

Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

As a business owner in the Portal community for over 17 years, I believe this to be a great economic boost to our area with minimal impact. A lot of my business comes from blue-collar workers. Creating jobs is a great thing especially the days we're living in now. Others will give you all kinds of reasons why it shouldn't happen. The fact of the matter is once they move here, they believe no one else should be here once they're here. I've seen this go on for years. I know in the end they will probably get their way as they always do. Normally, I don't get involved with county business because I'm too busy. I felt it was important for the county to hear my voice on this matter. Thanks for listening.

NO, I DO NOT SUPPORT THIS REQUEST:


Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Mitchell Webster

SIGNATURE(S):



YOUR TAX PARCEL NUMBER: 402-25-028A7 & 402-28-034A3 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by **Monday March 1, 2021** will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

___XXX___ **NO**, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

___The marijuana facility absolutely cannot be approved for this area. Portal is fully a residential, wildlife, birding, astronomy, camping, hiking and recreational area. Unfortunately it is also a drug haven for illegals, youngsters and adults. Regrettably there are residents with drug related convictions in the very area being considered for THC products which are more than 50% of the revenues of the drug cartels. A Federal EPA Approved Environmental Impact Report is required by law for this. The negative effects are numerous and horrible. See https://www.michigan.gov/documents/egle/egle-WhitePaper-TheEnvironmentalImpactsOfTheMarihuanaIndustry_689717_7.pdf The odor from these facilities is overwhelming. The burden on the small electrical coop, Columbus Elec, which already is very problematic would be catastrophic. Less than 2 miles south of the plant is ASV astronomy with millions of dollars of investment which would be potentially ruined. Water usage is high for these projects. Drug cartel violent homicidal retribution is a definite result, unless this project is actually being sponsored by the cartels. Such sponsorship is unthinkable. THC waste is not legally processible in this area as required by Federal law. Surrounding land destruction is unavoidable. Air quality permit is required. CO2 production generators must be approved. Law enforcement is hours away. A "commercial rated" fire and rescue department is not available. County road maintenance is already underfunded and over-stressed. No matter what light mitigating steps are taken, a 70 car parking lot will be unacceptable light pollution. In addition, the skylights for sunlight in the day cause excessive light pollution up through the skylights at night.

_____ **PORTAL WILL BECOME A WAR ZONE. YOU CANNOT ALLOW THIS WHAT SO EVER !!!!**

(Attach additional sheets, if necessary)

PRINT NAME(S): _____ Raymond and Doris Brooks

SIGNATURE(S): _____

YOUR TAX PARCEL NUMBER: _402-21-012A8

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by **Monday March 1, 2021** will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 856

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___XXX___ **NO**, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

We live full-time 1.8 mi south of this proposed facility which presents specific, adverse environmental hazards as well as *many* major issues impacting the Portal community. Of primary concern to us is drug trafficking; spawning of more crime related to drug trafficking by establishing a dispensary; necessity of armed security for such facilities; and the probability of being caught in crossfire between Cartel drug runners and this proposed operation. CBP already has an increased presence in our community due to recent open border policies. We established our retirement home here to enjoy peaceful, quiet surroundings and have also purchased 25+ acres around us to prevent expansion of homes. This *commercial* facility would ruin what we have strived to protect as well as devalue our investments. Although Cochise County's conference rooms are currently closed to the public, Cochise County should immediately hold a Public Hearing at Portal Fire & Rescue so the Community as a whole could be heard.

(Attach additional sheets, if necessary)

PRINT NAME(S): **DORIS & RAYMOND BROOKS**

SIGNATURE(S): _____

YOUR TAX PARCEL NUMBER: **402-21-013H4** _____ (the eight-digit identification number found on the tax statement from the Assessor's Office)

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(Attach additional sheets, if necessary)

PRINT NAME(S): **DORIS & RAYMOND BROOKS**

SIGNATURE(S): _____

YOUR TAX PARCEL NUMBER: 402-21-056007 _____ (the eight-digit identification number found on the tax statement from the Assessor's Office)

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(Attach additional sheets, if necessary)

PRINT NAME(S): _____ Raymond and Doris Brooks

SIGNATURE(S): _____

YOUR TAX PARCEL NUMBER: _402-21-03506

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by **Monday March 1, 2021** will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

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Cochise County Planning Department
126 W 5th Street
Benson, AZ 856

WHITE PAPER: THE ENVIRONMENTAL IMPACTS OF THE MARIHUANA INDUSTRY



September 17,
2018

Michigan Department of Environmental Quality
Marihuana Workgroup



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EXECUTIVE SUMMARY

Marihuana cultivation and processing are expanding, as both recreational and medical marihuana products are being legalized across the United States of America (U.S.). In Michigan, medical marihuana is currently legal, and an initiative to legalize recreational marihuana will appear on the ballot in November 2018. Due to the potential full legalization of marihuana in Michigan, a Michigan Department of Environmental Quality (MDEQ) workgroup was formed to assess the environmental risks posed by the marihuana industry.

Air

- Odor from marihuana cultivation and processing is a major concern. Many people are familiar with the pungent odor from burning marihuana. Foul odors are also generated from the cultivation and processing of marihuana.
- Processors often use solvents to extract essential oils that contain medicinal and psychoactive compounds. These solvents pose potential public health impacts and may be subject to existing air pollution control rules.
- Marihuana plants have the potential to emit significant quantities of volatile organic compounds (VOC), which may pose a threat to attainment of the National Ambient Air Quality Standard (NAAQS) for ozone.
- Depending on the nature, size, and scale of the operation, cultivation and processing facilities may be required to obtain a *Permit to Install* (PTI), per Rule 201 of Part 2, Air Use Approval (Part 2 Rules), promulgated pursuant to Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA).
- Open burning is another potential concern. The growth and processing of marihuana results in plant wastes, which could pose air quality threats if they were burned as a means of disposal.

Waste

- Any marihuana plant waste should be made unusable and unrecognizable prior to disposal. This can be accomplished by grinding the marihuana waste and incorporating ground, non-consumable materials, such as inedible food waste, kitty litter, municipal solid waste, or other inedible wastes. The mixture should be at least 50 percent non-marihuana waste and should be secured in a locked container until transported off-site.
- Unprocessed marihuana is currently not listed as a hazardous waste. Characterization determinations could change if the unprocessed marihuana comes into contact with certain listed hazardous wastes during the essential-oil extraction processes.
- Marihuana byproducts resulting from chemical treatment have the potential to become characteristically hazardous waste. The MDEQ recommends that any treated marihuana or waste byproduct be fully characterized, on a case-by-case basis, before disposal.
- Inorganic solid wastes can be disposed at a licensed municipal solid waste incinerator or a licensed municipal solid waste landfill.
- Under current regulations, marihuana plant wastes may be disposed at the following: a licensed municipal solid waste incinerator, municipal solid waste landfill, anaerobic digester, or registered composting facility; or the wastes may be composed on-site.

Water

- The cultivation of marihuana plants requires significant quantities of water. The use of the *State of Michigan Water Withdrawal Assessment Tool* (WWAT) will be required prior to beginning any new or increased large quantity withdrawal from groundwater or surface water.
- A Soil Erosion and Sedimentation Control (SESC) permit will be required for any earth change activity that disturbs one or more acres of land or is within 500 feet of a lake or stream.
- Construction activities that disturb one or more acres of land and have a point source discharge of storm water to waters of Michigan (streams, rivers, lakes, and wetlands) are required to obtain a National Pollutant Discharge Elimination System (NPDES) Permit.
- The State of Michigan (State) has assumed authority to administer Section 404 of the federal Clean Water Act (CWA) permitting program, which is the program that regulates the discharge of dredged or fill material into wetlands. The Michigan Department of Attorney General (MDAG) is reviewing if the MDEQ can issue wetland permits for marihuana activities.
- The State has been delegated authority to administer Section 402 of the CWA, which is the NPDES Program. If facilities have a direct discharge of pollutants to surface waters, they must apply to obtain an NPDES permit. Further research and/or discussion with the MDAG is needed to determine if the Water Resources Division (WRD), of the MDEQ, needs to add special language in NPDES permits for marihuana operations.
- The MDEQ does not recommend groundwater (land application) discharges of wastewater from growing or processing facilities.
- Discharge of wastewater from growing or processing to a septic system is not allowed, as only sanitary wastewater can be discharged to a septic system.
- The MDEQ has some concerns with contaminated runoff from these sites. Current storm water regulations would not directly apply to marihuana operations.

Key Recommendations

- Create fact sheets and educational documents for distribution to owners and operators of marihuana cultivation and processing facilities.
- Develop sample city ordinances or guidance for local governments on how to manage odors, as well as other environmental impacts from the marihuana industry.
- Review topics where administrative rulemaking may be necessary to properly manage environmental impacts from the marihuana industry and determine if rulemaking is the appropriate avenue for managing these impacts.
- Continue inter-departmental coordination with the Department of Licensing and Regulatory Affairs (DLARA) and Michigan Department of Agriculture and Rural Development (MDARD); consider developing a task force or formal workgroup to encourage greater coordination across the different agencies impacted by the marihuana industry.
- Develop internal guidance and policies for how MDEQ staff should handle marihuana facilities moving forward. There is a need for consistency across divisions in how communication, complaints, enforcement, and inspections will be handled.
- Assist the Bureau of Medical Marihuana Regulation (BMMR) staff in development of a permanent rule set to replace the emergency rules that regulate the marihuana industry.

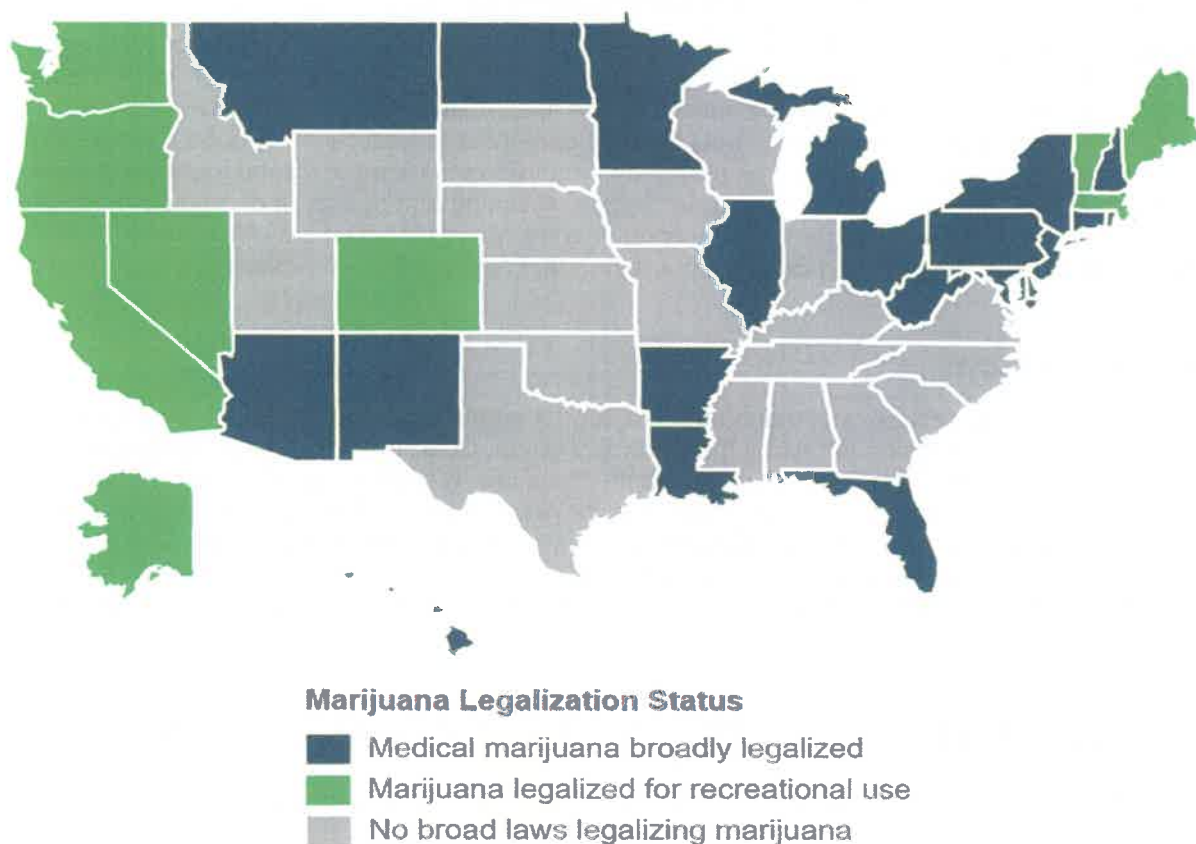
INTRODUCTION

States that have legalized recreational marihuana are beginning to realize the full extent of environmental impacts associated with the marihuana industry. As marihuana operations continue to expand (Figure 1),^{1,2} state environmental agencies have been working to determine the appropriate method of regulating this industry.

In Michigan, medical marihuana is currently legal and a proposal³ to legalize recreational marihuana will appear on the November 2018 ballot. Legalization of recreational marihuana could result in a significant increase in production and processing of cannabis. The State must be prepared to address the adverse environmental impacts posed by the marihuana industry. To achieve this goal, the MDEQ formed a marihuana workgroup tasked with assessing the negative environmental impacts that the marihuana industry will have within Michigan.

This white paper examines the environmental impacts posed by the marihuana industry, identifies gaps in the existing regulatory framework, and recommends potential actions the MDEQ may need to take to address the environmental impacts of the marihuana industry.

Figure 1: Legal Status of Marihuana by State



¹ https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States#States

² <http://www.governing.com/gov-data/state-marijuana-laws-map-medical-recreational.html>

³ <https://www.regulatemi.org/initiative/>

Definition of marihuana

Cannabis is a tall plant that is cultivated to produce drugs and fiber. Marihuana is the dried leaves and flowers of the cannabis plant that has THC (Tetrahydrocannabinol) in a concentration sufficient to produce a psychoactive effect after ingestion. Marihuana is also a natural source of CBD (Cannabidiol), which is not psychoactive and has medical applications. Hemp is a variety of cannabis that has very little THC and is cultivated for its tough fiber, which is used to make rope, cloth, and other products. Throughout this paper, cannabis will be used when referring to the plant and cultivation, while marihuana refers to the drug and its industry.

MICHIGAN'S EXISTING REGULATORY FRAMEWORK

Medical Marihuana

Medical marihuana was legalized with the passing of the Medical Marihuana Act of 2008 (MCL 333.26530). The Medical Marihuana Act created a system of registering patients and caregivers, imposed registration, application, and renewal fees, and provided for the promulgation of administrative rules. To supplement the Medical Marihuana Act, the Michigan Legislature adopted the Medical Marihuana Facilities Licensing Act (MMFLA) in 2016, which spells out the licensing requirements for marihuana cultivation, processing, and provisioning operations.

Through the MMFLA, BMMR, which is housed within the DLARA, was given the responsibility of licensing facilities that grow, process, transport, and sell medical marihuana in Michigan. In December of 2017, the DLARA issued emergency administrative rules to implement the MMFLA. These emergency administrative rules specify how facilities can obtain a medical marihuana license, the criteria by which license approval will be assessed, requirements for tracking and monitoring systems, along with several other requirements surrounding the licensing and operation of medical marihuana facilities in Michigan. The emergency administrative rules remain in effect until November 2018. BMMR staff are currently working to develop a permanent rule set that will replace the emergency rules.

Ballot Petition

A proposal to legalize recreational marihuana will appear on the ballot November 2018. This was a result of successful campaign efforts by the advocacy group, Coalition to Regulate Marijuana Like Alcohol. If passed, the ballot initiative would modify State law to allow legal marihuana possession, use, cultivation, and sale of marihuana for persons 21 years or older. This petition would also allow for taxation of revenue earned from marihuana facilities and would allow for the promulgation of additional administrative rules regarding marihuana possession, use, cultivation, and sale. However, the ballot proposal does not contain language regarding environmental impacts resulting from the legalization of recreational marihuana.

ENVIRONMENTAL IMPACTS OF THE MARIHUANA INDUSTRY

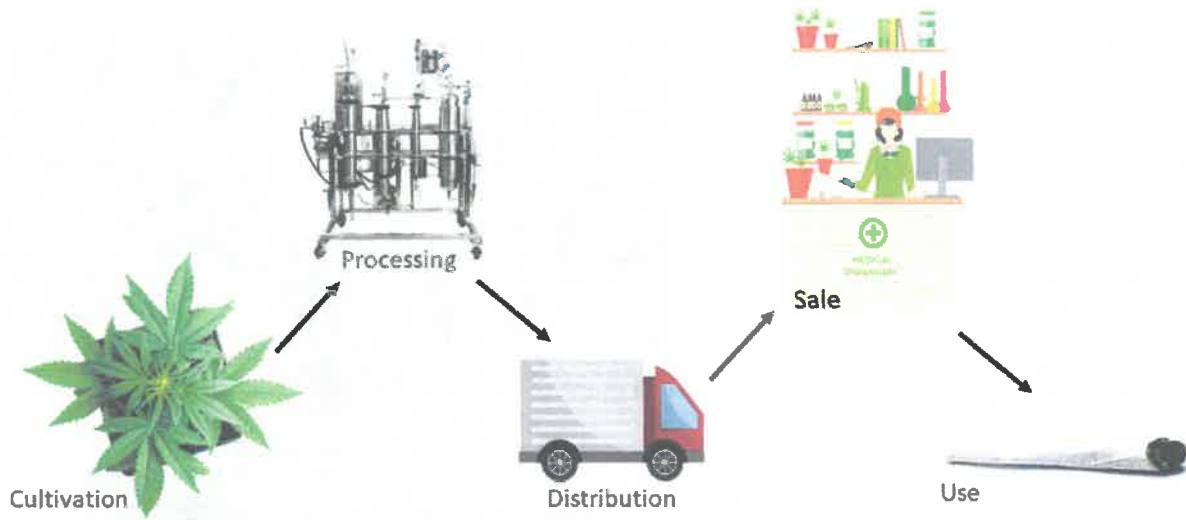
The marihuana industry consists of five stages: cultivation, processing, distribution, sale, and use. An overview of the process is provided in

Figure 2. Cultivation is the stage at which the cannabis plant is grown, either indoors or outdoors. Processing is when the cannabis plant is converted into the final marihuana product that typically involves the use of solvents to extract active ingredients. Distribution involves the transportation of

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marihuana products to the dispensaries. Marihuana products are sold through dispensaries and used by the consumer.

Figure 2: Marihuana Industry Overview



Environmental impacts from the marihuana industry are most common during the cultivation and processing stages. These stages are the primary focus of the remainder of this whitepaper. Cultivation and processing operations pose several threats to air, water, and land resources in Michigan. Cultivation and processing may be performed at a single facility or at separate operations. The remainder of this section discusses the environmental risks posed by marihuana cultivation and processing operations.

Cultivation

Cannabis cultivation may occur at indoor or outdoor facilities. Both indoor and outdoor cultivation require similar inputs to the system, such as water, nutrients, soil, and light to successfully grow cannabis. However, differences in conditions between indoor and outdoor cultivation result in unique environmental risks.

For both indoor and outdoor grow operations, the location of these facilities is important in preventing future environmental impacts. Clear-cutting, soil erosion, river diversions, and wetland impacts are among the impacts that marihuana cultivation operations can have on the land and water resources. For example, the state of California has faced issues with grow operations illegally located on federal and state protected lands. There are cases where individuals have clear-cut state protected forestland to establish cannabis cultivation operations. As a result of these illicit marihuana grow operations, Northern California has seen significant land use changes (Figure 3).⁴ To prevent these impacts, outdoor grow operations should not be located on or near ecologically sensitive areas, and all land changes and water withdrawals should be carefully controlled. In addition, indoor cultivation operations should not be located close to residential areas or in proximity to ecologically sensitive land.

⁴ Carah, Jennifer K. et al. High Time for Conservation: Adding the Environment to the Debate on Marijuana Legalization. *Bioscience* 65.8 (2015): 822-829. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4776720/>

Cannabis plants require large amounts of water throughout the growth process. Researchers have estimated that growing marijuana requires up to six gallons per plant, per day, resulting in an estimated 412,500 gallons of water used per acre over the growing season.⁵ Best management practices such as closed loop and water reuse systems can help reduce the quantity of water required by these facilities.

Due to the high water demand of cannabis cultivation, facilities may utilize illegal surface water withdrawals to irrigate cultivation operations. The state of California has had difficulty dealing with the large scale impacts resulting from illegal operations that intentionally divert streams or drain wetlands to irrigate cannabis plants.

In Michigan, impacts from outdoor marijuana grow operations have already been documented in Arenac County, where outdoor medical marijuana cultivation is allowed. The WRD has been dealing with issues of improper management of wetlands at medical marijuana facilities. A site of approximately 9.5 acres of a high quality, regulated, forested wetland was impacted by illegal tree and stump removal, excavation of a ditch/stream to drain the property, and placement of fill. Another site of approximately one to two acres, high quality, regulated floodplain was damaged by mechanical land clearing, the excavation of ditches to drain the property, placement of fill, and the construction of a grow building. Additionally, the colonization of invasive species occurred at both sites (Figure 4).

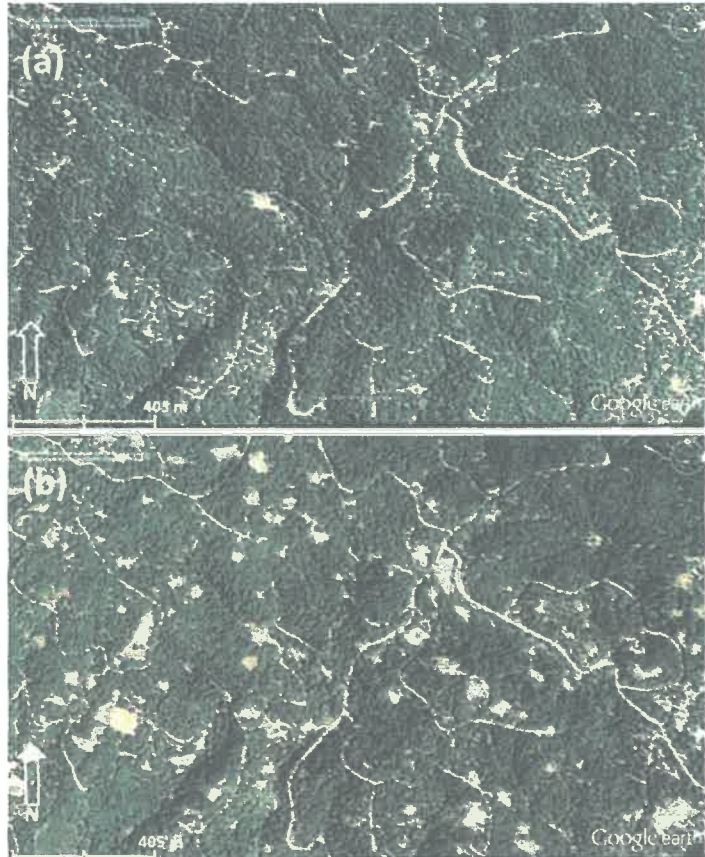


Figure 3: Land clearing and habitat conversion associated with marijuana cultivation in the Trinity River watershed (a) before conversion, 2004, and (b) after conversion, 2012. Source: Carah et al, 2015.

⁵ Bauer, Scott et al. Impacts of Surface Water Diversions for Marijuana Cultivation on Aquatic Habitat in Four Northwestern California Watersheds. *PLoS ONE* 10(3).

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(a) 9.5 acre site of what was previously high quality forested wetland.



(b) 1-2 acre site of previous high quality flood plain wetland.

Figure 4: Damage due to unlawful activities at outdoor marihuana grow operations in Arenac County.

Nutrient and chemical inputs to the system present another set of environmental challenges. Fertilizers, pesticides, fungicides, and rodenticides are commonly used in marihuana cultivation operations. These nutrient and chemical inputs can be toxic to wildlife, adversely impact drinking water aquifers, result in eutrophication of water resources, and damage septic systems. Nutrient and chemical inputs have a higher likelihood of resulting in adverse environmental impacts in outdoor operations, which are less likely to control and prevent the direct runoff of toxic compounds. WRD staff recommend following best management practices,⁶ such as pesticide management, to reduce the impacts of storm water runoff. In addition, the WRD does not recommend discharges to groundwater via a septic system, or discharges of untreated wastewater to the ground or groundwater.

Cannabis plants emit VOCs throughout their growth cycle. These VOC emissions are similar to the biogenic emissions that originate from pine trees. Outdoor grow operations typically have higher emissions to the ambient air than indoor grow operations, due to the lack of physical barriers or control technologies between the plants and the ambient air. Work is ongoing to determine more accurate emissions estimates for both indoor and outdoor grow operations. Preliminary estimates indicate that an average outdoor grow operation emits around 43 tons of VOC per year.⁷ There is a potential for hundreds of these operations to emerge across Michigan in a relatively short period of time, resulting in significant increases in VOC emissions in Michigan. These increases in VOC emissions would impact the ability of Michigan to meet the health-based national air quality standards for ozone.

VOCs emitted by cannabis plants are known to have a strong, pungent odor. The odors from growing cannabis plants can pose a nuisance to the surrounding communities in which these cultivation

⁶ http://www.michigan.gov/deq/0,4561,7-135-3313_71618_3682_3714-118554--,00.html

⁷ Ashworth, Kristi and Wiedinmyer, Christine. Impacts of the Legalization of Marijuana on Emissions and Air Quality in US. http://www.research.lancs.ac.uk/portal/files/145113071/GRC_Poster.pdf

operations are located. Odors from the plants can be mitigated through the use of control technologies, such as activated carbon filtration, negative ion generation, ozone generators, and misting systems. Activated carbon filtration is the most common and widely accepted method of controlling foul odors. Some odor control technologies may also reduce VOC emissions. Odor control plans are an effective way of reducing nuisance odors, beyond just installing control technologies. These plans typically document the nature of odors at the facility, as well as the control technologies and work practices the facility will utilize to minimize the impact of the odors on the surrounding communities.

Indoor cannabis cultivation operations may also use carbon dioxide (CO₂) generators to accelerate plant growth. Two common methods used to generate CO₂ are fermentation and combustion. Fermentation creates CO₂, hydrogen, methane, and other air contaminants. Combustion generates carbon monoxide (CO), nitrogen oxides, particulate matter (PM), sulfur dioxide, and VOCs. In significant quantities, the emissions of these air contaminants may pose public health risks and require a PTI.

The cultivation of marijuana produces solid wastes including stems, seeds, roots, stalks, soils, and other materials. Any marijuana plant waste should be made unusable and unrecognizable prior to leaving the licensed premises. This can be accomplished by grinding the marijuana waste and incorporating with ground, non-consumable, materials that result in a mixture of at least 50 percent non-marijuana waste. Example materials include, but are not limited to, inedible food waste or other organic material, kitty litter, municipal solid waste, or other inedible wastes. Mixture should be secured in a locked container until it is transported off site (Figure 5).

Once the marijuana plant waste is made unusable and unrecognizable, the waste may be disposed of at a licensed municipal solid waste landfill, deposited at a registered compost facility, taken to an anaerobic digester or a licensed municipal solid waste incinerator, or composted in a secure on-site location, to create soil that will be used on-site for further marijuana cultivation.



Figure 5: Grinding of marijuana plant waste. Photo courtesy of www.marijuanaventure.com

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Composting⁸ may be a desired practice at grow facilities, but it does present some additional concerns. Composting plant material and other organic wastes from growing and processing operations may include fertilizers and toxic pollutants. These pollutants have the capacity to leach into groundwater impacting drinking water sources. Storm water runoff from compost piles can include fertilizers and toxic pollutants, oxygen depleting constituents, extreme pHs, and solids.

Incineration of marijuana wastes may be a safe disposal method in some cases, but it is important to ensure that ambient air quality is not adversely impacted. Open burning of plant wastes results in uncontrolled emissions of pollutants into the air, which can lead to nuisances and odors in surrounding communities. Open burning of cannabis plants specifically poses additional public health concerns, due to the potential psychoactive effects when the smoke is inhaled. If cannabis wastes are to be burned as a means of disposal, it must be at licensed municipal solid waste or hazardous waste incinerator where emissions from the incineration can be controlled.

In addition to plant wastes, waste streams from indoor cannabis cultivation operations may include light bulbs, fertilizers, carbon dioxide canisters, solvents, and pesticides, which all pose potential disposal hazards. These materials should be disposed of according to existing guidance and recommendations.

Processing

Marihuana processing operations convert the cannabis plant into usable marijuana products. These are indoor operations that typically use solvents to extract essential oils from the plant. The extracted essential oils contain THC and CBD and are used to make a variety of marijuana products, such as food items, skin care products, and vapor pen cartridges. Chemicals such as CO, propane, butane, and supercritical CO₂ can be used to enhance oil recovery from marijuana. The use of these solvents and their fate in the environment is the primary environmental concern during the processing stage.



If not properly managed, the solvents and chemicals used in essential oil extraction will end up in wastewater streams or storm water runoff. The pollutants in the wastewater have the potential to impact drinking water sources and damage septic systems. Processing facilities should follow best management practices⁹ to reduce the impacts of storm water runoff, and untreated wastewater from processing facilities should not be discharged directly to groundwater or surface water.

Solvents may evaporate during the extraction processes, resulting in potential emissions of hazardous air pollutants and VOCs. Air emissions due to solvent evaporation can be controlled through the use of low-VOC solvents, proper workplace

practices, or control technologies. Emissions from processing cannabis may pose additional threats to attaining the NAAQS.

⁸ http://www.michigan.gov/deq/0,4561,7-135-3312_4123-185537--,00.html

⁹ http://www.michigan.gov/deq/0,4561,7-135-3313_71618_3682_3714-118554--,00.html

While most odor issues associated with marihuana facilities occur during the growth of the marihuana plant, odors are emitted from processing facilities as well. The handling of marihuana plants, along with the chemicals used throughout the processing stage may result in strong or pungent odors. Foul odors from processing facilities can become nuisances and may pose public health and safety threats to neighboring communities. Odors can be mitigated with proper odor controls or an odor control plan.

Solid and hazardous wastes generated at processing facilities must be properly managed to prevent adverse environmental impacts. Processing facilities handle marihuana plant wastes, which should be handled following the same guidelines provided for cultivation facilities. However, processing facilities have additional waste streams generated from the use of solvents during the extraction processes. Waste byproducts resulting from chemical treatment have the potential to become characteristically hazardous in accordance with 40 CFR, Part 261, and R 299.9212, of Part 111, of the NREPA. The MDEQ recommends that any treated marihuana or waste byproduct be fully characterized on a case-by-case basis before disposal.

APPLICABILITY OF EXISTING REGULATIONS

The MDEQ currently administers several programs that will help prevent adverse environmental impacts from the marihuana industry. The following section discusses, by media, the existing regulatory programs that may apply to the marihuana industry.

Air

Prior to operation of a cannabis cultivation or processing facility, the facility may be required to obtain an air quality permit. A PTI is required for any source of air contaminants unless the source is exempt from the permitting requirements. Furthermore, a source of air contaminants may be subject to the requirement to obtain a Renewable Operating Permit (ROP) if the potential to emit one or more criteria air pollutants¹⁰ exceeds applicability thresholds. It remains to be determined whether the character and quantity of air emissions from cannabis cultivation or processing operations are exempt, or if the emissions are great enough to require the owner to obtain a PTI or ROP.

The acceleration of plant growth via CO₂ generation may not be exempt from air pollution control rules if the CO₂ generating equipment produces other air contaminants such as CO, VOCs, and hazardous air pollutants. The Air Quality Division (AQD) may require marihuana growers to calculate the potential to emit from CO₂ generators. Marihuana growers may demonstrate that their CO₂ generators are exempt from the requirement to obtain a PTI, per the exemptions described in Rule 278 - 291 of the Part 2 Rules.

Rule 901 of Part 9, Emission Limitations and Prohibitions—Miscellaneous, promulgated under Part 55, Air Pollution Control, of the NREPA, prohibits the emissions of air contaminants or water vapors that cause or contribute to: "injurious effects to human health or safety, animal life, plant life of significant value, or property" or that result in "unreasonable interference with the comfortable enjoyment of life and property."¹¹ Rule 901 could apply to odors generated from marihuana cultivation and processing

¹⁰ Criteria pollutants are those for which a national air quality standard has been set. There are six criteria pollutants: carbon monoxide, sulfur dioxide, nitrogen dioxide, particulate matter, ozone, and lead.

¹¹ http://dmbinternet.state.mi.us/DMB/ORRDocs/AdminCode/1760_2017-006EQ_AdminCode.pdf

White paper:
THE ENVIRONMENTAL IMPACTS OF THE MARIHUANA INDUSTRY

facilities. At this time, the AQD is not inspecting odor complaints from medical marihuana facilities, due to the uncertain legal status and potential dangers posed to field staff. Currently, the AQD refers cannabis related odor complaints to local government agencies. However, if recreational marihuana were to be legalized and a more robust regulatory framework were to be developed, the AQD may use its authority under Rule 901 to enforce against odors from marihuana cultivation and processing facilities.

Michigan has laws restricting the open burning of waste and plant debris. Open burning is regulated by the NREPA and fines may be imposed if the law is violated. According to the open burning regulations, businesses are prohibited from burning trash, which would prohibit marihuana cultivation or processing facilities from the open burning of their wastes. Michigan laws also restrict open burning of household wastes, including brush, logs, stems, trees, brush, and clippings. These restrictions would likely apply to marihuana wastes that are disposed of at private households. In addition, local governments often have city or county ordinances regarding open burning. Local ordinances take precedence when they are more restrictive than the State regulations.

Waste

Existing waste regulations are currently used to regulate medical marihuana wastes. These regulations would also apply to recreational marihuana wastes in the event that marihuana is fully legalized. Unprocessed marihuana is currently not listed as a hazardous waste or as a prohibited material consistent with the regulations of either the Resource Conservation and Recovery Act of 1976, as amended (RCRA), or Part 111 of the NREPA. Characterization determinations could change if the unprocessed marihuana were to come into contact with certain listed hazardous wastes, which could have the potential to impact the way marihuana is characterized for disposal. Waste byproducts resulting from chemical treatment have the potential to become characteristically hazardous waste in accordance with Title 40 Code of Federal Regulation, Part 261, Identification and Listing of Hazardous Waste, and R 299.9212 of Part 111, of the NREPA. The MDEQ recommends that any treated marihuana or waste byproduct be fully characterized on a case-by-case basis before disposal.

Solid wastes generated in the cultivation and processing of cannabis can be a concern to public health and the environment if improperly handled. Marihuana waste does not meet the definition of "Yard Clippings" as defined in Part 115, Solid Waste, of the NREPA. Therefore, organic and inorganic solid wastes produced in the growth, production, and processing of medical marihuana may be disposed of in a municipal solid waste landfill or taken to a licensed municipal solid waste or hazardous waste incinerator.



Organic marihuana wastes may be deposited at a registered composting facility that has notified the MDEQ that it will accept medical marihuana waste as a feedstock. The generating facility must maintain records of the amount of medical marihuana waste (by weight or volume) that is sent to compost facilities, and to which compost facilities the material is sent. Composting Best Management

Practices are available to help reduce the impacts of composting on groundwater and surface water.^{12,13} The MDEQ plans to use enforcement discretion to allow the transportation of medical marihuana waste to any municipal solid waste landfill or registered composting facility.

In addition to existing MDEQ regulations, the DLARA proposed administrative rule set contains rules related to waste management. The rules require marihuana wastes to be made unusable and unrecognizable through the grinding and mixing of marihuana waste with specific non-consumable solid waste products, such as paper, plastic, cardboard, food, grease, fermented organic matter, soil, or other wastes, as approved by the DLARA. Also, the rules say that marihuana facilities must adhere to applicable State and local laws and regulations related to waste disposal.

Water

Michigan currently has laws that help protect against the significant water usage or withdrawals that large-scale cannabis cultivation operations may require. In 2008 the Michigan Legislature enacted new laws to manage large quantity water withdrawals (more than 100,000 gallons of water per day [gpd]). Prior to beginning any new or increased large quantity withdrawal from groundwater or



surface water, Michigan requires the use of the WWAT.¹⁴ The WWAT is used to determine if the withdrawal is likely to cause an adverse resource impact on any aquatic system. If the WWAT determines the withdrawal is not likely to cause an adverse resource impact, the user may register the withdrawal through the WWAT and execute the withdrawal if it is under 2,000,000 gpd. If the proposed withdrawal is in a sensitive area, or the WWAT evaluation indicates there is a potential adverse resource impact, the user is referred to the MDEQ for further review. MDEQ staff complete a site-specific review utilizing additional information and determine the likelihood of an adverse resource impact occurring due to the withdrawal.

All withdrawals above 100,000 gpd are required to report their annual water use to either the MDARD (for farms) or the MDEQ (other withdrawals including municipal water supplies). Fees apply to these annual reports; however, for farms and withdrawals less than 1,500,000 gpd, the annual reporting fee is waived. Withdrawals greater than 2,000,000 gpd require a permit under Part 327, Great Lakes Preservation, of the NREPA. Application fees apply to Part 327 permits, which are subject to public notice and have administrative appeal rights that are not required or available for withdraws between 100,000 and 2,000,000 gpd. If a grower wishes to use municipal water rather than undergoing a water withdrawal, they should consider contacting the municipality to determine if the local system can supply the quantity of water required.

¹² http://www.michigan.gov/documents/deq/deq-wb-nps-odd_250887_7.pdf

¹³ http://www.michigan.gov/documents/deq/wrd-storm-industrial-Composting-CompAssistance_483542_7.pdf

¹⁴ http://www.michigan.gov/deq/0,4561,7-135-3313_3684_45331---,00.html

White paper:

THE ENVIRONMENTAL IMPACTS OF THE MARIJUANA INDUSTRY

Part 91, SESC, of the NREPA, provides for the control of soil erosion and protects adjacent properties and the waters of Michigan from sedimentation. A permit is generally required for any earth change activity that disturbs one or more acres of land or is within 500 feet of a lake or stream. Part 91, of the NREPA, is administered and enforced by various State, county, and local governmental agencies with oversight from the WRD. Fees are determined locally.

Construction activities that disturb one or more acres of land and have a point source discharge of storm water to waters of Michigan (streams, rivers, lakes, and wetlands) are required to obtain an NPDES permit from the WRD. For sites disturbing one to five acres, the applicant/permittee receives automatic storm water coverage upon the applicant obtaining a Part 91 permit or undertaking the project as an Authorized Public Agency (APA). Although the coverage is automatic, the permittee must comply with the requirements of Permit by Rule (Rule 2190, promulgated under Part 31, Water Resources Protection, of the NREPA). For sites disturbing five or more acres, the applicant/permittee must obtain a permit under Part 91, of the NREPA, (or undertake the project as an APA) and apply for a Notice of Coverage (NOC) with the WRD. Along with the NOC application, the applicant/permittee must submit a copy of the SESC permit, approved SESC plan, site location map, and the permit fee.

Any occupation, filling, or grading below the 100-year floodplain elevation requires a permit from the MDEQ under Michigan's Floodplain Regulatory Authority found in Part 31, of the NREPA.¹⁵ A river, stream, lake, or drain may, on occasion, overflow their banks and inundate adjacent land areas. The land that is inundated by water is defined as a floodplain. In Michigan and nationally, the term floodplain has come to mean the land area that will be inundated by the overflow of water resulting from a 100-year flood (a flood that has a 1 percent chance of occurring any given year).

In 1984 Michigan received authorization from the federal government to administer Section 404, of the CWA, in most areas of Michigan.¹⁶ A State-administered program of Section 404 must be consistent with the requirements of the CWA and associated regulations set forth in the Section 404(b)(1) guidelines.

Part 303, Wetlands Protection, of the NREPA, requires a wetland permit to deposit or allow the placing of fill material; dredge, remove, or permit the removal of soil or minerals; construct, operate, or maintain any use or development; or drain surface water in wetlands that are:

- Connected to one of the Great Lakes or Lake St. Clair.
- Located within 1,000 feet of one of the Great Lakes or Lake St. Clair.
- Connected to an inland lake, pond, river, or stream.
- Located within 500 feet of an inland lake, pond, river, or stream.
- Not connected to one of the Great Lakes or Lake St. Clair, or an inland lake, pond, stream, or river, but are more than five acres in size.
- Not connected to one of the Great Lakes or Lake St. Clair, or an inland lake, pond, stream, or river, and less than five acres in size, but the MDEQ has determined that these wetlands are essential to the preservation of Michigan's natural resources and has notified the property owner.

Prior to issuing a permit, the MDEQ determines that: the permit would be in the public interest; the permit would be otherwise lawful; the permit is necessary to realize the benefits from the activity; no unacceptable disruption to aquatic resources would occur; the proposed activity is wetland dependent; and no feasible and prudent alternatives exist.

¹⁵ https://www.michigan.gov/deq/0,4561,7-135-3313_3684_3725---,00.html

¹⁶ https://www.michigan.gov/deq/0,4561,7-135-3313_3687---,00.html

The U.S. Army Corps of Engineers (U.S. ACE) retains federal jurisdiction over traditionally navigable waters including the Great Lakes, connecting channels, other waters connected to the Great Lakes where navigational conditions are maintained, and wetlands directly adjacent to these waters. A joint State and federal permit application is available under these situations.

Federal oversight of State-administered Section 404 of the CWA programs is primarily the responsibility of the U.S. Environmental Protection Agency (USEPA). The MDEQ's 1983 Memorandum of Agreement with the USEPA, Region 5, outlines the procedures to be followed in program administration. Federal agencies must review projects that impact critical environmental areas or involve large quantities of fill. The USEPA reviews about one percent of all applications received. If the MDEQ determines that an application to Michigan's program pursuant to Section 404 of the CWA is subject to federal review, copies of the public notice are sent to the USEPA, Region 5; U.S. ACE Detroit District; and the U.S. Fish and Wildlife Service. The USEPA is responsible for compiling all federal comments and submitting comments on the federal position to the MDEQ.

The MDEQ may not issue a permit that carries Section 404 of the CWA authority if the USEPA objects to the project. This is true even if the applicant successfully appeals the MDEQ's denial of a permit at the administrative level or through a court. People are encouraged to set up a voluntary pre-application meeting with MDEQ staff to minimize project planning costs and delays. Fees apply for the pre-application meeting. The MDEQ offers a Wetland Identification Program (WIP) to assist landowners in identifying wetland and upland areas. Fees apply to the WIP.

In addition to State and federal wetland regulations, local units of government can regulate wetlands by ordinance. In areas where a local wetland permit is required, a permit must also be received from the State before beginning the activity.

Wastewater discharges are carefully regulated and monitored by the WRD. The existing regulations apply to marijuana facilities. A discharge of point source pollutants to surface waters of Michigan is subject to the NPDES program.¹⁷ Discharges to the ground or into groundwater are also regulated by the State.¹⁸

The NPDES permit process was initiated by the Federal Water Pollution Control Act amendments of 1972. The purpose of the program is to control the discharge of pollutants into surface waters by imposing effluent limitations to protect the environment. Authority to administer this program was delegated to Michigan by the USEPA in October 1973. Under this program, producers and processors could discharge waste to a municipal wastewater treatment plant (WWTP) with an NPDES or groundwater discharge permit or obtain an NPDES permit for a direct discharge to surface water.

If facilities choose to utilize a municipal WWTP to treat and discharge the waste from their operations, they may be subject to the Industrial Pretreatment Program (IPP).¹⁹ The IPP regulates the disposal of industrial wastewater into the sanitary wastewater collection system and is designed to: protect the physical structures and the safety of operation and maintenance personnel of the wastewater system (collection and treatment); protect the health and safety of the public and the environment; and comply with pretreatment regulations as required under 40 CFR, Part 403, General Pretreatment Regulations and Categorical Standards, and local source control ordinances. Fees for this program are determined by the municipality.

¹⁷ http://www.michigan.gov/deq/0,4561,7-135-3313_71618_3682_3713---,00.html

¹⁸ https://www.michigan.gov/deq/0,4561,7-135-3313_4117---,00.html

¹⁹ http://www.michigan.gov/deq/0,4561,7-135-3313_71618_3682_3683_3721---,00.html

From: [Jack Newton](#)
To: [Kirschmann, Robert](#)
Subject: Docket SU21-000001 (Holmes) Public Hearing scheduled for March 11, 2021
Date: Saturday, February 20, 2021 5:59:14 PM

CAUTION: EXTERNAL EMAIL*

rkirschmann@cochise.az.gov

Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

Via EMAIL

Dear Mr. Kirschmann:

Re: Docket SU21-000001 (Holmes)
Public Hearing scheduled for March 11, 2021

Our Parcel Tax Number is: **402-21-04309**

We are the owners of property and a home at 2127 S. Newton Way, Portal Arizona. We have owned and spent from October through early March in the said residence annually since 2003. My husband is an internationally-recognized astrophotographer who selected the Arizona Sky Village from a long list of potential locations in order to gain maximum benefits of clear, dark skies, absent from not only light pollution, but also air and noise pollution. He spent eighteen years discovering over 200 supernovae from our ASV site, one which is uniquely positioned to take advantage of the darkest skies in North America. Our community has been featured in National Geographic Magazine and has been the subject of professional video production companies wishing to highlight what can be accomplished in the absence of light pollution. It even appeared in an airline flight magazine for a German airline wishing to attract visitors to Phoenix & Tucson. The New York Times had a feature on the Village a number of years ago.

As others have purchased land and invested in homes and observatories in the Sky Village over the years, our collective financial investments in the community of Portal have been considerable. Some of our ASV residents have served on the Board of Directors of Portal Rescue, and others have become valuable firefighters and EMTs. Still others are active with the Friends of Cave Creek Canyon and worked with important STEM educational programs for children. NASA's world-leading specialist on solar eclipses, Fred Espenak, lives here full-time and others who work with the Hubble Space Telescope have secured their property and will build after retirement. People travel all the way from the UK to stay in the Village for a much-needed dose of clear skies.

The Arizona Sky Village is a very short drive from the Southwestern Research Station, a branch of New York's American Museum of Natural History. Each year many botanists, biologists, herpetologists (to name but a few) travel to our little area to perform important research. We have heard that there are more PH.Ds and MDs in Portal than in any other location outside of Los Alamos, NM. These well-educated people often later return to retire in this stunning little Portal community.

Several of our ASV owners are medical doctors (both current and retired), others are engineers, university professors, teachers, and other professionals. Because many of us have principal residences elsewhere (we ourselves are from Canada), we pay a higher property tax than do Arizona residents. We contribute to the sustenance of local and essential services, but are not here long enough to be a drain on them. For example, we all pay taxes to Cochise County. We obtain utilities through Columbus Electric and Valley Telecom. We get septic services through a local provider, and our building requirements are usually tasked to local contractors.

We do live in a remote area, and moved here because we wanted it that way. We must drive to Douglas or Willcox to source groceries and gas, but feel it is a worthwhile trade-off for the stunning night skies, clean air, and unbelievable wildlife viewing opportunities in our own backyards.

We absolutely do NOT support Mr. Holmes' Special Use Authorization Application vis-a-vis construction of an indoor medical marijuana cultivation, packaging and dispensary on South Community Road.

Not only are we opposed to the inevitable increased light pollution and traffic, but we strongly believe that our area's resale values will be negatively impacted by this intrusive, dangerous proposed installation. We certainly will cease to feel safe when driving Noland/Foothills Road from I-10 knowing that there will be a facility such as this in an area that is mostly devoid of mobile phone reception. Our local Nurse Practitioner must traverse the road between her San Simon Clinic and the one she operates in Portal. She provides an essential service, and has no choice but to use Noland Road/Foothills Road frequently. Ditto for the female US Postal Service contractor. I suspect

that I know how they would feel about this proposal.

We would also appreciate confirmation that the Border Patrol & Cochise County Sheriff's Office have formally weighed-in on this application or has been invited to do so while this docket is under consideration. We feel that their input is absolutely essential for this process.

Sincerely yours,
John & Alice Newton

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From: [Joe Morris](#)
To: [Kirschmann, Robert](#)
Subject: Foothills Road construction
Date: Monday, February 22, 2021 7:24:06 AM

CAUTION: EXTERNAL EMAIL*

Mr. Kirschmann – I've received news that a marijuana growing factory is seeking approval to build on property on Foothills Road near Portal.

I'm very much opposed to that happening because I built a home and astronomical observatory nearby. I and my wife have been members of the Arizona Sky Village since 2006. The main reason for locating my second home there was because of the extremely dark skies that are so important for astrophotography. Arizona and Cochise County have a long history of maintaining their dark skies for professional and non-professional observatories. The economic impact for Arizona and Cochise County from astronomy are substantial to say the least.

There has to be significant light pollution produced by a 20,000 sq. ft. factory since it's common knowledge that these plants require lots of light and water. Also the dust raised by increasing the traffic on Foothills Road will cause problems for telescopes and optics.

Please disapprove this new construction request.

Joe and Anne Morris

2090 S. Milky Way

Portal, AZ 85632

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From: [A Downer](#)
To: [Kirschmann, Robert](#)
Subject: Fw: Docket SU21-000001 (Holmes)
Date: Sunday, February 21, 2021 4:22:32 PM

CAUTION: EXTERNAL EMAIL*

From: A Downer <ajdowner@ucanr.edu>
Sent: Sunday, February 21, 2021 2:51 PM
To: Kirschmann@cochise.az.gov <Kirschmann@cochise.az.gov>
Subject: Fw: Docket SU21-000001 (Holmes)

From: A Downer
Sent: Sunday, February 21, 2021 1:36 PM
To: Kirschmann@cochise.az.gov <Kirschmann@cochise.az.gov>
Subject: Docket SU21-000001 (Holmes)

Regarding this special use authorization. This is not acceptable to the community of Portal. We are a small residential community and not a commercial zone. This project will bring traffic, use excessive water (we are in a drought and our aquifer is fragile) and will have security issues. Grow compounds such as this create powerful odors that "leak" into the surrounding environment even though they are contained. Please do not allow this authorization, it is not good for our community. I am also concerned that this is an entry level business that will expand and have increased impact on our community over time...

Dr. James Downer
2484 South Old Canyon Road
Portal, AZ 856

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From: [Howard Topoff](#)
To: [Kirschmann, Robert](#)
Subject: Medical marijuana facility in Portal, AZ
Date: Saturday, February 20, 2021 7:45:25 PM

CAUTION: EXTERNAL EMAIL*

Portal is no ordinary small town. Home to the Southwestern Research Station of the American Museum of Natural History, populated by biologists conducting field research on birds, mammals, insects, snakes, frogs and plants. Home to Arizona Sky Village, where astronomers study planets, galaxies, and stars. Years ago, Newmont Mining (Canada) wanted to open a gold mine in Portal. A mile-wide cyanide leaching lake. After hearing all the arguments, Newmont decided the research-scape of Portal was not compatible with a mine and withdrew its request. This medical marijuana is another business that does not belong here. Why? The water use will be huge, the power consumption will be huge, the waste production will be huge, the air pollution will be huge, the light output (right next to Sky Village) will be huge. Our neck of the woods in the Chiricahua Mountains is already a hot spot for illegal movements and a marijuana facility is NOT what we need in this environment. The negative environmental impact of medical marijuana facilities is well known from publications in other states, and I am sure this community will object to this proposal quite aggressively.

Yes, we have a lot of retired people too, so job creation is not a high priority. But keeping Portal the biodiversity hot spot it is, and maintaining our tradition of natural history research throughout the area IS a priority - our highest priority.

Sincerely,

Howard Topoff, Ph.D.

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From: [Dodie Logue](#)
To: [English, Ann S](#); [Coxworth, Daniel](#); [Kirschmann, Robert](#)
Subject: Portal Special use comments
Date: Saturday, February 20, 2021 4:34:54 PM

CAUTION: EXTERNAL EMAIL*

Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

____ **YES, I SUPPORT THIS REQUEST**

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

Increased water use in an area already stressed and taxed - I have NO Belief that they will only use the proposed 150 gallons of water per day - I believe this to be an outright understatement to help get this passed. Anyone who has grown anything here knows that the usage would be 10 + times that. and the aquifer in the area is fragile; as there are no water laws, if they were to be granted this special use they could use as much as they want, putting all of us home owners in potential harm of running out of water and having to dig a deeper well (as has happened just over by Wilcox), and or contaminating the water supply with all the waste and chemicals they will use and produce.

-greatly **increased road traffic** on a road that is in rough shape and dirt. The increased traffic would affect all the homeowners, ranchers, and especially the tourists and birders who come to the area to enjoy a quiet reprieve - what this place is know for.

-**Light pollution** in a very sensitive area, one of the few dark sky areas around - this is why certain people choose to live here! Astronomers, birders, nature lovers of all sorts relish the dark night sky. This facility and parking area and traffic would destroy this quality.

-increased **noise pollution**, same as above.

- increased **electrical usage**; what kind of additional electrical station or ?? would have to be installed to accommodate this type of facility; where would new lines be run, how large, etc?

-On doing research, the **air pollution** and especially the **smell** of marijuana growing is a huge problem. People in California have had to get laws passed to prevent facilities like this from going up close to homes and neighborhoods as the stench is unbearable.

-I heard they would need to have **security** guards, so they must be expecting to have problems with theft, break-ins, and other such potential issues. This does is not a desirable situation to create in our small village.

- this would **destroy habitat** for desert species; horned lizards, Kangaroo rats, a wide variety of birds and reptiles especially.
- I cannot stress enough what kind of village Portal is: Quiet, nature loving, dark-sky-loving, this is a peaceful place to live and has been chosen by us all for these qualities. We do not want a large polluting commercial factory going up in our midst.
- Please consider these points!

(Attach additional sheets, if necessary)

PRINT NAME(S): Dodie Logue____Robert
Hautman_____

SIGNATURE(S): _____

YOUR TAX PARCEL NUMBER: _402-27-01609_____ (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by **Monday March 1, 2021** will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

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From: [Dan Justice](#)
To: [Kirschmann, Robert](#)
Subject: Proposed Marijuana grow in Portal AZ
Date: Monday, February 22, 2021 6:38:35 AM

CAUTION: EXTERNAL EMAIL*

My wife and I who are property owners in Portal oppose the Marijuana grow operation. We can barely find enough people to help out our elderly residents. This operation would have to bring in a lot people from outside the community.

As someone who has observed grow operations for over 50 years I know the problems that arise out of these operations.

Even in its legalized form Marijuana still carries a lot of criminality.

We have enough problems in Cochise County, and more headed our way. Let's not bring a Marijuana grow to our community.

Portal is a retirement community, we enjoy our peace and quiet.

Dan Justice and Denise Bartelle, residents and land owners of Portal Arizona absolutely oppose the building of a Marijuana growing operations in Portal.

Sincerely Dan Justice, Denise Bartelle

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From: [Christie Van](#)
To: [Kirschmann, Robert](#)
Subject: Re: Docket SU21-000001 (Holmes) Parcel 402-11-001
Date: Saturday, February 20, 2021 4:50:31 PM

CAUTION: EXTERNAL EMAIL*

Dear Mr. Kirschmann,

Hopefully my comments will be presented to the Commissioner's meeting regarding this Special Use Authorization. In my opinion this location is not suited to this use. The area is a tourist destination noted for its scenic beauty and wildlife. The community itself is a tight knit community that cannot possibly want such an endeavor so close by. Certainly it is not going to add appeal to the tourists who visit the area.

Water is definitely a consideration. Potential pollution of groundwater is also of concern. Essentially this is an industrial operation that is not suited to the location.

As a person who frequently visist Portal from Hereford where I live, I feel that my experience in Portal will be negatively impacted by this venture and respectfully request the Commissioners to reject the Special Use Authorization.

Sincerely,

Christie Van Cleve
4357 East Miller Canyon Road
Hereford, AZ 85615

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From: [Linda Pretty](#)
To: [Kirschmann, Robert](#)
Subject: water water water
Date: Sunday, February 21, 2021 4:38:53 PM

CAUTION: EXTERNAL EMAIL*

Dear Robert K.,
Please consider the inhabitants of this area both 2 footed, four footed and no footed, before you would okay this marijuana farm. There is not enough water for all.
The cloying smell is also a side effect.
But the water, oh my!
Linda Lee Pretty
Portal

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20 February 2021

Re: Docket SU21-000001 (Holmes)

Cochise County Planning and Zoning Commission

Attn. Robert Kirschmann

Cochise County Board of Supervisors

Dear Members of the Commission and Board:

We are writing in opposition to the request for a special use permit referenced as Re: Docket SU21-000001 (Holmes).

At the start, we think the application should be rejected out of hand because the applicant has provided insufficient credible information for the public to have meaningful ability to comment on the application. One example is the estimates of water usage at 150 gallons a day and 1800 a year; even adding a zero to 1800 does not produce a reasonable yearly figure based on 150/day, while the 150/day itself seems bizarrely low for both the grow rooms and a large facility with 20-50 employees. Another example is the idea that 70% of the traffic will be eastbound on Community Road, which is periodically impassible, and never pleasant to drive, as it transitions to West Whetten Road. This assessment of the traffic suggests that the applicant has never driven the length of Community Road.

If it becomes appropriate to consider this application, we would ask that the Commission and Board exercise great caution on a number of subjects, and impose appropriate restrictions and requirements to avoid harm to the community. For instance:

We are not part of the "dark skies" development (Sky Village) ourselves, but we enjoy those dark nights, and we emphasize that this community has been increasingly built on that premise. We are sure you will hear much from them directly, and trust that you will listen very carefully to those many payers of property taxes.

We are users of the local roads. We know that the county is fully aware of the road situation in the area because the county graders have a hard time keeping the roads in reasonable condition as is. Even were one to accept the estimates of how many vehicles will use which roads, a rough calculation suggests at least 100,000 miles a year of vehicle use of dirt roads as a result of this facility. Perhaps the applicant will agree to a special assessment to pave Foothills and Noland Roads, which will bear the brunt of the impact, and affect all the residents of this region, and the many visitors to it—on which our local economy depends.

Thank you for your careful evaluation of this application,

Richard E Webster

Rose Ann Rowlett

P.O. Box 16412, Portal AZ 85632

#402-27-00507 owners/residents

From: [Coxworth, Daniel](#)
To: [Kirschmann, Robert](#)
Subject: FW: Special use Application Portal 42-11-001
Date: Monday, February 22, 2021 3:20:15 PM

From: Gordon Lewis <ranchogulag@gmail.com>
Sent: Saturday, February 20, 2021 2:13 PM
To: Coxworth, Daniel <dcoxworth@cochise.az.gov>
Subject: Special use Application Portal 42-11-001

CAUTION: EXTERNAL EMAIL*

Robert Kirschmann,
I never imagined that I would be writing to oppose a marijuana facility. But this is nuts. The applicant can't even spell cannabis correctly. The water use stated in the application is ridiculous, don't ask how I know. The power requirements for indoor well exceed the local infrastructure's ability to supply. Is Cochise County so desperate for economic activity that this is what we have come to. Really ?
Thankyou for your time and consideration
Gordon

--

Gordon Lewis
Rancho Gulag
520-266-zero14 nine

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1387 Piedra Blanca Ln
(Parcel # 402-26-004D7)
Portal, AZ 85632-1272

RE: Docket SU21-000001 (Holmes) – parcel #402-11-001
March 10, 2021 meeting

Mr. Robert Kirschmann, Planner II
Planning, Zoning and Building Safety
126 W 5th Street, Suite 4
Benson, AZ 85602

Dear Mr. Kirschmann:

Thank you for the opportunity to comment on Mr. Jeffrey Holmes' proposal for a marijuana growing and processing facility and dispensary in Portal, AZ. This is a huge issue, perhaps larger than you imagine, because, aside from motel and restaurant facilities, this would be the first commercial development in Portal, and would forever change the culture of this special place. For that reason, I strongly urge you to reject the proposal.

A similar facility exists in Willcox, but we are not Willcox. Willcox has prior commercial development and a moderately large population, including worker-age individuals who need and want jobs. Portal is a retirement settlement, where there are few (almost no?) available workers, so there is no demand for the jobs to be afforded at the proposed facility. Staffing that facility would require transporting workers here in (more than the 20 mentioned) vans or personal vehicles. Together with trucks, this would greatly increase traffic on the already dangerous, curvy gravel and dirt Foothill Rd., magnifying the dust burden on existing homes (and expensive astronomical observatories!) along this road. It would also create danger for the bird-watchers, botanists, rock-hounders, and hikers who frequently pull off this road to pursue animals, plants, or activities. I should note that the traffic would occur 7 days per week, so include weekends, when tourists are most numerous here.

Historically, Portal has been plagued by drug smugglers, who have destroyed water and fence lines and broken into residences and outbuildings. The situation has improved markedly since the days when members of one cartel were assaulting and robbing marijuana from those of another cartel on a hill overlooking Portal, but we don't want to reverse course by installing another target for these violent criminals. Ironically, two former residents of Benner Rd. (= Community Rd.) have already been imprisoned for drug related crimes.

In many ways, the application for a Special Use Authorization misses the mark on the County's own criteria for permit applications. Were it not for the serious potential consequences of this development, the unprofessional nature of the application would be risible. (How many times, and ways, was cannabis misspelled? It's Columbus, not Culumbus. And irrogation?!) The insistence on employment opportunities for locals reflects the applicant's lack of familiarity with the local community. The applicant denies release of odors or hazardous materials, but horrendous odors have plagued communities with similar facilities elsewhere. Fungicides, insecticides, and miticides are used regularly to control pests in other marijuana grow facilities. What pesticides will be used here, and how will growers dispose of pesticide-treated

wastes? Imidacloprid and Avermectin are hazardous to valued bees, butterflies, and other insects at our biodiverse locality, and burning of waste containing the fungicide myclobutanil releases hazardous chemicals. (FYI to the applicant: Portal garbage goes to a Douglas facility, 60 miles away, twice per week, but the truck is usually full when it departs and won't accommodate additional waste.) Rodent control businesses nearest the proposed site are also in Douglas. Very importantly, the application fails to address light spillover affecting observatory operations at nearby Arizona Sky Village, a valuable tax base for the County. The estimate of water use, albeit for an indoor facility, is laughably low, and actual water use could threaten local wells, especially after a succession of drought years here. The applicant has not addressed the issue of neighbors' wells, or even confirmed that adequate well water will be available for project needs. Finally, as a board member of Portal Rescue, Inc., I can attest to the fact that our fire crews train to fight wildland fires, not structure fires. Together, these inadequacies reflect poorly on administrative competency and the likely safety and success of the project.

Finally, although the application advertises the new enterprise as a facility to produce medical marijuana, I suspect that it is instead a careless and poorly conceived attempt to capitalize on a hoped-for financial bonanza, given the State's new acceptance of recreational marijuana sales starting on 4/20/21. Although the County might be tempted to approve the project because of an anticipated windfall in its tax base, a recent editorial in the Sierra Vista Herald Review has brought this pie-in-the-sky dream back to Earth: https://www.myheraldreview.com/opinion/our_view/our-view-marijuana-windfall-unlikely-in-cochise-county/article_dce8ed14-5514-11eb-b6f3-37bbbb5b0343.html . Any rewards will be a long time coming, and a great deal of harm can be done in the interim, even if the project succeeds. If it fails, there will just be another scar on our desert -- to accompany that in the San Simon valley opposite Whitetail Canyon, where a proposed pecan orchard failed for lack of water.

Portal is recognized worldwide as a naturalist's paradise, where people live and visit for quiet recreation or scientific study. Please don't kill the goose that lays our golden egg. Culturally and economically, the proposed commercial enterprise is a poor fit for Portal.

Thank you again for the opportunity to comment.

Sincerely,



Diane W. Davidson

Ph.D. and Professor Emeritus of Biology, Univ. of Utah

From: [Thomas Hays](#)
To: [Kirschmann, Robert](#)
Cc: [English, Ann S](#); [Board](#)
Subject: Issue - 20,000 Square Foot Medical Marijuana Facility on S. Community Rd.
Date: Monday, February 22, 2021 4:14:21 PM

CAUTION: EXTERNAL EMAIL*

From: Thomas and Nancy Hays
2450 S. Acacia Lane
Portal, AZ 85632
(520) 558-1004
Parcel Number 402-80-002k7

Mr. Kirschmann,

We are objecting to the above referenced facility for the following reasons:

1. Air pollution. In talking with people near similar facilities we are told that foul odors are generated at all stages of the marijuana process from cultivation through the processing of medical marijuana. This would be unpleasant for any neighbors of the facility. We know of at least one adjacent lot where new owners want to build a retirement home in the near future. How will this affect their retirement dreams?
2. Waste disposal. Currently, trash is collected twice a week at the corner of Foothills Rd and Portal Rd. The trucks are often close to capacity. How will waste be collected at the new facility and how will it be disposed of?
3. Roads in the area. Currently, Foothills and Community Roads are dirt. During the monsoons even the mail gets stopped at times as has happened several times over the past year. Will these roads be improved to accommodate the 210 employees and trucks making deliveries to the new facility? In addition, Portal Rd. would see much increased traffic adding much more unwanted road noise to the area.
4. Water issues. The cultivation of marijuana requires great quantities of water. How will this affect other private wells in the area? What plans do the owners have for disposal of wastewater and how will any contaminated runoff be handled?
5. Commercial venture. This is a commercial facility to be operated on land zoned RU-4 which is strictly for residential use. Given the above issues how will this facility affect the land values of the surrounding RU-4 parcels. It seems to us that land values would tank. Who wants to live next to a foul smelling facility?
6. Fire and EMS. The nearest certified structure fire department is an hour away. Portal Rescue is not certified for structure fire suppression. How will adding this commercial use affect both fire and EMS? The addition of 210 additional people plus their families to the area may overwhelm an already beleaguered fire and EMS force. Remember, Portal Rescue is strictly volunteer and receives no tax dollars. This brings about another question, was this location picked to avoid paying taxes for services necessary for a commercial business?
7. Lighting. The people of Sky Village will be some of the nearest neighbors to this facility. They built knowing they were in a large RU-4 zone and have the requirement of "dark sky" to practice their astronomy. How will the new facility affect the dark night sky required by these

people who are already here? Will there be lighting in the parking area or on signs. How will the lights from the inside of the building (Night shifts) affect the night sky in the area?

8. Employees. Apparently this enterprise needs 3 shifts of 70 employees each. Where will they come from and how well will they mesh with the current population of naturalists, astronomers and ranchers? Does the area even have the infrastructure to add 210 employees and their families to the area? They would need water, electrical, septic systems, phone lines and, even more important, housing.

We feel that there are just too many questions and issues to support this venture. Please consider the above when you discuss this special use permit. Thank you for your consideration.

Thomas and Nancy Hays
Parcel # 402-80-002k7

Sent from [Mail](#) for Windows 10

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From: [Wayne L Harrison](#)
To: [Kirschmann, Robert](#)
Subject: Marijuana Operation Portal, AZ
Date: Monday, February 22, 2021 1:32:02 PM

CAUTION: EXTERNAL EMAIL*

We are “partimers” in Portal and have been for the last 15 years. Our permanent residence is in Oregon but we enjoy Portal for 5 months of the year. We are amateur birdwatchers and astronomers. The prospective location serviced for Foothills Road is not reasonable for these reasons: dirt road which will create a lot of dust, adding light pollution for the operations and customers probably around the clock.

Please keep us informed of status of permitting request.

Thank you,

Karen L Hendricks. klhklhklh@msn.com
Wayne L Harrison n7tqi@icloud.com

Sent from my iPad. Wayne

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From: [Darlene Kershaw](#)
To: [Kirschmann, Robert](#)
Date: Monday, February 22, 2021 3:18:42 PM

CAUTION: EXTERNAL EMAIL*

Yes I would like to see a business open up so people in the area of Portal can have a job. Tired of going out of town to find work this would help the community a lot and there is a lucrative business in medicinal marijuana

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From: [Christopher Cunningham](#)
To: [Kirschmann, Robert](#)
Subject: Opposition to the proposed marijuana facility near Portal, Arizona
Date: Monday, February 22, 2021 7:35:16 PM

CAUTION: EXTERNAL EMAIL*

Dear Sir:

I am a recently retired physics teacher and avid birdwatcher who has recently purchased a house in Portal, Arizona. I understand that significant community opposition to “special use permits” may result in the County denying permission for projects, so I am registering my opposition to the construction of the proposed marijuana dispensary and grow facility near Portal, Arizona.

As I am certain you are aware, Cave Creek Canyon is an area of special ecological importance and is known to bird watchers and nature lovers across the country and indeed the world. It is one of the crown jewels of southeast Arizona, and as such is worthy of protection. Every proposal for economic development in this area should be given the most intensive scrutiny possible.

No one can see the future, but I think it highly likely that the construction of a drug facility so near a world-renowned area of natural beauty would bring degradation. Drugs bring substance abusers, drug culture, and crime. Most likely the County has its eye on imagined increased tax revenues. But from those revenues must be subtracted the additional costs of the expansion of law enforcement and new burdens on the criminal justice system.

I know of no other place on Earth like Cave Creek Canyon. It is special and must be preserved.

Respectfully submitted,

Christopher R. Cunningham, Ph.D.
1316 W. Poorwill Trail
Portal, AZ 85632

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22 February 2021

rkirschmann@cochise.az.gov

Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

Frank R. Santore
2117 S Newton Way
Portal, AZ 85632

Dear Mr. Kirschmann,

Pursuit to the recently published Docket SU21-000001 for a Medical Marijuana Production Facility Special Use Authorization to be located approximately 3 miles from our property, the following letter of concern and objection is submitted.

We are relatively recent purchasers of a 3-acre parcel 4022104402 near Portal. Having researched multiple locations for the construction of an astronomical observatory for the purpose of the scientific study of asteroids, it became clear that the Arizona Sky Village offered unique characteristics not easily found elsewhere within the continental United States. The climate, elevation, dark skies, and community knowledge well suited for the pursuit of scientific research was singular. For this reason, in September 2019 we closed escrow investing multiple hundreds of thousands of dollars in the property's observatory, house and land. While the purchased existing observatory offered a welcomed starting point, its small size required additional plans to construct a second even larger observatory more appropriate to the scale of work commensurate with the dark, dust-free skies near the mouth of the Chiricahua Cave Creek Canyon. This added considerable investment is in work.

I am a CalTech employee with occasional contributions over the last 10 years at Palomar observatory. A question often posed to me by visitors from all over the world is regarding the effect of light pollution on astronomical observational research. I reply to these visitors as I do to you that while it is natural to seek out an astronomer's view of light pollution since much of our work is accomplished in the night, the question is misdirected. I offer that it is really you, our civic planners, who should be society's primary defenders of the dark sky. I provided this argument over multiple decades while serving as president of the San Diego Astronomy Association giving input at urban lighting change proposals by the city Civic Council. San Diego has a storied past regarding this subject. Astronomers adapt our observations both at the professional and amateur level through filtering unwanted light pollution, but by working nights we see the fauna and flora that flourishes in an environment that is absent of non-celestial light. As a human species whose dominance has taken us to the top of the food chain, we have become stewards of life on this planet, and that includes responsibilities over the more than half of the biodiversity on earth whose home is in the night. Entire species are being eradicated yearly if not more often because of man's love of light, including parking lot and other light that will result from a Marijuana Processing Facility. I would argue that the beauty of Cave Creek Canyon and the Chiricahuas is not the place to be poor stewards of nocturnal desert wildlife. It is indeed our civic planners who need to demonstrate this commitment.

We know that a frog will happily die in boiling water, and to me it is clear that a facility such as the one proposed is just the initial flame lighting the fire. Light pollution, and the dust, traffic, and disruption associated with this commerce will grow across the Portal to Animas plain that is peppered with observatories. Please do your duty in not allowing this habitat destruction to get a foothold. My family has assumed a \$3000 yearly tax bill that supports the schools, fire department, sheriff, and running of the county offices. But I don't look at it that way. My yearly \$3000 is going to the maintenance of the wonderful celestial dark sky canopy allowing exceptional astronomy pursuit in Cochise County. That is the reason for my investment in this very special and wonderful corner of Arizona. I fervently ask you to support my albeit personal view of my taxes and investment purpose as being dear to our family and reject this Special Use Authorization.

Thank you.

Sincerely,

F. Santore

Frank R. Santore

Our new home that is threatened by this non-traditional agricultural processing plant. . .



From: [Carol Frischmann](#)
To: [Kirschmann, Robert](#)
Subject: Urgent: For March 11 Meeting: Response to Docket SU21-000001 (Holmes) –parcel #402-11-001
Date: Tuesday, February 23, 2021 9:16:13 AM

CAUTION: EXTERNAL EMAIL*

February 23, 2021

Mr. Robert Kirschmann
Cochise County Community Development
Development Services Department
126 W 5th St Suite 4
Benson, AZ 85602

Transmitted via email to: rkirschmann@cochise.az.gov

**Re: Docket SU21-000001 (Holmes) – parcel #402-11-001 March 11, 2021 meeting
My parcel # 402-21-03403 (Arizona Sky Village, Portal, AZ)**

Dear Mr. Kirschmann,

I strenuously object to the proposed Special Use Authorization to construct an indoor medical marijuana cultivation, packaging and dispensary on S. Community Rd. in the San Simon Valley. This facility will be located only a few thousand feet from my home at 2095 S. Milky Way, Portal on parcel # 402-21-03403. Not only will my quiet enjoyment of my home be impacted while the facility is constructed, but thereafter while workers and customers come and go. There are at least five aspects changed by the proposed facility.

I chose Arizona Sky Village as my home because of the benefits of rural life: (1) absence of noise, (2) clean air, (3) dark skies, and (4) a shared sense of community which has allowed me to feel safe in Portal, until now, and (5) stable property valuation. All five of these benefits are negatively impacted by the proposed Special Use Authorization.

1) Impact on Absence of Noise

The quiet here is also a major point for my enjoyment of my home. We have no aircraft overhead and few cars being used because of our location near the Coronado National Forest and because residents appreciate the silence which is difficult to come by in today's society. Increased noise would not only be an upsetting result for people living nearby, but noise is not helpful in maintaining breeding populations of many of the unique animals that live in our area.

2) Impact on Clean Air

With 50 employees and 20 trucks each day, the dust raised by the increased vehicle traffic will not only impact visibility, but will also create a health hazard, changing our excellent air quality to poor because the roads leading to and from this proposed facility are not paved. In addition to the dust, the cultivation and processing have further negative effects on clean air.

A study published by the Michigan Department of Environmental Quality Marihuana Workgroup in September of 2018 [White Paper: The Environmental Impacts of the Marihuana Industry] reports the following issues with facilities like the proposed one, regarding air pollution issues other than dust.

- Foul odors are also generated from the cultivation and processing of marihuana. Processors often use solvents to extract essential oils that contain medicinal and psychoactive compounds. These solvents pose potential public health impacts and may be subject to existing air pollution control rules.
- Marihuana plants have the potential to emit significant quantities of volatile organic compounds (VOC), which may pose a threat to attainment of the National Ambient Air Quality Standard (NAAQS) for ozone.
- Open burning is another potential concern. The growth and processing of marihuana results in plant wastes, which could pose air quality threats if they were burned as a means of disposal.

3) Impact on Dark Skies

Those of us who relocated to this area because it is one of the last dark skies areas in the country will be seriously impacted by the addition of car lights going and coming as well as illumination from the facility's parking. Additionally, the grow and processing facility's "mitigating" the light issue is not possible. Mitigating the destruction of a unique resource is not possible. Furthermore, the dust that will be raised by vehicle traffic increase because of the proposed facility, degrades the dark skies as dust particles remain suspended.

4) Impact on Community Safety

Businesses which are in or local to Portal exist to serve the community members and guests coming to the area for night skies and wildlife viewing. The people who live here are known to each other, and enjoy the comfort of being in an area where residents do not need to fear each other. Bringing in a business which does not serve our residents and moreover brings unfamiliar people in large numbers close to our homes is a recipe for the disaster of petty crime and violent crime. To obtain help from law enforcement takes more than one hour, as the nearest station is in Douglas.

5) Impact on Property Valuation

Because this is my home, property value staying stable is important. With a facility such as the proposed one with its many negative impacts, property values will be hugely decreased.

Based on the drastic negative effects this marijuana facility will create, I ask the application Docket SU21-000001 (Holmes) – parcel #402-11-001 be rejected for the five reasons above and the many others which will be detailed by Portal community members.

Sincerely,
Carol Frischmann
2095 S. Milky Way [parcel # 402-21-03403]
Portal, AZ 85632

520-558-9222 503-475-9222 (mobile)
cfrischma@gmail.com

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Irene R. Kitzman, M.D.
2088 S Starlight Drive
Portal, AZ 85632
520-203-8500 irkitzman@gmail.com

2-22-21

Mr. Robert Kirschmann
Planning, Zoning and Building Safety
126 W 5th St Suite 4
Benson, AZ 85602

Via EMAIL

Re: Docket SU21-000001 (Holmes) – parcel #402-11-001
March 10, 2021 meeting

My parcel # 402-21-02806 (Arizona Sky Village, Portal, AZ)

Dear Mr. Kirschmann,

I am writing to express my strongest **objection to the proposed special use authorization to construct an indoor medical marijuana cultivation, packaging and dispensary on S. Community Rd. in the San Simon Valley.**

My objection is based on knowing the many seriously destructive consequences of permitting such a facility so near to my home. My home is part of the Arizona Sky Village (ASV), in Portal, AZ, which is an amateur astronomy community bringing people from all over the world to enjoy the pristine night skies. This facility will be located close enough to ASV to negatively impact all astronomical activity. There are over 20 astronomical observatories in ASV, and the dark dry clear sky is essential for the astronomy work that is done here. There are over 22 homes in ASV, all of which would be adversely impacted by the following outcomes guaranteed to occur were this facility to be permitted:

1) **Light Pollution:** the application indicates that outside night lighting will be required. It is not clear how much outdoor – or indoor lighting – will be required for indoor plant growth and retail activity, or how much nighttime vehicular traffic there will be, but all this activity will surely introduce enough light pollution to seriously reduce the dark skies we currently enjoy in our astronomy community. Given the size and scale of the retail operation, it is highly unlikely that the lighting plans will comply with existing county dark sky lighting restrictions.

2) **Dust Pollution impairing health. Optical telescope use and night sky visibility:** Almost all the roads leading to and from this proposed facility are not paved. With 50 employees and at least 20 trucks per day (as per application), vehicle traffic will raise the amount of dust in the area significantly, impairing the function of optical telescopes, adding to further pollution of the night skies and creating health hazards for people living nearby.

3) **Air/odor/waste pollution:** These have been among many other significant environmental outcomes described in prominent complaints of other communities which have encountered such marijuana facilities (please see: The Environmental Impacts of the Marijuana Industry https://www.michigan.gov/documents/egle/egle-WhitePaper-TheEnvironmentalImpactsOfTheMarihuanaIndustry_689717_7.pdf)

4) **Drastically lowering the already lowered water table:** In order to grow thousands of marijuana plants, many hundreds of thousands of gallons of water will be necessary. Water requirements for each marijuana plant has been estimated at 6 gallons/plant, so for 9000 plants estimated to be grown in 8-1125 sq ft grow rooms, that is **54,000 gallons of water per day** that will be required. We are already facing a severely lowered water table, forecasting significantly less water availability subsequent to the many wells that have recently been drilled to provide for hundreds of acres of trees

which have been planted throughout the San Simon Valley. Cochise County is currently under a severe drought and further depletion of underground water is a certainty were the building of this facility to be permitted. It is highly unlikely that this plan complies with the water conservation policies in the County Comprehensive Plan.

5) **Fire Hazard:** Although the applicant suggests that fire safety will be provided by Portal Rescue, it does not fight structural fires, only outdoor fires. Thus, this facility will have no fire protection, a danger to our entire community.

6) **Increase in crime:** Because it is federally illegal to grow and sell marijuana, the application indicates that a cash business will be the basis of retail commerce. Our tiny community has no legal protection from the expected increase in criminal activity which has been demonstrated in other communities around the country after similar marijuana facilities have been built (please see: <https://phys.org/news/2021-02-perseverance-safe.html>). The closest police department is in Douglas, 60+ miles away. There will be no available police protection for our community for the criminal activity guaranteed to surround this facility's cash business plans.

7) **Property Devaluation and loss of tax revenues:** All the above consequences will surely destroy opportunities for astronomical activities at ASV, and so the property values of all homes in ASV will drop precipitously and tax revenues will suffer just as precipitously. Property values for other homes in the area – many owned by residents involved in birding, hiking and other natural activities – will also be drastically lowered given the many negative impacts of this facility.

8) **No public review by applicant:** It is noteworthy that the applicant has made no effort whatsoever to address our concerns through a Citizen Review Process. I am certain that the vast majority of homeowners in ASV, as well as those in the wider Portal, AZ community, are opposed to this special use authorization, and see it as extremely detrimental to our safe rural way of life.

Based on all the drastic negative effects this marijuana facility will surely create for my community, **I urge you to reject the special use authorization Docket SU21-000001 (Holmes) – parcel #402-11-001.**

Thank you very much.

Respectfully,

Irene Kitzman, M.D.

Irene R. Kitzman, M.D.

Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

Several aspects of the Holmes Request concern us, mainly related to impacts on the rural lifestyle, tranquility and natural setting of the Portal area, characteristics we would not like to have disturbed and are the reasons people choose to settle here.

- 1. Light pollution** – A facility that uses grow lights and outside security lighting is bound to create major light trespass that will severely impact the dark skies that local astronomers depend on. Applicant needs to provide a comprehensive plan that deals with that issue and adheres to the County's Dark Skies ordinance.
- 2. Water requirement** - Usage stated in the Request is inaccurate and misleading. The daily requirement of 150g is very low and likely would barely provide for employee personal and non-growing facility needs, much less plant needs. Publications dealing with water requirements for indoor cannabis growing estimate an annual consumption for 6000 sq ft of growing space as high as 400,000 gallons annually (600 sq ft is just an estimate of actual space that will be dedicated to growing since rooms will have non-cultivating space for access, walkways , etc). Usage is correlated with the number of kw of lighting used for growing, which the applicant did not discuss. The method of growing, irrigation of plants, feeding and water reclamation were also not detailed which they need to be. In addition, based on the daily water estimate, the annual usage figure of 1800g is an obvious error.
- 3. Road Access** - Applicant claims access to a "major road". Community Road is not County Maintained and between the proposed site and New Mexico Route 80 is never in good condition according to local residents who occasionally use the road. In addition it probably traverses several private parcels of land along its length. In rainy weather it is often impassable and therefore not a dependable route. South on Foothills to Portal Road and east to NM80 is a dependable route, but transporting cannabis using that route would mean having to cross into New Mexico to move product to market. That's unlikely a legal option. Incidentally, transporting product east on Community Road into New Mexico to access the paved route NM80 would also involve the same legal questions.
- 4. Dust** – Applicant claims there will be "no additional dust based out side of structure building". What is meant is uncertain. Much heavier traffic on Foothills Road to and from the facility site via San Simon and Portal could contribute to a significant increase in dust pollution from employee vehicles, trucks moving product and cash, customers visiting the dispensary. This will be even more noticeable during construction. There are both health and visual impacts from the increased dust raised from the road due to traffic. Since this region receives low precipitation there are long stretches of days with no rain. Dust that becomes suspended in the air will have negative effects and may be distributed to a wide area by air currents. The applicant needs to provide objective, quantitative analysis addressing this issue since airborne particulates (including dust) are a well known health hazard identified by the EPA. The dust will also negatively affect astronomy practiced widely in the region, especially in nearby Arizona Sky Village, approx 2.3 miles to the south.
- 5. Other Environmental Pollution** – It is quite probable that other pollutants will be generated by the growing operation. Some very probable ones: vehicle emissions, heating and cooling emissions (will depend on how HVAC is designed), fertilizer components in wastewater discharged to the outside of the building, disposal of plant waste from the growing process, etc. This factor needs to be addressed objectively which it is not. There are potential airborne and soil invasion aspects that need to be dealt with.

5. **Construction phase** - Applicant states that the facility will be completed within a year. This is highly unlikely in this area due to high demand on limited construction trades and material availability.

6. **Product Transport** – Transporting cannabis to market from a growing site is a major issue in this business. Relative to this Request, shipping across the NM state line and back into AZ is probably illegal so any access to I-10 to move to market has to be carefully considered. Also since Federal law still considers cannabis a controlled substance arrest at the Federal level is always possible. These factors have to be considered by the applicant in determining if the proposed site is viable.

7. **Local Economic Benefit** – The applicant states that this project will generate local employment. In fact a very large proportion of residents is above retirement age, so unlikely many locals will be employed. Also cannabis growing is apparently not generating the windfall of profits and tax revenues that many assume to be the case. The following is an article assessing the outlook in Cochise County.

https://www.myheraldreview.com/opinion/our_view/our-view-marijuana-windfall-unlikely-in-cochise-county/article_dce8ed14-5514-11eb-b6f3-37bbb5b0343.html

PRINT NAME(S): Richard P and Marjorie J Schreiber

SIGNATURE(S):

Richard P Schreiber
Marjorie Jo Schreiber

YOUR TAX PARCEL NUMBER: **40211035** (2146 S Limestone Rd, Portal, AZ)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by **Monday March 1, 2021** will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 pm. Tuesday March 11, 2021 will be verbally noted at the meeting.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

From: [Peter Waser](#)
To: [Kirschmann, Robert](#)
Subject: RE: proposed marijuana facility
Date: Tuesday, February 23, 2021 3:56:48 PM

CAUTION: EXTERNAL EMAIL*

Dear Mr. Kirschmann,

I'd like to comment on the proposed marijuana facility near Community and Foothills roads N of Portal. With respect, this is an absolutely horrible idea. The document associated with the proposal appears to drastically underestimate (or not state) the costs that would be associated with the facility, in particular the costs to the county:

Power: based on other, similar facilities, it appears that power requirements would be far greater than now available, perhaps several times what's now used by the entire Portal community. Is Columbus Electric prepared to provide what is necessary?

Roads: Foothills and community roads are unpaved, low-speed roads not designed for heavy truck or commuter traffic that would be necessary to move products and workers in and out. It's a long way from I-10 or even US80.

Water use: with 50 employees, a very large number of plants, and a significant industrial extraction facility, water use would surely be many times what is stated. Even if the water is actually available – which seems questionable -- it would be certain to negatively impact wells in other parts of San Simon Valley.

Fire protection: the only protection available locally is the all-volunteer Portal Rescue, which is not able to respond to structural fires at all. Similarly, the only sort of medical help available in an emergency are volunteer Portal EMTs. A disaster ready to happen.

Police and crime: there is little police presence in this part of the county. That's OK now, but would it be with a facility of this sort? Who monitors who's buying, selling? Cross-border traffic? Is the county ready to hire the additional personnel that would be needed?

Waste disposal: similar facilities appear to produce significant toxic chemical and other waste; this would be the first such facility in this part of the county. Does it really want to add the waste disposal services that would be required?

Property taxes: This area of the county has attracted landowners interested in astronomy and natural history who have driven up property values – and thus provided substantial property taxes to the county. This facility would dramatically reduce the attractiveness of the area for such landowners and thereby decrease value of land and associated property taxes. Light pollution and traffic would be inevitable given the nature of this facility.

For these and other reasons, the proposed facility should not be allowed. Its impact to local

landowners, tourists, and the County would be seriously negative..

Thank you for considering my comments.

Peter Waser

2414 Rock Rouse Road, Portal, AZ 85632

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From: [Diana Hadley](#)
To: [Kirschmann, Robert](#)
Subject: Marijuana grow op documents,
Date: Tuesday, February 23, 2021 9:58:15 PM
Attachments: [Legal Notice SU21-000001\(Holmes\).pdf](#)
[Holmes special use application cochise \(2\).pdf](#)
[Wide capture MAP LABELS.pdf](#)

CAUTION: EXTERNAL EMAIL*

Dear Mr. Kirschmann,

I wish to express my strong opposition to the proposed 20,000 square foot enclosed marijuana growing facility proposed for construction on Community Road, off of Foothills Road, near Portal, AZ. This project is completely inappropriate at the proposed location for the following reasons:

1. The proposed location for this large commercial development near the junction of two primitive dirt roads is in a rural relatively pristine natural area, with low human population density and very little available local labor force.
2. The area's peaceful rural ambience and abundant wildlife would suffer major damage as a result of vehicular traffic, human activity, lighting, groundwater reduction, pollution, and energy consumption at the facility. Construction activities for the large buildings necessary for a growing facility alone would create a major disturbance.
3. Wildlife viewing , bird counts, hiking, photography, general outdoor recreation, and camping in the area's natural scenic beauty attract the majority of visitors. Ecotourism is the main – if not the only – source of economic benefit to the Portal area. The presence of an industrial-sized marijuana grow-out facility would be inconsistent with the area's well-preserved natural values, with the ecological values of local residents, and with the desires for peaceful, quiet, passive recreation of the visitors attracted to the area. As a result, the presence of this commercial facility would actually create significant harm to the local economy.
4. The specific location of the facility on Community Road is adjacent to Sky Village, where dozens of residents have made large investments in astronomical observatories. Activities at the grow-out facility would diminish (or possibly obliterate) the highly desirable "dark sky" values for which the Sky Village development was founded. Night lighting and heavy commercial traffic are totally inappropriate adjacent to an astronomical study area, especially for use of observatories.
5. Foothills Road is a known drug trafficking area. The presence of a marijuana grow-out plant would add to the existing danger from trafficking in this isolated area.

It is my opinion and the opinion of many other local residents that this facility should not be located at the proposed site and would be better suited to a site outside one of the many towns in Cochise County that are suffering from job losses and the absence of employment

opportunities. It seems a huge lost opportunity to locate such a facility at a long distance from any of Cochise County's many impoverished small towns, which could be revitalized through the employment opportunities provided by the facility. It would be better located outside of (but within short driving time of) towns like Elfrida, Bowie, San Simon, or even Douglas where jobs are much needed and desired. Please do not allow this job opportunity and revitalization possibility to be lost. Please do not allow this facility to be located in a remote rural location where it is unwanted and would be detrimental to the local economy.

Thank you for your consideration,

Diana Hadley
1808 West Cave Creek Road
Portal, AZ

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Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

This facility does not fit the character of this community. This is a quiet and peaceful retirement community. There is no traffic on our road at night and we like it that way, that is why we moved here. It is also a dark sky community it doesn't need industrial lighted buildings and parking lots. There are plenty of places in Cochise County where industrial and agricultural land interface to put a facility like this one.

(Attach additional sheets, if necessary) *It doesn't fit here, it will degrade our community.*

PRINT NAME(S):

Robert E O'Neil

SIGNATURE(S):

Robert E O'Neil

YOUR TAX PARCEL NUMBER: 402-40-032 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by **Monday March 1, 2021** will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

From: [Robert Freedman](#)
To: [Kirschmann, Robert](#)
Subject: Cannabis production application
Date: Wednesday, February 24, 2021 8:29:22 AM
Attachments: [Holmes special use application cochise \(2\).pdf](#)

CAUTION: EXTERNAL EMAIL*

This letter is written to oppose the proposed development of a cannabis cultivation facility (see attachment), several miles north of Portal. My objection to approval of said application is based on numerous factors which will create extreme risks to the local natural environment. The proposed operation will have a footprint the size of half a football field. An indoor marijuana cultivation operation uses enormous amounts of electricity to generate light, for the plants, for pumping the growth medium, for drying the plants after harvest, and for heating, ventilation and air conditioning. A line extension request to Columbus Electric will be needed to bring in power, probably above ground from the nearest line just north of Arizona Sky Village. One estimate is that it would double the current power use of Portal.

In an indoor marijuana-growing operation, a large amount of propane is burned to artificially stimulate plant growth by raising the CO2 levels in the facility.

The applicant's estimated need for 150 gallons a day of water appears significantly low, for eight 1100-square-foot cultivation rooms. Wells in that area are highly variable in output.

Heavy truck and other vehicular traffic, on Foothills, will increase dramatically. Marijuana cultivation produces large quantities of waste products, both solid, from plant processing and liquid, from fungicides and fertilizers. The proposed site sits atop limestone rock, a porous substrate with a potential for groundwater contamination. It is likely to require alternative septic systems. These types of growing operations produce significant air pollution, including a nauseating stench.

Robert L. Freedman
3021 S. Camino Quieto
Portal, AZ

From: [Francesco Serrao](#)
To: [Kirschmann, Robert](#)
Subject: Marijuana Farm and dispensary on FootHills Rd, Cochise county
Date: Tuesday, February 23, 2021 9:41:52 AM

CAUTION: EXTERNAL EMAIL*

Hello Mr. Kirschmann, my name is Frank Serrao and I purchased a 4 ac parcel of land (LOT#17) in Arizona Sky Village (ASV) in 2019. Since then I have had an area of that lot graded and recently, my neighbor and I installed a new well.

If it hadn't been for this pandemic I would be much farther along with my plans but I am restarting in the near future to complete my build on my lot.

My plans are to build a home along with an observatory in time for my retirement a few years away. I already have architectural plans and have placed holds on materials as well as manpower to build.

Last night I received an email from fellow residents. It seems I wasn't on their distribution list so I didn't know about the impending application for a Marijuana farm and dispensary nearby on FootHills Road. I must say I am extremely disappointed that this is being considered by the county for this area of Arizona.

I have researched most of the southwest US over the past 12 years looking for my ideal location to view and image the heavens again with the idea to build a home and observatory that I could frequent often until the time I retire and then move to my plot of land. Had I known that this might have been a possibility, i would have never purchased the land and instead chosen my second choice in Cloudcroft NM where there is a very active astro community.

My company HQ is in California and I often travel the entire state and many times I have seen bright glows in the distant sky only to find as I approach that they are Marijuana farms or other farms that require Growth lighting at night. As I approach, the sky becomes obliterated and Stars and Nebula disappear and I am thankful that I have found dark skies in ASV.

As of now I am stopping my septic project from starting in April as well as the planned material move in mid May. I cannot take the chance that the county would allow this farm to happen so close to ASV. There is a lot of open land in Arizona and our community is already established so I think we should have "Dibbs" on the place, wouldn't you say?

Should the application proceed with this intended farm, i will most likely stop any further building and sell the land. As of this morning i have already sent an inquiry to the astro community in NM to find out what lots are still available.

Thank you for listening and I hope my voice along with I'm certain many others should be seriously considered when making your decisions.

Regards

Frank Serrao
ASV, LOT 17
Cleveland Ohio,
216.533.1853

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From: [Chuck Hill](#)
To: [Kirschmann, Robert](#)
Subject: Medical marijuana facility on Frontier road.
Date: Tuesday, February 23, 2021 3:45:48 PM

CAUTION: EXTERNAL EMAIL*

Mr. Kirschmann, I'm sure you will be bombarded with emails now the community has been informed.

I wanted to state my opinion on this. I was in the process of making a cash offer on the 61 acres just south of the 40 acre spot this facility is proposed on. This land butts up to the land I'm looking at.

The land I'm looking at buying has a solar well that was drilled 8 years ago. This well produces 5GPM, but runs out in approx. 2 hours to replenish in another 2 hours.

With the water which this facility will need, The well on the 61 acre spot, which is minimal at best, will be down to producing almost nothing.

Other than the water depletion, other issues I have with this new proposed facility is, with a 20,000 building, this will be directly below the 61 acre spot, which will completely ruin the view which is there now.

That area is peaceful with beautiful views. This facility will completely annihilate the property values due to the fact that nobody would want to build a home or even buy land near this.

That being said, I am holding off on making a cash offer on this adjacent land for this output and will not buy that land if this facility goes in.

I don't see the reason this facility has to go in at a pristine area which people value the serenity of the land when there are facilities in other areas like this already in Cochise County. There should be a better suited area for this building. As long as its in Cochise County, the county will gain the revenue.

Thank you,

Chuck and Janel Hill

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Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

PLEASE SEE EMAIL LETTER FROM HAROLD FARMER

(Attach additional sheets, if necessary)

PRINT NAME(S): _____

HAROLD CALVIN FARMER

SIGNATURE(S): Harold Calvin Farmer

YOUR TAX PARCEL NUMBER: 402-23-008G (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by **Monday March 1, 2021** will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

From: [Nancy Forsythe Farmer](#)
To: [Kirschmann, Robert](#)
Subject: Re: Docket SU21-000001 (Holmes). Parcel number 402-11-001.
Date: Wednesday, February 24, 2021 10:05:26 AM
Attachments: [4612.pdf](#)

CAUTION: EXTERNAL EMAIL*

Dear Mr. Kirschmann,

Re: Docket SU21-000001 (Holmes). Parcel number 402-11-001.

I oppose the application for a special use authorization to construct a “medical marijuana dispensary” on Community Road, Portal, because the proposed use fails to comply (a) with the purpose of the zoning district and (b) is not compatible with existing developments (both of which are required by 1716.02B of the zoning regulations).

(a) Compatibility with Purpose of Zoning District

A major purpose of the rural zoning district (RU-4) is: “To protect the quality of the natural environment as it relates to safeguarding the health, safety and welfare of the people in Cochise County.” (Article 6, 601.06).

The proposed dispensary would harm all these things, most importantly the “welfare of the people.”

Our population largely consists of naturalists and elderly retirees, including astronomers, rock-hounds, birders, entomologists, nature-walkers, photographers, writers and artists. We settled here to pursue these interests, all of which would be impaired by a large, traffic-dependent industrial plant. Astronomers, who have established multiple observatories adjacent to the proposed site, would suffer from light pollution. Naturalists would be greeted with roadkill. The wild life, if not killed by traffic or pesticides, would be driven away by chemical fumes, traffic noise and water pollution. Supply trucks, delivery vans and a train of marijuana buyers would radically alter our quiet, close-knit community.

In addition, health and safety would be threatened. Run-off of chemical effluents and pesticides would taint ground-water in local wells and aquifers and the energy demands of the factory itself would be heavy. Dust from traffic and fumes from the factory would pollute the air and an increase in traffic on our winding, dirt roads would endanger local drivers. (The applicant misleadingly claims that the impact of traffic in Community Road, a small side road, would be minimal, as if one could reach Community Road without first traveling the Foothill-Noland Rd., one of the two roads leading to Portal. Applicant says he will initially hire 20 workers and eventually 50. Neither the local personnel nor the local accommodation exists for a work force of this size. Shift-workers would have to travel in truck-loads from Douglas or Willcox. Supply trucks and customers would add to the traffic congestion.)

(b) Compatibility with Existing Developments

The proposed dispensary is incompatible with the rural, non-commercial character of our settlement. Apart from a motel, several guest-houses two cafes, a volunteer fire station and the Science Station (which has been studying local wild life for a century), all our properties are residential and the houses themselves are mostly situated on large undeveloped acreages. These properties blend in with the adjacent Coronado National Forest. Visiting tourists, campers and birders are attracted by the unspoiled atmosphere and would be put off by an industrial development. The applicant claims that his development would benefit the local economy by offering jobs. The reverse is true. It would eat into the few concerns that do have employees,

making their livelihood less certain. Settlers and visitors come here to escape heavy industry, not find it. The applicant may promise to adopt “mitigations” but, no matter how sincere those promises, they are futile. Nothing could soften the harshly disruptive impact of the applicant’s project on our home.

The Future

At present, the applicant seeks a special use authorization for “medical” marijuana; however, this is the thin end of the wedge. If, as the new law implies, marijuana does not harm adult users, what possible reason could there be to restrict the drug’s availability to “medical dispensaries”? For that matter, what purpose can existing “medical” dispensaries serve, now that marijuana can be bought from “recreational” marijuana vendors without a prescription? Existing dispensaries have already been promised “dual use” licenses. (See Prop. 207 (36-2850 sec. 10(b) as read with 36-2854 sec. A1(d)) It is only a matter of time before new dispensaries get dual use licenses too. When that happens, we can expect a flood of drug-seekers to crowd our roads, camp grounds and guest houses.

I attach a copy of the County’s Property Owner letter with my scanned signature.

Harold Farmer

2365 Cave Creek Road

Portal, AZ 85632

Tax parcel no. 402-23-008G

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From: [walter_john_schoepfle](#)
To: [Kirschmann, Robert](#)
Subject: Marijuana Grow Operation near Portal, AZ
Date: Wednesday, February 24, 2021 11:06:09 AM

CAUTION: EXTERNAL EMAIL*

Dear Sir,

I have been a resident of Portal, Arizona for almost twenty years. I am strongly against the proposed plan to build a marijuana growth and processing center off S. Community rd. near Portal.

Thanks ,

Walter Schoepfle
333 W Bunkhouse Rd.
Portal, AZ. 85632

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From: [Sue Leskiw](#)
To: [Kirschmann, Robert](#)
Subject: Commenting on Docket SJ21-000001 (Holmes)
Date: Wednesday, February 24, 2021 11:49:30 AM
Importance: High

CAUTION: EXTERNAL EMAIL*

Good morning.

I am a former resident and landowner in Cochise County, AZ. I would like to comment on this proposal that will go before the Planning and Zoning Commission on March 10, 2021.

Your form to indicate support or non-support for the project asks for a Tax Parcel Number. Does that mean that you do not accept comments from people who do not currently own land in Cochise County?

Sue Leskiw

P.S. I also left you a voicemail, but would prefer a response via email.

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From: [Ali Morse](#)
To: [Kirschmann, Robert](#)
Subject: Re: Special Use Permit for 402-11-001 (Portal)
Date: Wednesday, February 24, 2021 12:03:03 PM

CAUTION: EXTERNAL EMAIL*

Dear Mr. Kirschmann:

Thank you for allowing residents to comment on Jeffrey John Holmes' proposed development of parcel 402-11-001 on South Community Road, approximately ½ mile northeast of S. Foothills Road (near Portal) to construct an indoor medical marijuana cultivation, packaging and dispensary operation. I have been a Portal resident since 2018, having lived in several places in exchange for work, all within a short distance from central Portal. I am opposed to the project—the impact and risks to our community are serious and far-reaching:

1) Increased traffic on dirt/gravel roads

- a. Holmes states 20 vehicles/day but also indicates there will be 20-50 employees. Vehicle traffic would have to include customers, deliveries, service people, etc. so a more realistic estimate of vehicle traffic would be closer to 60-80 vehicles/day at least, and perhaps closer to 100.
- b. Foothills Blvd and Community Rd., both unpaved, have uneven surfaces and visibility issues (curves, dust from traffic, etc). Increased traffic would pose real safety hazards to all users of those roads.

2) Enormous amounts of water

- a. Figures on Holmes' application are incorrect—150 gal/day is grossly underestimated. Research supports 10x that daily rate for 9,000 SF, making it closer to 1,500 gal/day. The yearly usage was also incorrectly calculated (the daily amount was multiplied by 12, not 365).
- b. Mature marijuana plants can require up to 6 gal of water/day.¹
- c. Estim. water usage for 9,000 SF (8 grow rooms of 1,125 SF) would vary from 1,440 gal/day² (525,600 gal/year) to 1,520 gal/day³ (554,800 gal/year). An Olympic-sized swimming pool holds 660,000 gal.
- d. Huge draw on water supply could adversely affect aquifers and deplete wells on nearby properties, particularly during the mega-drought this area has been experiencing for the past several years.

3) Light pollution

- a. Holmes' operation would most certainly need security lighting in

addition to a well-lit parking lot.

b. Light trespass issues have been a problem in the past here, with little to no enforcement.

c. Portal is a Dark Sky community with virtually no light pollution when it is dark.

d. Sky Village, with 22 houses and 20 observatories, relies on dark, clear nights. Residents ensure their homes emit no light from within so as not to interfere with astronomical observations and studies.

4) Impact on air quality

a. Portal's air quality index is measured and recorded daily. More often than not it is a single digit number and almost always it is below 20—we have very clean air.

b. More traffic will increase dust pollution from dirt roads, exacerbating respiratory health issues and diminishing atmospheric clarity due to the increase in airborne particulates.

c. Reports indicate strong, foul “skunk-like odors” from cannabis grow operations.⁴

5) Massive power usage

a. Production needs include artificial lighting, de-humidification, ventilation, air conditioning, irrigation control systems, and security systems.

b. Proposed facility of 20,000 SF would potentially use 167,232 kWh/month.⁵

c. The extra burden on Columbus Electric could create widescale power outages. The summer after Oregon legalized recreational marijuana use, Portland experienced seven blackouts traced to excessive power usage at marijuana production facilities.⁵

6) Inadequate fire protection

a. Holmes mentions “Portal Volunteer Fire Dept.” as the service provider for fire protection. Portal Rescue, our local volunteer fire department, *is not equipped* to fight structure fires.

b. Portal Rescue is a small crew of volunteers with a very limited water supply to fight fires.

7) Disposal of waste products

- a. "Green waste" includes cannabis stems, seeds, stalks, roots, and trimmed materials, along with contaminated, spoiled or damaged plants. All these contain traces of THC which could potentially be diverted to an illegal market.
- b. Waste water will contain chemicals from fertilizers, pesticides, fungicides, and rodenticides. Disposal may contaminate groundwater and surface environment.

8) Noise nuisance

- a. Fans, motors, generators, and security alarms all generate some level of noise.
- b. An alarm system may cover all points of entry and perimeter windows with motion detectors, pressure switches, duress and panic buttons, and hold-up alarms.
- c. Any or all of the above would disturb what is otherwise a very quiet and peaceful neighborhood.

9) Aesthetic/visual impact

- a. The surrounding area is residential (not business or industrial), with 12 homes on Foothills Blvd between Portal Rd. and Community Rd. and 22 homes in Sky Village.
- b. Portal thrives on environmentally-based eco-tourism. Residents and visitors value the beauty, peace, and solitude of nature.

With the multiple inconsistencies, mathematical errors, and grossly misspelled words, the application does not appear to be well thought out or executed. This indicates a questionable business proposal, making one wonder about the legitimacy of this effort. If there are so many mistakes in the application, how can one accurately assess what this business will look like when it is up and running? I urge you to reject this permit—whatever tax revenue may be anticipated for Cochise County; the potential impact and risks of this application far outweigh any benefit.

Respectfully,

Allison Morse

PO Box 16232

Portal, AZ 85632

¹ *White Paper: The Environmental Impacts of the Marihuana Industry*, Michigan Department of Environmental Quality Marihuana Workgroup, September 17, 2018

² *Guidance on Best Management Practices for Water Use*, Cannabis Control Commission, Commonwealth of Massachusetts, April 4, 2019

³ *Environmental Risks and Opportunities in Cannabis Cultivation*, BOTEK Analysis Corporation, Sept. 7, 2013

⁴ *'Dead Skunk' Stench from Marijuana Farms Outrages Californians*, New York Times, December 19, 2018

⁵ *Electricity Use in Marijuana Production*, National Conference of State Legislatures, Vol. 24, No. 31, August 2016

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February 24, 2021

We, Philip Hedrick and Catherine Gorman, as residents of nearby Paradise, AZ, (Tax Parcel 40216011C, 2010 South Sycamore Place) strongly oppose granting a Special Use Authorization to build a large (20,000 square foot) cannabis growing, distribution, and sales facility to Jeffrey John Holmes of Scottsdale, AZ for his property (402-11-001 85632) on Community Road near Portal, AZ.

We oppose this application for the following reasons.

- (1) The proposed location of this large industrial-like and sales facility is in a rural and lightly populated residential area, very different from all other land use in the area. This proposed facility, if located in Cochise County should be located in a more heavily populated areas, such as nearby Willcox, Benson, or Sierra Vista. In those areas, there would be a nearby source of the 50 predicted employees which are not present or anywhere nearby to the proposed location.
- (2) This facility would use a large amount of water, which is in short supply in this area. The suggested use of 150 gallons per day in the Application is grossly incorrect because this is less use than is standard for a single-family house use and not appropriate for a 20,000 square foot growing facility. Further, 150 gallons times 365 days gives an expected 54,750 gallons per year (also a great underestimate) not 1,800 gallons per year as stated. Obviously, the applicant has provided greatly incorrect information about water usage. Can any other information in this application be trusted such as the statements about outdoor lighting, dust, odor, and other aspects of the Application?
- (3) It is likely that this facility will have large impacts on the rural facilities in the area. For example, how will toxic waste from the facility be disposed of? Who will be responsible for maintenance of Community and Foothills Roads which will have greatly increased traffic? Who will be responsible for potential crime which might well increase because of the amount of cash on hand and the potential theft value of what is produced? Will the volunteer Portal Fire and Rescue be equipped and able to provide fire protection for this industrial-like facility?

2410 Cathedral Rock Rd
(Parcel #402-24-00704)
Portal, AZ 85632-6445

RE: Docket SU21-000001 (Holmes) – parcel #402-11-001
March 10, 2021 meeting

Mr. Robert Kirschmann, Planner II
Planning, Zoning and Building Safety
126 W 5th Street, Suite 4
Benson, AZ 85602#402-11-001

Dear Mr. Kirschmann:

We appreciate the opportunity to comment on the proposal for marijuana growing facility. My husband and I chose to retire here over 31 years ago. As many others here, we value the town, the community and area as a special place unique in our state and our country and known round the world. I am so **against** the proposal

Let us protect Cochise County's SE corner where tourists come to see birds, reptiles, insects and other fauna including the big guys like bear and deer. There is varied flora at all elevations. The money they bring in keeps our small business' afloat. The many retirees have chosen to live here to see the night skies and pay their taxes. Besides the tourists and birdwatchers you have the scientists. Let's use the fossil water to grow food. There is value in the clean air and all the above. This facility will bring in traffic and dust from the surrounding roads.

This is a place where you can really feel you have left large populations. You get that feeling when driving here you top to at Granite Gap on Rt 80. You look down at all that open space surrounded with the mountains. There is value in that as the world fills up.

Thank you for the opportunity to comment

Sincerely,

A handwritten signature in cursive script that reads "Barbara A. Miller". The signature is written in dark ink and is positioned above the typed name and explanatory text.

Barbara A. Miller
(and husband Floyd H. Miller who is 90., blind and unable to sign)

From: [Neil Parker](#)
To: [Kirschmann, Robert](#)
Subject: Marijuana Farm on Foothills Road
Date: Wednesday, February 24, 2021 1:47:52 PM

CAUTION: EXTERNAL EMAIL*

Dear Mr Kirschmann,

I am writing to express my alarm at the marijuana facility proposed on Foothills Road.

I live in the UK but have a house in the Arizona Sky Village (ASV) which is used by astronomers from the UK, the USA, Canada and other countries who appreciate the dark, clear skies that the ASV provides.

Many also come for the wildlife and scenery. It seems that the proposed facility will have a harmful effect on astronomy and possibly the wildlife in and around the ASV.

I urge you not to approve this proposal until a full environmental impact study has been completed which takes into account the views of all residents in the ASV, Portal and surrounding areas.

The ASV is a very special place that attracts visitors from around the world as well as supporting a strong resident group of astronomers. It's combination of minimal light pollution, dry atmosphere and high altitude make it one of the leading astronomy communities in south-west America.

These dark, accessible skies should be treasured and protected.

Yours sincerely

N M Parker

Sent from my iPhone so please excuse any typos or predictive blunders

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From: [Ismael Rodriguez](#)
To: [Kirschmann, Robert](#)
Cc: [Regina Rodriguez](#)
Subject: Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)
Date: Wednesday, February 24, 2021 4:08:10 PM
Attachments: [ASV against Marihuana.txt](#)

CAUTION: EXTERNAL EMAIL*

From: Ismael and Regina Rodriguez

2/25/2021

2048 S. Newton Way

Portal, AZ 85623 - Parcel #402-21-013J (Arizona Sky Village, Portal, AZ) - 719-623-9816

maelo_pr@hotmail.com

To: Mr. Robert Kirschmann
Planning, Zoning and Building Safety
126 W 5th St Suite 4
Benson, AZ 85602

Ref: Docket SU21-000001 (Holmes) - parcel #402-11-001
March 10, 2021 meeting

Dear Mr. Kirschmann,

My wife and I want to express our strongest objection to the proposed application to build a medical marihuana facility in this area of the San Simon Valley. As one of many families that own Astronomical Observatories and participate in yearly bird watching events in this area, we are very concerned about the negative impact this Marihuana plant would have to Astronomy, bird-watching, tourism and safety on the Portal, Cave Creek, and the Coronado National Forest region. In addition to concerns already addressed in letters you have received from my neighbors regarding: "high water usage", "Waste Management Issues", and "strong odors"; here are some specific areas of great concern to us:

Lighting

Our Astronomy community here in Portal have invested over \$4 million dollars in scientific equipment and observatories to study the Universe, as a hobby and in support of the global Astronomy and scientific community research. These studies require the pristine dark skies and lighting regulations currently present in the area of Portal. A Marihuana facility with three shifts of employees would require significant lighting for their parking and their greenhouses. The heavier traffic resulting from this plant's 24 hour operation at night will create major light pollution and constant dust pollution problems from cars and trucks. Their proximity (less than one mile away) to our observatories would be detrimental to our astronomical imaging and observing research efforts.

Safety

Increase in traffic from all parts of the state to purchase Medical Marihuana would also increase crime in this area at a rate that may force property values and tax revenues to the county to decrease and our scientific, bird-watching and tourist communities would soon leave the area. Police protection in this area would not be able to keep up with any increase in crime.

We invite you and your staff to visit the Portal area at your convenience so you can directly assess the potential impact in person. It would be a pleasure for us in Arizona Sky Village to give you a tour of the area and observatories and so you can appreciate the unique dark skies present in this area. Our community is planning to apply for designation as "dark sky community" from the darksky.org international association.

We urge you to reject this application and save the scientific and tourist communities in this area from the catastrophic impact of such a Marihuana facility and its operations.

Respectfully,

Ismael & Regina Rodriguez

Sent from [Mail](#) for Windows 10

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Feb 21, 2021

Mr. Robert Kirschmann
Planning, Zoning and Building Safety
126 W 5th Street Suite 4
Benson, AZ 85602

Dear Mr. Kirschmann,

I write concerning Docket SU21-000001 (Holmes): an application to construct an indoor medical marijuana cultivation, packaging and dispensary near Portal on South Community Road (parcel number 402-11-001).

My name is Fred Espenak and my wife Patricia and I reside at 2123 South Starlight Drive, Portal, AZ, 85632 (Parcel Number: 402-21-02404). This address is located within the development known as Arizona Sky Village.

I worked 30 years for NASA as an astrophysicist at Goddard Space Flight Center. Before retiring in 2009, I spent several years researching a retirement location where I could realize my life-long dream of living in a remote location with a very dark night sky and where I could build an astronomical observatory.

Such locations are becoming increasingly scarce but the southeastern corner of Arizona is still one of the best in the USA. Arizona Sky Village or ASV (2 miles north of Portal, AZ along Foothills Road) was established in the early 2000's and it is one of the most unique developments in the United States. The village community consists of astronomers who moved here to take advantage of the pristine, dark sky that is free from light pollution and far from city lights.

I know of only 3 or 4 astronomical communities like ASV in the entire country. This is reflected in some of the media attention ASV has drawn including interviews with residents by the Today Show, CBS Sunday Morning, and Time magazine, to name just a few.

We have over 20 astronomical observatories here in ASV, many with research grade telescopes and cooled CCD cameras to image the night sky. Some of us conduct research with these telescopes like Jack Newton who is involved in the nightly search for supernovas in distant galaxies. Others like Rick Beno generously offer public outreach with night sky observing through telescopes to scouting groups and Tucson high school students on fields trips to Cave Creek Canyon.

The dark sky here is our greatest resource. Unfortunately, establishment of the proposed marijuana facility cannot be done without the introduction of significant lighting (night security lights, employees parking lot lights, grow lights in the green houses, etc..

This lighting will compromise the dark sky of ASV and permanently hinder our work here. We must guard and protect it vigorously.

But the dark sky of ASV is NOT the only thing threatened by the proposed marijuana facility. It will result in a significant increase in the volume of traffic to the area.

With 50 employees, 20 trucks per day (according to the Applicant), and vehicle traffic from the retail sale of cannabis products, this will double or even triple vehicle traffic in the Portal area. Most of our roads are dirt and gravel so this traffic will raise a great deal of dust which is both a health concern as well as a problem for the many optical telescopes in our observatories.

The Applicant lists Portal Volunteer Fire (PVF) for fire protection. Portal's volunteer firefighters are trained only in wildland firefighting. They do not have the equipment or training to fight structural fires. This leaves the proposed marijuana facility without fire protection.

The Applicant reports that no odors will be created by the facility. But according to a New York Times article (<https://www.nytimes.com/2018/12/19/us/california-marijuana-stink.html>), the stench caused by commercial cannabis farms is causing lawsuits in California. I quote a small section of the article here:

"The smell from commercial cannabis farms, which brings to mind a mixture of rotting lemons and sulfur, is nothing like the wafting cloud that might hover over a Phish show..."

"It's as if a skunk, or multiple skunks in a family, were living under our house," said Grace Guthrie, whose home sits on the site of a former apple orchard outside the town of Sebastopol. Her neighbors grow pot commercially. "It doesn't dissipate," Ms. Guthrie said. "It's beyond anything you would imagine."

"When cannabis odors are at their peak, she and her husband, Robert, sometimes wear respirators, the kind one might put on to handle dangerous chemicals. During Labor Day weekend, relatives came to stay at the house, but cut short their visit because they couldn't stand the smell."

"I can't be outside more than 30 minutes," Mr. Guthrie said of peak odor times, when the cannabis buds are flowering and the wind sweeps the smell onto his property. "The windows are constantly closed. We are trapped inside. There's no escape."

Britt Christiansen, a registered nurse who lives among the dairy farms of Sonoma County, acknowledges that her neighborhood smells of manure, known locally as the Sonoma aroma.

But she says she made the choice to live next to a dairy farm and prefers that smell to the odor that drifted over from the marijuana farm next door to her house.

"We opened the door and the smell kicked us in the face," Ms. Christiansen said. Her neighbors banded together in October and sued the operators of the pot business; the case is ongoing.

There are other environmental impacts the proposed marijuana facility will have on our community. The Michigan Department of Environmental Quality issued a White Paper titled "The Environmental Impacts of the Marijuana Industry." (https://www.michigan.gov/documents/egle/egle-WhitePaper-TheEnvironmentalImpactsOfTheMarihuanaIndustry_689717_7.pdf).

Here is a summary of some of the conclusions of this report.

Air

- Odor from marijuana cultivation and processing is a major concern. Many people are familiar with the pungent odor from burning marijuana. Foul odors are also generated from the cultivation and processing of marijuana.

- Processors often use solvents to extract essential oils that contain medicinal and psychoactive compounds. These solvents pose potential public health impacts and may be subject to existing air pollution control rules.

- *Marijuana plants have the potential to emit significant quantities of volatile organic compounds, which may pose a threat to attainment of the National Ambient Air Quality Standard for ozone.*
- *Open burning is another potential concern. The growth and processing of marijuana results in plant wastes, which could pose air quality threats if they were burned as a means of disposal.*

Waste

- *Marijuana by products resulting from chemical treatment have the potential to become characteristically hazardous waste.*

Water

- *The cultivation of marijuana plants requires significant quantities of water. Researchers have estimated that growing marijuana requires up to six gallons per plant, per day, resulting in an estimated 412,500 gallons of water used per acre over the growing season.*

The Applicant estimates a water usage of 150 gallons per day. Furthermore, he estimates having eight 1125 sq. ft. grow rooms corresponding to a total of 9000 sq. ft.. If each marijuana plant requires 1 sq.ft., that corresponds to 9000 plants. Assuming 6 gallons of water per plant per day (from the Michigan White Paper), this equals 54,000 gallons of water per day.

The Applicant's estimate of 150 gallons per day is clearly in error and probably doesn't even cover daily water usage for toilets in a 50-employee business.

Cochise County is currently under a severe drought and water usage is a serious concern among the current residents and ranchers in the Portal area. We are already burdened with the water usage from numerous wells drilled to support hundreds of acres of nut tree farms that have recently been established in the San Simon Valley.

The Applicant's proposed marijuana facility would place a further burden on the limited water resources of the area, which the residents cannot afford.

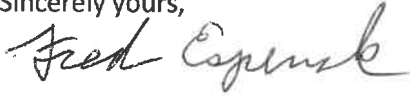
Portal is a very small community and we do not have a police force. The nearest police station is 50 miles away in Douglas, AZ. However, the establishment of a marijuana facility in Portal will surely attract criminal activity which we are not equipped to deal with. Cannabis is still illegal under federal law, so the business exists primarily with all-cash transactions. Large amounts of cash flowing through a Portal marijuana facility is too tempting a target for criminals, especially with no police presence.

According to Humboldt, CA deputy sheriff Ben Filippini, ever since California's 1996 medical-marijuana initiative, violent crime in his jurisdiction has increased: "People are getting shot over this plant. All legalization did here was create a safe haven for criminals."

Since a 2016 initiative legalized pot in California, Trinity County undersheriff Christopher Compton said: "We haven't seen any drop in crime whatsoever. In fact, we've seen a pretty steady increase." Compton's counterpart in Mendocino, Matthew Kendall, agreed: "We're seeing more robberies and more gun violence." (<https://www.theatlantic.com/magazine/archive/2019/01/california-marijuana-crime/576391/>).

In conclusion, I oppose this application and I urge you to reject it because of the enormous negative impact it will have on the Portal area, and particularly on Arizona Sky Village.

Sincerely yours,



Fred and Patricia Espenak
2123 South Starlight Drive
Portal, AZ 85632

Parcel Number: 402-21-02404
Phone: 520-558-1995

Recent photos from my ASV observatory: <http://astropixels.com/main/recent.html>

Cosigned By:

Roy and Elise Furman
Arizona Sky Village
2141 South Milky Way
Portal, AZ 85632

Phone: 610-742-3507

The New York Times

'Dead Skunk' Stench From Marijuana Farms Outrages Californians

By Thomas Fuller

Dec. 19, 2018

CARPINTERIA, Calif. — They call it fresh skunk, the odor cloud or sometimes just the stink.

Mike Wondolowski often finds himself in the middle of it. He may be on the chaise longue on his patio, at his computer in the house, or tending to his orange and lemon trees in the garden when the powerful, nauseating stench descends on him.

Mr. Wondolowski lives a half-mile away from greenhouses that were originally built to grow daisies and chrysanthemums but now house thousands of marijuana plants, part of a booming — and pungent — business seeking to cash in on recreational cannabis, which has been legal in California since January.

“If someone is saying, ‘Is it really that bad?’ I’ll go find a bunch of skunks and every evening I’ll put them outside your window,” Mr. Wondolowski said. “It’s just brutal.”

When Californians voted to legalize recreational marijuana in 2016, there were debates about driving under the influence and keeping it away from children. But lawmakers did not anticipate the uproar that would be generated by the funk of millions of flowering cannabis plants.

As a result of the stench, residents in Sonoma County, north of San Francisco, are suing to ban cannabis operations from their neighborhoods. Mendocino County, farther north, recently created zones banning cannabis cultivation — the sheriff’s deputy there says the stink is the No. 1 complaint.



Cannabis buds on plants at New Family Farm in Sebastopol, Calif. Jim Wilson/The New York Times

In Santa Barbara County, cannabis growers confronting the rage of neighbors are spending hundreds of thousands of dollars installing odor-control systems that were designed for garbage dumps.

The smell from commercial cannabis farms, which brings to mind a mixture of rotting lemons and sulfur, is nothing like the wafting cloud that might hover over a Phish show, pot farm detractors say.

"It's as if a skunk, or multiple skunks in a family, were living under our house," said Grace Guthrie, whose home sits on the site of a former apple orchard outside the town of Sebastopol. Her neighbors grow pot commercially. "It doesn't dissipate," Ms. Guthrie said. "It's beyond anything you would imagine."

When cannabis odors are at their peak, she and her husband, Robert, sometimes wear respirators, the kind one might put on to handle dangerous chemicals. During Labor Day weekend, relatives came to stay at the house, but cut short their visit because they couldn't stand the smell.

"I can't be outside more than 30 minutes," Mr. Guthrie said of peak odor times, when the cannabis buds are flowering and the wind sweeps the smell onto his property. "The windows are constantly closed. We are trapped inside. There's no escape."



Britt Christiansen and her neighbors in Sonoma County banded together and sued the operators of a local pot business over the smell. Jim Wilson/The New York Times

After nearly one year of recreational sales in California, much of the cannabis industry remains underground. Stung by taxes and voluminous paperwork, only around 5 percent of marijuana farmers in the state have licenses, according to Hezekiah Allen, the executive director of the California Growers Association, a marijuana advocacy group. Sales of legal cannabis are expected to exceed \$3 billion this year, only slightly higher than medical marijuana sales from last year. Tax revenues have been lower than expected, and only about one-fifth of California cities allow sales of recreational cannabis. The dream of a fully regulated market seems years off.

The ballot measure legalizing recreational marijuana passed in 2016 with a comfortable majority of 57 percent. Many of those complaining about cannabis odors say they were among those who supported it. They just don't want it stinking up their property, they say.

“Just because you like bacon doesn’t mean you want to live next to a pig farm,” said Lynda Hopkins, a member of the Sonoma County Board of Supervisors, whose office has been inundated with complaints about the smell.

The odor question is also roiling local politics.

Marijuana businesses in Carpinteria recently donated \$28,000 worth of lab equipment to Carpinteria High School, according to Philip Greene, the chief of operations for Ever-Bloom, a cannabis producer that helped coordinate the donation. The high school is flanked by cannabis greenhouses that have sent odors wafting in. In the past two years, students have complained of headaches, parents have grown angry and the high school has had to warn visiting sports teams that they might encounter the odor.

The donation has not yet been made public, but is seen by some as an effort to offset the damage done by the stench. In an interview, Maureen Foley Claffey, a member of the Carpinteria School Board, said it would send a “confusing and problematic” message to students to accept it. Ms. Claffey lashed out at the superintendent, Diana Rigby, for soliciting donations from the cannabis industry at a time when members of the community are battling the stink.



A Nasal Ranger, a device that measures the odors in the air. It is in use in Colorado, the first state to legalize recreational marijuana.
Dave Kolpack/Associated Press

“Are we that desperate for cash that we are willing to take it from anyone without regard to the source and the message?” she said. “I guess money talks.”

Ms. Rigby, the superintendent, did not return phone calls or email requesting comment.

In Sonoma County, hearings on cannabis ordinances at the board of supervisors overflow with representatives from the cannabis industry, who wear green, and angry residents, who wear red.

Of the more than 730 complaints Sonoma County has received about cannabis this year, around 65 percent are related to odor, according to Tim Ricard, the county’s cannabis program manager.

“There’s been a tremendous amount of tension in the community,” said Ms. Hopkins, the Sonoma supervisor. “If I had to name an ice-cream flavor for cannabis implementation it would definitely be rocky road.”

Cannabis executives recognize that pot grows can be odorous, but say their industry is no different from others that produce smells.



Dennis Hunter, right, a co-founder of CannaCraft, a marijuana business in Santa Rosa in Sonoma County, watching Matt Kulczycki filling a mold with cannabis-infused dark chocolate. Jim Wilson/The New York Times

“You have a smell issue that sometimes can’t be completely mitigated,” said Dennis Hunter, a co-founder of CannaCraft, a large marijuana business based in Santa Rosa in Sonoma County. “But we have dairy farms here in the area or crush season for the vineyards — there’s agricultural crops, and a lot of them have smells.”

Britt Christiansen, a registered nurse who lives among the dairy farms of Sonoma County, acknowledges that her neighborhood smells of manure, known locally as the Sonoma aroma.

But she says she made the choice to live next to a dairy farm and prefers that smell to the odor that drifted over from the marijuana farm next door to her house.

“We opened the door and the smell kicked us in the face,” Ms. Christiansen said. Her neighbors banded together in October and sued the operators of the pot business; the case is ongoing.

One problem for local governments trying to legislate cannabis odors is that there is no objective standard for smells. A company in Minnesota, St. Croix Sensory, has developed a device called the Nasal Ranger, which looks like a cross between a hair dryer and a radar gun. Users place the instrument on their nose and turn a filter dial to rate the potency on a numerical scale. Charles McGinley, the inventor of the device, says a Level 7 is the equivalent of “sniffing someone’s armpit without the deodorant — or maybe someone’s feet — a nuisance certainly.”



Lawmakers did not anticipate the uproar that would be generated by the funk of millions of flowering cannabis plants. Jim Wilson/The New York Times

A Level 4, he said, is the equivalent of a neighbor's freshly cut grass. "It could still be a nuisance, but it wouldn't drive you away from your front porch," Mr. McGinley said.

Standing next to a flowering cannabis bud, the smell would easily be a Level 7, Mr. McGinley said.

The Nasal Ranger is in use in Colorado, the first state to legalize recreational marijuana, but California counties and cities are still struggling with the notion that smells are subjective.

Ever-Bloom in Carpinteria is one of a number of marijuana businesses that have invested hundreds of thousands of dollars to mitigate the stink. Two previous systems failed, but the current one, modeled on devices used to mask the smell of garbage dumps, sprays a curtain of vapor around the perimeter of the greenhouses. The vapor, which is made up of essential oils, gives off a menthol smell resembling Bengay.

Dennis Bozanich, a Santa Barbara County official charged with cannabis implementation who has become known as the cannabis czar, says the essential oil odor control has been largely successful. But not every grower can afford to install it.

On weekends, Mr. Bozanich becomes a cannabis odor sleuth, riding his bicycle through Carpinteria sniffing the air for pot plants. He recently drove through the area with a reporter, rolling down the windows on a stretch of road with cannabis greenhouses. He slowed the car and puzzled over where a cannabis odor was coming from.

"I've got one stinky location right here and I can't quite figure it out," he said.

His description of the stink?

"Dead skunk."

A version of this article appears in print on , Section A, Page 13 of the New York edition with the headline: Lucrative and Legal, But, Whew, It Stinks To High Heaven

Mr. Robert Kirschmann
Planning, Zoning and Building Safety
126 W 5th Street Suite 4
Benson, AZ 85602

February 20, 2021

Dear Mr. Kirschmann

My name is Mike Patton and my wife Kathy and I reside at 2060 S Newton Way, Portal, AZ, 85632. It should be noted that this address is within the developmental boundaries of Arizona Sky Village.

I am writing this letter in opposition to a proposed project to build a commercial facility along Community Road in Portal. Reference Tax Parcel 401-11-001 85632 or Docket Number SU21-00000 (Holmes).

My opposition to this project stems from a number of reasons and is not isolated to just one approach. I am not against the project due to the nature of the business planned to reside there but that any commercialization in this area will not support why many of us have chosen to live here.

As I am sure you are aware, most residents of Arizona Sky Village (ASV) are retired and have chosen this very unique part of the country to pursue our life long hobbies and dreams. The area around the proposed project is perfect for those of us who appreciate nature and are specially fascinated with the night skies. Almost everyone at ASV is an amateur astronomer who has chosen and been able to participate in many different aspects of astronomy even if at a considerable expense.

The most obvious reason I oppose commercialization of the area is the associated light pollution. With as critical dark skies are to our activity, I can't imagine any commercial enterprise being able to provide enough safe lighting in the parking and building areas that it won't infringe on our use of the dark skies. I know there are lighting regulations in Arizona and Cochise County but those are designed more to keep sky glow to a minimum and not to block lighting from an adjoining neighbor. Everyone in Portal has supported ASV in their quest to maintain dark skies at every opportunity and this project could never be in compliance with what we try to attain in this area

Dust is another element we battle in the area. It coats and settles on our equipment reducing the effectiveness of our expensive telescopes and cameras. Traffic along Community Road can only increase the dust generation as there is no current or proposed paving of that route. Prevailing winds would often put us in the direct path of airborne dirt.

Water should be another major consideration. With the impact of the nut farms in the area still being evaluated I can't support adding any further stress to the water table. I have read the Application for Special Use for the facility and that they estimate 150 gallons/day usage. I say you can't cultivate agriculture in a facility like that with anywhere from 20 to 50 employees on that limited amount of fresh water. Sanitary usage alone could approach or exceed that number of gallons. I have to think that the usage number provided in the application needs to be reconsidered.

Another aspect that needs to be considered is crime associated with business of this nature. We are basically unprotected out here by our own isolation and choice. We have no local police force and the response from Cochise County can be extremely long at times. I can provide references to my statement as demonstrated in other states. Here is a proposal that would put a crime prone industry into a very isolated yet relatively populated area.

The last point I would like to make is that there is no statement or reference as to the limits of scaling the business. It doesn't say anywhere that future expansions would not be considered and that the place could be grown any multiples. I also believe that the approval of this commercial facility in a very rural setting can and would be used as a precedent for other industries that may want to locate to the area further destroying our ability to use and enjoy the area.

I hope you will take this letter of opposition with constructive council. That it is intended to provide you with a feeling of community culture, attitude, and legitimate reasons the project should not be approved. I don't believe that it supports the local life style nor improves what we now enjoy.

Respectfully submitted

A handwritten signature in blue ink, appearing to read "Mike Patton", with a long, sweeping horizontal stroke extending to the right.

Mike Patton
2060 S Newton Way
Portal, AZ
85632

Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

I strongly oppose putting this undesirable business in this beautiful rural community. We do not want the pollution, lights & traffic on an unimproved dirt road leading to the pristine cow creek canyon.

(Attach additional sheets, if necessary)

PRINT NAME(S):

PATRICIA B. PARRAN

SIGNATURE(S):

Patricia B. Parran

YOUR TAX PARCEL NUMBER: 402-26-010 E1 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by **Monday March 1, 2021** will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST: *A Bad Idea -*

Please state your reasons:

A really bad idea to bring this type of industry out to a quiet, natural habitat, where birders, biologists, hikers, and campers come for solice. Portal is a very small town, and low population. This has all the appearance of a money laundering scheme, from a foreign country. Nature and greed do not mix well.

(Attach additional sheets, if necessary)

PRINT NAME(S):

Ronald Beck

SIGNATURE(S):

Ronald Beck

Hereford, AZ Cochise County

YOUR TAX PARCEL NUMBER: _____

(the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by **Monday March 1, 2021** will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

RETURN TO: **Robert Kirschmann, Planner II**

Cochise County Planning Department

126 W 5th Street

Benson, AZ 85602

Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

COCHISE COUNTY

YES, I SUPPORT THIS REQUEST

Please state your reasons:

FEB 25 2021

PLANNING

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

This proposed project is completely inappropriate for this small, eco-tourism and astronomy-based residential community. It would create negative environmental effects as described in the proposal in terms of local resource use and truck traffic. Although it would create jobs, its negative impact would be more damaging than the local jobs created. There are other locations elsewhere that are much more suitable to such a proposed operation, where the zoning would be appropriate and the jobs would be welcomed.

(Attach additional sheets, if necessary)

PRINT NAME(S):

Diana Doyle

SIGNATURE(S):

Diana Doyle

YOUR TAX PARCEL NUMBER: 104-17-012 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by **Monday March 1, 2021** will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

Dear Mr. Kirschmann:

Re: Docket SU21-000001 (Holmes)
Public Hearing scheduled for March 11, 2021

We are Richard & Vicki Beno, located at 911 W. Hubble Way, parcel number 402-210-52. We are writing in response to the request by Mr. Holmes' Special Use Authorization Application to build a marijuana grow facility near our home.

We have multiple reasons why we are absolutely opposed to this project. For starters, we live in an astronomy community, Arizona Sky Village, which is made up of 22 homes who need the clear dark skies common here in the Portal area. This village is only 2 miles south of the proposed development and will be heavily affected by light and air pollution. The dust from heavy road traffic due to this development will be devastating. The light pollution at night will basically destroy our rank as a truly dark sky area.

In Mr. Holmes' application he states that the area has Portal Rescue for fire safety. In reality, Portal Rescue is only certified for wild land fire fighting. Portal Rescue does not perform structure fire fighting. This will effectively leave the proposed project unprotected from fire.

It is our understanding that due to the federal illegal status of marijuana that all business will be cash only. Again, Portal has no local police protection. Our police force comes from Douglas, AZ located about 65 miles, well more than an hour, away from this project. Given the cash dealings involved we suspect that crime in the area will become prevalent with no police force for suppression.

In Mr. Holmes' application he states that only 150 gallons of water are needed per day. Research suggests much larger volumes of water will be needed for the plant production. Research states that 6 gallons of water could be needed for each plant per day. Seeing as how several thousand plants would be in production, the water needs could easily be 10s of thousands of gallons of water per day. This could easily do irreparable damage to an already stressed water table.

Finally, the location of this project is many miles away from any substantial population from which to bring employees. The roads from all directions are many miles of undeveloped roads. This will require significant travel for each and every employee. Damage to the roadway and vehicles will be significant.

Having spoken to many of the Portal area residents, we are nominally unanimous in our opposition to this project. Please do not allow this project to go forward. It is not needed. It is not wanted.

Sincerely,

Richard & Vicki Beno

Handwritten signatures of Richard and Vicki Beno. The signature for Richard is written above the signature for Vicki.

Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

COCHISE COUNTY

 YES, I SUPPORT THIS REQUEST

Please state your reasons:

FEB 25 2021

PLANNING

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

One of the reasons we moved here was
the dark skies - NO light should be
visible off site
This business is not needed nor wanted
in this rural area. This business is better
suited for the city

(Attach additional sheets, if necessary)

PRINT NAME(S):

SIGNATURE(S): Nancy McFarland McQuay
Dennis J. McQuay

YOUR TAX PARCEL NUMBER: 402-22-015 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by **Monday March 1, 2021** will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

received by 5PM Monday March 1, 2021 will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

If you have any questions regarding this matter, please do not hesitate to contact the Community Development Department by phone at 520-4329248 and by e-mail at . Please note that occasionally dockets are removed from the agenda just prior to a meeting. It is recommended that you contact the Community Development Department to find out if this docket is still scheduled.

Best regards,

Robert Kirschmann, Planner II

Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

____ YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

Their estimated water use is very low, it will be more like 3 to 4 times more than they are estimating. Our water table has been on the decline the last 35 yrs.
Roads - 20 to 50 employees and then customers going to the site. Dirt & dusty roads are already sub-standard. We need more traffic on these roads - what happens to my dark skies

(Attach additional sheets, if necessary) continued

PRINT NAME(S):

Nancy McFarland McArroy - Dennis J. McArroy

SIGNATURE(S): Nancy McFarland McArroy

Dennis J. McArroy

YOUR TAX PARCEL NUMBER: 402-22-015 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by Monday March 1, 2021 will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department

FEB 25 2021

PLANNING

Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

Blank lines for providing reasons for supporting the request.

X NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

Too much traffic on Forthills Rd.
Too much light from growing facility
As we are an Astronomical Community
Too much bad element comes with these
Types of businesses!

We are a small community with a certain
Lifestyle that we do not want changed

(Attach additional sheets, if necessary)

PRINT NAME(S):

Robert J. Jarosak Cristy C. Jarosak

SIGNATURE(S):

Handwritten signatures of Robert J. Jarosak and Cristy C. Jarosak

YOUR TAX PARCEL NUMBER: 402-81-013P7 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by Monday March 1, 2021 will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

1525 E. Entrada Segunda
Tucson, AZ 85718
(best mailing address)

RE: Application of Mr. J. Holmes for
Special Use Authorization for Marijuana Facility

2402 S. Cathedral Rock Road
Portal AZ 85632
(Cochise CO address)

COCHISE COUNTY

FEB 25 2021

PLANNING

Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street, Benson, AZ 85602

February 21, 2021

Dear Cochise County Board of Supervisors,

Along with my wife and sister I co-own a house in Portal, AZ (parcels 402-24-004B-3 and 402-25-018B7). I split my time between living in Tucson and in Portal (physical addresses given above; the Tucson address is best for mailing).

I strongly oppose the application of Mr. Jeffrey Holmes of Scottsdale AZ to build a facility near Portal for cultivation and dispensing of Cannabis (Marijuana) products.

My opposition is based on the environmental and social impacts the planned Marijuana facility would have on our Portal community and the surrounding ranching culture.

- The facility would bring **light pollution** into a Dark Sky community. Our area attracts many who are interested in astronomy because of the dark skies, and many who recognize the negative impacts on wildlife of bright night-time lighting. I am enclosing the first 2 pages of one of many recent scientific articles on ecological problems from light pollution (the full articles can be found with a Google search. Apologies for my printer which is putting a blue strip on pages).
- The facility will generate significant **air pollution** in the form of strong odors, volatile organic compounds (VOCs), as well as significant **organic wastes**. It also has the potential to generate hazardous **waste water** that may pollute aquifers. These concerns are among those raised by the state of Michigan in a 2018 White Paper. I also enclose a few beginning pages from that report.
- The facility will bring greatly **increased human and vehicle traffic** with related impacts of noise, dust, road kill, etc. to a rural area prized for its quiet and for its spectacular wildlife, which attracts eco-tourists and scientists from around the world.

This proposed facility is completely inappropriate for this location. Please deny the Application.

Sincerely,



Nickolas M. Waser PhD

Ecological light pollution

Travis Longcore, Catherine Rich

First published: 01 May 2004

[https://doi.org/10.1890/1540-9295\(2004\)002\[0191:ELP\]2.0.CO;2](https://doi.org/10.1890/1540-9295(2004)002[0191:ELP]2.0.CO;2)

Citations: 500

Abstract

Ecologists have long studied the critical role of natural light in regulating species interactions, but, with limited exceptions, have not investigated the consequences of artificial night lighting. In the past century, the extent and intensity of artificial night lighting has increased such that it has substantial effects on the biology and ecology of species in the wild. We distinguish “astronomical light pollution”, which obscures the view of the night sky, from “ecological light pollution”, which alters natural light regimes in terrestrial and aquatic ecosystems. Some of the catastrophic consequences of light for certain taxonomic groups are well known, such as the deaths of migratory birds around tall lighted structures, and those of hatchling sea turtles disoriented by lights on their natal beaches. The more subtle influences of artificial night lighting on the behavior and community ecology of species are less well recognized, and constitute a new focus for research in ecology and a pressing conservation challenge.

In a nutshell:

- Ecological light pollution includes chronic or periodically increased illumination, unexpected changes in illumination, and direct glare
- Animals can experience increased orientation or disorientation from additional illumination and are attracted to or repulsed by glare, which affects foraging, reproduction, communication, and other critical behaviors
- Artificial light disrupts interspecific interactions evolved in natural patterns of light and dark, with serious implications for community ecology

As diurnal creatures, humans have long sought methods to illuminate the night. In pre-industrial times, artificial light was generated by burning various materials, including wood, oil, and even dried fish. While these methods of lighting certainly influenced animal behavior and ecology locally, such effects were limited. The relatively recent invention and rapid proliferation of electric lights, however,

have transformed the nighttime environment over substantial portions of the Earth's surface.

Ecologists have not entirely ignored the potential disruption of ecological systems by artificial night lighting. Several authors have written reviews of the potential effects on ecosystems or taxonomic groups, published in the "gray" literature ([Health Council of the Netherlands 2000](#); [Hill 1990](#)), conference proceedings ([Outen 2002](#); [Schmiedel 2001](#)), and journal articles ([Frank 1988](#); [Verheijen 1985](#); [Salmon 2003](#)). This review attempts to integrate the literature on the topic, and draws on a conference organized by the authors in 2002 titled Ecological Consequences of Artificial Night Lighting. We identify the roles that artificial night lighting plays in changing ecological interactions across taxa, as opposed to reviewing these effects by taxonomic group. We first discuss the scale and extent of ecological light pollution and its relationship to astronomical light pollution, as well as the measurement of light for ecological research. We then address the recorded and potential influences of artificial night lighting within the nested hierarchy of behavioral and population ecology, community ecology, and ecosystem ecology. While this hierarchy is somewhat artificial and certainly mutable, it illustrates the breadth of potential consequences of ecological light pollution. The important effects of light on the physiology of organisms (see [Health Council of the Netherlands 2000](#)) are not discussed here.

Astronomical and ecological light pollution: scale and extent

The term "light pollution" has been in use for a number of years, but in most circumstances refers to the degradation of human views of the night sky. We want to clarify that this is "astronomical light pollution", where stars and other celestial bodies are washed out by light that is either directed or reflected upward. This is a broad-scale phenomenon, with hundreds of thousands of light sources cumulatively contributing to increased nighttime illumination of the sky; the light reflected back from the sky is called "sky glow" ([Figure 1](#)). We describe artificial light that alters the natural patterns of light and dark in ecosystems as "ecological light pollution". [Verheijen \(1985\)](#) proposed the term "photopollution" to mean "artificial light having adverse effects on wildlife". Because photopollution literally means "light pollution" and because light pollution is so widely understood today to describe the degradation of the view of the night sky and the human experience of the night, we believe that a more descriptive term is now necessary. Ecological light pollution includes direct glare, chronically increased illumination, and temporary, unexpected fluctuations in lighting. Sources of ecological light pollution include sky glow, lighted buildings and towers, streetlights, fishing boats, security lights, lights on vehicles, flares on offshore oil platforms, and even lights on undersea research vessels, all of which can disrupt ecosystems to varying degrees. The phenomenon therefore involves potential effects across a range of spatial and temporal scales.



WHITE PAPER: THE ENVIRONMENTAL IMPACTS OF THE MARIHUANA INDUSTRY



September 17,
2018

Michigan Department of Environmental Quality
Marihuana Workgroup



EXECUTIVE SUMMARY

Marihuana cultivation and processing are expanding, as both recreational and medical marihuana products are being legalized across the United States of America (U.S.). In Michigan, medical marihuana is currently legal, and an initiative to legalize recreational marihuana will appear on the ballot in November 2018. Due to the potential full legalization of marihuana in Michigan, a Michigan Department of Environmental Quality (MDEQ) workgroup was formed to assess the environmental risks posed by the marihuana industry.

Air

- Odor from marihuana cultivation and processing is a major concern. Many people are familiar with the pungent odor from burning marihuana. Foul odors are also generated from the cultivation and processing of marihuana.
- Processors often use solvents to extract essential oils that contain medicinal and psychoactive compounds. These solvents pose potential public health impacts and may be subject to existing air pollution control rules.
- Marihuana plants have the potential to emit significant quantities of volatile organic compounds (VOC), which may pose a threat to attainment of the National Ambient Air Quality Standard (NAAQS) for ozone.
- Depending on the nature, size, and scale of the operation, cultivation and processing facilities may be required to obtain a *Permit to Install* (PTI), per Rule 201 of Part 2, Air Use Approval (Part 2 Rules), promulgated pursuant to Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA).
- Open burning is another potential concern. The growth and processing of marihuana results in plant wastes, which could pose air quality threats if they were burned as a means of disposal.

Waste

- Any marihuana plant waste should be made unusable and unrecognizable prior to disposal. This can be accomplished by grinding the marihuana waste and incorporating ground, non-consumable materials, such as inedible food waste, kitty litter, municipal solid waste, or other inedible wastes. The mixture should be at least 50 percent non-marihuana waste and should be secured in a locked container until transported off-site.
- Unprocessed marihuana is currently not listed as a hazardous waste. Characterization determinations could change if the unprocessed marihuana comes into contact with certain listed hazardous wastes during the essential-oil extraction processes.
- Marihuana byproducts resulting from chemical treatment have the potential to become characteristically hazardous waste. The MDEQ recommends that any treated marihuana or waste byproduct be fully characterized, on a case-by-case basis, before disposal.
- Inorganic solid wastes can be disposed at a licensed municipal solid waste incinerator or a licensed municipal solid waste landfill.
- Under current regulations, marihuana plant wastes may be disposed at the following: a licensed municipal solid waste incinerator, municipal solid waste landfill, anaerobic digester, or registered composting facility; or the wastes may be composed on-site.

Water

- The cultivation of marihuana plants requires significant quantities of water. The use of the *State of Michigan Water Withdrawal Assessment Tool* (WWAT) will be required prior to beginning any new or increased large quantity withdrawal from groundwater or surface water.
- A Soil Erosion and Sedimentation Control (SESC) permit will be required for any earth change activity that disturbs one or more acres of land or is within 500 feet of a lake or stream.
- Construction activities that disturb one or more acres of land and have a point source discharge of storm water to waters of Michigan (streams, rivers, lakes, and wetlands) are required to obtain a National Pollutant Discharge Elimination System (NPDES) Permit.
- The State of Michigan (State) has assumed authority to administer Section 404 of the federal Clean Water Act (CWA) permitting program, which is the program that regulates the discharge of dredged or fill material into wetlands. The Michigan Department of Attorney General (MDAG) is reviewing if the MDEQ can issue wetland permits for marihuana activities.
- The State has been delegated authority to administer Section 402 of the CWA, which is the NPDES Program. If facilities have a direct discharge of pollutants to surface waters, they must apply to obtain an NPDES permit. Further research and/or discussion with the MDAG is needed to determine if the Water Resources Division (WRD), of the MDEQ, needs to add special language in NPDES permits for marihuana operations.
- The MDEQ does not recommend groundwater (land application) discharges of wastewater from growing or processing facilities.
- Discharge of wastewater from growing or processing to a septic system is not allowed, as only sanitary wastewater can be discharged to a septic system.
- The MDEQ has some concerns with contaminated runoff from these sites. Current storm water regulations would not directly apply to marihuana operations.

Key Recommendations

- Create fact sheets and educational documents for distribution to owners and operators of marihuana cultivation and processing facilities.
- Develop sample city ordinances or guidance for local governments on how to manage odors, as well as other environmental impacts from the marihuana industry.
- Review topics where administrative rulemaking may be necessary to properly manage environmental impacts from the marihuana industry and determine if rulemaking is the appropriate avenue for managing these impacts.
- Continue inter-departmental coordination with the Department of Licensing and Regulatory Affairs (DLARA) and Michigan Department of Agriculture and Rural Development (MDARD); consider developing a task force or formal workgroup to encourage greater coordination across the different agencies impacted by the marihuana industry.
- Develop internal guidance and policies for how MDEQ staff should handle marihuana facilities moving forward. There is a need for consistency across divisions in how communication, complaints, enforcement, and inspections will be handled.
- Assist the Bureau of Medical Marihuana Regulation (BMMR) staff in development of a permanent rule set to replace the emergency rules that regulate the marihuana industry.

From: [Joy Mendez](#)
To: [Kirschmann, Robert](#)
Subject: Portal marijuana facility
Date: Thursday, February 25, 2021 2:50:20 PM

CAUTION: EXTERNAL EMAIL*

(Second sending as I may have used the wrong email address)

Mr. Kischmann, I am writing to object to the plans of building a marijuana growing/processing facility just outside the Portal area. Many of my neighbors live very close to this site and will be seriously impacted by this facility. I'm not opposed to recreational or medical marijuana use, but I do believe, for a variety of reasons, that this is a bad idea for our area.

1. What is likely to be the light pollution for those living next to the facility and who depend on dark skies for their astronomical studies? These are not little window telescopes but huge telescopes that cost thousands if not hundreds of thousands of dollars. These people moved to this development with the understanding that it was perfect for night sky viewing. Any outside lights (which for security reasons I'm sure you'll require) will be a massive detriment to all these neighbors.

2. We live in an area with virtually NO law enforcement. "Local" police/sheriff officers are well more than an hour away and we rarely EVER see them in Portal. Border Patrol, yes. They are here but it's not their job to provide law enforcement to a marijuana growing/processing facility. What impact will it be on the Cochise County sheriff's department to provide full-time coverage for this area?

3. I understand that the smell from similar facilities in other states is awful. Portal is primarily a tourist town and having it literally stink is not conducive to having travelers come here to stay, hike and birdwatch. The negative impact on our small businesses that depend on tourism would be great.

Please turn down this proposal. The fact that it's gotten this far without involving our community members suggests that this has all developed intentionally "under the covers" of transparency.

Joy Mendez
Portal, AZ
520-558-2412

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From: [Lee Simpson](#)
To: [Kirschmann, Robert](#)
Subject: medical marijuana facility in Portal Az
Date: Thursday, February 25, 2021 1:49:53 PM

CAUTION: EXTERNAL EMAIL*

Dear Mr. Kirschmann,

Please deny the permit for this operation.

My husband and I just built an off-grid cabin in Portal, Az but live half the year in Pennsylvania where I have been a gardener on 20 acres for over 30 years. In Pa I have a medical marijuana card and support its legalization and use for medical conditions. However, this is NOT a reasonable place to locate a huge growing and processing facility for 2 main reasons.

#: 1 this is a unique community peopled by scientists and nature lovers, owing to the scientific research station here which is part of the Museum of Natural History in NYC. It draws scientists from all over the world (Southwest Research Station) because the flora and fauna are so unusual, including many species from Mexico that occur nowhere else in the US. There is a sizeable an astronomy **dark skies** community which houses numerous small planetariums. It is also an important birding and tourist destination with 3 campgrounds and many hiking trails. And the only access is from New Mexico off Rt 80 which is not close by; Foothills road is NOT used by any of us because it is a terrible dirt road, rutted and dusty. Cave Creek Canyon is the last place a large industrial concern should locate.

#2: I know about growing cannabis first hand because I grew legal hemp last summer in Pennsylvania; same plant, different strain. Cannabis is a nightmare to grow- it requires astounding amounts of resources (water, nutrients, light and ventilation) compared to any other plant you can name. They need huge amounts of ventilation because they are so prone to fungal diseases. My plants were outside, but I had to drag gallons and gallons of water to each plant even though it rained ALL summer. I had to keep adding nitrogen sources like blood meal and feather meal. We have great soil there and add compost, but it was not enough. They need full sunlight at least 16 hr/day, so indoors the electricity needs will be enormous. I will never grow this difficult plant again! And there is plenty of data on the contamination of water and soil in national forests and in communities out west by all the pesticides, chemicals and fertilizers used by growers.

I support the medical marijuana industry. But industrial facilities should be sited in appropriate locations. Portal Arizona and Cave Creek Canyon do not qualify. Please deny the permit for this operation.

Thank you,

Dr. Lee Simpson, DVM, CVA, CVC

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February 25, 2021

Via email: rkirschmann@cochise.az.gov

Mr. Robert Kirschmann
Planning, Zoning and Building Safety
126 W 5th Street, Suite 4
Benson, AZ 85602

Dear Mr. Kirschmann,

This letter concerns Docket SU-21-000001 (Holmes), a request for Special Use Authorization for the construction of a 20,000 sq ft facility for the cultivation, packaging and dispensing of medical marijuana, located on South Community Rd in the Portal area (parcel number 402-11-001).

We are Roy and Ying Gravel. We have a house and astronomy dome at 2128 S. Milky Way, Portal, AZ (parcel number 402-21-041). It is located in Arizona Sky Village (ASV), just over 2 miles south-east of the application site. The ASV community is an enclave of astronomy hobbyists who have built homes and observatories to take advantage of the pristine dark skies and clean air which are characteristic of the area. We are also members of the larger Portal community that is a magnet for nature lovers, birdwatchers, hikers and desert living. It is a dynamic, magical place, drawing visitors and retirees from across North America and Europe.

We submit this letter to state our unequivocal objection to the Special Use change request for the construction of a medical marijuana facility and dispensary (“Proposed Facility”).

Special Use Request Zoning Regulations recognize that an application may “have both factors in favor and factors against” its approval (Section 17016.02). This application offers NO benefit to the immediate Portal-ASV community. Rather, it ignores and downplays the significant risks the Proposed Facility would impose on all facets of activities that are important to the area residents.

The presence of the Proposed Facility would be devastating to the astronomers at ASV. The night lighting would necessarily exceed the Cochise County Light Pollution Code and the dust generated from the anticipated truck traffic would severely disrupt the capacity of the astronomy community to engage in its activities. The sky would lose its essential darkness and the dust would threaten expensive astronomy equipment that are key to astrophotography activities.

The Portal community has no industry or significant commercial enterprises beyond hospitality services and volunteer organizations that care for the community. The impact of the Proposed Facility would exceed its service capabilities, severely compromising its limited infrastructure in fire fighting, emergency medical services, security and health care, all of which depend in part

on local volunteer contributions. And the potential for criminal activity associated with a marijuana operation would risk exposing the community to undue harm.

Finally, the impact of the Proposed Facility on the environment cannot be understated. The risk to the desert flora and wildlife from night security lighting and waste disposal, including surface water waste, would challenge the fragile desert ecosystem. While odors are stated as “not expected”, extreme odors from volatiles emanating from cannabis flowers are a well-known major nuisance.

In summary, the absence of any discernible benefit of the Proposed Facility to the Portal-ASV community and the lack of sensitivity to a lifestyle dedicated to astronomy and desert living warrant rejection of the application. We urge the Cochise County Planning Group to deny the Holmes application for Special Use Authorization for the establishment of a medical marijuana facility and dispensary.

Sincerely,

Roy and Ying Gravel

Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

1. **Dark Skies-** The facility will be located only 2 miles north of Arizona Sky Village, one of the best accessible “dark sky” areas in North America. Lighting and dust from increased traffic from the proposed facility will be a huge problem for the astronomers and visiting astronomy tourists at Arizona Sky Village. Our community has worked hard to maintain our dark skies, and the county should not be approving any special use permits that will be detrimental to our very unique situation. Instead, the county should be whole heartedly protecting the preservation of our dark skies.
2. **Sheriff/Emergency Services -**
 - a. Sheriff’s Department- I am very leery of having an all cash business located in a such remote area. This facility has the potential to attract criminal activity that the community cannot handle. It can take the Sheriff over an hour to reach the Portal area. Cell service is spotty making communication difficult. A business that requires private guards for protection is not appropriate in our very rural setting.
 - b. Portal Rescue- Portal Volunteer Fire is listed for fire protection. I would like clarification whether or not they are trained in large structure firefighting and if they have the training and equipment needed to handle a large structural fire. I see this as a potential major flaw in the application..
3. **Water use -** The applicant made a huge error in water use calculations. He estimated water use at 150 gallons a day or 1800 gallons per year. The calculation is not correct. 150 gallons per day x 365 days per year equals 54,750 gallons per year. Even with a correction to the applicant’s math, water usage calculations appear to be underestimated. Cochise County continues to be in a severe drought situation. Climate modeling for the future indicates that this problem is not going away. There are ongoing concerns about over-drafting water in our area. Since this facility will increase the burden on our limited and uncertain water resource, it is not appropriate for our community.
4. **Waste -** Waste generated in the cultivation and processing of cannabis can be a concern to public health and the environment if improperly handled. The industry can produce significant volumes of waste products, both solid from plant processing and liquid from fertilizer, fungicides and pesticides. What pesticides, herbicides, fungicides or other compounds will be used for pest control and plant disease in production /processing? Since the proposed site sits atop limestone rock, a porous substrate, I am concerned about waste management and potential groundwater contamination.
5. **Increased Traffic-** 50 employees, trucks coming and going, and traffic from retail sales will greatly increase the traffic on our dirt/gravel roads. Dust raised is a concern for resident’s health and for air quality for residents who live along Foothills and Community Roads. The dust will be a huge problem for the many optical telescopes located in Sky Village.
6. **Precedent-** If this special use is approved, you are opening a pathway for more marijuana facilities to be constructed in our area. This is deeply concerning.
7. **Community Values/Vision-** Due to its magnificent scenery and rich biodiversity, Portal and the surrounding area is a haven for both resident and visiting scientific researchers, astronomers, nature lovers, hikers, and campers. It has long been considered one of the premier bird watching areas in North America. Since the early 2000s many professional and hobby astronomers have made the Portal area their home. Our community has worked hard to preserve this very unique area and promote an economy based on the beauty, unique natural history, and dark skies of the area. A 20,000 square foot building for medical marijuana cultivation, packaging and dispensary is incompatible with our community values and vision.

I strongly oppose this application. I urge you to deny a special use permit due to the enormous negative impacts this facility would have on our community and surrounding area.

PRINT NAME(S): Carol Comeau February 25, 2021 submitted via email
Hatari Lane
Resident, Portal, AZ (25 years)

YOUR TAX PARCEL NUMBER: 402-23-001F7
(the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by **Monday March 1, 2021** will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

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

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

if this request is approved there will be heavy traffic on Portal Rd including 18 wheelers, harvesting equipment and cars. Portal is a very quiet place to live.

The quality of our air will be jeopardized by the harvesting and general dust.

I am sure the water we have underground will also be jeopardized if this request is approved.

(Attach additional sheets, if necessary)

And "yes" drug trafficking is a big concern. I do NOT support this request

PRINT NAME(S):

BARBARA A PHILLIPS

SIGNATURE(S):

Barbara A Phillips

YOUR TAX PARCEL NUMBER: 40277010 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by **Monday March 1, 2021** will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST: *Please do not approve !!*

Please state your reasons:

Portal is a quiet, birding hotspot, known world wide. And the gate way to the Chiricahua. Small in population, quiet, laid back, nature at its finest. Dark skies for stargazing. We don't need a money laddering industry in the area, bringing in a bad element.

(Attach additional sheets, if necessary)

PRINT NAME(S):

Janet Cunningham

SIGNATURE(S):

[Handwritten Signature]
Hereford AZ, Cochise Co.

YOUR TAX PARCEL NUMBER: _____

(the eight-digit identification number found on the tax statement from the Assessor's Office)

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RETURN TO: **Robert Kirschmann, Planner II**
Cochise County Planning Department
126 W 5th Street

Benson, AZ 85602

YES, I SUPPORT THIS REQUEST
Please state your reasons:

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

Please see attached

(Attach additional sheets, if necessary)

PRINT NAME(S): Rene Donaldson

SIGNATURE(S): Rene Donaldson

YOUR TAX PARCEL NUMBER: 402-23-009A6 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by **Monday March 1, 2021** will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

 YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

Portal is an important wildlife area that is unique to animal, plant, reptile, and insect world. More traffic and disruption of the land will adversely affect all of these. We locals also would not be in favor of more people, more buildings, more traffic, more dust - more disruption of our small, quiet village neighborhood. So, No!

(Attach additional sheets, if necessary)

PRINT NAME(S):

Sara Stumbo

SIGNATURE(S):

Sara Stumbo 2/23/2021
2571 S. H Bar M Rd. Portal, AZ

YOUR TAX PARCEL NUMBER: # 0240281 007063 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by **Monday March 1, 2021** will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

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

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

We live in Portal because of the slow pace and peaceful atmosphere. There are numerous reasons to oppose this request - our quiet way of life is an important one that would be compromised. I've read many of the documents and comments regarding this request and have come to the conclusion that it just doesn't make sense, business-wise. That leaves me to believe that there is something "shady" about this project. This project does not belong here. And, I believe the Federal laws would still deem this illegal.

(Attach additional sheets, if necessary)

PRINT NAME(S):

John Stumbo

SIGNATURE(S):



YOUR TAX PARCEL NUMBER: 0240281007063 (the eight-digit identification number found on the tax statement from the Assessor's Office)

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RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

From: [D.Blondeau](#)
To: [Kirschmann, Robert](#)
Subject: Don't let it happen
Date: Thursday, February 25, 2021 7:27:30 PM

CAUTION: EXTERNAL EMAIL*

Mr. Robert Kirschmann,

I am a long time resident of Portal,AZ and I oppose the building of a Marijuana Farm near my village because:

1. We have clean fresh mountain air, the low level of pollutants reported to us by our local weather person each morning. I do not want it to smell like artificial skunk which I understand marijuana farms and processing plants do. We have live skunks which give us all the odor we want.
2. Our skies are so dark we see twinkling stars and a clear Milky Way with the naked eye. Our Sky Village has made a heavy investment in this dark place for astronomers. A gleaming lighted building nearby would ruin their dark skies.
3. We are a famous birding place. Interesting rare birds might not win out over skunky air and the birders would go somewhere else, killing our businesses that cater to them.
4. Since the farm would be in our area, it would imping on our EMT and Fire systems. We are not a fire district and get no county money. Since the community puts its own money in to run the system, we get free service. The farm would expect this, too, and what would they contribute – more EMTs – I think not. Our group is too small to service the farm. We don't want the liability.
5. I have not mentioned the workers who would be brought in to run the farm. Or the building of housing for them. Or the accommodations – water, sewage, vehicles, marijuana waste disposal – because I can not stand to think of it.
6. I came to this charming place 45 years ago. I helped build the Library, Post Office, EMT and Fire Systems. I do not want to see an uninvited Marijuana Farm sitting there selfishly making money for itself and annihilating our joy of life.

Please don't let it happen,

Delane Blondeau

1353 Conejo Lane, Portal, AZ 85632

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Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

The proposed project grossly under estimates ground water use. The property has to have some lighting - it is very close to the observatories at AZ Sky Village, Norrick Point Harris Mountain. It will negatively impact viewing & property values - Astronomers come here for the dark skies.

(Attach additional sheets, if necessary)

PRINT NAME(S):

Randolph Norrick

SIGNATURE(S):

Randolph Norrick

YOUR TAX PARCEL NUMBER:

402-11-038F

(the eight-digit identification number found on the tax statement from the Assessor's Office)

(the eight-digit identification number found on the tax statement from the Assessor's Office)

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RETURN TO:

Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

From: [jandrey](#)
To: [Kirschmann, Robert](#)
Subject: marajuana plant
Date: Thursday, February 25, 2021 5:23:40 PM

CAUTION: EXTERNAL EMAIL*

Dear Mr. Kirschmann,

As Portal residents, my husband and I are concerned about possible plans to allow a marijuana plant within a short distance of a world renown birding habitat. Ground water in the area is already over-taxed, the stench from such a plant will hurt tourism and affect the health and well being of residents and the light pollution will deter the many astranomers who've come to Portal for the dark skies. These are not only quality of life issues for the people in and around Portal, but will have a negative economic impact on those of us who make our living through tourism.

Sincerely,

Gayle and Frederic Jandrey

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From: [Doug Cunningham](#)
To: [Kirschmann, Robert](#)
Cc: arizonadougpaula@gmail.com
Subject: We do NOT Support Mr.Holmes" Special Use Authorization Application to Construct an Indoor Medical Marijuana Facility in our area.
Date: Thursday, February 25, 2021 8:37:52 PM

CAUTION: EXTERNAL EMAIL*

sent by email, to RKirschmann@cochise.az.gov on Wednesday, February 24th, 2021

(Robert Kirschmann, Planner II
County Planning Department
126 W 5th Street
Benson, AZ
85602)

Dear Mr. Kirschmann,

My wife, Paula, and I are Amateur Astronomers and Naturalists. For the past 13 years we have vacationed at our Fractional Ownership Hacienda, at 2097 S. Newton Way, located in Arizona Sky Village, near Portal, AZ. This area is a GEM ! It is blessed with wonderful people and has a rich Western and Apache history. We were initially attracted to the area by both its wonderful dark skies for stargazing and astrophotography, and also for the fascinating geology and biodiversity of the local Chiricahua Mountains. We are Canadians and live close to nature on Ontario's Bruce Peninsula. Many times over the past 13 years we have said to ourselves how fortunate we were to have found Portal and the nearby Chiricahua Mountains and make it our winter retreat ! So, this brings me to the purpose of our letter.

It has come to our attention that a "Special Use Authorization Application" has been submitted by Mr. Holmes regarding the construction of an indoor medical marijuana cultivation, packaging, and dispensary facility on South Community Road, near Arizona Sky Village and Portal.

If this application is granted and the proposed Marijuana facility is developed we think the potential negative impact on the "Quality of Life" of the local residents becomes very real. Our concerns fall into four categories :

A. Light Pollution

Arizona Sky Village is only a short distance away from the proposed Medical Marijuana Facility. As astronomers, we are concerned about the potential "Light Pollution" spilling over from the medical marijuana facility and its security lights ;

B. Transportation Infrastructure

As residents we are concerned by the negative effects of dust, road congestion, and potential accidents resulting from the increased vehicular traffic on Foothills Road, Portal Road, and Community Road as workers and marijuana customers travel to and from the facility. As taxpayers we are concerned about the potential costs incurred when our area roads leading up to ,and away from the marijuana facility are brought up to Municipal Code ;

C. Environmental Footprint

We are concerned about the environmental footprint of the marijuana facility itself... ie water usage in a desert environment, high electricity demands in a rural area, waste disposal and landfill issues resulting from the marijuana facility, and odours from the marijuana operation itself;

D. Law and Order Issues

From the "law and order" perspective, the potential for increased drug use, home invasions, and criminal activity in our area is a very real reason for concern.

In our opinion, considering the potential negative environmental and social side effects generated by the operations of this proposed marijuana facility, we do not support Mr.Holmes' Special Use Authorization Application to Construct an Indoor Medical Marijuana Facility near Portal.

Sincerely,
Doug and Paula Cunningham
2097 S Newton Way,
Arizona Sky Village,
Portal, Arizona

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From: [Heidi Fischer](#)
To: [Kirschmann, Robert](#)
Subject: Docket SU21-000001: VOTE NO on medical marijuana cultivation, packaging, and dispensary on Foothills Road
Date: Friday, February 26, 2021 8:15:16 AM

CAUTION: EXTERNAL EMAIL*

Dear Members of the Cochise County Planning and Zoning Commission and Board of Supervisors:

As a homeowner in Portal, Arizona, and a taxpayer in Cochise County, I am writing to express my unequivocal opposition to the issuance of a Special Use Authorization to construct an indoor medical marijuana cultivation, packaging, and dispensary on Foothills Road. **Such a facility is incompatible with the economic foundation and community values of the Portal area.**

Portal's economy is largely based on the beauty, richness and health of its natural environment. Visitors come from all around the world to birdwatch in the San Simon Valley, Cave Creek Canyon and Chiricahua Mountains. Scientists from universities across America flock to the Portal area to use the desert and forests as outdoor laboratories for their research. Astronomers are drawn to the region for some of the darkest skies in the lower 48. Retirees choose to settle in Portal for these very same dark skies and quiet nights, fresh air and clean water, peace and quiet. All these activities generate revenue that supports a range of local businesses from restaurants, grocery stores, lodges, a medical clinic and a small convention center to the salaries of bird guides, healthcare employees and home-repair and construction workers. **I repeat: a medical marijuana cultivation, packaging, and dispensary would be incompatible with the economic foundation and community values of the Portal area.**

Such a facility would:

1. create unacceptable light pollution
2. create unacceptable noise pollution from the building's operations as well as increased traffic from heavy trucks and cars
3. create unacceptable odor pollution (See Dec. 19, 2018 *New York Times* article "'Dead Skunk' Stench from Marijuana Farms Outrages Californians": ***"As a result of the stench, residents in Sonoma County, north of San Francisco, are suing to ban cannabis operations from their neighborhoods. Mendocino County, farther north, recently created zones banning cannabis cultivation — the sheriff's deputy there says the stink is the No. 1 complaint."***)
4. create unacceptable water pollution from significant volumes of waste, both solid from plant processing and liquid from fertilizer, fungicides and fertilizers. The proposed site sits atop limestone rock,

a porous substrate with a potential for groundwater contamination

5. create a new development whose footprint (measuring the size of half a football field) is grossly out of scale with that of our small community

6. and last, but not least, drain precious groundwater supplies. As a conservation-minded water user in a single-person household, I use 50 gallons per day. The applicant's calculated need of 150 gallons a day of water is either the result of sloppy math or an intention to deceive. Our region has been in prolonged drought. Such extended periods of drought are predicted to become the norm, according to future climate-change scenarios. **Water-intensive industries should not be sited in the desert.**

The Cochise County Planning and Zoning Commission and Board of Supervisors must protect the economic engine of Portal and surrounding San Simon Valley and Chiricahua Mountains: small locally owned businesses that rely on biodiversity; dark skies; quiet nights; fresh air; clean water; peace and quiet. These qualities are becoming increasingly rare in other parts of the country but are foundational to the "common wealth" of our region. I urge you to deny the issuance of a Special Use Authorization for a medical marijuana cultivation, packaging, and dispensary. **It does not belong in our community.**

Sincerely,

Adelheid Fischer
2255 S. Foothills Rd.
Portal, Arizona
Parcel # 402-22-008Y0

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From: [S.Webb](#)
To: [Kirschmann, Robert](#)
Subject: Docket # SU21-000001(Holmes)
Date: Friday, February 26, 2021 8:26:17 AM

CAUTION: EXTERNAL EMAIL*

The following comments are for docket # SU21-000001, Special use permit for a medical marijuana grow facility near Portal, AZ. I am in favor of this facility being built.

I have lived in this community going on 16 years. This community has and continues to remain stagnant with no economic growth concerning the needs of the community as a whole. The Portal community consists of residents other than the "Portal proper boundaries." The "Portal proper" people mainly consist of retirees, who bought their wealth with them, and have no need for a job. The "other" members of the community, who live out in the valley, would love to have a chance at a job close to where they live. Most people who work have to drive a minimum of 50 miles one way. Now during this pandemic, many were laid off and are now on welfare. This facility would give them a chance to become a productive member of society again. The retirees are not productive citizens, and contribute nothing to the county in terms of financial prosperity. In fact they want to hold down the rest of the people who want to work and contribute to the county again. This facility would greatly increase the tax base and in return benefit the valley citizens.

In terms of the environment and any stress it might cause is ridiculous. The county and state have strict rules and regulations every industry must follow, just like mining, vineyards, nut tree farms or even cattle for that matter. These other industries use much more water than any indoor facility would use. The state, through a study, has determined the Portal area has plenty of water for at least a hundred years, so water is not an issue. As for smells or stench from this facility would travel north of "Portal proper", as Portal sits downwind of the proposed area. Any waste from the facility is not just dumped on ground and if so, the ground would have to be lined according to regulations so it doesn't seep down into the ground. This facility should have no environmental concerns. I trust the county and state to monitor any environmental concerns, as they do any other industry.

The only equitable solution is to allow this facility to be built. We are an equitable society where everyone is given a chance to prosper.

Sharon Bardin
parcel #. 402-56-01005

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From: [rodeo_ods](#)
To: [Kirschmann, Robert](#)
Subject: Special Use Permit #SU21-000001 Portal Marijuana Grow Facility
Date: Friday, February 26, 2021 9:54:14 AM

CAUTION: EXTERNAL EMAIL*

I am submitting my thoughts on a proposed indoor grow operation in the Portal area. I drove out to the location to view the area and see if the negative comments you will receive from the locals were viable concerns. As I see it, it should not be an issue except to direct adjoining properties, and even then, with county and State requirements in place, impacts will be minimal.

More importantly than the few people it may directly affect, the advantages to the surrounding community, which does not stop and start at the Portal Proper borders, will help with economic prosperity and growth to an area which is devoid of any such opportunities. I know of at least 2 dozen residents of our area, which includes Rodeo, Animas, Apache, and surrounding areas, who would love a job where they didn't have to commute 100 miles roundtrip, only to make wages that wouldn't cover fuel and wear and tear on their vehicles.

Please don't let the many loud voices overrule the needs of the many others who would benefit. Don't let the Elite dictate the lives and economic well-being of the rest of the community. Don't let the minority rule the majority. Don't allow people who only care about their wants to keep the community in poverty. Give residents a chance to earn a living and provide for their families.

Being a part of ANY functioning society requires compromise. Both from the "haves" and the "have nots". There is practically zero infrastructure here. Except for a small cafe/store in Portal and another in Rodeo, there is nothing. Not even a Gas station. I was told by a Sheriff's Deputy that they rarely even patrol here. Nothing that encourages or promotes growth, or the ability to make a living here unless you come here with your wealth already in pocket.

Look at this area as a microcosm of any functioning entity. A thriving entity requires growth, it requires infrastructure, it requires opportunity, and so many other things that are lacking here.

ANY STAGNANT ENTITY WILL REMAIN THAT WAY UNTIL IT FINALLY DIES.

So as I see it, this project could be the spark that ignites the survival of the community as a whole. Don't let the selfishness of the minority contribute to the poverty of the many. Don't look at Portal on a map and only see that small dot. The Portal/Rodeo community does not stop at the Portal Proper boundaries, which are ever changing as they see fit.

The negative comments invariably will come from the " NOT IN MY BACKYARD" mentality which touts progress until that progress seeps into their perceived Utopia.

I trust that NO resident of Portal Proper will be making any decisions on this application. I trust that the County will ensure that NO thumb will be placed on the scale to determine the outcome. I also trust that the County will remove any possibility of a biased vote and will inform us that to be true.

I am sure many County residents can recall the many times a business wanted to locate in the County or City, who were refused and moved their interest to another location, taking their tax base with them. Hidalgo County sits in the position to do the same. Think about it.

Michael Lancaster
Parcel# 402-56-01005

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Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

YES, I SUPPORT THIS REQUEST
Please state your reasons:

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

we own property at 2124 S. Starlight Dr. Arizona Sky village, adjacent to the proposed marijuana facility. The environmental impact of this proposal is huge & clearly under-stated in the documents. The impact of traffic, water usage, air quality (dust), potential for crime, & of key importance to ASV residents, the light-pollution on our night skies. Our main objective is to enjoy the darker skies in the U.S., which the construction of this facility will damage permanently.

(Attach additional sheets, if necessary)

PRINT NAME(S): David A. Churchill, Nina Mae Clark

SIGNATURE(S): 
Nina Mae Clark

YOUR TAX PARCEL NUMBER: 402-21-03001 (the eight-digit identification number found on the tax statement from the Assessor's Office)

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RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

Commercial use is inappropriate for many reasons in this location. Cochise County should maintain and enforce existing zoning.

(Attach additional sheets, if necessary)

PRINT NAME(S):

Guy Bonnavier

SIGNATURE(S):

Guy Bonnavier

YOUR TAX PARCEL NUMBER: 402 40 04500 (the eight-digit identification number found on the tax statement from the Assessor's Office)

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RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

Please see attached

(Attach additional sheets, if necessary)

PRINT NAME(S):

Sandra Daves

SIGNATURE(S):

Sandra Daves

YOUR TAX PARCEL NUMBER: *please see attached* (the eight-digit identification number found on the tax statement from the Assessor's Office)

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RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

I live in Rodeo, NM, which adjoins Portal. I hope you will consider comments from Rodeo residents as well as Portal residents, as we are pretty much one combined community. What happens in Portal also affects Rodeo.

Portal-Rodeo is a small community without much development, and we like it that way. We are mostly astronomers, birders, and retired folks who live here because we enjoy a very small, quiet community without much development, light pollution, noise and traffic. We do not welcome industries here that will destroy the very things we live here for.

Portal and Rodeo both have astronomy communities, including Arizona Sky Village in Portal and Amigos del Cielo in Rodeo, which will both be affected by the increased light pollution, as will the many astronomers who live outside of these.

Our community does not need the "positive economic impact" of industry. With most of our residents being retired, jobs created by industry are of little benefit to us. We would rather enjoy the peace, quiet, clean air, wildlife and dark skies that we moved here for.

This business is expected to require 50 employees. Since most of our community is retired, most of these employees will have to come from outside of the community. If these employees move here, an influx of that many people to a tiny community like ours can have a big negative impact on our quiet way of life. With more people comes more noise. They will also need housing, which means we will see an increase in new home development, one of the very things most of us live here to get away from. More homes will also increase light pollution.

In addition to new truck traffic this industry will create, having 50 more people in the community will also substantially increase regular vehicle traffic on our roads. Their application states only 20 vehicles will be entering and leaving the site per day, yet they state they will have 50 future employees, so the impact on local traffic that they listed on their application appears to be highly under-estimated. They will also have a dispensary. Their application fails to include the amount of customer traffic traveling from outside of the community to and from the dispensary, and the truck traffic required to transport their product and materials, in addition to the traffic of the 50 employees.

Industries such as this require a lot of water. We are on wells here. A high water usage industry threatens the availability of water for our residents. In addition, the wastes produced by such industries have the potential to contaminate our groundwater.

Please do not approve this application for special use. There are many areas more suited for industry than our little community.

Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

YES, I SUPPORT THIS REQUEST

Please state your reasons:



NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

The proposed facility site is in isolated desert scrub area with no infrastructure or accessible roads. The local fire crew is all volunteer and some are aging residents. The roads are rough rock and caliche to the primary access Interstate 10 25 miles +. If using the paved road near Portal to Hwy 80 the distance is even greater and would detrimentally impact local foot and vehicle traffic. Several of us aging residents who live near 533/Portal Rd. utilize this road for daily walking or bicycling; it is a 2 lane/no shoulder road. An increase in traffic may endanger us. Lastly, No housing is available for this facility's employees.

PRINT NAME(S):

Marjorie Murphey

SIGNATURE(S):

Marjorie Murphey

YOUR TAX PARCEL NUMBER: 402-80-010K (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by Monday March 1, 2021 will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

There are two significant inconsistencies in the written request for a special permit for this medical marijuana cultivation facility.

1. The form asks: How many acres will be cleared and developed? The respondent on page one states: **5 acres** Later in the form... 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. Response: **"We don't plan on clearing more than one acre."**

The form asks: What specific water conservation measures are proposed (for applicable site 1+ acres)? Response: "Should not be more than one acre."

It would appear the applicant is providing answers to the later questions to avoid having to address the issues of dust, erosion control, and most importantly water conservation issues with this potential project.

2. There is a significant amount of inaccurate and incorrect information regarding the amount of water usage for this facility.

Fr: Permit Request: "This structure will be subdivided into 8 1125sf grow rooms" = 9,000 sq. ft. growing space

Fr: Permit request: "Estimated total gallons of water used: per day 150 gallons and 1800 gallons per year"

First off 150 gallons of use per day does not equate to 1,800 gallons per year, but rather 150 gallons x 365 days = 54,750 gallons in the estimation of this proposal.

Using the following cited references for the number of plants likely to be grown in the facility and a U.S. Dept. of Justice publication on the estimate of the water use per plant per day yields a vastly different estimate of water necessary for this facility than reported in the permit request form.

1.4 plants can be grown per square foot x 9,000 sq ft. = 6,425 plants

Fr: "Estimated Cost of Production for Legalized Cannabis" JONATHAN P. CAULKINS WR-764-RC July 2010

Rand Drug Policy Research Center

“Marijuana is a high water-use plant consuming up to 22.7 liters (6 gallons) of water per day.”

United States Department of Justice. Domestic cannabis cultivation assessment 2007. Johnstown, PA: National Drug Intelligence Center; 2007.

6,425 plants x 6 gallons/day = 38,550 gallons/day

38,550 x 365 days = 14,070,750 gallons yr.

We feel there are too many discrepancies in the permit request and significant concerns about the amount of groundwater use for the ^{County} facility to grant this permit. Allowing this high use water facility would be inconsistent with the 2015 Cochise County Comprehensive Plan which calls for minimizing or mitigating high water use facilities in the county.

PRINT NAME(S):

Robert S. Downs and Linda C. Wadsworth

SIGNATURE(S):

Robert S. Downs
Linda C. Wadsworth

YOUR TAX PARCEL NUMBER: **40222006P** (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by **Monday March 1, 2021** will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

Blank lined area for 'YES' response, crossed out with a large X.



NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

- Unsuitable for area - will harm local businesses that depend on eco tourism - over 20,000 bikers & hikers per year come to Portal.
 - The pollution and noxious odors will degrade Cave Creek Canyon.
- Employees will have to come from San Simon (20 miles, 10 miles dirt road).
- Customers will have to come from San Simon (20 miles, 10 miles dirt road).
- The county will have to end up paving Noland & foothills roads - ~~not~~ very few residents want that.
- Why put this facility where it is not wanted by the community? (Attach additional sheets, if necessary) - why not put it in San Simon or Bowie where people need jobs?

PRINT NAME(S):

Reed Peters

SIGNATURE(S):

R. Peters

YOUR TAX PARCEL NUMBER: 402-26-006 B5, 402-26-004F5, 402-26-005 B2, 402-26-004 G4 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by Monday March 1, 2021 will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

Empty lined area for providing reasons for supporting the request.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

- ① Water usage will negatively impact existing wells
- ② Light pollution negatively impacts night sky scientific research
- ③ Overwhelming increase in vehicular road traffic on few existing road infrastructure

(Attach additional sheets, if necessary) ④ criminal activity (see reverse)

PRINT NAME(S):

Henry V. Gamacho

SIGNATURE(S):

Handwritten signature of Henry V. Gamacho

YOUR TAX PARCEL NUMBER: 402-80-010K (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by Monday March 1, 2021 will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

Reverse Side Please Read

Safety

As a former Police Officer I am deeply concerned about the influx of a large number of non-residents to the area because of the facility. Of course not all visitors to this area are / have criminal intentions, But the nature of this proposed facility will have an attraction for people who may have less responsible life style and purpose in this environmentally fragile place. A large influx of customers would not be met with a law enforcement presence here, currently emergency services are minimal, especially law enforcement support.

I urge you to deny this proposal,

Hy V. Carr

1387 W Piedra Blanca Ln
(Parcel # 402-26-004D)
Portal, AZ 85632-1272
February 26, 2021

RE: Docket SU21-000001 (Holmes) – parcel #402-11-001
March 10, 2021 meeting

Mr. Robert Kirschmann, Planner II
Planning, Zoning and Building Safety
126 W 5th Street, Suite 4
Benson, AZ 85602

Dear Mr. Kirschmann:

I take the liberty of adding here to my previous comments about the proposed marijuana grow facility and dispensary. Please note that a large fraction of residences in Arizona Sky Village, and also elsewhere in Portal, are vacant for part or most of the year, making them vulnerable to break-ins and theft. During 2020, for example, seasonal residents from Canada have been unable to reach their homes at all.

My own home has been compromised twice, by both vandalism and theft, and I now leave an older vehicle at my property, and use a variety of other devices (lights, security cameras, etc.) explicitly to discourage break-ins. In my case, the vandals and thieves were from south of the border, but a break-in at a neighbor's home was tied to locals and rumored to have been due to those on Benner Rd. who have done time for drug related crimes. We do not need more drug-related crime here in Portal.

I attach the internet address for the report of a recent study tying drug-related non-violent crime to marijuana dispensaries in Colorado, where recreational use of marijuana had recently been legalized. Results of this study, focusing at a local level, differed from those in studies based on statewide crime statistics. Intuitively, local studies are a better way to look at this problem. For ease of reference, I also attach excerpts from this study. The thinking is that criminals take advantage of the fact that visitors to dispensaries (including drug dealers buying for resale) frequently carry large amounts of cash, given that marijuana sales are illegal at the federal level, and dispensaries operate on a cash basis.

The proposed site is very isolated, and it would be impractical for Sherriff's deputies to monitor crime regularly along the entirety of the most direct access route (the Foorhills Rd., becoming Noland Rd. near I-10). Dispensary visitors carrying cash would be very vulnerable along the whole of this isolated track. Additionally, Portal residents frequently use this route to shorten long trips to Tucson for medical and other purposes. I cannot imagine using that route if/when a marijuana dispensary is in place there. Vulnerability to dispensary visitors would also increase for seasonally vacant, or even occupied, homes, many of which are isolated and out of street view.

Please do not jeopardize our little community by approving this facility.

Thank you,

Diane W. Davidson

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6651729/> (2017, The Journal of Primary Prevention)

Verbatim excerpts from Medical to Recreational Marijuana Sales: Marijuana Outlets and Crime in an Era of Changing Marijuana Legislation

[Bridget Freisthler](#), Ph.D., [Andrew Gaidus](#), M.S., [Christina Tam](#), MSW, [William R. Ponicki](#), M.A., and [Paul J. Gruenewald](#), Ph.D.

Global measures of crime and other health outcomes are noisy in the extreme and poorly represent the great heterogeneity in risks related to marijuana outlets experienced at the local level. The current study assesses the relationship between the densities of marijuana outlets and violent, property, and marijuana-specific crime in Denver, Colorado using very highly resolved spatial and temporal units. The study period covers the time during which marijuana moved from being sold only for medical purposes to being sold for recreational purposes. It is at this level of resolution that we are most likely to see effects.

Similar to previous longitudinal work, our study found that density of marijuana outlets was related to higher rates of property crime in spatially adjacent areas ([Freisthler et al., 2016](#)), neighborhoods around those where marijuana outlets opened in Denver. However, unlike our previous work, the current study found no relationship of local marijuana outlets to violent crime. Density of medical marijuana outlets in local and spatially adjacent areas were related to higher rates of marijuana-specific crime. These types of crimes may represent an opportunity for place management around marijuana outlets and be of concern for neighborhood residents.

The effects of outlets on crime may be occurring in adjacent areas as people move in and out of the areas where these marijuana outlets are located. Interpreting these findings within the framework of routine activities theory, the property (e.g., automobiles) of dispensary customers, particularly those who may be tourists, may be suitable targets for those wishing to commit crimes (Glesnor & Peak, 2004) as their owners may not secure their belongings before visiting a dispensary. Properties in surrounding areas may also prove to be ideal targets as they may have less security (e.g., lack of suitable guardians) than the areas local to the marijuana outlets. Motivated offenders may also be those who use these marijuana outlets who become familiar with the adjacent areas as they pass through them regularly to and from the outlet.

Mr. Robert Kirschmann, Planner II
Cochise County Community Development
Development Services Department
126 W 5th Street, Suite 4
Benson, AZ 85602

Mr. Kirschmann,

I'm writing regarding Docket SU21-000001 (Holmes): an application to construct an indoor medical marijuana cultivation, packaging and dispensary near Portal on South Community Road (parcel number 402-11-001).

I do not support a special use authorization for this project. I am a homeowner in Portal, though my parcel is not adjacent to the subject parcel (my parcel is 402-23-001F7).

Here are some of my concerns:

SECURITY: The applicant proposes a 3,000 sq. ft. marijuana dispensing room selling site grown and "third party purchased cannabis products". That sounds like he plans on selling a significant amount of marijuana and related products, which, due to current federal regulations, means all cash sales. This potentially large amount of cash when added to the value of processed and unprocessed marijuana at the site will make a tempting target for thieves, especially in such a remote area far from a timely response from law enforcement.

Does the applicant plan on installing security fencing or a security wall? If so, the concept plan doesn't mention it how he will screen it (or the 20,000 sq. ft. metal building). Will the facility need 24 hour armed security guards? I have driven by marijuana retail facilities and noticed armed guards outside at the door.

I've read about mobile medical marijuana vans in other states being targets for robberies. Will delivery vehicles transporting valuable cannabis products to and from this facility be targeted by criminals who study their patterns and take advantage of isolated roads leading to and from this facility?

I don't think this proposed facility with its inherent security risks amplified by its remote location and distance from law enforcement is appropriate for our community.

ODORS: The applicant says "no odors expected". Many similar facilities have significant noxious odor problems necessitating ventilation systems with carbon filtration. The applicant says he would provide carbon filtration if needed. If odors become a problem, will the community be put in the position of fighting to resolve the problem with the applicant?

FIRE PROTECTION: The applicant lists Portal Rescue as the go to for fire protection. Are the community volunteers and equipment of Portal Rescue ready to handle a fire in this proposed, large, commercial building? Will there be potentially hazardous chemicals stored inside (pesticides, fungicides, fertilizers, cleaning agents)? Will this facility ever be used to produce extracted cannabis products using butane or solvents? If so, what additional risks to the

community volunteers of Portal Rescue does an extraction operation pose? Will extraction byproducts be produced and stored until hauled away?

WATER: The applicant says operations will use 150 gallons per day, 1,800 gallons per year. Interesting math. Let's try again. 150 gallons per day, 54,750 gallons per year. Total? Is that with 50 employees using water plus watering 9,000 sq. ft. of grow rooms? Many indoor, commercial marijuana grow facilities prefer to use water treated by reverse osmosis. Often RO systems create 4 gallons, more or less, of waste water per treated gallon. Will he be using RO water? If so, is that 150 gallons per day figure total pumped or just treated? If just treated, what will he do with potentially over 200,000 gallons per year of RO waste water? Put it into the septic system? Many indoor marijuana growing operations collect water from their HVAC and dehumidifying systems and reuse it. Is this planned for this facility? Is that why he is saying the water use will be so low? Or is 150 gallons per day with 9,000 sq. ft. of cannabis grow rooms and 50 employees an unreasonably low estimate?

LIGHTING: He proposes lights every 20 feet around the 20,000 sq. ft. building. Is he aware he is proposing this facility next to a fine community of astronomers with observatories? I'll let the Arizona Sky Village folks address this further.

WASTE DISPOSAL: The facility will produce agricultural waste in the form of unused marijuana plant parts. They list Republic as the waste disposal contractor. Perhaps they will negotiate an agreement with Republic, but a quick scan of the Republic website suggests they don't service the Portal area.

LAND CLEARING: On pages 8, 9, and 10 of the application he says he doesn't anticipate clearing more than 1 acre. On page 1 he says he plans to clear and develop 5 acres. Perhaps I missed something, but why the inconsistency? Is this just due to a carelessly filled out application (like the water math) or is the applicant forgetting he said 5 acres on page 1 then later suggesting it will only be 1 acre because clearing 1 acre involves less permitting or ???

TRAFFIC: The applicant estimates 30% of the traffic will be west bound on Community Road and 70% east bound. Really? More coming along Community Road from the east that coming up from Portal or down from I10 via Foothills Rd.? Community Road to the east has wash crossings that can be problematic during rain. Is the estimate of 20 vehicles per day reasonable combining the traffic of 50 employees, deliveries and shipment, refuse hauling, and enough customers to support a 3,000 sq. ft. dispensing room?

OWNERSHIP: I'm not clear on this. On page 1 of the application for special use the column 'Name of All Property Owners' lists only Jeffrey John Holmes of Scottsdale and further down the page in the page the box is marked 'I am the property owner' rather than 'I am an agent for the property owner'. Attached to the special use application is an Arizona Department of Health Services Adult Use of Marijuana Program Documentation of Property Ownership form. This form doesn't list Jeffrey John Holmes as the owner. It says the applicant to run the 'proposed marijuana establishment' is an LLC from Virginia (LolaV LLC) that has authorization to obtain special use zoning from the property owner Barry M. Webb from San Diego. Are Barry M. Webb and Jeffrey John Holmes co-owners and Barry M. Webb is not listed on page 1 of the special use application due to yet another mistake on a poorly filled out application or is there another explanation?

I'd like to add one final concern. I would have been embarrassed to submit such a sloppy and poorly filled out form for such an important application. I would consider it a lack of respect towards your agency to not take the time to carefully and thoughtfully fill out the form. If this man receives a special use authorization and permit to proceed with this business, will he run it as carelessly as he filled out his application? Will he show the community of Portal the lack of respect I feel he showed your agency? Perhaps I take this too far, but it does concern me.

In summary, I would like to see this special use authorization denied. I don't believe this business fits the location or the community.

Respectfully,

John Roser
2405 S. Hatari Lane, Portal
PO Box 16353, Portal, AZ 85632
roserbufo@gmail.com

Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:


See attached.

(Attach additional sheets, if necessary)

PRINT NAME(S):

Susanne Apitz

SIGNATURE(S):



YOUR TAX PARCEL NUMBER: 402-79-009 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by **Monday March 1, 2021** will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

Feb. 26, 2021

Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

I strongly object to this proposed special use request. A marijuana grow facility and particularly a dispensary could have a huge negative impact on this area. This affects not only immediate residents but the entire Portal community as a whole.

The sections below are taken from Article 1, Part D of Cochise County Comprehensive Plan (dated 2015). Highlights are my own, with comments in red.

From Page 7 (Land Use Element):

g. Small, isolated rezonings, also known as “spot zonings” should be discouraged.

h. Rezonings that result in non-conforming land uses or sites should be discouraged.

i. The County should require the following information for all proposed land uses involving hazardous materials (toxic, explosive, flammable, radioactive, corrosive, chemically reactive and biologically hazardous), and transmit these applications to all applicable Federal, State, and local agencies with an interest in regulating such land uses. To ensure the health, welfare and safety of the County citizens, industrial rezonings or special uses will be evaluated according to the following factors:

i. Impact on sensitive land uses such as schools, residentially developed or zoned areas, hospitals and parks.

ii. Impact on air, floodplains, wells, water systems and aquifers.

iii. Suitability of soils.

iv. Appropriateness of transport routes. Impact upon and adequacy of the infrastructure serving the site. Local roads are rarely maintained by the county. As for infrastructure, cell coverage is poor, law enforcement inadequate (often hours away). In the event of an incident help could be distant.

From Page 13 Economic Development Policies

a. Continue to support Fort Huachuca, the Ports of Entry, and related businesses as regional economic clusters. Expand tourism, technology, agriculture and renewable energy efforts for a more vibrant economy.

b. Encourage commercial development that enhances and complements regional tourism. Portal is a community of nature lovers, bird watchers and stargazers. The world wide reputation of Cave Creek Canyon is well deserved, and care should be taken to maintain the positive image of this area. A large marijuana grow operation and dispensary is clearly NOT an image that is suitable.

c. Continue to communicate with the business community, and be responsive to the changing needs of established and new businesses.

d. Encourage development in areas with access to existing infrastructure and services. EXISTING INFRASTRUCTURE AND SERVICES ARE VIRTUALLY NON-EXISTENT IN THE PROPOSED AREA. CELL PHONE COVERAGE IS POOR. LAW ENFORCEMENT (necessary for the cash economy) IS HOURS AWAY.

e. Protect existing businesses from non-compatible land uses.

f. Maintain infrastructure to meet existing and future economic development needs.

g. Support the development of renewable energy projects.

This proposal clearly is not aligned with the Comprehensive plan.

A primary concern is law enforcement. With a cash business, and people coming to this rural area from a distance, the possibility of conflict cannot be ignored. Many nearby homeowners only live in the area part time, meaning that homes are sitting empty. This is a potential liability for the security and peace of mind of these homeowners. Employees coming from outside this area are also a concern.

Light pollution, smell, water use, and increased traffic are my other primary objections.



Cochise County
Community Development
Planning, Zoning and Building Safety Division
Public Programs...Personal Service
www.cochise.az.gov

Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

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

Dear Mr. Kirschmann:

We **DO NOT** support this project because it **will not sufficiently protect it's the residents** of Portal AZ from **the ill-effects of this marijuana manufacturing process**. First and foremost, as a property owner closest to this proposed facility, who is dedicated to scientific discoveries procured in the DARK night sky, the inevitable LIGHT TRESPASS that will encroach on the natural beauty of the DARK night sky from this manufacturing process in unacceptable. Cochise County, while claiming to have a "light pollution law", has an unacceptable record of enforcing it.

Additionally, this specific geography in Cochise County is either private residential or ranching/open BLM land and the **pollution to the land from the by-products of the manufacturing process** will harm not only the residents but the ample wildlife that inhabits this area. Satellite photos of this parcel shows that it sits squarely **ON TOP OF one of the arroyos** (creeks) that is **ESSENTIAL** for proper drainage and feeding of the natural habitat.

We understand clearly, that it is solely **TAX REVENUE** that drives the decision making process of the County to consider this site for medical marijuana manufacturing and sales. We would challenge the county decision makers to put the citizens who live **IN CLOSE PROXIMITY** to this proposed facility to come out and see for yourself, why this makes no sense except to generate revenue for the county. Believe us when we say, if this was in your backyard – you'd be writing your own version of this letter.

Please seriously reconsider this proposal.

(Attach additional sheets, if necessary)

PRINT NAME(S): James S. Lamm / Portal Arizona Sky Share, LLC – 2093 S. Starlight Dr., Portal AZ 85632

SIGNATURE(S):

YOUR TAX PARCEL NUMBER: Parcels: 402-21-02600 (Roll#: 96312) and 402-21-02703 (Roll#: 96313) (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by **Monday March 1, 2021** will be included in the packet presented to the Planning and

Planning, Zoning and Building Safety
126 W 5th Street, Suite 4
Benson, AZ 85602
520-432-9300
520-432-9278 fax
1-877-777-7958
planningandzoning@cochise.az.gov

February 26, 2021
Mr. Kirschmann,

I am a licensed land surveyor and own two parcels in Portal; 402-81-010D3 and 402-22-015F. I am opposed to putting an industrial complex anywhere in this pristine valley. There are many vacant industrial properties along Rt 80 west of Douglas as well as near Road Forks that are on highways and suitable for truck traffic.

Some important questions have arisen for me with this project. The parcel is owned by Barry Webb, yet when I research it, the records show that he paid property tax last in 2011 and as of 2020 owes the county \$23,509.88. The chosen site appears to be on the small section of the property that abuts the road, which is necessary because of the drainage that runs through the rest of the property. I see no details on the site plan, but am concerned that there will not be adequate space for setbacks, septic and handling of huge amounts of gray and waste water.

This is a dark sky community with a sizeable astronomy village very close to the proposed site and the proposal includes installing bright lights at very close intervals which will necessarily shine all night every night in order to protect the facility from break-ins. We already have enough issues with illegal drug activity and illegal alien movement through this area to keep the border patrol busy. Our cabin was broken into by 5 illegal aliens and the luckily the BP was able to apprehend and incarcerate 4 of them. What sort of unsavory individuals will an operation of this nature draw to the area? We have no law enforcement coverage in this area.

It seems odd to want to site a large industrial operation so far from appropriate roads and highways and infrastructure. What is the reason they have chosen this location?

Please rule against siting this huge industrial concern in such a pristine backwater location. My fears are that it will affect the local property values and bring in crime.

Thank you,

Howard Szczech, PLS

From: [Carol Simon](#)
To: [Kirschmann, Robert](#)
Subject: No Marijauna Business in Portal Please
Date: Sunday, February 28, 2021 11:13:03 PM

CAUTION: EXTERNAL EMAIL*

Dear Mr. Kirschmann:

I am writing to oppose the Marijuana Growing House proposed for the Portal area. Our area is known for its clear night skies, clean air, low occupancy and recreational and scientific opportunities. The light pollution, traffic, dust, water use, waste, smells, etc. will not be welcomed in this special place. Arizona Sky Village is nearby and values dark night skies that are free of dust. (The roads are dirt.) Farther into Cave Creek Canyon you find the Southwestern Research Station of the American Museum of Natural History in New York. Scientists from all over the world come to this area to study the flora and fauna of our natural areas. This is also one of the premiere birding destinations in the country. Finally, the proposed business is in an area zoned for residential use.

The community simply does not want this business in the proposed area.

Sincerely,

Carol A. Simon, Ph.D.
2428 S. Cathedral Rock Road
Portal, AZ 85632

This E-mail is from an **EXTERNAL** address. **DO NOT click on links or open attachments unless you trust the sender and know the content is safe.** If you suspect this message to be phishing, please report it using the Phish Alert Button at the top of the email, or forward to cochise.az.gov@missedspam.com or contact IT support at 520-432-8301.

Mr. Robert Kirschmann
Planning, Zoning and Building Safety
126 W 5th Street Suite 4
Benson, AZ 85602

March 1, 2021

Dear Mr. Kirschmann,

I sent you a letter last week, outlining my concerns with the Special Use Permit for Docket SU21-000001 (Holmes). Now that I have reviewed the Cochise County Comprehensive Plan and Zoning Regulations, I am submitting the following as an Addendum to my earlier letter. I have used the 1716 Special Use Authorizations as a template to frame many of my comments which show up in red throughout my analysis below. I have also used specific sections of the Comprehensive Plan to further frame my analysis.

1716 Special Use Authorizations

1716.01 Purpose

A. Compliance with Duly Adopted Plans

The Special Use Authorization request is consistent with the intent, goals, policies, and/or land use designations of the County Comprehensive Plan, Master Development Plans, area plans, transportation plans, or other land use plans if any have been adopted for the area encompassing the Special Use Authorization request.

Comprehensive Plan Land Use Category is identified as D: *Non-residential development is geared toward providing local services, tourism or intensive uses that are not appropriate in the more densely populated parts of the county, such as power plants and feedlots.* (Article 2, 201 – Growth Areas, Plan Designations, A. Area Categories, 3., p. 30)

The proposed facility **would not add tourism value** to the area (though may attract unlawful visitors) and its **local market would be limited** at best. It would **be more appropriately located in an area of higher density population** where the environmental and aesthetic impacts are less noticeable and where it could be more easily monitored, regulated, and policed.

Comprehensive Plan Land Use Designation is written as Rural (R) but I would argue for consideration of Rural Residential (RR) Designation because the “Rural Residential” (RR) plan designation is used to describe areas in Category D (Rural) areas with a **definite pattern of residential development on larger lots, two acres or larger in size.** (Article 2, 201 – Growth Areas, Plan Designations, B. Plan Designations, 6., p. 33)

Arizona Sky Village (22 homes on 4+ acre lots) must be considered **part of the neighborhood**, along with the residences along **Foothills Rd. (12 homes on 4+ acres in size)** between Portal Rd. and Community Rd.

*Due to the well-established residential character of these areas, rezonings or **special uses to allow for more intensive developments that do not directly serve the residents of these areas are not generally appropriate.** Less intensive businesses that serve area residents may be appropriate.* (p. 33)

B. Compliance with the Zoning District Purpose Section

The proposed Special Use Authorization request shall comply with one or more of the purposes stated in the "Purpose" section of the applicable Zoning District and is compatible with existing development.

The subject parcel is zoned RU-4, Rural District. (501.04, p. 32) but the application does not comply with the following:

601.01 To preserve the character of areas designated as "Rural" in the Cochise County Comprehensive Plan; The goals of the Rural Character Element of the Comprehensive Plan list 1) Provide for a **continuation of traditional rural ways of life** and 2) **Preserve the dark night skies** of Cochise County. It seeks to **preserve and enhance the rural nature of Cochise County, protect the character, landscape, and development patterns that many Cochise County residents embrace.** (p. 21)

An indoor marijuana grow operation is **not** a traditional rural way of life in Cochise County, even if some may call it "farming." The proposed project would be a **massive metal building** housing a **crop that is not edible to humans or livestock**. The outside lighting for security and parking, even if mitigated, would undoubtedly **impact the dark night skies** in the area.

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**;

Indoor marijuana cultivation will serve a scant few of the local, mostly older and retired residents. Customers would, by necessity, come from **out of the area**. Located in one of the most remote areas of the county, it will be **hard, if not impossible, to monitor, regulate, and police**.

601.03 To preserve the **agricultural character** of those portions of the County **capable of resource production**;

As mentioned above, by nature of its crop and exterior appearance, this operation **does not fit in with the common agricultural uses of the land** in Cochise County—cattle ranches, fruit and nut orchards, vineyards, and farms growing grain and food crops.

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;

Not only would Community Rd. and Foothills Rd. (both unpaved) suffer a **significant increase in traffic** (with associated hazard risks of visibility, flooding, etc), so would Portal Rd. and Highway 80 (both paved) which already experience seasonal high traffic volume. The project does **nothing to provide space for people** and, as stated earlier, is **inconsistent with the local rural environment**.

601.05 To **provide recreational support services** that are compatible with rural living;

There are **no recreational support services** mentioned in this application.

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;

The adverse impacts on health, safety, and welfare of this proposed operation are numerous: 1) increased **traffic** on narrow, winding unpaved roads where typically there is little to no cell phone coverage is hazardous; 2) increased **dust** from traffic exacerbates respiratory and immune system problems; 3) large **water** usage threatens availability for neighbors, particularly during drought years; 4) huge **electric** draws may cause widespread power outages (affecting vulnerable populations dependent on oxygen machines, etc) ; 5) target of **unlawful/criminal behavior** due to cash nature of business and product being sold.

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.

A grow operation like this is **more appropriate in an area like Willcox and the Sulphur Springs Valley**, where there are numerous large farms, greenhouses, businesses, and light industrial sites already in existence.

C. Development Along Major Streets

The development limits the number of access points on major thoroughfares or arterial streets, and County collectors through the use of frontage roads, shared access, no access easements or other safe methods designed to minimize road cuts that create unsafe traffic conflicts, hazardous traffic congestion and obstruct the functioning of arterials.

There is no legal access as yet to the Applicant's parcel. He states that his "law firm will be addressing this as soon as they get approved and their engineers will be submitting plans for the County to review." Community Rd. is an unimproved ranch road crossing the flood plain, with significant washouts during monsoon season that make it difficult to navigate with a standard vehicle and sometimes even with 4-wheel drive.

Increased traffic (heaviest 6 AM to 6 PM, Mon-Fri with business hours 11 AM to 5 PM Mon-Sun) along remote dirt/gravel roads poses numerous risks: 1) decreased visibility from dust kicked up from moving vehicles; 2) greater possibility of flats and blowouts from sharp stones in roadbeds; 3) increased likelihood of vehicles getting stuck or stranded (particularly during wet weather); 4) inability of vehicles in distress to summon help due to lack of cell phone service; 5) delays in arrival of appropriate vehicular or medical help. In addition, the County would see an increase in necessary maintenance for Foothills Rd., the most convenient access road to the proposed operation.

*In Cochise County one can find many roads that were created on terrain in which the **rocky substrate quickly becomes the road surface** as wind, water and high-speed traffic wears away the driving surface. **Keeping the surface of a dirt road in good repair is difficult**, at best. (Cochise County Operation Division website: A Crash Course in Road Maintenance <https://www.cochise.az.gov/highway-and-floodplain/crash-course-road-maintenance>)*

D. Traffic Circulation Factors

1. The Special Use Authorization request is consistent with preservation of the functions of surrounding streets as defined in the County Comprehensive Plan.

The multiple issues, as outlined in C. above are **not** consistent with the goal of the Transportation Element (Article 1, J) of the Comprehensive Plan (p. 23) to:

*Provide a **safe, appropriate, well-maintained**, cost-effective and energy efficient transportation network for the use and enjoyment of county residents and businesses...*

2. The Special Use Authorization request does not result in the use of any residential street for non-residential through traffic.

There are currently no businesses on Community Rd. or Foothills Rd.—both roads service homes and ranches along each road so should be considered residential. The proposed facility would generate a **significant volume of non-residential through traffic** (employees, customers, deliveries, shipments, etc.) on their way to and from the operation.

3. Consideration of future circulation needs in the surrounding area have been taken into account through right-of-way dedication and off-site improvements, if warranted.
Future circulation will only increase current traffic patterns on roads mentioned above.

E. Adequate Services and Infrastructure

The following factors are used to determine if there are adequate services and infrastructure to serve the Special Use Authorization request:

1. The Applicant has provided adequate information to evaluate the impacts on roads, other infrastructure, and public facilities. The Applicant must demonstrate that there are adequate provisions to address the impacts identified; the Applicant shall provide data supporting the estimated traffic volume as part of the application.
Nothing was attached to the Special Use application under review so I am unaware of any data supporting the estimated traffic volume.
2. If the site accesses on a road where existing demonstrable traffic problems created by incremental development have already been identified, such as a high number of accidents, substandard road design or surface, or the road is near or over capacity. If so, the Applicant has proposed a method to address these problems.
As stated earlier, there is no legal access as yet to the Applicant's parcel. Issues with access roads have been discussed above. County road maintenance, law enforcement, and emergency medical services, would all be impacted by this proposal.
3. The proposed development meets or will meet the applicable requirements for street, sewer, or water improvements.
Community Rd., not maintained by the County, will likely need to be improved to adequately and safely handle the increased traffic volume. Septic and well will need to be approved before installation.
4. The site has access to streets that are adequately designed and constructed to handle the volume and nature of traffic typically generated by the use.
No, the Applicant's parcel does not have permanent legal access and, as outlined earlier, the access roads are not built or maintained to withstand the burden of a significant increase in vehicles.

F. Significant Site Development Standards

The Special Use Authorization request adequately addresses the significant applicable site development standards, including development in or near a floodplain. The Applicant has requested and adequately justified, in writing, any requests for modifications or waivers from site development standards.

Under 604 Site Development Standards, Zoning Reg. 604.02 for RU zoning (p. 37), the maximum height of principal structure needs to be 30 feet above grade, minimum required setback is 20 feet, and the minimal distance between principal structures is 15 feet. There was no site plan or "Concept Plan" to review, so one cannot know the general location, size and height of all structures and uses (existing and proposed), including minimum setbacks from parcel boundaries.

G. Public Input

If there is **major public opposition** to a proposed Special Use Authorization request, this may indicate that the **technical evaluation regarding compatibility of the use does not concur with the view of local residents** and a recommendation of denial may be appropriate. If public concerns have been raised, it is fair to ask if the Applicant has made a reasonable effort to address these concerns through the Citizen Review Process. If there is major public support of a proposed use, this may be a factor in favor of the request.

The mounting effort to oppose this application is precisely **because the compatibility of use does not concur with local residents**. Those who live in Portal (as well as those who come to visit) place a high value its remote location, natural beauty, peace and tranquility, public safety, air quality, water availability, sense of community, and opportunities for quiet recreational uses.

H. Hazardous Materials

Impacts from Special Use Authorization requests that may involve hazardous materials have been adequately mitigated.

For these types of operations, hazardous waste may contain chemicals in the form of fertilizers, pesticides, fungicides, and rodenticides. "Green waste" includes cannabis stems, seeds, stalks, roots, and trimmed materials, along with contaminated, spoiled or damaged plants, containing traces of THC, the main psychoactive compound in marijuana. **There are no hazardous or polluting materials attachment(s)** to the application and no mitigation measures mentioned. Applicant only states that "All drainage will flow away from building, and then southwest to flood range."

I. Off-site Impacts

Adequate measures have been taken to mitigate off-site impacts such as **dust, smoke, noise, odors, lights, or storm water run-off**.

These have not been addressed—the Applicant has merely answered "No" for most of these factors. There are **no outdoor lighting or manufacturers' specifications included with the application**. As mentioned above, Applicant only states that "All drainage will flow away from building, and then southwest to flood range".

J. Water Conservation

The Special Use Authorization request complies with the water conservation policies in the County Comprehensive Plan or any other adopted area plan and/or those described in Article 18.

The Water Conservation and Resource Element (K) in the Comprehensive Plan seeks to: *encourage the County and residents to conserve existing resources, develop alternative sources of collecting and distributing water, and reuse water whenever possible.* (p. 26)

The Applicant makes no mention of utilizing the methods listed under Policies:

effective water conservation Best Management Practices (BMPs) such as water harvesting features, storm water recharge, treated wastewater and gray water for non-potable use. (p. 26)

The Applicant does not indicate any plans for landscaping but if so, he would be limited to drought-tolerant plants as outlined in:

1819.01 County-Wide Water Conservation Measures

C. For all non-residential projects either requiring landscaping pursuant to Section 1806, or where landscaping is not required but is proposed, the landscaping shall be composed of drought-tolerant plants and materials... (p. 146)

Finally, the Applicant states on pages 9 and 10 that only one acre or less will be cleared. However, on page 1 he states that 5 acres will be cleared and developed. If that is the case, he would need to provide *specific measures to conserve water on-site. 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, as stated on p. 10 of the Special Use Application.*

In closing, I would like to make a recommendation for denial of this Special Use Application based on the facts of the case. Should the County proceed to process this application then it must request more information from the applicant to correct the inaccuracies, inconsistencies, and lack of information in general. It also needs to make all of this information available to concerned citizens in digital form so they may review it as part of procedural due process.

Respectfully,

Allison Morse
PO Box 16232
2454 S. Old Canyon Rd.
Portal, AZ 85632

Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

YES, I SUPPORT THIS REQUEST
Please state your reasons:

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

See Attached (I do not Support this project)

(Attach additional sheets, if necessary)

PRINT NAME(S): Charles Franklin Gilliland and Barbara L. Gilliland

SIGNATURE(S): _____

YOUR TAX PARCEL NUMBER: 402-21-04701 _____
2053 S. Newton Way

(the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by **Monday March 1, 2021** will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

Below are my comments concerning the Pot Grow/Retail Building proposed:

My wife and I own a parcel in the Arizona Sky Village located about a mile south of this proposal. We are active members of the Astronomical community. We purchased and built our small Astronomical Observatory in this location due to the limited Night Time artificial lighting and limited vehicle traffic. We as a group of neighbors have improved our properties and have become a positive contribution to the area and the environment.

This proposal is just NOT in any way appropriate for the sight nor the environment. I can not see that a large metal building with the intent to grow and Retail Sale "anything" makes any sense at all. Why would anyone consider such an operation miles from any paved road and no employees or customers within any reasonable distance from such a location. Often roads in the area are washed out or flooded.

I will make some comments here about the Application for Special use:

The Application states that this project will have minimal impact on the surrounding landscape and provide employment. The impact on the area will be dramatic creating a Warehouse style structure in a location where non exists. The land will be scraped and paved providing parking and other operations. The demand on our rural power grid is a matter that will need to be analyzed. The demand listed for well water on the application appears to be grossly and almost purposely low. My understanding is that cannabis plants require abundantly large amounts of water and chemical nutrients. A well will have to drilled, power will have to be engineered and installed and chemicals will need to be stored. The septic system proposed sounds ineffective if not dangerous to the water table and land.

This operation is proposing a growing operation, a packaging and storing facility and most out of character to the area a retail sales operation. Of all of the activities it is the retail operation that is quite alarming. Isn't Pot still considered an "illegal" drug at the Federal level. As such, it may or may not be able to transport across state lines (into New Mexico). The application states that it will only be impacting Community Road. My question then is how much impact will it THEN have on Foothills Road and Portal Road. I suggest a traffic study should be required to determine impacts on the dirt roads and the dust that will be created. The application also stated that 3rd party Pot products will also be shipped in and out of the facility. What are the safety and legal issues having to do with the transport of large quantities of Marijuana and cash.

The application states No outdoor activity planned, no Noise and no odors. I expect all of these statements to be possibly not accurate.

The applicant also states that No DUST will be created. Why would the applicant state this knowing that the ONLY roads in the area are ALL dirt roads. While the grow op may not create dust from the indoor activity. The many vehicle trips and the clearing of the land WILL Create Dust!.

The last major point concerning the reason for our Astronomical based community in the area. I own property in the area because of the fact that few outdoor lights are in the area. The applicant states that outside light will be installed. I do not see an attached lighting plan nor is there any recourse for any negative impacts.

Finally, I would suggest that the application should be sent back to the applicant in order for him to more accurately state what impacts there will be. Such as:

- The negative impacts of the traffic on often storm damaged dirt roads
- The negative impacts of the increased Light Pollution and agricultural waste.
- The negative impact of locating a facility that will be managing a large amount of cash and a Federally recognized Drug.
- Possible safety concerns of both the large amount of cash and the transport and storage of "Pot"
- The impact of a well that will put a new demand on the limited recourse.
- How will waste and agricultural chemicals be stored, monitored and transported?
- At some point the site will be turned into a secured fortress complete with a high fence, possibly razor wire, full time armed security and a blight to the surrounding area. Cant wait to see the "Shanty Town" that will develop around it.

From: [Mary Price](#)
To: [Kirschmann, Robert](#)
Subject: Please do not approve a marijuana growing facility near Portal
Date: Friday, February 26, 2021 6:29:48 PM

CAUTION: EXTERNAL EMAIL*

Dear Cochise County Supervisors,

As a property owner in Portal, AZ (tax parcel 402-24-004 B-3), **I oppose the application of Jeffrey Holmes to build a marijuana growing facility near Portal.**

This is a rural area. The local residents live in unincorporated villages such as Paradise, Portal, Sky Village, Whitetail Canyon, Rodeo NM, and on working ranches. Yes, there are commercial growing operations--chiefly nut-tree groves--not far away in the San Simon Valley. But the proposed facility would essentially be an **INDUSTRIAL GROW FACILITY, running 24/7, indoors, under artificial conditions.** Such a marijuana facility is incompatible with our area.

1. It would place impossible demands on local natural resources and infrastructure.

The groundwater need listed in the application is ridiculously low. Residents in the Valley already are spending tens of thousands to drill deeper wells, and the huge water needs of this facility promise more adverse impacts to downstream water users.

- Then there is the industrial waste stream, both liquid and solid. Where will all that go? Will it pollute downstream groundwater or sterilize surface lands?
- How about a jump in traffic on small rural roads not designed for heavy traffic and heavy vehicles?
- The application says fire protection is from the "Portal Volunteer Fire Department". There is no such entity. Mr. Holmes must mean Portal Rescue. I doubt this small cadre of local volunteers has that extra capacity.

2. This facility would damage the economic base of the area.

- This area is a unique world-wide draw for ecotourists and residents who are attracted to the area's lovely rural landscapes, low housing density, biological diversity, and clear, dark skies. The Southwestern Research Station, science-based Malpai Borderlands ranching organization, and unique ecosystems attract scientists from all over the world to study the area's ecosystems.
- I don't know the numbers of dollars all of this brings to the local rural economy but I know it is substantial--residential property values are only increasing, local businesses are doing well. I am sceptical that an industrial marijuana growing facility near the entrance to Cave Creek Canyon will augment the area's economy, because it will make the area less attractive to the current economic base. It stands to decrease tourism, compromise dark skies and the quiet soundscape, and is not likely to thrive as a source of marijuana sales because the population density is so low.

Please do not approve this application -- it is hardly the "highest and best use" of the land.

Sincerely yours,

Mary V. Price

--

Mary Vaughan Price, PhD
Professor of Biology, Emerita
University of California Riverside

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From: [Linda Jakse](#)
To: [Kirschmann, Robert](#)
Subject: Docket SU21-000001
Date: Saturday, February 27, 2021 6:23:14 AM

CAUTION: EXTERNAL EMAIL*

Mr. Kirschmann,

I am writing to strongly oppose the request for a zoning variance/special use authorization to build an industrial grow operation in Portal, AZ on parcel 402-11-001. Following are my objections and concerns:

-First and foremost, this area is a quiet area filled with residents who have built their dream homes here because it is rural, scenic, and shares a biodiversity unparalleled in the U.S. Many folks planned for a future in which they could live out their lives peacefully here. This proposed facility would change the nature of the area permanently from residential to industrial and ruin the lives of its neighbors who invested in their homes expecting to raise families and retire surrounded by undisturbed nature.

-Portal is a destination area for bird watching enthusiasts from around the world as well as those who seek out the respite from city life through nature. It is home to a small but vibrant community that values the opportunity to share its unique and sublime qualities. The economy here thrives on hosting visitors, providing secluded lodging, and educational/research opportunities. Anything that would interfere with these current values would also interfere with the livelihoods of those who provide for these enriching opportunities.

-Water use is a huge concern in the area with residents reliant on groundwater. Any development that would impact their prior use of water and necessitate one to drill deeper needs to be addressed. The applicant's portrayal of water use is ridiculously low, it wouldn't even cover the use of flushing toilets by their employees let alone in all the processes of growing, cleaning and waste.

-This proposal is poorly written and filled with mistakes, this is not a good indicator in and of itself. If one is sloppy in this process then it is also probable that they will be sloppy running their business. The applicant also misrepresented water use, waste management, and odor that will result from this industrial sized operation. So not only is it hastily written but it is inaccurate and perhaps dishonestly portraying its impact on those properties nearest to it.

-Portal is also known for its dark skies, exactly what would be the impact on Sky Village residents who moved there specifically because of this attribute? Many residents of Sky Village are astronomers or enthusiasts who have invested their life's work or savings to studying the skies. These residents investments are significant investments and many in the community have worked diligently to promote dark skies and keep it dark. How can a 24 hour grow facility be in keeping with dark skies?

-It will be a burden on our Volunteer Fire and Rescue and small medical clinic. The county will need to consider increasing its garbage service, safety protection through the sheriff and maintenance of county roads that will experience much higher use.

-In summary, I am strongly opposed to this development and urge the county to deny the application as inconsistent with current land use and resident values.

Linda Jakse
1900 W Cave Creek Rd.
Portal, AZ 85632

Sent from my iPad

This E-mail is from an EXTERNAL address. DO NOT click on links or open attachments unless you trust the sender and know the content is safe. If you suspect this message to be phishing, please report it using the Phish Alert Button at the top of the email, or forward to cochise.az.gov@missedspam.com<<mailto:cochise.az.gov@missedspam.com>> or contact IT support at 520-432-8301.

Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

THIS DOCKET REQUESTS SPECIAL USE AUTHORIZATION FOR A 20,000 SQFT MARIJUANA PRODUCTION FACILITY ON PARCEL NUMBER 402-11-001 ON S. COMMUNITY ROAD.

WE LIVE IN NEARBY ARIZONA SKY VILLAGE (ASU) AND UNEQUIVOCALLY OBJECT TO THIS SPECIAL USE REQUEST FOR THE FOLLOWING REASONS:

- INCONSISTENT WITH LOCAL TOURISM INDUSTRY IN THE AREA
- MINIMAL ECONOMIC BENEFIT TO THE ASU / PORTAL COMMUNITY
- CREATES LIGHT POLLUTION FOR ASTRONOMY ASU COMMUNITY
- INCREASES DUST POLLUTION HARMFUL TO ASTRONOMY EQUIPMENT
- INCREASES TRAFFIC ON LOCAL ROADS NOT DESIGNED FOR IT
- THE APPLICATION DOWNPLAYS HARMFUL EFFECTS:
 - PORTAL INFRASTRUCTURE + SERVICES WILL BE EXCEEDED
 - POTENTIAL CARTEL AND OTHER CRIMINAL ACTIVITY
 - WATER CONSUMPTION VIA WELLS WILL IMPAIR ASU WATER
 - ODOUR FROM THIS INDUSTRY IS WELL KNOWN. TABLE

PRINT NAME(S): KIRBY ALGUIRE, LORA YOSHIDA ALGUIRE

SIGNATURE(S): 

ADDRESS: 2093 SOUTH STARLIGHT DRIVE, PORTAL, AZ, 85632
402-21-02600 ROLL # 96312

YOUR TAX PARCEL NUMBER: 402-21-02703 (the eight-digit identification number found on the tax statement from the Assessor's Office) ROLL # 96313

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by **Monday March 1, 2021** will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ. 85602

EMAIL: RKirschmann@cochise.az.gov

Email to: Robert Kirschmann rkirschmann@cochise.az.gov
Subject: Comments on Holmes SUA request docket SU21-000001

Rolf Koford and Bonnie Bowen
1325 W. Conejo Ln.
Portal, AZ 85632
Parcel # 402-27-001B3
rolfruns@gmail.com

February 27, 2021

Dear Members of the Cochise County Planning and Zoning Commission and Board of Supervisors,

We are writing to add our voices to those opposing the Special Use Authorization (SUA) request from Jeffrey J. Holmes for parcel 402-11-001, Docket SU21-000001. We have been coming to the Portal area since the early 1980's, first as scientists, then as visitors, and now as full-time residents and retirees. We own a house in Portal and value the Portal community, which includes residents of Sky Village and rural residents in the San Simon Valley at least as far east as Hwy. 80. We have yet to talk to a resident who favors this request.

We were pleased to read in the County Planning and Zoning Document (revised July 9, 2020), section 1716.02, that your emphasis is on the intent of Cochise County Comprehensive Plan goals and policies. The Plan values the "scenic view shed integrity" that has drawn hundreds of residents to the Portal area. Additionally, the area gets tens of thousands of visitors each year (over 10,000 visitors annually stop at the U.S. Forest Service Cave Creek Visitor Information Center). Compliance with factor G, Public Input, refers to "major public opposition," which is unarguably the case with this SUA request. The applicant has not addressed this opposition through a Citizen Review Process.

The proposed site is zoned RU-4. The Comprehensive Plan emphasizes the importance of the rural character of the county's open space. Dark night skies are specifically mentioned. Sky Village, a housing development only two miles from the proposed facility, is filled with people who chose to live there because of the dark night skies. Some kinds of agriculture are compatible with rural character. This proposed facility is not. It will glow at night. Greatly increased traffic will result in tremendous increases in dust. Even now, one can see the dust plume caused by a single pickup truck from several miles away. Telescope viewing will be affected by both light pollution and atmospheric dust. The SUA applicant is silent on how he will mitigate these detrimental effects on rural character.

The request contains claims that strain credulity. If these claims had been documented or supported by data and arguments, the applicant would at least have shown that he was aware of public concerns and cared about them. The most egregious claim is that there will be no odor from this facility. Scientific documentation of the environmental impact of marijuana growing facilities indicate significant odor production (White paper: The environmental impacts of the marijuana industry, September 17, 2018, Michigan Dept. Environmental Quality https://www.michigan.gov/documents/egle/egle-WhitePaper-TheEnvironmentalImpactsOfTheMarihuanaIndustry_689717_7.pdf). Anecdotal reports say the smell is akin to a skunk that has died under your deck. A second claim is that water use will be 150 gallons per day. This number has to be justified. The White Paper states "The cultivation of marijuana plants

requires significant quantities of water.” Dozens of employees flushing toilets several times a day would use most of the 150 gallons. This is a desert, with very low humidity at most times of the year; growing plants will require a lot of water. A third claim is that there is local fire protection available. We are both volunteers with Portal Fire and Rescue and we can assure you that our firefighters are not trained and do not have a mandate to fight structure fires. We are trained to fight wildland fire and could respond to a fire that was spreading in the surrounding vegetation. We are volunteers and it takes time for us to respond. If there were a structure fire, it is doubtful that we could be on the scene in less than half an hour.

We are not opposed on principal to industrial agriculture. It is good that many people will have employment with a facility such as this. It should be located, however, close to where the workers live to minimize the carbon footprint. There is not sufficient housing in or near Portal. Likewise, the retail aspect of the facility should be close to where customers live or travel. In other words, it should be near a developed population center, probably in an area designated for growth in the Comprehensive Plan. The applicant, perhaps lured by a low land price and the hope for abundant water, could hardly have picked a worse place for his proposed facility.

Mr. Robert Kirschmann
Planning, Zoning and Building Safety
126 W 5th Street Suite 4
Benson, AZ 85602

February 20, 2021

Dear Mr. Kirschmann

My name is Mike Patton and my wife Kathy and I reside at 2060 S Newton Way, Portal, AZ, 85632. Parcel 402-21-05401. It should be noted that this address is within the developmental boundaries of Arizona Sky Village.

I am writing this letter in opposition to a proposed project to build a commercial facility along Community Road in Portal. Reference Tax Parcel 401-11-001 85632 or Docket Number SU21-00000 (Holmes).

My opposition to this project stems from a number of reasons and is not isolated to just one approach. I am not against the project due to the nature of the business planned to reside there but that any commercialization in this area will not support why many of us have chosen to live here.

As I am sure you are aware, most residents of Arizona Sky Village (ASV) are retired and have chosen this very unique part of the country to pursue our life long hobbies and dreams. The area around the proposed project is perfect for those of us who appreciate nature and are specially fascinated with the night skies. Almost everyone at ASV is an amateur astronomer who has chosen and been able to participate in many different aspects of astronomy even if at a considerable expense.

The most obvious reason I oppose commercialization of the area is the associated light pollution. With as critical dark skies are to our activity, I can't imagine any commercial enterprise being able to provide enough safe lighting in the parking and building areas that it won't infringe on our use of the dark skies. I know there are lighting regulations in Arizona and Cochise County but those are designed more to keep sky glow to a minimum and not to block lighting from an adjoining neighbor. Everyone in Portal has supported ASV in their quest to maintain dark skies at every opportunity and this project could never be in compliance with what we try to attain in this area

Dust is another element we battle in the area. It coats and settles on our equipment reducing the effectiveness of our expensive telescopes and cameras. Traffic along Community Road can only increase the dust generation as there is no current or proposed paving of that route. Prevailing winds would often put us in the direct path of airborne dirt.

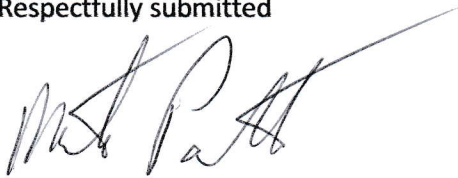
Water should be another major consideration. With the impact of the nut farms in the area still being evaluated I can't support adding any further stress to the water table. I have read the Application for Special Use for the facility and that they estimate 150 gallons/day usage. I say you can't cultivate agriculture in a facility like that with anywhere from 20 to 50 employees on that limited amount of fresh water. Sanitary usage alone could approach or exceed that number of gallons. I have to think that the usage number provided in the application needs to be reconsidered.

Another aspect that needs to be considered is crime associated with business of this nature. We are basically unprotected out here by our own isolation and choice. We have no local police force and the response from Cochise County can be extremely long at times. I can provide references to my statement as demonstrated in other states. Here is a proposal that would put a crime prone industry into a very isolated yet relatively populated area.

The last point I would like to make is that there is no statement or reference as to the limits of scaling the business. It doesn't say anywhere that future expansions would not be considered and that the place could be grown any multiples. I also believe that the approval of this commercial facility in a very rural setting can and would be used as a precedent for other industries that may want to locate to the area further destroying our ability to use and enjoy the area.

I hope you will take this letter of opposition with constructive council. That it is intended to provide you with a feeling of community culture, attitude, and legitimate reasons the project should not be approved. I don't believe that it supports the local life style nor improves what we now enjoy.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Mike Patton", with a long, sweeping horizontal line extending to the right.

Mike Patton
2060 S Newton Way
Portal, AZ
85632

From: [Mary Sue Waser](#)
To: [Kirschmann, Robert](#)
Subject: Special Use Docket and Rezoning DocketsSU21-000001 (Holmes)
Date: Saturday, February 27, 2021 7:41:30 PM

CAUTION: EXTERNAL EMAIL*

Mary Sue Waser <mswaser@gmail.com>

5:55 PM (1 hour ago)



to Kirschmann



Dear Mr. Kirschmann:

I am writing to oppose the request of Jeffrey John Holmes for a marijuana growing, processing facility and dispensary.

The neighboring residents are largely retired and would not benefit from the proposed 50 job openings.

With the continuing drought, a facility growing a water-intensive crop like marijuana would not be "a good neighbor" to those residents in the valley already experiencing dropping well levels. (The 150 gallons/day on the application is hardly realistic--50 employees flushing toilets could use that much.) Also, a recent attempt at a pecan orchard can be seen farther along Foothills Road as a swath of cleared desert destroyed for nothing, as the project went bankrupt drilling for water.

I have concern as to where the customers would come from that could justify 3000' for a dispensary in this low population area

The whole plan seems poorly thought out. For many years this area has been one of drug smuggling and of those from south of the border crossing to look for work. Could this be an unspoken part of the plan?

The 20 trucks a day would surely cost the county extra road maintenance on the dirt roads and would create dust.

The dust and lights of the facility would interfere with the Dark Skies that this part of the county prides itself on--and would not be a "good neighbor" to Sky Village.

I also have a concern that if there are large amounts of cash changing hands, there will be a need for a greater presence of law enforcement than we now see.

Thank you for your consideration,

Mary Sue Waser
parcel number 402-250-025A
2414 S Rock House Road
Portal, AZ 85632

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From: [Loren Smith](#)
To: [Kirschmann, Robert](#)
Subject: Marijuana grow on S. Community Rd
Date: Sunday, February 28, 2021 7:27:37 AM

CAUTION: EXTERNAL EMAIL*

Dear Mr Kirschmann and Board,

This letter is in regards to the proposed marijuana grow facility at South Community Road, approximately 1/2 mile northeast of S Foothills Road, near Portal. The parcel number is identified as 402-11-001. The Applicant is Mr. Jeffery Holmes.

I have huge concerns about the light pollution and large water usage that this project will generate. This is right in the vicinity of Sky village , a nationally recognized dark skies astronomy community.

Light is light and there is no mitigation for light in a dark skies community.

I am very familiar with these operations as we have many of them in Oregon where I live half the year. Regardless of what anyone says in proposals the reality is these operations use a tremendous amount of water and they create light pollution. It is a threat to our water table which is already being adversely drained by the nut orchards on Foothills Rd. near San Simon. Additionally, the odor from these grows is very strong and akin to sleeping with a skunk. For these reasons I am very opposed to this facility being approved.

Sincerely,

Loren Smith
1088 W. Portal Rd
Portal, Az
85632

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Kalamazoo Astronomical Society
Looking Up Since 1936

February 28, 2021

Mr. Robert Kirschmann
Planning, Zoning and Building Safety
126 W 5th Street Suite 4
Benson, AZ 85602

Dear Mr. Kirschmann:

I am writing to you today on behalf of the membership of the Kalamazoo Astronomical Society to voice our opposition to Docket SU21-000001 (Holmes): an application to construct an indoor medical marijuana cultivation, packaging and dispensary near Portal on South Community Road (parcel number 402-11-001).

The Kalamazoo Astronomical Society (KAS) is a 501(c)(3) non-profit organization based in the southwest Michigan region with over 300 individual members. Our premiere facility, the KAS Remote Telescope, is housed within an astronomical observatory owned by KAS member Mike Patton at 2060 Newton Way in Portal, Arizona 85632 (parcel number 402-21-05401). This observatory is one of at least 20 such facilities located at Arizona Sky Village (ASV), a dark-sky community just south of where the proposed dispensary would be located.

Our Remote Telescope was made possible because of generous donations and grants from our members, local institutions, and the general public. In all, we raised over \$122,000 during a 7-year fundraising campaign that began in 2011. Over 60% of those contributions were from individual KAS members and also represents thousands of individual volunteer hours. KAS members and local educational institutions have the privilege of using the Remote Telescope to conduct scientific research and pursue imaging projects. We also use the Remote Telescope for educational outreach. Online Viewing Sessions, which have attracted hundreds of astronomy enthusiasts from all over the world, are held from November through February (when conditions are too cold and cloudy to host outdoor sessions in Michigan).

ASV offers many advantages to our organization. The region boasts at least 300 clear nights a year (compared to only 70 for Michigan) and has some of the darkest skies in the nation. Indeed, both amateur and professional astronomers are finding it more and more difficult to locate sites with dark, quality skies due to the encroachment of artificial lighting. There is no place east of the Mississippi River that offers a location as advantageous as ASV and we simply do not have the resources to relocate anywhere else in the western United States.

Needless to say, the proposed marijuana dispensary would have a deleterious impact on the quality of the night sky since it would introduce light pollution from sources like night security lights, employee parking lot lights, grow lights in green houses, and much more. Please do not allow the construction of such a facility to take place in the region. It would seriously hamper the project we worked so hard to make a reality.

Sincerely,

A handwritten signature in black ink that reads "Richard S. Bell". The signature is written in a cursive, flowing style.

Richard S. Bell
President

From: [Rebecca Conner](#)
To: [Kirschmann, Robert](#)
Subject: Proposed marijuana plant
Date: Sunday, February 28, 2021 12:21:25 PM

CAUTION: EXTERNAL EMAIL*

Dear sir ,

Please take note of my opposition to the proposed marijuana farm in Portal Az .

Portal is a unique ecological zone which needs to be preserved from commercial developments of any kind that would negatively impact water supplies , flora and fauna , dark night skies, as well as the fragile desert ecosystem .

Rebecca Conner
Portal resident

Sent from my iPhone

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Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

FEB 28 2021

YES, I SUPPORT THIS REQUEST
Please state your reasons:

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

SEE ATTACHED LETTER

(Attach additional sheets, if necessary)

PRINT NAME(S): DEBORAH HERCZOG,

SIGNATURE(S): Deborah Herczog

YOUR TAX PARCEL NUMBER: 40281003m (the eight-digit identification number found on the tax statement from the Assessor's Office)

2025 S.W. BAR MKD / PO BOX
PORTAL, AZ 85632 16294
PORTAL, AZ 85632

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by Monday March 1, 2021 will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

Mr. Robert Kirschmann, Planner II
Cochise County Community Development
Development Services Department

Dear Mr. Kirschmann,

I appreciate the opportunity to comment on the proposal by Mr. Jeffrey Holmes for a marijuana growing, processing, and dispensary structure in Portal, AZ (parcel 402-11-001). I am strongly opposed to his application for Special Use Authorization, as his plan will have negative impact on the following:

Life Quality

Portal is not a city or a town; it is a small rural "village." Portal Residents have deep love for the natural world. We spend significant portions of our lives outside exploring many areas in our canyons during the day, we take joy in viewing our star filled night skies which are rarely matched anywhere else in the U.S. Portal is known as the "Yosemite of Arizona," the area attracts National and International visitors who marvel at breathtaking beauty day & night in this part of Cochise County. Buyers seeking homes or land here are primarily attracted to this unique natural environment. Portal has only a few eateries & lodging businesses, those are owned and operated by resident neighbors who are equally appreciative of the quality of the area. Portal has no gas stations, or even public bathrooms, let alone commercial developments.

Health

Preservation of this historic community as well as the surrounding National Forest requires a quiet environment with excellent air quality, clean adequate water supply, no pollution from night lighting, no local discharge of chemicals, fertilizers or waste. This Cochise County treasure, along with quality of residents' lives and property values would be threatened if Mr. Holmes' plans are approved. For example, a number of residents in this area have immune system and/or lung problems, some moved here for the benefits of Portal's purer environment. Smoke from marijuana processing is a major pollutant that degrades clean air and exacerbates major medical problems. A facility like Mr. Holmes proposes would negatively impact everyone in Portal, more so for those requiring constant oxygen supplementation. Currently there are

valid lawsuits in other parts of the country related to marijuana processing facilities as cause of air pollution damages.

Safety

Mr. Holmes proposal also presents safety issue concerns. Foothill is unpaved and has tire damaging sharp rocks & potholes. Its unevenness requires regular Cochise County Road Dept. smoothing maintenance, despite the fact that current vehicular impact is minor compared to the impact a major commercial development would have on that road. It requires a high level of caution & slow speed or drivers risk losing control with resultant tire blowouts, collisions with other drivers, cattle, and wildlife. The only other approach to Mr. Holmes' property is via Portal Road which is paved but not conducive to high traffic volume. Some Portal residents live on this road, others access their property & homes directly off it. Traffic volume, accidents, and road maintenance burden are certain to increase if there is a marijuana distribution center requiring access directly through our neighborhood community. Special Use Authorization Request (1716.02D) prohibits the use of any residential street for non-residential through traffic.

Legal issues

Portal Road consists of two relatively narrow lanes with low speed limits and no shoulder pullouts. At times drivers (mainly visitors) exceed posted speed limits, but in my years of residency I have never observed law enforcement monitor or ticket to discourage infractions. Portal has had minimal need for that kind of presence, but if needed urgently Cochise County law enforcement officers are unable to arrive quickly as most are 60 miles away in Douglas. Adequate police officer and/or tax compliance authorities' availability to address major illegalities/criminal activity in Portal will be problematic given that marijuana related to Mr. Holmes' proposal are required to be all cash transactions. It is hard not to speculate that Portal's very rural remoteness might be a major factor behind the interest in building a marijuana distribution facility here. (see 1716.02 E, adequate infrastructure)

Portal Rescue

The routes to Holmes' proposed facility are extra hazardous during summer heat, heavy rains, or winter cold if there are vehicle breakdowns or accidents. Adverse events are particularly risky, as sections of

Foothill, Community and even Portal Road do NOT have cell phone reception. It often takes a very long time anywhere in this area to summon and then to receive help. When there is cell phone reception, visitors are unaware that urgent calls might be routed through a New Mexico tower (Portal's closest one), many New Mexico 911 operators do not know to contact Portal Rescue or Douglas EMS. Adding to complexities and delays is the fact that visitors often cannot describe their location when they need help.

Portal Rescue has a small part-time ALL volunteer staff, our EMTs do not routinely transport the injured or sick; they evaluate, do what they can to stabilize those with urgent medical needs, then once Douglas EMS and/or Air Medical Services arrive (which takes at least an hour), Portal EMTs defer to those employed professionals for transport. Portal Rescue Fire volunteers are only trained as wildland fire fighters, they are not trained for structure fires. A variety of accidents involving visitors as well as residents are likely to increase if Mr. Holmes facility is approved (see 1716.02 E, adequate infrastructure)

All essentials for residents' life quality, health, safety, as well as our beloved Portal Rescue volunteer service operations would be negatively impacted if Mr. Holmes' business is permitted to proceed. A marijuana growing, processing and distribution commercial business is incompatible amidst a community of peaceful rural residents and is likely to make property values fall given resident and potential buyer reluctance to live in an area with a marijuana growing, processing & distribution facility in such close proximity.

Thank you for taking the time to consider the many concerns that our community has submitted for your consideration. We hope that the members of the Cochise County Planning, Zoning & Building Safety Commission will decide to protect Arizona's Yosemite and Portal residents by deciding against Mr. Jeffrey Holmes application for development of parcel 402-11-001.

Sincerely,

Deborah Herczog, RN, ANP, MSN
Tax Parcel #: 40281003M (2525 S H Bar M Rd)
PO Box 16294, Portal, AZ 85632

From: [Jackie Lewis](#)
To: [Kirschmann, Robert](#)
Cc: [English, Ann S](#)
Subject: RE: Special Use Permit Portal Arizona
Date: Sunday, February 28, 2021 12:48:40 PM

CAUTION: EXTERNAL EMAIL*

Dear Cochise County Planning and Zoning and Board of Supervisors,

The request for a marijuana grow house and 3rd party purchased retail sales on Community Road dispensary is disconcerting to me. It's been stated that the product can't be considered as a reason for denial but I feel that in our remote location that it **MUST** be considered as a reason for denial. We do not have the infrastructure to manage any major emergencies in this area.

1) We are in an area that already has drug trafficking and not enough law enforcement.

2) The lack of investigation into the area, as well as research on his subject, leads me to believe that this operation going to be a good neighbor. Examples are listed below.

2a) He contradicts the number of cleared acres. Page 1 states 5 acres and page 8 states 1 acre.

2b) The Application for special use states that this will generate full time employment in our community. Yet in a response to a question about clearing for parking spaces Planner Kirschmann states "It is typical that these operations employ van pools and therefore the Planning Commission may approve modifications to the requirements."

2c) He has listed 2 different companies for phone service.

2d) Portal Rescue is not equipped to fight building fires or hazardous material fires.

2e) Republic Waste Management does not service our area.

2f) "Approximately 20,000sf" is 3,000sf smaller than the sf totals of the rooms listed

2g) Hours of operation are listed on page 5 as 11a-5p Monday through Sunday yet heavy traffic is expected at 6am.

2h) The majority of pickup trucks without a load weigh more than 5,000 pounds.

2i) Water Usage - party listed as 150 gallons per day or 1800 gallons per year using eight 1125 sf grow rooms. Research shows that 50 plants require 24,000 gallons per an 8 month grow period. Assuming he has 200 plants, the usage will be over 106,600 gallons per year.

2j) Any research on marijuana growing facilities points out that odors are a major issue both inside the building and in the neighborhoods.

3) Is this a grow house only? Or will they be extracting oils? If extracting oils, the chemicals used for that process are hazardous waste.

4) As the applicant lives in Scottsdale and has two restaurants in the Phoenix area will he be involved in overseeing the facility processes?

5) The area is zoned RU-4. Does it need to be rezoned as commercial for the sales of 3rd party purchased products?

6) Community Road is not a county maintained road. From the west it crosses AZ State Land and from the east it crosses state land AND private property. What legal access will be required?

7) Is the expected traffic only employees and customers or will product be trucked out?

I appreciate that the committees will take all of the above into consideration. This application does not represent the approval given by Supervisor English when she addressed the committee regarding the facility in Benson. "Prior to the vote, English said, "We can't consider the product as a reason to disapprove the request. The owner is taking appropriate action to mitigate the concerns and tried to address all the issues. This is the kind of company we want to work with."

Jackie Lewis
2225 W. George Walker Lane
Paradise, AZ
520-558-2287

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From: [Narca Moore-Craig](#)
To: [Kirschmann, Robert](#)
Subject: Comment on proposed marijuana facility near Portal
Date: Sunday, February 28, 2021 1:11:12 PM

CAUTION: EXTERNAL EMAIL*

28 Feb 2021

Dear Cochise County Supervisors and Members of the Planning and Zoning Commission,

I am writing with grave concerns about the effects of the proposed marijuana grow facility on the Portal area. I have been coming to the area since 1975, and bought a home (my primary, and only, residence) near Portal in 1994. For decades this was my home base for working in nature tourism, and now I'm retired. I'm now joining every other person I know of, in the Portal community, in opposing this project, which would seriously degrade our community's quality of life.

Marijuana grow facilities are infamous, not only for their stench, but also for their prodigious use of water. Our desert habitat is a completely inappropriate location for such an industry. Mining our aquifer at this level of use isn't sustainable. People's wells will dry up—even at historic levels of use, the aquifer has declined significantly.

Our neighbors at Sky Village have built an entire sub-community because of one precious and scarce resource—our dark skies. The proposed marijuana facility is very close to Sky Village, and its all-night lights will have an unacceptable impact on their entire reason for living here.

The county's own Comprehensive Plan emphasizes the value of the rural qualities of the region, including our dark night skies. Indeed, Portal's scenic and biological values draw at least ten thousand visitors annually. We don't want to jeopardize that major source of revenue.

I am also concerned about the crime which has been documented to rise where all-cash businesses occur, especially since we are so far from police protection and response.

As for an individual's private property rights, do the rights of a new landowner, who doesn't even live here, trump the rights of an entire community to sufficient water and other quality-of-life values? Especially when the proposed development requires a deviation from current zoning? Will it be necessary to obtain a court ruling to uphold the county's own Plan?

Thank you for hearing the objections of the residents of our town. Please deny this Special Use permit, and affirm protection of the values that draw so many tourists and settlers to this place.

Best regards,
Narca Moore-Craig
Portal, AZ

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From: [Jackie Lewis](#)
To: [Kirschmann, Robert](#)
Cc: [English, Ann S](#)
Subject: Re: Special Use Permit Portal Arizona
Date: Sunday, February 28, 2021 1:42:37 PM

CAUTION: EXTERNAL EMAIL*

I forgot to add that although a grow house makes sense in our remote location that a dispensary does not. We do not have the population to support a dispensary. It makes me think that someone is trying to get into an area that they won't be regulated.

Jackie Lewis

From: "winjac12" <winjac12@vtc.net>
To: "RKirschmann" <RKirschmann@cochise.az.gov>
Cc: "aenglish" <aenglish@cochise.az.gov>
Sent: Sunday, February 28, 2021 12:48:25 PM
Subject: RE: Special Use Permit Portal Arizona

Dear Cochise County Planning and Zoning and Board of Supervisors,

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From: [Bob Rodrigues](#)
To: [Kirschmann, Robert](#)
Subject: Comments--Docket SU-000001
Date: Sunday, February 28, 2021 4:43:36 PM

CAUTION: EXTERNAL EMAIL*

Robert Kirschmann
Cochise County Planning Department
126 W. 5th Street
Benson, AZ 85602

RE: Docket SU21-000001 (Holmes)—request for Special Use Authorization

Dear Mr. Kirschmann,

We are against development of the proposed medical marijuana plant on Community Road in Portal Arizona. We do not foresee any benefits to the local Portal community by construction and operation of the marijuana facility, but we do foresee potential detrimental effects.

(1) It sounds like operation of the proposed development could require 70 people although the exact number was not clear. The Portal community is comprised primarily of retired people who are not looking for work. The approximately 70 people that will be required for operation of the development will have to come from outside the community and will not be providing employment benefits to the community.

(2) Traffic on local roads will be increased dramatically creating issues related to dust, noise, and congestion. Foothills and Community roads are primarily dirt and are ill equipped to handle the amount of traffic resulting from the proposed development. Portal has two or three stop signs and does not have a traffic light. Excessive traffic related to the development from folks outside the community could result in vehicles zooming around our streets at excessive speed, thus changing the dynamic of Portal's quiet, country atmosphere. We live on Foothills Road and excessive traffic would impact the quiet, rural atmosphere of our home.

(3) Portal is a small community with most tourist activities occurring in April and May when birders, naturalists, and hikers visit the area. The addition of a large workforce at the proposed development will change the dynamic of the community by increasing activity throughout the year which will have an undesirable impact on local residents and those visiting the area.

(4) We doubt that the proposed development will consume only 150 gallons of water per day as stated in the proposal. The proposal should contain a more realistic figure for water consumption. We already are surrounded by pecan orchards that are sucking water from the aquifer and do not need another major user added to our desert community.

(5) Lighting is an issue for astronomers in Sky Village who have been here for many years. Many are renowned in the field and continue to make astronomical discoveries. Light from the proposed development will negatively impact their activities.

(6) The property of the proposed development is zoned RU-4 which is a residential category. If the proposed development eventuates, it could be a stepping stone to further unwanted industrial development in our rural community. People who live in Portal came here for various reasons such as nature study, astronomy, and ranching in a rural setting. We are sure that most folks in Portal would like to maintain that rural setting which would be at risk from industrial development in the area.

(7) We have not been near a medical marijuana production facility but our understanding is that these facilities produce foul smelling fumes. Such air pollution would be undesirable. We are also concerned with other environmental impacts related to cultivation and processing such as waste and runoff. This project should go through the full EIS process before going any further.

Thank you for the opportunity to comment on this proposed activity.

Sincerely yours,

Robert and Marsha Rodrigues
brod410@gmailcom

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From: [Anne Hinnendael](#)
To: [Kirschmann, Robert](#)
Subject: Docket SU@I-000001 (Holmes)
Date: Sunday, February 28, 2021 4:46:53 PM

CAUTION: EXTERNAL EMAIL*

February 27, 2021

Mr. Kirschmann,

This letter is in regards to Jeffery John Holmes' Special Use Authorization application for a marijuana growing, processing, and dispensary.

RE: Docket SU21-000001 (Holmes)

As a home owner living 3.25 miles from the proposed facility, I strongly OPPOSE the proposal for reasons outlined below.

1. Water consumption and waste water and its environmental impact on the aquifer.

- According to applicant, he estimated water use to be 150 gallons/day. With staff at 50-70, more than 150 gallons of water will be used just to flush toilets. Also, Mr. Holmes multiplied 150 x12 instead of 365 days a year to calculate annual usage, a gross misrepresentation., annual usage would be 54,750 gallons just to flush toilets, he does not take into account the need to water his plants.
- The "White Paper: The Environmental impacts of the Marihuana Industry," September 17, 2018, Michigan Department of Environmental Quality and Marihuana Workgroup, states that 6 gallons of water are used per plant per day. 412,500 gallons of water are used per acre over the growing season. Also stated in this paper: " It does not recommend discharges of wastewater to groundwater via a septic system." It is illegal to discharge such wastewater to septic systems in the state of Michigan. The chemicals from solvents, pesticides, fungicides, and herbicides can destroy a septic system.

2. Traffic

- The increase in traffic with cars and trucks on S. Foothills Rd, the resulting dust, and the impact on the quality of the gravel road (S. Foothills Rd.) that is maintained by the county.
- Community Road is a mere dirt road with numerous washes crossing the road eroding the road every time it rains. There are no culverts.

3. Light Pollution

- How do you adequately secure a high risk building without lights? Even with exterior lamps that are "full shielding" the light from the high numbers of lamps that will be required for security will certainly add to the light pollution.

4. Odors

- Mendocino County in CA has banned cannabis cultivation. Stink is the Number 1 complaint.

In the New York Times article, "Dead Skunk Stench from Marijuana Farms Outrages Californians," December 19, 2018, Mike

From: [Shelli Vacca](#)
To: [Kirschmann, Robert](#)
Subject: RE: Docket SU21-000001 (Holmes)
Date: Sunday, February 28, 2021 4:50:10 PM

CAUTION: EXTERNAL EMAIL*

February 27, 2021

Mr. Kirschmann-

This letter is in regards to Jeffery John Holmes' Special Use Authorization application for a marijuana growing, processing, and dispensary. RE: Docket SU21-000001 (Holmes)

As a home owner living 3.25 miles from the proposed facility, I strongly OPPOSE the proposal as outlined below.

1. **Water** *The applicant says operations will use 150 gallons per day, 1,800 gallons per year. Interesting math. Let's try again. 150 gallons per day, 54,750 gallons per year. Total? Is that with 50 employees using water plus watering 9,000 sq. ft. grow rooms? Just flushing toilets daily would take 150 gallons. Many indoor, commercial marijuana grow facilities prefer to use water treated by reverse osmosis. Often RO systems create 4 gallons, more or less, of waste water per treated gallon. Will he be using RO water? If so, is that 150 gallons per day figure total pumped or just treated? If just treated, what will he do with potentially over 200,000 gallons per year of RO waste water? Put it into the septic system?*

This permit does not comply with County Comprehensive Plan, Article 18: Section 1716.02, Section J. Water Conservation The Special Use Authorization request complies with the water conservation policies in the County Comprehensive Plan.

2) Traffic and Roads

The applicant estimates 30% of the traffic will be west bound on Community Road and 70% east bound. Really? More coming along Community Road from the east that coming up from Portal or down from I10 via Foothills Rd.? Community Road to the east has wash crossings that can be problematic during rain. The estimate of 20 vehicles per day is not reasonable when considering the traffic of 50 employees, deliveries and shipment, refuse hauling, and enough customers to support a 3,000 sq. ft. dispensing room? =

The increase in traffic with cars and trucks on S. Foothills Rd, the resulting dust, and the impact on the quality of the gravel road (S. Foothills Rd.) that is maintained by the county will be immense and can not support a business that requires so much traffic and will lower the quality of life and property value along Portal and Foothills Road.

*This permit violates County Comprehensive Plan, Article 18: Section 1716.02, section E3. The applicant does not propose a method to address traffic and road issues. **AND***

I. Off-site Impacts Adequate measures have been taken to mitigate off-site impacts such as dust, smoke, noise, odors, lights, or storm water run-off.

*3) **Odors:** The applicant says "no odors expected". Many similar facilities have significant noxious odor problems necessitating ventilation systems with carbon filtration.*

Also: Mendocino County in CA has banned cannabis cultivation. Stink is the Number 1 complaint.

In the New York Times article, "Dead Skunk Stench from Marijuana Farms Outrages Californians," December 19, 2018, Mike Wondolowski, a resident of Carpinteria, CA states : "If someone is saying, 'Is it really that bad?' I'll go find a bunch of skunks and every evening I'll put them outside your window. It's brutal."

Applicant has not addressed sections H. Hazardous Materials Impacts from Special Use Authorization requests that may involve hazardous materials have been adequately mitigated.

AND Section I. : Off-site Impacts Adequate measures have been taken to mitigate off-site impacts such as dust, smoke, noise, odors, lights, or storm water run-off.

4) **Light:** He proposes lights every 20 feet around the 20,000 sq. ft. building. Portal is a no night light zone. One of the reasons people move to the area is for the dark sky viewing. I am sure the residents of the Arizona Sky Village community of 22 homes has addressed this issues in their comments.

5) **Safety**

The closest Sheriff support is an hour away in Douglas. The applicant claims that Portal Rescue will provide fire safety. Portal Rescue is all volunteer and is only licensed to put out vegetation fires and is not equipped to support a large business, nor should they even be called.

6) **Incompatibly with location and community:** Section G of the County Comprehensive Plan, Article 18: Section 1716.02, states:

“Public Input should be considered when reviewing this application. “If there is major public opposition to a proposed Special Use Authorization request, this may indicate that the technical evaluation regarding compatibility of the use does not concur with the view of local residents and a recommendation of denial may be appropriate.”

I know there is considerable opposition to this proposal from residents of Portal and Paradise and surrounding land, ranch and home owners. Our area attracts wildlife and birding enthusiast from all over the country and world. A large factory or farm of any kind is not compatible with our community of people.

A facility of this size needs to be closer to a community that provides the infrastructure required to support it: roads, sheriff, fire, waste disposal, increase lighting that does not affect the livelihood of the residents and where there is a population of workers that do not have to drive 30-70 miles to work.

In conclusion, this facility will lower my property value due to increased traffic, noise pollution, light pollution, reduced water and water quality, and also introducing hazardous waste into the air and water.

Sincerely,
Shelli Vacca
owner 402-22-017B
2281 S Foothills Road
PO Box 16213
Portal, AZ 85632

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Wondolowski, a resident of Carpentiera, CA states : "If someone is saying, 'Is it really that bad?' I'll go find a bunch of skunks and every evening I'll put them outside your window. It's brutal."

Finally, I am pretty shocked as to the quality of the application Mr. Holmes submitted. A 4th grader could have done a much better job filling out the application. His math, spelling, sentence construction and computer skills are abominable. Mr. Holmes states the 20,000 square foot proposed building would consist of several different rooms of a particular square footage. My math skills gave me a total of 28,960 sq.ft. not 20,000 sq.ft. Mr. Holmes does not show respect for the process or integrity by submitting a misleading proposal.

5. Safety

The closest Sheriff support is an hour away in Douglas. The applicant claims that Portal Rescue will provide fire safety. Portal Rescue is all volunteer and is only licensed to put out vegetation fires and is not equipped to support a large business, nor should they even be called.

It is of utmost importance that the Planning Commission weigh all the factors listed in the County Comprehensive Plan, Article 18: Section 1716.02, A-J, before making a decision. The application is in violation of Sections E3 Traffic and Roads, H and I Hazardous Materials and Off-site Impacts, and J, Excessive water usage which will effect surrounding homeowners.

This facility will lower my property value due to increased traffic, degradation of existing roads, noise pollution, light pollution, reduced water and water quality, and also introducing hazardous waste into the air and water.

Sincerely,
Anne Hinnendael
owner 402-22-017B
2281 S Foothills Road
PO Box 16213
Portal, AZ 85632

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From: [Petersen, Eskild A - \(eskild\)](#)
To: [Kirschmann, Robert](#)
Subject: Comments on Holmes SUA request Docket SU21-000001
Date: Sunday, February 28, 2021 4:53:43 PM

CAUTION: EXTERNAL EMAIL*

From Eskild A. Petersen MD, DTM&H
1282 W Creek Road
Portal, AZ 85632
Parcel # 40227012
Eskild@email.arizona.edu

Dear Members of the Cochise County Planning and Zoning Commission and Board of Supervisors,
I am writing to add my voice to those opposing the Special Use Authorization (SUA) request from Jeffrey J. Holmes for parcel 402-11-001, Docket SU21-000001.

- The SUA request is strangely deficient in numerous ways
- 1) The applicant despite wanting to build a marijuana growing facility apparently does not know how to spell to cannabis. Misspelled several ways but never correct.
 - 2) Fire Protection is listed as Portal Volunteer Fire. Portal Rescue and Fire provide services for wildland fires but not structural fires
 - 3) With 20-50 employees more than 1 acre of parking space alone is required. This is not addressed.
 - 4) Truck traffic on dirt roads create enormous amount of dust. Dust mitigation is not addressed
 - 5) Gallons used per day is listed as 150. Marijuana growing is a water intensive activity. 150 gallons a day is not even close to a true number
 - 6) How 150 gallons a day translates to 1800 gallons a year is a mystery
 - 7) No description of how light pollution will be mitigated.
 - 8) On odor containment the reply is: no *orders* expected

I am happy to find that in the County Planning and Zoning Document (revised July 9, 2020), section 1716.02, your emphasis is on the intent of Cochise County Comprehensive Plan goals and policies. The Plan values the “scenic view shed integrity” that has drawn hundreds of residents to the Portal area. Additionally, the area gets tens of thousands of visitors each year (over 10,000 visitors annually stop at the U.S. Forest Service Cave

Creek Visitor Information Center). Compliance with factor G, Public Input, refers to “major public opposition,” which is unarguably the case with this SUA request. The applicant has not addressed this opposition through a Citizen Review Process.

The proposed site is zoned RU-4. The Comprehensive Plan emphasizes the importance of the rural character of the county’s open space. Dark night skies are specifically mentioned. Sky Village, a housing development close to the proposed facility, is filled with people who chose to live there because of the dark night skies. Some kinds of agriculture are compatible with rural character. This proposed facility is not. It will glow at night. Greatly increased traffic will result in tremendous increases in dust. Even now, one can see the dust plume caused by a single pickup truck from several miles away. Telescope viewing will be affected by both light pollution and atmospheric dust. The SUA applicant is silent on how he will mitigate these detrimental effects on rural character.

We are not opposed on principal to industrial agriculture. It should be located, however, close to where the workers live to minimize the carbon footprint. There is not sufficient housing in or near Portal. Likewise, the retail aspect of the facility should be close to where customers live or travel. In other words, it should be near a developed population center, probably in an area designated for growth in the Comprehensive Plan. The applicant, perhaps lured by a low land price and the hope for abundant water, could hardly have picked a worse place for his proposed facility.

The Portal Community through the Chiricahua Regional Council has a track record of successfully defending the region from threats to its biological, environmental, and cultural integrity. If need be, we will muster the resources needed to ensure this track record stays intact.

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From: [Dirk Sigler](#)
To: [Kirschmann, Robert](#)
Subject: Community Rd Marijuana Operation
Date: Sunday, February 28, 2021 5:19:20 PM

CAUTION: EXTERNAL EMAIL*

Robert Kirschmann
Cochise County Department
of Planning and Zoning
Bisbee, AZ

Dear Mr Kirschmann,

As you are no doubt aware at this point, the opposition to the granting of a special use permit and the subsequent development on Community Rd in Portal is mounting.

The good citizens of Portal, AZ will not rest until this proposal is either denied, withdrawn or legally stopped. Why? Because it's a terrible fit with the character of the community. I've lived in Portal for 15 wonderful retired years. The quality of life here is incomparable. To add an industrial sized commercial operation (of any kind) to our area will have profound negative effects. Increases in traffic, water extraction, noise, employee housing etc. are very real concerns.

Small communities like ours with low levels of population, development and crime are vulnerable to disruption. That downside is at the core of the opposition to a commercial sized project like the one proposed.

I urge you to deny granting this special use permit and I look forward to the day when I can thank you in person.

Sincerely,
Dirk Sigler
2281 South Prairie Rd
Portal, AZ

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From: [Susan Dalby](#)
To: [Kirschmann, Robert](#)
Subject: meeting date March 10, 2021
Date: Sunday, February 28, 2021 5:32:12 PM
Attachments: [SU21-000001 \(Holmes\) PO letter.docx](#)

CAUTION: EXTERNAL EMAIL*

I strongly oppose the construction of a Marijuana plant near Portal.
Docket SU21-000001 (Holmes)

see attached signed form for details

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Mr. Robert Kirschmann
Planning, Zoning and Building Safety
126 W 5th Street - Suite 4
Benson AZ 85602
RKirschmann@cochise.az.gov

RE: Docket SU21-000001 (Holmes): application for Special Use Authorization to construct an indoor medical marijuana cultivation, packaging and dispensary.

Dear Mr. Kirschmann,

I am writing concerning Mr. Jeffrey John Holmes' application for SUA to construct and operate a medical marijuana facility on South Community Road, Portal AZ - parcel #402-11-001.

I (Carolyn Nordstrom) am owner and full time resident in Portal AZ, parcel #40222010B.

The proposed 20,000 sq ft facility and business would bring serious regional infrastructural, resource, economic, social, and environmental burdens.

I'll speak primarily to my area of expertise: as Professor Emeritus (recently retired) at the University of Notre Dame I taught, researched, and published extensively on global crime and economic development.

In my line of work this proposal raises numerous serious red flags.

First, the proposed business site is very near two borders: approximately 50 miles to the international border with Mexico and 8 miles to New Mexico.

- While borders are zones of opportunity, they are also exploited for the greater ease of illegal enterprise. Legal medical drug and supply business suffers a very high degree of illegal commerce worldwide.

(For extensive documentation see: C. Nordstrom, *Global Outlaws: Crime, Money, and Power in the Contemporary World*, University of California Press 2007; as well as numerous academic articles by same author, most available online at www.academia.edu).

- Given the rural and remote status of Portal, we have no local police force. The closest Sheriff's Departments are Douglas for Cochise County AZ (60 miles), and Lordsburg NM (52 miles). Border Patrol legal mandate is clearly defined in scope and BP presence in this region is a response to the high international illegal cross-border traffic in this area.

Second, the proposal contains contradictions:

- the proposal lists Jeffrey Holmes as the owner of the property, *and* it lists Barry M Webb as owner on the AZDHS Adult Use of Marijuana Program Documentation of Property Ownership form, notarized, with a letter authorizing Lola V LLC (J.J. Holmes, registered agent) to obtain Special Use zoning.

- Docket SU21-000001 (Holmes) says the applicant requests a SUA for “medical marijuana cultivation, packaging and dispensary.”

The proposal states business will include “3rd party purchased canaibus [sic] products for retail sale.”

Buying cannabis products for resale moves the business beyond agriculture zoning, expands to distribution level commerce - and substantially increases vehicle traffic, utilities etc, storage necessities, etc. beyond figures given in proposal.

Third, the author of the proposal doesn’t show a knowledge of this area or of the realities of running this business. For example:

- Holmes’ water estimates of 150 gallons a day might cover 20-50 workers and retail customers use of restrooms alone. Jain Irrigation (url: jainsusa.com) estimates .36 inches of water per day per cannabis plant.

This is not appropriate for the drought-plagued high desert and limited aquifers of the area, potentially dropping underground water levels below area home and business owner’s wells.

- The proposal author cites Portal Rescue as Fire Protection without knowing that we can not serve structural fires; we are a wildlands fire organization.

- The Portal area / Chiricahua Mountains are among the top most bio-diverse areas of the USA. This is central to Portal’s economy. This is fragile: factory-level commercial level activities will negatively impact the people Portal was built for - the ranchers, scientists, nature-tourists, Chiricahua National Forest/Wilderness caretakers, and the enterprises that sustain us.

- Community Road, the site of the proposed business, is a single lane dirt road deeply potholed and eroded. It is often impassible when wet:



The western terminus is Foothills Road, a county maintained dirt/gravel road. Foothills ends at Forest Road 42, the *only* paved road in Portal. The eastern terminus is the dirt road Whetten Dr. which crosses the state border into New Mexico.

left:
western
terminus



right:
Eastern
terminus



Is the county prepared for the continual road repair expenses commercial level traffic of 5000lb trucks and staff/customer vehicles entails for fragile dirt roads and a simple blacktop?

- **Fourth**, does the owner/agent of the proposed business have the expertise? The proposed medical marijuana enterprise is listed under LolaV LLC (apparently the first name of a relative of Mr. Holmes), and was created by Jeffrey Holmes in January 2021. A basic search shows one current enterprise for Jeffrey John Holmes: J&R27 Company INC (4402 W Southern Avenue, Laveen AZ) = the liquor store Reddy's Corner #9 (4402 W. Southern Avenue, Laveen AZ).

Online picture of this commercial business:



There is no apparent indication that the Owner / Agent of the proposed medical marijuana agricultural business has a background in agriculture, rural desert water usage, commerce involving primitive roadways, and sustainable economic development.

In sum: This proposed medical marijuana facility raises a number of serious red flag concerns.

It is situated in a high illegal international cross-border traffic area; with no local police force and sparse law enforcement; involves “3rd party purchased cannabis sales”; in a remote ecologically and economically vulnerable region; written with little to no understanding of the region and the demands of the proposed enterprise; and containing contradictory data in the proposal.

Respectfully submitted,

Carolyn Nordstrom
Professor Emeritus, University of Notre Dame
nordstrom.1@nd.edu
Portal AZ home and land owner parcel #40222010B

From: [debb johnson](#)
To: [Kirschmann, Robert](#)
Subject: comments for Special Use Docket SU21-000001 (Holmes)
Date: Sunday, February 28, 2021 8:24:18 PM
Attachments: [comments.pages](#)

CAUTION: EXTERNAL EMAIL*

Attached please find our comments **against** the Special Use permit for the Indoor Medical Marijuana cultivation, packaging and dispensary operation at 402-11-001.

This proposal is poorly written, researched and planned and we hope sincerely that the county will NOT allow this project to proceed. We've attached photos of Community Road that demonstrates that this single track dirt road is unsuitable for a commercial operation. Thank you for your consideration,
Debb and Bud Johnson

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From: [Barbara Ellis-Quinn](#)
To: [Kirschmann, Robert](#)
Subject: Comments concerning special use permit for cannabis grow farm near Portal
Date: Sunday, February 28, 2021 8:38:33 PM

CAUTION: EXTERNAL EMAIL*

Dear Robert Kirschmann,

This email is in regards to the special use permit application by Jeffrey John Holmes to build a marijuana grow facility in Portal, Arizona.

There are many reasons why this special use permit should not be issued and I will list them below.

1. This application is rife with spelling and grammatical errors and contradictions that any serious businessman would ensure are corrected before submitting such an important application. The most glaring example of this is the fact that every single time that the name of his intended product is spelled it is incorrect. He plans on growing cannabis yet he spelled it in three different and incorrect ways throughout the application: canibasis, canaibus, canabis. You would think that anyone serious enough to plan a large project like this would know how to spell the name of the product he is intending to produce.

2. Some contradictions or inconsistencies in application:

a. He states that there will be 20-50 employees at the location [from 11 a.m. to 5 p.m.](#) 7 days a week. But then, when discussing vehicular traffic at the site, he says that there will be about 20 trucks coming and going [from 6 a.m. to 6 p.m. Monday](#) through Friday. Does this not include the vehicles of the employees who will need to enter and leave every day.

b. At the very beginning of the application he asserts that 5 acres will be cleared and developed but then in several places later on in the application he states that he does not plan on clearing more than 1 acre. So which is it? A 23,000 + square foot building, a septic field and parking for employees and trucks entering and leaving the plant would probably take up at least 1 acre.

c. The applicant states that waste will be handled by Republic Waste Management. I would definitely want to check that this is actually possible because there really is no waste pickup in this area as far as I know. And from what I have read it is very important that marijuana waste products be handled correctly by a proper waster management firm.

3. Parts of application that appear to be incomplete (although maybe there are more details in the visual site plan which I do not have access to):

a. The application asks if there is already permanent legal access to the site. The applicants answer was "no". The application clearly states that zoning regulations say that no permit will be issued unless the site has permanent and direct access to a publicly maintained street. Then the applicant goes on to say that "My law firm will be addressing this as soon as we get approved". It seems to me that this is ignoring the requirement that there be access to the site "BEFORE" the permit is issued.

b. Regarding outdoor lighting: The application asks if there is to be outdoor lighting and the applicant states “Yes”. The application then goes on to ask how neighboring properties will be shielded from the effects of this light and asks for details. The applicant provides NO information here. This is exceedingly important since this facility is to be located very close to Portal’s Sky Village where people have built observatories to observe the night sky. This region is a recognized Dark Sky area and any light pollution would be very destructive to the study of astronomy locally. I know that even the few security porch lights that were on my house (2-3 miles away from the village) were a definite hindrance to the studies that the astronomers were doing. Thus, we replaced our lights with motion detector lights that only come on for a brief period of time after movement is detected. This should be the minimum requirement for any facility located near Sky Village.

c. The application asks how much water the applicant is planning on removing via a well each day. The answer is 150 gallons/day. For a marijuana grow facility that expects to have 9,000 square feet of growing space, which would mean many thousands of plants, this seems like a gross underestimate of water use. A study of marijuana production estimated that each plant requires 6 gallons of water for day or 412,500 gallons per acre. Given the 9,000 square feet of grow room space (about 0.2 acres) that would be 82,500 gallons of water per year which is significantly more than the 1,800 gallons listed in the application. Water is a precious resource for the people who already live in this area, most especially so to those neighbors within a few miles of this facility whose wells could run dry if this plant sucks up all of the ground water.

d. The application asks how the applicant plans on conserving water (in this very dry desert)? Here is the applicant’s almost unintelligible answer to that question: “We will be usinf a spray irrogation system to nurture the plants. We are also proposing a water recalation tank from irrogation system.”

These two sentences have multiple spelling errors and one is so wrong that it is hard to tell what he meant. Is he proposing a water “reclamation” system? It is impossible to tell from this very poorly written part of the application.

e. Regarding odors. The application asks if any odors will be produced and the applicant says that none are expected. However, I have read about other indoor grown cannabis facilities that gave off such terrible odors that their neighbors could open their windows or spend time enjoying their own yards. The applicant states that if there are odors he will have carbon filters. I am not convinced that this would solve the tremendous problems that I have read about. Other states have rules that indoor grow facilities such as this cannot be situated near any residential areas. I believe that this plant is much too close to Sky Village and other residents for that to be the case here.

Other objections:

a. People live in Portal because of its rural and non-commercial character. Having a large manufacturing plant so close to town is not something that I, and most of my Portal friends, would think of as a good idea at all. And the idea of having a marijuana dispensary (which will be selling third-party purchased cannabis???) is truly an anathema. Portal is a small rural place and I doubt that the applicant can make very much money through the retail sale of cannabis in this area.

b. If the main goal of this plant is to grow and export the dried cannabis then I don’t see how

this is a very good location. It is quite a distance from the I-10 freeway to the north (whether taking the dirt road to San Simon or going the longer paved way through Road Forks, NM). Wouldn't some land much closer to the freeway be a more ideal location? This fact actually makes me wonder if this is all going to be legal and above board.

c. The applicant states that this processing facility will be good for the area using these words: "The canaibus industry can have a positive economic impact on the surrounding communities by provide employment." (There's that grammar issue again!) There is only one surrounding community (Portal) and I am not sure how many residents here would be looking for employment in this industry. There might be a few but I sincerely doubt that he will be able to find 20, and no less 50, employees from the local area. Where are these employees going to come from? Who would want to commute from the larger communities nearby all of which are 35 or more miles away?

So overall I am urging that this special use permit not be issued.

Sincerely,

Barbara Ellis-Quinn
A concerned Portal resident

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Cochise County
Community Development
Planning, Zoning and Building Safety Division

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

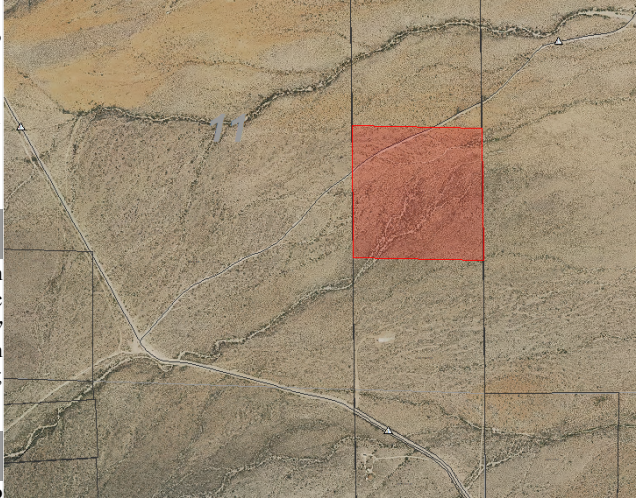
February 8,
 2021

Re: Docket SU21-000001
 (Holmes)

Dear Property Owner:

The Cochise County Planning and Zoning Commission hereby gives notice a public hearing will be held *virtually* at or after 4:00 p.m., on Wednesday, March 10, 2021; and

Due to



Community
 Road

health concerns related to COVID-19, the Board has suspended public group access to conference rooms located in County buildings. Members of the public who wish to attend these meetings remotely can call 520-432-9300 to obtain the conference phone number and ID. To comment on an agenda item, email Robert Kirschmann at rkirschmann@cochise.az.gov by 5 p.m. the day before the meeting. Please include the date of the meeting and the agenda item number, and your parcel number. There may be the possibility to make an in-person statement at the Planning Commission Hearing. Please contact Robert Kirschmann by March 11, 2021 at 5 p.m. for more information.

Docket SU21-000001 (Holmes)

The Applicant requests a Special Use Authorization to construct an indoor medical marijuana cultivation, packaging and dispensary located in an approximately 20,000 square foot building. The project is located on South Community Road, approximately 1/2 mile northeast of S Foothills Road, near Portal. The parcel number is identified as 402-11-001. The Applicant is Mr. Jeffery Holmes.

If the Commission approves the Docket, the Applicant must then obtain a building/use permit to establish the use and to construct the building. The permit application will be subject to review by County Departments such as Building Safety, Zoning, Health, Highways and Floodplain as well as any applicable State or Federal agencies.

You are hereby advised of this public hearing as an owner of property within 1,000 feet of the site where the Special Use is located. Written comments received by **5PM Monday March 1, 2021** will be included in the packet presented to the Planning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

For questions regarding this matter, please do not hesitate to contact the Community Development Department by phone at 520-432-9248 and by e-mail at rkirschmann@cochise.az.gov. Please note that occasionally dockets are removed from the agenda just prior to a meeting. It is recommended that you contact the Community Development Department to find out if this docket is still scheduled.

Best regards,

Robert

Kirschmann,

Planner

II

Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

YES, I SUPPORT THIS REQUEST

Please state your reasons:


- ① A business that employs qualified people is very important in this area. Not everyone in Portal is Retired with an external source of income.
- ② Because it is botanical it is a good fit with the other wildlife sciences in this area.
- ③ The people who oppose this do not want any change or growth in Portal. Portal's population is growing and this is not a practical reason to deny a little bit of progress.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): Steven W. Rogers

SIGNATURE(S): 

402-23-00128, 402-23-00194, 402-23-00193,

YOUR TAX PARCEL NUMBER: 402-23-001M7, 402-23-001N6
(the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by Monday March 1, 2021 will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

RETURN TO: Robert Kirschmann, Planner II

Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

February 28, 2021

Reference: Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

Dear Mr. Kirschmann,

We are writing you to let you know we **DO NOT** support the request for a medicinal marijuana plant to be built in or near Portal, Arizona.

As new homeowners in the Portal area we are alarmed that the main reason we chose Portal as our retirement home is now in jeopardy. We strongly feel the solitude and the ecotourism benefit of this rich natural area will be permanently altered in a negative way with the construction of this facility. Many folks in this area are retired and have chosen Portal as a place to enjoy bird watching and other wildlife, night sky viewing and overall, peaceful living. This area has the most diversity of wildlife species than any other place in North America. The Portal area and Chiricahua Mountains have and will continue to be a huge draw for bird watchers and other wildlife and nature enthusiasts. However, we would be greatly disappointed if that reputation were tarnished with this facility located so close. The location of this proposed medical marijuana business seems inappropriate considering the population make-up of the Portal area. As a dispensary, it seems this location is too remote to serve its targeted customer.

We've outlined our reasons for not supporting this project below:

- * Increased vehicle traffic on Portal Road. Our home is located off Portal Rd where we can still hear traffic as it goes by. We think this will only progress with this type of operation.
- * Increased light, noise, and odor pollution from the facility. This will certainly be an issue for those folks living along the Foothills Rd. (especially Sky Village--known for its astronomy buffs).
- * Potential of increased crime due to the nature of this business with limited law enforcement present or available to the area.
- * High volume of water usage by this facility may negatively impact homeowners in the area.

We hope you will see that this facility will not benefit this community and the people that live here.

Respectively,

Mike Boley & Rhonda Votino
152 W. Portal Road
Portal, Arizona 85632

Tax Parcel Number: 402-40-009C

Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

_____ YES, I SUPPORT THIS REQUEST

Please state your reasons:


NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

We are strongly opposed to this project because:

- it will attract crime and thereby create safety and security issues
 - Portal Fire Rescue is not qualified and equipped to handle structural fires
 - property values in the surroundings will decline
 - local infrastructure is not able to handle increased traffic and personnel
 - lighting and security lighting will interfere with dark skies essential to neighboring astronomers
 - Foothills Road is already a well established trafficking and smuggling route, this marijuana facility would exacerbate this already bad situation
- (Attach additional sheets, if necessary)

PRINT NAME(S): Meinrat O. Andreae, Tracey W. Andreae

SIGNATURE(S): 


YOUR TAX PARCEL NUMBER: 02 402-21-0174 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by **Monday March 1, 2021** will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

**In the Matter of Special Use Permit and Waiver Requests re:
Cannabis Production and Dispensary Facility near Portal, AZ
Parcel 402-11-001
Cochise County Docket #SU21-000001 (Holmes)**

The undersigned oppose the issuance of Waivers, permits and zoning variances and changes required to allow construction of the above-stated facility on Foothills Road, Cochise County near the Town of Portal.

While we are, in general, not against the construction of any legal business facility within the County, several issues specific to the choice of location raises questions as to the extent of studies performed to date and the assessment of economic and quality of life impact upon the immediate region and its residents.

We raise several issues of concern in this pleading. We feel all must be addressed, in detail, before we feel a final decision can be made as to the issuance of all requested permits and other legal necessities. Our concerns include, but are not limited to, the following specific topics:

Specific Requirements to Allow or Disapprove a Waiver Request

Cochise County provides specific factors that must be weighed in the determination of grant or dismissal of a Waiver request. To wit:

1716.02 Factors for or against a Proposed Special Use Authorization

The Planning Commission, and the Board of Supervisors if the Special Use Authorization request is appealed, shall consider the factors listed below in deciding whether or not to approve a Special Use Authorization request. Compliance or non-compliance with applicable Special Use Authorization factors serves as the basis for analyzing the Special Use Authorization request and determining factors in favor or factors against the Special Use Authorization request. The Special Use Authorization request factors represent policy decisions by the Planning Commission and the Board, reducing uncertainty concerning their probable response to a given request. No set of factors, however, can totally determine the acceptability of all land use proposals. A property owner who adequately demonstrates compliance with the intent of Comprehensive Plan goals and policies may receive approval in spite of non-compliance with any individual factor. **Conversely, a determination Revised July 9, 2020 111 that unusual circumstances exist or there is significant public protest pertaining to a Special Use Authorization request may result in a denial.** Most Special Use Authorizations have both factors in favor and factors against. In a specific Special Use Authorization request, an individual factor may weigh more heavily than other factors. All factors will be analyzed and balanced against other factors when making a recommendation. Compliance with applicable factors below constitutes factors in favor of the Special Use Authorization request:

.....G. Public Input

If there is major public opposition to a proposed Special Use Authorization request, this may indicate that the technical evaluation regarding compatibility of the use does not concur with the view of local residents and a recommendation of denial may be appropriate. If

public concerns have been raised, it is fair to ask if the Applicant has made a reasonable effort to address these concerns through the Citizen Review Process. If there is major public support of a proposed use, this may be a factor in favor of the request.

(To date, no such response to public concerns has been made by the applicant)

.....I. Off-site Impacts

Adequate measures have been taken to mitigate off-site impacts such as dust, smoke, noise, odors, lights, or storm water run-off.

(These topics have yet to be resolved to any extent whatsoever)

Therefore, at least 2 of the Ten Criteria that must be considered by County Law prior to issuance of a Special Use Permit have not been adequately discussed to date; much less resolved.

Light Trespass and Adherence to the County Regulations on Control of External Lighting

All residents of Arizona Sky Village and many residents of the Portal area have chosen to invest a cumulative amount measured in the tens of millions of dollars; perhaps more, in the development of a region suitable for astronomical purposes. A quick survey of the area will illustrate the large number of observatories off Foothills Road as well as within a radius of Portal, AZ. Many of these facilities represent a personal investment exceeding one million dollars for each instance. In addition, Grant monies have been provided by the Federal and various local and state governments to employ remote astronomical observing in the Portal Valley area across the country and beyond our national borders. Portal currently represents one of the few remaining truly dark sky sites in the continental US where such deployments are viable.

Dark skies are paramount to the continued use of these facilities. For example, the small "light dome" present from Lordsburg, NM, over 40 miles distant, already limits the astronomical work that can be performed in the northeasterly direction from the Portal region. The Portal region was chosen for its east to west dark skies and an emphasis on clarity. While the Lordsburg light dome is troubling, it was known from the beginning and the decision was made to proceed. Placing a major source of light twenty (20) times closer produces a lighting impact issue **400** times as great. Or, worse. There is far less atmosphere to absorb the light and disperse it as there would be from a distant source. The intensity of a light source falls to the square of the distance so 400x is not an exaggeration. It likely underestimates it.

Let's consider the construction of indoor cannabis facilities: The goal is to utilize as much daytime sunlight as possible to increase the indoor temperatures and provide the necessary light energy for plant growth. It is, in effect a nursery. But, unlike conventional greenhouses, intense light is internally supplemented at night and during shorter growing days and that light escapes through the rooftop glass. Once visible light energy is emitted, it is reflected and scattered by the local dust conditions. While the dust is usually not an issue for astronomy, it does create an intense light dome that encompasses the entire region. Cannabis facilities operate 24/7 and force crop growth through extreme light, heat, water and other factors. This is done to maximize profit and output and generate a chemically-strong product (THC content).

Now let's consider what the County has provided to the residents and what the county, to date, has demanded: Very strict lighting ordinances were created and are enforced in Cochise County. These ordinances protect professional and amateur astronomy alike. They also protect the environment for birds and other wildlife that is the backbone of the local Portal economy through hiking, bird watching, and the specifics of migratory routes birds take through the region. Residents that built in the area did so with under the implied covenant of good faith¹, with the County, that the skies would be protected. While statements can be made that light egress will be controlled, we all know that waivers will be granted if the facility is built. Such waivers might be on the grounds of security or expense of mechanical control methods. It is best to not get into a situation of light trespass that cannot or will not be resolved in the future.

With regard to the bird population of the region – and Portal is the #1 birding site in the US; an honor and source of revenue for the region that must be protected – there are serious and unanswered questions regarding the safety of the environment concerning potential impact upon wildlife with regard to the disposal of plant materials containing pesticides and other chemicals. The Audubon Society succinctly outlines the risk in a direct and concise article on the topic.² Other towns have found out too late and now regret their issuance of permits, zoning variances, and special use permits due to the impact upon the environment.³

Furthermore, it is simply not possible to state that lighting ordinances have not been enforced. Several residents of ASV have had to modify and limit outdoor light beyond that they deemed appropriate by the County Inspector. Selective enforcement of a policy would be unacceptable and would qualify as favoritism towards one entity over others.

The impact upon property values in the area will be a seriously-degraded residence resale valuation and taxable valuation by the construction of such a facility on the basis of the lost natural resource of dark skies. There has been no study of the impact to property values; this must be completed. In discussions with one realtor, we have learned that a parcel adjacent to the proposed facility has already lost an interested purchaser; the loss was incurred when the realtor informed the interested party of the proposed facility. Within Arizona Sky Village, 2.1 miles from the proposed facility, it has been estimated that property values will fall by 50% or more.

Electric Power / Utilities Demands

To date, we have not been provided with sufficient reports of study as to the impact upon the electric grid in the Portal area. There have been no statements or detailed studies made publicly available indicating the estimated energy required to produce the source of heat and intense light that will come from the current grid. The Portal area already experiences substantial power outages. The region lies at the outer extremes of energy providers and outages amounting to days are not uncommon. Studies

¹ **Arizona law** supports the proposition that every contract includes **an implied covenant of good faith and fair dealing**. This covenant, or duty, requires that the parties to a contract implicitly agree to act in good faith and deal fairly with the other. The County enters a contract with landowners when construction of a building or facility takes place. When Arizona Sky Village was approved by the County, residents of ASV agreed to strict, county-wide lighting ordinance enforcement. When development of the subdivision and construction of residence and astronomical facilities was approved by the County, a 2-way contract was effectively entered into between the County and the residents.

² See: <https://www.audubon.org/magazine/spring-2020/this-brutal-pesticide-creates-circle-death-so-why>

³ <https://calcoastnews.com/2019/03/marijuana-cultivation-is-a-bad-fit-for-york-mountain-in-templeton/>

have shown that indoor farming of cannabis crop consumes immense levels of energy at time. Any improvement of the grid should be borne by the permitted party; not the current consumers and businesses in the area. Simply charging the permitted party for the cost of the “last 100 yards” of power to the facility from the local line is insufficient; they must be responsible for all costs associated with improving the lines to the region from the point of distribution. The residents of the region should not be forced to accept further reduced reliability due to additional stress on current transmission lines and they should certainly not be asked to pay for improvements to improve the transmission lines through increased utility bills or surcharges.

According to one study, power use for a 5000sq ft facility near Boulder, CO consumed 41.8MW hours per month while the average household consumes under 0.4MW hours / month during the hottest months of the year.⁴ This demand would occur along a transmission line that was constructed for rural use. The proposed facility is 4 times that size: 20,000 square feet.

At a minimum, a full study of the impact of the facility upon the current local grid, the cost to upgrade the grid, the carbon footprint created by the facility, the environmental impact caused, and, above, all, the estimated increase in power outages and related issues to the current residents must be fully explored and reported. Until such study is complete and addressed, the request should be tabled.

To be noted, the Portland, OR region experienced multiple power outages directly tied to cannabis production facilities.⁵ Furthermore, Denver has observed a huge increase in total power consumption directly linked to indoor cannabis production facilities.⁶ To put in simply: All of our electric power conservation efforts through the use of efficient lighting and other means is more than nullified by the construction of a single cannabis facility in our locale. This comes at a time where residents and consumers will also continue to shift to electric vehicles that also place more demand upon the grid.

All of this must be fully studied, and public hearings should follow to allow full consumption of the data by the affected residents of the regions and allow further time for public reaction and comment.

Impact Upon Law Enforcement and Medical Facilities

The Portal area has essentially no law enforcement footprint. While studies indicate that crime does increase surrounding the facilities. The product represents a high value target, dispensaries, of which the proposed location would constitute a dispensary as well as a production facility, create an inviting climate for violent crime. The amount of cash and product on hand amplifies the risk. Facilities of this nature are ranked as high crime potential risks similar to jewelry stores and other high value targets. The region does not have sufficient law enforcement to take on the additional burden. Nor should the taxpayers of the region be asked to pay for the additional expense of such needs and demands. Building a facility in a rural site only increases the possibility of crimes of theft – violent and otherwise – all that require law enforcement intervention.

Due to current Federal law, the proposed business will operate on a cash basis. The applicant has stated that they will employ private security at their facility. The risks of operating a cash business, with limited

⁴ See: <https://www.ncsl.org/research/energy/electricity-use-in-marijuana-production.aspx>

⁵ See: https://www.oregonlive.com/marijuana/2015/11/marijuana_grows_cause_power_bl.html

⁶ See: <https://www.denverpost.com/2015/07/01/marijuana-growing-spikes-denver-electric-demand-challenges-clean-power-plan/>

or no law enforcement, is understood by the insurance industry.⁷ Having private security at the facility does nothing to protect the residents of the surrounding area and current law enforcement to protect the tax-paying residents of the Portal area is essentially non-existent.

There are some that state that crime is reduced near Cannabis production and dispensary facilities; this is simply not true. Studies in Colorado indicate that crime does increase; the increase has been reported to range from 26% to well over 1400%.⁸ The topic of crime surrounding grow, distribute and sell facilities is well reported and must be a consideration to the surrounding population; particularly when the region effectively has zero law enforcement at present.⁹

The second issue is that of limited medical resources. A facility operating with 50-100 employees is not without medical / accident risk. The Portal area has extremely limited medical services. The local community support these facilities and the often-volunteer workers that enhance the underserved need that exists. Adding burden to these services without substantial reimbursement is a disservice to the community at large. The applicant indicated that he would rely upon Portal Fire and Rescue. This indicates a complete lack of understanding of the extent of facilities Portal Fire and Rescue can provide: They are currently stressed to provide for the residential population of the Portal area. They consist of a primarily-volunteer staff. They are also substantially funded by donations and fund-raising events. Fire control consists of containment; if a structure is engulfed in flames, attempts will only be made to ensure that occupants have been evacuated and the fire does not extend to other structure, if possible, and keep the fire from igniting surrounding areas.

The issue of Law Enforcement future needs and cost as well as the impact upon the feeble Emergency Medical Tech services currently available must be fully studied and reported upon prior to any decision by the County to proceed with permitting construction of the facility and modification of zoning requirements to allow it to proceed. These need to be reviewed in public hearings.

Lack of Road Infrastructure

The proposed facility is off Foothill Rd northeast of Portal by a few miles and north of the Arizona Sky Village development that lies just south of the proposed location. Foothills road is dirt and gravel; it is undeveloped and suitable for the residents. It is not suitable for larger amounts of traffic including that of cannabis shipments from the facility and public traffic for sales from the dispensary. The road will require improvements. If the facility is approved, all cost to improve the road should be borne by the facility. Taxpayers should not have to take on the cost burden of a hard surface road that would, otherwise, not be necessary.

Furthermore, the road may become impassible during period of rain. It is not uncommon for the road to be closed at the wash just north of Portal Rd for several days when rains occur. It is simply not practical to improve the road at the wash site. Local residents prepare for that inevitability. But, we have also observed visitors and tourists that have attempted to cross the wash with disastrous results. Rescues have had to be made. Couple the draw of a dispensary to the rudimentary road and those issues will multiply; perhaps 10 fold or more.

⁷ See: https://content.naic.org/cipr_topics/topic_cannabis_and_insurance.htm

⁸ See: <https://thecrimereport.org/2019/02/19/do-marijuana-dispensaries-cause-rise-in-crime/>

⁹ <https://phys.org/news/2017-04-legal-marijuana-property-crime.html>

The direct route to I-10 heading north on Foothills is also not a solution. The road is minimally maintained, local residents rarely use it due to issues with flat tires, etc. It does not constitute a reliable shipping and delivery route for the proposed factory.

A full study of the impact upon current roads and future needs to support the facility must be undertaken prior to approval of the request.

Environmental Impact

The impact of increased power demand and the impact upon the environment from a power generation standpoint has been discussed elsewhere. Cannabis facilities have a second, large environmental impact: The odor that is produced is intense and overwhelming in some cases. An example is that of the Green Dragon in Denver. Driving within a couple miles of the facility will allow a motorist to sample the odor of cannabis production. Despite the often intense odor that many find offensive, facilities such as that in Denver operate because they were constructed in areas already zoned for industrial use. That is not the case for the proposed facility near Portal. From the proposed facility, the terrain generally continues to drop in altitude until one gets to Portal itself. The average altitude is roughly 4800 feet AMSL. The terrain then abruptly increases to approximately 9500 feet; thereby trapping atmospherically, any smoke or other factors of pollution in the air. The proposed facility will emit strong odors. That is not in question. That odor will, however, on many days of the year, travel towards Portal where it will be constrained by the mountains. The “washing” of the air occurs slowly and the residents south of the proposed facility will have to deal with the smell on a regular basis. The residents moved to this region to preserve the natural beauty. The air quality is one aspect of natural beauty. Unless it can be proven that the smell will not linger or affect any of the residents, the facility should not be approved. One only has to go back to the latest regional forest fire to understand how the particulate matter and contained odors are retained in the region for extended periods of time.

At a minimum, a full study of the air flow, potential impact of produced odor upon the residents, and the impact upon future market values must be undertaken before any decision can be made for permitting the proposed facility.

In addition, we feel the demand upon the water table and water use estimates have been grossly understated. **Full disclosure of water use analysis, present day and should expansion occur, must be provided to the Portal area residents so that we may fully understand the impact of this limited resource.**

Tax Base and Necessity

It is assumed the County is entertaining the waiver to allow the construction of the facility for economic reasons. The facility should produce additional tax revenue. But, that comes at a price as discussed in earlier topics.

The revenue to Cochise County may be welcomed overall. We are not blocking the construction of a facility somewhere well-placed within the County; we are simply stating that the current choice, made at the convenience of a landowner to utilize existing property, does not constitute warranting action to allow the facility to be permitted, zoned, and built. There are numerous locations within the county where the road infrastructure is far more suited for such a facility. Furthermore, power grid distribution exists within the county that would support the facility. A location near Douglas would provide power, roads, employees with housing, adequate law enforcement and medical availability, and airflow to reduce the impact upon the local community. Likewise, transportation and power is prevalent in the I-

10 corridor in the northern part of the County. Either location can provide sufficient land at reasonable cost and reduce the burden upon the existing infrastructure systems.

Other, more appropriate locations exist within Cochise County that would allow for a more harmonious source of tax revenue for the County from the emerging industry of cannabis production.

With regard to the current site, the landowner, and the request for use, an argument of necessity is without merit. While many supported the increased use of groundwater by a new pecan orchard – a topic of concern by us in this action as well and of which we feel the current response is also inadequate – that facility does not affect the power grid, the need for additional law enforcement, the environment including odor, or light trespass. It represented a balanced tradeoff of issues and granting of the permits was approved. In the current case, the site was chosen solely for the profit of a single landowner with the enticement of potential tax income to the County and the State. The residents receive little to no overall benefit from its allowance. To the contrary, the region will be negatively impacted by the allowance of the facility in the many enumerated ways indicated within this submission and the many others the County will receive in opposition. **If this were the only property available, or the property had some unique characteristic that could not be duplicated or enhanced upon elsewhere in the County, the request might hold merit. It does not. It is far from a perfect site. Much better sites exist within the County.** Sites that will not affect property values, the current quality of life for the Portal area residents, and negative environmental impact.

Concluding Statement

Protection of the current environment, the quality of life for the residents of the Portal region, the effect upon land value and future tax base, and many other factors suggest this application should be denied.

Finally, the application for waiver is deficient in one or more of the topics raised in this pleading and comment. The applicant specifically states that he does not yet have a report from an engineering firm indicating the total impact upon the region and that it will be forthcoming. Comparing this applicants Special Use Permit to those for similar operations, it is woefully deficient of any professional engineering studies and details regarding construction and operation of the facility.

Via electronic transmittal and filing,

Gregory J and Victoria M Buchwald
Residence and Parcel Number 4022102301

From: [Kent Smith](#)
To: [Kirschmann, Robert](#)
Cc: [Helen Snyder](#)
Subject: Concern regarding marijuana operation near Arizona Sky Village
Date: Monday, March 1, 2021 8:19:43 AM

CAUTION: EXTERNAL EMAIL*

Dear Sir:

I am presently considering the purchase of a lot in the Arizona Sky Village development, for the purposes of building a home and observatory for astronomical observations. I am a serious amateur astronomer, and have conducted a search of many sites in the western United States for my new home.

Southeastern Arizona and Arizona Sky Village in particular have uniquely pristine dark skies, a resource that cannot be underestimated in its future value. There simply are few remaining places to see the Milky Way in its true splendor. ASV has received worldwide press coverage as a result.

The proposed marijuana growing operation within 2 miles of the ASV neighborhood threatens the value of that site for astronomical purposes. The lights from the commercial operation that is proposed would cause great damage to the quality of the dark sky, a resource that would be lost forever.

If this commercial operation is approved I will unfortunately have to cancel my interest in purchasing and building on the lot at Arizona Sky Village.

I hope you will take these matters into consideration as you make your decision

Respectfully,

Kent S Smith

955 Golden Way
Los Altos, California, 94024
smithkent@mac.com

Sent from my iPad

This E-mail is from an EXTERNAL address. DO NOT click on links or open attachments unless you trust the sender and know the content is safe. If you suspect this message to be phishing, please report it using the Phish Alert Button at the top of the email, or forward to cochise.az.gov@missedspam.com<<mailto:cochise.az.gov@missedspam.com>> or contact IT support at 520-432-8301.

From: [Helen Snyder](#)
To: [Kent Smith](#)
Cc: [Kirschmann, Robert](#)
Subject: Re: Concern regarding marijuana operation near Arizona Sky Village
Date: Monday, March 1, 2021 8:22:35 AM

CAUTION: EXTERNAL EMAIL*

I think it's perfect! Pow. Send it.

On Mon, Mar 1, 2021 at 8:19 AM Kent Smith <smithkent@mac.com> wrote:

Dear Sir:

I am presently considering the purchase of a lot in the Arizona Sky Village development, for the purposes of building a home and observatory for astronomical observations. I am a serious amateur astronomer, and have conducted a search of many sites in the western United States for my new home.

Southeastern Arizona and Arizona Sky Village in particular have uniquely pristine dark skies, a resource that cannot be underestimated in its future value. There simply are few remaining places to see the Milky Way in its true splendor. ASV has received worldwide press coverage as a result.

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I hope you will take these matters into consideration as you make your decision

Respectfully,

Kent S Smith

955 Golden Way
Los Altos, California, 94024
smithkent@mac.com

Sent from my iPad

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Helen Snyder, Associate Broker, e-Pro
Everett J Jones Real Estate, Inc.
www.portalazrealestate.com
520-558-2413 office

520-559-6214 cell

This E-mail is from an **EXTERNAL** address. **DO NOT click on links or open attachments unless you trust the sender and know the content is safe.** If you suspect this message to be phishing, please report it using the Phish Alert Button at the top of the email, or forward to cochise.az.gov@missedspam.com or contact IT support at 520-432-8301.

Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

See letter (attached pdf)

(Attach additional sheets, if necessary)

PRINT NAME(S):

Susan Leskiw + Tom Leskiw

SIGNATURE(S):

Susan Leskiw
Tom Leskiw

YOUR TAX PARCEL NUMBER:

N/A

(the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by **Monday March 1, 2021** will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

February 28, 2021

Robert Kirschmann, Planner II

Cochise County Planning Department

125 W 5th St

Benson AZ 85602

Comments AGAINST Docket SU21-000001 (Holmes), scheduled for hearing at a March 10, 2021 public hearing of the Cochise County Planning & Zoning Commission

We reside in Humboldt County, California, which is famous for its long history of marijuana growing. We have provided public comments on that County's recreational and medicinal cannabis regulations in general, as well as on individual cannabis project applications. We have an interest in the Portal, Arizona project because we formerly owned a second house in Hereford/Palominas (Cochise County), which we sold in 2017.

We are generally in favor of legitimate cannabis enterprises, provided that any adverse impacts can be mitigated. However, this application contains very little information about the project. In our opinion, there are not enough details to allow the Cochise County Planning & Zoning Commission to fully consider the project and reach an informed decision.

Jeffrey John Holmes is applying for a Special Use Permit to grow 9,000 square feet of indoor medical marijuana near Portal, by erecting a 20,000-square-foot metal building that would provide space for growing, processing, packaging, and dispensing cannabis products to the public.

Our initial reaction to Mr. Holmes' application is that it is very sloppily written (e.g., misspellings, missing words, words that are undecipherable because they are beyond the margins of the form, math errors). For instance,

“cannabis” is misspelled four different ways – all incorrectly -- in his application!

Our comments will follow the pagination of the application, rather than beginning with what we deem to be its most important shortfalls.

1. On page 1, the applicant states that he will clear and develop 5 acres of the 41.72-acre parcel. However, on pages 8 and 9, he states that only 1 acre will be cleared.
2. On page 3, the applicant fails to quantify any local positive economic effect. Later in the document, he refers to 20 to 50 employees, but does not describe their tasks, wages, or full-time equivalents. Neither does he project tax revenues from sales at his dispensary.
3. Also on page 3, the applicant makes a sweeping statement that “indoor grows have a minimal impact on the surrounding landscape.” Some environmental impacts that should be discussed by the applicant are: water requirements and supply; artificial light in a dark sky area noted by astronomers; energy requirements (both electric and propane) by indoor grows; traffic from employees and customers; and disposal of sewage, plant waste, and hazardous chemicals.
4. On page 4, very important information about the components of the business, for which the applicant gives square foot allocations, is cut off. The applicant’s answer to the question about the consistency of his proposed use with current zoning does not make sense: how does a 20,000-square-foot business that includes retail equate to a reply of “Yes, it is rural”?
5. On page 5, it is unclear what the days and hours of operation listed by the applicant cover. Are they referring solely to the retail portion of the business? On page 6, the applicant says most of the traffic will be at 6 am and 6 pm Monday through Friday. Is this when the workers tending, processing, and packaging the cannabis will be arriving and leaving work (12-hour days)? How far are these employees commuting?
6. Also on page 5, the applicant states that there will be 20 employees initially, with 50 in the future. This does not match up with his estimated number of 20 vehicles entering and leaving the site daily.

That would mean NO customer traffic and does not take into account increased traffic if staff levels are expanded.

7. Page 6 contains some of the most puzzling information. The applicant claims that estimated water use is only 150 gallons per day for 9,000 square feet of grow rooms. [For comparison, a cannabis plan that we submitted written comments on in Humboldt County proposed to use 4,000 to 4,500 gallons per day to support 10,000 square feet of indoor cannabis, for a total annual water withdrawal of 1.46 to 1.64 million gallons. It should be noted that the Humboldt project was for cannabis grown in greenhouses, which use more water than metal building grow rooms.] The applicant continues by stating that his project will use only 1,800 gallons of water per year! (If that is the case, why does he need to drill a likely deep, expensive well, when a couple of water truck deliveries a week could fulfill his needs?) Even if his stated consumption of 150 gallons per day is correct, 1,800 gallons per year would cover ONLY 12 DAYS of plant watering! Something is seriously wrong with the applicant's water use projections. He also does not state whether those numbers include water needed for bathrooms for workers and customers and for processing and cleaning the cannabis grown on site. (In fact, his "sketch" of the proposed facility layout does not include a bathroom.) Groundwater overdraft is a serious problem in Cochise County and can lead to ground subsidence. Realistic usage numbers need to be calculated, in order to evaluate the impacts of this project. The applicant could be required to install a tamper-resistant water meter and report usage on a monthly (or quarterly, or whatever frequency is most useful) basis, in order to develop a baseline that is critical to evaluate future cannabis projects.
8. Also on page 6, the applicant is stating that he will wait to do anything about obtaining permanent legal access to his parcel until after he receives approval from the Planning & Zoning Commission. This delay seems to be against the County zoning regulations printed on page 6. There also is crucial information about his planned septic system that is cut off on the application form.

9. On page 7, the applicant states that he needs approval for a well. Isn't the applicant required to prove in advance of his public hearing that he has sufficient water supply to support his project, without adversely affecting the surrounding environment?
10. On page 8, the applicant states he does not "expect orders [sic]," but our Humboldt County driving experiences inform us that indoor grows can be smelled for considerable distances.
11. On page 10, what is a "water recalculation tank" that the applicant proposes to use? He also states that hazardous or dangerous materials will not be used. Besides "trim" left over from cannabis processing, what about liquid fertilizers and fungicides to grow the plants? Will mouse/rat poisons be deployed?
12. Regarding the applicant's building diagram, is there proper setback from the County road (Community)? It appears to be only 20 feet. Also, the parking area is only 100 feet wide, not enough to accommodate vehicles belonging to the initial staff level of 20, let alone customers and a potential higher staff number of 50. Is the lot to be paved? Is ADA access required to enter the building? Given the cash nature of this business, a surrounding fence would be required, the extent of which is not drawn on the diagram. Is there proper separation between the well and the leach field, if the site's substrate is porous limestone? There appears to be about 125 feet between the two on the diagram.
13. The applicant does not mention many aspects that should be discussed, such as light pollution from exterior lighting (requirements to use shielded, downward-facing, LED, etc), energy usage (need and location for a new electrical transmission line, projected amount of electricity and propane to be used), wear-and-tear (and dust) from what aerial photos and maps indicate is a gravel road (Community), the probability of flooding from the series of arroyos that aerial photos show confluencing near the western property line, exterior fencing (type, location?), security measures, number of harvest cycles per year, possible effects on wildlife, etc.

14. The information packet forwarded to me on February 25 by Mr. Kirschmann did not include some items on the Required Submittal list: a Citizen Review Report, a Hazardous or Polluting Materials attachment (which the applicant says is not necessary, but we have given reasons that it should be), and Outdoor Lighting manufacturer's specifications.

In summary, the applicant's sloppy and short descriptions of the impacts of this project in Portal – an area beloved by both naturalists and astronomers – should result in the Cochise County Planning & Zoning Commission denying his Application for a Special Use Permit.

We also suggest that -- as has been done in Humboldt -- Cochise County create a separate, targeted form for evaluating cannabis projects, rather than handling them via the standard form used to evaluate other special uses.

Susan & Tom Leskiw, 155 Kara Ln, McKinleyville CA 95519;
sueleskiw1@gmail.com; 707-442-5444

From: [Wynne Brown](#)
To: [Kirschmann, Robert](#)
Subject: Comment on proposed marijuana grow/retail facility near Portal
Date: Monday, March 1, 2021 10:04:16 AM

CAUTION: EXTERNAL EMAIL*

To the Cochise County Supervisors and Members of the Planning and Zoning Commission,

I am writing to oppose the Special Use Authorization request from Jeffrey J. Holmes for parcel 402-11-001, Docket SU21-000001.

I have been a resident, property owner, and/or frequent visitor to the Portal area since 1972. In addition, as co-editor of the award-winning 2019 book, *Cave Creek Canyon: Revealing the Heart of Arizona's Chiricahua Mountains*, I'm keenly aware of the cultural, ecological, economic, and recreational value of this global treasure.

I am certainly in favor of increasing employment opportunities in Cochise County, and I support the careful use of marijuana, either medically or recreationally.

However, Portal is the wrong place for a marijuana-grow operation for the following reasons:

ater

The facility will use a great deal more of this dwindling commodity than stated in the application.

ccess

The Portal-San Simon Road is not paved, and the increased traffic to the retail center will raise a huge amount of dust. County officials may remember the Interstate 10 pile-up that resulted from irresponsible clearing several years ago.

ark skies

Astronomers come from around the world to do research and watch the night skies from Portal. Cannabis-growing operations often run their lights 24/7. As you know, Arizona Sky Village is a world-famous community filled with science professionals who moved here specifically for the dark skies. The increased dust will also affect the ability of astronomers to use their telescopes.

law enforcement

Marijuana retail centers are cash-only. Is the County prepared to handle the likelihood of increased crime in this rural remote area?

re protection

Those 24/7 lights can be a frequent source of ignition. Portal Rescue is an all-volunteer organization and is trained for wildland fires. They are neither trained nor equipped to handle structure fires.

conomic impact

Almost 11,000 visitors come to Portal annually for its scenic and biological qualities – in keeping with County Planning and Zoning Document (revised July 9, 2020), section 1716.02,

that states the intent of Cochise County Comprehensive Plan is to value the “scenic view shed integrity.” The infrastructure, lights, and stench associated with the proposed project all fly in the face of this intent.

ousing

Portal has no housing for the workers in this facility, which would lead to yet more unsustainable traffic.

And, finally, the application for this project is a sloppily thrown-together document in which even the word “cannabis” is spelled three different ways – none of them correctly. If applicants can’t be bothered having a vital document proofread, can they be trusted to safely manage a facility of this size and complexity with its 20-50 employees?

Please deny this Special Use permit, and defend the values that make this place so very Special.

Thank you for the opportunity to comment – and for all the good work you do!

Wynne Brown

Tucson, Arizona

.....
.....

Wynne Brown (she/her/hers)

Read about my latest research on Sara Lemmon [here](#).

- Freelance writer/editor/designer
- Co-editor and designer

*[Cave Creek Canyon: Revealing the Heart of Arizona's Chiricahua Mountains](#) - **Second Edition!***

Publication of the Year: Public Lands Alliance

Best Published Nonfiction Book: Arizona Authors Association

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Finalist: Best Anthology: New Mexico/Arizona Book Awards

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[More Than Petticoats: Remarkable Arizona Women](#)

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[Falcon Guide to Trail Riding Arizona](#)

- Poet

[Spilled: A Collection by the Dry River Poets](#)

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Just North of Paradise (blog): wordpress.com

.....
.....

Deborah Hillyard
2401 South Rock House Road
APN 402-25-007-7
P.O. Box 16233
Portal, AZ 85632

February 28, 2021

Mr. Robert Kirschmann
Planner II
Cochise County Community Development Department

Re: Docket SU21-000001 (Holmes), Parcel Number 402-11-001

Dear Mr. Kirschmann:

I have a number of concerns regarding the application for a Special Use Authorization for a medical marijuana cultivation, packaging and dispensary. Using the information submitted by the applicant and provided to the public by the County, it would appear that the proposed project is not consistent with a number of current Cochise County Zoning Regulations, and would warrant denial.

General Comments

The application itself had numerous inconsistencies and errors which made it difficult to understand and evaluate. Additionally, not all information required by Section 1705.07 and 1705.08 was included in the application materials released to the public, and the site plan is lacking significant detail. The application states that in some cases, a concept plan may be submitted in lieu of a detailed site plan; however, whether it is considered a concept plan or site plan, it lacks sufficient detail to adequately evaluate the project. Pages additional to the 10 page application are not numbered, and both aerial photos are labeled identically.

Lack of clarity regarding the actual size of the facilities and all improvements hinders the ability to determine whether the proposal meets the County's Zoning Regulations. For example, the applicant states that the building will be "approximately" 20,000 square feet, yet the individual square footage attributed to grow rooms (9,000 square feet), various designated spaces (14,000 square feet for those), which totals 23,000 square feet, does not include an additional undesignated square footage for "security/safe room and miscellaneous" identified on the application. There are no elevations, nor any indication of height of structures. In the absence of detailed site plans, it is impossible to determine the additional square footage which would be required for parking (the second aerial photo indicates there will be only 30 spaces for 50 prospective employees), roads, driveways, utility installation, septic/leach fields (including space for 100% expansion), as well as footprints of facilities for handling run-off and fire-safe planning (two elements which should also be required of this proposed project). These site improvements would likely add an additional 30,000 to 50,000 square feet of developed facilities, and a larger footprint of vegetation clearance once grading and construction staging requirements are added.

The site is zoned RU4, which is regulated under Article 6; and since the proposed use is not one of the numerous permitted principal uses identified in 603, this project requires a Special Use Permit. Section 607 spells out uses which require a Special Use Permit. Sections 607.52 through 607.54 identifies three classes of Medical Marijuana Dispensary and/or Cultivation Facilities which are allowable in RU-4 and greater, subject to site development standards in Article 18. It is not clear which Section this project would come under, presumable 607.54. Per Section 607, the overall approval criteria for any project

proposed in RU-4 are spelled out in Article 17. My comments are in the context of these Zoning Regulations.

Of note is that the County's Zoning Regulations apply to Medical Marijuana; recreational use of marijuana was recently legalized in Arizona, and while there is no clear mechanism for the County to approve a Recreational Marijuana Dispensary Cultivation Facility, there is also no clear mechanism for the County to regulate the customers who may avail themselves of products from a Medical Marijuana facility for recreational purposes.

Additionally, marijuana is still illegal at the federal level; it is not clear exactly how the County could approve a facility which authorizes the cultivation and dispensing of something which is in conflict with "Federal, State, or County statutes, codes or regulations in effect and applicable to the proposed use", per Section 1706. Also of note is that the project is less than six miles from the New Mexico state line, and access to the site would be primarily by way of New Mexico Highway 80, and yet there is no evaluation of the legality of serving clientele who will leave the dispensary, and go into a different county in a different state, with potentially different regulations regarding marijuana.

Application of Specific Zoning Regulations

Section 1716.01 recognizes that "Because of their unique characteristics, and often high potential to adversely impact surrounding properties, Special Use Authorizations may be permitted within the Zoning District only when they can demonstrate that potentially negative off-site impacts have been mitigated". Off-site impacts have been poorly characterized, and none mitigated, with more on that below.

Section 1716.02 outlines factors for the Planning Commission (and Board of Supervisors on appeal) to consider in making a decision regarding any proposed Special Use Authorization. A close look at the various factors identified in 1716.02 demonstrates that the proposal is not in compliance with many of the factors identified by the County's Zoning Regulations as important for consideration:

B. Compliance with the Zoning District Purpose Section.

The Purposes for RU-4 are laid out in Section 601; this proposal would appear to violate a number of Sections:

Section 601.01 - this proposal would NOT preserve the rural character of the area;

Section 601.02 - this proposal would NOT encourage activities which serve local needs, nor is encouraging multitudes of marijuana seeking visitors to come to the facility for dispensing compatible with rural living;

Section 601.03 – this proposal would NOT help preserve the agricultural character of the County; due to the indoor nature of the grow, the facility is more industrial than agricultural and could be located virtually anywhere, independent of agricultural values and resource production capability of the land;

Section 601.04 – this proposal would drastically INCREASE the level of traffic congestion in an area which has little traffic and no congestion at this point in time;

Section 601.05 – this proposal would NOT provide recreational support services, and would in fact interfere with a flourishing recreational economy which relies on existing dark skies, nature observation and remote recreational opportunities;

Section 601.06 – this project would NOT protect the quality of the natural environment, and in fact would directly interfere with the quality of the natural environment which many of the local residents rely on for their own health, safety and welfare. The project also has the potential to impact numerous businesses and livelihoods in the community which rely on the natural environment (more specifics on the impacts to local residents, water and the natural environment are below).

Of special consideration is that the very nature of the business, which is illegal at the federal level, requires that all transactions be conducted in cash. This creates an attractive nuisance, drawing criminals to the area in search of cash and marijuana. While increased security *on the project site* may help to lessen the threat to the proposed project, it does nothing for local residents, who live in a remote area more than an hour from law enforcement and with spotty telecommunications;

Section 601.07 – this proposal is NOT appropriate in a rural area such as Portal, is NOT designed to be sensitive to the general character of this rural district nor to the natural environment, is NOT harmonious and in scale with existing development near the proposed site, and is NOT in conformance with Section 601.06.

D. Traffic Circulation Factors

This proposal woefully underestimates the traffic for the proposed project, as it does not include realistic trips/parking needs for 50 employees, sales and service personnel, deliveries and an unknown number of retail customers in a remote area of Portal, remote area of Cochise County and remote area of the State. It also proposes primary use of a dirt road, which has a number of crossings which can become impassable during wet weather. As the current needs of the proposed project have not been taken into account in the proposal, is impossible to understand future circulation needs.

E. Adequate Services and Infrastructure

This Section requires adequate information to evaluate the impacts on roads, infrastructure, public facilities, traffic (including supporting data); adequate information that the proposal meets or will meet the requirements for street, sewer or water improvements; and adequate information to determine that the “streets” which service the project are adequately designed and constructed to handle the volume (unknown or misstated) and nature (unknown or misstated) of traffic generated by the site. None of this required information is present in the application. Additionally, it is unclear that Portal Fire would agree to provide fire protection services as stated in the application.

Of particular concern is water use for the project, which was woefully underestimated at 150 gallons per day; consider the bathroom needs of 50 employees, who arrive after a substantial commute, take at least three breaks daily, and also probably empty their bladders prior to their commute home. That’s 5 flushes per day per employee, which comes to 300 gallons per day, even with the most water conserving toilets available of 1.2 gallons per flush. Add to that flushes from an unknown number of customers, service personnel and delivery folks who have also come from a considerable distance. Multiply just the 300 gallons per day from 50 employees by 365 (days per year, not 12 which the application utilizes), and that’s 109,500 gallons per year minimum, not the estimated 1,800 gallons per year stated in the application and not including any visitors/customers.

Also not included is water for dust mitigation for dirt roads and parking lots, in order to maintain the integrity of Portal’s famous dark skies. Despite the project access consisting entirely of dirt roads, there is little mention of dust mitigation in the application (just that it might be used if vegetation clearing extends beyond an acre), or referenced in the section regarding water use. Despite the application asking about dust and dust control, the applicant states “No additional dust based out side of structure building”, whatever that means. Filling a 10,000 gallon water truck daily or even weekly adds hundreds of thousands of gallons of water per year.

Also not included in the application are the water requirements of 9,000 square feet of grow rooms; they are not stated in the information submitted in the application, and difficult to determine as we do not know growing conditions such as temperature and humidity inside the grow rooms. However, an estimate based on industry standards would put it at approximately 2 million gallons per year, based on 1” inch per day for 365 days (1” x 0.21 acres (9,000 feet square) X 365 days = 76.65 acre-inches / 12 = 6.39 acre-feet x 325,850 gallons per acre-foot of water = 2,081,367 gallons per year, or 5,702 gallons per day).

This would require substantial well output, which in addition to being unreliable in this arid area, could create severe water problems for neighboring wells for a considerable distance.

Water use of as little as 2” per week (as opposed to 7” per week calculated above) would still result in 1.82 acre-feet of water being needed, or about 593,047 gallons per year; that’s 702,500 gallons per year including flushes but not including water trucks for dust abatement. The site typically accumulates less than 20 inches of precipitation per year for recharge of groundwater, and much of that is deposited seasonally. A withdrawal of 800,000 to over 2 million gallons per year (depending on growing demands which are not included in the application), at a relatively constant rate 365 days per year, could cause overdraft of the local water table, which could be much more severe during dry times of the year.

F. Significant Site Development Standards

There is no information in the application which would clearly evaluate whether significant site development standards are applicable and/or addressed. It is also not clear whether the proposed project is in or near a floodplain.

G. Public Input

The County has no doubt received considerable public input from local property owners and residents of Portal concerning the effects of light pollution and dust on dark skies, impacts on water use, increased traffic, noxious odors, increased criminal activity, degradation of tourism which is largely dependent on the natural environment (the community’s main economic driver) and general decline in the existing quality of life for all. These are impacts which cannot be mitigated.

H. Hazardous Materials

Where the application asks about the use of any hazardous or dangerous materials, the “No” box is checked. It is highly unlikely that any agricultural operation, indoor or outdoor, organic or conventional, can operate without the use of materials which are potentially hazardous and/or dangerous. Fertilizers are themselves potentially hazardous, especially if allowed to enter the water table. This statement should be more fully supported than with a checkbox.

I. Off-site Impacts

The application does not identify any off-site impacts, and minimizes or does not disclose light pollution, dust impacts, impacts from ground water extraction, problems of increased traffic, noxious odor release, or runoff. As no impacts are disclosed, the application has proposed little in the way of measures to mitigate off-site impacts. For example, the application asks whether drainage patterns on the site will be changed, and the response was “All drainage will flow away from the building, and then southwest to flood range”. It is really not clear what “flood range” refers to, and how concentrated drainage and runoff will be mitigated and otherwise prevented from leaving the site for an adjacent property owner’s (including potentially the County’s right-of-way).

J. Water Conservation

The applicant has estimated water use to be 1,800 gallons per year, when in actuality it is more likely hundreds of thousands or millions of gallons. Consistent with the inaccurate estimate of water use, no concrete methods of water conservation have been proposed.

Denial of the Request for a Special Use Authorization is warranted

The decision of the Planning Commission (and Board of Supervisors, if appealed) affects the project applicant as well as the community in which the project is proposed. Section 1716.02 states that “a property owner who adequately demonstrates compliance with the intent of Comprehensive Plan goals and policies may receive approval in spite of non-compliance with any individual factor”. In this case,

there is no information that the applicant has demonstrated compliance with the intent of the overarching goals and policies, quite the contrary. Further, there is not just one area of non-compliance, there are several, and the lack of detail in the plan makes more (many more?) likely. Section 1716.02 likewise allows for the decision-making entity to deny a project based on unusual circumstances or significant public protest. This project has the potential to negatively affect many in the community of Portal by degrading the general quality of life, diminishing property values, and impacting thriving businesses which support the local tourism industry. Additionally, the project clearly conflicts with EVERY SINGLE PURPOSE of the RU zoning districts as stated in Section 601 of the Cochise County Zoning Regulations.

Section 1716.01 specifies that “Because of their unique characteristics, and often times high potential to adversely impact surrounding properties, Special Use Authorizations may be permitted within the Zoning District only when they can demonstrate that potentially negative off-site impacts have been mitigated.” This project application is deficient in identification of off-site impacts, and not surprisingly, no mitigation has been identified for impacts which were not identified. Absence of disclosure of impacts is not the same as a credible disclosure of the absence of impacts. It is likely that public input into the process has identified many, many specific ways in which the proposed Special Use Authorization, if granted, would harm the environment, including scarce water resources and valuable dark skies, as well as harm to the community of humans which depend on the high quality of the existing natural environment. For many of these potential impacts, there is no mitigation which would lessen the impact on the resources and community.

There does not appear to be any language in Cochise County Zoning Regulations which would support approval of the project as submitted, by the Planning Commission or by the Board of Supervisors on appeal. Additionally, even with a significant reworking of the application, it is unlikely to meet the RU purposes as stated. For that reason, the application should be denied, and the applicant should not be encouraged to resubmit a modified application. If they are sincere about their plans, they should invest some time in identification of a more suitable site, in a community which will welcome them, where there are adequate resources (water, law enforcement, infrastructure, etc.) to support their endeavor, and a nearby market of a size to support the scale of their enterprise. Additionally, they need to spend time gathering the kinds of information which are pivotal to success of their project approval, including an adequate and realistic analysis of project impacts.

Thank you for the opportunity to comment on this important matter.

Respectfully submitted,

Deborah Hillyard

From: [Reed Peters](#)
To: [Kirschmann, Robert](#)
Cc: [Cave Creek Ranch](#); [Patricia Parran](#)
Subject: Fwd: Holmes SU21-000001. (Marijuana facility near Portal)
Date: Monday, March 1, 2021 12:25:09 PM

CAUTION: EXTERNAL EMAIL*

>> Dear Mr. Kirschmann,

>>

>> Thank you for the opportunity to comment on the proposed marijuana facility near Portal.

>>

>> I oppose this project for a number of reasons, but first of all because it makes no sense for the location.

>>

>> Distance from employees' homes, and from customers:

>> The site is over 20 miles from the nearest town and source of employees, San Simon, since most residents of Portal, Paradise, and Hilltop are retired. The commute for employees would be at least 25 miles, of which 10 miles would be over dirt road. The same is true for customers; there are only a couple of hundred people in the Portal area, so customers would have the same trek.

>>

>> Cochise County Paving Foothills Rd and Noland Rd:

>> I foresee future requests from Mr Holmes that the county pave both Foothills Road AND the rest of Noland Road. This is a large expense, and would involve long-term maintenance on the part of the county. The Road is notorious for flat tires for rental cars.... Most residents and taxpayers do NOT want that road paved. A petition was circulated several years ago to pave it, and very few people signed it.

>>

>> I own and manage Cave Creek Ranch in Portal, and expect my business to decline as the noxious odors emitted from this facility pollute the canyon. Even I do not want that road paved. It takes people longer to get to Portal, and they appreciate it more for the effort. My guests have been coming for decades, and all of them come for the same basic reasons: pure air, beautiful scenery, the quietness and peace, and the sense of retuning to a simpler time.

>

>> Permitting an industrial facility, especially one with so little reason for its location, so close to one of the most unspoiled parts of Arizona would be a crime.

>>

>> Cave Creek Canyon is one of the gems of Cochise County. It attracts tens of thousands of visitors every year to its pristine beauty. Permitting such a facility so close to the canyon would destroy the source of much revenue to the county, from the visitors who come. As the crow flies (and the wind blows), this facility is perhaps only 2 or 3 miles from the mouth of the canyon.

>>

>> Cave Creek Canyon is also one of the top 5 birding destinations in North America. Such a project would impact far more people and livelihoods than are just local, although local businesses will suffer greatly when the word goes out that pollution has arrived.

>

>> I understand that as the law stands, these dispensaries are an all cash business. Having so much cash will be an invitation to the criminal element. There is no law enforcement located here. When we call the sheriff, a deputy is dispatched from Douglas, 60 miles away. When the nightly or weekly cash is taken by car along the Foothills and San Simon roads, there are dozens of places for employees to be robbed with impunity. That is another nail in the coffin of the local eco-tourism business, when word gets out. Another objection is the dishonesty of the application. The water usage projection alone is ludicrous. In summary, I am totally opposed to rezoning property for this use. It violates the community.

>

>> Very truly yours,

>

>> Reed Peters

> Owner and Manager

> Cave Creek Ranch
> Portal, AZ 85632
> 520-558-2334
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> Another
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>
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> I
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>> WHY in Portal?
>> Why not put the facility where there are
>>
>> Sent from my iPad

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DRAFT #3: 12:25 pm 2/28

TO: Members of the Cochise County Planning and Zoning Commission
and the Board of Supervisors
FROM: Friends of Cave Creek Canyon Board of Directors
SUBJECT: Docket SU21-000001
Date: February 28, 2021

The Friends of Cave Creek Canyon is a non-profit organization that seeks to educate visitors about the Canyon and increase appreciation of its diverse features, fauna and flora. We have 245 members as well as 18 business members. We manage the U.S. Forest Service Cave Creek Visitor Information Center (VIC) which had 10,800 visitors in 2019. We anticipate more than that in 2021, and of course only a fraction of visitors to the canyon stop in at the VIC.

Normally Friends of Cave Creek Canyon does not comment on area permit applications because most projects have few or no potential adverse impacts on the Canyon or on its many visitors. However, we feel that the proposed construction of a 20,000 square foot marijuana grow facility northeast of Portal, Arizona, and 4.4 miles as the crow flies from Cave Creek Canyon deserves our scrutiny. Our Board of Directors hopes that the Cochise County Board of Supervisors will consider the following likely serious impacts.

Disruption of Wildlife Habitat Connectivity. Cave Creek Canyon, situated at the convergence of four ecozones, and the surrounding area constitute the most biodiverse land area in North America. Animals that use the Canyon may be affected by this facility's location and activities if they are migrating through or are wide-ranging. Roughly three-fourths of the basic land birds migrate at night when fewer predators are out. And, of course mammals like bats and cougars and reptiles like snakes and lizards are migratory as well. Many such species may utilize the proposed development site on their travels toward Cave Creek Canyon. Considering that the footprint of the building and its parking area would be substantial, and activities at the facility would be generally 24 hours per day, the potential impacts on species movements into the canyon would be consequential. Mitigating such habitat disruption would be extremely difficult if not impossible to implement.

Light Pollution. Since the proposed facility will require a lighted parking area, outdoor security lights, and possibly all-night indoor lighting that could permeate upward through a translucent roof, it is our opinion that such a large new installation of lighting, regardless of shielding requirements, could negatively impact activities and disorient night-migrating birds and wide-ranging species that use the affected habitat for normal travel routes to and from Cave Creek Canyon. **What about this area being designated as a "Dark Sky Area" . Why isn't this mentioned?**

Air Pollution. When the wind is from the northeast, the noxious fumes from the marijuana grow facility will blow directly into Cave Creek Canyon and settle there. This would certainly degrade the public's experience and would forever remove "pristine" from association with this cherished southwest canyon. In addition, the myriad lichens on the rocks may develop structural changes in response to air pollution including reduced photosynthesis and bleaching.

Traffic on dirt/gravel Foothills Road from the estimated 20 trucks daily, 20 employee vehicles (50 future), and an unknown number of customers—and the dust created as a result—can be expected to become an unacceptable deterrent to many Cave Creek Canyon visitors who currently arrive from the west.

Just because the Chiricahua Mountains form a “Sky Island” does not mean that they are isolated from what occurs on the valley floor and beyond. Birds, animals and plants are not aware of this moniker and cannot speak for themselves. We need to preserve this unique biodiverse area and promote an economy based on its beauty, natural history, clean air, and dark skies. A 20,000 square foot building for medical marijuana cultivation, packaging and dispensary is incompatible with Friends of Cave Creek Canyon’s purpose, values, and vision. Therefore, Friends of Cave Creek Canyon recommends that a special use permit for such construction be categorically denied.

ROLF’S COMMENTS RE: VISITORS

MIKE’S INFRASTRUCTURE ISSUES

- The application states incorrectly that the Portal Fire Department will be the service provider for fires. The Portal Fire Department is not trained or equipped to handle structure fires. The Fire Chief has stated they the Department will not be able to control any fire or chemical emergency at the proposed development.
- [From Rolf’s comments above] Traffic on dirt/gravel Foothills Road from the estimated 20 trucks daily, 20 employee vehicles (50 future), and an unknown number of customers—and the dust created as a result—can be expected to become an unacceptable deterrent to many Cave Creek Canyon visitors who currently arrive from the west.
- Foothills Rd, the only real access for most vehicles to the proposed site will not be able to handle this huge increase in traffic. Currently most standard vehicles cannot travel on that road with great risk of tire damage. Does the county intend to pave this road?
- Law Enforcement Issues [Jeff’s comments] This cannabis facility, due to the all-cash transaction business model, will attract an element to our small community that will want to survey opportunities to exploit this large amount of cash collected at the facility and transported from the facility. It ~~will be~~ is well known that law enforcement has very minimal presence here and ~~will be~~ is unable to quickly respond to a 911 call. **[Rewrite the following sentence]** Surveying the operations of the cannabis facility will take time and this will put a security risk on visitors to our Canyon and residents of the area as this type of criminal element will be looking for any easy prey/theft opportunity.
- The Portal area has frequent power outages. Can Columbus Electric provide sufficient power to this proposed facility without negatively impacting their current customers?



FRIENDS OF CAVE CREEK CANYON

TO: Cochise County Planning and Zoning Commission
and the Board of Supervisors

FROM: Friends of Cave Creek Canyon Board of Directors
Reed Peters, President

SUBJECT: Docket SU21-000001/Special Use Permit for Medical Marijuana Grow
Facility

DATE: March 1, 2021

The Friends of Cave Creek Canyon is a non-profit organization that seeks to educate visitors about the Canyon and increase appreciation of its diverse features, fauna and flora. We have 245 members as well as 18 business members. We manage the U.S. Forest Service Cave Creek Canyon Visitor Information Center (VIC) which had 10,800 visitors in 2019. We anticipate more than that in 2021, and of course only a fraction of visitors to the Canyon stop in at the VIC.

Normally Friends of Cave Creek Canyon does not comment on area permit applications because most projects have few or no potential adverse impacts on the Canyon or on its many visitors. However we feel that the proposed construction of a 20,000 square foot marijuana grow facility northeast of Portal, Arizona, and 4.4 miles as the crow flies from Cave Creek Canyon deserves our scrutiny. Our Board of Directors hopes that the Cochise County Board of Supervisors will consider the following likely serious impacts.

Disruption of Wildlife Habitat Connectivity. Cave Creek Canyon, situated at the convergence of four ecozones, and the surrounding area constitute the most biodiverse land area in North America. Animals that use the Canyon may be affected by this facility's location and activities if they are migrating through or are wide-ranging. Roughly three-fourths of the Canyon's bird species are migratory. Most songbirds, and some others, migrate at night when fewer predators are out. They use the stars to navigate. Bats are also migratory. Wide-ranging animals include cougars and reptiles like snakes and lizards. Many such species may utilize the proposed development site on their travels toward Cave Creek Canyon. Considering that the footprint of the building and its parking area would be substantial, and activities at the facility would be generally 24 hours per day, the potential impacts on species movements into the Canyon would be consequential. Mitigating such habitat disruption would be extremely difficult if not impossible to implement.

Light Pollution. Since the proposed facility will require a lighted parking area, outdoor security lights, and possibly all-night indoor lighting that could permeate up-

ward through a translucent roof, it is our opinion that such a large new installation of lighting, regardless of shielding requirements, could negatively impact activities and disorient night-migrating birds and species that use the affected habitat for normal travel routes to and from Cave Creek Canyon.

Air Pollution. When the wind is from the northeast, the noxious fumes from the marijuana grow facility will blow directly into Cave Creek Canyon and settle there. This would certainly degrade the public's experience and would forever remove "pristine" from association with this cherished southwest canyon. In addition, the myriad lichens on the rocks may develop structural changes in response to air pollution including reduced photosynthesis and bleaching.

Traffic on dirt/gravel Foothills Road from the estimated 20 trucks daily, 20 employee vehicles (50 future), and an unknown number of customers—and the dust created as a result—can be expected to become an unacceptable deterrent to many Cave Creek Canyon visitors who currently arrive from the west.

Just because the Chiricahua Mountains form a "Sky Island" does not mean that they are isolated from what occurs on the valley floor and beyond. Birds, animals and plants are not aware of this moniker and cannot speak for themselves. We need to preserve this unique biodiverse area and promote an economy based on its beauty, natural history, clean air, and dark skies. A 20,000 square foot building for medical marijuana cultivation, packaging and dispensary is incompatible with Friends of Cave Creek Canyon's purpose, values, and vision. Therefore Friends of Cave Creek Canyon recommends that a special use permit for such construction be categorically denied.

From: [Susan Dalby](#)
To: [Kirschmann, Robert](#)
Subject: meeting date March 10, 2021
Date: Monday, March 1, 2021 3:01:55 PM

CAUTION: EXTERNAL EMAIL*

My husband and I are permanent residents of Portal and have found the Chiricahuas a refuge for over 50 years. This is an attempt by a person from out of our area to pollute our valley and is something we won't tolerate.

Light pollution of our famed dark skies, encroachment on our valuable water supply, and general industrialization of our rural way of life is, I believe, viewed universally in our community as one more attempt by big money to devastate our local lifestyle.

And as I have recently learned, the builder has not done his Due Diligence regarding water use, light pollution, fire protection, and security impact on our community.

Be advised: This community will fight with all our time and money (not insubstantial) to prevent its construction. It is unfortunate that your comment option limits participation to those of us who have access to computer, printer, scanner, and wifi and the expertise to use them. This purposeful limitation of community commentary on such a significant change in our valley appears quite suspect to me.

Susan Dalby, MD

Tax parcel # 40227012

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To: rkirschmann@cochise.az.gov

Comments on Marijuana Farm Proposal, Docket SU21-000001

To whom it may concern:

As a long-time resident of Portal I feel a necessity to comment on the proposed construction of a cannabis farm along Community Road just north of town. This proposal strikes me as highly inappropriate in a variety of respects and a major threat to the future of Portal.

First off, there are a number of aspects in which this applicant reveals a shocking incompetence that will likely be reflected in all aspects of the development. He can't even spell cannabis correctly and his estimate of water usage at such a facility is absurd. It takes enormous amounts of water to run such an operation, not 150 gallons a day, and it's not at all clear that his farm will have such a supply available or that it will not impact the water table in the region in a very serious way, causing special difficulties for those living in Astronomy Village, and likely Portal itself. We already have to go quite deeply for water in our town and can not afford to dig deeper and deeper wells. A major new water-consuming operation in the neighborhood, is a threat to us all.

Judging from the operations of other marijuana farms, there will also be an enormous need for power for the proposal, probably doubling the power needs for the immediate region. This will entail at least a three-mile extension of a distribution line, with all the problems that go along with this.

The light pollution intrinsic to such operations is a major threat to the dark skies requirements of the Astronomy Village, and the odor pollution will largely flow directly to Portal because of the very frequent northwest winds following fronts in the region. The smell of such facilities is well known to be absolutely appalling.

Finally I'm very concerned about the greatly increased human traffic that such a facility promises for Foothills Road, causing a greatly increased threat of dust pollution, especially for Astronomy Village, but also posing threats of increased crime and fires in the vicinity of Portal. We simply do not have the staff or resources to police such threats locally and they can be counted on to greatly decrease the quality of life in Portal, and no doubt property values as well, greatly decreasing the attractions of the area for nature tourism that is the major positive economic force in the region.

The proposed marijuana farm is a disaster waiting to happen. Please consider turning it down.

Sincerely, Noel Snyder

From: [Alan Craig](#)
To: [Kirschmann, Robert](#)
Subject: Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)
Date: Monday, March 1, 2021 3:21:56 PM

CAUTION: EXTERNAL EMAIL*

To the Board of Supervisors and Planning and Zoning Commission:

My wife and I have owned and lived on property within 3 miles of Portal for 26 years.

I oppose the Special Use Authorization request from Jeffrey J. Holmes for parcel 402-11-001, Docket SU21-000001 because of the many adverse impacts it would have on the Portal area. Many others have documented these likely impacts.

I have these questions for the Board of Supervisors:

1. Prior to approval, will the applicant be required to submit a more accurate estimate of the amount of water needed to operate the facility and to obtain from a well driller or other source a statement, based on other wells drilled nearby in recent years, that the amount of water needed should be available from the already depleted water table?
2. Will the applicant be required to submit plans for equipment needed for employees to extinguish any fire in the facility or will Cochise County build the capability locally to provide needed fire protection?
3. Prior to approval, will the applicant need to provide a statement from Columbus Electric that it can and will provide the power needed to operate the facility, and an estimate of the time needed to build the necessary transmission capability?
4. Prior to approval, will the applicant need to provide plans to prevent light from escaping the facility that would significantly impact the area dark skies and the Arizona Sky Village?
5. Prior to approval, will the applicant need to provide plans on how the facility will be built to prevent the escape of foul odors?
6. If property values in the area are significantly reduced, as they can reasonably be expected to be, how soon will Portal area property taxes be reduced proportionately?
7. Does Cochise County plan to establish a Sheriff Substation reasonably close to the facility, staffed with deputy sheriffs 24/7 and built so as to not impact dark skies, to discourage invasion of the criminal element that is typically attracted to any enterprise that accepts large amounts of cash?

I do not need written answers to the above questions but I hope the Board will carefully consider each question in evaluating the application.

Thank you,
Alan Craig

Dear Cochise County Supervisors and Members of the Planning and Zoning Commission,

I am writing to express my strong opposition to the Special Use Authorization request from Jeffrey J. Holmes for parcel 402-11-001, Docket SU21-000001.

I do not oppose the other special use authorization requests under consideration for Cochise County, and I generally support the legalization of cannabis in Arizona. However, as a resident and member of the Portal community, I believe that this particular proposal is poorly thought out and will have significant detrimental effects on myself and my neighbors.

Frankly, we do not have the infrastructure or public services in place to serve this project. Will Columbus Electric build new lines to supply the large amount of electricity to run the grow lights? Who will pay for changes to the electric grid? Who will pay for the increased grading and upkeep of the roads, given the large increase in traffic for a retail facility with 20-50 employees? Will it cause my well, and the wells of my neighbors to run dry? The location they propose is already locally notorious for having “hit or miss” groundwater.

My biggest concern is safety. Mr. Holmes states in his application that “Portal Volunteer Fire” will provide their fire protection. My husband and I are both members of Portal Rescue, our entirely community-supported, all-volunteer fire station. My husband is a fire fighter who responds to local fire calls. **Portal Rescue is a wildlands fire service, and can not fight structure fires.** These legal indoor growing facilities are notorious among the firefighting community for being especially hazardous for fire, and specialized hazmat training and equipment is usually needed on top of what is needed to safely fight structure fires. There is no water system and no fire hydrants, and the only available water for fire fighting would be brought in the trucks. Portal Rescue can provide no meaningful protection for this facility, and we are concerned that by stating that he can rely on Portal Rescue, Mr. Holmes is grossly misrepresenting the safety of this proposed facility.

I am a volunteer EMT with Portal Rescue, on call 24hrs every day to respond to any local medical emergencies my neighbors encounter. We have only 5 resident EMTs, and often only a couple of us are available. The next nearest medical help comes from Douglas, and ambulance response time from there is typically 45 minutes or more. I am very happy to be able to help my neighbors in this way, and I receive no pay or benefits for doing so. We raise money for equipment via local fundraising, and everyone pitches in to support Portal Rescue. I am concerned, however, that Mr. Holmes intends to rely on this local service without giving back to the community. A business with 20-50 employees and a daily stream of customers purchasing an intoxicating product will undoubtedly increase the number of 911 calls I will need to respond to substantially. I am concerned that our tiny volunteer ambulance service will not be able to provide adequate service, leading to poor outcomes for patients and increased stress on Portal Rescue volunteers. Many people in the community who have put time, effort, and money into supporting Portal Rescue will feel that their effort is being taken advantage of.

I am also very concerned about the limited law enforcement service available in this area. Again, the large influx of employees and customers, as well as the cash-only nature of marijuana business, will undoubtedly lead to an increase in the number of 911 calls. Portal Rescue is

sometimes called to incidents requiring law enforcement presence. In these cases we have to stand back and wait until the scene is secured, which means waiting until law enforcement arrives before helping patients. There is no regular law enforcement presence locally, and their response time is often over an hour.

Please consider the lack of infrastructure and services in this area, especially fire, EMS, and law enforcement when considering this application. **This kind of business needs to be located where emergency services are more robust.** The site is too remote to provide the fire, ambulance, and law enforcement service needed for safe operation. As a volunteer EMT and member of Portal Rescue, I am asking you to consider both the burden on our community this business would impose and the risks such a venture would place on the employees and customers. **Any fire or other major incident at this location is very likely to end in tragedy, because we simply do not have the type of emergency services found in larger towns and cities.** I support development of responsible cannabis business in Cochise County, but only in locations that have the adequate infrastructure to support it!

Sincerely,
Michele Lanan
Portal Rescue EMT
Resident Research Scientist at the Southwestern Research Station
Portal, AZ

From: [Jackie Lewis](#)
To: [Kirschmann, Robert](#); [English, Ann S](#)
Subject: Corrected letter from J. Lewis in opposition of Special Use Permit to J. Holmes
Date: Monday, March 1, 2021 4:13:58 PM

CAUTION: EXTERNAL EMAIL*

Dear Cochise County Planning and Zoning and Board of Supervisors,

The request for a marijuana grow house and 3rd party purchased retail sales on Community Road dispensary is disconcerting to me. It's been stated that the product can't be considered as a reason for denial but I feel that in our remote location that it **MUST** be considered as a reason for denial. We do not have the infrastructure to manage any major emergencies in this area.

1) We are in an area that already has drug trafficking and not enough law enforcement.

2) The lack of investigation into the area, as well as research on his subject, leads me to believe that this operation is NOT going to be a good neighbor. Examples are listed below.

2a) He contradicts the number of cleared acres. Page 1 states 5 acres and page 8 states 1 acre.

2b) The Application for special use states that this will generate full time employment in our community. Yet in a response to a question about clearing for parking spaces Planner Kirschmann states "It is typical that these operations employ van pools and therefore the Planning Commission may approve modifications to the requirements."

2c) He has listed 2 different companies for phone service.

2d) Portal Rescue is not equipped to fight building fires or hazardous material fires.

2e) Republic Waste Management does not service our area.

2f) "Approximately 20,000sf" is 3,000sf smaller than the sf totals of the rooms listed

2g) Hours of operation are listed on page 5 as 11a-5p **Monday** through **Sunday** yet heavy traffic is expected at 6am.

2h) The majority of pickup trucks without a load weigh more than 5,000 pounds.

2i) Water Usage - party listed as 150 gallons per day or 1800 gallons per year using eight 1125 sf grow rooms. Research shows that 50 plants require 24,000 gallons per an 8 month grow period. Assuming he has 200 plants, the usage will be over 106,600 gallons per year.

2j) Any research on marijuana growing facilities points out that odors are a major issue both inside the building and in the neighborhoods.

3) Is this a grow house only? Or will they be extracting oils? If extracting oils, the chemicals used for that process are hazardous waste.

4) As the applicant lives in Scottsdale and has two restaurants in the Phoenix area will he be involved in overseeing the facility processes?

5) The area is zoned RU-4. Does it need to be rezoned as commercial for the sales of 3rd party purchased products?

6) Community Road is not a county maintained road. From the west it crosses AZ State Land and from the east it crosses state land AND private property. What legal access will be required?

7) Is the expected traffic only employees and customers or will product be trucked out?

Although a grow house makes sense in our remote location - a dispensary does not. We do not have the population to support a dispensary. It makes me think that someone is trying to get into an area that they won't be regulated.

I appreciate that the committees will take all of the above into consideration. This application does not represent the approval given by Supervisor English when she addressed the committee regarding the facility in Benson. "Prior to the vote, English said, "We can't consider the product as a reason to disapprove the request. The owner is taking appropriate action to mitigate the concerns and tried to address all the issues. This is the kind of company we want to work with."

Jackie Lewis
2225 W. George Walker Lane
Paradise, AZ
520-558-2287

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Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

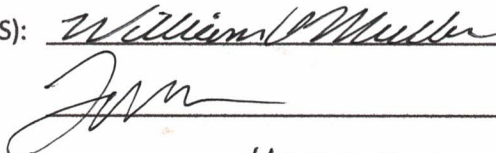
Please see attached.

(Attach additional sheets, if necessary)

PRINT NAME(S):

William E mullen, LAURA MULLEN

SIGNATURE(S):



YOUR TAX PARCEL NUMBER: 40225011 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by **Monday March 1, 2021** will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

William and Laura Mullen
P.O. Box 16166
Portal, Arizona 85632
Tel: 520.558.1151
Email: ljfmullen@gmail.com

March 1, 2021

Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th street
Benson, AZ 85602

Re: Docket SU21-000001 (Holmes), Request for Special Use Authorization to construct indoor “medical marijuana” cultivation, packaging, and dispensary, 20,000 sq ft building on South Community Road, Portal, Arizona:

“No, we do not support this request”

Dear Sir or Madam:

We would like to make it know that we very much oppose the Application for the above noted Special Use Authorization for a Marijuana facility on the Foothills/Community Road just north from the Portal Road in Portal, Arizona.

We own a home and property in Portal, Tax Parcel Number 40225011. We have lived here for over 14 years, and my wife has lived here for an additional 5 years.

The reasons we oppose this facility are as follows:

- Zoning changes such as this will permanently alter the structure of the Valley. Currently there are few to no commercial entities within a several hundred mile radius. Changing the zoning will open the door to allowing further commercial endeavors that could damage the natural resources, established quality of life, and wildlife presence so carefully protected. Changing RU4 Residential to a Commercial zone opens the door for altering the face of the valley entirely, which is not wanted by the community. Current Zoning is “Light Residential” and is why we, and effectively all of the people we know, live here.
- A commercial marijuana facility in the middle of nowhere does not fit the established nature, function, style and eco-preservation of the established community.
- Our understanding is that the facility is unlikely to offer anything other than to contribute to the destruction of an established eco-wildlife community that has been in place for decades. The current nature of the community should take precedence over any attempts to alter irrevocably the town and environment as a whole.



Thank you for your consideration.

William O'Mullen
Laura
William and Laura Mullen

From: [Alan Craig](#)
To: [Kirschmann, Robert](#)
Subject: Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)
Date: Monday, March 1, 2021 4:18:54 PM

CAUTION: EXTERNAL EMAIL*

To the Board of Supervisors and Planning and Zoning Commission:

My wife and I have owned and lived on property (402-81-008F6) within 3 miles of Portal for 26 years.

I oppose the Special Use Authorization request from Jeffrey J. Holmes for parcel 402-11-001, Docket SU21-000001 because of the many adverse impacts it would have on the Portal area. Many others have documented these likely impacts.

I have these questions for the Board of Supervisors:

1. Prior to approval, will the applicant be required to submit a more accurate estimate of the amount of water needed to operate the facility and to obtain from a well driller or other source a statement, based on other wells drilled nearby in recent years, that the amount of water needed should be available from the aquifer?
2. Will the applicant be required to submit plans for equipment needed for employees to extinguish any fire in the facility or will Cochise County build the capability locally to provide needed fire protection?
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6. If property values in the area are significantly reduced, as they can reasonably be expected to be, how soon will Portal area property taxes be reduced proportionately?
7. Does Cochise County plan to establish a Sheriff Substation reasonably close to the facility, staffed with deputy sheriffs 24/7 and built so as to not impact dark skies, to discourage invasion of the criminal element that is typically attracted to any enterprise that accepts large amounts of cash?

I do not need written answers to the above questions but I hope the Board will carefully consider each question in evaluating the application.

Thank you,
Alan Craig

From: [Cecil Williams](#)
To: [Kirschmann, Robert](#)
Subject: Regarding Docket SU21-000001 (Holmes)
Date: Monday, March 1, 2021 4:43:09 PM

CAUTION: EXTERNAL EMAIL*

Mr. Robert Kirschmann, Planner II
Cochise County Community Development
Development Services Department
126 W 5th Street, Suite 4
Benson, AZ 85602

Mr. Kirschmann,

I'm writing regarding Docket SU21-000001 (Holmes): an application to construct an indoor medical marijuana cultivation, packaging and dispensary near Portal on South Community Road (parcel number 402-11-001).

I do not support a special use authorization for this project. I have been a homeowner in Portal for 19 years, though my parcel is not adjacent to the subject parcel (my parcel is 402-26-011FG4).

Here are some of my concerns:

SECURITY: The applicant proposes a 3,000 sq. ft. marijuana dispensing room selling site grown and "third party purchased cannabis products". As a former retail store owner, I can say this is a huge retail operation. It will require many employees and many, many customers to support it economically. This would indicate that the estimated traffic is woefully underestimated. Thus, **This is another example of a complete mis-statement in the application.**

Also, it seems that the applicant plans on selling a significant amount of marijuana and related products, which, due to current federal regulations, means all cash sales. This potentially large amount of cash when added to the value of processed and unprocessed marijuana at the site will make a tempting target for thieves, especially in such a remote area that is so far from a timely response from law enforcement. This proposed facility with its immense, inherent security risks amplified by its remote location and distance from law enforcement is not appropriate for our community.

FIRE PROTECTION: The applicant lists Portal Rescue as the go to for fire protection. According to David Newton, Fire Chief of Portal Volunteer Fire Department, the Department are not trained or equipped to fight structure fires or to handle hazardous chemicals. **This is another example of a complete mis-statement in the application.**

Who will then be responsible in the event of a fire and/or explosion?

ODORS: The applicant says "no odors expected". Based on just a small amount of research, it is obvious that this statement is absolutely ludicrous! Many similar facilities have significant noxious odor problems necessitating ventilation systems

with carbon filtration. If this proposal is approved, it should be mandated that the filtration system be installed at the time of construction. The applicant says he would provide carbon filtration if needed. If odors become a problem, will the community be put in the position of fighting to resolve the problem with the applicant? **This is another example of a complete mis-statement in the application.**

WATER: The applicant says operations will use 150 gallons per day, 1,800 gallons per year. Interesting math. Let's try again. 150 gallons per day, 54,750 gallons per year. Total? Is that with 50 employees using water plus watering 9,000 sq. ft. of grow rooms? Research indicates that it each plant requires up to 1/3 gallon of water/day. Where is this water coming from? A depleted aquifer during a major drought?

Some indoor, commercial marijuana grow facilities prefer to use water treated by reverse osmosis. Often RO systems create 4 gallons, more or less, of waste water per treated gallon. What will he do with potentially over 200,000 gallons per year of RO waste water? Put it into the septic system?

WASTE DISPOSAL: The facility will produce agricultural waste in the form of unused marijuana plant parts. They list Republic as the waste disposal contractor. Republic Services does not service Portal area. It doesn't even service Willcox.

This is another example of a complete mis-statement in the application.

LIGHTING: He proposes lights every 20 feet around the 20,000 sq. ft. building. Is he aware he is proposing this facility next to a fine community of astronomers with observatories? Also, isn't this in violation of dark skies regulations in Cochise County?

LAND CLEARING: On pages 8, 9, and 10 of the application it is said they don't anticipate clearing more than 1 acre. On page 1 itsays they plan to clear and develop 5 acres. Which is it? **This is another example of a complete mis-statement in the application.**

TRAFFIC: The applicant estimates that 30% of the traffic will be west bound on Community Road and 70% east bound. It is impossible for hardly any traffic to be east bound on Community road without major regrading and paving. Community Road to the east has wash crossings that are impossible to cross during rain. Foothills Road is the real access to the applicant's property. The applicants estimate of traffic flow is totally unrealistic, based on the size of the operation AND the necessary customers to support the retail operations.

Furthermore, Foothills Rd cannot support a doubling/tripling amount of traffic flow. Most residents will not use Foothills Road unless they have higher clearance vehicles with heavy duty tires because of road conditions. Is the county prepared to chip seal miles of road to support the applicant's business?

Is the estimate of 20 vehicles per day reasonable combining the traffic of 50 employees, deliveries and shipment, refuse hauling, and enough customers to support a 3,000 sq. ft. dispensing room? **More mis-statements?**

OWNERSHIP:

The ownership of this property and proposed facility is impossible to understand based on the application and the Arizona Department of Health Services Adult Use of Marijuana Program Documentation of Property Ownership form. This form doesn't list Jeffrey John Holmes as the owner. It says the applicant to run the 'proposed marijuana establishment' is an LLC from Virginia (LolaV LLC) that has authorization to obtain special use zoning from the property owner Barry M. Webb from San Diego. Who is Barry Webb? Owner? Part-owner? **More mis-statements. Who is the real applicant? The real owner?**

This application is a series of mis-statements. Until these mis-statements are explained and corrected the county should not consider grant the applicant's request. If the applicant receives a special use authorization and permit to proceed with this business, will he run it as carelessly as he filled out his application? Will he show the community of Portal the lack of respect he showed your agency? In summary, I would like to see this special use authorization denied. I don't believe this business fits the location or the community.

Respectfully,
Cecil Williams
1383 W. Poorwill Trail
Portal PO Box 16264
Portal, AZ 85632

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Subject: Regarding Docket SU21-000001 (Holmes)
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LIGHTING: He proposes lights every 20 feet around the 20,000 sq. ft. building. Is he aware he is proposing this facility next to a fine community of astronomers with observatories? Also, isn't this in violation of dark skies regulations in Cochise County?

LAND CLEARING: On pages 8, 9, and 10 of the application it is said they don't anticipate clearing more than 1 acre. On page 1 it says they plan to clear and develop 5 acres. Which is it? **This is another example of a complete mis-statement in the application.**

TRAFFIC: The applicant estimates that 30% of the traffic will be west bound on Community Road and 70% east bound. It is impossible for hardly any traffic to be east bound on Community road without major regrading and paving. Community Road to the east has wash crossings that are impossible to cross during rain. Foothills Road is the real access to the applicant's property. The applicants estimate of traffic flow is totally unrealistic, based on the size of the operation AND the necessary customers to support the retail operations.

Furthermore, Foothills Rd cannot support a doubling/tripling amount of traffic flow. Most residents will not use Foothills Road unless they have higher clearance vehicles with heavy duty tires because of road conditions. Is the county prepared to chip seal miles of road to support the applicant's business?

Is the estimate of 20 vehicles per day reasonable combining the traffic of 50 employees, deliveries and shipment, refuse hauling, and enough customers to support a 3,000 sq. ft. dispensing room? **More mis-statements?**

OWNERSHIP:

The ownership of this property and proposed facility is impossible to understand based on the application and the Arizona Department of Health Services Adult Use of Marijuana Program Documentation of Property Ownership form. This form doesn't list Jeffrey John Holmes as the owner. It says the applicant to run the 'proposed marijuana establishment' is an LLC from Virginia (LolaV LLC) that has authorization to obtain special use zoning from the property owner Barry M. Webb from San Diego. Who is Barry Webb? Owner? Part-owner? **More mis-statements. Who is the real applicant? The real owner?**

This application is a series of mis-statements. Until these mis-statements are explained and corrected the county should not consider grant the applicant's request. If the applicant receives a special use authorization and permit to proceed with this business, will he run it as carelessly as he filled out his application? Will he show the community of Portal the lack of respect he showed your agency? In summary, I would like to see this special use authorization denied. I don't believe this business fits the location or the community.

Respectfully,
Cecil Williams
1383 W. Poorwill Trail
Portal PO Box 16264
Portal, AZ 85632

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From: [Wynne Brown](#)
To: [Kirschmann, Robert](#)
Subject: Docket SU21-000001 (Holmes) - Comment from Chiricahua Regional Council
Date: Monday, March 1, 2021 3:33:46 PM
Attachments: [CannabisPamphlet.pdf](#)

CAUTION: EXTERNAL EMAIL*

Dear Cochise County Supervisors and Members of the Planning and Zoning Commission,

The Chiricahua Regional Council (CRC) strongly opposes the Special Use Authorization request from Jeffrey J. Holmes for parcel 402-11-001, Special Use Docket and Rezoning Dockets SU21-000001 (Holmes), for the following reasons:

Damage to the local economy, which is centered on ecotourism

Damage to property values

Light pollution

Burden on our public services and infrastructure

Reliance on our all-volunteer, community fire station for fire protection

Economic damage

Portal is a retirement community of scientists and professionals. Ecotourism and service industries for locals and visitors are the basis for the economy. There is little available rental housing and no labor pool. We pay some of the highest property taxes in the county.

Portal's scenic and biological resources draw almost 11,000 visitors annually, as documented by the US Forest Service's Visitor Information Center. Any degradation of our natural values will strike not only at property values but at the heart of our ecotourism revenue.

This large industrial agriculture facility will damage these values and will negatively impact our ecotourism-based economy. Marijuana-grow facilities are notorious for their stench, and they produce a large quantity of solid waste from plant biomass and liquid waste from irrigation and pesticide and fungicide transport systems. The applicant appears to dismiss those issues, which are known industry-wide problems.

The facility will also greatly increase traffic and burden on our local infrastructure, while contributing little to the local economy.

This marijuana grow-op will seriously degrade property values in this area. A member of the CRC board who is a real estate agent has already seen an impact on the sales of two parcels that are on the market within two miles of the proposed facility.

Light Pollution

CRC focuses on maintaining healthy intact habitats, which includes protecting access to dark skies. Dark skies are a tangible, prime, high-dollar economic asset to Portal property owners and a major draw for international buyers. The grow-op is a major threat to the fifty-six owners of lots in Arizona Sky Village, a community of astronomers who selected this location because it is geographically well isolated from light pollution. Homeowners in this special development have invested millions of dollars in carefully designed and crafted

observatories. In many cases, this equipment cost more than their houses. This value will be unrecoverable if they eventually have to sell to non-astronomers because light pollution has degraded the night skies for astronomy.

In addition to county-mandated parking and business signage lighting, a marijuana production and cash-only dispensary will require security lighting due to the nature of their product and its isolated rural location with no regular law enforcement coverage. Mr. Holmes' application states that county lighting codes will be voluntarily observed. However, over the decades since our first county lighting codes were developed, we have had no enforcement response by the county to at least five well-documented violations that citizens have reported.

Water

CRC advocates careful land stewardship, and the dwindling Southwest aquifers are already a concern. Marijuana-grow facilities use an inordinate quantity of water, a fact that is well documented in cannabis industry publications. The proposed site is on limestone in an area where productive wells are hit and miss. Local well driller Elbrock Water Systems has had no queries from Mr. Holmes about drilling as of a few days ago, suggesting that the applicant has not even determined whether a well on the site is feasible.

The 150-gallons-a-day mentioned in the permit is a gross understatement of the amount of water actually needed in marijuana-growing facilities, regardless of the methodology used. For instance, a very similar indoor grow facility in Phoenix uses 0.07 gallons of water per square foot of grow room per day. We therefore estimate that this facility, with 9,000 square feet of grow rooms, will use 630 gallons per day for the plants alone (not counting sinks, restrooms, any landscaping, etc.).

The amount of water needed to grow cannabis in this location is actually much higher because wells in this limestone area produce hard water. Water with more than 200 ppm of total dissolved solids (TDS) damages the root systems of marijuana plants, requiring growers to use reverse osmosis systems. Reverse osmosis is 25%-10% efficient. This means that for every one gallon of soft water produced, between 4 and 10 more gallons are sent into the wastewater system.

We are concerned that Mr. Holmes has vastly underestimated the amount of water this facility will require and that he will find that this site does not have either the quality or quantity of water necessary for the operation.

Infrastructure and Public Services

The vehicles of 20-50 employees, plus the "small trucks 5000lbs or less," plus the vehicles of customers will easily double the daily traffic on Community Road and Foothills Road – far more than what can be considered "minimal traffic impact." Is the county prepared to double the amount of money spent on grading and maintaining these roads? Will this money come from our taxes? How will the accompanying increase in road dust be managed to prevent health impacts and accidents from reduced visibility?

The electricity needs of this facility will be substantial, and we are concerned that Mr. Holmes has not considered the lack of adequate electrical infrastructure to support this location. In fact, Columbus Electric Co-op has had no queries from Mr. Holmes about the cost of a line extension, per a member of the Board of Directors as of a few days ago. Based on reported data from similar indoor growing operations in Arizona, we calculate that this facility will use between 414,775 kilowatt-hours per month and 829,550 kilowatt-hours per month, equivalent to 473 to 946 average U.S. households. This proposed facility essentially doubles the electrical needs of the Portal area. Who will pay for the associated electrical infrastructure that will need to be installed? How will modifications to the electrical grid affect landowners in Arizona Sky Village, through whose land the lines run?

The waste generated by this facility will be substantial. Cochise County currently sends a single truck to Portal twice a week for household trash pickup, parking at the intersection of Foothills Road and Portal Road and charging homeowners \$2 per bag of trash. This service is for household waste only, not commercial waste. Does Mr. Holmes expect to use this local service, and will the County need to increase the number of trucks or pickup days to accommodate this facility? Alternately, if he arranges for private waste services, the additional trucks will add further heavy vehicle traffic to the dirt roads.

Emergency Services

As the County is well aware, fire is an ever-present danger in and near the Chiricahuas. CRC is extremely concerned about the reliance of this facility on our local emergency services. Portal Rescue is an all-volunteer, community funded organization. The community raises money to support this service with events like potluck lunches. Portal Rescue is a wildland firefighting department only. This means that they do not have the equipment, training, or certification to deal with any structure fire, let alone something as potentially dangerous as this facility. Portal Rescue also does not have hazmat training or resources. The nearest fire response to this facility would be from San Simon, causing a significant delay in response time.

The National Fire Protection Association has noted a variety of factors that make indoor marijuana growing operations uniquely hazardous for fire. These hazards include

- hot 24-hour lighting systems in densely planted rooms,
- high electrical loads and dense electrical infrastructure to support lighting and ventilation,
- hazardous material storage on site for fumigation and fertilization,
- compressed gas CO₂ enrichment systems, and
- security locks and barriers that reduce egress and emergency access.

Mr. Holmes is proposing installing an industrial facility requiring specialized firefighting services in an area where no fire service can respond in a reasonable time frame. We have attached an informational packet from the NFPA regarding the type of firefighting response that needs to be in place for a safe operation of this type.

In conclusion, marijuana grow operations are better suited for areas like Willcox, Sunsites, and other areas currently zoned for light industry, agriculture, and low-density housing. These areas already have the infrastructure and public services that a facility like this requires.

Chiricahua Regional Council does not oppose the other Special Use applicants' plans you are considering. **Please follow the Cochise County Comprehensive Plan, which affirms the economic importance of our region's scenic view-shed, dark night skies, and the rural character of our open spaces.**

Please deny this Special Use permit, and defend the values that draw so many tourists and settlers to this place. Thank you for the opportunity to comment.

Best regards,

Wynne Brown, President, Chiricahua Regional Council
Noel Snyder, Vice President
Eskild Petersen, Treasurer
Michele Lanan, Secretary
Alan Craig
Helen Snyder

Josiah Austin
David Hodges
Narca Moore-Craig
Dirk Sigler

About the Chiricahua Regional Council

The [Chiricahua Regional Council](#) (CRC), based in Portal, Arizona, is a citizen's watchdog organization, formed in the early 1990s when we enlisted the support of the entire Arizona Congressional delegation to stop a heap-leach gold mine in Portal and to withdraw Cave Creek Canyon from mineral entry. Much more recently, we worked with the Coronado National Forest to establish a 25,764-acre Zoological-Botanical Area in Cave Creek Canyon. We represent a diverse group of residents and neighbors—ranchers, scientists, writers, artists, conservationists, local entrepreneurs, and Outfitter-Guide ecotourism permittees.

Citations

Energy usage estimates: Mehboob, N., Farag, H.E. and Sawas, A.M., 2020. Energy Consumption Model for Indoor Cannabis Cultivation Facility. *IEEE Open Access Journal of Power and Energy*, 7, pp.222-233.

Average US household usage: <https://www.eia.gov/tools/faqs/faq.php?id=97&t=3>.

Average US office energy usage https://l.antigena.com/l/AUBT-vWyiss2HDgrrGrJh26s-VTv3Kgos08iO~_HElanujVIHfz0zxOFAjZ95OvCXhIzdV4jUvk3je3YZFNui2EKd-gY_MmfUhlNVCWO8x2Fh4oiUMFWwKYrxGKLZbRFs2YeAgRTg_YzTkur4hF-dM2XzAnXuaBusCMT

Water usage at similar facility in Phoenix: <https://mjbizdaily.com/diminishing-the-drip/>

Information on water hardness and cultivation: <https://www.ilovegrowingmarijuana.com/best-water-marijuana-plants/>

Reverse osmosis efficiency:

https://l.antigena.com/l/oXHE8cCk6C6S8rGTPmsNwdNub3BvqvvhkK8PKY-gkvL5--WfyYH-N04ThGSKEcY9NKDHxWlyNtMieXw4GEKtLzMmvrLBlsxoylnKwggwQ3kDBT3RAEfkQcSS8aw3w_-Kq3vJgCavBOQukevnpv5Z60L7zb

Water usage per pound product:

https://l.antigena.com/l/zjXmo8nVZZoiRkWXD37iqLXw23Fn9uSxfBO7TKvo9GNeJPWaPz vPB_JUDmIHgushEYlqXm6M7XP4Nj7FP6XHeKimWyAgqpM~niZcxcoIKGmAQSAur3e-vgZEKUG3OKVI~rRIxfUgXjwls35r3n

Fire hazard information: Safety Issues for Cannabis-Related Facilities. National Fire Protection Association, 2020.

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SAFETY ISSUES FOR CANNABIS-RELATED FACILITIES



The number of states passing laws to permit the use of cannabis, or marijuana, for medicinal and recreational purposes continues to increase, and this has many jurisdictions trying to navigate uncharted territory. The first step in understanding what safety risks are present in a cannabis-related facility is knowing what type of facility is being proposed or inspected. Often, cannabis-related facilities will focus on one aspect of the industry: growing, processing, or selling. Each of these types of facilities presents unique hazards and related safety issues.

DID YOU KNOW? The term cannabis includes all forms of the plant, including marijuana and hemp.

CANNABIS FACILITIES AND NFPA 1

Not all hazards present in cannabis facilities are unique to the industry, so it is important to remember that the fire code, building code, and other applicable regulations might already have provisions for dealing with some of the hazards present. However, there are hazards unique to growing and processing facilities. These hazards are addressed in Chapter 38 of the 2018 edition of NFPA 1, *Fire Code*. This chapter contains requirements for fire inspectors to help ensure the safety of building occupants, the safety of firefighters, and the protection of property where cannabis is grown or processed.

OCCUPANCY CLASSIFICATION

The hazards in an occupancy vary based on the types of activities being conducted, the types of materials being

used, and the quantities of the materials being used. The most fundamental question when it comes to cannabis facilities is: what is the occupancy classification?

The occupancy classification of the facility should be based on the occupancy definitions found in Chapter 6 of NFPA 1 and the applicable building code. Depending on the facility and its use, some likely occupancy classifications for cannabis-related facilities may be:

- » Growing and processing facilities (including extraction rooms): Classified as industrial or storage.
- » Selling facilities: Classified as mercantile
- » Consumption facilities: May be classified as assembly or business depending on the occupant load

Just like other types of buildings, there could be more than one occupancy present. If that is the case, the building would need to be protected as a multiple occupancy building as outlined in Chapter 6 of NFPA 1. Similar to other types of facilities, the hazard of contents would also need to be evaluated. If the facility was found to have high hazard contents, which are contents that are likely to burn with extreme rapidity or are likely to explode, then the high hazard contents provisions would need to be applied. (See Chapters 60-75 of NFPA 1 as applicable.)

DID YOU KNOW? Cannabis growing, processing, and selling facilities are not distinct occupancy classifications.



SAFETY ISSUES FOR CANNABIS-RELATED FACILITIES (CONTINUED)

GROWING FACILITIES

Growing facilities are typically large warehouse type buildings subdivided into rooms. The grow rooms are closely monitored to provide exactly the right conditions for the plants. Usually, plants are moved throughout the building as they reach different stages and require different conditions for optimal growth.

While there are a number of things to consider when inspecting these types of facilities, two important questions to ask are the following:

1. What types of containers and trays are the plants growing in?
2. What types of fertilizers and fumigants are being stored and used?

The growing plants are typically not very combustible. They are kept under such moist conditions that flaming combustion would likely be difficult to achieve. However, the other materials present can and will impact fire growth. The types of containers and trays that the plants are growing in, as well as the growing medium, could impact things like the sprinkler system design. Fertilizer and fumigants could be hazardous materials, oxidizers, or hazardous to humans. Any of those types of materials could require additional requirements to be followed, such as those for high hazard contents.

Some common inspection issues are summarized in the table below along with topics to consider and where to find them in NFPA 1. Numbers in parenthesis are chapter numbers.

GROWING HAZARDS	SAFETY ISSUES	TOPICS TO CONSIDER
Egress	<ul style="list-style-type: none"> » A crowded area of plants moved often according to their grow cycles can become a maze for first responders and workers trying to exit » Lack of clear egress paths and clearly marked exit doors 	Means of Egress (14); Occupancy Fire Safety (20); Marijuana Growing, Processing, or Extraction Facilities (38)
Lights	<ul style="list-style-type: none"> » Extensive use of hot lighting systems often run for 24 hours a day and can be sources of ignition » Lighting systems hung using materials that could cause the lights to fall 	Building Services (11); Occupancy Fire Safety (20); Marijuana Growing, Processing, or Extraction Facilities (38)
Combustible Interior Finishes	<ul style="list-style-type: none"> » Areas separated by tarps or other flammable materials that could create fire hazards and egress issues » Wall and ceiling finishes can increase fire spread and smoke development 	Features of Fire Protection (12); Occupancy Fire Safety (20); Marijuana Growing, Processing, or Extraction Facilities (38)
High Electrical Loads	<ul style="list-style-type: none"> » High quantities of lighting, air conditioning, fans, and other systems that use a significant amount of electrical energy » Overloaded circuits and wiring that can spark fires 	Building Services (11); Occupancy Fire Safety (20); Marijuana Growing, Processing, or Extraction Facilities (38)
Fumigation and Fertilization	<ul style="list-style-type: none"> » Hazardous materials for fumigation or fertilization measures could present health and fire risks to employees and first responders » Systems installed to deliver fumigation and fertilization could increase the risk to the facility due to failures and leaks 	Marijuana Growing, Processing, or Extraction Facilities (38); Hazardous Materials—if used (60-75)
Illegal Locks/Barriers	<ul style="list-style-type: none"> » Noncompliant doors and locking mechanisms can hinder egress in a fire or other emergency 	Means of Egress (14); Occupancy Fire Safety (20); Marijuana Growing, Processing, or Extraction Facilities (38)
CO₂ Enrichment	<ul style="list-style-type: none"> » Failures or leaks of CO₂ enrichment systems can pose health and safety risks to employees and first responders 	Marijuana Growing, Processing, or Extraction Facilities (38); Compressed Gases and Cryogenic Fluids (63)



SAFETY ISSUES FOR CANNABIS-RELATED FACILITIES (CONTINUED)

PROCESSING FACILITIES

Processing facilities are all the other types of facilities that transform the plant into products for consumption. One common type of processing facility is an extraction room. During the extraction process, chemicals are removed from the plant for use in other



cannabis-based products. The extraction process is commonly completed by using a solvent, such as LP-gas or carbon dioxide, to strip the oils holding these chemicals from plant clippings.

While there are a number of things to consider when inspecting these types of facilities, the following are two important questions to ask:

1. What hazardous materials are used in the facility?
2. How much of the hazardous material do they have within control areas?

Hazardous materials are used throughout the production of cannabis, mainly during the extraction process. Other chapters in NFPA 1 provide requirements for hazardous materials, including limitations on the maximum allowable quantities (MAQs), protection of areas that use excessive quantities of hazardous materials, separation of areas using hazardous materials, and safe practices for those materials in use. It is important to identify the types and quantities of the hazardous materials present to properly apply the other chapters of NFPA 1.

Some common inspection issues are summarized in the table below, along with topics to consider and where to find them in NFPA 1. Numbers in parenthesis are chapter numbers.

EXTRACTION PROCESS HAZARDS	SAFETY ISSUES	TOPICS TO CONSIDER
LP-Gas Extraction	<ul style="list-style-type: none"> » Bulk handling and mixing of gases » Off-gassing from products can occur and could be hazardous » Improperly designed, installed, or maintained equipment can create leaks or explosions 	Marijuana Growing, Processing, or Extraction Facilities (38); Liquefied Petroleum Gases and Liquefied Natural Gases (69)
CO ₂ Extraction	<ul style="list-style-type: none"> » Failures or leaks of CO₂ systems can pose health and safety risks to employees and first responders 	Marijuana Growing, Processing, or Extraction Facilities (38); Compressed Gases and Cryogenic Fluids (63)
Extraction Equipment	<ul style="list-style-type: none"> » Inconsistent or incomplete peer review for approved, non-listed extraction equipment » Inconsistent or inadequate personnel training » Inconsistent use of codes for equipment review » Lack of accredited certification programs for equipment operators » Undocumented or unapproved equipment modifications or maintenance 	Marijuana Growing, Processing, or Extraction Facilities (38)



SAFETY ISSUES FOR CANNABIS-RELATED FACILITIES (CONTINUED)



EXISTING FACILITIES

For existing facilities, it is important to keep in mind that this is an ever-changing industry. Although these types of facilities might be on a set inspection schedule, additional inspections could be required. Some examples of times when additional inspections could be needed are when any of the following changes occur at a facility:

- » Modifications to the grow area, rooms and storage areas, extraction equipment, process rooms, or processing equipment within a facility
- » Changes in occupancy
- » Changes in material used in a new or existing grower or processor facility

➔ **DID YOU KNOW?** UL 1389 is a new standard for listing extraction equipment.

There are inherent dangers in cannabis-related facilities and the more that is understood in how these facilities operate, the safer the facility, its workers, and responders will be. Outlined above are the very basics, but there is always more to consider especially for

an industry that is changing so rapidly. Other considerations include proper permitting, proper sprinkler system design, and how to inspect and regulate new extraction processes. Regardless of what role you have in this (building owner, inspector, first responder, etc.), there is a common goal: to maintain the highest level of safety in these types of facilities. Ensuring that facilities comply with the appropriate standards is one way of doing that.

Additional Reference Information

- » NFPA 1, *Fire Code*, 2018 edition
- » *Fire Code Handbook*, 2018 edition
- » NFPA 70®, *National Electrical Code®*, 2020 edition
- » UL 1389, *Standard for Plant Oil Extraction Equipment for Installation and Use in Ordinary (Unclassified) Locations and Hazardous (Classified) Locations*, 2019 edition

LEARN MORE

Visit [nfpa.org/cannabis](https://www.nfpa.org/cannabis) for the latest information.

DISCLAIMER: This material contains some basic information about NFPA 1, *Fire Code*. It identifies some of the requirements in these documents as of the date of publication. This material is not the official position of any NFPA Technical Committee on any referenced topic which is represented solely by the NFPA documents on such topic in their entirety. For free access to the complete and most current version of all NFPA documents, please go to [nfpa.org/docinfo](https://www.nfpa.org/docinfo). While every effort has been made to achieve a work of high quality, neither the NFPA nor the contributors to this material guarantee the accuracy or completeness of or assume any liability in connection with this information. Neither the NFPA nor the contributors shall be liable for any personal injury, property, or other damages of any nature whatsoever, whether special, indirect, consequential, or compensatory, directly or indirectly resulting from the publication, use of, or reliance upon this material. Neither the NFPA nor the contributors are attempting to render engineering or other professional services. If such services are required, the assistance of a professional should be sought.

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IT'S A BIG WORLD. LET'S PROTECT IT TOGETHER.®

From: [Carvin Wilson](#)
To: [Kirschmann, Robert](#)
Subject: Marijuana Farm
Date: Monday, March 1, 2021 7:55:04 PM

CAUTION: EXTERNAL EMAIL*

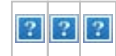
To Whom It May Concern,

I'm the owner of the property by the proposed marijuana farm planned for Portal, AZ. I'm against this development for various reasons to include the reduction in land value, no local infrastructure, environmental impact and a laundry list of other issues that I'm sure that others in my community have raised. I will be attending the Zoom meeting as well to voice my concerns to this development as well.

--



Carvin Wilson | *President*
70 S Val Vista Dr STE A3 | Gilbert, AZ 85296
Office: (888) 236-8025 | **Cell:** (480) 586-4247
Fax: (480) 718-8782 | **Web:** CarvinSoftware.com



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From: [tina stephens](#)
To: [Kirschmann, Robert](#)
Subject: Special Use Permit;Foothills Road Marijuana Grow & Dispensary.
Date: Tuesday, March 2, 2021 7:18:16 AM

CAUTION: EXTERNAL EMAIL*

Dear Mr Kirschmann,

Please accept this email submission as argument to providing a special use permit for parcel #40211001

The request refers to easy access to a main highway and maintained roads. The roads are not maintained and subject to washout and flooding, which are a safety hazard and pose a need for possible rescue support over 60 miles away. These roads are in isolated locations without local services. The roads are not maintained by the county.

In addition, traffic use indicated by the proposal is erroneous. Supporting up to 50 employees daily, plus customers, trucks bringing in supplies, trash produced that has to be removed, water production, electricity maintenance, and emergency vehicles as needed represent substantial traffic use. Use of roads in this manner and at this frequency and numbers will initiate an immediate burden on local residents who use that road for travel to Tucson and Wilcox for sustenance and medical assistance & appointments.

The area is surrounded by hills and mountains which often create their own microclimate. Dust may hang in the air for days. Odors from the facility will do the same. The pungent odor created is a daily occurrence and not periodic. It is ongoing and will not dissipate as expected. This may result in health problems and respiratory agrivation for local residents.

Last,but not limited to, the influx of customers to this location is nonsense. Customers do not need to drive unmaintained dirt roads for a dispensary when Willcox, Safford, and Tucson are easily available access. This remote location is not the best use for the property which is surrounded by ranches, farms, with homes miles apart. Local services do not exist.

I oppose this request for special use permit based on falsified information from the requestor, and lack of research supporting claims for local use and subsequent traffic changes.

Sincerely,
Tina Stephens
270 W Sanford Rd
Portal, AZ 85631

Sent from my Verizon, Samsung Galaxy smartphone
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I also emailed this letter in to the email given. Please add these additional comments

Just wanted to add some concerns after a discussion with someone who lived and worked close to a marijuana facility near the border with Colorado where it is legal. After the marijuana business opened there was an increase of impaired drivers. Break-ins in the near by community became a problem. Here many homes in the Sky Village part of Portal remain empty for months at a time. They could be prime targets.

Barbara Miller

Copy sent to email

2410 Cathedral Rock Rd
(Parcel #402-24-00704)
Portal, AZ 85632-6445

RE: Docket SU21-000001 (Holmes) – parcel #402-11-001
March 10, 2021 meeting

Mr. Robert Kirschmann, Planner II
Planning, Zoning and Building Safety
126 W 5th Street, Suite 4
Benson, AZ 85602#402-11-001

Dear Mr. Kirschmann:

We appreciate the opportunity to comment on the proposal for marijuana growing facility. My husband and I chose to retire here over 31 years ago. As many others here, we value the town, the community and area as a special place unique in our state and our country and known round the world. I am so **against** the proposal

Let us protect Cochise County's SE corner where tourists come to see birds, reptiles, insects and other fauna including the big guys like bear and deer. There is varied flora at all elevations. The money they bring in keeps our small business' afloat. The many retirees have chosen to live here to see the night skies and pay their taxes. Besides the tourists and birdwatchers you have the scientists. Let's use the fossil water to grow food. There is value in the clean air and all the above. This facility will bring in traffic and dust from the surrounding roads.

This is a place where you can really feel you have left large populations. You get that feeling when driving here you top to at Granite Gap on Rt 80. You look down at all that open space surrounded with the mountains. There is value in that as the world fills up.

Thank you for the opportunity to comment

Sincerely,



Barbara A. Miller
(and husband Floyd H. Miller who is 90., blind and unable to sign)

Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

FORTAL IS A PREDOMINATELY BEDROOM COMMUNITY WITH A QUASI-COMMERCIAL EXCEPTIONS: (1) COUNCIL CITY LIBRARY (2) BIRTH FACILITY (3) COUNCIL USPS FACILITY W/ 1 EMPLOYEE (4) FORTAL KICK & RESERVE STAFFED MOSTLY W/ VOLUNTEERS, AND (5) FORTAL STORE, WAFFLE & LARGE TRUCK IS SUR DOWNTOWN. ALSO THE COUNTY IS WILLING TO ALLOW A FINDER FEE ABOVE FORTAL (\$20,000) IN RESERVING R-1 ZONING - AND REMOVE THE WORD PLANNING IN YOUR TITLE?

(Attach additional sheets, if necessary)

PRINT NAME(S):

DONALD R. ROSS REVOCABLE TRUST

SIGNATURE(S):

[Handwritten Signature]

YOUR TAX PARCEL NUMBER: 402-80-00435 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by **Monday March 1, 2021** will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

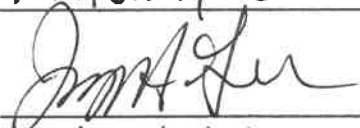
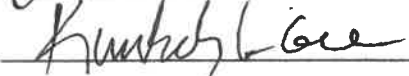
YES, I SUPPORT THIS REQUEST
Please state your reasons:

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

I first visited Portal in 1972, came back almost every year. We moved to Portal in 1989. One of the reasons was no commercial development as most everything is zoned RU-4. We live on the Portal Road East of Foothills Rd. So the proposed business will add traffic to our area. This tiny rural community does not want any commercial growth. Please do not approve.

(Attach additional sheets, if necessary)

PRINT NAME(S): Jeffrey Gee 520-349-5018
Kimberly Gee 520-349-7791

SIGNATURE(S): 


YOUR TAX PARCEL NUMBER: We own 5 parcels in Portal area. (the eight-digit identification number found on the tax statement from the Assessor's Office)

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RETURN TO: Robert Kirschmann, Planner II 37A - 402-81-013R5
Cochise County Planning Department 16A - 402-81-003H9
126 W 5th Street 52A - 402-81-01409
Benson, AZ 85602 51A - 402-81-01502
20A - 402-40-002C-2
176 Acres

Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

____ YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

Water & lighting concerns. The depth of wells in the area are 400-700 feet in places. If this facility goes in they will be drilling down to 1000 feet or more. We'll be in the same situation as Wilcox. Wells start drying up. Redrilling is expensive. The quality of water will be affected. Lighting is a real concern for the astronomers. This is one of the last places in the United States with dark skies.

(Attach additional sheets, if necessary)

PRINT NAME(S):

CINDY LA RUSSA EDWARD LA RUSSA

SIGNATURE(S):

Cindy La Russa
Edward La Russa

YOUR TAX PARCEL NUMBER: 402-86-00106 (the eight-digit identification number found on the tax statement from the Assessor's Office)

402-86-00209
402-86-00704

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by Monday March 1, 2021 will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

_____ YES, I SUPPORT THIS REQUEST

Please state your reasons:

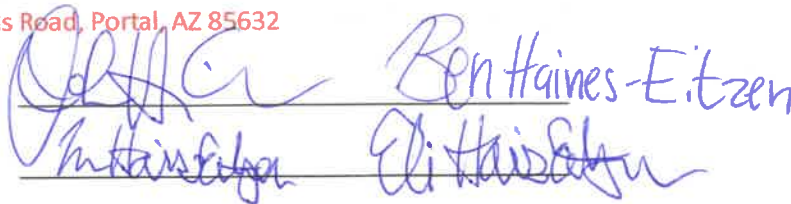
NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

Portal has been an important study site for biologists for a century, and attracts visitors from all over the world who support our local economy, as well as the economy of Arizona. Foothills Road, in particular, has for decades been an important study site for Portal's rare Gila Monsters, as well as many other species important to multiple biological and medical fields. It is a breeding ground for the Mojave Rattlesnakes who supply a significant portion of our nation's Mojave anti-venom, without which many more people would die from snakebites. The Gila monsters and Mojave Rattlesnakes whose habitats overlap the very site in question are currently the subjects of a multi-year study currently being conducted at 1801 S. Foothills Road, an off-grid research site scarcely 1000 feet from the proposed business. In addition to hosting important biological research, Foothills Road is also a designated "Dark Skies" community where astronomers from all over the world gather to study our night skies. Any large business built at the proposed site would be a detriment to the environment and quality of life for the area's inhabitants (both human and animal), with hypothetical income for its' non-resident investors negatively offset by reduced tourism and scientific research in our area. For these reasons, we request that the members of the Cochise County Board of Supervisors vote AGAINST a Special Use Authorization to construct a medical marijuana grow operation and dispensary on Foothills Road in Portal, Arizona. *(On a side note, it is a popular running and mountain bike route for local residents, tourists, and birders, and increased truck traffic would be a dust nuisance and increase roadkill dramatically.)*

PRINT NAME(S): John Haines-Eitzen, Kim Haines-Eitzen, Ben Haines-Eitzen, Eli Haines-Eitzen
1801 S. Foothills Road, Portal, AZ 85632

SIGNATURE(S):



YOUR TAX PARCEL NUMBER: Parcel # 402-11-004A6 Roll # 96078 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by **Monday March 1, 2021** will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

_____ YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO!

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

This area is known for its beautiful wildlife areas and world re-known birding areas. The increased traffic (vehicle) - dust and numbers of people going to coming to such a facility would help keep people away from here. We want to be known as a wildlife area - not a drug area. Will not like increased traffic on foothills road.

(Attach additional sheets, if necessary)

PRINT NAME(S):

Barney R. Tomberlin

SIGNATURE(S):

Barney R. Tomberlin

YOUR TAX PARCEL NUMBER:

402-22-005m6

(the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by **Monday March 1, 2021** will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

RETURN TO:

Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

Special Use Docket and Rezoning Dockets SU21-000001 (Holmes)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

Why would we want to bring dead skunk stench to Cave Creek Canyon? As reported in NYT, 2018.12.19, that is the experience of neighbors only 1/2 mile away from marijuana farms in No. Cal. A. Other negative impacts are the massive use of water in a drought stricken area.

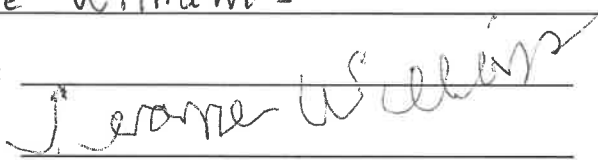
Additionally - there is a potentially negative impact on the economy (see pg 2)

(Attach additional sheets, if necessary)

PRINT NAME(S):

Jeanne Williams

SIGNATURE(S):



YOUR TAX PARCEL NUMBER: 402-26-005A 3 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by **Monday March 1, 2021** will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

Jeanna Williams

Parcel 402-26-005A3

Re: Special Use Docket and Rezoning Dockets 5021-000001
(Holmes)

Additionally potential negative impact on economy -

Real estate

Birding and tourism

Research - American Museum of Natural
History

Sky Village Astronomers

Ranching

Thriving Bee hive operation.

From: [Helen Snyder](#)
To: [Kirschmann, Robert](#)
Subject: Docket SU21-000001
Date: Monday, March 1, 2021 4:58:28 PM
Attachments: [Reinbold 2010 water test results.pdf](#)

CAUTION: EXTERNAL EMAIL*

To whom it may concern:

I've been doing real estate for 12 years in Portal Arizona and have been the top producer here since I started. The market was slow to recover from the 2008-era market crisis but since the beginning of March it has become very active, with steadily shorter times on market, lower inventory and homes and land selling for close to listing price.

Dark skies for astronomy are a material issue to at least 70% of my buyers, and since we learned of the proposed marijuana grow op proposed for Community Road, I have had two buyers cancel further investigations for a 61-acre parcel that adjoins the subject property, and another two buyers suspend their inquiries about a vacant lot that I have listed for sale in Arizona Sky Village.

Water in the nearest well I tested had 14 grains of hardness. Above 10.5 is considered Extremely Hard. This alone makes a problem for this type of agriculture.

For this reason and the ones stated in the letter from the Chiricahua Regional Council, on whose board I sit, I'm opposed to this project which appears to have been poorly researched on a number of fronts

--

Helen Snyder, Associate Broker, e-Pro
Everett J Jones Real Estate, Inc.
www.portalazrealestate.com
520-558-2413 office
520-559-6214 cell

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LABORATORY REPORT

SAMPLE JEFF WILLIAMS
(1210-410)
TO: ELBROCK WATER SYSTEMS

DATE 12-13-10

TOTAL DISSOLVED SOLIDS (T.D.S.) -----300-----

This is the term used to indicate all the dissolved solids in the water. According to the U.S. Department of Health, Education and Welfare the presence of T.D.S. in a water supply should not exceed 500 p.p.m. Most taste tests indicate that water with under 100 p.p.m. is preferred. If it exceeds level a more suitable supply should be sought. Water softening or filtration will not change the T.D.S.. To remove the sodium and lower the T.D.S. reverse osmosis is the most satisfactory system.

pH -----7.5-----

*Term used to indicate acidity or alkalinity of water (7.0 pH is neutral).

1. Acidity concentrate acid (pH below 7.0)
tends to eat out piping and fixtures and corrode copper and iron plumbing.
Brown rust or green copper stains will occur on fixtures.

2. Alkalinity-(pH above 7.0)
Tends to form scale, especially in water heaters, and hot side fixtures and plumbing. This scale can choke off water lines, causing loss of pressure, reduced flow and eventual replacement of the system. The pH does not cause scale, but does assist in the hardness build up.

HARDNESS -----14-----

Calcium (ca) and Magnesium (mg) Hard Water.
The hardness of water is directly in proportion to the amount of calcium and magnesium. 17.1 P.P.M. = 1 grain of hardness. 1 to 3.5 grains is considered Moderately Hard water, 3.5 to 7 grains is considered Hard Water, 7 to 10.5 grains is considered Very Hard water, and more than 10.5 grains Extremely Hard water. Effects are hard water wastes soap, grays fabrics, wears out clothes, deposits scale, increases fuel cost to heat water, clogs pores of skin, spots dishes washed in it, and causes increased time in the home cleaning to approximate 10 hours per month.

TOTAL ARSENIC

0.05 mg/L (EPA proposed 0.05 mg/L)

It may cause skin cancer at high levels. EPA considers it to be a carcinogen. At 100 mg/L severe poisoning can occur, elemental forms can be toxic. Anion exchange, reverse osmosis unit will also work, with special cartridges

-----0-----

COLIFORM BACTERIA

Coliform bacteria should not be found in well water or other sources of drinking water. Their presence in water serves as a reliable indication of sewage or fecal contamination.

-----0-----

IRON

The iron stains everything it touches in any trace amounts. It comes both in visible and clear iron (clear iron turns to visible after it is exposed to iron or chlorine).

-----1.5-----

NITRATE

No visible color, taste, or odor. Usually a public health matter. Nitrates above 10.0ppm as N considered health hazard for infants (cyanosis).

-----0-----

LABORATORY TECHNICIAN

-----Kendra Moses-----

This laboratory report is prepared for the sizing of proper water treatment equipment and not connected with the city, or water company.

Casa Petra Vera
895 W Portal Peak Rd
Cochise County

Mail:
3255 E Glenn St
Tucson AZ 85716

Tel:
503.490.1649

To: Cochise County Board of Supervisors
and Members of the Cochise County Planning and Zoning Commission

Re: Special Use Authorization request from Jeffery J. Holmes for parcel 402-11-001
Docket SU21-000001

03.03.2021

Attn: Robert Kirschmann

My husband Mariano Spina Novoa and I are designing our home and expanding our businesses for development at our Portal parcel, where we intend also to retire. Please carefully consider our input regarding the Special Use Authorization request in question. We apologize for our tardiness, as we only realized the deadline for public comment late last night.

Still in our 40s, we are some of Portal's youngest landowners. The unspoiled desert of the Huachuca Mountain foothills dictated the most important lessons of my childhood in the years my military family was stationed there. That experience is what has led me more than 30 years later to turn my life's work to the Chiricahua region, where my husband and I will relocate our creative studios in conjunction with developing an arts and sciences focused bed and breakfast.

Permitting the Special Use Authorization request in question would set a dangerous precedent for the future direction of Portal.

The Chiricahua region is literally the pinnacle of biodiversity in the continental United States. That may be its most singular value. As we explain on our business website, there is simply no other area in the United States equivalent to the environment surrounding Portal. We are actively encouraging our peers to join us investing in the Portal area. We believe that economic stability for the area is dependent on protection of its unparalleled combination of attributes for the fields of biodiversity, astronomy, and history. Portal is particularly distinct from destinations such as Bisbee, due to its ties to the international STEM community.

Before I touch on specific reasons a cannabis growing, processing and dispensary facility as proposed would negatively impact the area, please put yourself twenty years into the future. Imagine the plains surrounding the Chiricahua foothills dotted with sustainably developed guest ranches, farm stands, community centers, and studio businesses offering workshops on stargazing, birdwatching, herpetology, ceramics, and more.

Now, imagine instead - the area encroached upon by unsightly massing or advertising, large scale commercial orchards or corrals, and industrial facilities; which deplete an aquifer unable to sustain them, repel tourism, and threaten the biodiversity that frankly makes Portal different from any other town in the United States.

If parcels in and around Portal are developed without strong consideration for impacts to the watershed and to unspoiled views of both the land and sky, long term development of the region as a one-of-kind destination for research and environmental tourism may be destroyed.

Regarding specific impacts this particular Special Use Authorization could incur, in addition to the powerful odor which verily defies mitigation and the very large amounts of water and light required to grow cannabis crops; the International City/County Management Association notes when volatile solvents are used, cannabis processing may increase risk of explosion and fire, and elevate danger to first responders. The ICMA also states that mold spores and noxious gases may develop in the processes, pesticides or other toxic contaminants used may be difficult to contain, and some towns have noted traffic circulation and parking demand which are more intense than anticipated - akin to fast-food in terms of trip generation. (A link to the ICMA 2019 Local Impacts of Commercial Cannabis Report PDF is provided below for your reference.)

We have a keen interest in development that fosters community, economy, and conservation in tandem. Appropriately scaled commercial endeavors which benefit the community as well as bring revenue to the County should be permitted with requirements that contribute to the area's environmental conservation and to Portal's unique personality. A cannabis growing, processing and dispensary facility of the scale proposed appears to be a terrible fit for a very small unincorporated rural community in unspoiled wildlands at the nucleus of the most unusual ecological hotspot in the United States.

We strongly oppose the Special Use Authorization request from Jeffery J. Holmes for parcel 402-11-001, Docket SU21-000001, and we thank you for considering our arguments against it being permitted.

Sincerely,
Melinda Matson Spina

[Casa Petra Vera](#)
[Matson Spina](#)
[Spina Novoa Studio](#)
503.490.1649

—
https://icma.org/sites/default/files/Local%20Impacts%20of%20Commercial%20Cannabis%20Final%20Report_0.pdf

From: [Barry Webb](#)
To: [Kirschmann, Robert](#)
Subject: Fwd:
Date: Tuesday, March 2, 2021 9:36:56 PM

CAUTION: EXTERNAL EMAIL*

I am writing this letter after I found out my buyer received heavy opposition for receiving a permit on a legal marijuana facility. My buyer who plans on helping the veterans of Cochise County obtain medicine and help the many people who are in favor of safe access to marijuana including myself is actually a hero in my book and I want to do everything possible to make sure he is successful. In my experience heavy opposition like this can only be attributed to one thing and that is someone who has a grudge. I am afraid my former real estate agent might be behind this misinformation campaign. I had a business relationship with Joan Galanis at Tierra Antigua Realty. She was my real estate agent. I hired her many years ago to sell my property. I owe 23k in backed taxes that once this deal closes that money is going to go back into the county general fund. I think it's in everyone's best interest in Cochise County to see that this deal closes. Joan couldn't find a buyer for me for years and actually a couple months ago I received a phone call that she had no interest in even working my listing that she actually gave up on wanting to help me sell the property that's why I was very confused one day when she called angrily that she deserves a commission after she gave up on the listing and I found a buyer for the property. She later did the right thing and canceled our listing agreement but I think hastily had done so after I reminded her of the conversation we had but I am afraid she might have some anger in her heart and is behind this grassroots effort to cause problems and to sway public opinion that a desired permit in rural Cochise County that has seen very little activity in years and finally has captured the eye of a successful entrepreneur who wants to invest in Cochise County be thwarted because she is upset that she will not be receiving a real estate commission. I want the city council to see past this and do the right thing for the people of Cochise County and grant a special use permit so my buyers can complete the purchase of the land and start the project. If you have any questions please feel free to contact me.

Truly Yours,

Barry Webb
Ph: 619-861-8348
barrywebb619@gmail.com

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From: [Loren Klyne](#)
To: [Kirschmann, Robert](#)
Subject: Regarding Special Use Authorization request for parcel 402-11-001, Docket SU21-000001.
Date: Wednesday, March 3, 2021 12:05:30 PM

CAUTION: EXTERNAL EMAIL*

Dear Robert,

I am writing to express my strong opposition to the approval of the Special Use Authorization request from Jeffery J. Holmes for parcel 402-11-001, Docket SU21-000001.

I am a naturalist and writer based in Tucson, Arizona. I go to the Chiricahua Mountains regularly, and have strong ties to Portal. But this is not about me. This is about preserving biodiversity, and wilderness.

The Chiricahua Mountains and Cave Creek Canyon are unique. Their biological diversity is nearly unparalleled in the United States. This place is a gem, a rarity, a wealth that cannot be measured with capital. This construction would pave the way towards losing that wealth. Approval of the Special Use request would irreparably harm the region, as was detailed to you in a letter from the Chiricahua Regional Council.

As a young person watching the natural world erode before my eyes at the hands of development, I beg you to oppose the approval of this Special Use request. Let it happen somewhere that is not so biologically unique, not so sensitive.

I would also like to add that I support comments submitted to the board by Casa Petra Vera and the Chiricahua Regional Council.

Thank you for your consideration.
Sincerely,
Loren Klyne

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From: Robert A. Villa
To: [Kirschmann, Robert](#)
Subject: Cannabis growing in the Portal area
Date: Wednesday, March 3, 2021 10:32:53 AM

CAUTION: EXTERNAL EMAIL*

Mr. Kirschmann,

Please consider this my statement of support of comments already submitted by the Chiricahua Regional Council and Casa Petra Vera to the Cochise County Board of Supervisors regarding the Special Use Authorization request from Jeffery J. Holmes for parcel 402-11-001, Docket SU21-000001.

I am a native Arizonan born from roots going back a few generations. My love for the state and its natural beauty has enriched and propelled me greatly in life. I oppose approval of this Special Use Authorization request, as well as any other that would detract from, rather than preserve, promote, and holistically capitalize on the pre-existing natural beauty of the Chiricahua region.

Thank you for your consideration.

Sincerely,
Robert Anthony Villa
Garden and Greenhouse Curator | Research Associate
The Desert Laboratory | University of Arizona
-
President | Tucson Herpetological Society

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<<mailto:cochise.az.gov@missedspam.com>> or contact IT support at 520-432-8301.

From: [Michael Newman](#)
To: [Kirschmann, Robert](#)
Subject: Support for Comments by Casa Petra Vera
Date: Wednesday, March 3, 2021 11:53:53 AM

CAUTION: EXTERNAL EMAIL*

Hello Robert,

Please consider my statement of support for comments already submitted to the Cochise County Board of Supervisors regarding the Special Use Authorization request from Jeffery J. Holmes for parcel 402-11-001, Docket SU21-000001.

My name is Michael Newman, a student of law and public policy in Tucson. My grandparents (Bonnie and Ernest Rothpletz) enjoyed the quiet seclusion and natural beauty of Portal for decades. Now my friends have moved into the area under the name Casa Petra Vera, and they also intend to enjoy the environment for decades.

Surely there is farmland outside of the Chiricahua Mountain Park area which would be more appropriately suited for this large scale production, which would also be less of a nuisance.

I support comments submitted to the board by Casa Petra Vera and the Chiricahua Regional Council. I oppose approval of the Special Use Authorization request. Thank you for your consideration.

Sincerely,
Michael Newman
503-442-1876

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From: [Peg Abbott](#)
To: [Kirschmann, Robert](#)
Subject: Community road zoning variance
Date: Friday, March 5, 2021 7:04:09 PM

CAUTION: EXTERNAL EMAIL*

I am a member of the Portal community, a local bird guide, and resident of 20 years. I do not agree that a variance should be given for this project. It is not compatible with the nature of this remote, rural community. My worries are increased traffic, dust and noise created by traffic, lack of security forces in the area to deal with any problems, Distance from medical facilities, the tremendous drain on the water supply, construction of power poles and lines, and very important to our community - we don't want lighting associated from such a commercial enterprise. The dark skies are extremely important to local astronomers who have invested considerable monies into their equipment. I also worry this would create a situation where the foothills Road would need to be paved, creating a much higher speed on that road which which be dangerous for cattle, horses, our school bus, and wildlife. I do not want to see this project go forward.

I am concerned.

Peg Abbott

2446 South Starview Pl.
Portal Arizona. 85632

Sent from my iPhone

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From: [Mark Hynes](#)
To: [Kirschmann, Robert](#)
Subject: Do Not Approve Special Use Request
Date: Saturday, March 6, 2021 5:12:43 PM

CAUTION: EXTERNAL EMAIL*

Dear Mr. Kirschmann,

I've received news from a friend who owns a parcel near ours at Arizona Sky Village that a marijuana growing factory is seeking approval to build on property on Foothills Road near Portal.

We strenuously **OPPOSE** the approval of this variance. We have lived in Cochise County for over 30 years and have seen projects stopped by just one local property owner. We generally support development, however in this case we are strongly opposed for many reasons which have been outlined in length by other residents. The vast majority of owners in the area are opposed to this project. Please do not approve.

Sincerely,

Mark Hynes

Parcel # 402-21-042

Sent from Windows Mail

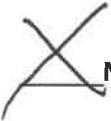
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MAR 05 2021

PLANNING

YES, I SUPPORT THIS REQUEST

Please state your reasons:



NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

see attached letter

(Attach additional sheets, if necessary)

PRINT NAME(S): Nancy Jean Mann
SIGNATURE(S): Nancy Jean Mann

YOUR TAX PARCEL NUMBER: see attached letter (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. 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 received by **Monday March 1, 2021** will be included in the packet presented to the Planning and Zoning Commission. Comments received up to 5 p.m. Tuesday March 11, 2021 will be verbally noted at the meeting.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
126 W 5th Street
Benson, AZ 85602

Mr. Robert Kirschmann, Planner II Cochise
County Community Development
Development Services Department
126 W 5th Street, Suite 4
Benson, AZ 85602

Dear Mr. Kirschmann,

I'm writing regarding Docket SU21-000001 (Holmes): an application to construct an indoor medical marijuana cultivation, packaging and dispensary near Portal on South Community Road (parcel number 402-11-001).

I do not support a special use authorization for this project.

I am not a resident of Arizona but frequently visit SE Arizona, particularly the Portal area where I camp, stay at the local motel, and eat at the Portal restaurant among other activities such as hiking, nature study, and bird watching. I spend a great deal of my vacation time in this beautiful area because of the quiet, rural environment without light pollution, minimal development, and low crime. All of these attributes which attract me to the area for leisure, recreation, and other tourist activities and are now threatened by this proposed development.

Overlooking the poorly written application, replete with numerous typographical and other errors, a few issues are especially troubling.

1. **LIGHT POLLUTION.** The applicant states there will be numerous outdoor lights but does not address how this will be mitigated, if at all.
2. **SECURITY ISSUES.** The applicant states the need for 24/7 policing of the facility. I believe this adequately points out the potential negative impacts of this project on the safety of both visitors and residents from project development. Equally disturbing, the applicant does not address how these security issues will affect local county sheriff budgets/policing in the area. The same fiscal impacts also arise from the applicant's stated reliance on the local Volunteer Fire Department.
3. **IMPACTS ON WATER SUPPLY.** Please recheck the applicant's "math" on how much water will be needed yearly for this project; 150 gallons per day DOES NOT EQUAL 1800 gallons per year.
4. **MARIJUANA SALES.** The proposed dispensary is HUGE. Where is the clientele for such a large operation originating? What will be the effects of this influx of "buyers" on this small, rural community?

These are just a few of problems I have with this application. I will leave it to others to point out and demand correction of all the errors in this sloppy, poorly written document. I am not "against" medical marijuana but a large industrial operation, which by its nature presents law enforcement and other logistical and environmental challenges, is completely inappropriate for this area; it belongs in an industrial zone close to better infrastructure and markets.

Sincerely,



Nancy Jean Mann
628 Grove Street
San Luis Obispo, CA 93401

From: [Geoffrey Bender](#)
To: [Kirschmann, Robert](#)
Subject: Proposed marijuana facility in Portal - OPPOSED!
Date: Monday, March 8, 2021 6:25:09 PM

CAUTION: EXTERNAL EMAIL*

Dear Robert,

While I will attend the March 10 Board of Supervisors meeting on this issue, I wanted to state up front that I oppose this project.

A couple years ago I spoke before the board against another proposed Marijuana growing facility outside of West Turkey Creek on the west side of the Chiricahuas and my opposition is the same. I would like to note it seems rather odd to me that the proposed location of these facilities are so remote, in very small communities. Why not house these facilities in an industrial area that has the infrastructure to support them with easy access to major highways? Wilcox, Kansas Settlement, Benson certainly are more appropriate for a facility like this. Portal has no industry and no industrial infrastructure. What makes the area attractive for a cannabis grower begs many more questions about this facilities operations.

The Portal area is widely recognized as one of the most biologically rich environments on the planet. It is precisely why the American Museum of Natural History established a biological field station for scientist from around to globe to study such biodiversity. Home to over 50% of nation's bat species, 25% of ant species, over 800 bee species, and recently recognized as the raptor capital of the U.S., Portal is truly a unique place. It is a birding mecca. It is no place for an industrial operation.

My concerns come from two perspectives, one as the Director of the Southwestern Research Station and two, as a 19 year resident of Portal.

As Director I am opposed to:

- Potential light pollution. I recently wrote a letter of support for the Chiricahua National Monument's application for "Dark Sky" designation. We are recognized for some of the darkest night skies in the lower 48. Since a marijuana growing facility would need security and grow lights, I imagine significant light pollution from this facility that will negatively impact many nocturnal species by changing foraging habits and changing forever an aspect that makes Portal so unique.
- Water consumption. The petitioners' proposal of a mere 150 gallons of daily water usage for a 20,000 sq ft growing facility seems woefully insufficient particularly in such an arid environment. I am concerned excessive water use will impact permanent water sources effecting countless species..
- Waste disposal. Portal currently is served by one garbage truck arriving twice a week at "trash corner" where residents bring their trash to the garbage truck. Will this facility use

this method of disposing trash? Will there be enough capacity? How will trash be secured on site? There are a plethora of creatures that love trash, bears, coyotes, skunks, pack rats, etc.

- Pest remediation. How will they handle inevitable “pests”? Use of pesticides and poisons will have an immediate harmful effect on native fauna throughout the food chain. Eradication of these “pests” upset the balance that makes the area so biologically unique.

As a citizen I opposed to:

- Potential security issues. Cannabis growers are prohibited from using banks and credit unions. Large amounts of cash present a security problem for the community. As a former EMT in Portal I have experienced police response times average approximately 3 hours. Will the county increase the police presence in Portal as the result of increased risks to the community that this industry produces. There will be additional county costs for allowing this facility
- Impact on roads. Foothills road is graded infrequently (maybe 3 times/year if we are lucky) and is a treacherous road to navigate. The road will only become worse with twice, three times, fourfold the traffic. Will the county perform more regular maintenance if this facility is granted?
- Impact on the community. The Portal community proudly embraces the fact we are 60 miles from the nearest traffic light. A grocery trip takes 3 hours. Our ruralness is what makes the place so special. Acceptance of this facility will only begin the demise of a truly unique place.

Thank you for your consideration,
Geoff

Geoff Bender
Director
Southwestern Research Station
American Museum of Natural History
PO Box 16553
Portal, AZ 85632
520-558-2396

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**Comments by Paul Hirt on the Marijuana Grow facility, Cochise County
for Commission Hearing March 10, Docket #5**

Thank you for the opportunity to comment on this special use authorization request. I am not in favor of granting the special use authorization. The application is incomplete, inaccurate, and inconsistent with prevailing public opinion. Moreover, the staff report on the application acknowledges many flaws and gaps in the application. Rather than conditionally approving the request based on the assumption that the applicant will resolve these problems at a later stage of permit approval, it seems abundantly clear that the authorization should not be granted until the issues noted in the staff report and in my comments below are adequately addressed and resolved.

Here are my specific comments and suggestions:

In the Staff Report, p. 3, under Compliance with Duly Adopted Plans, staff states that the applicant's special use authorization request is "compliant" with the Comprehensive Plan D-Rural Areas and particularly the "Agricultural and Ranching Element." While this may be technically true, I think it is a stretch to suggest that because the applicant plans to cultivate marijuana (indoors) that automatically makes the proposal consistent with the agricultural and ranching character of rural Cochise County.

Likewise, just because the proposed marijuana grow facility sits on a 41 acre parcel in a very low density area does not make it consistent with the "Rural Character" element. There is nothing "rural" about a 20,000 square foot building with 50 employees cultivating and processing a controlled substance and offering dispensary services. This is a commercial operation being placed in a remote rural location for reasons that are not entirely clear.

P. 3, bottom and p. 4 middle, staff says: "The proposed facility ... will provide a large amount of open, undisturbed area South of Community Road." How will it provide this and guarantee it in the future? Is the applicant saying he intends to put 40 acres of the property into some kind of open space or conservation easement? In the middle of p. 4, Cochise County staff state that "The other approximately 40 acres in the parcel are planned to be left undeveloped at this time." This has no force and guarantees nothing, so the open space preservation argument is merely speculative. It should not be part of the justification for approving the project, especially when it is abundantly clear to everyone who lives in the area that a 20,000 square foot facility with parking for 50 employees and all its attendant traffic is wholly contrary to "open, undisturbed" land values.

P. 4, Traffic Circulation Factors: Complies with Conditions. The Staff Report states "This type of use is similar to small-scale 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." Not having any data or using any model to estimate traffic does not justify concluding that the facility complies with traffic element goals. The lack of data indicates a need for additional study not a green light to approve. It is highly likely that employees will have to

commute to this remote location increasing traffic and road impacts, so this factor needs to be addressed before a decision is made. Other local businesses average 3-5 employees besides the owners. At that scale, local labor might be available. But not at the scale anticipated for this facility, which is up to 50 employees. Where will they come from?

More comments on traffic: County staff estimate up to 343 daily vehicle trips at build-out. That seems to be a reasonable estimate for a business and retail facility that must have employees working every day, plus traffic from customers, shipments, and deliveries. Calling that “a modest increase” from the potential 43 to 218 daily vehicle trips if ten single family households were built on the 40 acres is misleading and unhelpful. First, 343 daily trips is an eight-fold increase over the low range of 43 daily trips for ten houses. That is not a modest increase. Second, the vehicle trip estimates for ten houses are merely hypothetical since *there are no houses now* and no proposal to subdivide and build 10 houses on this 41 acre property. In reality, this grow facility represents a massive, unprecedented increase in traffic from current conditions. Third, even 43 daily trips for ten houses is probably a high estimate. Most residents in this area make very few daily trips because there are only three retail businesses and no mail delivery or garbage pick-up. So trip averages here are very low. Many of us go for days without ever leaving home. Moreover, many properties are second homes occupied only part of the year. Finally, in this remote area most properties are far larger than 4 acres, intentionally so by the owners to preserve the rural character. The whole area surrounding the proposed facility, excluding the small townsite of Portal itself, is comprised mainly of properties larger than 4 acres. The fact that the land is zoned RU-4 does not mean that we should assume there is or will be a house every four acres. The additional traffic impact of this proposal must be seen in the light of real conditions, not minimized with spurious claims that the traffic burden is only a “modest increase” over some theoretical maximum for RU-4 that makes no sense at this location. For the locals who live here, this facility manifestly does NOT comply with current and typical traffic conditions in the area. This should be acknowledged honestly by the county and dealt with in the permits, not swept under the rug as a non-issue.

One of the most glaring gaps in the application is the claim that no hazardous materials will be used or present at the facility. As county staff rightfully pointed out, this is demonstrably false. I don't understand, however, why county staff would simply recommend that the applicant submit a hazardous materials questionnaire with the building permit. Either the applicant intentionally misled the county or is woefully ignorant about the business they propose to run. Neither bodes well for a successful project or for building trust with the local community. The special use authorization should be denied or postponed until this aspect of the proposal is clarified and evaluated professionally.

Similarly, county staff noted correctly that marijuana grow facilities tend to emit strong odors, yet there is no mention of that in the application and no odor mitigation strategy. As with the above item on hazardous materials, county staff notes that the application lacks a discussion of this issue yet inexplicably concludes that the facility “complies” with county conditions. For both the hazardous materials and odor mitigation the county is proposing additional work by the applicant prior to submitting the permit, and then pre-judges compliance. This does not

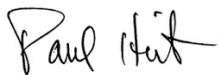
seem wise or appropriate. The applicant should show better knowledge of their proposed business and a more honest effort to address these important issues and develop clear and effective mitigations. At present, this proposal certainly does NOT “comply” with hazardous materials and odor mitigation conditions.

I hope I have sufficiently demonstrated that both the application and the analysis supporting approval of this special use request is inadequate and that significant additional information, evaluation, and mitigation is needed. Afterward, if the county continues to support approval of the special use authorization, I hope it would only be in the context of additional conditions attached to the permit to ensure that it does indeed comport with the ten special use elements that such proposals must be judged against and is more consistent with the remote rural character and values of the area.

In closing I would like to reiterate a point county staff made on p. 6 of the Staff Report when it acknowledged that the proposal does not comply with Public Input, since 96% of comments opposed the special use authorization. The Staff Report said “Zoning Regulations state: If there is major public opposition to a proposed Special Use Authorization request, this may indicate that the technical evaluation regarding compatibility of the use does not concur with the view of local residents and a recommendation of denial may be appropriate...” Indeed, it would be.

Thank you for considering my comments and recommendations on this important matter.

Sincerely,

A handwritten signature in black ink that reads "Paul Hirt". The signature is written in a cursive, slightly slanted style.

Paul Hirt
Professor Emeritus
Arizona State University

1900 W. Cave Creek Rd.
Portal, AZ 85632
520-558-2461
paulhirt@me.com

From: [Bobby Schurian](#)
To: [Kirschmann, Robert](#)
Subject: Portal area cannabis grow/dispensary
Date: Friday, March 5, 2021 4:40:01 PM

CAUTION: EXTERNAL EMAIL*

Hello Mr. Kirschmann,

We have lived in the Portal area for over 15 yrs. and would like to express our UNfavorable opinion regarding the issue of allowing cannabis growing and in particular, a dispensary, north of Portal, AZ.

There are many reasons to NOT want this to be allowed, several of which are land values and family safety issues.

We know many will think "not in my back yard," and we certainly believe in individual rights. However, we also think given the incredible uniqueness of the Portal/Cave Creek area, allowing this type of business would be a travesty to the main attraction here which is nature studied and enjoyed by folks of all ages and walks of life.

There are so few places like this in the desert, please think twice before despoiling this beautiful area.

Thank you so much for you time and service to our county.

David and Barbara Schurian
1714 S B Lee Ln
Portal, AZ 85632
520-558-1187

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From: [Elva Munro](#)
To: [Kirschmann, Robert](#)
Cc: [Duncan Munro](#)
Subject: Opposition to the proposed marijuana grow-op on Community Road near Portal AZ
Date: Friday, March 5, 2021 5:23:25 PM

CAUTION: EXTERNAL EMAIL*

Elva and Duncan Munro
2114 S. Milky Way
Portal AZ 85632
celticlady13@hotmail.com

**RE: Cochise County Planning & Zoning Commission Hearing: Wednesday,
March 10, 2021 4:00 PM-8:00 PM
(Docket SU21-000001 - Holmes)**

We are writing to express our strong opposition to a proposed marijuana grow-op on Community Road near Portal AZ.

We have a home in the Arizona Sky Village and the proposed grow-op would very negatively impact our enjoyment of our property and decision to continue to live in Portal, where, we have spent and intend to spend 4 to 6 months centered around the winter of each year, along with shorter visits throughout the year.

The proposal will have the following serious impacts on our property and will destroy the value for its intended use as a base for astronomy and local living:

Light trespass – This area is designated as a “Dark Sky” area of the state. The requirement for outdoor and indoor lighting in and around the required greenhouse structures will violate the dark sky requirement and significantly reduce our enjoyment of the night skies, as will the headlights of the large numbers of vehicles passing along Foothills Road. This will destroy the value of our property and probably cause us to abandon our plans to stay in the area and continue living in our home, which will cause a significant loss of revenue for local businesses and to the county, by way of reduced spending and therefore reduced tax revenues.

Traffic – Foothills road is largely gravel, incurs periodic flooding which can make it unpassable, and is not suitable for daily commuting by a large workforce. The proposed workforce will most likely prefer to commute over hard surface roads via Hwy 80 to Portal Road then proceed west of our home along Foothills Rd. (which is only partially paved) to the currently

unusable Community Road.

Community Road is marked on maps as connecting Foothills Road with Hwy 80, but I can assure you that this is not the case. The road becomes impassable shortly after exiting onto it from Foothills Road and is cut by several washes that become dangerous torrents after heavy rainfalls. Consequently, access to the grow-op will be along Foothills Road causing a dramatic increase in erosion to the long section of unpaved road, along with increases in dust, noise, and light trespass impacting area residents. As a condition of approval, the county should foot the bill for grading, creating a stable roadbed, paving, and on-going maintenance of Community Road to ensuring safe and reliable access to the proposed grow-op along Community Road to Hwy 80.

Water - The long-term forecast is that water levels in the local aquifer that Portal area wells depend upon for water, will continue to drop. Many of the Portal area homes have had their wells run dry requiring expensive re-drilling to locate water. The proposed water use (150 gallons/day) as stated in the development proposal is barely sufficient to support a single family, much less a large industrial agricultural operation, with a large workforce. The proposal should be rejected on this single point alone, as it indicates that the proposal cannot be taken seriously as a factual document.

Security – Currently visits to the Portal area mainly from local residents and seasonal tourism but any increase in grow-op related visits will undoubtedly also require an increased police presence and thus an increase in costs to the county. These costs will also include a predictable decrease in property taxes due to a decline in the value of local property caused by the presence of a marijuana grow op, and the increased probability of vandalism and other crime in the Portal area necessitating a close police base. An additional result will be less local spending on goods and services from local property owners as well as tourists, due to decreases in trips to and time spent in the area.

In summary, this proposal should be rejected as not being in the best interests of Portal property owners and the local economy.

Elva and Duncan Munro

Send to:

Robert Kirschmann at rkirschmann@cochise.az.gov by March 9."

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