ensure that all employees, security staff and off-duty officers employed by the facility be trained and knowledgeable about the contents of this plan. The following shall be agreed upon and adhered to:
  1. There will be a minimum of 1 manager(s) available on the premises during hours of operation.
  2. If security personnel are utilized, at least one manager shall be identified as the "Security Manager" for the facility and be responsible for ensuring that a safe environment exists, for the supervision of all security personnel and that all security personnel as identified here shall meet or exceed the requirements established by A.R.S. 32-2621

through A.R.S. 32-2636, as amended, relating to security personnel and guards, and any regulation issued pursuant thereto.

3. At least one security manager will be on duty until 30 minutes after closing or the last security officer is off duty, whichever occurs last.

#### **Uniformed Sworn Officer Responsibilities:**

If off-duty law enforcement is used for security, it is the responsibility of the Permittee or management to clearly delineate the following responsibilities, which include at a minimum the following:

1. Conduct traffic control as needed
2. Assist civilian security officer(s) in removal of disorderly and/or impaired patrons and maintain the peace outside the establishment.
3. If necessary, patrol the exterior portions of the business to maintain the peace as well as prevent criminal acts.

#### **Parking**

- In order to reduce criminal activity that negatively affects the nearby businesses or residential, the Permittee is responsible for the designated parking area to include any lots used by the Permittee's patrons and employees.
- It is the Permittee's responsibility to ensure that parking areas utilized by patrons and employees will be routinely patrolled so parking areas are not used: as a gathering place for use or consumption of medical marijuana or spirituous liquor, for other violations of state or city law or for acts of violence or disorderly conduct.

#### **Refuse Plan**

- It is the Permittee's responsibility to ensure refuse containers are properly used and the area in and around the business is kept clean. Failure to do so will result in an investigation and possible citation from the City of Scottsdale Code Enforcement or other governmental agencies.
- Waste associated with the medical marijuana, including seeds, stems, leaves, oils, etc. shall be disposed of in accordance with Title 36, Chapter 28.1 of the Arizona Revised Statutes and/or Title 9, Chapter 17, Article 3 of the Arizona Department of Health Services.

#### **Establishment of Records**

- In addition to those requirements spelled out in Title 9, Chapter 17, Article 3 of the Arizona Department of Health Services, the Permittee shall retain all records related to the operation of the establishment for a period of no less than 2 years. Records include all audio recordings, video recordings, written receipts, invoices and evidence of any transaction occurring within or without the establishment that are related to the establishment.
- Records may be maintained at an off-site location, but must be produced, if requested by any law enforcement officer, within 24 hours.
- Failure to maintain records for a minimum of 2 years may result in revocation of the Conditional Use Permit.

- Failure to produce records subsequent to a written or verbal request by any law enforcement officer within 24 hours may result in revocation of the Conditional Use Permit.

### **Physical Security**

It is the Permittee's responsibility to utilize the following security measures throughout the property:

- Video Surveillance
  - In addition to those requirements spelled out in Title 9, Chapter 17, Article 3 of the Arizona Department of Health Services, the Permittee must install and utilize 24-hour video surveillance and hardened video lines that record to a secure or off-site location, and that the Permittee can provide to the Arizona Department of Health Services or Scottsdale Police Department upon request.
  - Video surveillance must record all persons who enter the facility, persons who submit registry identification cards, and the registry identification cards.
  - Video surveillance must cover all interior patron areas and exterior parking areas.
- Audible and Silent Alarms
  - In addition to those requirements spelled out in Title 9, Chapter 17, Article 3 of the Arizona Department of Health Services, the Permittee must install and utilize audio and silent monitored alarms and must obtain the required City of Scottsdale alarm permits.
- Physical Security Measures
  - The Permittee must develop a plan to address all aspects of physical security for the facility, including bollards to prevent vehicle intrusions into the facility, alarm security and written risk assessment by police personnel.
- Access to Employee Areas
  - The Permittee must utilize coded security doors that restrict access to any employee-only areas.
- Vending Machines
  - Vending machine operation for dispensing of product is restricted to the times when a manager or assistant manager is present and the facility is open for business.
- Lighting
  - All portions of the establishment and patron parking areas will be sufficiently illuminated, and the lighting will be consistent with the City Policy for Exterior and Site Lighting.

### **Enforcement of Security Plan**

Violations of this Security Plan will be enforceable by City of Scottsdale Police Officers and/or Code Enforcement employees and may constitute grounds for revocation of applicable use permits relating to the facility.

**Violation, amendment, revocation, as defined in Scottsdale City Zoning Code Sec. 1.402.**

Conditional use-permits, which have been approved by the City Council, shall be subject to the following procedures and criteria regarding any violation, amendment, or revocation.

- The violation of any condition imposed by the conditional use permit shall constitute a violation of this ordinance and shall be subject to the requirements of Section 1.1400 et seq.
- Conditional uses shall be developed in conformance to the approved plans as determined by the Zoning Administrator. An amendment to a conditional use permit is required before implementation of any material change in the scope and nature of an approved conditional use, material change in any conditions or stipulations to a conditional use permit or material change in the physical size, placement or structure of property subject to a conditional use permit. The Zoning Administrator shall have the discretion to determine if a proposed change warrants an amendment. An amendment must be approved as provided in Section 1.400 et seq. for the approval of conditional use permits.
- The Zoning Administrator may recommend to the City Council and the City Council may affect revocation of a conditional use permit pursuant to Section 1.402 of the Scottsdale Zoning Code for acts including but not limited to:
  1. A violation of the Plan.
  2. Violation of the conditions of the Use Permit.
  3. Violation of Scottsdale ordinances or law.
  4. Repeated acts of violence or disorderly conduct as reflected by police calls for service or offenses occurring on premises utilized by patrons of the Permittee, or failure to report acts of violence
  5. Failure of the Permittee to take reasonable steps to protect the safety of persons entering, leaving or remaining on the premises when the Permittee knew or should have known of the danger to such person, or the Permittee fails to take reasonable steps to intervene by notifying law enforcement officials or otherwise to prevent or break up an act of violence or an altercation occurring on the premises or on premises utilized by patrons and employees of the Permittee when the Permittee knew or reasonably should have known of such acts of violence or altercations.
  6. Any enlargement or expansion of the premises, plan of operation or program format without appropriate approval from the City.
  7. Misrepresentations or material misstatements of the Permittee, its agents or employees.

**Dissemination of the Security Plan**

- A copy of this security plan must be provided to each security officer, off-duty sworn law enforcement officer, manager(s) and assistant manager(s) employed by the permittee.

- A reading log will be maintained and will be signed by each of the above persons, stating they have read and understood this plan. Each security employee must read the plan once per year, or when there are any changes to the plan.
- A current copy of this plan will be maintained on the premises at all times, and a copy of this plan must be made available upon request of any code enforcement officer or police officer.
- Failure to conform to this plan will be considered a violation of the use permit.

**Termination of the Plan**

- This plan terminates on the date that the permittee's use permit terminates.
- An annual review of this plan may be conducted by City staff and revisions may be required.

**Enclosures**

- Addendums attached SECURITY PLAN (REFUSE WITHIN)
- Refuse Plan (Must Be Attached)

**APPLICANT/MANAGEMENT:**

Name: AMANDA COATS  
 Address: 627 S 48TH ST STE 100 TOMPE AZ 85281  
 Phone: 253 225 9128  
 Date: 10/10/10  
 Signature: Amanda Jo Coats

**APPROVED BY:**

Detective: DARREN HYMAN  
 Phone: 480-312-8621  
 Date: #1311  
 Signature: [Signature] 10-18-10

## Cover Sheet

**Assigned Planner: Bryan Cluff**

**Police Detective: John Miller**

**Facility Name: Byers Dispensary, INC. D.B.A. Harvest of Scottsdale**

**Facility State ID Number: 00000054DCOV00321891**

**Address: 15190 North Hayden Road, Scottsdale, AZ 85260**

**Business Phone: (480) 948-3737**

**Business Fax: N/A**

**Maximum Occupancy: 54**

**Effective Date of the Plan:**

**Date of Plan Review:**

**Use Permit Issue Date:**

**Contact Person (1): Amanda Coats**

**Phone: (253) 225-9128**

**Contact Person (2): Matt Waltz**

**Phone: (602) 723-3005**

## **Security Plan**

The Applicant is committed to the peace of mind of its staff, patients, and community members. To that end, security is of utmost importance to the Dispensary team, and we will ensure that the Dispensary is highly secure from day one. The main components of Dispensary security include Building Security and Product Security.

In addition to the provisions outlined within, the Applicant will follow the security protocols outlined by the American Herbal Pharmacopoeia, and maintain strict adherence to USDOJ recommendations regarding all points outlined in the Memos regarding Medical Marijuana from the US Attorney General's office, specifically those issued in 2009 (The Ogden Memo), 2011 (The 2011 Cole Memo), and 2013 (The 2013 Cole Memo).

### **Management Responsibilities**

Management (e.g., managers, assistance managers, and all persons-in-charge) are responsible for communicating security procedures to employees, training them on security policies and procedures, and ensuring that the policies procedures are understood and followed. There will be at least one Security Manager on the Dispensary premises during hours of operation. Security Managers will be responsible for ensuring a safe environment and compliance with all policies and procedures outlined herein. At least one Security Manager will remain on the premises until thirty minutes after closing or the last Security Office is relieved of his/her duties, whichever occurs last.

### **Record Keeping**

All establishment operation records will be kept for a minimum of two years. Such records will include audio/video recordings, written receipts, invoices, and evidence of any transactions occurring within and without the establishment.

## **BUILDING SECURITY**

### **Video Surveillance System**

The Dispensary will be under 24-hour recorded video surveillance capable of capturing and recording clear and certain identification of any person entering or exiting.

Surveillance systems will have full field digital view of the following areas:

- A well lit exterior of entire building at all times
- Three hundred sixty degree view from the roof
- Secured trash and recycling areas
- Multiple angles of entire interior facility except bathrooms
- Parking lot and rear exterior



- CCTV cameras will be capable of monitoring all light spectrums and will be placed in interior and exterior of the Dispensary.
- Video cameras will have a recording resolution of at least 704x480, or the equivalent, and will record 24 hours/day.
- Cameras and recording equipment will have sufficient battery backup to support at least 60 minutes of recording in the event of a power outage.
- The video surveillance will be hard wired to an on-site computer, which will be used to store all video recordings, and will have the capacity to store recordings for the previous 30 calendar days. This computer will be secured on-site within a locked cabinet.
- Connected to the computer will be a video printer capable of immediately producing a clear still photo from any video camera image that displays the time and date of capture.
- A failure notification system will provide an audible and visual notification of any failure of the surveillance system. In addition, cellular SMS transmissions (such as a text message) will alert authorized Dispensary personnel of the malfunction.
- A Dispensary Agent shall monitor the cameras during all hours of operation.
- The General Manager's office shall store the onsite hard drive for recorded surveillance and, in addition, the Dispensary shall have a 60-day off site and/or cloud based storage system.

### **Exterior Building Security**

The following security protocols will ensure that the exterior of the Dispensary is secure while providing a safe, welcoming, and professional environment:

- Video cameras will provide exterior coverage of all entrances and windows and any activities occurring outside or adjacent to the building.
- The perimeter of the property line may be enclosed with a concrete wall in compliance with local and state regulations and development standards.
- Only one entrance will be used for patient access. All other entrances will remain inaccessible and locked during hours of operation.
- During business hours, a Security Officer will be charged with monitoring the parking lot and area surrounding the Dispensary, securing safe ingress and egress to patients' transportation, and strictly enforcing loitering policies, while adding to the safety of the patients and the neighboring community by maintaining a visible presence.
- A Greeter will be posted inside the room accessed by the patient entrance to perform an initial examination of the patient's credentials and ask patients to remove hats and/or sunglasses (except for religious headwear), if necessary, to facilitate the video capture for identification of the patient.
- Entrances will be protected with electronically controlled locking mechanisms that automatically lock entrances and prevent entrance to the facility without proper authorization.
- A licensed and bonded landscaping company will clean and maintain trees, bushes and other foliage around the perimeter of the Dispensary. In addition, cement-filled decorative planters will protect entrances and windows from unauthorized vehicular entrance.

- Windows and any other enclosures that provide a view of the inside of the Dispensary will be covered with security film.
- Exterior lighting will be installed to facilitate surveillance within the guidelines provided by the city in the City Policy for Exterior and Site Lighting document.
- The roof will be outfitted with an HD CCTV camera with three hundred sixty degree rotation, as well as a beam detection system on the entire roof of the building to prevent possible breach from any exterior of the building to the interior of the facility. If a beam is broken the alarm will be immediately triggered and security response may alert local police.
- After business hours, the Dispensary will contract with a security company. A State licensed guard will continue to patrol the exterior of the premises. No individual, other than a Dispensary Agent authorized by the Dispensary, shall remain in the parking lot or nearby external premises.

### **Interior Building Security**

The following security protocols will ensure that the interior of the Dispensary is secure for qualifying patients and employees:

- Video cameras, which will operate on a CCTV system, will provide interior coverage of all entrances and windows, reception area, each point-of-sale location, and the vault, to identify any person who holds a valid registry identification card or his or her designated caregiver purchasing medical marijuana.
- At least one call-up monitor 19" or larger.
- Audible and silent alarms will alert the breach of all entrances and windows and provide motion-detection coverage for the entire Dispensary.
- Panic buttons will be installed at each point-of-sale location, in the vault, and under the reception stations, and when pressed will immediately contact local law enforcement agencies. Panic buttons are different from the alarm system in that they immediately alert law enforcement. The alarm system will be monitored by a professional alarm company who often times will be the first response before alerting law enforcement.
- Scissor gates will be in place behind the storefront glass system to ensure that any penetration of the glass will not allow access into the Dispensary.

### **Access Control**

The Dispensary will have an enclosed, locked IT and CCTV facility with no visible outside markings. The interior operations will be monitored such that entry into the building is regulated, and a complete access control system will be installed. The system will prevent entrance to the building, as well as limit access to employee-only areas through the use of use of key fob/electronic access and security doors at points of entry.

### **Authorized Access**

The Dispensary will provide for the accurate and continuous identification of individuals authorized to enter the Dispensary. The Dispensary will restrict access to the areas of the Dispensary that store marijuana to authorized individuals only. No persons under the age of 21 are allowed into the body of the Dispensary, not including the waiting room.

Before dispensing medical marijuana to a qualified patient or caregiver, the Dispensary Agent will enter the patient's or caregiver's registry identification number on the patient's or caregiver's registry identification card into the Electronic Verification System and verify the validity of the registry identification card and age. Access to the Dispensary building will be denied to any individual not providing the credentials listed above and satisfactorily proving eligibility and authorization to enter.

### **Controls to Detect and Prevent Unauthorized Access**

To prevent unauthorized access to medical marijuana, edibles, and medical marijuana-infused products at the Dispensary, the Dispensary has security equipment to deter and prevent unauthorized entrance into limited-access areas that includes a series of devices to detect unauthorized intrusion, which may include a signal system interconnected with a radio frequency method, such as cellular, private radio signals, or other mechanical or electronic device. In addition, a burglar alarm shall be installed that will activate upon motion via entrance through the doors, glass, rooftop access and cover any shared wall. The alarm shall be monitored by an alarm company.

Access to the controlled areas will be limited to State licensed Dispensary Agents, and when needed, licensed contractors.

To ensure the safety of our employees and patients, only State licensed Dispensary Agents will have access to areas where marijuana is packaged and stored. These secure areas will have locked doors and key fob/electronic access at points of entry.

### **Panic Buttons**

The Dispensary will install and maintain working panic buttons in the interior of the Dispensary. All Dispensary Agents within the Dispensary building be trained to use and will have access to multiple panic buttons throughout the site. Panic buttons will be located within the Dispensary at the receptionist desk, all cashier stations, and within the vault. Dispensary Agents will be trained on the specific location of panic buttons and the specific circumstances under which panic buttons should be used, including threatening conduct, criminal invasion, and other security emergencies. The General Manager will ensure that all interior panic buttons are properly functioning at all times.

### **Security Equipment**

The Dispensary will have security equipment to deter and prevent unauthorized entrance into limited access areas that includes devices or a series of devices to detect unauthorized

intrusion, which may include a signal system interconnected with a radio frequency method, such as cellular, private radio signals, or other mechanical or electronic device. In addition, a burglar alarm shall be installed that will activate upon motion via entrance through the doors, glass, rooftop access and cover any shared wall. The alarm shall be monitored by an alarm company.

### **Intrusion Detection**

The Dispensary will comply with all State and local rules and regulations with regard to mandatory security and monitoring devices to prevent and detect unauthorized intrusion into the Dispensary building. The Dispensary will contract with a security and alarm monitoring company to conduct in-person and remote surveillance of the Dispensary building on a 24/7 basis. In addition, during business hours, the Manager on Duty will ensure that all electronically restricted access controlled doors are properly secured with the alarm armed to notify of any unauthorized intrusion. During non-business hours, the Manager on Duty will ensure that the security system is armed and operational by securing all interior doors, electronically restricted access doors, and the exterior door, and setting the security system by way of a confidential access code.

### **Identification of Patients and Employees**

The Dispensary will provide for the accurate and continuous identification of individuals authorized to enter the Dispensary. Before dispensing medical marijuana to a qualifying patient or designated caregiver, the Dispensary Agent will verify through photo identification that an individual presenting a medical marijuana identification card is the same as the individual depicted on the identification card, enter the patient's or caregiver's registry identification number on the registry identification card into the Electronic Verification System and verify the validity of the patient or caregiver's registry identification card and age. Access to the Dispensary building will be denied to any individual not providing the credentials listed above and satisfactorily proving eligibility and authorization to enter.

### **Patient Entrance**

Each patient entering the Dispensary will be met by a Greeter who will require the patient to display his/her registry card to enter. The patient is then directed to the receptionist where he/she will display their registry card for verification. There shall be a physical separation or counter between the patient and the authorized Dispensary Agent. The separation shall form a barrier to prohibit patient access behind the counter. A panic alarm shall be installed behind the counter. All patients must present a valid registry identification card in order to purchase medical marijuana. Patients must remove hats, sunglasses, and any other objects that obstruct physical identification. This rule shall not apply to clothing worn over the face for established religious reasons. Video monitoring will show the patient or caregiver's face.

### **Electronic Monitoring**

The Dispensary will conduct electronic monitoring in and around the Dispensary building. The Dispensary will conduct electronic video monitoring of all visitors in the parking lot and in the entry area of the Dispensary building. All patients entering the Dispensary shall remove their hats, sunglasses, and other similar objects, which obstruct physical identification. This shall not apply to clothing worn over the face for established religious reasons. At all times during business hours, at least one Dispensary Agent within the Dispensary building will be tasked with monitoring the electronic video monitoring systems and responding to any issues of security or safety that may arise. To prevent unauthorized access to medical marijuana at the Dispensary, the Dispensary will have security equipment to deter and prevent unauthorized entrance into limited access areas, which will include electronic video and visual monitoring. The Manager on Duty will be responsible for ensuring that all electronic video and visual monitoring security equipment is properly functioning at all times.

### **Loitering**

The Dispensary will provide for the accurate and continuous identification of individuals authorized to enter the Dispensary. The Dispensary will post signs stating "no loitering" throughout the parking area utilized by patrons. Signs shall be placed in locations visible to all patrons. The Security Officer will monitor the public areas around the Dispensary building to ensure no loitering is taking place and escort individuals away from the public areas around the Dispensary, or if necessary, contact law enforcement for assistance, in the event any loitering occurs.

### **Security Officer**

The Security Officer will be readily identifiable by his/her uniform-style shirt and/or jacket, on which the word "SECURITY" will be printed on both front and back in, at minimum, 2-inch lettering. At least one Security Officer will be on the premises at all times when patients are in the facility and for at least thirty minutes after closing. The following responsibilities will be required of the security officer:

- Patrol of all areas inside and outside of the Dispensary, including parking areas and secure recycle/refuse areas, at all times when patients are in the facility
- Identify hazards, problems, and potential issues of patient safety, and either remedying those issues or reporting them to the proper authorities (e.g., General Manager, Scottsdale Police Department)
- Prevent criminal activities, maintain the peace, prevent refuse issues, and prevent the gathering of patients during business hours and for at least thirty minutes after closing
- Ensure no persons consume marijuana products on Dispensary or adjacent property
- Report all acts of violence to management, complete a written report, log the act of violence, and contact the Scottsdale Police Department immediately.

## **PRODUCT SECURITY**

The Dispensary will ensure medical marijuana products are safe for patient use by ensuring that medicines are properly procured, tracked, documented, stored, tested, packaged, labeled, inventoried, and that Dispensary Agents are properly trained to carry out all of these critical procedures. In addition to ensuring that patients have access to safe medicines, our responsibility to keep these medicines out of the hands of unauthorized individuals is a critical part of our product safety plan and our stewardship to the community.

Safe product storage begins with strong Chain of Custody and inventory procedures. This begins at a State licensed Cultivation site and ends with a final sale; a protocol will be in place for product recalls or shelf-life expiration. Enhanced secure storage, inventory procedures, and electronic monitoring systems, including real time access of data upon request, will serve as checks and balances throughout the Chain of Custody procedures for all products. Written documentation shall accompany all products being transported.

In addition to our integrated inventory and POS record keeping system, MJ Freeway, the Dispensary will track physical access to medicinal products through the use of video monitoring and strict access controls. Physical storage of medicinal products is divided into three categories: In Transit, Bulk Storage, and Final Packaging. Bulk Storage is contained within a secure, climate-controlled vault within the Dispensary. Medicines that are in Final Packaging are stored in the vault during non-business hours and in the secure dispensing area during business hours. The details of product storage can be found below.

Transportation plays a role in ensuring the safety and security of medical marijuana, edibles, and medical marijuana-infused products. The Dispensary will take various steps to secure medicinal products during transportation and receiving, including:

- Deliveries and movements of marijuana-based medicines will always occur using an unmarked vehicle.
- Routes and schedules shall be randomized such that delivery patterns are not predictable.
- All deliveries of over two pounds of medical marijuana shall include at least two qualified Dispensary Agents.
- Cash is always stored in a locked safe within the delivery vehicle.
- All medical marijuana, edibles, and infused products are placed in Cannaline packing, which is transported in a secure, non-transparent transportation box in the vehicle's trunk.
- Prior to departure, the Dispensary Agent must complete a Trip Form and a Chain of Custody form and have both approved by the General Manager.

Areas of the Dispensary where medical marijuana is stored, handled, packaged, or inspected are secured with key coded locks. Agent registration cards must be worn and be visible at all times, even if agent is delivering marijuana or marijuana-infused products off-site.

Agent registration cards will be used to clock in and out of work via magnetic strip, quick response (QR) code, or comparable electronic method.

In instances where light may degrade the quality of the marijuana or marijuana-infused product, lights may be turned off much of the day; however, motion sensors will turn lights on when anyone enters so that cameras will capture any and all movements in those secure areas. In addition, cameras pointed at all other interior and exterior lighted areas and entry points will record any authorized or unauthorized entry into secured rooms from the exterior of the enclosed, locked facility.

## **INVENTORY AND RECORD KEEPING**

### **Materials Inventory**

Dispensary Agents who are assigned inventory function are responsible for the storing, tracking, counting, and safekeeping of marijuana, marijuana-infused products, other company products, and cash. For purposes of maintaining an accurate inventory, the Dispensary adheres to the following:

#### Product Quantity

The Dispensary limits its inventory of marijuana and marijuana-infused products to meet the needs of patients while remaining in compliance with all state and local laws and regulations.

#### MJ Freeway Inventory Tracking System

The Dispensary will use the MJ Freeway POS and inventory management system. The software product is fully integrated with scales, label, and receipt printers. MJ Freeway is a fully integrated seed-to-sale tracking software tracks all marijuana seeds, plants, and produce and verifies product identification and weight measures.

## **PRODUCT SECURITY**

### **Secure and Safe Storage**

All medicines are stored in a secure vault during non-business hours. Only pre-packaged medical marijuana, edibles, and medical marijuana-infused products that are ready to be sold to qualifying patients are accessible in the secure cashier area during business hours. All products are clearly labeled and tracked within MJ Freeway, the point of sale and inventory management software designed to track products from seed to sale. Medical marijuana will be pre-packaged and labeled by Dispensary employees using Cannaline secure packaging before being sold to patients. This packaging offers a clear see-through front so that medical marijuana can be viewed and visually inspected by Dispensary Agents and patients. Dispensary team members have used this packaging widely and consider it to be of high quality. The packing is also heat-

sealed and tamper-proof ensuring that the medical marijuana is not subject to humidity or other external influences. Keeping the medicine in tamper-proof packaging helps reduce the risk of theft, spoilage, and damage to the medicine.

At the Dispensary, medical marijuana, edibles, and medical marijuana-infused products will be stored in enclosed, locked locations. These locations include secure devices, display cases, cabinets, and rooms, all protected by locks or locking mechanisms. All bulk medicines are stored in the secure vault at all times. Packaged, sealed medicines are stored in the secure access-controlled dispensing area (Cashier Stations) during business hours and are stored inside the secure vault during non-business hours.

Once the medical marijuana, edibles, and medical marijuana-infused products are purchased from a licensed cultivation or production facility, the product will be entered into the MJ Freeway System. Once the product has been entered in the MJ Freeway System, the product will be securely moved into the vault for storage and safekeeping.

From the main vault, the Dispensary Manager on Duty will transfer enough medical marijuana, edibles, and medical marijuana-infused products for one day's operations into the access-controlled dispensing area/cashier station to which only authorized personnel will have access.

All transfers will be supervised by the Manager on Duty.

### **Patients and Sales**

When a patient arrives at the Dispensary, the patient will enter the first door and will be verified prior to entering the display area. They will only be allowed to enter with a valid registry card and going through the authorization process. The receptionist will verify all documentation using the MJ Freeway System and the state EVS system. The patient will be allowed into the dispensing area upon verification. Once in the dispensing area, the patient will be greeted by a Patient Advisor. Once the patient has selected the medical marijuana, edibles, and/or medical marijuana-infused products they wish to purchase, they will proceed to a cashier and receive their pre-packaged medicine in a sealed and stapled package and be issued a receipt.

The Dispensary will adhere to Arizona laws which limit the amount of medical marijuana, edibles, and medical marijuana-infused products to 2.5 ounces per 14 days.

To protect the safety and privacy of patients, and to prevent diversion, the use of cell phones and cameras is prohibited in the Dispensary.

Surveillance cameras will monitor all points of entry to and exit from the Dispensary. This includes the parking lot, rear of the building, and all areas inside the Dispensary, including secured waste storage.



At least one Security Officer will monitor the Dispensary, the parking lot, and adjacent areas during operating hours. The Security Office will ensure that patients do not consume medicines in the Dispensary, the Dispensary parking lot, or in any other location around the Dispensary.

Upon exiting the Dispensary, the Security Officer and Greeter will monitor the patient and ensure that they leave the parking lot shortly after exiting the Dispensary in a safe and efficient manner. If a patient has safety concerns or needs assistance leaving the Dispensary, the Security Officer will assist and/or accompany the patient to their vehicle. Security Officers and the Greeter will also ensure that the Dispensary entrance and surrounding area and clean, professional, well maintained and well lit at all times.

### **Weekly Audits**

The Dispensary General Manager will conduct weekly audits of the Dispensary's internal controls, inventory tracking systems and procedures, and security systems and procedures. Dispensary management and staff will be familiar with all applicable local and state regulations and will conduct weekly audits to ensure compliance with all applicable regulations. These audits, in addition to the procedures described above, will help ensure the quality of medicine in a secure environment and that medications are being handled with care.

### **Refuse Plan**

Contaminated and unwanted medical marijuana, edibles, and infused products will be stored in a properly labeled secure container that will be kept inside the climate-controlled Dispensary vault. The waste is collected and mixed with biodegradable kitty litter<sup>1</sup> on a 1:1 ratio and stored in the Disposal Container. Each week, a Dispensary employee will check the disposal container and will notify the designated Waste Disposal Company. The Waste Disposal Company will then send a representative to collect and dispose of the waste. The following procedures will be followed to document the outgoing disposal:

1. The waste is collected and stored in the Disposal Container.
2. When the waste and Chain of Custody forms are ready for transportation, a Dispensary Agent will notify the Waste Disposal Company.
3. The Waste Disposal Company will pick up the waste from the Dispensary and will complete necessary Chain of Custody documents.
4. The documents provided to the Waste Disposal Company representative will be stored according to the Dispensary's document storage and retention plan.
5. Inventory records will then be updated by Manager on Duty to reflect medicines that were disposed of.

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<sup>1</sup> Biodegradable litters are made from various plant resources, including pine wood pellets, recycled newspaper, clumping sawdust, cassava, barley, okra and dried orange peel. This medium renders the disposed marijuana unusable in a safe, non-toxic, storage process.

# Neighborhood Notification Report

Byers Dispensary, INC has mailed a letter to all the property owners and HOAs within 750 ft. of 15190 N Hayden Rd., Scottsdale, AZ 85260 notifying them of a Conditional Use Renewal application for a medical marijuana dispensary located at 15190 N Hayden Rd., Scottsdale, AZ 85260. A copy of the letter is attached, as well as a mailing list. We have not yet had any feedback.

Scottsdale, City Of  
3939 N Drinkwater Blvd  
Scottsdale, AZ  
85251

## **Conditional Use Permit Renewal Notification**

To Whom It May Concern:

Byers Dispensary, Inc. would like to inform you of an application to renew a Conditional Use Permit for the medical marijuana dispensary located at address 15190 North Hayden Road in Scottsdale, Arizona.

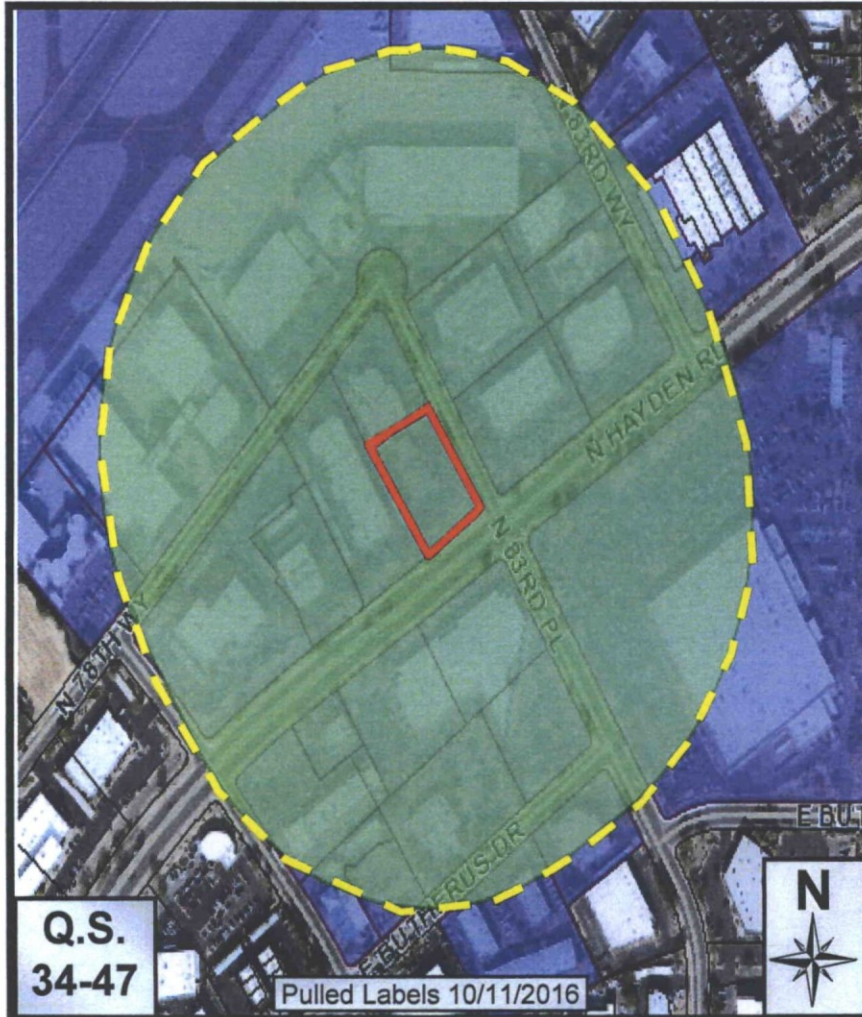
Questions and comments regarding this renewal application can be made to Bryan Cluff via e-mail at [bcluff@scottsdaleaz.gov](mailto:bcluff@scottsdaleaz.gov) or by calling 480-312-2258.

Thank you,

Amanda Coats  
253-225-9128

# City Notifications – Mailing List Selection Map

ATTACHMENT #7



## Map Legend:



Site Boundary



Properties within 750-feet

Postcards 59

## Additional Notifications:

- Interested Parties List
- Adjacent HOA's
- P&Z E-Newsletter
- Facebook
- Twitter
- Nextdoor.com
- City Website-Projects in the hearing process

# Byers Dispensary Renewal

# 10-UP-2015#2

# CITY COUNCIL REPORT



Meeting Date: December 2, 2016  
 General Plan Element: *Land Use*  
 General Plan Goal: *Create a sense of community through land uses*

## ACTION

### Byers Dispensary Renewal 10-UP-2015#2

#### Request to consider the following:

1. Find that the Conditional Use Permit criteria have been met, and adopt Resolution No. 10652 approving a Conditional Use Permit renewal for an existing Medical Marijuana Use (dispensary) in a 6,800 square foot facility located at 15190 N. Hayden Road with Industrial Park (I-1) zoning.

#### Key Items for Consideration

- Compliance with the Conditional Use Permit criteria
- No schools or residential properties within 500 feet
- Public Safety and Refuse Control Plan approved by the Scottsdale Police Department
- No known violations or complaints reported regarding existing use
- Proposed 5-year expiration term
- Planning Commission heard this case on November 9<sup>th</sup>, 2016 and recommended approval with a 4-0 vote

#### Goal/Purpose of Request

The applicant is requesting approval of a Conditional Use Permit renewal to continue operations of an existing +/- 6,800 square foot Medical Marijuana Use in a building with Industrial Park (I-1) zoning. The existing medical marijuana dispensary is operating under a use permit which was approved January 11, 2016. The existing use permit was stipulated to expire after one (1) year, unless it is amended or renewed. The applicant is requesting a renewal of the conditional use permit, with a new five (5) year term. There has been no change in the operations of the proposed use since its original approval (10-UP-2015).

## OWNER

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CLG Investments, LLC  
30600 N. Pima Road  
480-220-1313

## APPLICANT CONTACT

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Amanda Coats  
Byers Dispensary, Inc.  
253-225-9128



## LOCATION

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15190 North Hayden Road

## BACKGROUND

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### General Plan

General Plan Land Use Element designates the property as Employment. This category is intended to support a variety of employment uses including office, light manufacturing, and light industrial. Locations have been identified for employment areas where impacts on residential neighborhoods are limited and access is available to labor pools and transportation facilities.

### Character Area Plan

The subject property is located within the boundaries of the Greater Airpark Character Area Plan (GACAP). The GACAP future land use map designates this site as Employment (EMP). The Employment area is intended to include an array of office, commercial, warehousing, and light industrial land uses that provide for business enterprises, as well as regional and local jobs.

### Zoning

The site is zoned Industrial Park (I-1) district. The I-1 zoning district allows for a variety of light manufacturing, light industrial, aeronautical, office, and support uses to sustain and enhance major employment opportunities. The I-1 district allows a medical marijuana use, subject a Conditional Use Permit.

### Context

The subject property is located at the east corner of N. Hayden Road and N. 83<sup>rd</sup> Place. The existing dispensary occupies the entire existing building (previously used as a bank). Surrounding uses include office, aviation, warehouse, and retail.

Please refer to context graphics attached.

### Adjacent Uses and Zoning

- North: Office, zoned Industrial Park (I-1) district.

- South: Retail, showroom, zoned Industrial Park (I-1) district.
- East: Office, zoned Industrial Park (I-1) district.
- West: Retail, showroom, zoned Industrial Park (I-1) district.

**Other Related Policies, References:**

- 10-UP-2015: Existing Conditional Use Permit for a Medical Marijuana Use (Dispensary) at the subject site
- 8-TA-2010: Text amendment to Zoning Ordinance to allow Medical Marijuana related uses
- 8-TA-2010#2: Revision to text amendment case 8-TA-2010 to clarify separation requirements
- 8-TA-2010#3: Text Amendment to Zoning Ordinance amending the location criteria for medical marijuana uses to increase separation requirements and add 3 new protected uses
- Arizona Revised Statutes, Title 36, Chapter 28.1
- Arizona Department of Health Services, Title 9, Chapter 17

**APPLICANTS PROPOSAL**

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**Development Information**

- Existing Use: Medical Marijuana dispensary
- Proposed Use: Medical Marijuana dispensary
- Parcel Size: 1.08 acres
- Parking Required: 28 spaces
- Parking Provided: 31 spaces
- Floor Area: 6,800 square feet (including drop-off bay area)

**IMPACT ANALYSIS**

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**Land Use**

The dispensary occupies the existing building in its entirety. The facility operates similar to a medical office use, with foot traffic limited to patients and/or caregivers. The dispensary is a non-profit organization, as required by State and Federal law, and will not function as a retail use open to the general public. The surrounding area is home to a variety of professional offices and retail uses, similar in intensity and character to the proposed use. The applicant is not proposing any changes to the existing dispensary operations, and there have been no reported complaints regarding the existing use.

**City Regulations**

The City allows Medical Marijuana Uses, including dispensaries, in only a few zoning districts: (Industrial Park (I-1), Commercial Office (C-O), and Special Campus (SC)). In each of these zoning districts, a Conditional Use Permit is required for Medical Marijuana Uses to demonstrate

compliance with specific criteria, including separation and compatibility requirements. A recent text amendment, initiated and adopted by the City Council, amended the location criteria for Medical Marijuana uses by increasing the required separation between a Medical Marijuana uses, and between Medical Marijuana uses and specified protected uses. It also added three (3) new protected uses (church, day care, and public parks). The adopted text amendment included provisions for existing Medical Marijuana uses operating under an approved use permit prior to effective date of the text amendment. This "grandfather" provision allows the existing Medical Marijuana Use to continue operation as long as it maintains compliance with the prior Conditional Use Permit criteria. These criteria are outlined in detail below.

### **Conditional Use Permit (Active Permitted Uses Existing as of September 30, 2016)**

Conditional Use Permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and City Council has found as follows:

- A. That the granting of such Conditional Use Permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
  1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
    - **All operations associated with this use will be conducted within the building. No processing or cultivation is proposed at this location that might require the use of machinery. All products offered for sale will arrive prepackaged in sealed, air tight, bar coded packages ready to sell. No damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination is anticipated.**
  2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
    - **As the proposed use is a dispensary only with no cultivation or processing, it is anticipated the facility will generate traffic similar to a medical or professional office use, both of which are prominent in this area. No significant impacts to existing traffic patterns, or increase in traffic volume is anticipated.**
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
  - **It is anticipated the use will continue to operate similar to a medical or professional office use, both of which are prominent in this area. The subject site is located in an area occupied by a variety of professional office, retail, and restaurant uses of similar or higher intensity than the proposed use. The proposed use is reasonably compatible with the uses in the area.**
- C. The additional conditions in Section 1.403 have been satisfied:

The proposal meets the provisions for Medical Marijuana use as identified in Zoning Ordinance Section 1.403.M., including:

  1. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and



regulations issued thereunder, as amended.

- **All operations are conducted within a fully enclosed building, with the exception of necessary security measures as required by the Public Safety and Refuse Control Plan.**
2. The Medical Marijuana use is not located within 500 feet of any of the following protected districts or uses:
    - a. Any residential zoning district, or the residential portion of a Planned Community District (PCD), or any portion of a Planned Residential Development (PRD) with an underlying residential zoning district.
    - b. Manufactured Home District (M-H).
    - c. Any elementary or secondary school.
    - **The facility is not located within 500 feet of any of the above uses or districts.**
  3. The Medical Marijuana use is at least 1,320 feet from the following uses within the City limits:
    - a. Medical marijuana caregiver cultivation use.
    - b. Any medical marijuana use; however, no separation between these uses is required in the Industrial Park District (I-1) where a medical marijuana caregiver cultivation use and a medical marijuana use hold a state issued caregiver registry identification card and a non-profit medical marijuana dispensary registration certificate under the same name or entity.
    - **The facility is not located within 1,320 feet of any other medical marijuana facility.**
  4. All distances are measured from the wall of the medical marijuana dispensary use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.
    - **All separation requirements were measured and confirmed as indicated above.**
  5. The applicant has provided a written exterior refuse control plan, subject to City approval.
    - **A Public Safety and Refuse Control Plan has been reviewed and approved by the Scottsdale Police Department. Conditions of the plan will be implemented and enforced by the City's Code Enforcement Division and the Scottsdale Police Department.**
  6. The applicant has provided a written public safety plan, subject to City approval.
    - **A Public Safety and Refuse Control Plan has been reviewed and approved by the Scottsdale Police Department. Conditions of the plan will be implemented and enforced by the City's Code Enforcement Division and the Scottsdale Police Department.**
  7. The hours of operation for a medical marijuana use that provides, shares, exchanges,

sells, or dispenses medical marijuana are no earlier than 6:00 AM and not later than 7:00 PM.

- **The proposed hours of operation for this facility are Monday thru Sunday, 6:00 AM to 7:00 PM.**
8. There is no drive-through service, take-out window, or drive-in service.
- **Although the existing bank building includes a drive-through service bay, none of the services listed above are proposed as part of this request. The existing drive-through bay is used for product deliveries only, and contains garage doors that will remain closed except to allow entry of authorized vehicles for deliveries.**

### **Water/Sewer**

No cultivation is proposed for this location. Existing water and sewer infrastructure is sufficient to accommodate a Medical Marijuana Use.

### **Public Safety**

A comprehensive Public Safety and Refuse Control Plan has been reviewed and approved by the Scottsdale Police Department. The nearest fire station is located at 14970 N 78<sup>th</sup> Way. No significant impacts to existing service levels are anticipated.

### **Community Involvement**

The applicant notified all property owners within 750 feet of the site by mail, and City staff also notified all property owners within 750 feet of the site by mail. Additionally, the site has been posted with required signage.

As of the date of this report, staff has received one (1) phone call in opposition to the Conditional Use Permit renewal.

## **OTHER BOARDS AND COMMISSIONS**

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### **Planning Commission:**

Planning Commission heard this case on November 9<sup>th</sup>, 2016 and recommended approval with a 4-0 vote.

### **Staff's Recommendation to Planning Commission:**

Found that the Conditional Use Permit criteria has been met, and recommended approval of a Conditional Use Permit renewal for an existing Medical Marijuana Use (dispensary) in a 6,800 square foot facility located at 15190 N. Hayden Road with Industrial Park (I-1) zoning.

## **RECOMMENDATION**

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### **Recommended Approach:**

1. Find that the Conditional Use Permit criteria have been met, and adopt Resolution No. 10652

**City Council Report | Byers Dispensary Renewal (10-UP-2015#2)**

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approving a Conditional Use Permit renewal for an existing Medical Marijuana Use (dispensary) in a 6,800 square foot facility located at 15190 N. Hayden Road with Industrial Park (I-1) zoning.

**RESPONSIBLE DEPARTMENT**

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Planning and Development Services  
Current Planning Services

**STAFF CONTACT**

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Bryan Cluff  
Senior Planner  
480-312-2258  
E-mail: bcluff@ScottsdaleAZ.gov

**APPROVED BY**

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\_\_\_\_\_  
Bryan Cluff, Report Author

11/14/16

\_\_\_\_\_  
Date



\_\_\_\_\_  
Tim Curtis, AICP, Current Planning Director  
480-312-4210, tcurtis@scottsdaleaz.gov

11/11/2016

\_\_\_\_\_  
Date



\_\_\_\_\_  
Randy Grant, Director  
Planning and Development Services  
480-312-2664, rgrant@scottsdaleaz.gov

11/11/16

\_\_\_\_\_  
Date

## ATTACHMENTS

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1. Context Aerial
2. Resolution No. 10652
  - Exhibit 1: Aerial Close-Up
  - Exhibit 2: Stipulations
  - Exhibit A to Exhibit 2: Site Plan
  - Exhibit B to Exhibit 2: Floor Plan
  - Exhibit 3: Additional criteria
3. Applicant's Narrative
4. Zoning Map
5. Public Safety and Refuse Control Plan
6. Citizen Involvement
7. City Notification Map
8. November 9, 2016 Planning Commission meeting minutes



Byers Dispensary Renewal

10-UP-2015#2

RESOLUTION NO. 10652

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADOPTING A CONDITIONAL USE PERMIT FOR A RENEWAL FOR A MEDICAL MARIJUANA USE (DISPENSARY) IN AN EXISTING +/- 6,800 SQUARE FOOT FACILITY WITH INDUSTRIAL PARK (I-1) ZONING LOCATED AT 15190 N. HAYDEN ROAD.

WHEREAS, the Planning Commission held a public hearing on November 9, 2016; and

WHEREAS, the City Council, held a public hearing on December 02, 2016;

NOW, THEREFORE, LET IT BE RESOLVED, by the City Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. That the City Council finds:

- a) that the granting of this conditional use permit per stipulations set forth on Exhibit 2 will not be materially detrimental to the public health, safety or welfare based on, but not limited to, the following factors: damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination and impact on surrounding areas resulting from an unusual volume or character of traffic;
- b) that the characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas; and
- c) that the additional zoning requirements necessary for a medical marijuana dispensary use, set forth on Exhibit 3 have been met.

Section 2. That a description of the conditional use permit is set forth in Case No. 10-UP-2015#2. The property that is subject to the conditional use permit is shown on Exhibit 1 and the conditional use permit approval is conditioned upon compliance with all of the stipulations that are set forth in Exhibit 2. All exhibits are incorporated herein by reference.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this \_\_\_ day of \_\_\_\_\_, 2016.

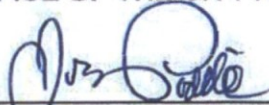
ATTEST:

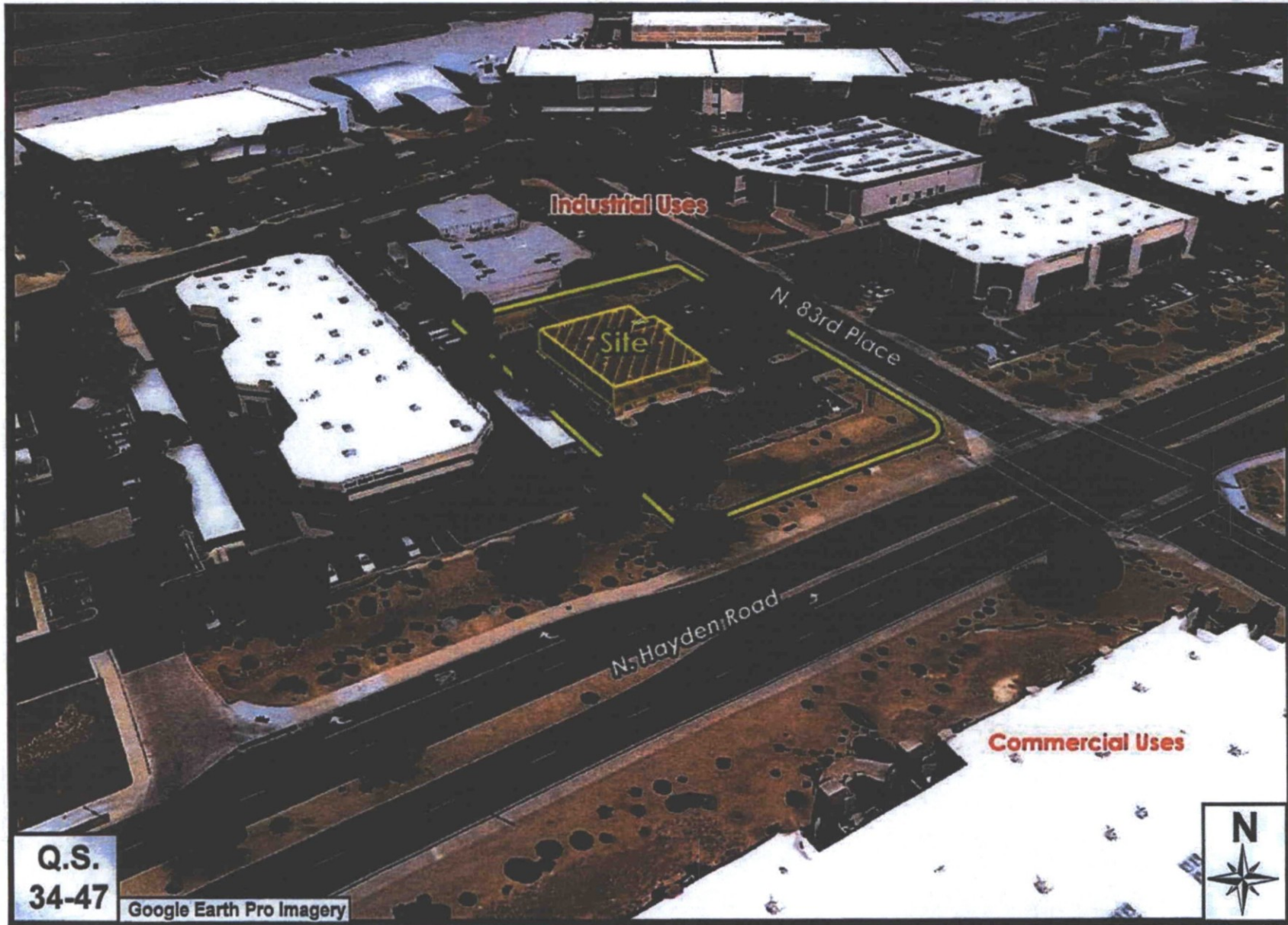
CITY OF SCOTTSDALE, an Arizona  
Municipal Corporation

By: \_\_\_\_\_  
Carolyn Jagger  
City Clerk

By: \_\_\_\_\_  
W.J. "Jim" Lane  
Mayor

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By:  \_\_\_\_\_  
Bruce Washburn, City Attorney  
By: Joe Padilla, Deputy City Attorney



Q.S.  
34-47

Google Earth Pro Imagery

# Byers Dispensary Renewal

Resolution No. 10652  
Exhibit 1  
Page 1 of 1

10-UP-2015#2

**Stipulations for the Conditional Use Permit  
For a Medical Marijuana Use  
Byers Dispensary Renewal  
Case Number: 10-UP-2015#2**

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale.

**OPERATIONS**

1. **CONFORMANCE TO SITE PLAN.** The location of the medical marijuana use on the property shall be in substantial conformance with the site plan provided by the applicant, with the city staff date of 10/11/16, and attached as Exhibit A to Exhibit 2. Any proposed significant change to the conceptual site plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
2. **CONFORMANCE TO FLOOR PLAN.** The interior layout of the facility shall be in substantial conformance with the floor plan provided by the applicant, with the city staff date of 10/11/16, and attached as Exhibit B to Exhibit 2. Any proposed significant change to the conceptual floor plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
3. **PUBLIC SAFETY AND REFUSE CONTROL PLAN.** The operations of the Medical Marijuana Dispensary shall conform to the Public Safety and Refuse Control Plan approved by, and on record with, the Scottsdale Police Department and the Planning, Neighborhoods and Transportation Division. A copy of the approved Public Safety and Refuse Control Plan shall be maintained on-site. Within 10 days after a request by the City Manager or designee, the owner shall provide an update of the Public Safety and Refuse Control Plan to the Scottsdale Police Department and the Planning, Neighborhoods and Transportation Division. At least 10 days prior to any operational changes to the Medical Marijuana Dispensary that modify the requirements or contents of the Public Safety and Refuse Control Plan, the owner shall submit a revised Public Safety and refuse Control Plan to the Scottsdale Police Department and the Planning, Neighborhoods and Transportation Division. Any proposed amendments to the Public Safety and Refuse Control Plan are subject to approval by the Scottsdale Police Department and the Planning, Neighborhoods and Transportation Division.
4. **HOURS OF OPERATIONS.** Per the applicant's Operation Plan, the hours of operation for this facility shall be limited to:

	Open to Customers	Close to Customers
Sunday	6:00 AM	7:00 PM
Monday	6:00 AM	7:00 PM
Tuesday	6:00 AM	7:00 PM
Wednesday	6:00 AM	7:00 PM



Thursday	6:00 AM	7:00 PM
Friday	6:00 AM	7:00 PM
Saturday	6:00 AM	7:00 PM

**ADMINISTRATIVE/PROCESS**

5. **TERM OF CONDITIONAL USE PERMIT.** This conditional use permit is valid for five (5) years, unless it is first amended or renewed.
  
6. **CONDITIONAL USE PERMIT ADMINISTRATIVE REVIEW.** Within ten (10) days after a request by the Zoning Administrator or designee, the owner shall submit a letter to the Zoning Administrator or designee demonstrating compliance with all stipulations. A deviation from any stipulations or change in the floor plan may be grounds for revocation of the Conditional Use Permit.
  
7. **CHANGES IN OWNERSHIP.** Within ten (10) days after a change in ownership, the owner shall provide notice to the Zoning Administrator in writing of any such ownership change.
  
8. **COMPLIANCE WITH STATE LAW.** The owner shall maintain in good standing all appropriate permits, licenses and certificates from the State of Arizona.





## **ADDITIONAL CRITERIA FOR MEDICAL MARIJUANA USE**

### **M. Medical marijuana use.**

- 1. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.**
- 2. The medical marijuana use is at least five hundred (500) feet from the following uses within the City limits:**
  - a. Any residential use in a residential district shown on Table 4.100.A., or the residential portion of a Planned Community PC or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., and**
  - b. Any elementary or secondary school.**
- 3. The medical marijuana use is at least one thousand three hundred twenty (1,320) feet from the following uses within the City limits:**
  - a. Medical marijuana caregiver cultivation, or**
  - b. Another medical marijuana use.**

**However, no separation between these uses is required in the Industrial Park District I-1 where a medical marijuana caregiver cultivation use or a medical marijuana use hold a state issued caregiver registry identification card and/or a nonprofit medical marijuana dispensary registration certificate under the same name or organization.**
- 4. All distances are measured from the wall of the medical marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.**
- 5. The property owner has provided a written exterior refuse control plan, subject to City approval.**
- 6. The property owner has provided a written public safety plan, subject to City approval.**
- 7. The hours of operation for a medical marijuana use that provides, shares, exchanges, sells, or dispenses medical marijuana are no earlier than 6:00 a.m. and no later than 7:00 p.m.**
- 8. There is no drive-through service, take-out window, or drive-in service.**

## **Application Narrative**

The purpose for this submittal is to renew a Conditional Use Permit for a medical marijuana dispensary located at the address 15190 North Hayden Road in Scottsdale, Arizona. This application is being submitted to renew the Conditional Use Permit issued to Byers Dispensary, Inc., and will be doing business as Harvest of Scottsdale. This facility will dispense medical marijuana and is licensed by the Arizona Department of Health Services.

### **Conditional Use Permit Criteria**

#### **Damage or nuisance arising from noise, smoke, odor, dust, vibration, or illumination.**

The operations of this use (i.e., the retail sales of medical marijuana products) will not create a detriment to public health, safety, or welfare in the form of smoke, vibration, noise, dust, or illumination. A sophisticated odor remediation system will be used to ensure that odor is not detectable outside of the facility. Air within the facility will be re-circulated throughout the building, passing through activated carbon and HEPA filters. Any air expelled from the building will be filtered again through activated carbon and HEPA filters to ensure clean, odor-free air.

#### **Impact on surrounding areas resulting from an unusual volume or character of traffic.**

The location of the proposed medical marijuana dispensary is a commercial area. As this is a commercial use without unusual volume, there will be no impact on the surrounding areas in the form of an unusual volume or character of traffic.

#### **The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.**

The proposed use will be a retail facility in a commercial area. Therefore, it is compatible with the types of uses in the surrounding area.

#### **Additional conditional use permit criteria, as outlined in Section 1.403 of the Zoning ordinance.**

Improvements on this parcel will result in a completely enclosed building. The location of the proposed medical marijuana dispensary is 1) more than 500 feet from any residential use or the residential portion of a Planned Community or any portion of a Planned Residential Development with an underlying zoning district comparable to residential zoning districts, 2) more than 500 feet from any elementary or secondary school, and 3) more than 1,320 feet from another medical marijuana use. All distances were measured from the wall of the proposed facility nearest these uses to the nearest property line of these uses.

A Public Safety and Refuse Control Plan has been submitted to Detective John Miller of the Scottsdale Police Department for review and has been approved for our use.

The proposed medical marijuana dispensary will operate between the hours of 6:00 a.m. and 7:00 p.m., Monday – Sunday.

The proposed medical marijuana facility will not offer a drive-through service, take-out window, or drive-in service.

## **Harvest of Scottsdale**

The proposed medical marijuana dispensary will be located at 15190 North Hayden Road in Scottsdale, Arizona. This location meets all Arizona State and City of Scottsdale zoning and separation requirements, and the dispensary will conform to all Arizona State and City of Scottsdale medical marijuana rules and regulations.

### **Security Plan**

Harvest of Scottsdale is committed to the peace of mind of its staff, patients, and community members. To that end, security is of utmost importance to the Harvest of Scottsdale team, and we will ensure that the dispensary is highly secure from day one. The main components of dispensary security include Building Security and Product Security.

In addition to the provisions outlined within, Harvest of Scottsdale will follow the security protocols outlined by the American Herbal Pharmacopoeia and maintain strict adherence to USDOJ recommendations regarding all points outlined in the Memos regarding Medical Marijuana from the U.S. Attorney General's office, specifically those issued in 2009 (The Ogden Memo), 2011 (The 2011 Cole Memo), and 2013 (The 2013 Cole Memo).

### **Management Responsibilities**

Management (e.g., managers, assistant managers, and all persons-in-charge) are responsible for communicating security procedures to employees, training employees on security policies and procedures, and ensuring that the policies and procedures are understood and followed. There will be at least one Security Manager on the dispensary premises during hours of operation. Security Managers will be responsible for ensuring a safe environment and compliance with all policies and procedures outlined herein. At least one Security Manager will remain on the premises until thirty minutes after closing or the last Security Officer is relieved of his/her duties, whichever occurs last.

### **Record Keeping**

All establishment operation records will be kept for a minimum of two years. Such records will include written receipts, invoices, and evidence of any transactions occurring within and without the establishment.

### **Building Security**

#### **Video Surveillance System**

The dispensary will be under 24-hour recorded video surveillance capable of capturing and recording clear and certain identification of any person entering or exiting.

Surveillance systems will have full-field digital view of the following areas:

- A well lit exterior of the entire building, at all times
- Three-hundred sixty degree view from the roof
- Secured trash and recycling areas
- Multiple angles of entire interior facility, excluding bathrooms
- Parking lot and rear exterior
- CCTV cameras used will be capable of monitoring all light spectrums and will be placed in the interior and exterior of the dispensary
- Video cameras will have a recording resolution of at least 704x480, or the equivalent, and will record 24 hours/day
- Cameras and recording equipment will have sufficient battery backup to support at least 60 minutes of recording in the event of a power outage
- A computer will be used to store all video recordings, and it will have the capacity to store recordings for the previous 30 calendar days. This computer will be secured on-site within a locked cabinet located in the General Manager's office
- Connected to the computer will be a video printer capable of immediately producing a clear, still photo from any video camera image, and will display the time and date of capture
- A failure notification system will provide an audible and visual notification of any failure of the surveillance system. In addition, cellular SMS transmissions (such as a text message) will alert authorized dispensary personnel of the malfunction
- A dispensary agent shall monitor the cameras during all hours of operation
- The dispensary shall employ an off-site and/or cloud based storage system capable of storing 60 days of video recordings

### **Exterior Building Security**

The following security protocols will ensure that the exterior of the dispensary is secure while providing a safe, welcoming, and professional environment:

- Video cameras will provide exterior coverage of all entrances and windows and any activities occurring outside or adjacent to the building
- The perimeter of the property line may be enclosed with a concrete wall in compliance with local and state regulations and development standards
- Only one entrance will be used for patient access
- During business hours, a Security Officer will be charged with monitoring the parking lot and area surrounding the dispensary, securing safe ingress and egress to patients' transportation, and strictly enforcing loitering policies, while adding to the safety of the patients and the neighboring community by maintaining a visible presence
- A Greeter will be posted inside the room accessed by the patient entrance to perform an initial examination of the patient's credentials and ask patients to remove hats and/or sunglasses (except for religious headwear), if necessary, to facilitate video capture for identification of the patient
- The entrance will be protected with an electronically controlled locking mechanism that automatically engage to prevent entrance to the facility without proper authorization

- A licensed and bonded landscaping company will clean and maintain trees, bushes, and other foliage around the perimeter of the dispensary. In addition, cement-filled decorative planters will protect the entrance and windows from unauthorized vehicular entrance
- Windows and any other enclosures that provide a view of the inside of the dispensary will be covered with security film
- Exterior lighting will be installed to facilitate surveillance, and will be within the regulations found in the City Policy for Exterior Site and Lighting
- The roof will be outfitted with an HD CCTV camera with three-hundred sixty degree rotation, as well as a beam detection system on the entire roof of the building to prevent possible breach from any exterior of the building to the interior of the facility. If a beam is broken, the alarm will be immediately triggered and security response may alert local police
- After business hours, the dispensary will contract with a security company. A state licensed guard will patrol the exterior of the premises. No individual, other than a dispensary agent authorized by the dispensary, shall remain in the parking lot or nearby external premises

### **Interior Building Security**

The following security protocols will ensure that the interior of the dispensary is secure for qualifying patients and employees:

- Video cameras, which will operate on a CCTV system, will provide interior coverage of all entrances and windows, reception area, each point-of-sale location, and the vault, to identify any person who holds a valid registry identification card or his or her designated caregiver purchasing medical marijuana
- At least one call-up monitor 19" or larger
- Audible and silent alarms will alert the breach of all entrances and windows and provide motion-detection coverage for the entire dispensary
- Panic buttons will be installed at each point-of-sale location, in the vault, and under the reception stations, and when pressed will immediately contact local law enforcement agencies. Panic buttons are different from the alarm system in that they immediately alert law enforcement. The alarm system will be monitored by a professional alarm company who often times will be the first response before alerting law enforcement
- Scissor gates will be installed behind the storefront glass system to ensure that any penetration of the glass will not allow access into the dispensary

### **Access Control**

The dispensary will have an enclosed, locked IT and CCTV facility with no visible outside markings. The interior operations will be monitored such that entry into the building is regulated, and a complete access control system will be installed. The system will prevent entrance to the building, as well as limit access to employee-only areas through the use of use of key fob/electronic access and security doors at points of entry.



## **Authorized Access**

The dispensary will provide for the accurate and continuous identification of individuals authorized to enter the dispensary. The dispensary will restrict access to the areas of the dispensary that store marijuana to authorized individuals only.

Before dispensing medical marijuana to a qualified patient or caregiver, the dispensary agent will enter the patient's or caregiver's registry identification number from the patient's or caregiver's registry identification card into the Electronic Verification System and verify the validity of the registry identification card. Access to the dispensary building will be denied to any individual not providing the credentials listed above and satisfactorily proving eligibility and authorization to enter.

## **Controls to Detect and Prevent Unauthorized Access**

To prevent unauthorized access to medical marijuana, edibles, and medical marijuana-infused products, the dispensary will have security equipment to deter and prevent unauthorized entrance into limited-access areas that includes a series of devices to detect unauthorized intrusion, which may include a signal system interconnected with a radio frequency method, such as cellular, private radio signals, or other mechanical or electronic device. In addition, a burglar alarm shall be installed that will activate upon motion via entrance through the doors, glass, rooftop access and cover any shared wall. The alarm will be monitored by an alarm company.

Access to the controlled areas will be limited to state licensed dispensary agents, and when needed, licensed contractors.

To ensure the safety of our employees and patients, only state licensed dispensary agents will have access to areas where marijuana is packaged and stored. These secure areas will have locked doors and key fob/electronic access at points of entry.

## **Panic Buttons**

Harvest of Scottsdale will install and maintain working panic buttons in the interior of the dispensary. All dispensary agents within the dispensary building will be trained to use and will have access to multiple panic buttons throughout the site. Panic buttons will be located within the dispensary at the receptionist desk, all cashier stations, and within the vault. Dispensary agents will be trained on the specific location of panic buttons and the specific circumstances under which panic buttons should be used; including threatening conduct, criminal invasion, and other security emergencies. The General Manager will ensure that all interior panic buttons are properly functioning at all times.

## **Security Equipment**

Harvest of Scottsdale will have security equipment to deter and prevent unauthorized entrance into limited access areas that includes devices or a series of devices to detect unauthorized intrusion, which may include a signal system interconnected with a radio frequency method, such as cellular, private radio signals, or other mechanical or electronic device. In addition, a burglar alarm will be installed that will activate upon motion via entrance through the doors, glass, rooftop access and cover any shared wall. The alarm will be monitored by an alarm company.

### **Intrusion Detection**

Harvest of Scottsdale will comply with all state and local rules and regulations with regard to mandatory security and monitoring devices to prevent and detect unauthorized intrusion into the dispensary building. The dispensary will contract with a security and alarm monitoring company to conduct in-person and remote surveillance of the dispensary building on a 24/7 basis. In addition, during business hours, the Manager on Duty (i.e., General Manager or Assistant Manager) will ensure that all electronically restricted access controlled doors are properly secured with the alarm armed to notify of any unauthorized intrusion. During non-business hours, the Manager on Duty will ensure that the security system is armed and operational by securing all interior doors, electronically restricted access doors, and the exterior door, and setting the security system by way of a confidential access code.

### **Identification of Patients and Employees**

The dispensary will provide for the accurate and continuous identification of individuals authorized to enter the dispensary. Before dispensing medical marijuana to a qualifying patient or designated caregiver, the dispensary agent will verify, through photo identification, that an individual presenting a medical marijuana identification card is the same as the individual depicted on the identification card, enter the patient's or caregiver's registry identification number from the registry identification card into the Electronic Verification System and verify the validity of the patient or caregiver's registry identification card and age. Access to the dispensary building will be denied to any individual not providing the credentials listed above and satisfactorily proving eligibility and authorization to enter.

### **Patient Entrance**

Each patient entering the dispensary will be met by a Greeter who will require the patient to display his/her patient card to enter. The patient will then be directed to the receptionist where he/she will display their patient card for verification. There will be a physical separation or counter between the patient and the authorized dispensary agent. The separation shall form a barrier to prohibit patient access behind the counter. A panic button shall be installed behind the counter. All patients must present a valid registry identification card in order to purchase medical marijuana. Patients must remove hats, sunglasses, and any other objects that obstruct physical identification. This rule shall not apply to clothing worn over the face for established religious reasons. Video monitoring will show the patient's or caregiver's face.

## **Electronic Monitoring**

The dispensary will conduct electronic monitoring in and around the dispensary building. The dispensary will conduct electronic video monitoring of all visitors in the parking lot and in the entry area of the dispensary building. All patients entering the dispensary shall remove their hats, sunglasses, and other similar objects, which obstruct physical identification. This shall not apply to clothing worn over the face for established religious reasons. At all times during business hours, at least one dispensary agent within the dispensary building will be tasked with monitoring the electronic video monitoring systems and responding to any issues of security or safety that may arise. To prevent unauthorized access to medical marijuana at the dispensary, the dispensary will have security equipment to deter and prevent unauthorized entrance into limited access areas, which will include electronic video and visual monitoring. The Manager on Duty will be responsible for ensuring that all electronic video and visual monitoring security equipment is properly functioning at all times.

## **Loitering**

Harvest of Scottsdale will provide for the accurate and continuous identification of individuals authorized to enter the dispensary. The dispensary will post signs stating "no loitering" throughout the parking area utilized by patrons. Signs shall be placed in locations visible to all patrons. The Security Officer will monitor the public areas around the dispensary building to ensure no loitering is taking place and will escort individuals away from the public areas around the dispensary, or if necessary, contact law enforcement for assistance, in the event any loitering occurs.

## **Security Officer**

The Security Officer will be readily identifiable by his/her uniform-style shirt and/or jacket, on which the word "SECURITY" will be printed on both front and back in, at minimum, 2-inch lettering. At least one Security Officer will be on the premises at all times when patients are in the facility and for at least thirty minutes after closing. The following responsibilities will be required of the security officer:

- Patrol of all areas inside and outside of the dispensary, including parking areas and secure recycle/refuse areas, at all times when patients are in the facility
- Identify hazards, problems, and potential issues of patient safety, and either remedy those issues or report them to the proper authorities (e.g., General Manager, Scottsdale Police Department)
- Prevent criminal activities, maintain the peace, prevent refuse issues, and prevent the gathering of patients during business hours and for at least thirty minutes after closing
- Ensure no persons consume marijuana products on dispensary or adjacent property
- Report all acts of violence to management, complete a written report, log the act of violence, and contact the Scottsdale Police Department immediately

## **Product Security**

Harvest of Scottsdale will ensure medical marijuana products are safe for patient use by ensuring that medicines are properly procured, tracked, documented, stored, tested, packaged, labeled, inventoried, and that dispensary agents are properly trained to carry out all of these critical procedures. In addition to ensuring that patients have access to safe medicine, our responsibility to keep this medicine out of the hands of unauthorized individuals is a critical part of our product safety plan and our stewardship to the community.

Safe product storage begins with strong Chain of Custody and inventory procedures. This begins at a state licensed cultivation site and ends with a final sale; a protocol will be in place for product recalls or shelf-life expiration. Enhanced secure storage, inventory procedures, and electronic monitoring systems, including real time access of data upon request, will serve as checks and balances throughout the Chain of Custody procedures for all products. Written documentation shall accompany all products being transported.

In addition to our integrated inventory and POS record keeping system, MJ Freeway, the dispensary will track physical access to medicinal products through the use of video monitoring and strict access controls. Physical storage of medicinal products is divided into three categories: In Transit, Bulk Storage, and Final Packaging. Bulk Storage is contained within a secure, climate-controlled vault within the dispensary. Medicines that are in Final Packaging are stored in the vault during non-business hours and in the secure dispensing area during business hours.

Areas of the dispensary where medical marijuana is stored, handled, packaged, or inspected are secured with key coded locks. Dispensary agent cards must be worn and be visible at all times, even if agent is delivering marijuana or marijuana-infused products off-site.

Dispensary agent cards will be used to clock in and out of work via magnetic strip, quick response (QR) code, or comparable electronic method.

In instances where light may degrade the quality of the marijuana or marijuana-infused products, lights may be turned off much of the day; however, motion sensors will turn lights on when any individual enters so that cameras may capture any and all movements in those secure areas. In addition, cameras pointed at all other interior and exterior lighted areas and entry points will record any authorized or unauthorized entry into secured rooms from the exterior of the enclosed, locked facility.

### **Materials Inventory**

Dispensary agents who are assigned inventory function are responsible for the storing, tracking, counting, and safekeeping of marijuana, marijuana-infused products, other company products, and cash. For purposes of maintaining an accurate inventory, the dispensary adheres to the following:

### Product Quantity

Harvest of Scottsdale will limit its inventory of marijuana and marijuana-infused products to meet the needs of patients while remaining in compliance with all state and local laws and regulations.

### MJ Freeway Inventory Tracking System

The Dispensary will use the MJ Freeway POS and inventory management system. The software product is fully integrated with scale, label, and receipt printers. MJ Freeway is a fully integrated seed-to-sale tracking software that tracks all marijuana seeds, plants, and produce and verifies product identification and weight measures.

### **Secure and Safe Storage**

All medicine will be stored in a secure vault during non-business hours. Only pre-packaged medical marijuana, edibles, and medical marijuana-infused products that are ready to be sold to qualifying patients are accessible in the secure cashier area during business hours. All products are clearly labeled and tracked within MJ Freeway.

Medical marijuana will be pre-packaged and labeled by dispensary employees using Cannaline secure packaging before being sold to patients. This packaging offers a clear front enabling dispensary agents and patients to view and visually inspect the medicine. Dispensary team members have used this packaging widely and consider it to be of high quality. The packing will also be heat-sealed and tamper-proof ensuring that the medical marijuana is not subject to humidity or other external factors. Keeping the medicine in tamper-proof packaging helps reduce the risk of theft, spoilage, and damage to the medicine.

At the dispensary, medical marijuana, edibles, and medical marijuana-infused products will be stored in enclosed, locked locations. These locations include secure devices, display cases, cabinets, and rooms, all protected by locks or locking mechanisms. All bulk medicine will be stored in the secure vault at all times. Packaged, sealed medicines will be stored in the secure access-controlled dispensing area (Cashier Stations) during business hours and will be stored inside the secure vault during non-business hours.

Once the medical marijuana, edibles, and medical marijuana-infused products are purchased from a licensed cultivation or production facility, the product will be entered into the MJ Freeway System. Once the product has been entered in the MJ Freeway System, the product will be securely moved into the vault for storage and safekeeping.

From the main vault, the dispensary Manager on Duty will transfer enough medical marijuana, edibles, and medical marijuana-infused products for one day's operations into the access-controlled dispensing area/cashier station to which only authorized personnel will have access.

All transfers will be supervised by the Manager on Duty.

### **Patients and Sales**

When a patient arrives at Harvest of Scottsdale, the patient will enter the first door and will be verified prior to entering the dispensing area. They will only be allowed to enter with a valid registry card and by going through the authorization process. The receptionist will verify all documentation using the MJ Freeway System and the state EVS system. The patient will be allowed into the dispensing area upon verification. Once in the dispensing area, the patient will be greeted by a Patient Advisor. Once the patient has selected the medical marijuana, edibles, and/or medical marijuana-infused products they wish to purchase, they will proceed to a cashier and receive their pre-packaged medicine in a sealed and stapled package and be issued a receipt.

The dispensary will adhere to Arizona laws, which limit the amount of medical marijuana, edibles, and medical marijuana-infused products to 2.5 ounces per 14 days.

To protect the safety and privacy of patients, and to prevent diversion, the use of cell phones and cameras will be prohibited in the dispensary.

Surveillance cameras will monitor all points of entry into and exit from the dispensary. This includes the parking lot, rear of the building, and all areas inside the dispensary, including secured waste storage.

At least one Security Officer will monitor the dispensary, the parking lot, and adjacent areas during operating hours. The Security Office will ensure that patients do not consume medicine in the dispensary, the dispensary parking lot, or in any other location around the dispensary.

Upon exiting the dispensary, the Security Officer and Greeter will monitor the patient and ensure that they leave the parking lot shortly after exiting the dispensary in a safe and efficient manner. If a patient has safety concerns or needs assistance leaving the dispensary, the Security Officer will assist and/or accompany the patient to their vehicle. Security Officers and the Greeter will also ensure that the dispensary entrance and surrounding area are clean, professional, well maintained and well lit at all times.

### **Weekly Audits**

The dispensary General Manager will conduct weekly audits of the dispensary's internal controls, inventory tracking systems and procedures, and security systems and procedures. Dispensary management and staff will be familiar with all applicable local and state regulations and will conduct weekly audits to ensure compliance with all applicable regulations. These audits, in addition to the procedures described above, will help ensure the quality of medicine in a secure environment and that medications are being handled with care.

## **Waste Disposal**

Contaminated and unwanted medical marijuana, edibles, and infused products will be stored in a properly labeled secure container that will be kept inside the climate-controlled dispensary vault. The waste is collected, ground into a fine powder, and mixed with biodegradable kitty litter<sup>1</sup> on a 1:1 ratio and stored in the Disposal Container. Each week, a dispensary employee will check the disposal container and will notify the designated Waste Disposal Company. The Waste Disposal Company will send a representative to collect and dispose of the waste. The following procedures will be followed to document the outgoing disposal:

1. The waste is collected and stored in the Disposal Container
2. When the waste and Chain of Custody forms are ready for transportation, a dispensary agent will notify the Waste Disposal Company
3. The Waste Disposal Company will pick up the waste from the Dispensary and will complete necessary Chain of Custody documents
4. The documents provided to the Waste Disposal Company representative will be stored according to the dispensary's document storage and retention plan
5. Inventory records will then be updated by the Manager on Duty to reflect medicines that were disposed of

## **Transportation**

Transportation of medical marijuana plays a vital role in a safe, successful, and patient-oriented medical marijuana establishment. Harvest of Scottsdale will adopt the following procedures and guidelines to ensure the needs of patients, employees, medicines, and the community are best served.

### Transportation to/from Licensed Dispensaries and Cultivation Facilities

Dispensary agents shall follow these procedures and guidelines when transporting medical marijuana to/from other licensed medical marijuana dispensaries and cultivation facilities.

#### **Guidelines**

- Dispensary agents who qualify to transport medical marijuana must possess a current, valid Driver's License and have successfully completed Harvest of Scottsdale's Transportation Training. As with all dispensary employee-agents, those who deliver medical marijuana must also pass a criminal background check
- Deliveries and movements of marijuana-based medicines will always occur using an unmarked vehicle
- Routes and schedules shall be randomized such that delivery patterns are not predictable

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<sup>1</sup> Biodegradable litters are made from various plant resources, including pine wood pellets, recycled newspaper, clumping sawdust, cassava, barley, okra and dried orange peel. This medium renders the disposed marijuana unusable in a safe, non-toxic, storage process.

- All deliveries of over two pounds of medical marijuana shall include at least two qualified dispensary agents
- Vehicles used for deliveries shall be duly registered in Arizona and be covered by an active insurance policy. Vehicles should have no less than 1/2 tank of gasoline
- Vehicles used for deliveries must be properly maintained, using dealership standards.
- Dispensary agent(s) shall travel with at least one mobile phone with no less than one half battery life
- Dispensary agents shall follow all applicable traffic laws including, but not limited to, using a hands-free device while using the phone in the vehicle
- Dispensary agents shall wear and his/her state-issued credentials shall be visible at all times
- Cash will always be stored in a locked safe within the delivery vehicle
- All medical marijuana, edibles, and infused products will be placed in Cannaline packing, which will be transported in a secure, non-transparent transportation box in the vehicle's trunk
- Vehicles used shall be equipped with GPS tracking device that stores routes taken with time stamps and can be recorded and monitored remotely by the Manager on Duty

#### Procedures

- Prior to departure, the dispensary agent must complete a Trip Form and a Chain of Custody form and have both approved by the General Manager
- The dispensary agent(s) shall follow the prescribed route outlined on the Trip Form
- The dispensary agent(s) shall inform the Manager on Duty of any route deviations during the delivery
- When the delivery is complete, the Chain of Custody form shall be signed by the receiving party (typically the Manager on Duty). Completed Chain of Custody forms will be stored in the secure file storage for five years
- When the delivery is complete, the General Manager (or designee) will verify the delivery and sign the completed Trip Form. Completed Trip Forms are stored for five years

#### Outpatient Services

Harvest of Scottsdale will deliver medical marijuana to patients only if the following pre-requisites are met. Provided these criteria are met, such deliveries will be done in accordance with the following Guidelines and Procedures.

#### Pre-Requisites

- The recipient of the medical marijuana is an existing patient or caregiver already enrolled in Harvest of Scottsdale's patient records system
- Harvest of Scottsdale can verify that the patient is qualified to purchase medical marijuana based on the Electronic Verification System (EVS)
- The delivery is made to the patient's primary residence during daytime hours (defined as between 6:00 am until 7:00 pm Monday – Sunday per the City of Scottsdale)



## Guidelines

- A team of two qualified dispensary agents will conduct each outpatient delivery
- Dispensary agents who qualify to transport medical marijuana must possess a current, valid Driver's License and have successfully completed Harvest of Scottsdale's Transportation Training. As with all dispensary employee-agents, those who deliver medicines must also pass a criminal background check
- Deliveries and movements of marijuana-based medicines will always occur using an unmarked vehicle
- Cash will always be stored in a locked safe within the delivery vehicle
- All medical marijuana, edibles, and infused products will be placed in Cannaline packing, which is transported in a secure, non-transparent transportation box in the vehicle's trunk
- Routes and schedules shall be randomized such that delivery patterns are not predictable
- Vehicles used for deliveries shall be duly registered in Arizona and be covered by an active insurance policy. Vehicles should have no less than 1/2 tank of gasoline
- Vehicles used for deliveries must be properly maintained, using dealership standards
- Dispensary agents shall always travel with at least one mobile phone with no less than one half battery life
- Dispensary agents shall follow all applicable traffic laws including, but not limited to, using a hands-free device while using the phone in the vehicle
- Dispensary agents shall wear and his/her state-issued credentials shall be visible at all times
- Vehicles used shall be equipped with GPS tracking device that stores routes taken with time stamps and can be recorded and monitored remotely by the Manager on Duty

## Procedures

- Prior to departure, the dispensary agents must complete a Trip Form and a Chain of Custody form and a sales receipt. All three documents must be approved by the General Manager (or designee) prior to departure
- The patient's proposed purchase must be approved through the EVS to ensure that the quantity limitations have not been reached (i.e. no more than 2.5 ounces every 14 days) and that the patient holds a valid registry card
- The transaction will be entered into MJ Freeway, the POS and inventory management system
- The dispensary agents shall follow the prescribed route outlined on the Trip Form
- The dispensary agents shall inform the Manager on Duty of any route deviations during the delivery.
- Upon arrival at the destination, the dispensary agent will verify the patient's registry card, identification (i.e. Driver's License) and form of payment. Upon verification of these three items, the patient (or authorized caregiver) will sign the Chain of Custody form and the sales receipt. The dispensary agent shall then deliver the medicine to the patient or caregiver

- Upon returning to the dispensary, the dispensary agent will ensure that the transaction is verified as complete in MJ Freeway and the signed Chain of Custody form and sales receipt are stored in accordance with dispensary document storage and retention procedures

## Inventory Management

Harvest of Scottsdale's inventory management system, MJ Freeway, supports delivery documentation and provides ways to integrate the Trip Plan and other information directly into the inventory management system. With access to the patient's contact information within their patient record, the employee can contact and verbally confirm before proceeding with the delivery. Patient documents will be accessed by the driver at the point of delivery to verify that the patient record is complete and that the patient is receiving the inventory directly. The patient's identification and registration card will be checked by the driver upon delivery. Patient deliveries are tracked real time by MJ Freeway and an invoice/manifest will be printed prior to the driver leaving the dispensary facility. The patient will sign the invoice/manifest upon delivery and the employee will digitally capture the signed document and attach it to the patient's profile for historical viewing. This process will augment the Procedures above and will promote efficiency and accuracy within inventory and patient records.

## Inventory Control

### **Key Personnel**

The General Manager will have ultimate oversight of the inventory control system and all of its functions.

### **Inventory Management System**

Harvest of Scottsdale will use MJ Freeway, a fully integrated Point of Sale, Inventory Control, and Patient Management System. MJ Freeway will allow Harvest of Scottsdale to conduct inventory-tracking procedures that are compliant with Arizona State rules and regulations, which will include records of each day's beginning inventory, acquisitions, sales, disbursements, disposal of unusable marijuana products, and ending inventory.

### **Product Intake**

Harvest of Scottsdale will only acquire medical marijuana products from state licensed dispensaries and cultivation facilities. Although it is legally permissible to acquire medical marijuana products from authorized patients and caregivers, based on experience, it is not a good practice. Typically, patients and caregivers seek compensation for medical marijuana products, attempting to characterize the payment in some other way. Harvest of Scottsdale prefers to comply with the spirit of the rules, in addition to the letter. Therefore, Harvest of Scottsdale will only purchase from authorized dispensaries and cultivation facilities, consistent with the applicable statutes and regulations.

An authorized dispensary agent will visually inspect all medical marijuana products that arrive at Harvest of Scottsdale to ensure there are no signs of mold or insects. Any unsuitable product will be destroyed according to the procedures outlined in the Security Plan for product disposal.

Harvest of Scottsdale will record the following information regarding acquired medical marijuana products into MJ Freeway:

#### Medical marijuana from another dispensary

- A description of the medical marijuana acquired, including the amount, strain, and batch number
- The name and registry identification number of the dispensary providing the medical marijuana
- The name and registry identification number of the dispensary agent providing the medical marijuana
- The name and registry identification number of the dispensary agent receiving the medical marijuana on behalf of the dispensary
- The date of acquisition

#### Cultivated marijuana

- The batch number
- Whether the batch originated from marijuana seeds or cuttings
- The origin and strain of the marijuana seeds or cuttings
- The number of marijuana seeds or cuttings
- The date the marijuana seeds or cuttings were planted
- A list of all chemical additives, including non-organic pesticides, herbicides, and fertilizers used in cultivation
- The number of plants grown to maturity
- Harvest information, including
  - Date of harvest
  - Final processed usable marijuana yield weight
  - Name and registry identification number of the dispensary agent responsible for the harvest
- The disposal of medical marijuana that is not usable, including the
  - Description of and reason for the marijuana being disposed of, including, if applicable, the number of failed or other unusable plants
  - Date of disposal
  - Method of disposal
  - Name and registry identification number of the dispensary agent responsible for the disposal

#### Edible food products infused with medical marijuana from another dispensary

- A description of the edible food products received from the dispensary, including total weight of each edible food products and estimated amount and batch number of the medical marijuana infused in each edible food product

- Total estimated amount and batch number of medical marijuana infused in the edible food products
- The name and registry identification number of the
  - Dispensary and the dispensary agent providing the edible food products to the receiving dispensary
  - Dispensary agent receiving the edible food products on behalf of the receiving dispensary
- The date the edible food products were provided to the dispensary

Quantity, type, and relevant notes about the products will be immediately entered into the MJ Freeway inventory system, including any waste or rejected medical marijuana products. MJ Freeway will generate a unique batch number for each strain of medical marijuana or type of medical marijuana-infused product. Test results obtained from the cultivation facility should be logged into MJ Freeway.

### **Product Distribution**

When providing medical marijuana to another dispensary, Harvest of Scottsdale dispensary agents will follow protocol outlined in the Transportation portion of the Security Plan. In addition, the following information will be recorded into MJ Freeway:

- The amount, strain, and batch number of medical marijuana provided
- The name and registry identification number of the other dispensary
- The name and registry identification number of the dispensary agent who received the medical marijuana on behalf of the other dispensary
- The date the medical marijuana was provided

### **Inventory Audits**

Harvest of Scottsdale's General Manager will have oversight of inventory control. A designated dispensary agent will conduct and document a weekly audit of the dispensary's inventory. Audits will be conducted by using reports generated by the MJ Freeway inventory control system that indicate the dispensary's current inventory and comparing such reports to the dispensary's actual physical inventory, which the dispensary agent will tally by physically counting the inventory and manually recording the totals.

If a weekly inventory audit identifies a reduction in the amount of medical marijuana in the dispensary's inventory not due to documented causes, the dispensary agent, in conjunction with the General Manager, will determine where the loss occurred and take and document corrective action using the Loss or Theft Report Form. If the dispensary agent or the General Manager has reasonable cause to suspect that any reduction in the amount of medical marijuana in the dispensary's inventory is due to criminal activity, Harvest of Scottsdale will report the responsible party to the Department and local law enforcement authorities and take and document corrective action using the Loss or Theft Report Form.

### **Record Keeping**

Harvest of Scottsdale will maintain all inventory-related documents for at least five years from the date the document was created, and will provide all documentation to the Department for review upon request.

### **Product Labeling and Analysis**

Harvest of Scottsdale will ensure that all medical marijuana provided to qualifying patients or caregivers will be labeled with the following information:

- The dispensary's registry identification number
- The amount, strain, and batch number of medical marijuana
- The following statement "ARIZONA DEPARTMENT OF HEALTH SERVICES' WARNING: Marijuana can impair an individual's ability to drive a motor vehicle or operate heavy machinery. Marijuana smoke contains carcinogens and can lead to an increased risk for cancer, tachycardia, hypertension, heart attack, and lung infection. KEEP OUT OF REACH OF CHILDREN "
- If not cultivated by the dispensary, whether the medical marijuana was obtained from a qualifying patient, a designated caregiver, or another dispensary
- The date of manufacture, harvest, or sale
- A list of all chemical additives, including non-organic pesticides, herbicides, and fertilizers, used in the cultivation and production of the medical marijuana
- The registry identification number of the qualifying patient.

For all medical marijuana provided by Harvest of Scottsdale to another dispensary, the labeling will include:

- The dispensary's registry identification number
- The amount, strain, and batch number of medical marijuana
- The date of harvest or sale
- A list of all chemical additives, including nonorganic pesticides, herbicides, and fertilizers, used in the cultivation and production of the medical marijuana

For all edible food products infused with medical marijuana the labeling will include:

- The dispensary's registry identification number
- The amount, strain, and batch number of medical marijuana
- The following statement "ARIZONA DEPARTMENT OF HEALTH SERVICES' WARNING: Marijuana can impair an individual's ability to drive a motor vehicle or operate heavy machinery. Marijuana smoke contains carcinogens and can lead to an increased risk for cancer, tachycardia, hypertension, heart attack, and lung infection. KEEP OUT OF REACH OF CHILDREN "
- If not cultivated by the dispensary, whether the medical marijuana was obtained from a qualifying patient, a designated caregiver, or another dispensary
- The date of manufacture, harvest, or sale
- The total weight of the edible food product
- A list of all chemical additives, including non-organic pesticides, herbicides, and fertilizers, used in the cultivation and production of the medical marijuana

- The registry identification number of the qualifying patient

Harvest of Scottsdale will provide to the Department, upon request, a sample of the medical marijuana inventory sufficient to enable the Department to conduct an analysis of the medical marijuana.

### **Cleaning and Sanitation**

Harvest of Scottsdale will ensure that medical marijuana in the process of preparation, packing, storage, sale, distribution, or transportation is protected from flies, dust, dirt, and all other contamination. In addition to the use of sealed containers, the dispensary will routinely test samples of medical marijuana in its possession for any contaminants listed above. In the event any such contaminants are detected, the medical marijuana will be disposed of in accordance with the policies and procedures herein.

Refuse or waste products incident to the preparation, packing, selling, distribution, or transportation of medical marijuana will be removed from the building at least once every 24 hours or more often as necessary to maintain sanitary conditions. Various dispensary agents will share the responsibility of removing refuse or waste each evening before closing, and when necessary. Medical marijuana remnants or by-products will be stored in a secure waste bin inside of the secure vault.

All trucks, trays, buckets, other receptacles, platforms, racks, tables, shelves, knives, saws, cleavers, other utensils, or machinery used for moving, handling, cutting, chopping, mixing, canning, packaging, or other processes will be cleaned daily.

While in the dispensary, dispensary agents will clean their hands and exposed portions of their arms in a hand-washing sink:

- Before preparing medical marijuana including working with food, equipment, and utensils
- During preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks
- After handling soiled equipment or utensils
- After touching bare human body parts other than their clean hands and exposed portions of arms
- After using the toilet room.
- Any other time as required by local or state law.

If working directly with the preparation of medical marijuana, a dispensary agent will:

- Keep fingernails trimmed, filed, and maintained so that the edges and surfaces are cleanable
- Unless wearing intact gloves in good repair, not have fingernail polish or artificial fingernails on their fingernails
- Wear protective apparel such as coats, aprons, gowns, or gloves to prevent contamination.

While in the dispensary, a dispensary agent will wear clean clothing appropriate to assigned tasks. The dispensary will issue four dispensary logo shirts to all dispensary agents.

While in the dispensary, a dispensary agent will report to the Medical Director any health condition that may adversely affect the safety or quality of any medical marijuana with which the dispensary agent may come into contact. Harvest of Scottsdale will ensure that all dispensary agents receive appropriate training regarding reporting adverse health conditions to the Medical Director and that the policy regarding reporting is enforced.

If the Medical Director determines that a dispensary agent has a health condition that may adversely affect the safety or quality of the medical marijuana, the Medical Director will prohibit the dispensary agent from direct contact with any medical marijuana or equipment or materials for processing medical marijuana until it is determined that the dispensary agent's health condition will not adversely affect the medical marijuana. In addition, the dispensary agent will have no interaction with patients or caregivers. Harvest of Scottsdale will ensure that all dispensary agents receive appropriate training regarding reporting adverse health conditions to the Medical Director and that the policy regarding reporting is enforced.

### **Medical Director**

Harvest of Scottsdale will appoint William D. Troutt, NMD, as its Medical Director. As Medical Director, Dr. Troutt will be present onsite or available by telephone during the hours of operation.

Harvest of Scottsdale is committed to providing employees and patients with training and up-to-date information that will help them better understand the legal, operational and medical issues regarding the use of medical marijuana and marijuana-infused products. Employees will be trained before working in the dispensary and will be required to fulfill mandatory on-going training and evaluations. Patients will be offered access to patient education materials and free seminars created and organized by Dr. Troutt. Dr. Troutt has consulted with thousands of medical marijuana patients, top physicians, researchers, public servants, and industry leaders on a wide array of medical marijuana issues, and he has conducted dozens of lectures on various aspects of medical marijuana.

The main components of Harvest of Scottsdale's employee training plan include the following:

- Initial Employee Training and Education
- Americans for Safe Access Core Cannabis Certification
- Annual Employee Training and Education
- Annual Employee Evaluations
- Employee and Patient Education Materials
- Weekly staff meetings

### **Initial Employee Training**

Qualified candidates will be hired on a three-month probationary status. During this period, they will participate in a rigorous training process and be evaluated for suitability in a restricted-access medical environment. Training will begin with a four-hour session that includes familiarization with legal, medical, security, and operations. Employees will also be introduced to

the American's For Safe Access certification and will receive a training manual. The program will consist of the following modules:

- Legal Training

Legal training will cover all state, local, and federal laws related to medical marijuana, including the Department's Medical Marijuana Program. Legal obligations of licensed marijuana dispensaries and agents will be emphasized. Other topics will include the rules and regulations of the dispensary, sexual harassment training, effective interaction with law enforcement personnel, and the rights and responsibilities of medical marijuana patients. Legal training will last approximately two hours and will cover Department Regulations, local jurisdiction applicable laws, ordinances, and regulations.

- Medical Training

Medical training will include the proper uses, risks/benefits, and side effects of medical marijuana; strain selection; forms of ingestion; qualifying conditions; disability rights; sensitivity; and guidelines for providing support to patients related to their self-assessment of symptoms. Depending on job description, an understanding of various types of medical marijuana and marijuana-infused products and their risks, benefits, and uses will be discussed as well. This section will also include a discussion of recognizing the signs and symptoms of substance abuse and guidelines for refusing service to individuals who appear impaired.

- Security

Security training will focus on dispensary security procedures and product/medicine security. The employee will be briefed on acceptable threat response, currency identification and counterfeit detection, warning signs of possible theft or diversion to the illegal market, lock and alarm procedures, perimeter and entrance control, robbery response techniques, conflict resolution techniques and diversion detection techniques. This section will also cover dispensary agent's transportation, packaging, inventory, and security plans.

- Operations

Lastly, the General Manager will discuss and provide detailed information about the company's operating procedures, which will cover business hours, inventory, accounting, payroll, benefits, roles and responsibilities, training, education, and patient care. The employee will be provided with a full operations manual and will be expected to read it.

In addition to the training and education above, Patient Advisors will be required to complete four additional hours of training focused on helping patients understand the various uses, strains and forms of ingestion for the medical use of marijuana. This portion may be waived for new employees who have passed a qualifying certification such as the American's for Safe Access Patient Focused Certification or have received one of two certifications offered by the



Oaksterdam University Certification Program. Patient Advisors who have not completed a qualifying certification will be required to spend four hours training with the Medical Director.

### **Americans for Safe Access Core Cannabis Certification**

All future employees will be required to complete the Americans for Safe Access Core Cannabis Certification. This training program is offered by the Cannabis Training Institute and can be taken online and covers the following topics:

#### **Understanding Cannabis Law**

##### **ASA 101: Federal Cannabis Law**

This module introduces the federal Controlled Substances Act (CSA) and goes on to explain the role of the Drug Enforcement Administration (DEA). The difference between sentencing laws and sentencing guidelines is also explored. A review of other federal laws applicable to the cannabis community concludes the module.

##### **ASA 102: History of Medical Cannabis Laws**

This module covers the many efforts to reform medical cannabis law as well as opposing efforts to stop reform. Federal legislative efforts (Truth in Trials Act) and federal landmark cases continue the discussion. Finally, protecting state and patient rights and coverage of the current status of medical cannabis law conclude this module.

#### **Cannabis as Medicine**

##### **ASA 121: Cannabis Research and Clinical Data**

This module covers what research is revealing about the therapeutic potential of cannabis, and what types of pain, disorders and diseases are potentially relieved by this plant. Clinical trials and their importance as well as groundwork for future cannabis research are also covered.

##### **ASA 122: The Endocannabinoid System**

This module gives a brief history of opioids and cannabinoids, and explains how the endocannabinoid system was discovered. The workings of the endocannabinoid system as well as the physiological role of endocannabinoids are also discussed.

##### **ASA 123: Cannabis 101**

This module provides a fundamental understanding of the cannabis plant by covering the varieties of cannabis and their uses; the most common cannabinoids; the effects of cannabis as well as the difference between psychoactive and non-psychoactive cannabinoids.

##### **ASA 124: Cannabis-based Medicines**

Cannabis-based Medicines covers the cannabis pharmaceuticals that are currently available. It also takes a look at cannabis extracts and concentrates as well as how they might be used. The module concludes with a section on cannabis edibles and a brief discussion about how cannabis might be incorporated into food and drink.

#### **Cannabis Business Operations**

##### **ASA 141: Quality of Care**

Targeted at dispensary workers, this module covers customer service; how to identify and handle medical emergencies; and patient education. A discussion of the Patient's Bill of Rights finishes the module.

#### **ASA 144: Running a Safe Business**

Dispensaries, growers, and processing centers alike need to take precautions to ensure the safety of their product. The module also covers how to spot contaminants and maintain safe and sanitary conditions. Security considerations will also be discussed. The module concludes with tips on neighborhood and community relations.

### **Annual Employee Training and Education**

All employees are required to complete eight hours of ongoing, qualified continuing education training. Patient Advisors will attend a total of 12 hours of training annually. Training will be divided between four hours of in-house training and four hours of qualifying off-site training. In-house training will be conducted by the Medical Director. The off-site training and education can consist of a combination of off-site visits, conferences, and training hosted by experts in the field. Off-site training may be conducted by experts, researchers, lawyers, policy makers, or other industry leaders.

Training conducted by the Medical Director may include:

- Reiterating the topics covered in the Initial Training
- A description of differing strengths, doses, treatment coverage, and side effects of medical marijuana strains, edibles, and medical marijuana-infused products
- Information about potential drug-to-drug interactions, including interactions with alcohol, prescription drugs, non-prescription drugs, and supplements
- Explanation of techniques and methods of administration of medical marijuana and medical marijuana paraphernalia
- Signs and symptoms of substance abuse, including tolerance, dependency, and withdrawal
- A listing of substance abuse programs and referral information
- Determining and reporting adverse health conditions and side effects in patients

Qualifying off-site training may include:

- Advancement in medical marijuana research conducted by researchers and patients
- Updates in law and policy related to state and federal medical marijuana laws, conducted by lawyers, policy makers, lobbyists, and judges
- Conferences that cover similar topics hosted by health care professionals, Drug Policy Alliance, Americans for Safe Access, and Oaksterdam University

### **Employee and Patient Education Materials**

As described above, the ASA certification course will provide significant education materials for all potential employees. In addition to this information, employees will be provided with a document prepared by our Medical Director that explains the uses, risks, and benefits of medical marijuana.

The Medical Director will also develop and distributes patient education materials. On a continuing basis, but no less than once annually, the Medical Director will update, review, and revise Harvest of Scottsdale' patient education materials to incorporate new medical findings with regard to medical marijuana and any feedback and suggestions from dispensary agents and the patients and caregivers purchasing medical marijuana from the dispensary.

Harvest of Scottsdale ensures that the education materials distributed to qualified patients and designated patient caregivers include, at a minimum:

- Availability & Effects of Different Strains of Marijuana
- Methods, Forms, and Routes of Administration
- Prohibition on the Smoking of Medical Marijuana in Public Places
- Alternate Medical Options
- Information About Possible Side-Effects of and Contraindications of Marijuana Use (including possible impairment with use and operation of motor vehicles or heavy machinery; caring for children; or job performance)
- Information about potential drug-to-drug interactions to include alcohol, prescription drugs, non-prescription drugs, and supplements
- Techniques for the use of medical marijuana and marijuana paraphernalia
- Signs and Symptoms of Substance Abuse to include tolerance, dependency, and withdrawal
- A List of Substance Abuse Programs and Referral Information
- Marijuana Smoking is Prohibited in Public Places, and Places Exposed to Public View

Among the requirements of a dispensary agent dispensing medical marijuana is the requirement that the dispensary agent offer patient education and support materials to every patient or caregiver requesting medical marijuana. The dispensary will distribute education and support materials through its dispensary agents at the time of any dispensing of medical marijuana and will track through the MJ Freeway system when a patient or caregiver accepts or denies such materials.

The dispensary has developed a system for a patient or the patient's caregiver to document the patient's pain, cachexia or wasting syndrome, nausea, seizures, muscle spasms, or agitation that includes:

- A log book, maintained by the patient and or the patient's caregiver, in which the patient or the patient's caregiver may track the use and effects of specific medical marijuana strains and products
- A rating scale for pain, cachexia or wasting syndrome, nausea, seizures, muscles spasms, and agitation
- Guidelines for the patient's self-assessment or, if applicable, assessment of the patient by the patient's caregiver
- Guidelines for reporting usage and symptoms to the physician providing the written certification for medical marijuana and any other treating physicians

### **Dispensing Medical Marijuana**

Dispensary agents will adhere to the following procedure when dispensing medical marijuana to qualifying patients.

**Step One:** The dispensary agent will request that a qualified patient or caregiver provide his or her issued registry identification card and a second form of picture ID. The dispensary agent will first verify that the two forms of identity match, and then compare those two forms of identity to the person providing them. If the forms of identity do not match, or the forms of identity match, but do not appear to be forms of identity that belong to the person providing them, the dispensary agent will deny any sale of medical marijuana to that person.

**Step Two:** The dispensary agent will access the Electronic Verification System and verify the validity of the patient's or caregiver's registry identification card. If the dispensary agent cannot verify the validity of the patient's or caregiver's registry identification card, the dispensary agent will deny any sale of medical marijuana to that person.

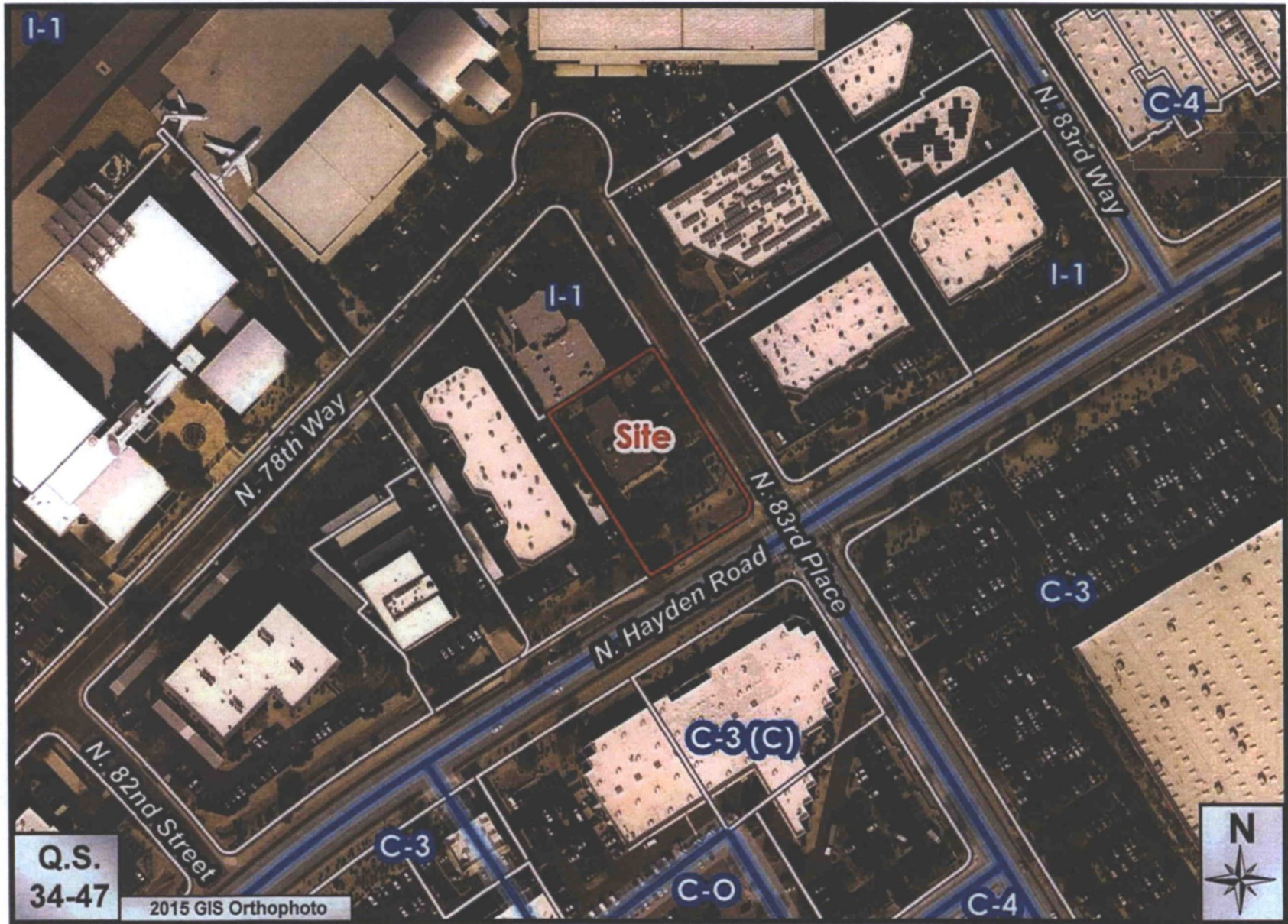
**Step Three:** The dispensary agent will offer the patient educational materials.

**Step Four:** The dispensary agent will verify the amount of medical marijuana the patient or caregiver is requesting would not cause the patient to exceed the limit of no more than 2.5 ounces of medical marijuana during any 14-calendar-day period. If the amount of medical marijuana the patient or caregiver is requesting would cause the patient to exceed the limit, the dispensary agent will deny the sale of medical marijuana to that person to the degree that any sale would cause the patient to exceed the limit.

**Step Five:** Enter the following information into the Electronic Verification System:

- Amount of marijuana dispensed
- Whether the medical marijuana was dispensed to the patient or the patient's caregiver
- The date and time the medical marijuana was dispensed
- The dispensary agent's registry identification number
- The dispensary's registry identification number

**Step Six:** If at any time during any interaction with an individual attempting to purchase medical marijuana the dispensary agent determines that the patient or caregiver appears to be impaired or abusing medical marijuana, the dispensary agent will deny any sale of medical marijuana to that person. In any denial of sale event, the dispensary agent will complete a Denial of Sale Form.



Byers Dispensary Renewal

10-UP-2015#2

# CITY OF SCOTTSDALE

## Public Safety and Refuse Control Plan

### For Medical Marijuana Facilities

Please indicate by Circling: Dispensary Cultivation, or Both

Scottsdale Police Department, 3700 North 75<sup>th</sup> Street, Scottsdale, AZ 85251

Phone: 480-312-5000

City of Scottsdale Current Planning, 7447 E. Indian School #105, Scottsdale AZ 85251

Phone: 480-312-7000

Project # 1035-PA-2015 or Case # \_\_\_-UP-2011

Assigned Planner:

BRYAN CUFF

Police Detective:

JOHN MILLER

Facility Name:

BYERS DISPENSARY INC D.B.A. HARVEST OF SCOTTSDALE

Facility State I.D. Number:

00000054DCOV0032189

Address:

15190 N HAYDEN RD. SCOTTSDALE AZ 85260

Business Phone:

480-948-3737

Business FAX:

Maximum Occupancy:

54

Effective Date of the Plan:

Date of Plan Review:

Use Permit Issue Date:

Contact Person (1):

AMANDA COATS

Home Phone:

253-225-9128

Contact Person (2):

MATT WALTZ

Home Phone:

602-723-3005

## Purpose of the Plan

To address security measures, maintenance, waste management and operations for a facility that requires a Security, Maintenance and Operations Plan pursuant to Scottsdale Revised Codes. The applicable uses are as follows: Medical Marijuana Dispensary, Medical Marijuana Cultivation and Medical Marijuana Processing, all of which require a Conditional Use Permit. The contents of this plan will address the listed concerns as well as community concerns regarding:

- Compatibility with surrounding structures and uses
- Dispensary security and patron safety
- Waste disposal measures related to the dispensing, cultivation or processing of the product

It is the intent of the City of Scottsdale to provide an environment that enhances the safeguarding of property as well as public welfare and to limit the need for law enforcement involvement.

The Permittee agrees that successful execution and enforcement of this Plan are a required condition of the use permit. Termination, cancellation, deviation or non-approval of the Plan constitutes a breach of the Plan and could result in the revocation of the use permit.

## Operations and Hours

1. Permittee: BYERS DISPENSARY INC  
Type of Organization:    \_\_\_Arizona Corporation        Corporation  
                                  \_\_\_Sole Proprietorship        \_\_\_LLC  
                                  \_\_\_Partnership                \_\_\_Other
2. Managing Agents   Name: MATT WALTZ  
                                  Title: PRESIDENT / DIRECTOR  
                                  Address: 627 S. 48<sup>TH</sup> ST. STE 100 TEMPE AZ 85281  
                                  Phone Numbers: 602-723-3005  
                                  Fax or Other Numbers:
3. Business Owner(s) (if different than Managing Agent)   Name, Address,  
Phone: CLG INVESTMENTS, LLC.  
                                  30600 N. PIMA RD, NO 79, SCOTTSDALE AZ 85262  
                                  RYAN MILLER 480-220-8193

4. Property Owner or Property Manager (if different from Managing Agent)  
Name, Address, Phone:

5. Hours of Operation:

	Open	Closed
Monday	<u>10AM</u>	<u>7PM</u>
Tuesday	<u>10AM</u>	<u>7PM</u>
Wednesday	<u>10AM</u>	<u>7PM</u>
Thursday	<u>10AM</u>	<u>7PM</u>
Friday	<u>10AM</u>	<u>7PM</u>
Saturday	<u>10AM</u>	<u>7PM</u>
Sunday	<u>10AM</u>	<u>7PM</u>

6. Cooperation/Complaints/Concerns:

Permittee will maintain communications with establishments located on and adjacent to the premises, and with residents and other businesses that may be affected by patrons or operations of the Permittee. Permittee designates the following person to receive and respond to concerns or complaints from other residents or businesses:

Name: MATT WALZ Address: 1027 S. 48<sup>th</sup> ST. Phone: (602) 723-3005  
TEMPE AZ 85281

Permittee, managing agents, on-duty managers, supervisors and security personnel will cooperate closely with Scottsdale Police, City of Scottsdale Code Enforcement staff or other City staff as well as business and residential neighbors in addressing and investigating complaints, criminal acts, refuse issues and any other concerns.

## Security and Maintenance

### Security Attire

- Security personnel must be readily identifiable to police, patrons, and other employees to ensure the safety of the security staff when engaged with patrons.
- If on-site security personnel are utilized, they should wear an appropriate uniform-style shirt with the word "security" on both the front and back, in two



(2) inch lettering and clearly visible. During cold weather, a jacket with the same inscription should be worn.

### **Security Officer Responsibilities**

The Permittee or management must clearly delineate the below responsibilities to all new security personnel and ensure these responsibilities are explained and understood.

- Civilian Security Officers will be responsible for patrolling the full property of the facility during all hours when patrons are in the facility, outside the facility, and in the facility parking areas.
- The Permittee warrants that there will be a minimum of 1 uniformed security officer(s). (Wearing the above-described uniform). The following responsibilities shall be agreed upon and adhered to:
  1. 1 Security officer(s) will be responsible for roaming the interior of the business and identifying hazards, problems, and maintaining patron safety.
  2. 1 Security officer(s) will be responsible for conducting roaming patrol of the exterior in an effort to prevent criminal behavior, maintain the peace and prevent refuse issues. This patrol shall include all parking areas to prevent a gathering of patrons during business hours and up to thirty (30) minutes after closing.
  3. 1 Security officer(s) will be responsible for ensuring that no persons are consuming marijuana on the dispensary property, or on adjacent properties.
- In addition, security officers will report all acts of violence to management personnel, complete a written report, log the act of violence, and contact Scottsdale Police Department immediately. Unreported acts of violence may result in revocation of the Permittee's Conditional Use Permit. Facility management, company members, corporate officers/shareholders, or facility ownership has the ultimate responsibility for the recording of the act of violence, logging of the act of violence, and reporting the act of violence to the Police Department and the Arizona Department of Health Services.

### **Management Responsibilities**

The Permittee must clearly delineate the below responsibilities to all managers, assistant managers, and person(s)-in-charge and ensure these responsibilities are understood and followed.

- The manager(s) shall ensure that all employees, security staff and off-duty officers employed by the facility be trained and knowledgeable about the contents of this plan. The following shall be agreed upon and adhered to:
  1. There will be a minimum of 1 manager(s) available on the premises during hours of operation.
  2. If security personnel are utilized, at least one manager shall be identified as the "Security Manager" for the facility and be responsible for ensuring that a safe environment exists, for the supervision of all security personnel and that all security personnel as identified here shall meet or exceed the requirements established by A.R.S. 32-2621

through A.R.S. 32-2636, as amended, relating to security personnel and guards, and any regulation issued pursuant thereto.

3. At least one security manager will be on duty until 30 minutes after closing or the last security officer is off duty, whichever occurs last.

#### **Uniformed Sworn Officer Responsibilities:**

If off-duty law enforcement is used for security, it is the responsibility of the Permittee or management to clearly delineate the following responsibilities, which include at a minimum the following:

1. Conduct traffic control as needed
2. Assist civilian security officer(s) in removal of disorderly and/or impaired patrons and maintain the peace outside the establishment.
3. If necessary, patrol the exterior portions of the business to maintain the peace as well as prevent criminal acts.

#### **Parking**

- In order to reduce criminal activity that negatively affects the nearby businesses or residential, the Permittee is responsible for the designated parking area to include any lots used by the Permittee's patrons and employees.
- It is the Permittee's responsibility to ensure that parking areas utilized by patrons and employees will be routinely patrolled so parking areas are not used: as a gathering place for use or consumption of medical marijuana or spirituous liquor, for other violations of state or city law or for acts of violence or disorderly conduct.

#### **Refuse Plan**

- It is the Permittee's responsibility to ensure refuse containers are properly used and the area in and around the business is kept clean. Failure to do so will result in an investigation and possible citation from the City of Scottsdale Code Enforcement or other governmental agencies.
- Waste associated with the medical marijuana, including seeds, stems, leaves, oils, etc. shall be disposed of in accordance with Title 36, Chapter 28.1 of the Arizona Revised Statutes and/or Title 9, Chapter 17, Article 3 of the Arizona Department of Health Services.

#### **Establishment of Records**

- In addition to those requirements spelled out in Title 9, Chapter 17, Article 3 of the Arizona Department of Health Services, the Permittee shall retain all records related to the operation of the establishment for a period of no less than 2 years. Records include all audio recordings, video recordings, written receipts, invoices and evidence of any transaction occurring within or without the establishment that are related to the establishment.
- Records may be maintained at an off-site location, but must be produced, if requested by any law enforcement officer, within 24 hours.
- Failure to maintain records for a minimum of 2 years may result in revocation of the Conditional Use Permit.

- Failure to produce records subsequent to a written or verbal request by any law enforcement officer within 24 hours may result in revocation of the Conditional Use Permit.

### **Physical Security**

It is the Permittee's responsibility to utilize the following security measures throughout the property:

- Video Surveillance
  - In addition to those requirements spelled out in Title 9, Chapter 17, Article 3 of the Arizona Department of Health Services, the Permittee must install and utilize 24-hour video surveillance and hardened video lines that record to a secure or off-site location, and that the Permittee can provide to the Arizona Department of Health Services or Scottsdale Police Department upon request.
  - Video surveillance must record all persons who enter the facility, persons who submit registry identification cards, and the registry identification cards.
  - Video surveillance must cover all interior patron areas and exterior parking areas.
- Audible and Silent Alarms
  - In addition to those requirements spelled out in Title 9, Chapter 17, Article 3 of the Arizona Department of Health Services, the Permittee must install and utilize audio and silent monitored alarms and must obtain the required City of Scottsdale alarm permits.
- Physical Security Measures
  - The Permittee must develop a plan to address all aspects of physical security for the facility, including bollards to prevent vehicle intrusions into the facility, alarm security and written risk assessment by police personnel.
- Access to Employee Areas
  - The Permittee must utilize coded security doors that restrict access to any employee-only areas.
- Vending Machines
  - Vending machine operation for dispensing of product is restricted to the times when a manager or assistant manager is present and the facility is open for business.
- Lighting
  - All portions of the establishment and patron parking areas will be sufficiently illuminated, and the lighting will be consistent with the City Policy for Exterior and Site Lighting.

### **Enforcement of Security Plan**

Violations of this Security Plan will be enforceable by City of Scottsdale Police Officers and/or Code Enforcement employees and may constitute grounds for revocation of applicable use permits relating to the facility.

**Violation, amendment, revocation, as defined in Scottsdale City Zoning Code Sec. 1.402.**

Conditional use-permits, which have been approved by the City Council, shall be subject to the following procedures and criteria regarding any violation, amendment, or revocation.

- The violation of any condition imposed by the conditional use permit shall constitute a violation of this ordinance and shall be subject to the requirements of Section 1.1400 et seq.
- Conditional uses shall be developed in conformance to the approved plans as determined by the Zoning Administrator. An amendment to a conditional use permit is required before implementation of any material change in the scope and nature of an approved conditional use, material change in any conditions or stipulations to a conditional use permit or material change in the physical size, placement or structure of property subject to a conditional use permit. The Zoning Administrator shall have the discretion to determine if a proposed change warrants an amendment. An amendment must be approved as provided in Section 1.400 et seq. for the approval of conditional use permits.
- The Zoning Administrator may recommend to the City Council and the City Council may affect revocation of a conditional use permit pursuant to Section 1.402 of the Scottsdale Zoning Code for acts including but not limited to:
  1. A violation of the Plan.
  2. Violation of the conditions of the Use Permit.
  3. Violation of Scottsdale ordinances or law.
  4. Repeated acts of violence or disorderly conduct as reflected by police calls for service or offenses occurring on premises utilized by patrons of the Permittee, or failure to report acts of violence
  5. Failure of the Permittee to take reasonable steps to protect the safety of persons entering, leaving or remaining on the premises when the Permittee knew or should have known of the danger to such person, or the Permittee fails to take reasonable steps to intervene by notifying law enforcement officials or otherwise to prevent or break up an act of violence or an altercation occurring on the premises or on premises utilized by patrons and employees of the Permittee when the Permittee knew or reasonably should have known of such acts of violence or altercations.
  6. Any enlargement or expansion of the premises, plan of operation or program format without appropriate approval from the City.
  7. Misrepresentations or material misstatements of the Permittee, its agents or employees.

**Dissemination of the Security Plan**

- A copy of this security plan must be provided to each security officer, off-duty sworn law enforcement officer, manager(s) and assistant manager(s) employed by the permittee.

- A reading log will be maintained and will be signed by each of the above persons, stating they have read and understood this plan. Each security employee must read the plan once per year, or when there are any changes to the plan.
- A current copy of this plan will be maintained on the premises at all times, and a copy of this plan must be made available upon request of any code enforcement officer or police officer.
- Failure to conform to this plan will be considered a violation of the use permit.

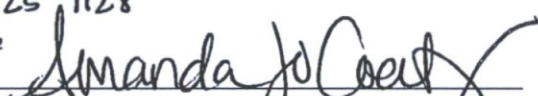
**Termination of the Plan**

- This plan terminates on the date that the permittee's use permit terminates.
- An annual review of this plan may be conducted by City staff and revisions may be required.


**Enclosures**

- Addendums attached SECURITY PLAN (REFUSE WITHIN)
- Refuse Plan (Must Be Attached)

**APPLICANT/MANAGEMENT:**

Name: AMANDA COATS  
 Address: 627 S 48TH ST STE 100 TOMBPE AZ 85281  
 Phone: 253 225 9128  
 Date: 10/10/16  
 Signature: 

**APPROVED BY:**

Detective: DARREN HYMAN  
 Phone: 480-312-8621  
 Date: 10-18-16  
 Signature:  #1311 10-18-16

## **Cover Sheet**

**Assigned Planner: Bryan Cluff**

**Police Detective: John Miller**

**Facility Name: Byers Dispensary, INC. D.B.A. Harvest of Scottsdale**

**Facility State ID Number: 00000054DCOV00321891**

**Address: 15190 North Hayden Road, Scottsdale, AZ 85260**

**Business Phone: (480) 948-3737**

**Business Fax: N/A**

**Maximum Occupancy: 54**

**Effective Date of the Plan:**

**Date of Plan Review:**

**Use Permit Issue Date:**

**Contact Person (1): Amanda Coats**

**Phone: (253) 225-9128**

**Contact Person (2): Matt Waltz**

**Phone: (602) 723-3005**

## **Security Plan**

The Applicant is committed to the peace of mind of its staff, patients, and community members. To that end, security is of utmost importance to the Dispensary team, and we will ensure that the Dispensary is highly secure from day one. The main components of Dispensary security include Building Security and Product Security.

In addition to the provisions outlined within, the Applicant will follow the security protocols outlined by the American Herbal Pharmacopoeia, and maintain strict adherence to USDOJ recommendations regarding all points outlined in the Memos regarding Medical Marijuana from the US Attorney General's office, specifically those issued in 2009 (The Ogden Memo), 2011 (The 2011 Cole Memo), and 2013 (The 2013 Cole Memo).

### **Management Responsibilities**

Management (e.g., managers, assistance managers, and all persons-in-charge) are responsible for communicating security procedures to employees, training them on security policies and procedures, and ensuring that the policies procedures are understood and followed. There will be at least one Security Manager on the Dispensary premises during hours of operation. Security Managers will be responsible for ensuring a safe environment and compliance with all policies and procedures outlined herein. At least one Security Manager will remain on the premises until thirty minutes after closing or the last Security Office is relieved of his/her duties, whichever occurs last.

### **Record Keeping**

All establishment operation records will be kept for a minimum of two years. Such records will include audio/video recordings, written receipts, invoices, and evidence of any transactions occurring within and without the establishment.

## **BUILDING SECURITY**

### **Video Surveillance System**

The Dispensary will be under 24-hour recorded video surveillance capable of capturing and recording clear and certain identification of any person entering or exiting.

Surveillance systems will have full field digital view of the following areas:

- A well lit exterior of entire building at all times
- Three hundred sixty degree view from the roof
- Secured trash and recycling areas
- Multiple angles of entire interior facility except bathrooms
- Parking lot and rear exterior

- CCTV cameras will be capable of monitoring all light spectrums and will be placed in interior and exterior of the Dispensary.
- Video cameras will have a recording resolution of at least 704x480, or the equivalent, and will record 24 hours/day.
- Cameras and recording equipment will have sufficient battery backup to support at least 60 minutes of recording in the event of a power outage.
- The video surveillance will be hard wired to an on-site computer, which will be used to store all video recordings, and will have the capacity to store recordings for the previous 30 calendar days. This computer will be secured on-site within a locked cabinet.
- Connected to the computer will be a video printer capable of immediately producing a clear still photo from any video camera image that displays the time and date of capture.
- A failure notification system will provide an audible and visual notification of any failure of the surveillance system. In addition, cellular SMS transmissions (such as a text message) will alert authorized Dispensary personnel of the malfunction.
- A Dispensary Agent shall monitor the cameras during all hours of operation.
- The General Manager's office shall store the onsite hard drive for recorded surveillance and, in addition, the Dispensary shall have a 60-day off site and/or cloud based storage system.

### **Exterior Building Security**

The following security protocols will ensure that the exterior of the Dispensary is secure while providing a safe, welcoming, and professional environment:

- Video cameras will provide exterior coverage of all entrances and windows and any activities occurring outside or adjacent to the building.
- The perimeter of the property line may be enclosed with a concrete wall in compliance with local and state regulations and development standards.
- Only one entrance will be used for patient access. All other entrances will remain inaccessible and locked during hours of operation.
- During business hours, a Security Officer will be charged with monitoring the parking lot and area surrounding the Dispensary, securing safe ingress and egress to patients' transportation, and strictly enforcing loitering policies, while adding to the safety of the patients and the neighboring community by maintaining a visible presence.
- A Greeter will be posted inside the room accessed by the patient entrance to perform an initial examination of the patient's credentials and ask patients to remove hats and/or sunglasses (except for religious headwear), if necessary, to facilitate the video capture for identification of the patient.
- Entrances will be protected with electronically controlled locking mechanisms that automatically lock entrances and prevent entrance to the facility without proper authorization.
- A licensed and bonded landscaping company will clean and maintain trees, bushes and other foliage around the perimeter of the Dispensary. In addition, cement-filled decorative planters will protect entrances and windows from unauthorized vehicular entrance.



- Windows and any other enclosures that provide a view of the inside of the Dispensary will be covered with security film.
- Exterior lighting will be installed to facilitate surveillance with in the guidelines provided by the city in the City Policy for Exterior and Site Lighting document.
- The roof will be outfitted with an HD CCTV camera with three hundred sixty degree rotation, as well as a beam detection system on the entire roof of the building to prevent possible breach from any exterior of the building to the interior of the facility. If a beam is broken the alarm will be immediately triggered and security response may alert local police.
- After business hours, the Dispensary will contract with a security company. A State licensed guard will continue to patrol the exterior of the premises. No individual, other than a Dispensary Agent authorized by the Dispensary, shall remain in the parking lot or nearby external premises.

### **Interior Building Security**

The following security protocols will ensure that the interior of the Dispensary is secure for qualifying patients and employees:

- Video cameras, which will operate on a CCTV system, will provide interior coverage of all entrances and windows, reception area, each point-of-sale location, and the vault, to identify any person who holds a valid registry identification card or his or her designated caregiver purchasing medical marijuana.
- At least one call-up monitor 19" or larger.
- Audible and silent alarms will alert the breach of all entrances and windows and provide motion-detection coverage for the entire Dispensary.
- Panic buttons will be installed at each point-of-sale location, in the vault, and under the reception stations, and when pressed will immediately contact local law enforcement agencies. Panic buttons are different from the alarm system in that they immediately alert law enforcement. The alarm system will be monitored by a professional alarm company who often times will be the first response before alerting law enforcement.
- Scissor gates will be in place behind the storefront glass system to ensure that any penetration of the glass will not allow access into the Dispensary.

### **Access Control**

The Dispensary will have an enclosed, locked IT and CCTV facility with no visible outside markings. The interior operations will be monitored such that entry into the building is regulated, and a complete access control system will be installed. The system will prevent entrance to the building, as well as limit access to employee-only areas through the use of use of key fob/electronic access and security doors at points of entry.

### **Authorized Access**

The Dispensary will provide for the accurate and continuous identification of individuals authorized to enter the Dispensary. The Dispensary will restrict access to the areas of the Dispensary that store marijuana to authorized individuals only. No persons under the age of 21 are allowed into the body of the Dispensary, not including the waiting room.

Before dispensing medical marijuana to a qualified patient or caregiver, the Dispensary Agent will enter the patient's or caregiver's registry identification number on the patient's or caregiver's registry identification card into the Electronic Verification System and verify the validity of the registry identification card and age. Access to the Dispensary building will be denied to any individual not providing the credentials listed above and satisfactorily proving eligibility and authorization to enter.

### **Controls to Detect and Prevent Unauthorized Access**

To prevent unauthorized access to medical marijuana, edibles, and medical marijuana-infused products at the Dispensary, the Dispensary has security equipment to deter and prevent unauthorized entrance into limited-access areas that includes a series of devices to detect unauthorized intrusion, which may include a signal system interconnected with a radio frequency method, such as cellular, private radio signals, or other mechanical or electronic device. In addition, a burglar alarm shall be installed that will activate upon motion via entrance through the doors, glass, rooftop access and cover any shared wall. The alarm shall be monitored by an alarm company.

Access to the controlled areas will be limited to State licensed Dispensary Agents, and when needed, licensed contractors.

To ensure the safety of our employees and patients, only State licensed Dispensary Agents will have access to areas where marijuana is packaged and stored. These secure areas will have locked doors and key fob/electronic access at points of entry.

### **Panic Buttons**

The Dispensary will install and maintain working panic buttons in the interior of the Dispensary. All Dispensary Agents within the Dispensary building be trained to use and will have access to multiple panic buttons throughout the site. Panic buttons will be located within the Dispensary at the receptionist desk, all cashier stations, and within the vault. Dispensary Agents will be trained on the specific location of panic buttons and the specific circumstances under which panic buttons should be used, including threatening conduct, criminal invasion, and other security emergencies. The General Manager will ensure that all interior panic buttons are properly functioning at all times.

### **Security Equipment**

The Dispensary will have security equipment to deter and prevent unauthorized entrance into limited access areas that includes devices or a series of devices to detect unauthorized

intrusion, which may include a signal system interconnected with a radio frequency method, such as cellular, private radio signals, or other mechanical or electronic device. In addition, a burglar alarm shall be installed that will activate upon motion via entrance through the doors, glass, rooftop access and cover any shared wall. The alarm shall be monitored by an alarm company.

### **Intrusion Detection**

The Dispensary will comply with all State and local rules and regulations with regard to mandatory security and monitoring devices to prevent and detect unauthorized intrusion into the Dispensary building. The Dispensary will contract with a security and alarm monitoring company to conduct in-person and remote surveillance of the Dispensary building on a 24/7 basis. In addition, during business hours, the Manager on Duty will ensure that all electronically restricted access controlled doors are properly secured with the alarm armed to notify of any unauthorized intrusion. During non-business hours, the Manager on Duty will ensure that the security system is armed and operational by securing all interior doors, electronically restricted access doors, and the exterior door, and setting the security system by way of a confidential access code.

### **Identification of Patients and Employees**

The Dispensary will provide for the accurate and continuous identification of individuals authorized to enter the Dispensary. Before dispensing medical marijuana to a qualifying patient or designated caregiver, the Dispensary Agent will verify through photo identification that an individual presenting a medical marijuana identification card is the same as the individual depicted on the identification card, enter the patient's or caregiver's registry identification number on the registry identification card into the Electronic Verification System and verify the validity of the patient or caregiver's registry identification card and age. Access to the Dispensary building will be denied to any individual not providing the credentials listed above and satisfactorily proving eligibility and authorization to enter.

### **Patient Entrance**

Each patient entering the Dispensary will be met by a Greeter who will require the patient to display his/her registry card to enter. The patient is then directed to the receptionist where he/she will display their registry card for verification. There shall be a physical separation or counter between the patient and the authorized Dispensary Agent. The separation shall form a barrier to prohibit patient access behind the counter. A panic alarm shall be installed behind the counter. All patients must present a valid registry identification card in order to purchase medical marijuana. Patients must remove hats, sunglasses, and any other objects that obstruct physical identification. This rule shall not apply to clothing worn over the face for established religious reasons. Video monitoring will show the patient or caregiver's face.

### **Electronic Monitoring**

The Dispensary will conduct electronic monitoring in and around the Dispensary building. The Dispensary will conduct electronic video monitoring of all visitors in the parking lot and in the entry area of the Dispensary building. All patients entering the Dispensary shall remove their hats, sunglasses, and other similar objects, which obstruct physical identification. This shall not apply to clothing worn over the face for established religious reasons. At all times during business hours, at least one Dispensary Agent within the Dispensary building will be tasked with monitoring the electronic video monitoring systems and responding to any issues of security or safety that may arise. To prevent unauthorized access to medical marijuana at the Dispensary, the Dispensary will have security equipment to deter and prevent unauthorized entrance into limited access areas, which will include electronic video and visual monitoring. The Manager on Duty will be responsible for ensuring that all electronic video and visual monitoring security equipment is properly functioning at all times.

### **Loitering**

The Dispensary will provide for the accurate and continuous identification of individuals authorized to enter the Dispensary. The Dispensary will post signs stating "no loitering" throughout the parking area utilized by patrons. Signs shall be placed in locations visible to all patrons. The Security Officer will monitor the public areas around the Dispensary building to ensure no loitering is taking place and escort individuals away from the public areas around the Dispensary, or if necessary, contact law enforcement for assistance, in the event any loitering occurs.

### **Security Officer**

The Security Officer will be readily identifiable by his/her uniform-style shirt and/or jacket, on which the word "SECURITY" will be printed on both front and back in, at minimum, 2-inch lettering. At least one Security Officer will be on the premises at all times when patients are in the facility and for at least thirty minutes after closing. The following responsibilities will be required of the security officer:

- Patrol of all areas inside and outside of the Dispensary, including parking areas and secure recycle/refuse areas, at all times when patients are in the facility
- Identify hazards, problems, and potential issues of patient safety, and either remedying those issues or reporting them to the proper authorities (e.g., General Manager, Scottsdale Police Department)
- Prevent criminal activities, maintain the peace, prevent refuse issues, and prevent the gathering of patients during business hours and for at least thirty minutes after closing
- Ensure no persons consume marijuana products on Dispensary or adjacent property
- Report all acts of violence to management, complete a written report, log the act of violence, and contact the Scottsdale Police Department immediately.

## **PRODUCT SECURITY**

The Dispensary will ensure medical marijuana products are safe for patient use by ensuring that medicines are properly procured, tracked, documented, stored, tested, packaged, labeled, inventoried, and that Dispensary Agents are properly trained to carry out all of these critical procedures. In addition to ensuring that patients have access to safe medicines, our responsibility to keep these medicines out of the hands of unauthorized individuals is a critical part of our product safety plan and our stewardship to the community.

Safe product storage begins with strong Chain of Custody and inventory procedures. This begins at a State licensed Cultivation site and ends with a final sale; a protocol will be in place for product recalls or shelf-life expiration. Enhanced secure storage, inventory procedures, and electronic monitoring systems, including real time access of data upon request, will serve as checks and balances throughout the Chain of Custody procedures for all products. Written documentation shall accompany all products being transported.

In addition to our integrated inventory and POS record keeping system, MJ Freeway, the Dispensary will track physical access to medicinal products through the use of video monitoring and strict access controls. Physical storage of medicinal products is divided into three categories: In Transit, Bulk Storage, and Final Packaging. Bulk Storage is contained within a secure, climate-controlled vault within the Dispensary. Medicines that are in Final Packaging are stored in the vault during non-business hours and in the secure dispensing area during business hours. The details of product storage can be found below.

Transportation plays a role in ensuring the safety and security of medical marijuana, edibles, and medical marijuana-infused products. The Dispensary will take various steps to secure medicinal products during transportation and receiving, including:

- Deliveries and movements of marijuana-based medicines will always occur using an unmarked vehicle.
- Routes and schedules shall be randomized such that delivery patterns are not predictable.
- All deliveries of over two pounds of medical marijuana shall include at least two qualified Dispensary Agents.
- Cash is always stored in a locked safe within the delivery vehicle.
- All medical marijuana, edibles, and infused products are placed in Cannaline packing, which is transported in a secure, non-transparent transportation box in the vehicle's trunk.
- Prior to departure, the Dispensary Agent must complete a Trip Form and a Chain of Custody form and have both approved by the General Manager.

Areas of the Dispensary where medical marijuana is stored, handled, packaged, or inspected are secured with key coded locks. Agent registration cards must be worn and be visible at all times, even if agent is delivering marijuana or marijuana-infused products off-site.

Agent registration cards will be used to clock in and out of work via magnetic strip, quick response (QR) code, or comparable electronic method.

In instances where light may degrade the quality of the marijuana or marijuana-infused product, lights may be turned off much of the day; however, motion sensors will turn lights on when anyone enters so that cameras will capture any and all movements in those secure areas. In addition, cameras pointed at all other interior and exterior lighted areas and entry points will record any authorized or unauthorized entry into secured rooms from the exterior of the enclosed, locked facility.

## **INVENTORY AND RECORD KEEPING**

### **Materials Inventory**

Dispensary Agents who are assigned inventory function are responsible for the storing, tracking, counting, and safekeeping of marijuana, marijuana-infused products, other company products, and cash. For purposes of maintaining an accurate inventory, the Dispensary adheres to the following:

#### Product Quantity

The Dispensary limits its inventory of marijuana and marijuana-infused products to meet the needs of patients while remaining in compliance with all state and local laws and regulations.

#### MJ Freeway Inventory Tracking System

The Dispensary will use the MJ Freeway POS and inventory management system. The software product is fully integrated with scales, label, and receipt printers. MJ Freeway is a fully integrated seed-to-sale tracking software tracks all marijuana seeds, plants, and produce and verifies product identification and weight measures.

## **PRODUCT SECURITY**

### **Secure and Safe Storage**

All medicines are stored in a secure vault during non-business hours. Only pre-packaged medical marijuana, edibles, and medical marijuana-infused products that are ready to be sold to qualifying patients are accessible in the secure cashier area during business hours. All products are clearly labeled and tracked within MJ Freeway, the point of sale and inventory management software designed to track products from seed to sale. Medical marijuana will be pre-packaged and labeled by Dispensary employees using Cannaline secure packaging before being sold to patients. This packaging offers a clear see-through front so that medical marijuana can be viewed and visually inspected by Dispensary Agents and patients. Dispensary team members have used this packaging widely and consider it to be of high quality. The packing is also heat-

sealed and tamper-proof ensuring that the medical marijuana is not subject to humidity or other external influences. Keeping the medicine in tamper-proof packaging helps reduce the risk of theft, spoilage, and damage to the medicine.

At the Dispensary, medical marijuana, edibles, and medical marijuana-infused products will be stored in enclosed, locked locations. These locations include secure devices, display cases, cabinets, and rooms, all protected by locks or locking mechanisms. All bulk medicines are stored in the secure vault at all times. Packaged, sealed medicines are stored in the secure access-controlled dispensing area (Cashier Stations) during business hours and are stored inside the secure vault during non-business hours.

Once the medical marijuana, edibles, and medical marijuana-infused products are purchased from a licensed cultivation or production facility, the product will be entered into the MJ Freeway System. Once the product has been entered in the MJ Freeway System, the product will be securely moved into the vault for storage and safekeeping.

From the main vault, the Dispensary Manager on Duty will transfer enough medical marijuana, edibles, and medical marijuana-infused products for one day's operations into the access-controlled dispensing area/cashier station to which only authorized personnel will have access.

All transfers will be supervised by the Manager on Duty.

### **Patients and Sales**

When a patient arrives at the Dispensary, the patient will enter the first door and will be verified prior to entering the display area. They will only be allowed to enter with a valid registry card and going through the authorization process. The receptionist will verify all documentation using the MJ Freeway System and the state EVS system. The patient will be allowed into the dispensing area upon verification. Once in the dispensing area, the patient will be greeted by a Patient Advisor. Once the patient has selected the medical marijuana, edibles, and/or medical marijuana-infused products they wish to purchase, they will proceed to a cashier and receive their pre-packaged medicine in a sealed and stapled package and be issued a receipt.

The Dispensary will adhere to Arizona laws which limit the amount of medical marijuana, edibles, and medical marijuana-infused products to 2.5 ounces per 14 days.

To protect the safety and privacy of patients, and to prevent diversion, the use of cell phones and cameras is prohibited in the Dispensary.

Surveillance cameras will monitor all points of entry to and exit from the Dispensary. This includes the parking lot, rear of the building, and all areas inside the Dispensary, including secured waste storage.

At least one Security Officer will monitor the Dispensary, the parking lot, and adjacent areas during operating hours. The Security Office will ensure that patients do not consume medicines in the Dispensary, the Dispensary parking lot, or in any other location around the Dispensary.

Upon exiting the Dispensary, the Security Officer and Greeter will monitor the patient and ensure that they leave the parking lot shortly after exiting the Dispensary in a safe and efficient manner. If a patient has safety concerns or needs assistance leaving the Dispensary, the Security Officer will assist and/or accompany the patient to their vehicle. Security Officers and the Greeter will also ensure that the Dispensary entrance and surrounding area and clean, professional, well maintained and well lit at all times.

### **Weekly Audits**

The Dispensary General Manager will conduct weekly audits of the Dispensary's internal controls, inventory tracking systems and procedures, and security systems and procedures. Dispensary management and staff will be familiar with all applicable local and state regulations and will conduct weekly audits to ensure compliance with all applicable regulations. These audits, in addition to the procedures described above, will help ensure the quality of medicine in a secure environment and that medications are being handled with care.

### **Refuse Plan**

Contaminated and unwanted medical marijuana, edibles, and infused products will be stored in a properly labeled secure container that will be kept inside the climate-controlled Dispensary vault. The waste is collected and mixed with biodegradable kitty litter<sup>1</sup> on a 1:1 ratio and stored in the Disposal Container. Each week, a Dispensary employee will check the disposal container and will notify the designated Waste Disposal Company. The Waste Disposal Company will then send a representative to collect and dispose of the waste. The following procedures will be followed to document the outgoing disposal:

1. The waste is collected and stored in the Disposal Container.
2. When the waste and Chain of Custody forms are ready for transportation, a Dispensary Agent will notify the Waste Disposal Company.
3. The Waste Disposal Company will pick up the waste from the Dispensary and will complete necessary Chain of Custody documents.
4. The documents provided to the Waste Disposal Company representative will be stored according to the Dispensary's document storage and retention plan.
5. Inventory records will then be updated by Manager on Duty to reflect medicines that were disposed of.

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<sup>1</sup> Biodegradable litters are made from various plant resources, including pine wood pellets, recycled newspaper, clumping sawdust, cassava, barley, okra and dried orange peel. This medium renders the disposed marijuana unusable in a safe, non-toxic, storage process.



# Neighborhood Notification Report

Byers Dispensary, INC has mailed a letter to all the property owners and HOAs within 750 ft. of 15190 N Hayden Rd., Scottsdale, AZ 85260 notifying them of a Conditional Use Renewal application for a medical marijuana dispensary located at 15190 N Hayden Rd., Scottsdale, AZ 85260. A copy of the letter is attached, as well as a mailing list. We have not yet had any feedback.

Scottsdale, City Of  
3939 N Drinkwater Blvd  
Scottsdale, AZ  
85251

## **Conditional Use Permit Renewal Notification**

To Whom It May Concern:

Byers Dispensary, Inc. would like to inform you of an application to renew a Conditional Use Permit for the medical marijuana dispensary located at address 15190 North Hayden Road in Scottsdale, Arizona.

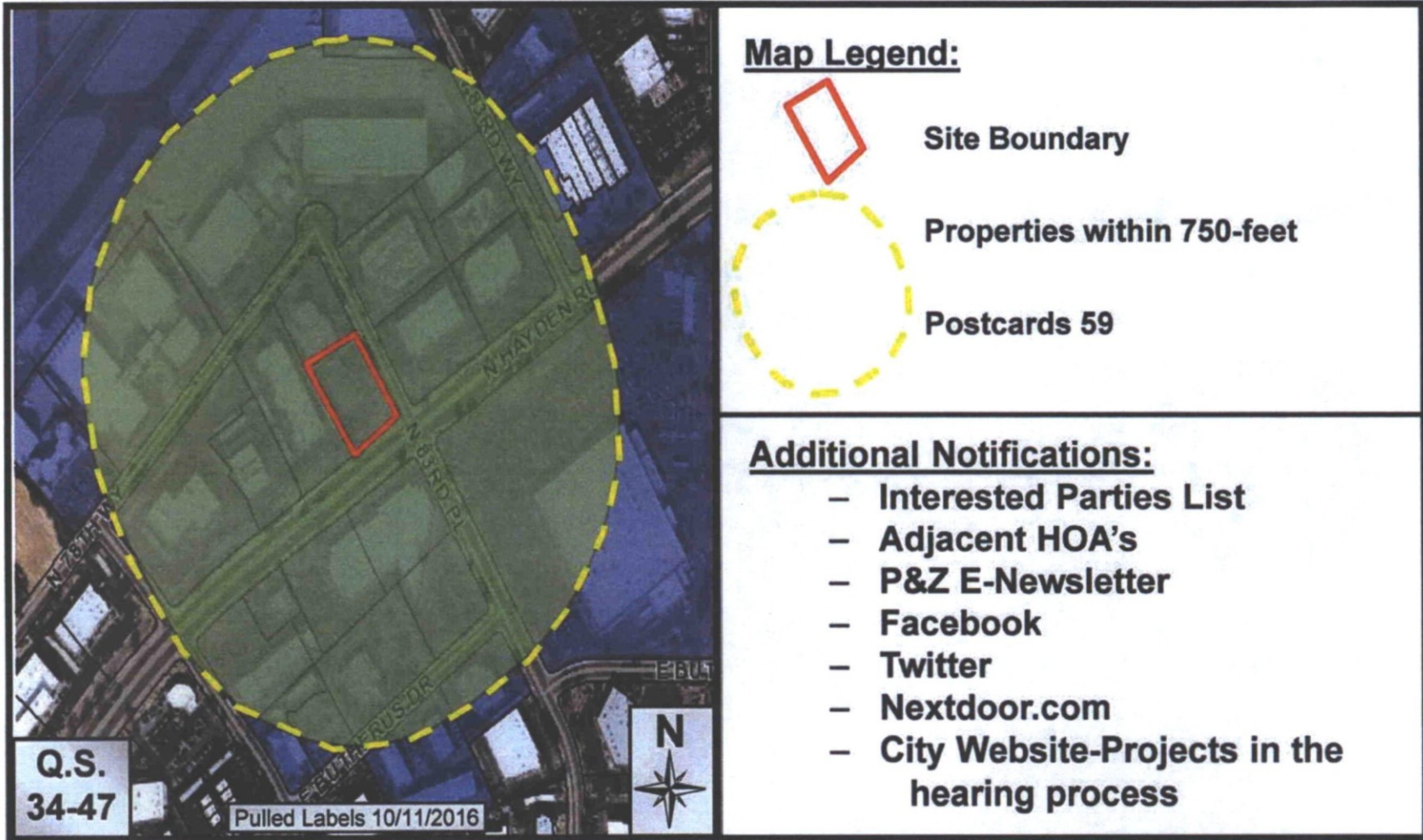
Questions and comments regarding this renewal application can be made to Bryan Cluff via e-mail at [bcluff@scottsdaleaz.gov](mailto:bcluff@scottsdaleaz.gov) or by calling 480-312-2258.

Thank you,

Amanda Coats  
253-225-9128

# City Notifications – Mailing List Selection Map

ATTACHMENT #7



## Byers Dispensary Renewal

10-UP-2015#2



**SCOTTSDALE PLANNING COMMISSION  
DESIGN STUDIO  
7506 E. INDIAN SCHOOL RD.  
SCOTTSDALE, ARIZONA**

**WEDNESDAY, NOVEMBER 9, 2016**

**\*DRAFT SUMMARIZED MEETING MINUTES\***

**PRESENT:** Matthew Cody, Vice Chair  
Larry S. Kush, Commissioner  
David Brantner, Commissioner  
Paul Alessio, Commissioner

**ABSENT:** Michael Edwards, Chair  
Ali Fakh, Commissioner  
Michael J. Minnaugh, Commissioner

**STAFF:** Tim Curtis  
Joe Padilla  
Randy Grant  
Brad Carr  
Jesus Murillo  
Bryan Cluff  
Phil Kercher  
John Bartlett  
Alex Acevedo  
Lorraine Castro

**CALL TO ORDER**

Vice Chair Cody called the regular session of the Scottsdale Planning Commission to order at 5:01 p.m.

**ROLL CALL**

A formal roll call was conducted confirming members present as stated above.

\* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ.gov, search "Planning Commission"

**ATTACHMENT #8**

### **MINUTES REVIEW AND APPROVAL**

1. Approval of October 26, 2016 Regular Meeting Minutes including the Study Session.

**COMMISSIONER BRANTNER MOVED TO APPROVE THE OCTOBER 26, 2016 REGULAR MEETING MINUTES INCLUDING THE STUDY SESSION, SECONDED BY COMMISSIONER ALESSIO, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FOUR (4) TO ZERO (0).**

### **EXPEDITED AGENDA**

2. 9-UP-2015#2 (Level Up)  
Request approval of a Conditional Use Permit Renewal for a Medical Marijuana Use (dispensary) in an existing +/- 3,770-square foot facility with Industrial Park (I-1) zoning located at 14980 N. 78th Way. Staff contact person is Bryan Cluff, 480-312-2258. Applicant contact person is C. Michael Colburn, 480-209-6424.
3. 10-UP-2015#2 (Byers Dispensary Renewal)  
Request approval of a Conditional Use Permit Renewal for a Medical Marijuana Use (dispensary) in an existing +/- 6,800-square foot facility with Industrial Park (I-1) zoning located at 15190 N. Hayden Road. Staff contact person is Bryan Cluff, 480-312-2258. Applicant contact person is Amanda Coats, 253-225-9128.
4. 8-UP-2016 (Vines & Hops)  
Request by owner for a Conditional Use Permit for a Bar on a +/- 2,400-square foot site with Central Business District, Parking Regulations, Downtown Overlay and Parking District Vehicle Parking, Downtown Overlay (C-2/P-3 DO & P-2 DO) zoning located at 4216 N. Brown Avenue. Staff contact person is Dan Symer, AICP, 480-312-4218. Applicant contact person is Erica Rocush, 520-237-3212.
5. 19-ZN-2016 (Cattletrack Village)  
Request by applicant to rezone a +/- 2.1-acre site from Single-family Residential District (R1-43), to Single-family Residential District, Planned Residential District (R1-18/PRD) with approval of a Development Plan and Amended Development Standards, on a site located at 5713 N. Cattletrack Road. Staff contact person is Jesus Murillo, 480-312-7849. Applicant contact person is Alex Stedman, 480-994-0994.

**Item No's 2, 3, 4 and 5: Recommended to City Council for approval of cases 9-UP-2015#2, 10-UP-2015#2, 8-UP-2016 and 19-ZN-2016, by a vote of 4-0; Motion by Commissioner Brantner, per staff recommended stipulations, based upon the finding that the Conditional Use Permit criteria have been met and after determining that the proposed Zoning District Map Amendment, Development Plan and Amended Development Standards are consistent and conform with the adopted General Plan, 2<sup>nd</sup> by Commissioner Kush.**

\* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ.gov, search "Planning Commission"

## **REGULAR AGENDA**

6. 7-ZN-2016 (Palmeraie)

Request by owner for a Zoning District Map Amendment from Resort/Townhouse Residential (R-4R) zoning to Planned Regional Center (PRC) zoning, with approval of a Development Plan, on a +/-20-acre site located at 6990 N. Scottsdale Road. Staff contact person is Brad Carr, AICP, 480-312-7713. Applicant contact person is George Pasquel III, 602-230-0600.

**Item No. 6: Recommended to City Council for approval of case 7-ZN-2016, by a vote of 4-0; Motion by Commissioner Kush, per the staff recommended stipulations after determining that the proposed Zoning District Map Amendment including approval of the Development Plan are consistent and conform with the adopted General Plan, 2<sup>nd</sup> by Commissioner Alessio.**

## **ADJOURNMENT**

With no further business to discuss, the regular session of the Planning Commission adjourned at 5:29 p.m.

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