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SENT VIA CERTIFIED MAIL AND EMAIL

Pinal County Clerk of the Board

P.O. Box 827

Florence, Arizona 85132

clerkoftheboard@pinal.gov

RE: Case No. ZO-08-18-015

Chairman and Members of the Board of Supervisors:

Rose Law Group pc represents the Islamic Cultural Center (“ICC” or “Owner”), a nonprofit and charitable organization. ICC owns and operates the Al-Rahma Muslim Cemetery (located at 21564 North Rahma Street, Maricopa, Arizona 85139, APN #s 510-07-0200 and 510-07-0190), which as you know is the only Muslim cemetery following Islamic Burial obligations for Muslims in Arizona. ICC has operated and maintained the cemetery for over 30 years, primarily serving the Muslim communities of Pinal County, Maricopa County, and other nearby areas. While the Al-Rahma Cemetery is recognized as being a Muslim cemetery, ICC does not prohibit the burials of

non-Muslims there. As a nonprofit, religious cemetery, the Al-Rahma Cemetery provides necessary low-cost, and often times no-cost burial services to the community too.

As mentioned previously, the Al-Rahma Cemetery, through ICC, is the only cemetery providing Islamic funeral services for the Pinal County and Maricopa County Muslim population of 200,000 Muslims and at least 30 Mosques. Funerals in Islam follow fairly specific rites prior to burial, and follow specific requirements for how bodies may be buried. Burials at the existing Al-Rahma Cemetery take place as follows: First, the dead body is bathed at a Mosque (for example, Masjid Bilal ibn Rabah, a mosque, is less than 10 miles away) and enshrouded in white cotton or linen cloth. Once complete, a funeral prayer is made and the body is taken for burial at Al-Rahma Cemetery. The exact characteristics of the burial site are important as it requires that bodies are buried within 3 days and that the grave face the Kabah (a holy site in Mecca, Saudi Arabia). Once the body has arrived at Al-Rahma Cemetery, it is fully buried. The Al-Rahma Cemetery is the only cemetery meeting these requirements.

In the matter of Case No: ZO-08-18-015, it appears there is still some confusion as to ownership, current use, and history of the property. Specifically, there is a misunderstanding as to who owns which parcels, and where cemetery activities are actually taking place. As discussed in the following section, burials are taking place only on ICC's parcels, which are APN #s 510-07-0200 and 510-07-0190. ICC does not own APN 510-070-13A, and no cemetery use has ever occurred there. As there are some discrepancies in the filings, we would like to provide some explanation, and request that you modify the Hearing Officer's decision and continue it so that we may continue to work with the County to understand the Cemetery's historical approvals and

resolve any issues, if any. It is critical that the Muslim community can continue to use the Cemetery as it has been used for over 30 years.

I. Islamic Cultural Center Does Not Own APN 510-07-013A

To begin, the hearing notice dated 01/06/2022 was sent to Anjum Alimohamed's mailing address. Mr. Alimohamed owns the vacant property at APN 510-070-13A. While Mr. Alimohamed's property is adjacent to the Cemetery, and did obtain a Special Use Permit (SUP-010-15) for cemetery purposes years ago that has expired, no cemetery uses have ever occurred on Mr. Alimohamed's property. As such, the land is vacant, no use violation has occurred there, and he should not be included in this matter. Mr. Alimohamed and ICC have not violated any codes or failed to adhere to any stipulations related to APN 510-070-13A as the parcel is only a vacant and undeveloped parcel.

II. The Muslim Cemetery Has Served the Community Since 1990

The Cemetery property (APN #s 510-07-0200 and 510-07-0190) was rezoned and approved for cemetery uses by the Board of Supervisors on April 2, 1990. The Cemetery is currently being used only for cemetery uses, as permitted by the underlying zoning. We have been informed by the County that the site is in violation for initiating a cemetery "without first completing a site plan review of proposed development."

It has been over thirty years since the rezoning was approved and the cemetery use began. Much has changed since then. As a nonprofit corporation, the ICC Board, who are all volunteers, has changed many times. Additionally, the County's codes, standards, and record keeping has changed. That said, we believe that all applicable requirements were met in accordance with the standards at the time of approval. The stipulations to the rezoning case don't mention "site plan review." Still, we believe the relevant requirements of the time were met. For example, a building permit was issued in 2008 for a ramada at the cemetery. This issuance presumably means the site was in accordance with site plan requirements, if any were required at the time of original zoning approval.

III. Current Status of the Cemetery

All the above said, ICC is working on a new site plan for the cemetery but has met some delays. The primary delays have been due to Covid-19 disruptions that have impacted ICC's fundraising efforts for the cemetery, delayed architecture work, obtaining surveys, and other construction/engineering related items. We have recently obtained many of these items however and are currently working to complete them.

Importantly, one of the issues related to the site plan relates to North Rahma Street, the access road for the Cemetery. North Rahma Street is an approximately 1,145 ft road. While most of Rahma Street is approximately 30 feet wide, the first 135 ft of North Rahma Street appears to only have 15 feet of formal right-of-way width. The remaining width, even though it has been used

by the public for over 30 years, doesn't appear to have a formal dedication or easement. This is not an issue for the current Cemetery use, however, as the rezoning records note that Rahma Street is a private street, and allowed this condition as an exception. Still, ICC is currently working with the landowner to help formalize all of Rahma Street as a public street. This step is related to the ultimate completion of the site planning process.

IV. Conclusion

The Al-Rahma Muslim Cemetery is an important burial site for the Muslim community of Arizona. While there have been many challenges, ICC is working to resolve all issues. We appreciate your review of this appeal, and respectfully request that you decide to continue the Hearing Officer's decision so that we may continue to work with the County to investigate the Cemetery's history of approvals and locate documents that may be missing due to the length of time.

Thank you,

Omar Abdallah

Attorney for Respondents