

**COCHISE COUNTY PLANNING & ZONING COMMISSION
FINAL MINUTES
November 18, 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. 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 was one Special Use Authorization 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; five Commissioners (Jim Martzke, Carmen Miller, Gary Brauchla, Wayne Gregan, and Pat Edie 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 October 14, 2015. **Action:** Approve

Moved by: Ms. Edie **Seconded by:** Ms. Miller

Vote: Motion passed (**Summary:** Yes =3, No = 0, Abstain = 2)

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

No: 0

Abstain: Mr. Brauchla and Mr. Gregan

CALL TO THE PUBLIC: None

NEW BUSINESS

Item 1 PUBLIC HEARING Docket ALQ-15-09

A request for an authorization to approve an Accessory Living Quarter for a 704 sq. ft. one-bedroom manufactured home as an accessory structure to the existing 1,435 sq. ft. two bedroom site-built home on an RU-4 Rural property located at 4872 S. Ranch Road, in Sierra Vista, AZ. The Applicant is Martha Stoner. Vice-Chairman 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.

Vice-Chairman Martzke then opened the Public Hearing. Ms. Marti Stoner and her son, Mr. Kyle O'Brien, the Applicant, explained the request and invited questions. They stated that by

living on the site, they could help secure the property and speed up the improvements. They then invited questions.

There being no speakers in support or opposition, Mr. Martzke closed the Public Hearing and invited discussion. There being no discussion, Mr. Martzke asked for Staff's recommendation. Mr. Gardner recommended Conditional Approval. Mr. Martzke called for a motion. Mr. Gregan made a motion of Conditional Approval, with the Conditions recommended by Staff. Ms. Edie seconded the motion. There being no further discussion, Mr. Martzke called for a vote on the motion. The motion passed 5-0.

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

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

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

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

No: 0

Abstain: 0

Item 2 PUBLIC HEARING Docket SU-15-18 (Sonoran Care)

A request for a Special Use authorization to approve a facility for personal services and the cultivation and dispensing of medical marijuana on an RU-4 (Rural) zoning district located approximately 2.8 miles north of Davis Road on Central Highway south of Elfrida, AZ. The applicant is Sonoran Care LLC.

Vice-Chairman Martzke 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 closed by listing factors in favor of and against approval and invited questions from the Commission.

Mr. Martzke then opened the Public Hearing. Ms. Becki Shumaker and David Blake, the Applicants, explained the request. The Applicants explained their backgrounds in the health care and medical marijuana fields. They explained the uses of medical marijuana, and addressed concerns about their company, crime, and water usage. Mr. Gregan asked for the size of the cultivation area. Mr. Blake stated that it would be two acres maximum, but they expected 30,000 square-feet.

Mr. Ray Zuck of Elfrida spoke in opposition. Mr. Zuck noted that he farmed near the proposed site, and explained water rights, stating that he did not believe that water rights were available for the subject parcel. He also stated that he felt there was no need for that much medical marijuana in Cochise County. He closed by asking about pesticide use and its impact on his crops.

Ms. Laura Randolph of Elfrida spoke in opposition. She stated that she lived less than two miles from the site, and that Staff's photos were deceptive. She stated that as a teacher, she was opposed, and that marijuana should be dispensed in a medical facility. She closed by imploring the applicant to "keep it in Tucson".

Mr. Richard Anderson of McNeal spoke in opposition. He stated that the land that Staff referred to as vacant was actually occupied. Mr. Anderson stated that he had voted in favor of medical

marijuana, but was concerned about the Applicants' history. He stated that he had communicated directly with the Applicants, but felt that the answers he received were incomplete or evasive. He noted that marijuana uses cause controversy, and expressed alarm at his perceived lack of transparency from the Applicants.

Ms. Linda Bohling of McNeal spoke in opposition. She stated that she was involved in a number of children's programs in Elfrida, and that she was on the Foster Care Review Board. She stated that marijuana destroys families, with all of the parents of the foster children were using drugs, and that this dispensary would exacerbate the problem by making marijuana readily accessible. Ms. Bohling stated that people had to drive to Bisbee or Sierra Vista for other medication and it seemed right for them to do so for medical marijuana as well.

Ms. Brenda Anderson of McNeal spoke in opposition. She stated that she lived in the area since 1966, and could see the site from her home. She expressed concerns about the water, noting that she had lost her water rights for not farming constantly. Ms. Anderson also expressed concern about the number of schools within several miles of the site.

Mr. Eric Cartier of Sunizona spoke in opposition. He stated that he would like to see rural Arizona stay as it is. He stated that he felt the existing dispensary in Dragoon was sufficient for the County. Mr. Cartier expressed concern about substance abuse in the County, and that he felt the high school students would find the marijuana readily accessible. He claimed that in Europe, it is common for addicts to raid opium fields during harvest.

The Applicants rebutted, with Mr. Blake stating that water would be hauled in and rainwater collected, but there would be no well drilled. He explained how stringent the state regulations are, and how difficult it would be for students to acquire marijuana from the dispensary compared to buying on the black market. He noted that there is no evidence that dispensaries attract crime or increase drug use. Mr. Blake closed by addressing Mr. Anderson's concerns, and noting that no pesticides would be used.

There being no further speakers in support or opposition, Mr. Martzke closed the Public Hearing and asked for Staff's recommendation. Ms. Drake recommended Conditional Approval. Mr. Martzke called for discussion. Ms. Edie commented that she had concerns about the speeds that vehicles travel at on Central Highway, and that she was worried about traffic safety at that location. Mr. Gregan stated that everyone should understand what the Commission's purview was, staying under the strict limits of their powers. He stated that the water and security issues were regulated by the State, and that the Commission could not consider those factors. Ms. Miller stated that Cochise County is an agricultural area and that she wanted it to stay that way. She stated that marijuana was a cash crop in her mind, but felt that the water issue needed to be addressed, along with the community's' concerns. She expressed the tough nature of the decision based on the jockeying of various individuals' private property rights. Mr. Martzke stated again that the water rights were not an issue for the Commission. He also stated that the Commission was only approving the land use, not the actual operation. Mr. Martzke then called for a motion. Mr. Gregan made a motion of Conditional Approval, with the Conditions recommended by Staff. Ms. Miller seconded the motion. There being no further discussion, Mr. Martzke called for a vote on the motion. The motion failed 2-3, with Ms. Miller, Mr. Brauchla, and Ms. Edie in opposition.

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

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

Vote: Motion failed (**Summary:** Yes = 2, No =3, Abstain = 0)

Yes: Mr. Martzke, and Mr. Gregan

No: Ms. Miller, Mr. Brauchla, and Ms. Edie

Abstain: 0

Item 3 PUBLIC HEARING Docket SU-11-06B (Mead)

A request for a modification to an existing Special Use to approve two items: additional cultivation areas for an approved medical marijuana dispensary and cultivation facility; and a wellness center for public use, in an RU-4 (Rural) zoning district located near the intersection of W. Dagoon Rd. and N. Old Coyote Rd. in Cochise, AZ. The applicant is Catherine Mead.

Vice-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 closed by listing factors in favor of and against approval and invited questions from the Commission.

Mr. Martzke then opened the Public Hearing. Ms. Catherine Mead and Tom Maglione, the Applicants, explained the request. She detailed how the project has grown since the initial approval four years ago, detailing the demand, and explaining the types of patients they work with. She stated that there have not been any criminal incidents at their facility in the four years. Ms. Mead noted that there was a great deal of community support in the area. She explained that the operation was a non-profit, as required by law, and that they were planning to invest in youth services in the area as part of the non-profit mission. Ms. Mead continued by detailing the proposed wellness center for natural and holistic health services. She closed by inviting questions. Ms. Edie asked about the greenhouses in comparison to the existing grow area. Ms. Mead stated that this was a best case, phased plan, with expectations to construct only one. Ms. Edie asked about the phasing plan. Ms. Mead stated that it was based on demand, but expected a two to three year period. Mr. Gregan then asked about the other capacity and if the product was for onsite or offsite dispensaries. Ms. Mead stated that it was both, but offsite was delivered, and clarified that the additional wholesaling would still be done in one truck. Mr. Gregan asked if there had been any break ins or product stolen. Mr. Mead stated that there had been no such occurrences, and detailed her security measures, noting that they exceeded state requirements. Mr. Gregan asked about traffic concerns associated with the wellness center. Ms. Mead stated it was hypothetical at this point, and compared it to traffic from the Amerind Foundation, and stated that she hoped much of the clientele would be local. She then stated that if she outgrew the site she would happily move.

Mrs. Dorothy Pickett of Cochise spoke in opposition. Mrs. Pickett stated that she lived near the property, abutting corner to corner with the Applicant's property. She stated that there were many homes in the area. She expressed concern about water rights, water usage, chemical usage, safety, and drug use.

Mr. Edward Pickett of Cochise spoke in opposition. Mr. Pickett expressed concern about nearby school districts and the presence of children. He stated that while there have not been any break ins yet, but that he felt it would happen soon.