

**COCHISE COUNTY PLANNING & ZONING COMMISSION  
FINAL MINUTES  
April 8, 2015  
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 Vice-chairman Martzke at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors' Hearing Room. Vice-Chair, Mr. Martzke, 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 were three Special Use Dockets and one Rezoning Docket on the agenda. Mr. Martzke explained the consequences of a potential tie vote and the process for approval and appeal.

**ROLL CALL**

Mr. Martzke noted the presence of a quorum and called the roll, asking the Commissioners to introduce themselves and indicate the respective District they represent; seven Commissioners (Jim Martzke, Carmen Miller, Gary Brauchla, Tim Cervantes, Wayne Gregan, Nathan Watkins and Pat Edie) indicated their presence. Staff members present included; Beverly Wilson, Planning Director; Peter Gardner, Planner I; Jesse Drake, Planner II; Janet Smith, Secretary II; and Britt Hanson, Chief Civil Deputy County Attorney.

**APPROVAL OF THE MINUTES**

**Motion:** Approve the minutes of the March 11, 2015 meeting. **Action:** Approve

**Moved by:** Mr. Gregan **Seconded by:** Ms. Miller

**Vote:** Motion passed (**Summary:** Yes = 5, No = 0, Abstain = 2)

**Yes:** Mr. Martzke, Ms. Miller, Mr. Brauchla, Mr. Cervantes, and Mr. Gregan

**No:** 0

**Abstain:** Mr. Watkins and Ms. Edie

**CALL TO THE PUBLIC:**

Mr. Jack Cook of Bisbee spoke of various matters.

**NEW BUSINESS**

**Item 1 PUBLIC HEARING Docket SU-15-04 (Sequoia Wireless).** The Applicant is requesting a Special Use authorization to approve a 180-foot tall Wireless Communications facility on an RU-4, Rural zoned property currently in agricultural use. The subject parcel is located at 5288 E. Shelton Road in Willcox, AZ. The Applicant is Canyon State Wireless.

Vice Chair Martzke called for the Planning Director's report. Planner II 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 closed by listing factors in favor for and against approval and invited questions from the Commission.

Mr. Martzke then opened the Public Hearing. The Applicant, Mr. Ted Kulkens of Willcox, spoke as a representative of Sequoia Farms, explaining the background and rationale behind the request including communications with the Sheriff's Department, and offered to take questions.

Ms. Miller asked if the tower would be unlit. Mr. Kulkens noted that they had chosen to light the tower for safety purposes, despite no FAA requirement to do so.

There being no speakers in support or opposition, Mr. Martzke closed the Public Hearing and invited discussion. There being no further discussion, Mr. Martzke asked for Staff's recommendation. Ms. Drake recommended Conditional Approval with the Modifications requested by the Applicant. Mr. Martzke called for a motion. Mr. Watkins made a motion of Conditional Approval, with the Conditions and Modifications recommended by Staff. Ms. Edie seconded the motion and Mr. Martzke, called for a vote. The motion passed 7-0.

**Motion:** Motioned to Approve the Docket with Conditions and Modifications recommended by Staff. **Action:** Conditional Approval with Modifications.

**Moved by:** Mr. Watkins **Seconded by:** Ms. Edie

**Vote:** Motion passed (**Summary:** Yes = 7, No =0, Abstain = 0)

**Yes:** Mr. Martzke, Ms. Miller, Mr. Brauchla, Mr. Gregan, Mr. Cervantes, Mr. Watkins, and Ms. Edie

**No:** 0

**Abstain:** 0

### Item 2

**PUBLIC HEARING Docket SU-15-05 (Iroquois Wireless):** The Applicant, Iroquois LLC, is requesting a Special Use authorization to approve a 100-foot tall Wireless Communications Tower on an RU-4, Rural zoned property located at 3507 E. Border Road, Douglas AZ. The proposed use is considered a Special Use in RU-4 Rural Zoning Districts under Section 607.40 of the Zoning Regulations.

Vice Chair Martzke called for the Planning Director's report. Planner II 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 closed by listing factors in favor of and against approval and invited questions from the Commission.

Mr. Martzke then opened the Public Hearing. The Applicant, Mr. Doug Oller of Douglas, as a representative of Iroquois LLC, offered to take questions. There being no speakers in support or opposition, Mr. Martzke closed the Public Hearing and invited discussion. There being no further discussion, Mr. Martzke asked for Staff's recommendation. Ms. Drake recommended Conditional Approval with the Modifications requested by the Applicant. Mr. Martzke called for a motion. Ms. Edie made a motion of Conditional Approval, with the Conditions and Modifications recommended by Staff. Mr. Watkins seconded the motion. Mr. Watkins noted that the County requires co-location of equipment on towers, but the Border Patrol refused to permit the Applicant to locate their equipment on a nearby Border Patrol tower. There being no further discussion, Mr. Martzke called for a vote. The motion passed 7-0.

**Motion:** Motioned to Approve the Docket with Conditions and Modifications recommended by Staff. **Action:** Conditional Approval with Modifications.

**Moved by:** Ms. Edie **Seconded by:** Mr. Watkins

**Vote:** Motion passed (**Summary:** Yes = 7, No =0, Abstain = 0)

**Yes:** Mr. Martzke, Ms. Miller, Mr. Brauchla, Mr. Gregan, Mr. Cervantes, Mr. Watkins, and Ms. Edie

**No:** 0

**Abstain:** 0

**Item 3 PUBLIC HEARING Docket SU-15-06) (Crisantes Ranches/Mormon Road Medical Marijuana):**

The Applicant is requesting a Special Use authorization to approve a facility for the cultivation and dispensing of medical marijuana at on an RU-4, Rural zoned property located at 10990 Mormon Road in Elfrida, AZ. The proposed use is considered a Special Use in RU-4 Rural Zoning Districts under Section 607.55 of the Zoning Regulations. The Applicant is Crisantes Ranches, LLC.

Vice Chair Martzke called for the Planning Director's report. Planner II 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 closed by listing factors in favor of and against approval and invited questions from the Commission.

Mr. Martzke then opened the Public Hearing. The Applicant, Mr. Miguel Crisantes of Nogales, spoke, explaining the background and rationale behind the request, his family's background, and asked his son, Mr. Hector Crisantes to take the podium to take questions. Mr. Hector Crisantes, of Nogales, stood to take questions. Ms. Miller asked if the intention was only cultivate or if a dispensary was planned. Mr. Crisantes explained that they intended to do both. Based on the size of the community, Mr. Crisantes did not anticipate a large retail operation, but rather limited retail hours and a delivery service. He also explained the family history organic farming expertise and future plans. Mr. Gregan asked for clarification of what existing greenhouses would be used. Mr. Crisantes noted that they could eventually use all of the greenhouses for marijuana, but did not intend to do so in the short term. Mr. Watkins asked about security concerns. Mr. Crisantes explained that they would comply with all state security requirements. Ms. Edie asked if they failed to receive the dispensary license from the state, would they still cultivate. Mr. Crisantes stated that they would not do so. Ms. Miller noted that the concerns were not with the agriculture, but security concerns regarding the product. Mr. Crisantes noted the concerns, and explained the high level of state regulations and the evidence that there have not been problems with similar operations.

Mr. Martzke opened the Public Hearing and asked for speakers.

Mr. Paul White of Elfrida spoke in opposition. He stated it was not safe and would not be a community asset. He expressed concern about crime going up and banking concerns which could create large amounts of cash on site. Mr. White also expressed concern about the road and impaired drivers.

Mr. Dan Zamora of Elfrida spoke, noting that he is currently the Elfrida Fire Chief and a retired Prison Officer. He spoke about the small community and noted that he felt the proposal was not in the community's interests. He stated that after 2 a.m. there were no Sheriff's deputies in the area. Mr. Zamora also expressed concern about increasing drug use.

Mr. Chris Parent of McNeal spoke, stating he was pro marijuana, and noted that his proposal had been approved. He criticized the Applicant, claiming that they had no idea of what the requirements were. He stated that a previous owner of the building was killed in the building, "gangland style". Mr. Parent continued, stating that "I can say whatever I want, whether it's true or not, so I'm just going to talk. You have already all made up your minds." He criticized the location of the proposed dispensary. Mr. Gregan pointed out that each of Mr. Parent's points could be equally applied to his own proposal, but that the current application had better access to water than Mr. Parent's.

Mr. Robert Duquette of Elfrida spoke, noting his recent purchase of property abutting the proposed site. He also expressed concern about security. He also expressed concern about attracting a criminal element. Mr. Duquette also expressed worry about impaired drivers.

There being no further speakers in support or opposition, Mr. Martzke asked the Applicant to rebut. Mr. Hector Crisantes returned to the podium and noted that the application was regarding medical use, and recreational use was not legal nor a topic of discussion. He invited neighbors to visit the property and get to know the family to improve understanding of the project. Mr. Crisantes noted that impaired driving was already illegal, and noted that using the product on site was prohibited. Mr. Cervantes asked about hours of operation. Mr. Crisantes noted the hours would be appropriate for the community, with a limited retail capability, and delivery service.

Mr. Martzke closed the Public Hearing and invited discussion. There being no further discussion, Mr. Martzke asked for Staff's recommendation. Ms. Drake recommended Conditional Approval with the Modifications requested by the Applicant. Mr. Martzke called for a motion. Mr. Gregan made a motion of Conditional Approval, with the Conditions and Modifications recommended by Staff. Ms. Miller seconded the motion and Mr. Martzke, called for a vote. The motion Passed 5-2 with Mr. Watkins and Ms. Edie opposed.

**Motion:** Motioned to Approve the Docket with Conditions and Modifications recommended by Staff. **Action:** Conditional Approval with Modifications.

**Moved by:** Mr. Gregan **Seconded by:** Ms. Miller

**Vote:** Motion passed (**Summary:** Yes = 5, No =2, Abstain = 0)

**Yes:** Mr. Martzke, Ms. Miller, Mr. Brauchla, Mr. Gregan, and Mr. Cervantes

**No:** Mr. Watkins and Ms. Edie

**Abstain:** 0

***Item 4 PUBLIC HEARING Docket Z-15-03 (Griffith).*** The Applicant has requested a rezoning from SR-43 (Single-Household Residential, one dwelling per 43,560-square feet) to SR-174 (Single-Household Residential, one dwelling per 4-acres). The subject parcel is approximately 5.60-acres in size, and located on S. Cochise Stronghold Road in Pearce, AZ. The Applicant is Michelle Griffith.

Vice-Chair Martzke called for the Planning Director's report. Planner I Peter Gardner presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. Mr. Gardner also explained Staff's analysis of the request. He closed by listing factors in favor of and against approval and invited questions from the Commission.

Mr. Martzke then opened the Public Hearing. The Applicant's representative, Mr. Steven Shields of Pearce, spoke, explaining the background and rationale behind the request, and offered to take questions.

There being no speakers in support or opposition, Mr. Martzke closed the Public Hearing and invited discussion. There being no further discussion, Mr. Martzke asked for Staff's recommendation. Mr. Gardner recommended Conditional Approval with the Modifications requested by the Applicant. Mr. Martzke called for a motion. Mr. Watkins made a motion to forward the docket to the Board of Supervisors with a recommendation Conditional Approval, with the Conditions recommended by Staff. Mr. Cervantes seconded the motion and Mr. Martzke, called for a vote. The motion passed 7-0.

**Motion:** Motioned to Forward the Docket with a recommendation of Approval with Conditions recommended by Staff. **Action:** Forward with recommendation of Conditional Approval.

**Moved by:** Mr. Watkins **Seconded by:** Mr. Cervantes

**Vote:** Motion passed (**Summary:** Yes = 7, No =0, Abstain = 0)

**Yes:** Mr. Martzke, Ms. Miller, Mr. Brauchla, Mr. Gregan, Mr. Cervantes, Mr. Watkins, and Ms. Edie

**No:** 0

**Abstain:** 0

**PLANNING DIRECTOR'S REPORT:**

1. The Board of Supervisors Readopted the Cochise County Comprehensive Plan on March 10th, with minor word edits for you to review and make comments on May 13th.
2. May's dockets include A Special Use Modification request for a sign replacement and wireless communications tower as well as the review of the Comprehensive Plan.
3. The Board of Supervisor's will be hearing the rezoning requests from the March Commission meeting on April 14th.
4. The April 28th tentatively scheduled meeting between the Board and the Commission has been postponed to a date uncertain. This is to allow the Commission an opportunity to meet the future County Administrator.

**CALL TO COMMISSIONERS ON RECENT MATTERS:** There was no discussion.

**ADJOURNMENT** – Ms. Edie moved to adjourn, Mr. Watkins seconded, and the meeting was adjourned at 5:17 pm.