



# Cochise County

## Development Services

Public Programs...Personal Service  
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### MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Christine Mclachlan, AICP, Planner II  
**FOR:** Daniel Coxworth, AICP, Development Director  
**SUBJECT:** Docket SU-21-000005 (MM Ft Grant Rd)  
**DATE:** March 2, 2021 for the March 10, 2021 Meeting

### APPLICATION FOR A SPECIAL USE AUTHORIZATION

The Applicant, Ms. Hannah Bleam of Willcox OC LLC, requests a Special Use Authorization to approve the construction of a marijuana cultivation and infusion facility on a 318.31-acre parcel. The Project is located at 9910 North Fort Grant Road on parcel number 201-17-002E. The proposal includes approximately 170 acres of outdoor grow\*, 817,120 SF of new greenhouses, 140,000 SF of processing, and a 5,100 SF office/security, 30,640 SF storage. The construction of proposed uses is subject to site development standards in the Cochise County Zoning Regulations and requires Special Use Authorization from the Planning and Zoning Commission in a rural zoning district.

*\* Prior to the 3/10/21 hearing, the applicant reduced the acreage request for outdoor grow from 170 acres to 63 acres. The attached application and site plan have not been adjusted to reflect this change; however, the staff report analysis and the recommended conditions of approval both recognize this adjustment.*

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

Parcel Size: 318.31 acres  
Current Zoning: RU-4 (Rural; one dwelling per 4 acres)  
Proposed Zoning: Same  
Growth Area: Category D  
Comprehensive Plan Designation: Rural  
Area Plan: None  
Existing Uses: Farmland, some existing farm support structures  
Proposed Uses: Medical marijuana cultivation, no on-site sales

### Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Agricultural land
South	RU-4	Williams Road ROW, Agricultural land (medical marijuana)
East	RU-4	Vacant land
West	RU-4	Ft Grant Road ROW, Agricultural land

### **Planning, Zoning and Building Safety**

1415 Melody Lane, Building F  
Bisbee, Arizona 85603  
520-432-9300  
520-432-9278 fax  
planningandzoning@cochise.az.gov

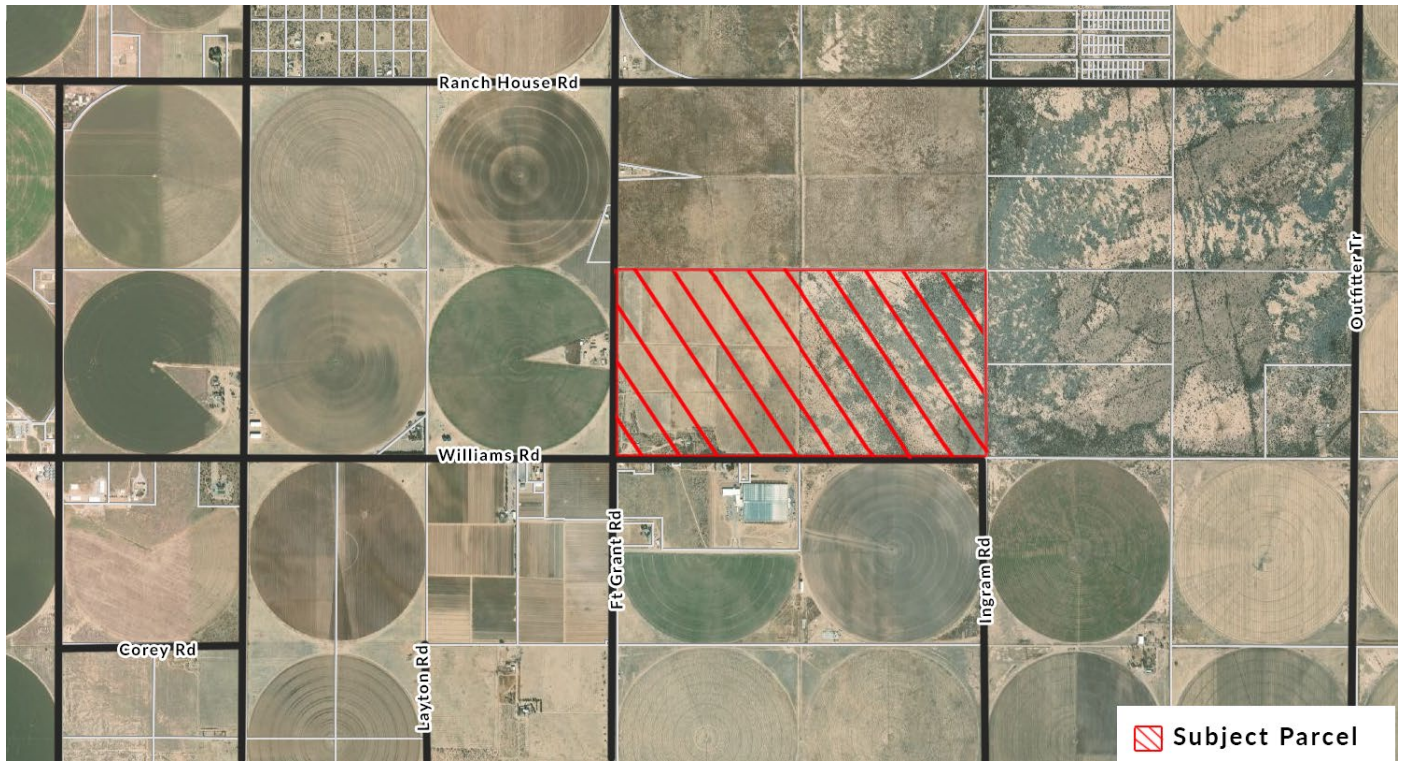


Figure 1: Parcel Location Map

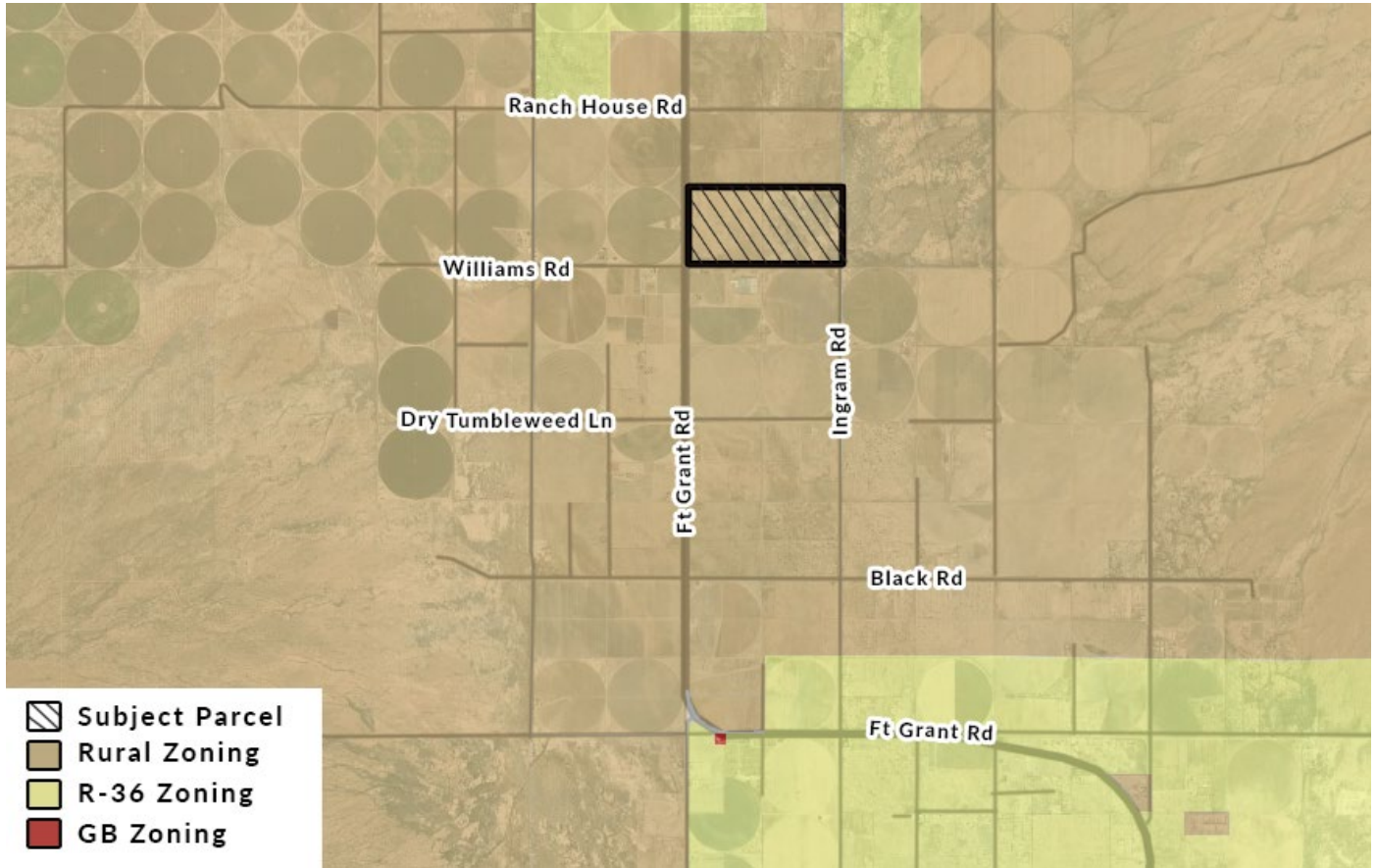


Figure 2: Zoning Map

## **II. PARCEL HISTORY**

Historically, there has been agricultural cultivation on the western half of the parcel. The eastern portion is undeveloped/vacant.

## **III. NATURE OF REQUEST**

The Applicant, Ms. Hannah Bleam of Willcox OC LLC, requests a Special Use Authorization to approve the construction of a medical marijuana cultivation and infusion facility on a 318.31-acre parcel. The Applicant proposes a phased construction schedule, as follows. The facility shall include all of the following elements (all numbers are in acres or square feet and are approximate)

### **Phase 1 (2021):**

- 63 acres of outdoor grow\*
- 140,000 square feet of processing
- 5,100 square foot Admin and Security Buildings with associated parking
- 100,000 square feet of greenhouse
- 30,640 square feet of equipment storage
- 2 cargo containers (**not to be used for infusion 1825.03A**)

### **Phase Two (2022):**

- 717,120 square feet of greenhouse

*\*Figure 3: Site Plan allocates 170 acres to outdoor grow. Staff recommends a condition limiting the amount of outdoor grow to no more than 20% (63 acres) of the site. This would impact both on-site and off-site impacts.*

As proposed, the Project would be located on agricultural farmland/vacant land approximately 10 miles northwest of the City of Willcox. All processing buildings will be in metal-sided structures, future greenhouses will be made of steel and polycarbonate material. There is approximately 4,948' of 8' tall fencing on the north, south, and western sides of the parcel. There is an additional approximately 17,058' of the proposed wall. The proposed wall surrounding the open-grown fields will be a solid material and 10' in height, as required by state law.

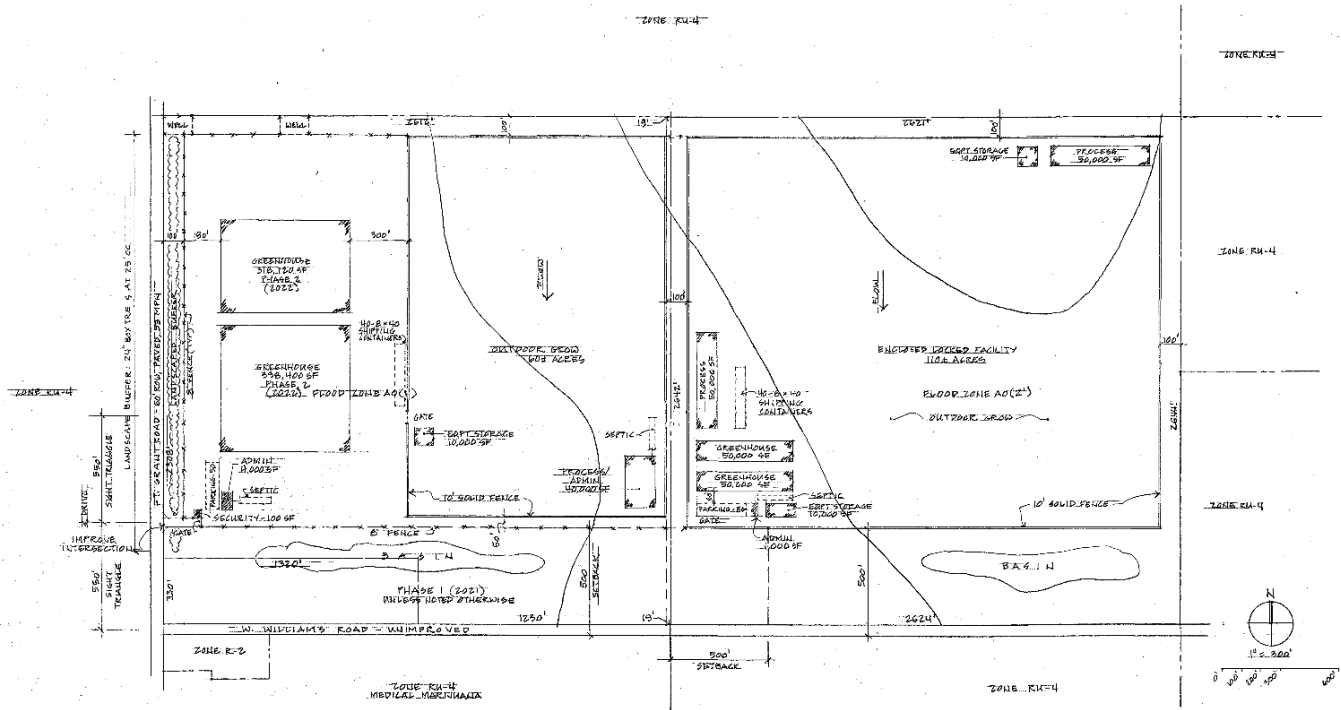


Figure 3: Site Plan

**IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS**

Section 1716.02 of the Zoning Regulations provides a list of ten factors with which to evaluate Special Use applications. Staff uses these factors to help determine the suitability of a given Special Use request, whether to recommend approval for a Special Use Authorization, as well as to determine what Conditions and/or Modifications may be needed.

With the information provided, ten (10) factors apply to this request. The Project, as submitted, fully complies with six (6) of the factors. It partially complies with one (1) factor, it complies with conditions two (2) factors, and it does not comply with one (1) factor.

**1. Compliance with Duly Adopted Plans: Complies with Conditions**

The Comprehensive Plan describes the Rural Designation as follows:

*[Areas identified as Rural] are identified by one or more of the following characteristics: sparsely populated; larger lot sizes, agricultural production or grazing, availability of sites large enough for intensive industrial uses that cannot be accommodated in other growth areas, large expanses of private and public lands, and/or have developed and undeveloped recreational resources.*

The subject parcel is within a larger area that could be categorized in the manner described above.

The proposed agricultural use is also consistent with the following Comprehensive Plan Elements:

- The Agriculture and Ranching Element goal 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 the development of agricultural processing, both on-site and at industrial scale, to support the 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 states: "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 subject property is not within a Special Area Plan.

While the proposed use is consistent with the goals of the Agricultural and Ranching Element, the Economic Development Element and the Rural Character Element, it is the opinion of staff that the proposed site plan is inconsistent with the Policy A of the Rural Character Element, which states: "*With property rights considered, protect rural character from the intrusion of urban uses and recognize that resources, such as agricultural lands, open space, and scenic viewsheds, provide economic, social, and environmental benefits.*"

While the use is agricultural, the impact of the site plan, and the character it projects, is more consistent with an industrial use. The required 10' tall walls and security measures will likely detract from the scenic quality of the immediate area and Fort Grant corridor. Consequently, staff recommends a condition of approval to address the visual impacts of the proposed development. (See Section 9. Off-Site Impacts for further discussion).

**2. Compliance with the Zoning District Purpose Statement: Partially Complies**

As stated in Section 601 (Purpose) of the zoning regulations:

RU (Rural) Zoning Districts are established to achieve the following purposes:

- 601.01** To preserve the character of areas designated as "Rural" in the Cochise County Comprehensive Plan;
- 601.02** To encourage those types of non-residential and non-agricultural activities which serve local needs or provide a service and are compatible with rural living;
- 601.03** To preserve the agricultural character of those portions of the County capable of resource production;
- 601.04** To provide space for people, minimize traffic congestion, and preserve the existing rural environment of unincorporated areas of the County situated outside of existing communities;
- 601.05** To provide recreational support services that are compatible with rural living;
- 601.06** To protect the quality of the natural environment as it relates to safeguarding the health, safety and welfare of the people in Cochise County; and
- 601.07** To allow consideration of some more intense non-residential uses as Special Uses that are inappropriate in more densely populated urban/suburban areas that may under some circumstances be appropriate in rural areas if designed to be sensitive to the general character of rural districts and natural environment and harmonious and in scale with existing development near the proposed site and in conformance with Section 601.06.



Photos from the Adjacent Use to the South (Approved medical marijuana)



*Photos from adjacent use to the southwest (General agriculture)*

Similar to concerns stated in the previous criterion, there is staff concern regarding how to successfully blend the proposed use into the surroundings, particularly given the size of the parcel and the scale of the operation. On the one hand, there is an existing medical marijuana facility directly to the south of the parcel. The latest improvement on this parcel, permitting outdoor grow, was approved for a special use by the Planning and Zoning Commission in 2019. While significantly larger, the proposed use would be consistent with the adjacent operation's look and function to the south. On the other hand, Apple Annie's Produce and Pumpkins is located directly southwest of the subject property. The focus of that property's operation is agritourism, which, unless mitigated, could be negatively impacted visually by the industrial look of the proposed use and by the odor produced by the outdoor-grown marijuana crop.

Staff further points out that there is a difference in scale between the existing marijuana farm to the south and what is being proposed on the subject parcel. The existing marijuana farm, which is partially constructed, was approved for 14 acres of outdoor grow, on a 67-acre parcel. The proposed development will include up to 62 acres of outdoor grow, on a 318-acre parcel. The visual impact of a large-scale operation will be greater, as will be the seasonal odor produced by the crop. In addition, as shown in Figure 3, there are two other approved marijuana farms near the Ft Grant corridor. While clustering land uses is a traditional approach to zoning, the potential cumulative odor impacts from this cluster are of concern. Consequently, in this case, staff has requested, and the applicant has tentatively agreed to, much more stringent conditions to mitigate odor and visual impacts that have historically been attached to marijuana farms in Cochise County.

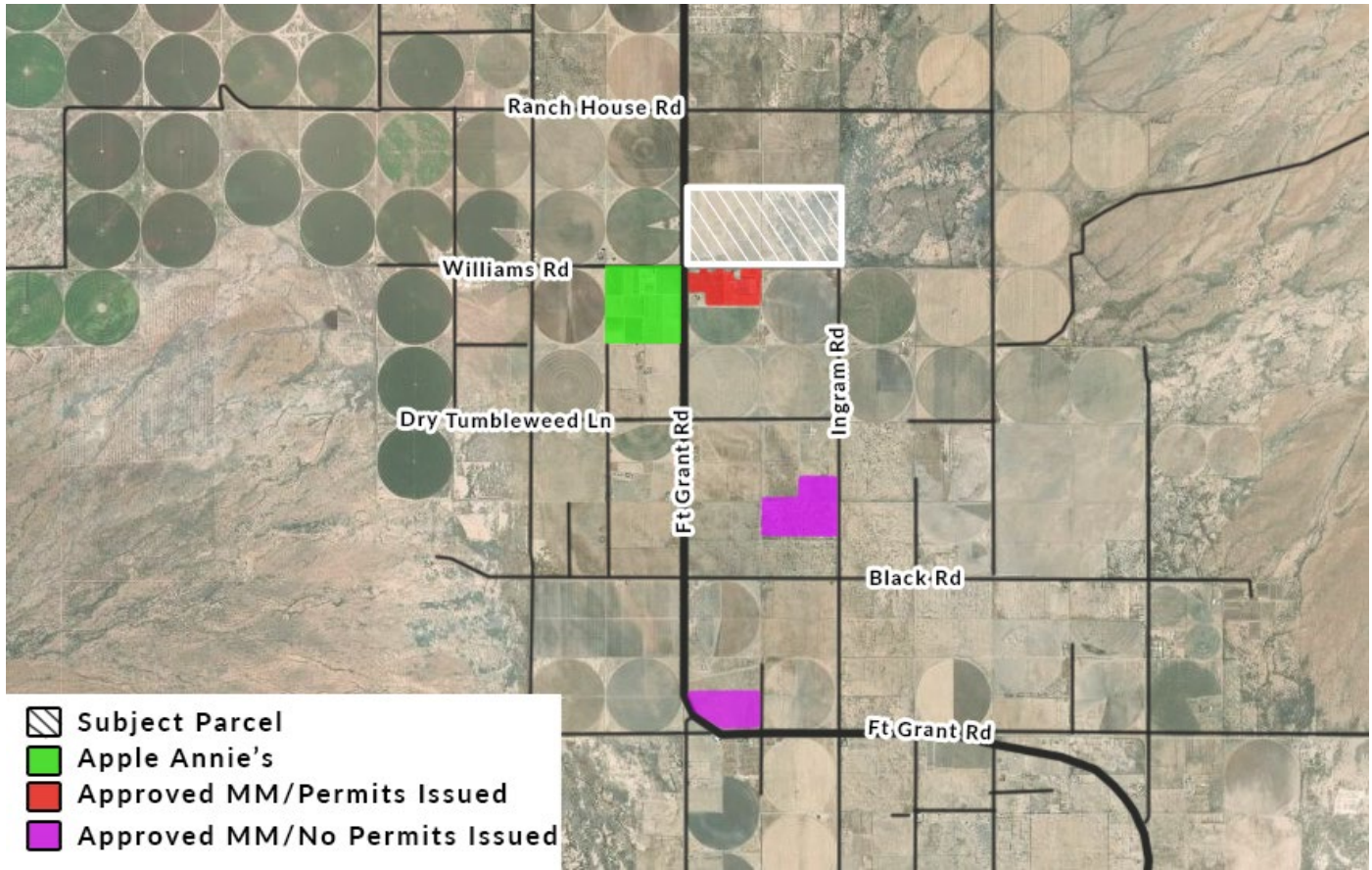


Figure 4: Adjacent Uses

**3. Development Along Major Streets: Complies**

Fort Grant Road is county-maintained and classified as a Federal Functional Rural Major roadway and is paved with chip-seal the entire frontage of the property. The Applicant has indicated on their site plan intersection improvements at one ingress/egress point 550' north of the intersection of Williams Road with Ft Grant Road. The limiting of access points complies with the requirement to "minimize road cuts that are associated with unsafe traffic conflicts."

**4. Traffic Circulation Factors: Complies**

This type of use is similar to larger-scaled agricultural use. However, average trip generation rates specifically for this type of growing operation have not been developed either at a national or state level. The Applicant is proposing greenhouse grow field cultivation and processing. Greenhouses tend to stabilize the typical seasonal variations inherent in open agricultural activities. Since both are proposed on-site, traffic is anticipated to be fairly consistent throughout the year, with slightly higher traffic demands in October/November. See *Part 9. Offsite impacts – traffic* for additional traffic analysis.

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

Electrical service is provided to the site by Sulphur Springs Valley Electric Cooperative; a private well will supply water, and sewage will be disposed of by a septic system. An existing well and power already serve the site. The State of Arizona regulates and issues permits for wells.

## **6. Significant Site Development Standards: Complies with conditions**

### **Setbacks: Complies**

The Zoning Regulations have applicable standards for setbacks regarding this application in Section 1825.02 (Medical Marijuana setbacks) and Section 604.03 (RU-4 setbacks). Section 604.03 requires a minimum of a twenty feet measured from the closest point on the property line or the edge of the road travelway to the structure/use, whichever is closer. Section 1825.02 further states that the minimum setbacks for dispensaries, infusion facilities, on-site dispensary cultivation, and offsite dispensary-affiliated cultivation facilities shall be no closer than 500-feet, as measured from the property boundary, from any other Medical Marijuana Dispensary or Infusion Facility. The proposed site plan complies with all setback requirements, as follows:

- The southern boundary of the project site, adjacent to unimproved Williams Road, shows perimeter fencing/wall 500' from the southern property line, which includes marijuana cultivation as an approved use.
- The western boundary, adjacent to Fort Grant Road, includes a 100' landscaped buffer within the setback. All proposed structures are an additional 180' east of a proposed 8' tall fence.
- The northern boundary includes a 100' setback from the property line to a proposed fence/wall
- The eastern boundary includes a 100' setback from the property line to a proposed fence/wall

### **Lot Coverage: Complies**

The Rural Land Use district restricts overall site coverage to a maximum of 25%. Site coverage is defined as "the total percentage of the site covered with structures, buildings, paving, and impervious surfaces other than landscaping, gravel, walls, and fences." The Applicant proposes 7.2% site coverage.

### **Height: Waiver Requested**

The maximum height for structures within RU-4 zoning are as follows:

- Principal structure: 30' above grade
- Accessory structure: 30' above grade
- Wall or fence: 8' above grade

The site plan indicates that all proposed principal or accessory structures will be equal to or less than 30' in height. Arizona State Law requires that medical marijuana grow operations be surrounded by a ten (10) foot tall solid screen, which exceeds what is allowed by zoning; consequently, the Applicant has requested a waiver (see Section VI. Waivers).

### **Lighting: Complies with Conditions**

Although the Applicant initially indicated the use of fully shielded, motion-sensor security for outdoor lighting along the perimeter of the site on their application, the lighting plans were subsequently amended prior to the scheduled public hearing. According to the letter dated February 23, 2021, the Applicant states the following, " we are proposing a drone security system (or similar) to reduce the required lighting around the perimeter of the property. This system uses infrared and therefore works best without additional lighting. The only lighting that is provided will be automatic security lighting at any door locations that will be facing toward the door and will fully comply with the Cochise County Outdoor Lighting Regulations."

Due to the potentially conflicting needs of providing security while protecting neighboring property and right-of-way from light spillover/pollution, staff recommends a condition of approval reinforcing the requirement to comply with all County-imposed outdoor lighting standards in the manner suggested by the Applicant.

## **7. Public Input: Complies**

The Applicant mailed letters to property owners within 1,000 feet of the property before application submittal.

The case planner mailed letters to the same property owners within 1,000 feet of the subject property, published a legal ad in the *Sierra Vista Herald* and posted legal notices on the property. To date, staff has received 0 responses in support and 4 responses in opposition. See Section V. Public Comment for additional discussion.

### **8. Hazardous Materials: Complies with Conditions**

The Applicant initially stated on their application that no hazardous materials will be used or will be present at this facility. However, current research suggests it is not uncommon for cannabis facilities to produce hazardous wastes. These include mercury-containing lighting and ballasts, many types of pesticides or other chemicals used in the cultivation process, certain solvents or other chemicals used in the production of marijuana concentrate, marijuana soaked in a flammable solvent for purposes of producing a marijuana concentrate, electronics (e-waste) and batteries. In addition, residual tetrahydrocannabinol (THC), if improperly disposed of, could potentially have adverse effects on the local ecology. Staff has recommended, and the Applicant has agreed to, a condition of approval requiring the submission of a hazardous materials questionnaire in conjunction with permitting. Also, all chemicals, fertilizers, or any hazardous product associated with the cultivation of marijuana shall be used, stored and disposed of in a manner consistent with the manufacturer's instructions and/or any law that governs same. Cannabis remnants, infused products, bi-products, and other waste material shall be rendered unusable and disposed of in a safe, sanitary, and secure manner.

### **9. Offsite Impacts: Does Not Comply**

There is a significant amount of outdoor activity associated with this request. Primarily this includes approximately 63 acres of outdoor grow area. Major offsite impacts could include traffic, fugitive dust, glare/glow, visual impacts and odor. In terms of mitigating each of these factors, the Applicant has proposed the following:

- Odor – the Applicant has provided an odor mitigation plan, which is included as an attachment to this docket. Odor remains at the top of air pollution complaints to regulators nationwide. Odor in the community may be a distraction or a nuisance to citizens. An "odor occurrence" is comprised of odor quality, strength, duration and frequency. On February 23, 2021, the odor mitigation plan was expanded to encompass outdoor mitigation measures. The mitigation measures recommended by staff are intentionally broad in scope and are results-focused. The conditions are as follows:
  - All indoor grow facilities shall be equipped with odor control filtration and ventilation system(s) based on current industry-specific best control technologies and best management practices. No operable windows or exhaust vents shall be located on any building façade that abuts a residential use or zone. Exhaust vents on rooftops shall direct exhaust away from residential uses and Ft Grant Road.
  - All proposed outdoor grow locations shall be equipped and maintained at their perimeter of the site with odor control devices, based on current industry-specific best control technologies and best management practices, that generally results in neutralization of the odor from the cannabis under normal circumstances.

The intent of the condition wording is to restrict the odor emission from the facility to a level that generally cannot be detected offsite. In addition, staff recommends limiting the total amount of allowable outdoor grow. The applicant's original site plan and application originally showed approximately 53% of parcel area, or 170 acres, dedicated to outdoor grow cultivation. The request was significantly reduced to no more than 63 acres, or 20% of the parcel area, dedicated to outdoor grow where indicated on Figure 3 Site Plan. Staff recommends conditioning approval to this amount of outdoor grow, which is consistent with the percent that was allowed for outdoor grow on the adjacent parcel to the south.

- Glare/Glow – While typically indoor lighting is not a land-use concern, in cases where greenhouses with grow lights are used, there can be offsite impacts in the form of a glow if not mitigated. Staff recommends a

condition in the form of "blackout panels" to reduce this impact, where grow lights are required.

- Noise – the proposed use will not generate significant noise while in operation.
- Traffic – (as included in the application)
  - Vehicles entering and leaving the site per day: 20
  - Total trucks per day: One 18-wheel truck
  - Estimate the direction and which roads the traffic will travel from the site: Both north and south on Ft Grant Rd
  - Estimate the percentage travel in each direction: 80% north on Ft Grant Road, 20% south on Ft Grant Road
  - At what time of day or season will traffic be heaviest: October/November
  - Initially, the applicant estimate 20 employees, but eventually 200 future employees.

The traffic generated by this use is an increase over the existing use, but it is the opinion of staff that Ft Grant Road, which is classified as a major road, can adequately accommodate the additional anticipated traffic volume.

- Dust – The Applicant states that fugitive dust will be mitigated with "dust suppression water systems placed around the site to reduce dust created." The exact or even approximate location of this system is not indicated on the site plan, nor are performance standards provided.
- Visual Impacts/Compatibility – as previously mentioned, marijuana farms tend to have an industrial look that is not visually consistent with the rural, agricultural Ft. Grant corridor. The adjacent marijuana farm to the south is an example of a currently permitted facility where no conditions were imposed to address visual impacts (see photo below). Staff recommends two conditions related to visual quality mitigation. They are as follows: *Proposed fencing and wall shall not diminish the visual quality of the premises or surrounding area, nor shall it impede surface water flow. Razor wire or similar material is not permitted. Elevations and proposed material of the fencing/wall must be approved by the County prior to its construction (Condition 10). Also, the (2,308'x 100') landscape buffer, as indicated in the site plan adjacent to Ft Grant Road, shall include drought-tolerant vegetation, with proposed shade trees no greater than 40' on center. This buffer shall be irrigated. Prior to the issuance of a building permit the applicant shall provide a landscape maintenance and irrigation plan, including fertilization schedule and guarantee of all plant material for no less than three years from date of final inspection. The installation of this buffer shall occur in Phase One. In addition, a minimum of a 100-foot buffer area shall be maintained around the north, west and east sides of the parcel, and a minimum of a 500-foot buffer area shall be maintained on the south side of the parcel. In this area, any existing vegetation shall remain to provide screening of the use. This does not include removing annual grasses, dead trees, bushes, and required utility installations. (Condition 4)*

An improvement of the fencing type and inclusion of a maintained, irrigated landscape buffer could help lessen the proposed use's visual impact.



Figure 5: Ft Grant Road buffer and fence of the adjoining marijuana farm to the south



Figure 6: Facing north on Ft Grant Road from the intersection of Ft Grant Road and W Dry Tumbleweed Lane. The western side of the road has a fairly consistent line of planted shade trees.

- Stomwater – this parcel lies within AO-1, AO-2 and X flood zones, consequently the following will be required in conjunction with permitting:
  - a floodplain use permit

- a stormwater pollution prevention plan
- a clearing permit (for more than one acre of land cleared)
- a Notice to clear native plants
- drainage analysis
- Wall/fencing must not impede surface water flow.

**10. Water Conservation: Complies**

The project site is not located within the Sierra Vista Sub-Watershed. The project site will be served by a private well, where indicated in the site plan, and the total gallons of water per day to be 100,000. In terms of water conservation, the Applicant indicates there will be "future installation of above-ground water retention" installed on site. "In addition, special drip irrigation will be installed to reduce water waste on-site." Drip irrigation is widely considered the most water-efficient way of irrigating a crop. Staff recommends a condition of approval requiring irrigation of the landscaped buffer, which would increase the site's water needs.

**V. PUBLIC COMMENT**

The Applicant mailed letters to property owners within 1,000 feet of the property prior to their application submittal.

The case planner mailed letters to the same property owners within 1,000 feet of the subject property, published a legal ad in the *Sierra Vista Herald* and posted legal notices on the property. To date, staff has received 0 responses in support and 4 responses in opposition.

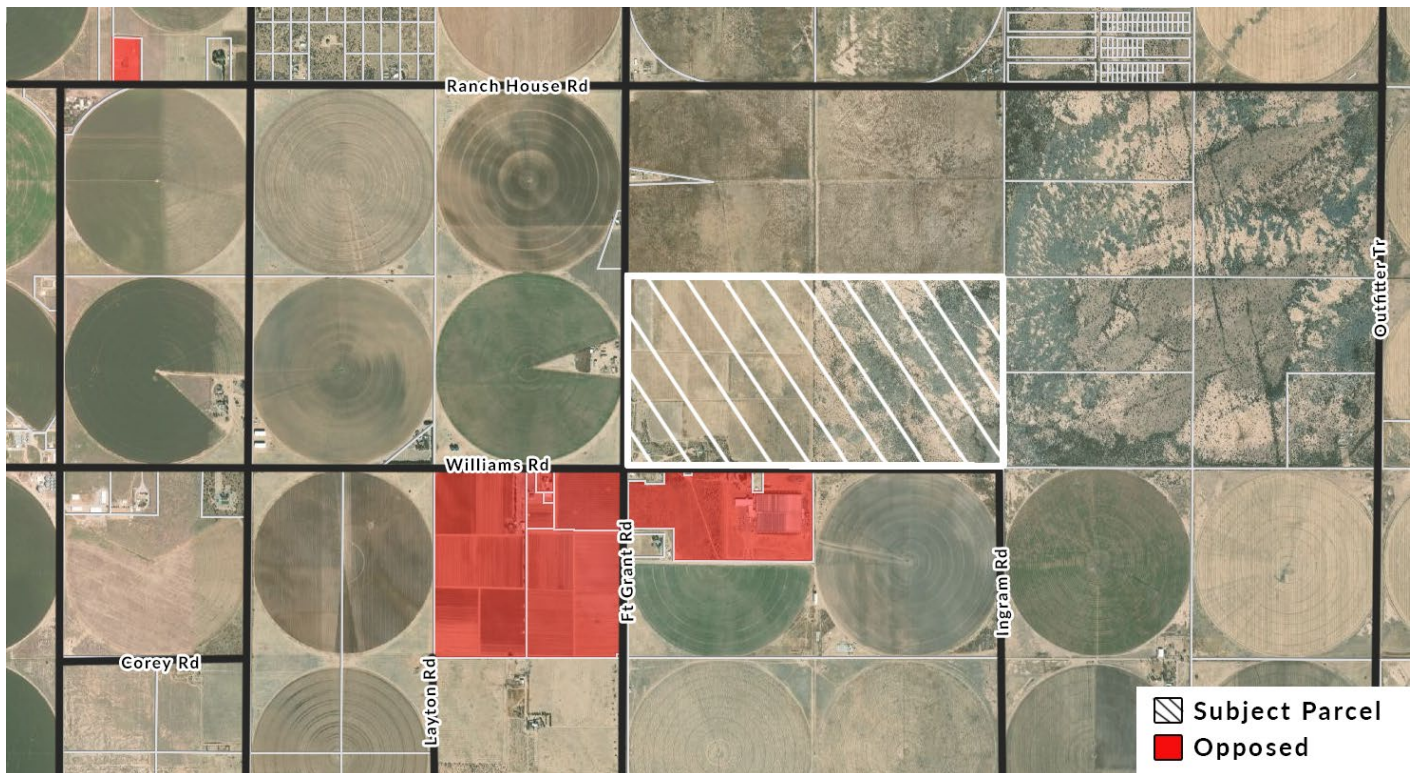


Figure 9: Public Input Map

**VI. WAIVERS**

The Applicant is requesting a waiver to the height requirement for the wall. The Zoning Regulations allow a maximum

of an eight (8) foot wall, and State Law requires a ten (10) foot tall wall.

## **VII. SUMMARY AND CONCLUSION**

This request is for a Special Use authorization to approve the cultivation and processing of medical marijuana on a 318.31-acre parcel.

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

1. The Project is consistent with the applicable policies of the Comprehensive Plan and the Purpose of the Rural Zoning Districts;
2. The Project complies with six of the criteria used to evaluate special use requests. It complies, with conditions, for two criteria and partially complies with one criterion;
3. The site plan submitted complies with most applicable site development standards and condition contained in section 1825 of the Zoning Regulations; and
4. The Project would provide generate employment.

### **Factors Against Approving the Special Use**

1. Offsite impacts: odor
2. Visual impacts – marijuana farms tend to appear more industrial than other agricultural operations due to their unique security, fencing, and lighting requirements;
3. General compatibility concerns – there is scattered residential in the area and a nearby agritourism farm; and
4. Four letters of opposition were received.

## **VIII. RECOMMENDATION**

Based on the factors in favor of approval, staff recommends **Conditional Approval** of the Special Use request. If the Commission chooses to approve the request, staff recommends the approval be subject to 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 18-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 24-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 apply 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 Division and may require additional modification and approval by the Planning and Zoning Commission;
4. The (2,308'x 100') landscape buffer, as indicated in the site plan adjacent to Ft Grant Road, shall include drought-tolerant vegetation, with proposed shade trees spaced no greater than 40' on center. This buffer shall be fully irrigated. Prior to the issuance of a building permit, the Applicant submit to the County a landscape maintenance and irrigation plan, including fertilization schedule and guarantee of all plant material for no less than three years from the final inspection date. The installation of this buffer shall occur in Phase One. In addition, a minimum of a 100-foot buffer area shall be maintained around the north, west and east sides of the parcel, and a minimum of a 500-foot buffer area shall be maintained on the south side of the parcel. In this area, any existing vegetation shall remain to provide screening of the use. This does not include removing annual grasses, dead trees, bushes, and required utility installations.
5. Any lighting still required shall fully comply with the County's Outdoor Light Regulations. Greenhouses shall employ the "blackout panels" (or similar equal) to reduce the glow from grow lights, where applicable.

6. The Applicant submits a hazardous materials questionnaire in conjunction with permitting. All chemicals, fertilizers, or any hazardous product associated with the cultivation of marijuana shall be used, stored, and disposed of in a manner consistent with the manufacturer's instructions and/or any law that governs the same. Cannabis remnants, infused products, bi-products, and other waste material shall be rendered unusable and disposed of in a safe, sanitary, and secure manner.
7. All on-site commercial sale/activity is prohibited.
8. The amount of outdoor grow is limited to no more than 20% (63 acres) of the total parcel acreage.
9. Prior to the start of construction:
  - A. A Stormwater Pollution Prevention Plan (SWPPP) will be required from the Arizona Department of Environmental Quality (ADEQ). This will also include a Notice of Intent (NOI) to clear land.
  - B. A Notice to Clear Native Plants must be obtained from the Arizona Department of Agriculture and a copy submitted to Cochise County.
  - C. A Drainage Analysis will be required for all parcels (hydrology and hydraulic report) as well as a Floodplain Use Permit. This includes, but not limited to, Grading Plans, Site Plans, Drainage Reports prepared by an Arizona Registered Civil Engineer.
10. Proposed fencing and wall shall not diminish the visual quality of the premises or surrounding area, nor shall it impede surface water flow. Razor wire or similar material is not permitted. Elevations and proposed material of the fencing/wall must be approved by the County prior to its construction.
11. All indoor grow facilities shall be equipped and maintained with odor control filtration and ventilation system(s) based on current industry-specific best control technologies and best management practices. No operable windows or exhaust vents shall be located on any building façade that abuts a residential use or zone. Exhaust vents on rooftops shall direct exhaust away from residential uses and Ft Grant Road.
12. All proposed outdoor grow locations shall be equipped and maintained at their perimeter of the site with odor control devices, based on current industry-specific best control technologies and best management practices, that results in neutralization of the odor from the cannabis under normal circumstances.

**Sample Motions:**

*Mr. Chairman, I move to approve Docket SU-21-000005, with the Conditions of Approval recommended by staff; the Factors of Approval constituting Findings of Fact.*



# Cochise County

Development Services  
Planning Division

Public Programs...Personal Service  
www.cochise.az.gov

## APPLICATION FOR A SPECIAL USE

Applicant's Name: Willcox OC, LLC

Name of All Property Owner(s): Kim A. Bennett

Applicant Mailing Address:

2525 E. Arizona Biltmore Circle, Suite A-212 Phoenix, AZ 85016

Street #                                      Town                                      State                                      Zip code

Subject Property Address (if different than mailing address):

9910 North Fort Grant Rd Wilcox, AZ 85643

Street #                                      Town                                      State                                      Zip code

Email Address: hannah@witheymorris.com

Phone Number: 602-230-0600

Tax Parcel Number: 201-17-002E

Current Zoning Designation: RU-4

Comprehensive Plan Land Use Category/Growth Area: Category D - Rural

Comprehensive Plan Land Use Designation: Rural

Area Plan Designation (if applicable): \_\_\_\_\_

Size of Property (in acreage or square feet): +/- 318

How many acres will be cleared and developed? TBD

Describe your relationship to this application. (Select one)

I am the property owner

I am an authorized agent for the property owner

### Bisbee Office

1415 Melody Lane, Building F  
Bisbee, Arizona 85603  
520-432-9300  
520-432-9278 fax  
planningandzoning@cochise.az.gov

If the applicant is not the property owner, please attach a notarized letter of authorization to this application.

## The Purpose of a Special Use

Special Uses include uses or activities with a greater potential for impacts on neighboring properties than the permitted uses in a Zoning District. Examples of Special Uses are manufacturing, RV Parks, guest ranches, hospitals and schools. These more intense uses must be carefully reviewed to decide if they could make good neighbors to the existing uses. For this reason, a Special Use Permit requires a public hearing and approval by the Planning and Zoning Commission before it is allowed.

## What is the Process?

1. Pre-application meeting with County planning staff.
2. Citizen Review Process – the applicant must send notice to all property owners within a radius of no less than 300 feet of the subject parcel(s), as shown on the most recent available records of the last property tax assessment. The County Zoning Inspector may expand the mailed notification area to greater than a 300-foot radius at time of application acceptance if there are compatibility concerns associated with the request.
3. Application Submittal
4. Technical review by relevant internal staff and external agencies
5. Public Hearing – Planning and Zoning Commission (Approval/Denial)

## Appeals

The Commission action can be appealed to the Board of Supervisors by anyone who disagrees with the outcome. Appeals must be filed within fifteen (15) calendar days of the Commission action. The applications are available online “Appeal: Board of Supervisors.”

## Required Submittals

1. This application
2. Citizen Review Report
3. Site plan -drawn to scale showing the existing and proposed District boundaries and an accurate legal description of the area being petitioned for amendment. See “concept plan instructions for special uses” (included in this application). Please see our website for an example plan: <https://www.cochise.az.gov/development-services/special-uses>
4. Letter of Authorization (for authorized agents, if applicable)
5. Hazardous or polluting materials attachment (only if hazardous materials are proposed, if applicable)
6. Deed restrictions (if applicable)
7. Outdoor lighting, manufacturers specifications (if applicable)
8. Processing Fee

## Concept Plan Instructions for Special Uses

Sometimes, an applicant will seek approval for a particular special use or uses on a piece of property well ahead of actual construction or operation of that use. Often the exact dimensions of structures or configuration of uses on the property are not known yet until the uses have been approved and the applicant has invested resources into site planning. The Zoning Regulations allow for the submittal of a "Concept Plan" in lieu of a site plan in the case of phased special uses on one property or a special use where construction is not anticipated within one year. However, if the use(s) are approved by the Planning and Zoning Commission, then a detailed site plan meeting the requirements of the Zoning Regulations will be required for each use or phase and shall be in substantial conformance with the approved special use. If the site plan is not within substantial conformance with the approved use and concept plan, then the special use will need to be reviewed, in a public hearing, by the Commission once again to modify the original proposal. **Note: any**

**anticipated waivers of site development standards such as setbacks, screening, landscaping or parking spaces must be requested, justified, and approved by the Commission prior to the issuance of a building permit.**

In order to adequately review the proposed special use(s) on a piece of property, a Concept Plan must include at a minimum the following information:

- Parcel boundaries and adjacent roads;
- The general location, size and height of all structures and uses (existing and proposed), including minimum setbacks from parcel boundaries, washes and roads;
- The general location and minimum number of parking spaces to be provided, including proposed surface and width of driveways;
- Proposed screening and landscaping;
- Any significant topographical features (washes, hills, rock outcroppings, wetlands) and cultural features of the property and adjacent parcels;
- If applicable, project phasing (approximate schedule of uses and construction) and any other information deemed necessary to effectively review the Special Use.

Please state the reason for this request and why it should be supported.

The proposed use of a marijuana cultivation and infusion facility would occur on land that has historically been used for agricultural purposes and located in a rural area.

The proposed use would continue the history of agriculture on the property.

In addition the use will meet all standards listed in Section 1825 of the Cochise County Zoning Regulations. There will be no sale or exchange of medication.

Identify the utility company/service provider for each of the following services and state if additional provisions or future connections are required in the space below.

Service Provider	Service Provider	Additional Provisions Required
Water/Well	Private Well	
Sewer/Septic	Septic	
Electricity	Sulphur Springs Valley Electric Cooperative	
Natural Gas	Southwest Gas	
Telephone	Valley Telecom	
Fire Protection	Willcox Rural	
Waste Disposal	Private	

Is this request consistent with all deed restrictions or private covenants in effect for this property? If applicable, please include a copy of these restrictions/covenants with this application.

Yes
  No
  Not applicable (no deed restrictions or covenants)

Describe all **existing** structures/uses present on the subject parcel. Note: the size and location of existing structures must be shown on the accompanying site plan.

See site plan.

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Describe all **proposed** structures/uses on the parcel that to be placed on the parcel. Note: the size and location of proposed structures must be shown on the accompanying site plan.

See site plan.

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Is the proposed special use consistent with stated purpose of the current zoning district? Explain.

Yes, site is still being used for agricultural uses consistent with the R-4 zoning districts.

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Describe all intermediate and final products/services that will be produced/offered/sold, if applicable.

The cultivation and infusion facility will produce cannabis to be delivered to an

off-site dispensary. No products will be sold at this location and the cannabis will be

transported off-site to it associated dispensary.

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What materials will be used to construct the new building(s)? (Note, for an existing building(s), please also list the construction type(s), i.e., factory-built building, wood, block, metal).

Processing buildings will be metal sided structures.

Future greenhouse buildings will be made of steel and polycarbonate material.

Will the project be constructed/completed within one year or phased?

One year

Phased

If this is a phased project, describe the phases here and physically depict them on the site plan.

See site plan.

What are the days and hours of operation (if applicable)?

Days of the week: 7 days a week; 24 hours

       AM to        PM

Number of employees (if applicable):

Initially 20 Future: 200

Total average daily traffic generated (non-residential uses):

How many vehicles will be entering and leaving the site (per day)? 20

Total trucks (e.g., by type, number of wheels, or weight)? One 18 wheel truck

Estimate which direction(s) and on which road(s) the traffic will travel from the site.

Both from north and south on Fort Grant Road

If more than one direction, estimate the percentage that travel in each direction.

80% to the north on Fort Grant Road and 20% to the south on Fort Grant Road

At what time of day, day of week and season (if applicable) is traffic the heaviest?

Traffic will likely be heaviest in October/November

Will your property be served by a private well? If private well, show the location on the site plan. Also, please answer the following:

Estimated total gallons of water used: per day 100,000 per year \_\_\_\_\_

Will your property be served by a septic system?  Yes  No

If yes, show the septic tank, leach field and 100% expansion area on the site plan, and indicate whether the system is existing or proposed.

Does your parcel have permanent legal access\*? If no, what steps are you taking to obtain such access? (\*Our Zoning Regulations state that no building permit for a nonresidential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet. If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.)

Yes

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Which streets or easements will be used for traffic entering or exiting the property? (Please label on the accompanying plan)

Fort Grant Road will be the key access point to the Property.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What impact will this have on the traffic volume of roads serving this subject property?

This road will be improved for the proposed use and will not have a significant impact on traffic.

\_\_\_\_\_  
\_\_\_\_\_

How many driveway cuts are proposed along streets or easements to allow site access? State whether this is an increase/decrease and whether any existing cuts will need relocation.

See site plan.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Does the subject parcel have site access onto a major road?

Yes

No

Are you requesting any modifications or waivers from site development standards? Please explain.

No site development standard modifications are requested with this development.

Is the subject property within Sierra Vista Sub-Watershed Overlay Zone? If so, please indicate this, and that you understand that it will be subject to additional plan reviews and inspections whenever a building permit is required.

Yes, and I understand the permitting requirements

No, it's outside the boundaries

Please describe your citizen review process (if applicable). Specifically, state whether you received any responses to your mailed notice or public meeting. Explain how your special use application has incorporated the feedback you received.

We mailed the initial letters for this SUP submittal to the Property owners

within 1,000 ft and will be available to answer any of their questions and discuss any

concerns that may arise. The mailing list and details are included in the SUP submittal.

Identify the utility company/service provider for each of the following services and state if additional provisions or future connections are required in the space below.

Service Provider	Service Provider	Additional Provisions Required
Water/Well	Private Well	
Sewer/Septic	Septic	
Electricity	Sulphur Springs Valley Electric Cooperative	
Natural Gas	Southwest Gas	
Telephone	Valley Telecom	
Fire Protection	Willcox Rural	
Waste Disposal	Private	

Describe any outdoor activity associated with your special use proposal.

There will be outdoor grow areas for the use that will be secured and screened from adjacent properties.

Will outdoor storage of equipment, materials or products be needed? If yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties.

No.

Will any noise or vibrations be produced that can be heard or felt on neighboring properties on a regular basis? if yes; describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties?

No noise or vibrations will be produced.

Will odors be created? If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties?

Odors will be created and best efforts measures will be taken in order to prevent odors from escaping to other properties. In addition, an odor mitigation plan will be put into place so best efforts will be practiced to de minimize escaping odors.

Will any on-site activities attract pests, such as flies or mice? If yes, what measures will be taken to prevent a nuisance on neighboring properties?

Consistent with Traditional Agriculture, we will be utilizing approved integrated pest management to mitigate any additional pest pressure that could potentially impact the area.

Will additional dust be created on a regular basis? If yes, what measures will be taken to prevent this dust from escaping onto neighboring properties or roadways?

Dust suppression water systems will be placed around the site to reduce any  
dust created.  
\_\_\_\_\_  
\_\_\_\_\_

Is outdoor lighting proposed? If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please submit manufacturer's specifications for all light fixtures.

Yes  No Security lighting only , full shielded, that is motion sensed,

Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)? If yes, show details on the site plan. Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.

Yes  No

Show on-site drainage flow on the site plan. Will drainage patterns on site be changed? If so, please indicate on the site plan and describe below.

See site plan.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If more than one acre is to be cleared, describe the proposed dust and erosion control measures to be used and show on site plan, if appropriate.

Dust suppression watering systems will be placed around the property in order to control  
any dust that is created.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If the developed portion of the site is one acre or larger, specific measures to conserve water on-site must be provided. Specifically, design features that will be incorporated into the development to reduce water use, provide for detention and conserve and enhance natural recharge areas must be described. What specific water conservation measures are proposed (for applicable site 1+ acres)? Describe here and/or show on the site plan submitted with this application.

Future instillation of above ground water retention will be installed on the site.

In addition, special drip irrigation will be installed to reduce water waste on the site.

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Do you anticipate the use of any hazardous or dangerous materials? If yes, please complete a "Hazardous or Polluting Materials Attachment" and attach it to this application.

Yes  No

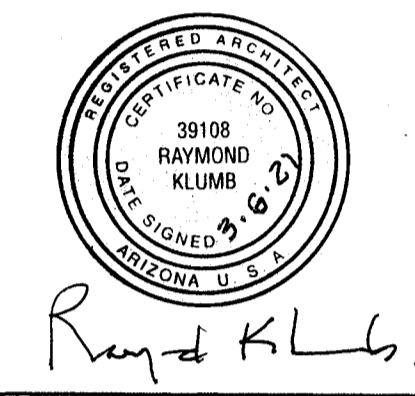
I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit. In addition, I hereby request all inspections necessary to process this application, and if the permit is issued, I request all inspections necessary to monitor progress, and document completion, at all stages of the work related to this permit. Failure to obtain permits may result in fines or other penalties.

*Hannah Blead*      Withey Morris, PLC      1/29/21

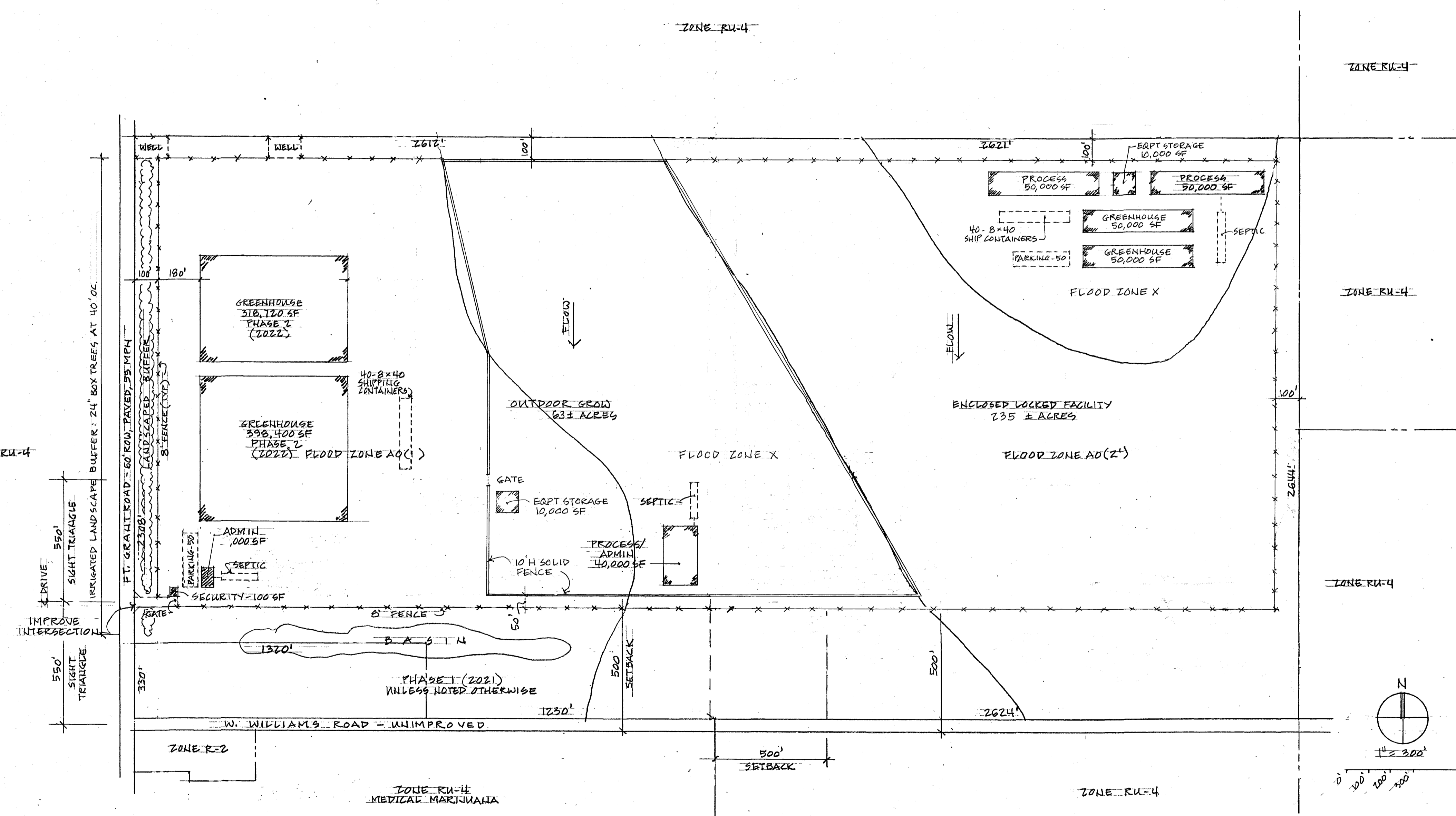
Applicant Signature

Date

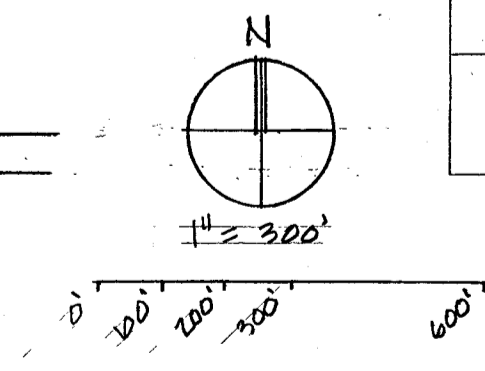
RAYMOND KLUMB ARCHITECT  
 Architecture Interior Design Space Planning  
 571 North Frontage Road Pearce, AZ 85625  
 Phone: (520) 858-5332  
 AZ 39108 NJ 44-12328 PA S300420  
 OH 1717076 TX 24401



**MEDICAL MARIJUANA CULTIVATION AND PROCESSING**  
 9910 FORT GRANT ROAD  
 APN: 201-17-002E  
 WILLCOX, COCHISE COUNTY, ARIZONA



SITE DEVELOPMENT ANALYSIS		
ITEM	PERMITTED/REQUIRED	PROPOSED
ASSESSOR PARCEL NUMBERS/ZONE	201-17-002E	
ZONE	RU-4	
GROWTH AREA	CATEGORY D (RURAL)	
FLOOD ZONE	X, AO (1), AO (2)	
USE	RU-4: RURAL-RESIDENTIAL, AGRICULTURAL	MEDICAL MARIJUANA CULTIVATION FACILITY (SPECIAL USE)
SITE AREA	4.0 ACRES MINIMUM	318± ACRES
BUILDING AREA	N/A	ULTIMATE: 991,220 SF
MAXIMUM HEIGHT PRINCIPAL STRUCTURE	RU-4: 30'	30'
MAXIMUM HEIGHT ACCESSORY STRUCTURE	30'	30'
MAXIMUM HEIGHT WALL OR FENCE	RU-4: 8'	10' SOLID FENCE AT OUTDOOR CULTIVATION AREA AS MANDATED BY AZ DHS
MINIMUM SETBACKS	MEDICAL MARIJUANA CULTIVATION FACILITIES: 500' RU-4: 80' ROADWAYS, OTHER BOUNDARIES: 20'	WILL COMPLY
MAXIMUM SITE COVERAGE (BUILDINGS AND IMPERVIOUS SURFACES)	25%	7.2%
DISTANCE BETWEEN STRUCTURES	15'	15'
SCREENING	NO REQUIREMENT	
OFF-STREET PARKING	1 SPACE PER 3 EMPLOYEES ON LARGEST SHIFT	100 SPACES PROVIDED
OFF-STREET LOADING	>50,000 SF 4 SPACES	4 SPACES
LANDSCAPING	NO REQUIREMENT CATEGORY D GROWTH AREA	LANDSCAPED BUFFER AT FORT GRANT ROAD FRONTAGE SIGHT TRIANGLE DISTANCE AT FT GRANT ROAD: 550' MINIMUM UPGRADE INTERSECTION OF ACCESS DRIVE AND FT GRANT ROAD
SITE ACCESS STANDARDS	TBD	
OUTDOOR STORAGE	NO RESTRICTION IN CATEGORY D GROWTH AREA	N/A
LIGHT POLLUTION	WILL COMPLY SECURITY LIGHTING ONLY	
SIGNS	FT GRANT ROAD AS ARTERIAL 32 SF MAXIMUM 6' HIGH MAXIMUM	WILL COMPLY



REVISIONS		

SCALE: 1" = 300'  
 DATE: 5/6/2021  
 DR. BY: RK  
 CK. BY: RK  
 PROJ. NO.:  
 DWG. TITLE: SITE PLAN  
 SHEET OF: SP-1  
 PROJECT: 0A615 OF ARIZONA FT. GRANT RD.

## Odor Mitigation Plan Fort Grant Road SUP

The following measures will be taken to mitigate and eliminate odor from the facilities during operations. Multiple layers of odor control will be installed, including: redundant carbon filtration, negative air pressure, odor ionization technology, and employee standard operating procedures.

### I. Procedures

These Procedures will be applied to the following odor-emitting areas of activity:

- Indoor Mother/Clone Rooms
  - Indoor Vegetative Rooms
  - Indoor Drying Rooms
  - Indoor Trimming Rooms
  - Indoor Packaging Rooms
- a. Staff Training Procedures – Staff training sessions will be conducted at our facility on a regular basis through training programs where odor mitigation will be taught. During training sessions, interactive, on site education will take place, where employees will be trained on essential protocols, including, but not limited to: procedures for checking expiration of carbon filters, changing filters, and detection of air seals at the facility. These training sessions are continuous in nature and content reviews will occur to ensure that educational material is reviewed by existing employees and provided to new employees.
- b. Record Keeping – Carbon filter report cards will be maintained and filled out after every change by our manager on duty. We will inventory a supply of filters on site that will be re-ordered, in line with our facility maintenance program. In the event that a filter needs to be changed early, additional filters will be on premises.
- c. Monitoring and Inspection – Every odor emitting area will be continuously monitored with daily inspections. If an odor is detected to be leaving the indoor facilities by any employee, protocols will direct said employee to report the odor issue to management. Furthermore, doors and seals to the exterior of the facility shall be monitored on a daily basis to ensure an air-tight seal.

### II. Technical System Design and Equipment Installation: The following systems are intended to be utilized:

- a. Bi-Polar Ionization Control: Plasma air system odor control: The ions produced by Plasma Air units, breaks down gases with electron-volt potential numbers below 12 to harmless compounds prevalent in the atmosphere such as oxygen, nitrogen, water vapor and carbon dioxide. The resultant compounds are a function of the entering contaminants into the plasma field. In this case the VOC's or terpene odors generated by cannabis break down to carbon dioxide and nitrogen, and water vapor thus eliminating the odor.

Positive and negative ions are drawn to airborne particles by their electrical charge. Once the ions attach to the particle, the particle grows larger by attracting nearby particles of the opposite polarity, thereby increasing the filtration effectiveness. This process kills Virus, Bacteria, & Mold, similar to how positive and negative ions surround particles, as they are also attracted to pathogens.

- b. Odor Control – Active carbon filters absorb molecular weight of contaminants that it comes in contact with. Adsorption is a distinct process where organic compounds in the air react chemically with the activated carbon, which causes them to stick to the filter. The more porous the activated carbon is, the more contaminants it will capture. The filters intended to be utilized are most notably used to remove terpene compounds in Cannabis cultivation facilities. When applied correctly, efficiency of 99.9%, stated by several vendors can be achieved.

### III. Odor Mitigation System Design

- a. Cultivation Rooms – The intended design will call for each interior cultivation or vegetative room to have high efficiency carbon filtration.
- b. Drying Rooms – The intended design will call for each drying room to have carbon filtration systems in addition to cooling, heating, and dehumidification.
- c. Trimming Rooms – The intended design will call for each trimming room to have carbon filtration systems in addition to cooling, heating, and dehumidification.
- d. Packaging Rooms – The intended design will call for each packaging room to have carbon filtration systems in addition to cooling, heating and dehumidification.

### IV. Maintenance Plan

- a. Plasma Bi-Polar Ionization Units – Manufacturer recommended service requirements for cleaning electrodes every two years in order to maintain effectiveness will occur.
- b. Active Carbon – Active carbon filters absorb molecular weight of contaminants it comes in contact with. Adsorption is a distinct process where organic compounds in the air react chemically with the activated carbon, which causes them to stick to the filter. The more porous the activated carbon is, the more contaminants it will capture. These filters are most notably used to remove terpene compounds in air purification systems customarily installed in cannabis facilities. Active carbon filters will be changed on a regular basis and additional replacement filters will be on site.
- c. Maintenance and staff will conduct regular inspections of the buildings, including all ingress and egress areas and seals to ensure buildings remain air tight.

#### V. Outdoor Odor Mitigation

We have done extensive research on the best system to mitigate outdoor odors with marijuana grow facilities and have found a state of the art odor mitigation system from FogCo. This system is installed around the perimeter of the outdoor cultivation areas and utilizes misters in order to capture any potential odor coming from the property. In addition, the mister system works as a dust-proofing system and therefore provides two benefits with one system.

**COCHISE COUNTY**

**SU-21-000005  
(MM Ft Grant Rd)**

**Special Use Authorization for Medical Marijuana  
Cultivation and Infusion Facility**

**Planning & Zoning Commission  
March 10, 2021**

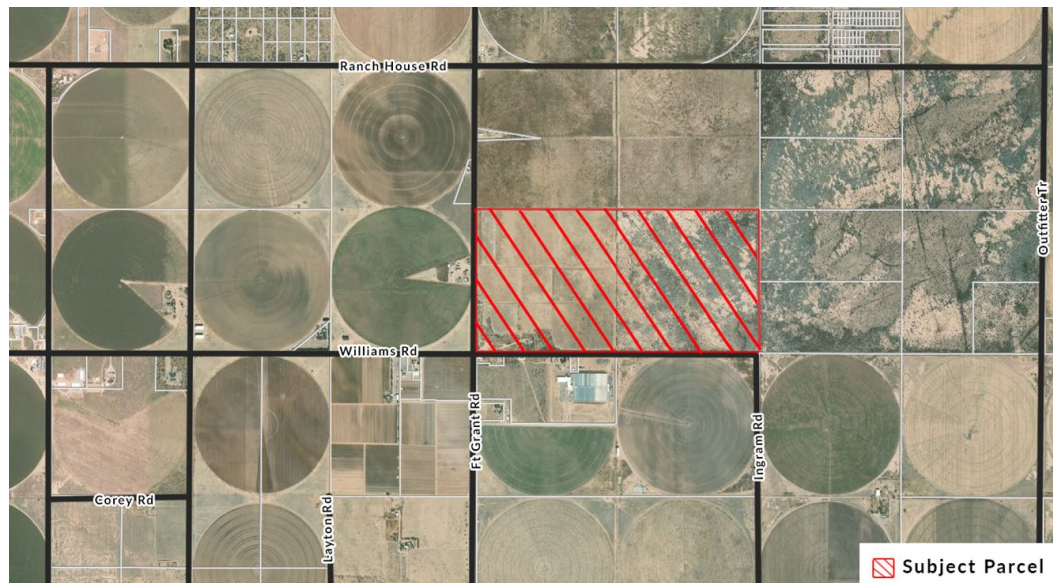


***Public Programs...Personal Service***

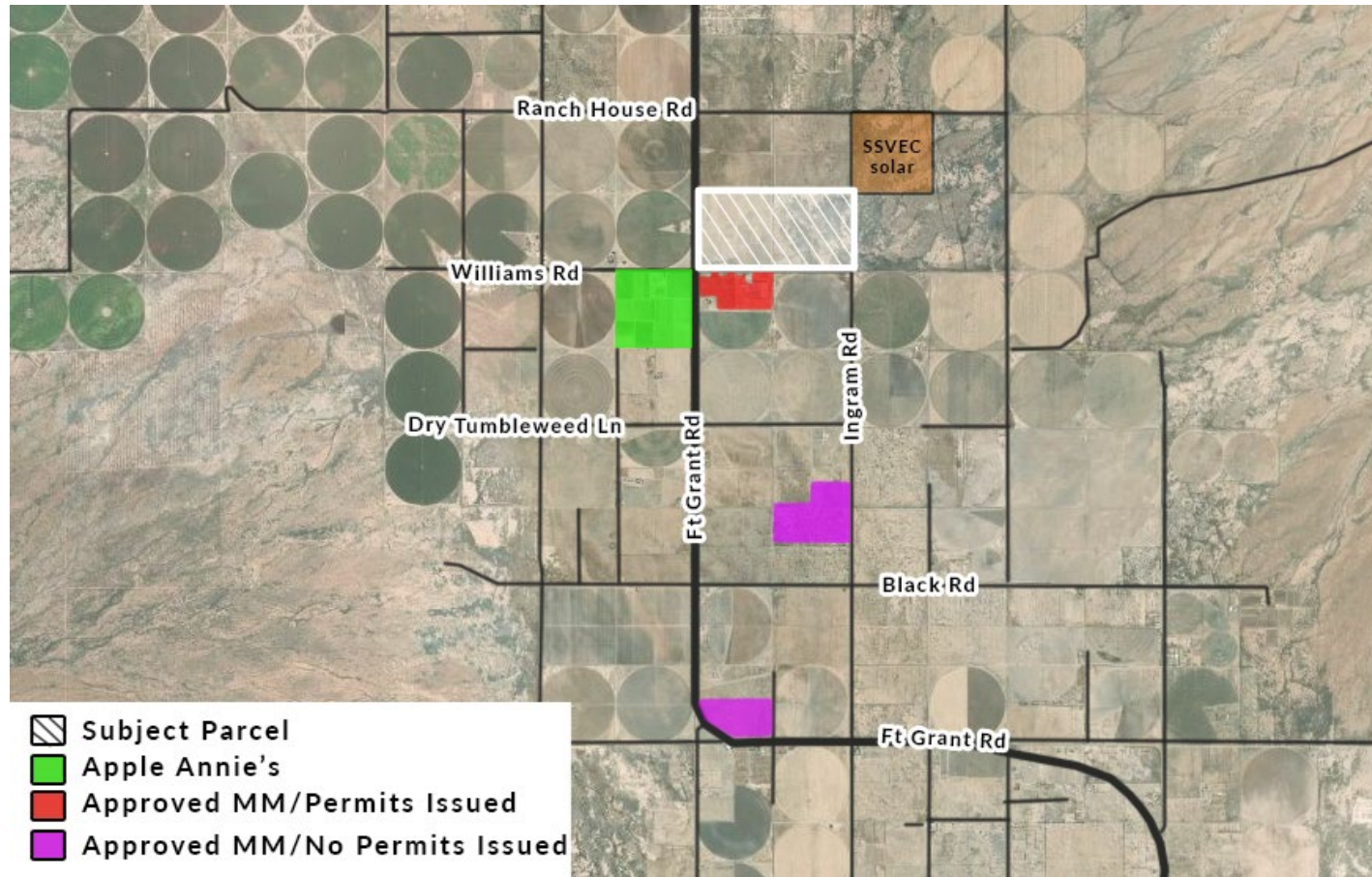
# COCHISE COUNTY

## Background

- This is a request to allow the construction of a medical marijuana cultivation and infusion facility
- The subject property (201-17-002E) is 318 acres and has historically been in agricultural use
- The Applicant is Ms. Hannah Bleam from Willcox OC, LLC
- The location is on Ft Grant Rd approximately 10 miles NW of Willcox



# COCHISE COUNTY **Site Analysis**



Photos Above:  
Apple Annies



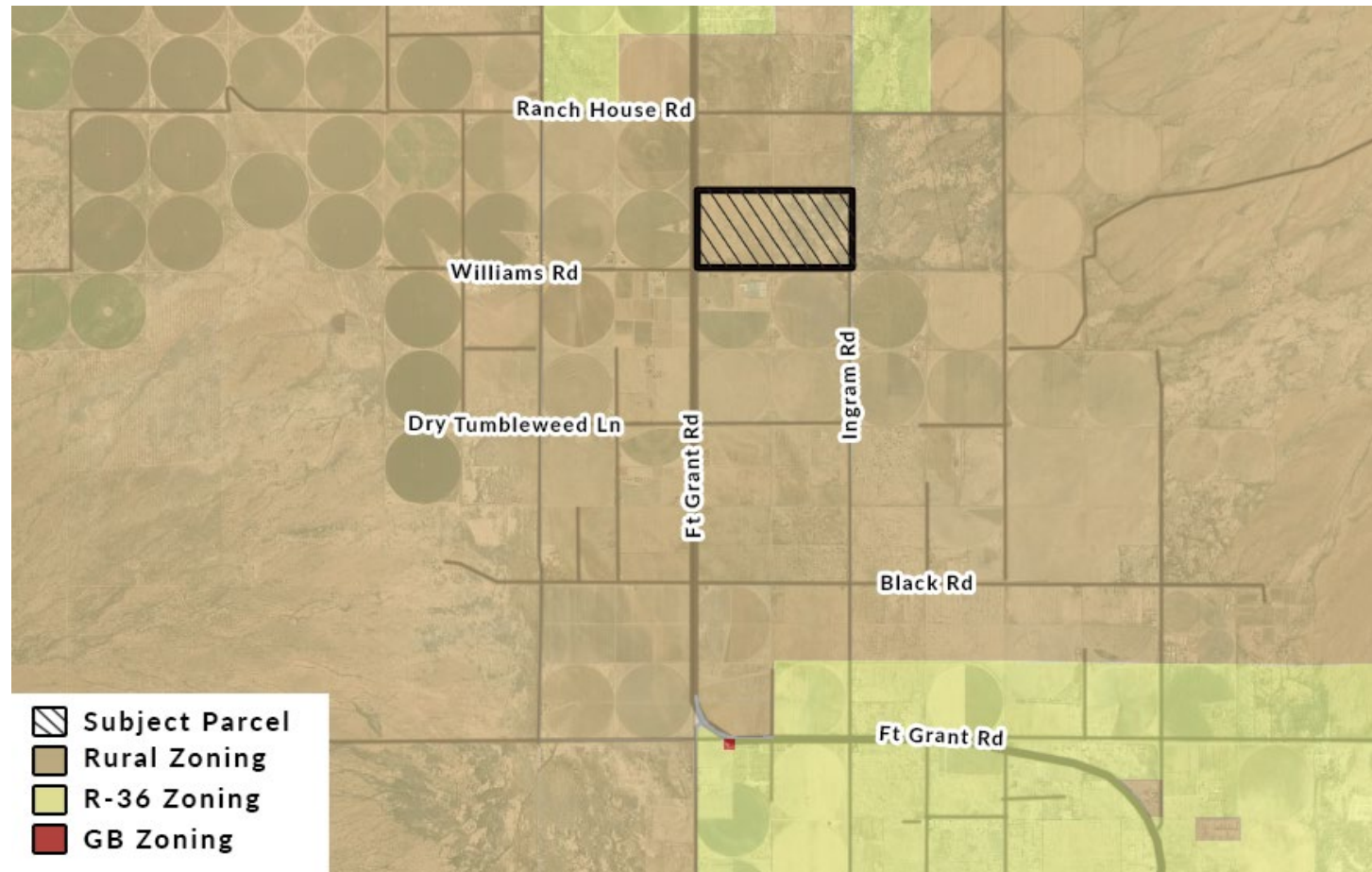
Photos to the left:  
The Pharm, security  
and wall



Photo to the left:  
Current site



# COCHISE COUNTY **Current and Proposed Zoning**



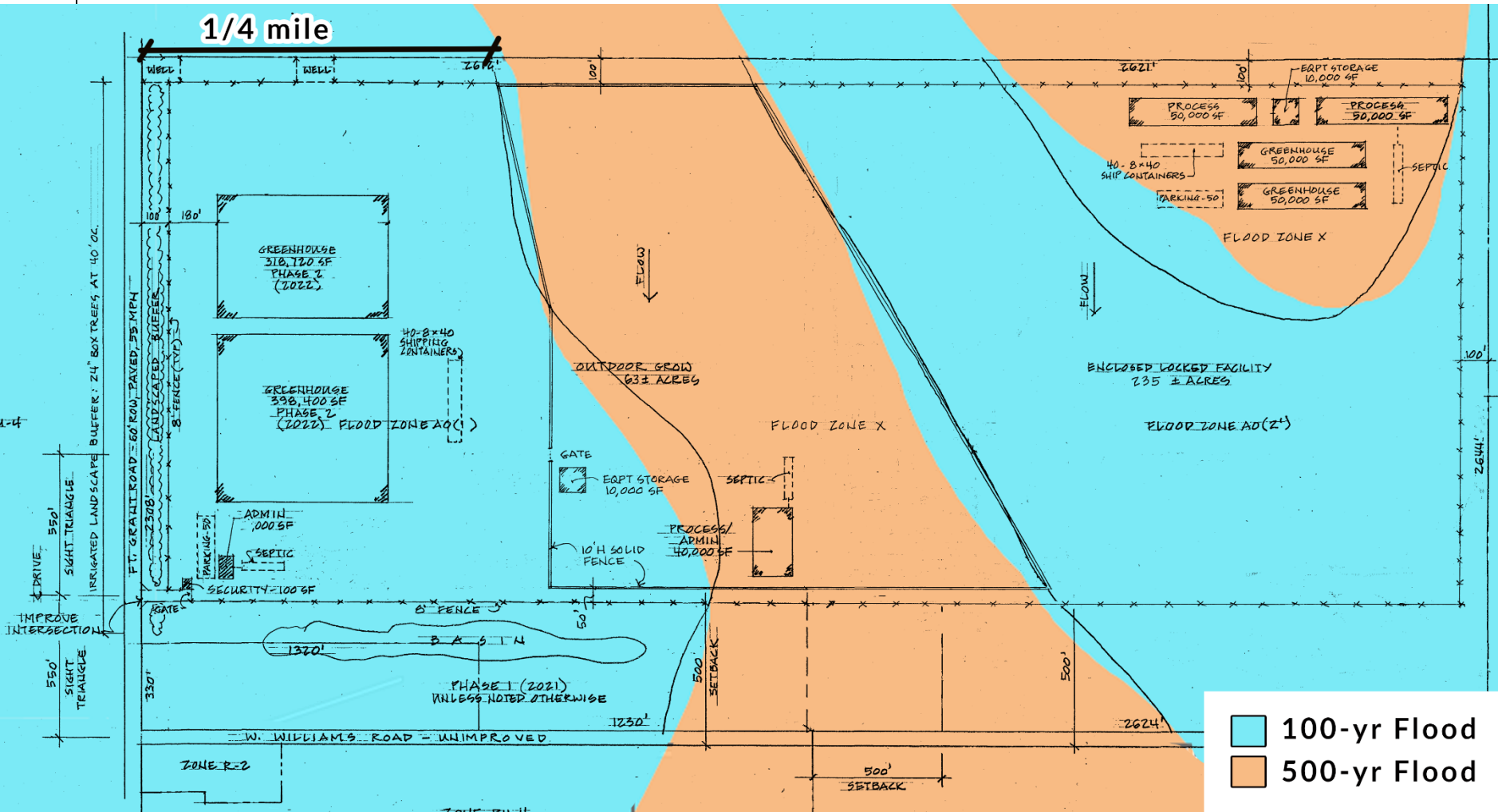
RU (Rural) Zoning Districts are established to:

- To preserve the character of areas designated as "Rural" in the Cochise County Comprehensive Plan;
- To protect the quality of the natural environment as it relates to safeguarding the health, safety and welfare of the people;
- To preserve the agricultural character of those portions of the County capable of resource production.
- **Medical Marijuana facilities are permitted by special use authorization**





# COCHISE COUNTY Flood Zones



## COCHISE COUNTY **Evaluation Criteria Analysis**

There are 10 factors used to evaluate all **special use** proposals. As submitted, the application:

- Complies: 6 factors
- Complies with conditions: 2 factors (Site Development Standards, Hazardous Materials)
- Partial compliance: 1 factor (Zoning district purpose compliance)
  - Does not comply: 1 factor (Off-Site Impacts)



# COCHISE COUNTY **Conditional Compliance**

Hazardous materials:

- Mercury (from lighting ballasts), Pesticides, Residual THC, other chemicals

Site development standards:

- Setbacks (complies)
- Lot coverage – 7.2% (complies)
- Height – waiver requested for 10' wall
- Lighting (complies with conditions)

SITE DEVELOPMENT ANALYSIS		
ITEM	PERMITTED/REQUIRED	PROPOSED
ASSESSOR PARCEL NUMBERS/ZONE	201-17-002E	
ZONE	RU-4	
GROWTH AREA	CATEGORY D (RURAL)	
FLOOD ZONE	X, A0 (1), A0 (2)	
USE	RU-4: RURAL-RESIDENTIAL, AGRICULTURAL	MEDICAL MARIJUANA CULTIVATION FACILITY (SPECIAL USE)
SITE AREA	4.0 ACRES MINIMUM	318± ACRES
BUILDING AREA	N/A	ULTIMATE: 991,220 SF 22.7 AC
MAXIMUM HEIGHT PRINCIPAL STRUCTURE	RU-4: 30'	≤30'
MAXIMUM HEIGHT ACCESSORY STRUCTURE	30'	≤30'
MAXIMUM HEIGHT WALL OR FENCE	RU-4: 8'	8' PERIMETER FENCE 10' SOLID FENCE AT OUTDOOR CULTIVATION AREA AS MANDATED BY AZ DHS
MINIMUM SETBACKS	MEDICAL MARIJUANA CULTIVATION FACILITIES: 500' RU-4: 80' ROADWAYS, OTHER BOUNDARIES: 20'	WILL COMPLY
MAXIMUM SITE COVERAGE (BUILDINGS AND IMPERVIOUS SURFACES)	25%	7.2%
DISTANCE BETWEEN STRUCTURES	15'	≥15'
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OUTDOOR STORAGE	NO RESTRICTION IN CATEGORY D GROWTH AREA	N/A
LIGHT POLLUTION	WILL COMPLY SECURITY LIGHTING ONLY	
SIGNS	FT GRANT ROAD AS ARTERIAL 32 SF MAXIMUM 6' HIGH MAXIMUM	WILL COMPLY

# COCHISE COUNTY **Does Not Comply**

## Odor:

- Mitigation Plan included
- Two conditions recommended (indoor/outdoor mitigation)

## Visual Impacts

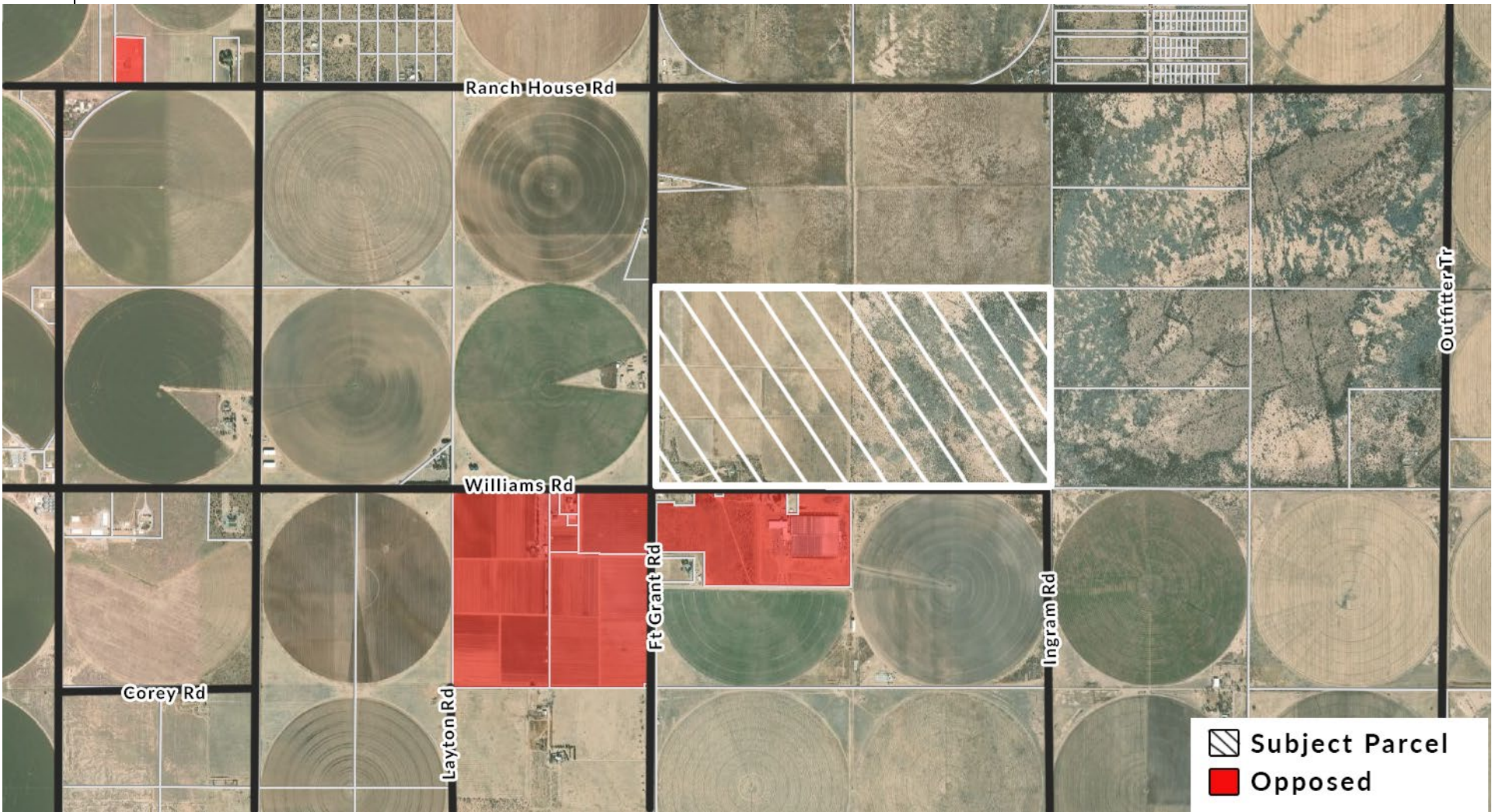
- Proposed fencing and wall shall not diminish the visual quality of the premises or surrounding area. Razor wire or similar material is not permitted.
- Landscape buffer – max spacing, irrigation, maintenance plan (fertilization schedule), 3-year guarantee of plant material

**Also glare/glow, traffic, dust concerns**



# COCHISE COUNTY **Community Input**

0 letters of support were received. 4 letters of opposition were received.



## COCHISE COUNTY **Factors in favor of approval**

1. The project is consistent with several goals and policies of the Comprehensive Plan and partially complies with the “Purpose of the Rural Zoning Districts”;
2. The project complies 6 of the criteria used to evaluate special use requests. It complies, with conditions, for 2 criteria and partially complies with 1 criterion;
3. The site plan submitted complies with most applicable site development standards and conditions contained in section 1825 of the Zoning Regulations; and
4. The project would generate employment.



## COCHISE COUNTY **Factors Against Approval**

1. Off-site impacts – odor;
2. Visual impacts – marijuana farms tend to appear more industrial than other agricultural operations due to their unique security, fencing, and lighting requirements;
3. General compatibility concerns – there is scattered residential in the area and a nearby agritourism farm;
4. Four letter of opposition were received.





## COCHISE COUNTY **Staff Recommendations**

- Docket SU-21-000005, Recommend **Conditional Approval**

If the Commission wishes to grant approval, 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 18-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 24-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 Division and may require additional modification and approval by the Planning and Zoning Commission;



4. The (2,308'x 100') landscape buffer, as indicated in the site plan adjacent to Ft Grant Road, shall include drought-tolerant vegetation, with proposed shade trees no greater than 40' on center. This buffer shall be irrigated. Prior to the issuance of a building permit the applicant shall provide a landscape maintenance and irrigation plan, including fertilization schedule and guarantee of all plant material for no less than three years from date of final inspection. The installation of this buffer shall occur in Phase One. In addition, a minimum of a 100-foot buffer area shall be maintained around the north, west and east sides of the parcel, and a minimum of a 500-foot buffer area shall be maintained on the south side of the parcel. In this area, any existing vegetation shall remain to provide screening of the use. This does not include removing annual grasses, dead trees, bushes, and required utility installations.
5. Any lighting still required shall fully comply with the County's Outdoor Light Regulations. Greenhouses shall employ the "blackout panels" (or similar equal) to reduce the glow from grow lights, where applicable.



6. The applicant submit a hazardous materials questionnaire in conjunction with permitting. All chemicals, fertilizers, or any hazardous product associated with the cultivation of marijuana shall be used, stored and disposed of in a manner consistent with the manufacturer's instructions and/or any law that governs same. Cannabis remnants, infused products, bi-products, and other waste material shall be rendered unusable and disposed of in a safe, sanitary, and secure manner.
7. All on-site commercial sale/activity is prohibited.
8. The amount of outdoor grow is limited to no more than 20% (63 acres) of the site.



9. Prior to the start of construction:
  - A. A Stormwater Pollution Prevention Plan (SWPPP) will be required from the Arizona Department of Environmental Quality (ADEQ). This will also include a Notice of Intent (NOI) to clear land.
  - B. A Notice to Clear Native Plants must be obtained from the Arizona Department of Agriculture and a copy submitted to Cochise County.
  - C. A Drainage Analysis will be required for all parcels (hydrology and hydraulic report) as well as a Floodplain Use Permit. This includes, but not limited to, Grading Plans, Site Plans, Drainage Reports prepared by an Arizona Registered Civil Engineer.
10. Proposed fencing and wall shall not diminish the visual quality of the premises or surrounding area, nor shall it impede surface water flow. Razor wire or similar material is not permitted. Elevations and proposed material of the fencing/wall must be approved by the County prior to its construction.



11. All indoor grow facilities shall be equipped with odor control filtration and ventilation system(s) based on current industry-specific best control technologies and best management practices. No operable windows or exhaust vents shall be located on any building façade that abuts a residential use or zone. Exhaust vents on rooftops shall direct exhaust away from residential uses and Ft Grant Road.
12. All proposed outdoor grow locations shall be equipped and maintained at their perimeter of the site with odor control devices, based on current industry-specific best control technologies and best management practices, that results in neutralization of the odor from the cannabis under normal circumstances.



## Sample Motions

*Mr. Chairman, I move to approve Docket SU-21-000005, with the Conditions of Approval recommended by staff; the Factors of Approval constituting Findings of Fact.*



Special Use Docket SU-21-000005 (MM Ft Grant Rd)

\_\_\_\_ YES, I SUPPORT THIS REQUEST. Please state your reasons:

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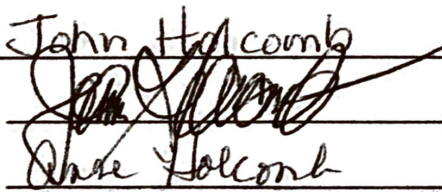
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NO, I DO NOT SUPPORT THIS REQUEST. Please state your reasons:

We strongly oppose this application and request that Cochise County deny this application for special use. We own the parcels listed personally and farm them under the name Apple Annie's Produce & Pumpkins. This is a DBA for Apple Annie's Orchard, Inc., a family held corporation. See attachment for explanation.

(Attach additional sheets, if necessary)

PRINT NAME(S): John Holcomb Anne Holcomb  
SIGNATURE(S):  20119001D  
20119001H  
20119001B  
20119002  
20119001K

YOUR TAX PARCEL NUMBER: 20119001J (the eight-digit identification number found on the tax statement from the Assessor's Office) or you look it up online by going to "Mapping Resources" on our website (<https://www.cochise.az.gov/development-services/home>)

Your comments will be made available to the Planning and Zoning Commission. Submission of 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 no later than Monday March 1, 2021 to be included in the staff report to the Planning and Zoning Commission.

RETURN TO: Christine McLachlan, Planner II  
Cochise County Development Services  
1415 Melody lane, Building F  
Bisbee, Arizona 85603  
cmclachlan@cochise.az.gov

## Apple Annie's Orchard, Inc. Response to Special Use Docket SU-21-000005 (MM Ft Grant Rd)

Apple Annie's is a family owned business consisting of three locations in Willcox. We have been in business for 35 years, providing our customers with an outdoor farm experience. Over the years we have become a popular destination for people from around Arizona to come out and enjoy on-farm recreation while picking their own fruit and produce. We estimate that this past season, from July through October, we had 150,000 visitors at our Williams Road location. In addition, we have family members including young children, living on this farm. There are also up to 60 employees working on site. This farm is comprised of the parcels listed on the cover page. It is located directly across the intersection of Fort Grant and Williams Roads from the parcel listed in the Special Use application.

A few years ago Cochise County granted a Special Use permit for cannabis cultivation directly east of our farm. We feel that there was not full disclosure by the County or applicant on this proposed project. We were not advised of the offensive, skunk-like smell generated by cannabis or the potential health risks associated with its growing and processing.

Cannabis cultivation and processing is an emerging industry in the United States. As such, there is little information available on the potential health risks to workers, nearby residents and visitors. However, in a study in California, it is indicated that cannabis produces a harmful ozone layer close to the ground. Unlike the ozone layer in the atmosphere that protects our environment, this is a low level layer that holds toxic compounds. (Campbell, Khlystov, McDaniel, Samburova, Wolf 2019)

The Sulphur Springs Valley, which includes the area of this Special Use application, is subject to air inversions, a condition when the air is stagnant and moves very little. This would result in this harmful ozone layer being trapped at ground level and spreading in all directions. This is a typical weather pattern for September and October from early evening until late morning.

**Apple Annie's Orchard, Inc. Response to Special Use Docket SU-21-000005 (MM Ft Grant Rd)**

**A strong, obnoxious odor is given off in cannabis cultivation and processing. It can best be described as the smell of a skunk after being hit by a car. Impacts from cannabis odors have been reported to include (Stevenson 2017):**

- 1. Headaches**
- 2. Eye and throat irritation**
- 3. Nausea**
- 4. Discomfort being outside**
- 5. Mental stress**
- 6. Lack of desire to entertain guests ( or in our case, to have customers to our farm)**

**We acknowledge that cannabis cultivation, processing and sale is now legal in Arizona. It is a fledgling industry and is seen as a revenue stream for the State of Arizona, with it's 16% tax rate. Counties see the local economic development potential from cannabis production. Obviously, it is seen as a great money maker to investors with returns in excess of a million dollars per acre reported. However, little is known on the health risks associated with its cultivation and processing to those in close proximity on a daily basis.**

**We recommend that Cochise County only approve Special Use applications for cannabis cultivation and processing in remote locations of the county, where local residents and businesses will not be impacted.**

**We request that this application for cannabis cultivation and processing be denied. We further request that Cochise County, in cooperation with ADEQ, monitor emissions from all cannabis cultivation, in outdoor fields, greenhouses and processing facilities and require modification to comply with healthy air standards, or cease operation.**

**Apple Annie's Orchard, Inc. Response to Special Use Docket SU-21-000005 (MM Ft Grant Rd)**

**Literature Cited:**

- 1. Campbell D., Khlystov A., McDaniel M., Samburova V., Wolf M., Dominant Volatile Organic Compounds (VOCs) Measured at Four Cannabis Growing Facilities (2019) Journal of the Air & Waste Management Association. Available online.**
- 2. Stevenson M., Literature Review on the Impacts of Cannabis Cultivation (2017) Horizon Water and Environment, LLC. Available online.**

Special Use Docket SU-21-000005 (MM Ft Grant Rd)

\_\_\_\_\_ YES, I SUPPORT THIS REQUEST. Please state your reasons:

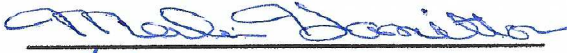

\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

X NO, I DO NOT SUPPORT THIS REQUEST. Please state your reasons:

We strongly oppose this application AND Request That Cochise County deny this Application for Special USE. We Live on Ranch House Road not MORE THAN 2 miles AWAY (AS THE CROW FLIES). There ARE Times when the Smell of Skook is pretty BAD! I AM concerned ABOUT the health of my family now AND in the future. We never knew ABOUT the present Facility Being Approved until it WAS over.

(Attach additional sheets, if necessary)

PRINT NAME(S): MERLIN HAMILTON      SHERRY HAMILTON

SIGNATURE(S):   


YOUR TAX PARCEL NUMBER: 209-15-00355 (the eight-digit identification number found on the tax statement from the Assessor's Office) or you look it up online by going to "Mapping Resources" on our website (<https://www.cochise.az.gov/development-services/home>)

Your comments will be made available to the Planning and Zoning Commission. Submission of 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 no later than Monday March 1, 2021 to be included in the staff report to the Planning and Zoning Commission.

RETURN TO: Christine McLachlan, Planner II  
Cochise County Development Services  
1415 Melody lane, Building F  
Bisbee, Arizona 85603  
cmclachlan@cochise.az.gov

SPECIAL USE Docket  
SU-21-000005 (mm FT Grant Rd)

WE THINK THAT COCHISE COUNTY PLANNING AND ZONING COMMISSION SHOULD CHANGE THEIR WAY OF ADVERTISING AND LET THE GENERAL PUBLIC KNOW WHATS GOING ON. IF YOU ARE NOT A LANDOWNER NEXT TO THE APPLICANT YOU DON'T KNOW. IN THIS CASE THE SMELL TRAVELS MILES.

FOR INSTANCE DOCKET SU-21-000005 (mm FT Grant Rd) THERE ARE NO SIGNS ON ANY CORNER OF THIS PARCEL.

IF YOU DON'T DENY THIS APPLICATION YOU SHOULD TABLE IT UNTILL THE PEOPLE AROUND THE PRESENT FACILITY SEE HOW THE OUTSIDE (OPEN AIR) PLANTING WILL AFFECT THEM AND THEIR NEIGHBORS LIKE US.

I AM A LITTLE CONCERNED ABOUT THE HEALTH RISK.

PLEASE DENY THIS APPLICATION -

LET US SMELL THE FRESHNESS OF  
NEWLY CUT ALFALFA NOT A WASTY  
SKUNK SMELL!

Special Use Docket SU-21-000005 (MM Ft Grant Rd)

YES, I SUPPORT THIS REQUEST. Please state your reasons:

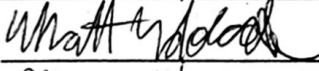

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\_\_\_\_\_

NO, I DO NOT SUPPORT THIS REQUEST. Please state your reasons:

We oppose this application and request that Cochise County deny it. Cannabis cultivation on a large scale is a new enterprise and as such little is known about the medical impacts of those exposed to it. We have had experience with cannabis cultivation and processing with the Willcox Greenhouse located directly East of our farm and residence. We have experienced the strong skunk smell and have had headaches as a result. Please deny this application. It is in the best interest of our family, employers, neighbors and the thousands of customers that visit our farm.

(Attach additional sheets, if necessary)

PRINT NAME(S): Matt Holcomb, Alicia Holcomb

SIGNATURE(S):  20119001 D 20119002  
 20119001 H  
20119001 G  
2011900 K

YOUR TAX PARCEL NUMBER: 20119001J (the eight-digit identification number found on the tax statement from the Assessor's Office) or you look it up online by going to "Mapping Resources" on our website (<https://www.cochise.az.gov/development-services/home>)

Your comments will be made available to the Planning and Zoning Commission. Submission of 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 no later than **Monday March 1, 2021** to be included in the staff report to the Planning and Zoning Commission.

RETURN TO: Christine McLachlan, Planner II  
Cochise County Development Services  
1415 Melody Lane, Building F  
Bisbee, Arizona 85603  
cmclachlan@cochise.az.gov

**From:** [Craig Boudle](#)  
**To:** [McLachlan, Christine](#)  
**Cc:** [cboudle@msn.com](mailto:cboudle@msn.com); [Kirschmann, Robert](#)  
**Subject:** RE: Christine Contact  
**Date:** Monday, March 1, 2021 6:46:01 PM

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**CAUTION: EXTERNAL EMAIL\***

Hi Christine,

Thank you for the opportunity to provide you with a better understanding of our concerns as it relates to the Fort Grant / Williams Road SUP application. We have outlined our most vital concerns regarding this project, once you have had the opportunity to review them, happy to discuss further.

- Scale of the Project /Unknown Impact
  - The proposed project as currently presented, is incredibly large in scale and lacking in detail. Without the appropriate information, impact studies etc., the impact on the community is completely unknown (parking, traffic impact, water, nuisance, congestion etc.). This is terrifying given the sheer size and scale of what they seem to be proposing.
- Impact on the Willcox Playa Aquifer
  - We have seen an enormous increase on the Willcox Playa aquifer, which has already led to the demand to exceed recharge at an alarming rate.
  - A project of this size should provide a clear understanding of its impact on the aquifer, as well as a description of its plan for conservation and efficiencies in its technology and operations. As its currently been provided, the impact is completely unknown, which we fear will create long lasting negative effects on its neighbors as well as the County as a whole.
- Majority of the Property is in the Floodplain
  - Over 70% of the property is in the floodplain. Given the sheer size and scale of this facility, there is a significant and real risk that the current floodplain water management system, via detention and retention basins, will develop into pest breeding grounds, destroying neighboring crops and farms, including our own.
- Crop Cross-Contamination
  - When any “specialty crops,” or crops that are intensively cultivated, are cultivated outdoors, operators must ensure the specialty crops are grown in isolation or in the least, with a significant degree of separation from other specialty crops. One of the potential dangers of failing to do so and instead planting specialty crops in close proximity to one another, means a drastic increase in the chance of cross-contamination, leading to destruction of crops and a failure of the crop reaching

its full potential (with devastating financial effects). While certain steps can be taken to help avoid cross-contamination, if the contamination derives from a neighboring farm, there is little to nothing that can be done to protect the integrity of our own planted crops.

- Like other types of specialty crops, various disruptive and potentially destructive agricultural consequences also arise when outdoor cannabis cultivations are permitted to operate within close proximity to one another. As a result, industry experts recommend a minimum of 10 miles between outdoor cannabis fields.
- Cross-contamination can have any number of devastating effects on neighboring crops, including but not limited to:
  - Decreased Yield
  - Destruction of Genetics
  - Spread of Other Destructive Contaminants (mold, mildew, and other devastating contaminants)
- Transfer of Pests and Disease (Nuisance)
  - Allowing multiple cannabis cultivations to be built and established within close proximity to one another, means there is also an increased likelihood of the transfer of pests and disease which can lead to crippling infestations and crop destruction, creating a clear public nuisance for surrounding neighbors and the environment.

In short there is very little information or detail provided for this project and due to its proposed size and scale, we are gravely concerned that there will be long lasting negative effects on its neighbors, the environment, water, leading to pest infestation, cross-contamination, disease and crop destruction of neighboring farms. We are asking the County consider these potentially devastating liabilities when reviewing this project proposal. Thank you in advance for your time and consideration of our concerns and again, I'm happy to discuss further by phone or in person if that would be helpful.

Best regards,

Craig Boudle  
The Pharm  
520-559-0800

---

**From:** McLachlan, Christine <CMcLachlan@cochise.az.gov>  
**Sent:** Friday, February 26, 2021 2:10 PM  
**To:** Craig Boudle <cboudle@msn.com>  
**Subject:** RE: Christine Contact

Hi Craig, my report should be finalized Tuesday. Given that a similar type and size of operation was

proposed in both locations, there are definitely some overlaps between the two reports. Is there any particular concern or recommendation you would like included in my report? If so, feel free to send it my way. So far I have only received comments from Apple Annie's and one other neighbor.

Thanks!

Christine McLachlan, AICP  
Planner II  
Cochise County  
Development Services Department  
1415 Melody Lane, Building F  
Bisbee, AZ 85603  
[cmclachlan@cochise.az.gov](mailto:cmclachlan@cochise.az.gov)  
P: 520-432-9266  
F: 520-432-9278

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**From:** Craig Boudle <[cboudle@msn.com](mailto:cboudle@msn.com)>  
**Sent:** Friday, February 26, 2021 2:00 PM  
**To:** McLachlan, Christine <[CMcLachlan@cochise.az.gov](mailto:CMcLachlan@cochise.az.gov)>  
**Subject:** RE: Christine Contact

**CAUTION: EXTERNAL EMAIL\***

Hi Christine,

I have lots of questions and great concerns as an abutting neighbor to the south at The Pharm, as I'm sure Robert has shared with you.

How is the staff report progressing? I am anxious to see how this report compares to the Birch Road application.

Best regards,

Craig Boudle  
520-559-0800

---

**From:** McLachlan, Christine <[CMcLachlan@cochise.az.gov](mailto:CMcLachlan@cochise.az.gov)>  
**Sent:** Friday, February 5, 2021 12:40 PM  
**To:** Craig Boudle <[cboudle@msn.com](mailto:cboudle@msn.com)>  
**Subject:** RE: Christine Contact

Hi Craig, I will be the case planner for this permit. This case is currently scheduled to go before our planning and zoning commission on March 10<sup>th</sup>. I'm attaching the application to this email. The staff report and presentation should be complete no later than March 5<sup>th</sup> and will be available online as an agenda attachment for the 3/10 meeting. Let me know if you have any questions or concerns.

Thanks,

Christine McLachlan, AICP  
Planner II  
Cochise County  
Development Services Department  
1415 Melody Lane, Building F  
Bisbee, AZ 85603  
[cmclachlan@cochise.az.gov](mailto:cmclachlan@cochise.az.gov)  
P: 520-432-9266  
F: 520-432-9278

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---

**From:** Craig Boudle <[cboudle@msn.com](mailto:cboudle@msn.com)>  
**Sent:** Friday, February 5, 2021 12:29 PM  
**To:** McLachlan, Christine <[CMcLachlan@cochise.az.gov](mailto:CMcLachlan@cochise.az.gov)>  
**Subject:** FW: Christine Contact

**CAUTION: EXTERNAL EMAIL\***

Hi Christine,

My name is Craig Boudle. Robert gave me your contact information, as he said that you would be the person to talk to about the upcoming SU permit application for Willcox OC, LLC's Ft Grant and Williams Rd / Parcel # 201-17-002E application. Can you tell me when the file will be available for viewing?

Best regards,

Craig Boudle  
520-559-0800

---

**From:** Kirschmann, Robert <[RKirschmann@cochise.az.gov](mailto:RKirschmann@cochise.az.gov)>  
**Sent:** Wednesday, February 3, 2021 9:23 AM  
**To:** Craig Boudle <[cboudle@msn.com](mailto:cboudle@msn.com)>  
**Subject:** Christine Contact

[CMcLachlan@cochise.az.gov](mailto:CMcLachlan@cochise.az.gov)

**Robert Kirschmann**

Planner II  
Cochise County Community Development  
Development Services Department  
126 West 5<sup>th</sup> Street, Suite 4  
Benson, AZ 85602  
520-432-9248 Direct  
520-999-9286 Cell  
520-432-9278 fax

**GIS Online Map:** [INFOMap](#)  
**APPLY ONLINE:** [CITIZEN SERVE](#)

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