

**COCHISE COUNTY PLANNING & ZONING COMMISSION
FINAL MINUTES
January 13, 2016
REGULAR MEETING at 4:00 p.m.**

The regular meeting of the Cochise County Planning and Zoning Commission was called to order at 4:00 p.m. by Chairman Greene at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors' Hearing Room. Mr. Greene admonished the public to turn off cell phones, use the speaker request forms provided, and to address the Commission from the podium using the microphone. He explained the time allotted to speakers when at the podium. He then explained the composition of the Commission, and indicated that there was one Special Use Authorization Docket on the agenda. Mr. Greene explained the consequences of a potential tie vote and the process for approval and appeal.

ROLL CALL

Mr. Greene noted the presence of a quorum and called the roll, asking the Commissioners to introduce themselves and indicate the respective District they represent; six Commissioners (Jim Martzke, Wayne Gregan, Patrick Greene, Gary Brauchla, Liza Weissler, and Tom Borer indicated their presence. Staff members present included; Paul Esparza, Planning Director; Jesse Drake, Planning Manager; Elda Orduno, Deputy County Attorney; Jim Henry, Planner I; Karen Lambertson, Transportation Planner; Janet Williams, Planning & Zoning Technician.

APPROVAL OF THE MINUTES

Motion: December 9, 2015. **Action:** Approve

Moved by: Mr. Brauchla **Seconded by:** Mr. Gregan

Vote: Motion passed (**Summary:** Yes =4, No = 0, Abstain = 2)

Yes: Mr. Martzke, Mr. Gregan, Mr. Greene, and Mr. Brauchla

No: 0

Abstain: Ms. Weissler and Mr. Borer

CALL TO THE PUBLIC:

Mr. Jack Cook of Bisbee spoke on matters of personal concern.

NEW BUSINESS

Item 1 PUBLIC HEARING Docket SU-15-22 (Chaffin)

A request for a Special Use authorization for a small engine repair shop on an RU-4, Rural zoned property located on North No Name Road approximately two miles north of Highway 90, east of Sierra Vista, AZ. The applicant is Stan Chaffin.

Chairman Greene called for the Planning Director's report. Planner I Jim Henry presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. Mr. Henry also explained Staff's analysis of the request. He noted the support and opposition received, and closed by listing factors in favor of and against approval and invited questions from the Commission.

Chairman Greene then opened the Public Hearing. Mr. Stan Chaffin, the Applicant, explained that he has a mobile service and takes his truck to customers in Hereford, Sierra Vista and

Bisbee. Mr. Chaffin noted that he has an agreement to contribute to the Road Improvement District.

Chairman Greene then opened the public hearing.

Mr. George Brown of Sierra Vista spoke in opposition. Mr. Brown stated that the operation would pollute the well, and create fire, noise, and odor impacts on his property. He cited the covenants to oppose the request. Mr. Brown claimed that property values were decreasing because of Mr. Chaffin's building. He closed by stating that his views were compromised.

Mr. Johnny Lawson of Sierra Vista spoke in support. Mr. Lawson stated that Mr. Chaffin had answered all of his concerns regarding spillage and fire to his satisfaction. He also noted that any structure built spoils someone's view. He also noted that the service would be beneficial to the local High Knolls area. Mr. Lawson compared the request to existing business uses in the area.

Ms. Jennifer Warren of Sierra Vista spoke in support. Ms. Warren noted that she lives directly to the south of Mr. Chaffin's property, and stated that she approved of Mr. Chaffin's request, and noted that one of the letters of opposition came from an individual who had not lived on site for eight years. She noted that the shop was not located on top of the well. Ms. Warren also contested Mr. Brown's assertions of dropping values and impassable roads. She noted that there was not an HOA in the area, and that multiple violations of the covenants already existed.

Ms. Lorie Billeci of Sierra Vista spoke in support. Ms. Billeci stated that she had lived in the area for twenty years, and many individuals have had businesses in the area in that time. She connected the property value decreases to the deterioration of the roads.

There being no further speakers, Mr. Greene invited Mr. Chaffin to rebut. Mr. Chaffin stated that the well was away from his property, beyond Mr. Brown's property. He stated that he was taking a more active role in the Road Improvement District to improve the area, and explained his efforts. Mr. Chaffin reiterated that he did not want customers on his property.

Mr. Greene then closed the Public Hearing and invited discussion. Mr. Gregan asked Mr. Chaffin to verify that he had a service to pick up waste oil, which Mr. Chaffin did. Mr. Gregan further asked Mr. Chaffin if the building was constructed via the Opt-Out program. Mr. Chaffin stated that he did under the advice of the individual who sold him the building. Mr. Chaffin explained the work he was doing to prove compliance for permitting. There being no further discussion, Mr. Greene asked for Staff's recommendation. Mr. Henry recommended Conditional Approval with the requested Modifications. Mr. Greene called for a motion. Mr. Martzke made a motion of Conditional Approval, with the Conditions and Modifications recommended by Staff. Ms. Weissler seconded the motion. Mr. Gregan asked Mr. Henry why Staff was recommending a waiver for the road, and if the County could push the Road Improvement District to improve road access for waste oil pickup. Ms. Orduno explained the basis and powers of the Road Improvement District, and how they could ask the County Attorney's Office for assistance. Mr. Borer asked for clarification as to what was being waived. Mr. Henry stated that the waivers would decrease the required driveway size, and to waive the private road maintenance agreement. There being no further discussion, Mr. Greene called for a vote on the motion. The motion passed 5-1, with Mr. Gregan opposed.

Motion: Motioned to Approve the Docket with the Conditions and Modifications recommended by Staff

Moved by: Mr. Martzke **Seconded by:** Mr. Ms. Weissler

Vote: Motion passed (**Summary:** Yes = 5, No =1, Abstain = 0)

Yes: Mr. Martzke, Mr. Greene, Mr. Brauchla, Ms. Weissler, and Mr. Borer

No: Mr. Gregan

Abstain: 0

Item 2 PUBLIC HEARING Docket SU-15-23 (Barney)

A request for a Special Use authorization to approve a large and small engine repair shop on an RU-4, Rural zoned property located near the intersection of N. Pomerene Road and E. Barney Lane near Benson AZ. The applicant is Ryan Barney.

Chairman Greene called for the Planning Director's report. Planner I Jim Henry presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. Mr. Henry also explained Staff's analysis of the request. He noted the support and opposition received, and closed by listing factors in favor of and against approval and invited questions from the Commission.

Chairman Greene then opened the Public Hearing. Mr. Leland Barney the Applicant's representative, asked if there were any questions.

There being no speakers in support or opposition, Mr. Greene closed the Public Hearing and invited discussion. There being no discussion, Mr. Greene asked for Staff's recommendation. Mr. Henry recommended Conditional Approval with the requested Modifications. Mr. Greene called for a motion. Mr. Martzke made a motion of Conditional Approval, with the Conditions and Modifications recommended by Staff. Mr. Gregan seconded the motion. There being no further discussion, Mr. Greene called for a vote on the motion. The motion passed 6-0.

Motion: Motioned to Approve the Docket with the Conditions and Modifications recommended by Staff

Moved by: Mr. Martzke **Seconded by:** Mr. Gregan

Vote: Motion passed (**Summary:** Yes = 6, No =0, Abstain = 0)

Yes: Mr. Martzke, Mr. Gregan, Mr. Greene, Mr. Brauchla, Ms. Weissler, and Mr. Borer

No: 0

Abstain: 0

Item 3 PUBLIC HEARING Docket SU-15-21 (Canna)

A request for a Special Use authorization to approve the cultivation and infusion of medical marijuana on an RU-4, Rural zoned property located at 10049 Katies Lane south of Whitewater School Road, Elfrida AZ. The applicant is Canna Consultants Inc.

Chairman Greene called for the Planning Director's report. Planning Manager Jesse Drake presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. Ms. Drake also explained Staff's analysis of the request. She explained the existing agricultural nature of the area and the road conditions. Ms. Drake noted the support

and opposition received, and closed by listing factors in favor of and against approval and invited questions from the Commission. Mr. Greene asked how far the site was from the Valley Union School. Ms. Drake stated that it was approximately two and a half miles. Mr. Greene asked for verification that this met the separation requirements. Ms. Drake stated that the requirement was 500 feet. Mr. Gregan asked if that was a State regulation. Ms. Drake confirmed that it was.

Mr. Greene then opened the Public Hearing. The Applicant, Mr. Luke Debatty of Canna Consulting, spoke, explaining the background of the request, and their choice of this location. Mr. Debatty explained the qualifications of his firm's staff and management. He explained the security program, emphasizing that the public would not be permitted on site. He also explained the planned organic and renewable strategies. Mr. Debatty noted the existence of a well onsite that would more than meet their needs, and explained the security fencing that would surround the site. He detailed State regulations regarding tracking of all product. He addressed community concerns, stating that they looked to hire local, keep traffic to a minimum, and increase the local tax base.

Mr. Greene noted that he would limit redundancy, and then asked for Speakers.

Mr. Glenn Ozalan of Phoenix spoke, noting that he was with Canna, and reiterated that there would be no distribution of materials on site. He stated that he was Medical Director for several dispensaries, and explained that his job involved training employees. Mr. Ozalan explained several of the conditions that were treated by medical marijuana.

Mr. Scott Wolfe of McNeal spoke, stating that he was against the proposal. He stated that there was a lot of abuse of medical marijuana, and that he felt there was not enough legitimate demand for the proposed supply. Mr. Wolfe expressed concern about young people, marijuana being a gateway drug, and a driving hazard. He stated that he felt that individuals would not wait until they get home to imbibe the product, comparing it to alcohol.

Mr. JK Powell of Elfrida spoke, stating that the medical marijuana movement was actually a backdoor attempt to legalize marijuana for recreational use. He cited a number of areas he felt were inadequately regulated compared to other medicines. Mr. Powell expressed concern for children and public safety. Mr. Greene asked Mr. Powell if he had new information beyond that brought up by Mr. Wolfe. Mr. Powell stated that he could see the site from his home, and stated that he did not want it in his community.

Mr. Terry Maddux of Elfrida spoke, reminding the Commission that the Federal Government did not recognize medical marijuana, nor did the American Cancer Society or the American Medical Association. He stated that most of the recommendations for medical marijuana came from naturopathic doctors and were for chronic pain. Mr. Maddux stated that local County employees were against the proposal, and expressed concern for safety and property values. He reminded the Commission that public opposition was a legitimate reason to deny a request.

Mr. John Hildebrandt of Elfrida spoke, stating the request was an insult to the neighbors, by requesting the neighbors to lower their standards. He asked the applicant to infuse money into the community prior to opening, and then the neighbors would consider the application. Mr.

Hildebrandt expressed skepticism to the applicant's claims that product would be provided for free. He stated that drugs get into prison, and would get out of the applicant's facility.

Mr. Guy Cloutier stated his points had already been made.

Mr. Ray Zuck of McNeal spoke, stating that the Border Patrol stated that all product would be seized at their checkpoints. Mr. Zuck expressed skepticism regarding why applicants choose Cochise County, stating that he felt applicants felt that there would be no opposition in rural areas. He closed by stating that the community was overwhelmingly opposed.

Ms. Cheryl Piotrowski of Elfrida spoke, expressing concern about Bell Road, and the traffic that would be generated by the request. She expressed concern about the wildlife in the area and her view. Ms. Piotrowski expressed concern for odors generated by marijuana ready for harvest.

Mr. William Cattell of Elfrida spoke, stating he could see the site from his front window, and stated this is not why he moved to Elfrida. He stated that the product should be grown in the area where the patients are. Mr. Cattell asked the Commission to side with the community against the applicant.

Mr. David Pratt stated that his concerns had been addressed.

Ms. Theresa Pratt stated that she concurred with prior speakers.

There being no further speakers, Mr. Greene invited the Applicant to rebut. Mr. Debatty stated that they had not yet purchased the property. He explained how the greenhouses would be filtered to prevent odors. He explained their proposed efforts to protect the viewsheds and the money pledged to the County and the School Board. Mr. Debatty closed by reiterating the medical benefits of marijuana and explained their business model.

There being no further speakers, Mr. Greene closed the Public Hearing, and thanked the speakers for their input. Ms. Weissler asked Mr. Debatty to clarify a slide. Mr. Debatty explained how the legalization in Colorado had impacted crime and the economy. Mr. Borer asked about the population density in the area. Ms. Drake stated that she did not have exact numbers, but the immediate area was low density residential and agricultural. Mr. Brauchla noted that the Commission was only approving a land use, without endorsing medical marijuana. Ms. Drake stated this was correct, and that the State had final approval. Mr. Brauchla compared the use to another crop, and that if that was appropriate, then this application should be considered on those merits. Ms. Orduno interjected that the decision should be based on land use issues, and whether the request meets those criteria. She continued that questions of morality and impact on schools should be left to the state. Mr. Gregan noted that one of the land use considerations is the input of the nearby residents. Ms. Orduno answered that it was a factor, but not the only factor. Mr. Greene asked if the County took a position on razor wire. Ms. Drake stated that the materials would be governed by the Building Official. Mr. Greene asked the applicant about the presentation to the Valley Union School Board and if any action was taken. Mr. Debatty stated that there had been communication, but no action from the school board. Mr. Gregan asked about transportation and the Border Patrol. Mr. Debatty stated that they were in discussion with the Border Patrol.

Mr. Greene asked about timeframe for permitting. Mr. Debatty stated that the plan was to be operational six months after permitting. Mr. Greene then asked for Staff's recommendation. Ms. Drake recommended Conditional Approval. Mr. Greene called for a motion. Mr. Gregan made a motion of Conditional Approval, with the Conditions recommended by Staff. Mr. Martzke seconded the motion. There being no further discussion, Mr. Greene called for a vote on the motion. The motion passed 5-1, with Mr. Borer in opposition.

Motion: Motioned to Approve the Docket with the Conditions recommended by Staff

Moved by: Mr. Gregan **Seconded by:** Mr. Martzke

Vote: Motion passed (**Summary:** Yes = 5, No =1, Abstain = 0)

Yes: Mr. Martzke, Mr. Gregan, Mr. Greene, Mr. Brauchla, and Ms. Weissler

No: Mr. Borer

Abstain: 0

Item 4 PUBLIC HEARING Docket SU-15-25 (Lock)

A request for a Special Use authorization to approve the cultivation and infusion of medical marijuana at on an RU-4, Rural zoned property located at 8521 N. Ingram Road, Willcox, AZ. The applicant is Amy Lock.

Chairman Greene called for the Planning Director's report. Planning Manager Jesse Drake presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. Ms. Drake also explained Staff's analysis of the request. She explained the existing agricultural nature of the area and the road conditions. Ms. Drake noted the support and opposition received, and closed by listing factors in favor of and against approval and invited questions from the Commission.

Mr. Greene then opened the Public Hearing. The Applicant's representative, Mr. Brian Underwood of the Planning Center spoke, explaining the nature and background of the request, including potential expansion plans. Mr. Underwood noted that there would be no public access or sales on the site. He further explained security and screening, as well as the filtration and surveillance systems.

Mr. Greene then asked for Speakers

Mr. Joseph Krause of Willcox spoke, identifying himself as the resident directly to the north. Mr. Krause stated that he supported the application, though he had concerns about request regarding the legal issues, property values, and future plans. He stated that he appreciated the applicant's outreach efforts and their efforts to work with the neighbors.

Mr. Vicente Reyna of Safford spoke, explaining that he would be providing staff and expertise to the project. He explained the water conservation that would be addressed.

Dr. Douglas Miller of Willcox spoke, stating he was on the northeast side of the project site. He stated that he was opposed, citing his experience in education and potential substance abuse problems with youth down the road. Dr. Miller concurred with speakers on the previous docket, and cited a study claiming that an overwhelming glut of production existed.

There being no further speakers, Mr. Greene invited the Applicant to rebut. Mr. Underwood thanked Dr. Miller for his comments, and explained that the study he cited was hypothetical, and that actual data showed the opposite. Mr. Underwood concurred that abuse was a concern, and stated that all County and State regulations would be strictly followed to prevent such abuse. He stated that at this point, there was no data available regarding impact on property values.

Mr. Greene closed the Public Hearing and called for discussion. Ms. Weissler asked about water usage, noting that the listed number was higher than previous dockets. Mr. Underwood stated that the listed number was for the current application only, but was a worst-case number, without efficiency measures. Mr. Greene asked about water usage for a golf course. Mr. Brauchla stated that is was over 300,000 gallons per day, which is much greater than the 40,000 gallons per month given by the applicant. Mr. Gregan asked about the contract with the dispensary. Mr. Underwood stated that the contract was completed. Mr. Greene then asked for Staff's recommendation. Ms. Drake recommended Conditional Approval. Mr. Greene called for a motion. Mr. Martzke made a motion of Conditional Approval, with the Conditions recommended by Staff. Mr. Gregan seconded the motion. There being no further discussion, Mr. Greene called for a vote on the motion. The passed unanimously.

Motion: Motioned to Approve the Docket with the Conditions recommended by Staff

Moved by: Mr. Martzke **Seconded by:** Mr. Gregan

Vote: Motion passed (**Summary:** Yes = 6, No =0, Abstain = 0)

Yes: Mr. Martzke, Mr. Gregan, Mr. Greene, Mr. Brauchla, Ms. Weissler, and Mr. Borer

No: 0

Abstain: 0

PLANNING DIRECTOR'S REPORT:

Recent Board of Supervisors:

January 5, 2016

- a. SU-15-18 (Sonoran Care) Appeal near Elfrida

Next P&Z Commission meeting

February 10, 2016

- a. Richardson professional services office near Sierra Vista
- b. Z-15-08 (Newell) GB expansion near Willcox

Upcoming:

- a. Verizon stealth cell tower in St. David
- b. Kramme tire aggregate recycling near Willcox

CALL TO COMMISSIONERS ON RECENT MATTERS:

Mr. Greene asked about elections, as it was not on the agenda. Ms. Orduno stated that the item must be on the agenda.

Mr. Gregan asked about the difference in scrutiny and requirements that have occurred on various dockets. The Commission discussed their individual views on their discretion and the regulations.

ADJOURNMENT – Mr. Gregan moved to adjourn, Ms. Weissler seconded, and the meeting was adjourned at 7:34 pm.