

COCHISE COUNTY  
SEP 26 2013  
PLANNING

September 25, 2013

Ms Beverly Wilson  
Director  
Planning Division  
Cochise County  
1415 Melody Lane  
Building E  
Bisbee, Arizona 85603

Dear Ms Wilson;

Enclosed please find an Appeal to the Cochise County Community Development Docket  
Appeal: SU-13-14 West Edge.

Included are:

My check in the amount of \$300.00;  
The Special Use Application For Appeal;  
A three page Attachment which addresses Items 1,2 & 3 from the Application; and,  
Five Exhibits.

The above have been sent by Federal Express to your attention, and for which I am  
respectfully requesting your review.

Having been a County Employee in the past, I have never lodged an Appeal and am doing  
so only after serious reflection.

Please contact me with any questions you may have either  
by phone, e-mail or snail mail.

Thank you in advance for your review and consideration of this Appeal.

Sincerely,



John W. Curran, Jr.  
20690 N. Licorice Lane  
Maricopa, AZ 85138

Phone: 612-991-0507  
E-mail: jwc121212gmail.com

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# COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

## SPECIAL USE APPLICATION FOR APPEAL

NAME OF APPELLANT: John W. Curran, Jr.  
 ADDRESS: 20690 N. Licorice Lane, Maricopa AZ 85138  
 PHONE NUMBER: 612-991-0507  
 EMAIL ADDRESS: jwc121212@gmail.com  
 NUMBER OF DOCKET APPEALED: SU-13-14. West Edge  
 DATE OF COMMISSION DECISION: September 11, 2013  
 DATE OF APPEAL SUBMITTAL: 9-25-13 FEE PAID: \$ 300.00

In addition to the \$300 fee, the following information shall be provided before an appeal can be accepted. If more room is needed please attach additional pages.

1. Description of the decision being appealed. An appellant can appeal the Commission's decision for approval or disapproval or any conditions stipulated as part of docket approval.

Please see Attached Answer - Item I

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**Special Use Appeal Application**  
Page Two

2. A complete statement of all reasons why the appellant believes that the decision, or any part of the decision was erroneous, arbitrary, capricious, or any abuse of discretion.

Please See Attached Answer - Item 2  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Written presentation of additional testimony & evidence. A full explanation of the additional testimony & evidence that will be submitted with explanation of why this was not presented to the Planning Commission.

*NR*  
Please see Attached Answer - Item 3  
Please see Exhibits:  
Exhibit "A" Delaware Corporate Status  
Exhibit "B" Arizona Laws Title 10 Chap 15  
Exhibit "C" West Edge True Identity  
Exhibit "D" Arizona Statutes 36-2'804  
Exhibit "E" Greenhouse w/ Lighting Plan

SIGNATURE

*John Curly* 9-25-2013

## **APPEAL FOR RECONSIDERATION AND REJECTION OF DOCKET SU -13-14 (West Edge)**

Attached are answers for questions 1, 2, and 3 of Special Use Application for Appeal.

**Item 1)** Description of Decision being Appealed:

**PUBLIC HEARING -- Docket SU-13-14 (West Edge):** The Applicants intend to operate a state-licensed Medical Marijuana Cultivation and Infusion Facility in the existing 187,944 sq.-ft. Willcox Greenhouse for the purposes of Medical Marijuana Cultivation and Infusion for distribution of Medical Marijuana products to licensed dispensaries statewide. The subject parcel is located at 5900 W. Greenhouse Road in Willcox. The Applicant is Withey Morris PC, Mr. Adam Baugh Esq. for West Edge, LLC.

The Appellant hereby requests the Planning and Zoning Boards vote on September 11, 2013 be overturned for the following reasons and the special use permit to grow marijuana at 5900 W Greenhouse Road, Willcox, Arizona be denied.

**Item 2)** The approval should be overturned because the decision was based on erroneous information. The review of the planning and zoning board was capricious in its oversight as it failed to investigate the facts associated with the application or act in a responsible manner.

- A) The applicant West Edge, Inc. misleads the County as to its true identity.
- B) The applicant misrepresented the facts on their application
- C) The applicant has no authority to cultivate marijuana from the State of Arizona.
- D) The applicant has no authority to infuse marijuana into food products in the State of Arizona.
- E) The applicant has no Dispensary License in its name.
- F) The applicant as Foreign Corporation violates Arizona Law 29-394.
- G) The applicant fails to prove a need for such a large quantity of the controlled substance.
- H) The applicant fails to provide a valid Security plan.
- I) The applicant fails to disclose their true ownership.
- J) The applicant is not eligible for a Marijuana License and violates Arizona Statute 36-2804.
- K) The applicant misrepresented the excessive amounts of urine odors created.
- L) The applicant fails to provide a complete list of actual chemicals and nutrients used at the facility.
- M) The applicant misrepresented the night sky light pollution to nearby neighbors caused by the required all night security system. "There is an existing light on the building".

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**Item 3)** The applicant West Edge, Inc. does not exist in the State of Arizona. West Edge, Inc. is a Delaware for Profit Corporation, and has failed to properly disclose their identity as a Foreign Corporation and that it was not authorized to conduct business in the State of Arizona. Becoming authorized to do business in Arizona is required by Arizona Statutes 10-1501 Authority to transact business required: ***“Before conducting business in this state, a foreign corporation shall register with the Secretary of State.”***

The application filed by Adam Baugh on behalf of West Edge, was actually filed on behalf of West Edge Inc., ( a Delaware for Profit Corporation). The application was false as it did not list the actual name of the true applicant, but the name of another non related Arizona party. ***The applicant concealed the true identity of West Edge Inc. of Delaware thus misleading the County.*** The application which was filed consistently refers to the applicant as West Edge.

An existing Arizona Corporation who is not the applicant is named Westedge LLC. They are located in Mesa, Arizona and have no relationship to the applicant, nor any knowledge of the proceedings. Please see the attached documentation from Arizona Corporate Commission. Yet the applicant represents consistently throughout the application that they are that entity. The actual applicant West Edge, Inc of Delaware has violated Arizona statutes 10-1501 by failing to become a legal entity in Arizona. It is required by statute 10-1501, “Authority to transact business required” to do so. Please see the attached statute for review. The statute specifically requires entities to become registered in Arizona so that they may conduct business here.

The true applicant is actually West Edge Inc. of Delaware, an entity that assumed another corporations identity in Arizona, intentionally concealing their own identity, shareholders, and ownership. During the entire process they have misled Cochise County staff and Arizona citizens as to its true identity of the applicant. No approval could have been obtained, nor can be granted since the applicant has no status or authority to make the application or conduct business in Arizona. West Edge Inc. of Delaware through its agent repeatedly misrepresented its identity on the Special Use application submitted on July 22, 2013 and breached its certification in Section E by providing incomplete and inaccurate information.

#### Part Two- Questionnaire

##### Sect A 4.

The applicant West Edge Inc. of Delaware states that “The cultivation and infusion facility will produce medical cannabis in order to provide medication to an offsite dispensary. No products will be sold at this location and the medication will be transported off-site to its associated dispensary.”

Repeatedly during the course of the Planning a Zoning hearing the applicant was asked to identify the name and location of its associated dispensary and the number of patients it serves. At no time was an answer given, In fact they avoided the question by stating he will sell marijuana to dispensaries all over the state. The truth is the applicant has no legal license or certificate issued in its name by the Arizona

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Department of Health Services to cultivate marijuana in the state of Arizona, nor can it produce a certificate in its name. Nor has the applicant legal standing in the State of Arizona.

All certifications for legal marijuana dispensaries are issued by the Arizona Department of Health Services to Arizona Non Profit entities. See Arizona Statutes 36-2804. (Exhibit D) In fact the applicant is not qualified to hold a license to cultivate Marijuana in Arizona and is simply trying to wrangle a position to do the same by wrongfully seeking a Special Use Permit from the county. During this process it has come to our attention that absolutely no information is known as to the shareholders, individuals, character, background, and criminal history of the owners of West Edge, Inc of Delaware. Yet, they are seeking approval for a special use permit for Marijuana cultivation and infusion that ***will produce over 20 tons of marijuana per year and is arguably the largest Marijuana cultivation site in the United States.*** At no point has the applicant demonstrated the need for such massive quantities of marijuana by its "affiliated" dispensary, nor its patients. Given the controversial nature of the products being produced there, the potential for criminal enterprise, the endangerment to our community, as well as the detrimental impact of our youth. A clear demonstration of need should be presented by any qualified applicant who requests to produce an amount as large as 40,000 lbs of "marijuana medicine".

It is hardly an onerous requirement to ask the applicant to provide a copy of the Arizona Department of Health State issued Certificates for Marijuana Dispensary issued in the applicant's name. Nor is it burdensome for the dispensary to illustrate the need represented by the actual patients in that CHAA area, before the County authorizes such a facility of this size. The illustration of need should surely be required of any party before such broad and unchecked permission to grow marijuana and process its byproducts be granted by Cochise County.

B 5. Will odors be created? Yes, the massive cultivation of marijuana in the 328,000 square foot greenhouse will create a noxious urine smell that will carry for miles to neighbors in all directions. Today's ignorance generates tomorrow's complaints.

B 7. Will outdoor lighting be used? If so show location on the site plan. Applicants answer "There is an existing light on the building"

The applicant fails to show the proper lighting required by Arizona Department of Health Services to properly secure the facility, thus concealing the massive security lighting required to protect the marijuana from criminal mischief. The entire exterior of the structures must be lit up all night to insure security and deter robbery. The most common complaint at the Dragoon Dispensary in Cochise County is the security lights are obtrusive and disturb the peace and beauty of the night sky. No actual Security Plan was submitted by the applicant illustrating the night lighting requirements or it affect on the neighbors. This facility can produce over \$100,000,000.00 of Marijuana per year and yet no provision for security plan was offered by the applicant to prevent conversion to the black market or interstate trafficking.

EXHIBIT "A" DELAWARE CORPORATE STATUS,

Delaware Entity Details

**THIS IS NOT A STATEMENT OF GOOD STANDING**

<u>File Number:</u>	5355184	<u>Incorporation Date/Formation Date:</u>	06/20/2013 (mm/dd/yyyy)
<u>Entity Name:</u>	WEST EDGE INC.		
<u>Entity Kind:</u>	CORPORATION	<u>Entity Type:</u>	GENERAL
<u>Residency:</u>	DOMESTIC	State:	DE

REGISTERED AGENT INFORMATION

<u>Name:</u>	RL&F SERVICE CORP.		
<u>Address:</u>	920 N KING ST FL 2		
<u>City:</u>	WILMINGTON	<u>County:</u>	NEW CASTLE
<u>State:</u>	DE	<u>Postal Code:</u>	19801
<u>Phone:</u>	(302)651-7700		

Additional Information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of \$20.00. To contact a Delaware Online Agent [click here](#).

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**Exhibit B**

**Arizona Laws > Title 10 > Chapter 15 > Article 1 > § 10-1501 -  
Authority to transact business required**

*Current as of: 2009*

*Check for updates*

**Authority to transact business required**

A. A foreign corporation shall not transact business in this state until it is granted authority to transact business in this state as provided in this chapter from the commission

# EXHIBIT C Westedge of Arizona "True Identity"

## Corporate Inquiry

File Number: L-1445737-6

Check Corporate Status

### Domestic Address

Corp. Name: WESTEDGE, LLC  
3849 E GARNET AVE  
MESA, AZ 85206

### Statutory Agent Information

Agent Name: THERESA GOLDENSTEIN

### Agent Mailing/Physical Address:

3849 E GARNET AVE  
MESA, AZ 85206

Agent Status: APPOINTED 06/27/2013

Agent Last Updated: 07/12/2013

### Additional Corporate Information

Corporation Type: DOMESTIC L.L.C.

Business Type:

Incorporation Date: 04/24/2008

Corporate Life Period: PERPETUAL

Domicile: ARIZONA

County: MARICOPA

Approval Date: 04/28/2008

Original Publish Date: 05/19/2008

### Manager/Member Information

GOLDENSTEIN FAMILY REVOC TRUST  
MEMBER

STEVE GOLDENSTEIN TRUSTEE  
3849 E GARNET AVE  
MESA, AZ 85206

Date of Taking Office: 04/24/2008

Last Updated: 04/28/2008

GOLDENSTEIN FAMILY REVOC TRUST  
MEMBER

THERESA GOLDENSTEIN TRUSTEE  
3849 E GARNET AVE  
MESA, AZ 85206

Date of Taking Office: 04/24/2008

Last Updated: 04/28/2008

# Exhibit D Arizona Statutes 36-2804

Arizona State Legislature

Bill Number Search:  

Fifty-first Legislature - First Regular Session

[change session](#) | [printer friendly version](#)
[Email a Member](#) | [Email Webmaster](#)
[Senate](#)   [House](#)   [Legislative Council](#)   [JLBC](#)   [More Agencies](#)   [Bills](#)   [Committees](#)   [Calendars/News](#)
[ARS TITLE PAGE](#)   [NEXT DOCUMENT](#)   [PREVIOUS DOCUMENT](#)

## 36-2804. Registration and certification of nonprofit medical marijuana dispensaries

(Caution: 1998 Prop. 105 applies)

- A. Nonprofit medical marijuana dispensaries shall register with the department.
- B. Not later than ninety days after receiving an application for a nonprofit medical marijuana dispensary, the department shall register the nonprofit medical marijuana dispensary and issue a registration certificate and a random 20-digit alphanumeric identification number if:
1. The prospective nonprofit medical marijuana dispensary has submitted the following:
    - (a) The application fee.
    - (b) An application, including:
      - (i) The legal name of the nonprofit medical marijuana dispensary.
      - (ii) The physical address of the nonprofit medical marijuana dispensary and the physical address of one additional location, if any, where marijuana will be cultivated, neither of which may be within five hundred feet of a public or private school existing before the date of the nonprofit medical marijuana dispensary application.
      - (iii) The name, address and date of birth of each principal officer and board member of the nonprofit medical marijuana dispensary.
      - (iv) The name, address and date of birth of each nonprofit medical marijuana dispensary agent.
    - (c) Operating procedures consistent with department rules for oversight of the nonprofit medical marijuana dispensary, including procedures to ensure accurate record-keeping and adequate security measures.
    - (d) If the city, town or county in which the nonprofit medical marijuana dispensary would be located has enacted zoning restrictions, a sworn statement certifying that the registered nonprofit medical marijuana dispensary is in compliance with the restrictions.
  2. None of the principal officers or board members has been convicted of an excluded felony offense.
  3. None of the principal officers or board members has served as a principal officer or board member for a registered nonprofit medical marijuana dispensary that has had its registration certificate revoked.
  4. None of the principal officers or board members is under twenty-one years of age.
- C. The department may not issue more than one nonprofit medical marijuana dispensary registration certificate for every ten pharmacies that have registered under section 32-1929, have obtained a pharmacy permit from the Arizona board of pharmacy and operate within the state except that the department may issue nonprofit medical marijuana dispensary registration certificates in excess of this limit if necessary to ensure that the department issues at least one nonprofit medical marijuana dispensary registration certificate in each county in which an application has been approved.
- D. The department may conduct a criminal records check in order to carry out this section.

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Exhibit E Greenhouse w/o lighting Plan

W Greenhouse Rd, Willcox, AZ 85643 on Yahoo! Maps, Driving Directions, and Traffic - Windows Internet Explorer

http://maps.yahoo.com/place/?lat=32.382262944189476&lon=-109.92064565420151&eq=greenhouse%20road%2C%20willcox%20az&sr=5&bb=32.36323512452849%2C-109.922415911215133%2C32.381320563880465%2C-109.918875946251588&addr=W%20Greenhouse%20Rd%2C%20Willcox%20AZ%2C%20USA

W Greenhouse Rd, Willcox, AZ 85643

Home Mail News Sports Finance Weather Games Groups Answers Flickr More

Search

Search Maps Search Web

Get Directions

Bill Mail



**W Greenhouse Rd, Willcox, AZ 85643**

Willcox AZ  
Willcox TripAdvisor.com  
Research Willcox Hotels, Willcox Deals, and Willcox Attractions!

Try New Maps Terms of Use Privacy Feedback ©2013 Yahoo!

12:14 PM 9/19/2013

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**COCHISE COUNTY  
COMMUNITY DEVELOPMENT**

*"Public Programs...Personal Service"*

**COCHISE COUNTY PLANNING DEPARTMENT  
COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE  
(TO BE PRINTED IN INK OR TYPED)**

TAX PARCEL NUMBER 201-20-001B

APPLICANT Withey Morris PLC on behalf of West Edge

ADDRESS 2525 E. Arizona Biltmore, Cr. A-212, Phoenix AZ 85016

CONTACT TELEPHONE NUMBER 602 230 0600

EMAIL ADDRESS: adam@witheymorris.com

PROPERTY OWNER (IF OTHER THAN APPLICANT) Willcox Greenhouse, LLC

ADDRESS 5960 W. Greenhouse Rd

Willcox, AZ 85643

DATE SUBMITTED 7/26/13

Special Use Permit Public Hearing Fee (if applicable)	\$ <u>300</u>
Building/Use Permit Fee	\$ <u>/</u>
<b>Total paid</b>	<b>\$ <u>300</u></b>

**PART ONE - REQUIRED SUBMITTALS**

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (6) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. **(Please note that nine (9) copies will be required for projects occurring inside the Uniform Building Code enforcement area. In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.)**
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.
5. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)

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## Part Two – Questionnaire

### Section A – General Description

1. What is the existing use of the Property?

The Property is currently used as greenhouse for growing agricultural crops.

2. What is the proposed use or improvement?

The applicant proposes to operate a medical marijuana cultivation and infusion facility inside the greenhouse consistent with the zoning regulations in Section 1825 of the Cochise County Zoning Regulations.

3. Describe the activities that will occur?

The cultivation and infusion facility is governed by State and County laws that mandate strict compliance with operation and security regulations including video surveillance and monitoring, and mandatory spacing requirements from residential areas and schools. Moreover, there can be no sale or exchange of medication at this location. The facility will only be used for cultivation and manufacturing, and is not open to the public. All cultivation and infusion activities will occur indoors and there will be no impact on the neighboring properties.

4. Describe all immediate and final products that will be produced?

The cultivation and infusion facility will produce medical cannabis in order to provide medication to an off-site dispensary. No products will be sold at this location and the medication will be transported off-site to its associated dispensary.

5. What materials will be used to construct the building?

The greenhouse is an existing structure that requires no site improvements. The greenhouse is built with steel and glass.

6. Will the project be constructed within one year?

Not applicable.

7. Provide the following information:

- a. Days/Hours of operation: 6 am to 6 pm
- b. Number of employees: 15-20 total employees although the number of employees on-site at any given time may be different.
- c. Total average daily traffic to be generated:
  - i. # of vehicles: approximately 15 estimated cars

- ii. Total trucks (by type, number of wheels, or weight): 1-2, 18-wheel trucks already serve the site for the purpose of agricultural crops distribution. It is expected that the existing volume of trucks has capacity to also serve the new medical marijuana cultivation use. If necessary, a smaller transportation van may also be used to transport the medical cannabis.
- iii. Estimate which direction and on which roads they will travel from the site?: The trucks currently serving the site travel on Fort Grant Rd in the direction to/from I-10.
- iv. If more than one direction, estimate % of travel in each direction.: N/A
- v. At what time of day, day of week and season is traffic the heaviest? Traffic patterns are generally low considering the agricultural nature of the site and the fact that the facility is not open to the public. Normal business hours are observed by employees and the traffic pattern is consistently low, year-round.
- d. Private or public water system? Private well
- e. Estimated gallons per day? Per year? The existing well currently provides 50,000-100,000 gallons in the summer, and 30,000 to 50,000 gallons in the winter.
- f. Septic? If yes, is it an existing tank? There is an existing septic tank as shown on the site plan.
- g. Permanent legal access? Yes
- h. Any deed restrictions? No.

8. Public Utilities

Service	Utility Company	Provisions to be made, if any?
Water	Private well	n/a
Sewer/Septic	septic	n/a
Electricity	SSVEC SULFER SPRING VALLEY COOP	n/a
Gas	SOUTWEST GAS	n/a
Telephone	QWEST	n/a
Fire Service	RURAL FIRE DEPARTMENT	n/a

**Section B – Outdoor Activities**

1. Describe any activities that will occur outdoors?  
None.
2. Will outdoor storage of equipment, materials, products be needed?  
No outdoor storage is anticipated.
3. Will noise be produced that can be heard on neighboring properties?

No. All activities will occur indoor. Furthermore, the nature of the gardening component makes the operation run without any noticeable audio. More important, the property is a large piece of property that essentially insulates the use from other adjacent properties.

4. Will there be any vibrations produced that can be felt on neighboring properties?

None.

5. Will odors be created?

All odors will be contained indoors and the applicant will install an air filtration system.

6. Will any activities attract pests?

None.

7. Will outdoor lighting be used? If so, show location on site plan.

There is an existing light on the building.

8. Do signs presently exist on the property? If so, show location on site plan.

There is an existing directory sign at the road for delivery trucks.

9. Will any new signs be erected?

No new signage is proposed for the cultivation facility.

10. Show on-site drainage flow on the site plan. Will drainage patterns change?

Not applicable. This is an existing facility and no new exterior site improvements are planned.

11. What type of surface will be used for driveways, parking, and loading areas?

The existing vehicle surface areas are partly asphalt and gravel; no new changes are proposed.

12. Show dimensions of parking and loading areas, width of driveway on site plan.

See site plan

13. Any off-site construction?

None

### **Section C – Water Conservation and Land Clearing**

1. The property includes an existing greenhouse facility that will house the cultivation operations. No new site improvements are proposed which trigger any water conservation regulations.
2. No new acreage will be cleared.

### **Section D – Hazardous or Polluting Materials**

The site has always been used for agricultural purposes. The nature of the operations requires pesticides, herbicides, and fertilizers on occasion. Attached is a list of items used on the site today.

Willcox Greenhouse

Materials List

Fertilizer:

Calcium nitrate

Potassium

Epsom salt

Iron

Phosphate

Copper

Zinc

Borax

Chemicals:

Roundup

Entrust

Evergreen

Venom

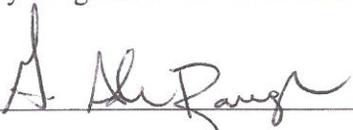
Biobit

If you answer NO to this question but in the County's experience, the type of business proposed typically uses such materials, you will be asked to complete the *Hazardous or Polluting Materials Questionnaire* prior to processing this Commercial Use/ Building/ Special Use Permit.

**Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research. The Arizona Department of Environmental Quality Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333).**

**SECTION E - Applicant's Statement**

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit.

Applicant's Signature 

Print Applicant's Name ADAM BAUGH on behalf of West Edge

Date signed 7/25/13

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Docket SU-13-14  
(West Edge)  
Location Map

This map is a product of the  
Cochise County GIS



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# WILCOX GREENHOUSE

FT GRANT ROAD, WILCOX, ARIZONA

8-24-84

SHS

A-1

WILLIAMS ROAD

NORTH HALF SECTION 20

SITE PLAN  
1" = 100'

NORTHWEST CORNER, SECTION 20, TOWNSHIP 12 SOUTH, RANGE 24 EAST OF THE GILA AND SALT RIVER BASIN AND MOUNTAIN COCHISE COUNTY, ARIZONA

4250.75

326'-0" Verify

13' 0" 315' 7"

1765' 0" Verify

Verify

PHONE PLANT UNDER SEPARATE CONTRACT  
PHONE PLANT UNDER SEPARATE CONTRACT

EXISTING GREENHOUSE

517' 0"

Parking

X - Existing Directional Sign

4244.0

PROPERTY LINE, E.P.

4240.0



NOTE: DIMENSIONS OF THIS DRAWING ARE ESTIMATED. VERIFY PRIOR TO CONSTRUCTION.





# COCHISE COUNTY COMMUNITY DEVELOPMENT

*"Public Programs...Personal Service"*

## MEMORANDUM

**Date:** August 22, 2013  
**To:** Keith Dennis, Planner II  
**From:** Karen L. Lamberton, AICP, County Transportation Planner  
**Subject:** West Edge Medical Marijuana Greenhouse: SU 13-14/Parcel #201-20-001B

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The applicant has proposed a Medical Marijuana Dispensary Cultivation facility in an existing greenhouse facility in the northeast part of the County. Access is from Fort Grant Rd., a county-maintained rural minor collector roadway with a 28 foot cross-section and an asphalt surface. Adequate Right-of-Way dedication is in place adjacent to the subject property. A chip-sealed access driveway is in place; however, it is deteriorating and will soon need to be resurfaced and/or reconstructed.

This type of use is a hybrid between an agricultural use and a pharmaceutical, light manufacturing use and average trip generation rates have not been developed on either a national or state-level at this time. Although research on the topic finds numerous references to traffic congestion impacts these observations have been in the context of moratoriums on this type of use and not on vetted traffic engineering studies. For the initial operation 15-20 employees are anticipated with various shifts occurring throughout daytime hours. Some truck traffic is anticipated; existing uses of the greenhouse and agricultural activities currently include trucks, including semi-trucks from time to time.

### **Recommendation**

This requested use will not change the type of use that historically has been on this site nor the type and volume of traffic associated with a growing operation. The traffic pattern is unlikely to change and is unlikely to adversely impact Ft. Grant Rd. No off-site improvements would be required of the applicant.

The applicant will be requested to obtain an ROW/Encroachment Permit at the time of Commercial Permitting to repair the access driveway to the site. Given that a hard-surfaced access driveway does exist the applicant may complete this maintenance work within one year of obtaining the required ROW/Encroachment Permit. The specific design details and requirements for access will be worked out with the applicant at the commercial permitting stage consistent with any modification that the applicant might obtain during the Special Use process.

The applicant is advised that greater detail will be needed at the Commercial Permitting stage for the driveway and internal driveways, including sight triangles at the intersection with Fort Grant Rd. in order to assure adequate clear zones (Roadway Design Standards D-300 & Zoning Regulation 1807.06)

D



Access Driveway facing Ft. Grant Rd. August 2013

D

**Citizen Participation  
Report**

**5400 Greenhouse Rd.  
Willcox, AZ**

**SUP for a Medical Marijuana Cultivation and  
Infusion Facility**

Prepared by:

Withey Morris, PLC  
2525 East Arizona Biltmore Circle  
Suite A-212  
Phoenix, Arizona 85016

Submitted to:

Cochise County Community Development  
1415 Melody Lane, Building E  
Bisbee, Arizona 85603

July 26, 2013

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## 1. Project Description

West Edge is seeking a special use permit for a medical marijuana cultivation and infusion facility located at 5900 Greenhouse Rd, in Willcox, Arizona. The property is zoned RU-4 and the site is improved with a large greenhouse building. Per the Cochise County Code, a medical marijuana cultivation and infusion facility is permitted in the RU-4 zoning district, subject to obtaining a Special Use Permit. The applicant, West Edge, proposes to operate a medical marijuana cultivation and infusion facility at this location.

The site fully conforms to all the required State and County spacing requirements from schools, libraries, residential uses, and other medical marijuana facilities. The cultivation and infusion facility is governed by State and County laws that mandate strict compliance with operation and security regulations including video surveillance and monitoring, and mandatory spacing requirements from residential areas and schools. Moreover, there can be no sale or exchange of medication at this location. The facility will only be used for cultivation and manufacturing, and is not open to the public. To be clear, a medical marijuana dispensary is not proposed and there will be no product for sale at this location.

## 2. Citizen Participation Plan Overview

Pursuant to Cochise County notification requirements, a notice letter was sent to all property owners within 1,000 feet per the mailing list provided by the county planner. A copy of the mailing list is attached at **Tab 1**. The letter provided notice to the recipient of a recent pre-application meeting regarding this request. The letter also provided a description of the site and proposed medical marijuana cultivation and infusion use. Finally, the letter provided the contact information of the applicant and staff planner in case there were any questions regarding this request. A copy of the letter is attached for your review at **Tab 2**.

It's also worth noting that owner of the greenhouse personally reached out to the parties on the mailing list and was able to speak with about half of the notified property owners and nobody indicated any opposition to the request.

## 3. No Public Response

The applicant worked with Keith Dennis, the county planner assigned to this project, to keep staff apprised on the status of our Citizen Participation efforts. The applicant did not receive any phone calls or inquiries about the project. The staff Planner also confirmed he did not receive any calls or inquiries after our notice letter was mailed.

## 4. Summary

It is not surprising that there was no response from the public about our application. The existing greenhouse use has operated for nearly 20 years and the request merely permits an additional plant type crop inside the facility. The facility is located on several hundred acres and is virtually isolated from other nearby uses. Based on the lack of response to the notification letters, it is apparent the surrounding agricultural and property owners are not concerned by this application. In fact, we believe the proposal is viewed as a simple request for those nearby. As a result, we do not believe anybody will be impacted by this request due to the fact that it basically maintains the existing status quo.



July 11, 2013

**Re: 5900 Greenhouse Rd / Pre-App 12-24**

Dear Neighbor or Interested Party:

The purpose of this letter is to inform you that we recently had a pre-application meeting with the Cochise County Community Development Department regarding the greenhouse facility located at 5900 Greenhouse Rd, in Willcox, Arizona. The property is zoned RU-4 and the site is improved with a large greenhouse building. Per the Cochise County Code, a medical marijuana cultivation and infusion facility is permitted in the RU-4 zoning district, subject to obtaining a Special Use Permit. The applicant, West Edge, proposes to operate a medical marijuana cultivation and infusion facility at this location. The purpose of this letter is to introduce ourselves and let you know our plans for the property.

As you know, Arizona voters voted to approve the use of medical marijuana as an alternative pain treatment for a limited number of debilitating medical conditions such as cancer, glaucoma, and Alzheimer's disease among others. Subsequently, Cochise County adopted appropriate zoning regulations to permit and regulate these types of uses. Per state law, a state-approved cultivation facility is required to provide medication to a state-licensed dispensary.

The proposed use is appropriately located in a rural area specifically identified by the County as an ideal location for a cultivation facility. The site fully conforms to all the required State and County spacing requirements from schools, libraries, residential uses, and other medical marijuana facilities. The cultivation and infusion facility is governed by State and County laws that mandate strict compliance with operation and security regulations including video surveillance and monitoring, and mandatory spacing requirements from residential areas and schools. Moreover, there can be no sale or exchange of medication at this location. The facility will only be used for cultivation and manufacturing, and is not open to the public. To be clear, a medical marijuana dispensary is not proposed and there will be no product for sale at this location.

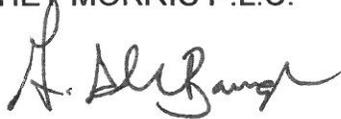
A Special Use Permit application is being prepared for submittal to the County. Please be advised that hearings before the Planning and Zoning Commission will be planned to review this case. Specific meeting and hearing dates have not yet been set. You should receive a second mailing in the near future identifying the date and location of the hearings.

In the meantime, I would be happy to answer any questions or hear any concerns that you may have regarding this proposal. You may reach me by phone at (602) 230-0600, by fax at (602) 212-1787, or by e-mail at adam@withey Morris.com. You may also contact Keith

Dennis at the Cochise County Community Development Department directly at 520-432-9240 if you have any questions.

Very truly yours,

WITHEY MORRIS P.L.C.

By   
G. Adam Baugh

*E*

# Special Use Appeal: Docket SUA-13-14 (West Edge Appeal)

YES, I SUPPORT THIS REQUEST:

Please state your reasons:

- The crop is legal, controlled + certified
- It will be used for medical purposes
- The establishment will be monitored + secured

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

COCHISE COUNTY

OCT 16 2013

PLANNING

(Attach additional sheets, if necessary)

PRINT NAME(S):

LEE + MARTHA JERNIGAN

SIGNATURE(S):

*Lee Jernigan*  
*Martha Jernigan*

YOUR TAX PARCEL NUMBER:

201-19-005 9

(the eight-digit identification number found on the tax statement

from the Assessor's Office)

Your comments will be made available to the Board of Supervisors. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Friday, October 18, 2013 if you wish the Board of Supervisors to consider them before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Board to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Keith Dennis, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

E

September 9, 2013

Cochise County  
Planning Commission  
1415 W. Melody Lane, Building G  
Bisbee, AZ 85603

Re: Willcox Greenhouse

To Whom It May Concern:

I own property near the Willcox Greenhouse and was recently informed about a pending application to permit a medical marijuana cultivation facility. After reviewing the application with the property owner, I am not opposed to the request. The building is an existing greenhouse that grows agricultural crops. The addition of medical cannabis is compatible with the existing use and surrounding agricultural properties. I understand the applicant is required to comply with very strict security, maintenance, and monitoring requirements imposed by the Arizona Department of Health Services prior to beginning the new use. Given its rural location, and absence of any surrounding uses, I don't see any issue with the use and I support the project.

Sincerely,

*Martha E Jernegan*

*E*

September 9, 2013

Cochise County  
Planning Commission  
1415 W. Melody Lane, Building G  
Bisbee, AZ 85603

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Sincerely,

A handwritten signature in blue ink that reads "Lee Jernigan". The signature is written in a cursive style with a long horizontal stroke at the end.A small, handwritten mark or signature in the bottom right corner of the page, consisting of a few horizontal and vertical strokes.

September 9, 2013

Cochise County  
Planning Commission  
1415 W. Melody Lane, Building G  
Bisbee, AZ 85603

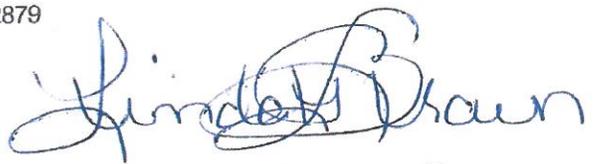
Re: Willcox Greenhouse

To Whom It May Concern:

I am writing this letter in support of the Special Use application with Cochise County to permit a medical marijuana cultivation facility inside the existing Willcox Greenhouse. I am a nearby property owner and I recently had the chance to visit with the applicant and understand the proposed operations. The existing greenhouse is ideally situated for this use since all the infrastructure is already in place and the facility will still be operating in an agricultural-type function. The site is well isolated from any neighboring use and there are no nearby residential uses, schools, churches, etc. This is a compatible use for the area and I am not opposed to the application.

Sincerely,

COUNTRY GENERAL CORP.  
6533 N. FT. GRANT RD.  
WILLCOX, AZ 85643  
520-384-2879


E

September 9, 2013

Cochise County  
Planning Commission  
1415 W. Melody Lane, Building G  
Bisbee, AZ 85603

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Sincerely,

A handwritten signature in cursive script, appearing to read "James Auer".

17

September 9, 2013

Cochise County  
Planning Commission  
1415 W. Melody Lane, Building G  
Bisbee, AZ 85603

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Sincerely,

A handwritten signature in blue ink that reads "Steve Bennett". The signature is written in a cursive style with a long horizontal stroke extending to the right.A small, stylized handwritten mark or signature located in the bottom right corner of the page.

September 9, 2013

Cochise County  
Planning Commission  
1415 W. Melody Lane, Building G  
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F

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Sincerely,

A handwritten signature in black ink that reads "Jim Bennett". The signature is written in a cursive style with a long horizontal stroke extending to the right.

201-17-0023

E

September 9, 2013

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Planning Commission  
1415 W. Melody Lane, Building G  
Bisbee, AZ 85603

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Sincerely,

A handwritten signature in cursive script, appearing to read "James Owen".A small, stylized handwritten mark or signature located in the bottom right corner of the page.

September 9, 2013

Cochise County  
Planning Commission  
1415 W. Melody Lane, Building G  
Bisbee, AZ 85603

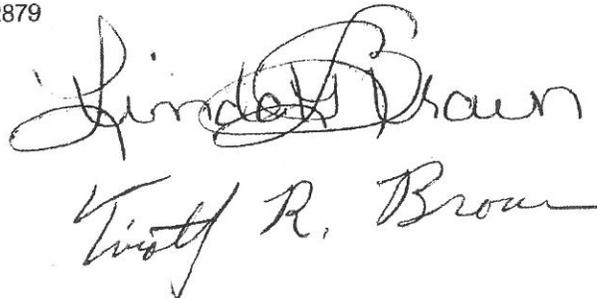
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Sincerely,

COUNTRY GENERAL CORP.  
6533 N. FT. GRANT RD.  
WILLCOX, AZ 85643  
520-384-2879

  
Timothy R. Brown

E

September 9, 2013

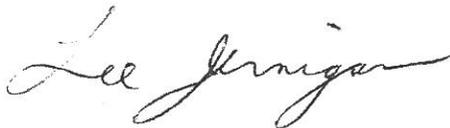
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Sincerely,

A handwritten signature in cursive script that reads "Lee Jernigan". The signature is written in dark ink and is positioned below the word "Sincerely,".A small, handwritten mark or signature located in the bottom right corner of the page.

## LEGAL NOTICE NOTICE OF PUBLIC HEARING

The Cochise County Board of Supervisors hereby gives notice a public hearing will be held at or after 10:00 a.m., on Tuesday, November 5, 2013, at the Cochise County Board of Supervisors Hearing Room, at 1415 Melody Lane, Building G, in Bisbee, Arizona, to consider the following:

**Docket SUA-13-14 (West Edge Appeal):** Appellant John Curran, Jr. has filed an appeal against a decision made by the Cochise County Planning and Zoning Commission on Wednesday, September 11, 2013. On a 5 – 3 vote, the Commission approved a request by Applicant West Edge, LLC for Special Use authorization to establish a Medical Marijuana Cultivation and Infusion operation in unincorporated Willcox, AZ. Section 1716.04 of the Zoning Regulations provides that appeals of Special Use decisions shall be heard by the Board of Supervisors at a duly noticed public hearing.

The Parcel subject to the appeal (201-20-001B) is located at 5900 W. Greenhouse Road in Willcox, AZ. It is further described as being situated in Section 20 of Township 12, Range 24 East of the G&SRB&M, in Cochise County, Arizona.

Details of the above docket are on file in the Cochise County Planning Department and may be examined during office hours. Inquiries may be directed to Planner Keith Dennis by calling 520-432-9240, or by email to [kdennis@cochise.az.gov](mailto:kdennis@cochise.az.gov). All persons interested in said matter may appear at the public hearing.

Dated October 9, 2013

Publish: *Bisbee Observer*  
No later than October 17, 2013

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