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## Planning Commission Study Session

**TO:** PLANNING COMMISSION

**FROM:** KEITH NEWMAN, PLANNER II *KN*  
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**THROUGH:** CATHERINE LORBEER, AICP, PRINCIPAL PLANNER *ajl*  
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**MEETING DATE:** JUNE 5, 2019

**SUBJECT:** Z19-11: CITIZEN REVIEW AND INITIATION OF AMENDMENT TO THE TOWN OF GILBERT LAND DEVELOPMENT CODE, CHAPTER I ZONING REGULATIONS, DIVISION 2 LAND USE DESIGNATIONS, AND DIVISION 4 GENERAL REGULATIONS, ARTICLE 4.5 SUPPLEMENTAL USE REGULATIONS AND DIVISION 6 USE DEFINITIONS, ARTICLE 6.1 USE DEFINITIONS, RELATED TO THE CULTIVATION OF INDUSTRIAL HEMP.

**STRATEGIC INITIATIVE:** Community Livability

Attract, retain and grow unique retail businesses that serve a regional customer base as a means to increase Gilbert sales tax revenue that provide community goods and services.

### RECOMMENDED MOTION

- A. Staff recommends that the Planning Commission initiate a text amendment to the Land Development Code of Gilbert, Arizona Chapter I Zoning Regulations, Division 2 Land Use Designations, and Division 4 General Regulations, Article 4.5 Supplemental Use Regulations and Division 6 Use Definitions, Article 6.1 Use Definitions, related to the cultivation of industrial hemp.
- B. Conduct Citizen Review meeting to discuss the proposed LDC text amendment.

## **BACKGROUND/DISCUSSION**

### **Overview**

On December 20, 2018, the federal Agricultural Improvement Act of 2018 (PL 115-334) was adopted, authorizing the growing or cultivation of industrial hemp and removing industrial hemp from Schedule I of the Controlled Substances Act. This federal law did not preempt or limit states from regulating the production of hemp in a more stringent manner (7 U.S.C. § 1639p).

On May 14, 2018, Senate Bill 1098 was signed by Governor Ducey, allowing for the commercial growth, cultivation, and marketing of industrial hemp as an agricultural product and directing the Arizona Department of Agriculture (AZDA) to adopt rules pursuant to Title 41, Chapter 6 of the Arizona Revised Statutes to oversee the licensing, production and management of industrial hemp and hemp seed in Arizona. The new state law also allows for the commercial propagation, processing, manufacturing, distribution and market research if authorized by the state under a preapproved agricultural pilot program.

The federal and state law did not remove a local government's authority to enact and enforce reasonable zoning regulations regarding commercial industrial hemp activities consistent with applicable laws, including federal laws, Arizona Revised Statutes Sections 3-313 and 9-462.01, and the rules adopted by the Department of Agriculture.

It is the Town of Gilbert's goal to remain one of the most desirable communities to live in Arizona and adopt regulations that take into account economic development and agricultural vitality, while ensuring the health, safety and welfare of the community. In light of the new laws, Staff is requesting feedback on whether any changes to the Land Development Code (LDC) are needed to address industrial hemp.

### **STAFF REQUEST**

- A. Staff recommends that the Planning Commission initiate a text amendment to the Land Development Code of Gilbert, Arizona Chapter I Zoning Regulations, Division 2 Land Use Designations, and Division 4 General Regulations, Article 4.5 Supplemental Use Regulations and Division 6 Use Definitions, Article 6.1 Use Definitions, related to the cultivation of industrial hemp.
- B. Conduct Citizen Review meeting to discuss the proposed LDC text amendment.

Respectfully submitted,



Keith Newman,  
Planner II