

COCHISE COUNTY

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

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

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

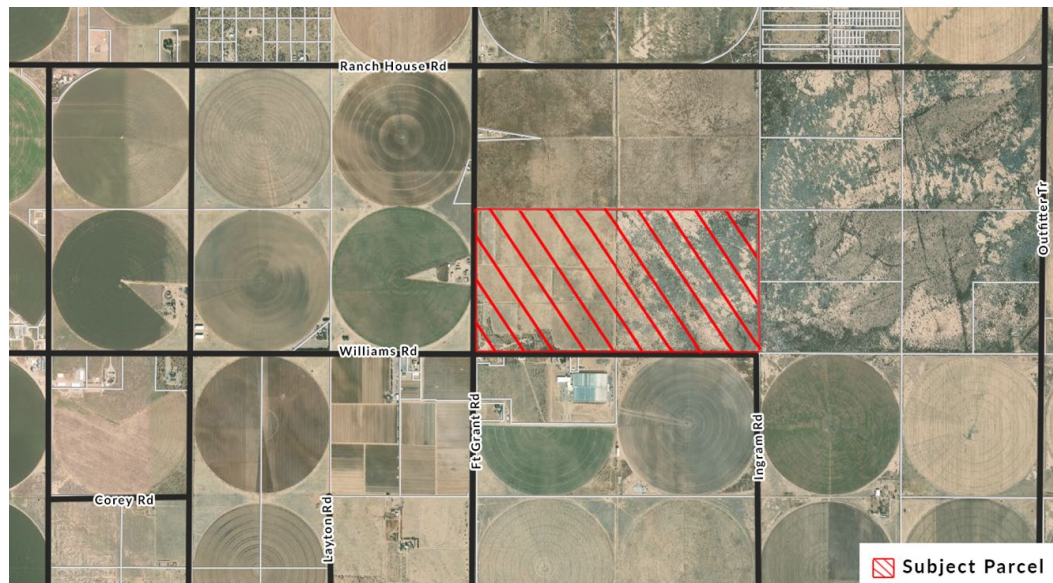


Public Programs...Personal Service

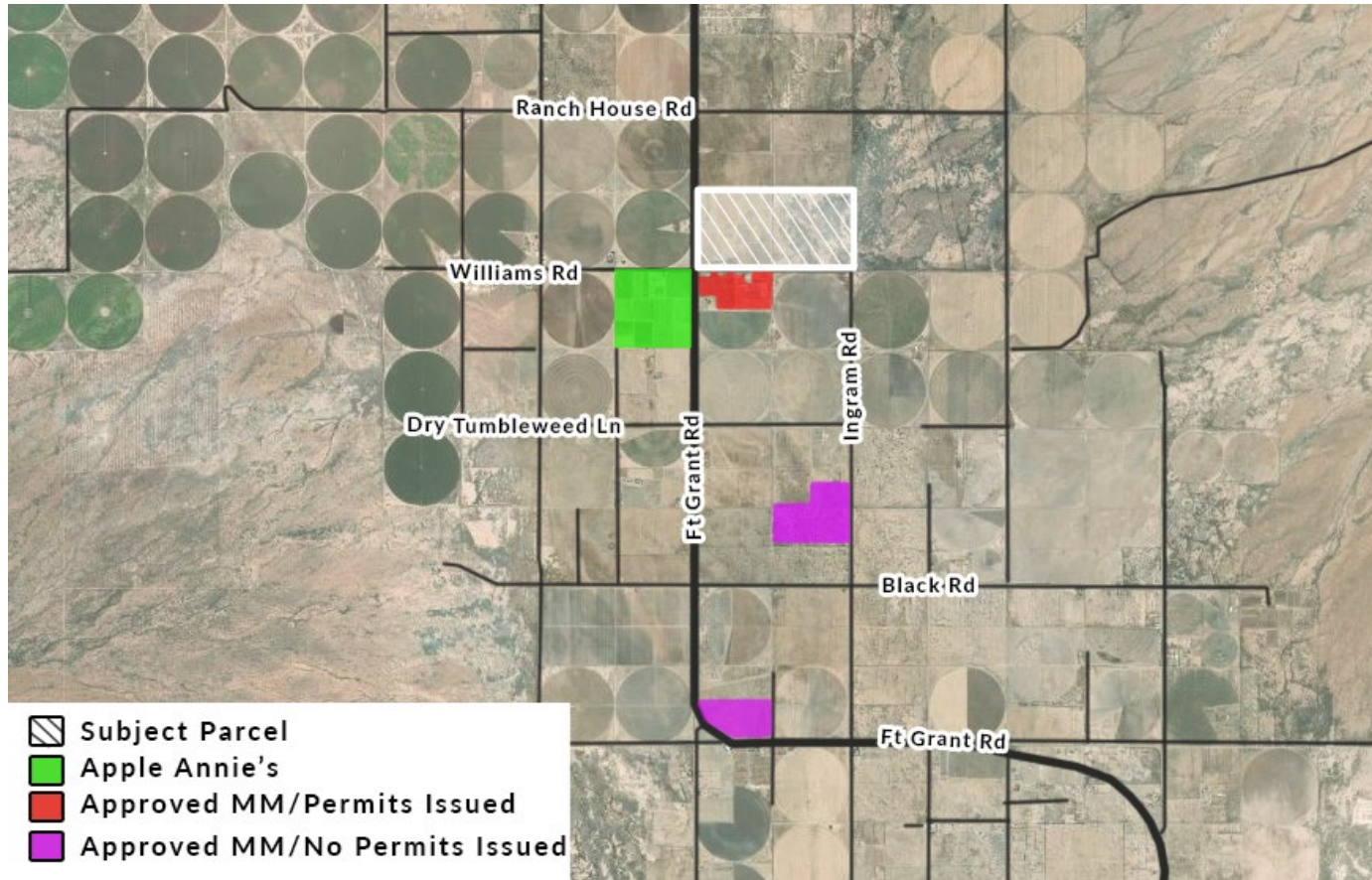
COCHISE COUNTY

Background

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



COCHISE COUNTY **Site Analysis**



Photos Above:
Apple Annies



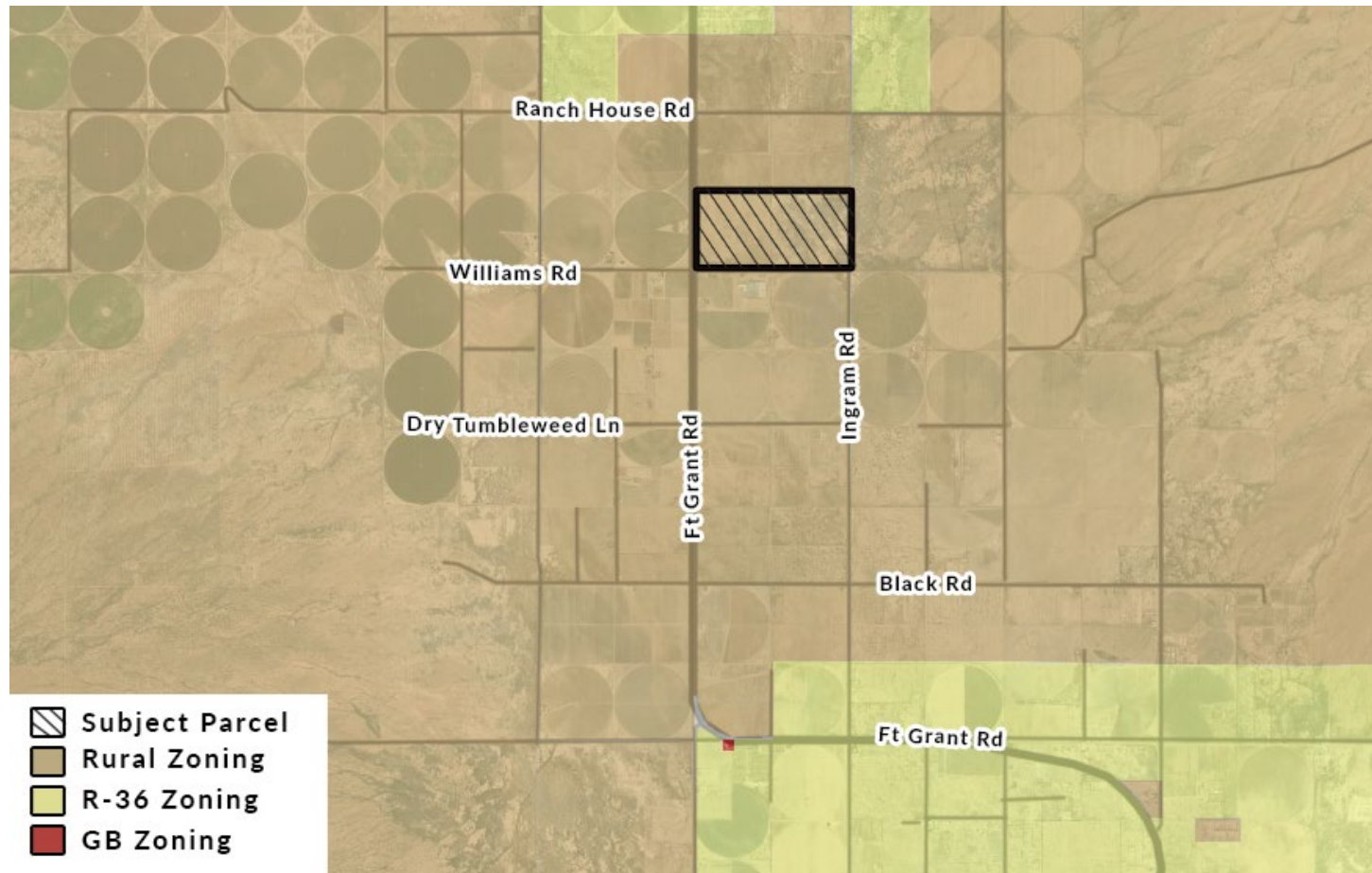
Photos to the left:
The Pharm, security
and wall



Photo to the left:
Current site



COCHISE COUNTY **Current and Proposed Zoning**

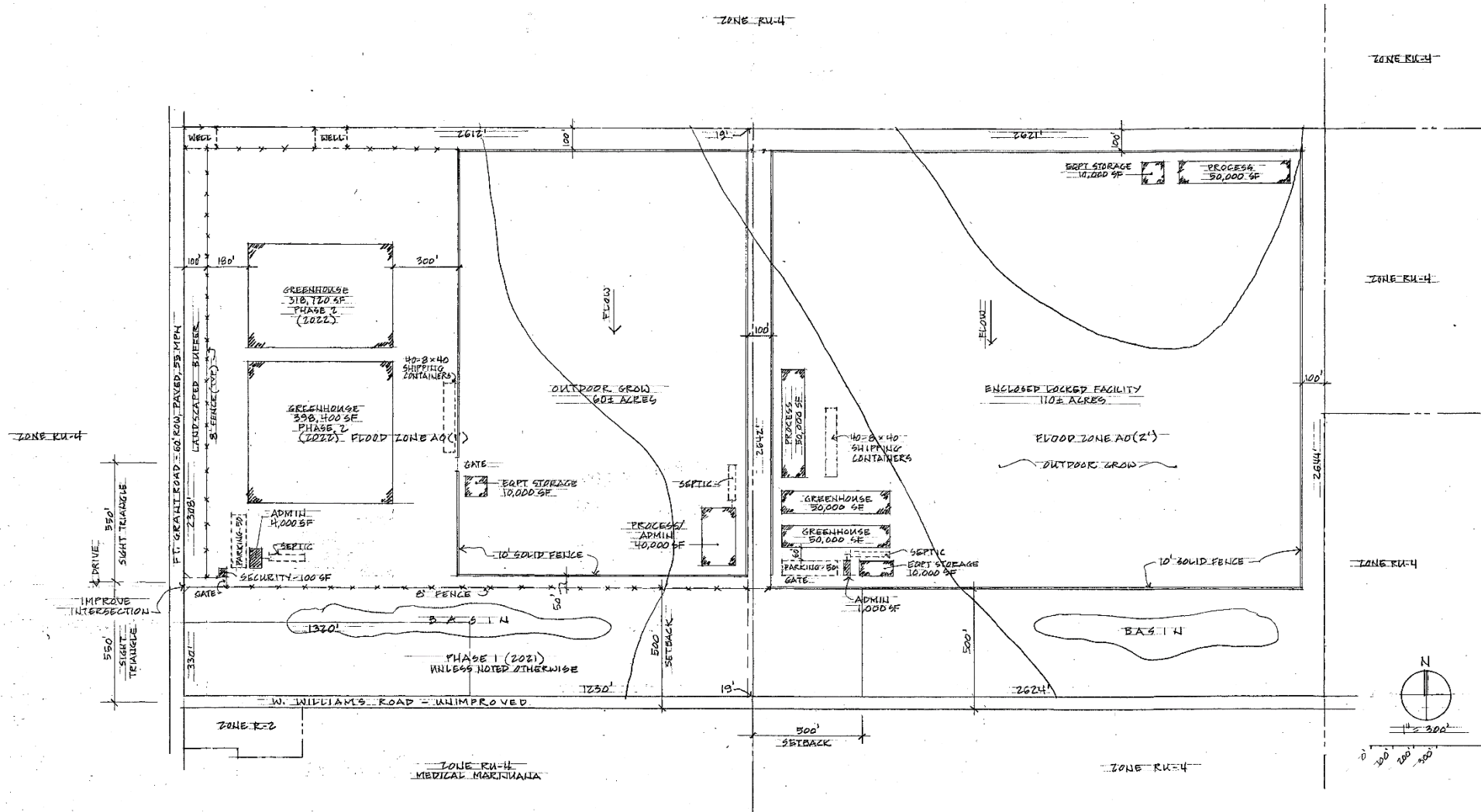


RU (Rural) Zoning Districts are established to:

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



COCHISE COUNTY Proposed Site Plan



COCHISE COUNTY **Evaluation Criteria Analysis**

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

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



COCHISE COUNTY **Conditional Compliance**

Hazardous materials:

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

Site development standards:

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

SITE DEVELOPMENT ANALYSIS		
ITEM	PERMITTED/REQUIRED	PROPOSED
ASSESSOR PARCEL NUMBERS/ZONE	201-17-002E	
ZONE	RU-4	
GROWTH AREA	CATEGORY D (RURAL)	
FLOOD ZONE	X, A0 (1), A0 (2)	
USE	RU-4: RURAL-RESIDENTIAL, AGRICULTURAL	MEDICAL MARIJUANA CULTIVATION FACILITY (SPECIAL USE)
SITE AREA	4.0 ACRES MINIMUM	318± ACRES
BUILDING AREA	N/A	ULTIMATE: 991,220 SF 22.7 AC
MAXIMUM HEIGHT PRINCIPAL STRUCTURE	RU-4: 30'	≤30'
MAXIMUM HEIGHT ACCESSORY STRUCTURE	30'	≤30'
MAXIMUM HEIGHT WALL OR FENCE	RU-4: 8'	8' PERIMETER FENCE 10' SOLID FENCE AT OUTDOOR CULTIVATION AREA AS MANDATED BY AZ DHS
MINIMUM SETBACKS	MEDICAL MARIJUANA CULTIVATION FACILITIES: 500' RU-4: 80' ROADWAYS, OTHER BOUNDARIES: 20'	WILL COMPLY
MAXIMUM SITE COVERAGE (BUILDINGS AND IMPERVIOUS SURFACES)	25%	7.2%
DISTANCE BETWEEN STRUCTURES	15'	≥15'
SCREENING	NO REQUIREMENT	
OFF-STREET PARKING	1 SPACE PER 3 EMPLOYEES ON LARGEST SHIFT	100 SPACES PROVIDED
OFF-STREET LOADING	>50,000 SF 4 SPACES	4 SPACES
LANDSCAPING	NO REQUIREMENT CATEGORY D GROWTH AREA	LANDSCAPED BUFFER AT FORT GRANT ROAD FRONTAGE
SITE ACCESS STANDARDS	TBD	SIGHT TRIANGLE DISTANCE AT FT GRANT ROAD: 550' MINIMUM UPGRADE INTERSECTION OF ACCESS DRIVE AND FT GRANT ROAD
OUTDOOR STORAGE	NO RESTRICTION IN CATEGORY D GROWTH AREA	N/A
LIGHT POLLUTION	WILL COMPLY SECURITY LIGHTING ONLY	
SIGNS	FT GRANT ROAD AS ARTERIAL 32 SF MAXIMUM 6' HIGH MAXIMUM	WILL COMPLY

COCHISE COUNTY **Does Not Comply**

Odor:

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

Visual Impacts

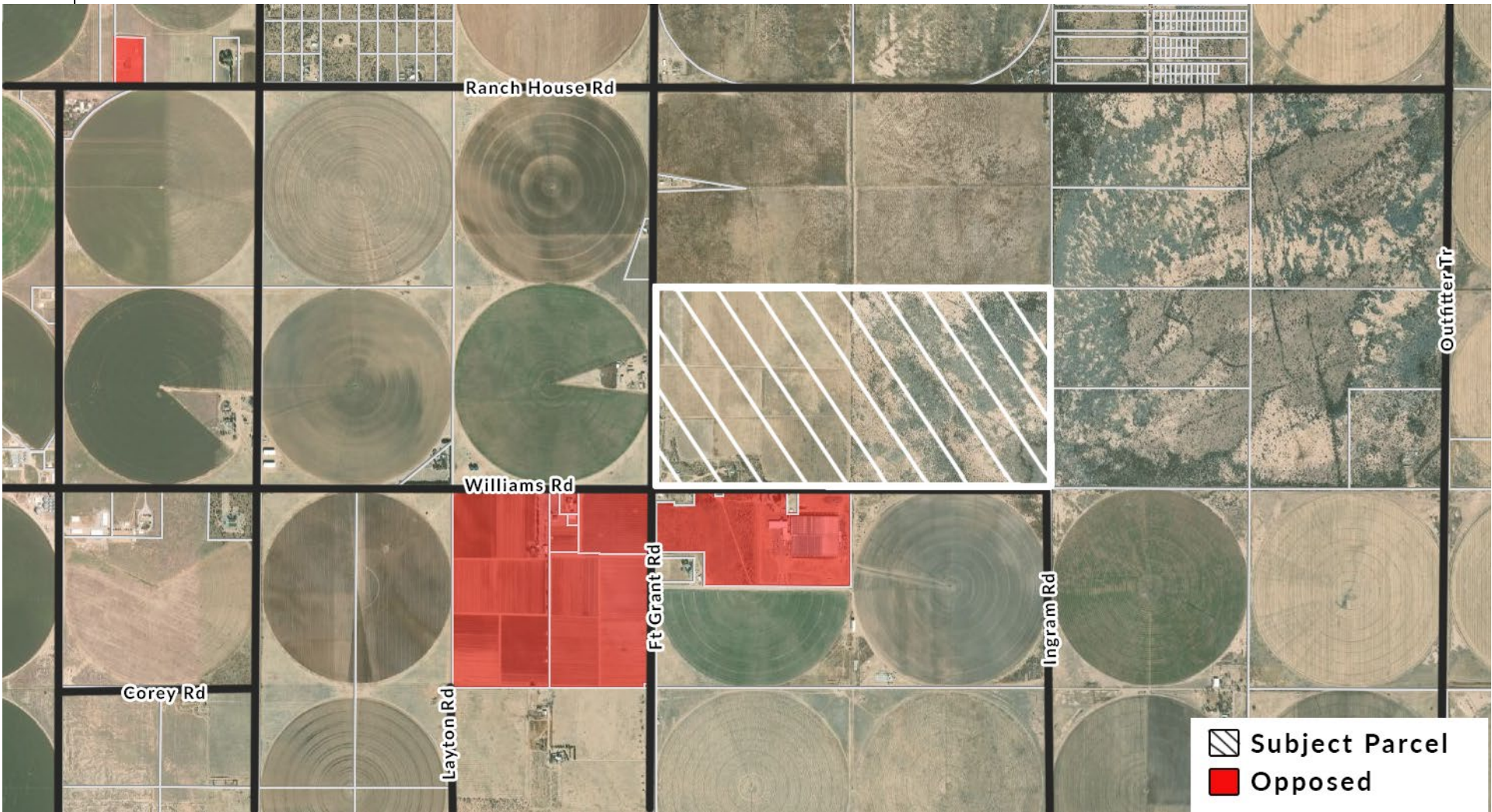
- Proposed fencing and wall shall not diminish the visual quality of the premises or surrounding area. Razor wire or similar material is not permitted.
- Landscape buffer – max spacing, irrigation, maintenance plan (fertilization schedule), 3-year guarantee of plant material

Also glare/glow, traffic, dust concerns



COCHISE COUNTY **Community Input**

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



COCHISE COUNTY **Factors in favor of approval**

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



COCHISE COUNTY **Factors Against Approval**

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





COCHISE COUNTY **Staff Recommendations**

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

If the Commission wishes to grant approval, staff recommends the following conditions:



1. Within 30-days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 18-months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 24-months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;
2. It is the Applicant's responsibility to obtain any additional permits, or meet any additional Conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations;
3. Any changes to the approved Special Use shall be subject to review by the Planning Division and may require additional modification and approval by the Planning and Zoning Commission;



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



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



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



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



Sample Motions

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

