

**COCHISE COUNTY PLANNING & ZONING COMMISSION  
FINAL MINUTES  
December 9, 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 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; seven Commissioners (Jim Martzke, Carmen Miller, Wayne Gregan, Liza Weissler, Pat Edie, and Nathan Watkins indicated their presence. Staff members present included; Paul Esparza, Planning Director; Jesse Drake, Planning Manager; Peter Gardner, Planner I; Jim Henry, Planner I; Karen Lamberton, Transportation Planner.

**APPROVAL OF THE MINUTES**

**Motion:** Approve the minutes of the November 18, 2015. **Action:** Approve

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

**Vote:** Motion passed (**Summary:** Yes =4, No = 0, Abstain = 3)

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

**No:** 0

**Abstain:** Mr. Greene, Ms. Weissler, and Mr. Watkins

**CALL TO THE PUBLIC:**

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

**NEW BUSINESS**

**Item 1 PUBLIC HEARING Docket SU-15-20 (Pinnacle Tower Naco)**

A request for a Special Use authorization for an 80-foot communications tower in a General Business (GB) zoning district located at 3864 S. Towner Ave, Naco, AZ. The applicant is Sun State Towers.

Chairman Greene then opened the Public Hearing. Mr. Garrett Jonilonis, the Applicant's representative, explained the request as part of Verizon's push into Southern Arizona and increased data capacity. He cited the improved 911 service, the existing industrial nature of the site, and invited questions. Mr. Gregan asked for verification that there were no other suitable towers were available. Mr. Jonilonis confirmed that there were indeed no alternatives.

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. Gardner 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 motion passed 7-0.

**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 = 7, No =0, Abstain = 0)

**Yes:** Mr. Martzke, Ms. Miller, Mr. Gregan, Mr. Greene, Ms. Weissler, Ms. Edie, and Mr. Watkins

**No:** 0

**Abstain:** 0

**Item 2 PUBLIC HEARING Docket SU-15-19 (Crisantes)**

A request for a Special Use authorization to approve the cultivation of medical marijuana at on an RU-4, Rural zoned property located at 3402 N Mesquite Rd, Cochise, AZ. The applicant is Crisantes California Investments LLC.

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. Adam Trank introduced himself as the Applicant's attorney, and his client, Mr. Hector Crisantes. Mr. Trank explained the background of the legal issues on Medical Marijuana. He explained the medical conditions that permitted its use under state law. Mr. Trank explained that the proposal was for cultivation only, with no dispensary aspect. Mr. Crisantes spoke explaining his family's organic farming background, and his intention to live on the site. He showed an example of his family's farming operations in Yuma.

Mr. Greene then asked for Speakers in favor.

Ms. Olga Cutting of Cochise spoke, noting that she was a neighbor to the site, and had a pistachio grove on her property. She stated that she was encouraging other growers to the area, and was impressed with the applicant and their proposal. Ms. Cutting closed by stating that her mother lived nearby as well, and supported the project.

Ms. Sharon Thomas of Saint David spoke, both as a resident and as the chair of the Cochise County Democratic Committee. She supported the project as economic development that would also preserve the agricultural nature of the County. Ms. Thomas emphasized the low water usage and organic farming techniques as positives.

Ms. Rebecca Chadburn of Cochise spoke, supporting the use of medical cannabis, explaining how oils are extracted from the plants. She also spoke about road improvements and charitable donations.

Mr. Kurt Minick of Bisbee spoke, as an organic farmer, in support of the request.

Mr. Greene then asked for speakers in opposition.

Ms. Dorothy Pickett of Cochise spoke, with concerns about the proximity to Cathy's Compassion Center and a school bus pickup and drop off area. She also expressed concern about what she felt were errors in the staff report, and about the road maintenance agreement. Ms. Pickett asked how the road maintenance agreement would create a financial burden on other property owners in the area, especially given that she paid to maintain a different access for herself.

Ms. Patricia Borders of Cochise spoke, raising concerns regarding the private maintenance agreement, and asked how it impact other property owners.

Mr. Edward Picket of Cochise spoke, emphasizing the poor condition of Mesquite Road. He presented digital photos of the road to support his opposition. He noted the large cost of repairing the road. Mr. Pickett stated that very few of the property owners could afford to pay to maintain the road.

Mr. Terry Maddux of Elfrida spoke, expressing opposition to medical marijuana based on his personal experience with marijuana users. He spoke about the federal classification of marijuana.

There being no further speakers, Mr. Greene invited the Applicant to rebut. Mr. Trank noted that the proposal met all criteria for approval, and that if approved, Mr. Crisantes would be living on the site and growing other crops in addition to marijuana. He noted that the Crisantes family was prepared to improve the road and work together with neighbors on maintenance with the applicant paying a proportionate amount. Mr. Trank also compared the use to other agricultural uses that would be permitted by right with no restrictions. He also pointed out that the presence of other facilities was not an approval criterion and further noted that the free market economy would dictate the business.

Mr. Gregan asked Mr. Crisantes why Cochise County. Mr. Crisantes explained that the weather was more appropriate in Cochise County than in Yuma, as cold weather was a great help in pest control. Mr. Gregan asked Ms. Drake about the feasibility of the road maintenance agreement in light of previous failures in the neighborhood. Ms. Drake deferred to Ms. Karen Lamberton, the County Transportation Planner. While Ms. Lamberton was preparing, Ms. Weissler asked for clarification that if any crop other than cannabis was being grown on this site, than no Special Use Authorization would be required. Ms. Drake stated that this was correct, and Mr. Gardner added that additionally, any other crop would lead to the use being exempt from all zoning regulations and building codes. Ms. Lamberton then addressed Mr. Gregan's question, explaining how Planning Staff analyzes traffic impacts. She noted that the proposed use would generate approximately half the trips than would be generated if the site were developed at the existing permitted residential density. Ms. Lamberton explained that the connection to Dagoon Road was the primary concern for Staff, and that the maintenance agreement was a partnership between the Applicant and existing property owners. She stated that the conditions on Mesquite Road were common on existing county dirt roads, and that the proposed project would not unduly harm the existing conditions.

Mr. Greene closed the Public Hearing and asked for Staff's recommendation. Ms. Drake recommended Conditional Approval. Mr. Greene called for discussion. Mr. Greene then called for a motion. Mr. Martzke made a motion of Conditional Approval, with the Conditions recommended by Staff. Ms. Edie seconded the motion. Ms. Weissler asked why the private

road maintenance agreement was a condition if it would not be required for any other crop. Ms. Lamberton noted that the Commission could waive the requirement, but that the regulations require that any commercial use take access from a state or county maintained road, or sign a private maintenance agreement for the access. Ms. Weissler asked if the purpose of this agreement was to ensure that the Applicant was aware that all weather access may not occur, and was not intended to provide a means for neighbors to stop the project by refusing to sign an agreement. Ms. Lamberton stated that this was correct. Mr. Watkins commented that if the Applicant improved the road, it would benefit the neighbors at no cost to them. Ms. Drake explained that Mr. Crisantes had offered to pay for the improvements to the road, but was not required to do so now or in the future. Mr. Crisantes stated that he wanted all the neighbors to also have good, safe access to their properties. 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:** Ms. Edie

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

**Yes:** Mr. Martzke, Ms. Miller, Mr. Gregan, Mr. Greene, Ms. Weissler, Ms. Edie, and Mr. Watkins

**No:** 0

**Abstain:** 0

#### **PLANNING DIRECTOR'S REPORT:**

**Board of Supervisors: no items**

**Next P&Z Commission meeting  
January 13, 2016**

- a. SU-15-21 (Canna) Medical Marijuana cultivation
- b. SU-15-22 (Chaffin) Large Engine Repair
- c. SU-15-23 (Barney) Large Engine Repair
- d. SU-15-25 (Lock) Medical Marijuana cultivation and infusion kitchen

#### **Upcoming:**

- a. Richardson professional services office
- b. Verizon St. David stealth cell tower
- c. Arabian north of Ramsey fire station cell tower

#### **CALL TO COMMISSIONERS ON RECENT MATTERS:**

Mr. Martzke wished everyone a Merry Christmas and a Happy New Year. Ms. Weissler asked if a new Chair and Vice-Chair would be elected in January. Staff stated that this was correct.

**ADJOURNMENT** – Mr. Gregan moved to adjourn, Ms. Weissler seconded, and the meeting was adjourned at 5:31 pm.