



**Cochise County**  
**Community Development**  
 Planning, Zoning and Building Safety Division

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**MEMORANDUM**

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Peter Gardner, Planner II  
**FOR:** Daniel Coxworth, AICP, Development Services Director  
**SUBJECT:** Docket SU-13-14A (11P AZ1 LLC Outdoor Expansion)  
**DATE:** July 1, 2019 for the July 10, 2019 Meeting

**APPLICATION FOR A SPECIAL USE AUTHORIZATION**

The Applicant is requesting a Modification of an existing Special Use Authorization to cultivate Medical Marijuana. The request would add exterior grow to existing interior grow. The 66.87 acre site, 201-20-001G, is located on the at 5900 W. Greenhouse Road in Willcox and is zoned RU-4. In a rural zoning district, Medical Marijuana uses require Special Use Authorization. The Applicant is Raymond Klumb on behalf of 11P AZ1 LLC.

**I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES**

Parcel Size: 66.87 acres  
 Zoning: RU-4 (Rural; one dwelling 4 acres)  
 Growth Area: Category D  
 Comprehensive Plan Designation: Rural  
 Area Plan: None  
 Existing Uses: Indoor Medical Marijuana Cultivation and Infusion  
 Proposed Uses: Previously approved: Indoor Medical marijuana cultivation and infusion, in an existing 7.75 acre greenhouse facility.

**Zoning/Use of Surrounding Properties**

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Agricultural land
South	RU-4	Agricultural land
East	RU-4	Agricultural land
West	County Maintained Road/RU-4	N. Fort Grant Road/Agricultural land

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The proposed project satisfies the criteria for Comprehensive Plan D-Rural areas since the proposal is in an outlying rural area between unincorporated communities that have a low growth rate and is in a very low-density area is surrounded by agricultural and vacant lands.

The proposal also supports the following Comprehensive Plan Elements:

The Agriculture and Ranching Element goal that seeks to "Protect and promote the agricultural economy of Cochise County, its agricultural and ranching lands, and related land uses."; and the policy to "Continue encouraging development of agricultural processing, both on-site and at industrial scale, to support production of value-added agriculture products in Cochise County.



The Economic Development Element that states that "Supporting small businesses will not only spur diversified income opportunities and ensure economic competitiveness, but will also foster resilience in the face of economic challenges such as natural disasters" and the policy to Continue to communicate with the business community, and be responsive to the changing needs of established and new businesses.'

The Rural Character Element that states "The *Envisioning 2020* process consistently revealed that rural character is an important community asset worthy of protection. Participants in Envisioning 2020 mentioned farming and ranching economies, scenic vistas, ecotourism activities, dark night skies, unimproved roads, and large lots as measures of rural character. One goal of the Rural Character Element is to "Provide for a continuation of traditional rural ways of life, such as farming, ranching, and other agricultural-related activities, and provide for diverse and viable economic and development opportunities that are consistent with the character of Cochise County's rural areas."

The project site is not within the boundaries of any area plan.

**B. Compliance with the Zoning District Purpose Statement: Complies**

By continuing the character of low density housing and agricultural uses, the application complies with two purpose statements in Article 6 by preserving the "Rural" character of the area; and by providing a non-residential service that is compatible with rural living.



**C. Development along Major Streets: Complies**

Fort Grant Rd. is county-maintained and classified as a Rural Collector roadway, with a Chip Seal surface at the vicinity of this property. No new access is proposed.

**D. Traffic Circulation Factors: Complies**

This type of use is similar to small-scaled agricultural use: average trip generation rates specifically for this type of growing operation have not been developed on either a national or state-level at this time. The applicant is proposing a staged outdoor grow development with up to eight phases. No new employees will be added with the labor coming from existing staff. After completion of construction negligible traffic increases are expected.

**E. Adequate Services and Infrastructure: Complies**

All services are existing and adequate.

**F. Significant Site Development Standards: Complies**

The applicant has not requested any waivers from site development standards. All site development standards must be met to obtain a non-residential use permit, should this request be approved. The property has adequate area for parking. All of the existing structures on the site meet all of the zoning regulations as they pertain to set-backs, off-site parking, and loading areas, land clearing, water conservation, and Section 1825 of the Zoning Regulations pertaining to medical marijuana. Any future construction will be required to meet all site development standards and building permit regulations.

In addition to County regulations, the applicant will be required to meet all regulations and requirements established by the State of Arizona for these types of facilities including security cameras, perimeter fencing and secured access to the cultivation greenhouses.

**G. Public Input: Complies**

The Applicant mailed letters to property owners within 1 mile of the property prior to application submittal. The Planning Department mailed letters to the same property owners within 1 mile of the subject property, published a legal ad in the *San Pedro Valley News-Sun* and posted legal notices on the property. To date, staff has received four letters, three in support and one in opposition. The opposition letter cited concerns about odors and chemical drift onto other farmland.

**H. Hazardous Materials: Not applicable**

The applicant has stated that no hazardous materials will be used at this facility.

**I. Off-Site Impacts: Does not Comply**

Most of the anticipated offsite impacts can be



mitigated except for Odor. When the project was approved to be grown in greenhouses only, commercial filters were proposed to help mitigate any potential odors. Now that outdoor grow is proposed Staff has not been able find a way to mitigate the smell. The Applicant states that the plants only smell when they bloom (approximately eight (8) weeks of the year). There are several residences within one mile of the proposed outdoor grow, none of whom have protested. The solid wall may also help to contain the odor. Despite this Staff believes that the project does not comply with this criteria.

Other than the odor, the proposed facility is not anticipated to produce off-site impacts. The State of Arizona has lighting and screening requirements for medical marijuana facilities. The applicant will be required to install lighting which will be in conformance with the lighting requirements in the County Zoning Ordinance. The Outdoor Grow is also required to be screened by a ten (10) foot tall wall.

### **J. Water Conservation: Complies**

The project site is not located within the Sierra Vista Sub-Watershed. Drip irrigation will be utilized, conserving water over other methods.

### **V. PUBLIC COMMENT**

Staff mailed notices to neighboring property owners within 5,280 feet of the subject property, posted the property, and published a legal notice. In response to applicant and County mailings, the Planning Department received one letter of opposition and three letters of support from surrounding property owners.

### **VI. SUMMARY AND CONCLUSION**

This request is for a Special Use authorization to approve the addition of outdoor cultivation to the existing indoor cultivation and infusion of medical marijuana in at 5900 N. Greenhouse Road, Willcox, AZ.

No waivers or modifications have been requested. Any State of Arizona requirement for cultivation, security and lighting requirements will be met.

### **Factors in Favor of Approving the Special Use**

1. With the recommended Conditions of Approval, the proposed use would fully comply with eight of the ten Special Use factors used by staff to analyze this request with another factor not being applicable;
2. The proposal complies with the Adopted Comprehensive Plan Agriculture and Ranching, Economic Development and Rural Character Elements;
3. The proposal complies with the Zoning Ordinance Category D purpose statement;
4. The proposal would have the same visual impact as any other agricultural use that would be allowed by right as a principal permitted agricultural use;
5. The proposal is not expected to generate additional traffic beyond the existing use.
6. The Planning Department has received three letters in support to the request.

### **Factors Against Allowing the Special Use**

1. The Planning Department has received one letter in opposition to the request;

2. The Applicant does not comply with the Off-Site impacts factor.

## **VII. RECOMMENDATION**

Based on the factors in favor of approval, Staff recommends **Approval** of the Special Use request.

Should the Commission approve the Application, staff recommends the following Conditions:

1. Within 30-days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 12-months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 18-months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;
2. It is the Applicant's responsibility to obtain any additional permits, or meet any additional Conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations;
3. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional Modification and approval by the Planning and Zoning Commission;

Sample Motion:

*Mr. Chairman, I move to approve Special Use Docket SU-13-14A, with the Conditions of Approval recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*

## **VIII. ATTACHMENTS**

- A. Staff Report
- B. Application, Site Plan, Maps
- C. Public Comments