



Cochise County

Development Services

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MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Robert Kirschmann, Planner II
FOR: Daniel Coxworth, AICP, Development Director
SUBJECT: Docket SU22-08 (Ingram), Modification of SU-15-25A
DATE: March 30, 2022, for the April 13, 2022 Meeting

APPLICATION FOR A SPECIAL USE AUTHORIZATION

The Applicant, Quihuis Architecture Co, LLC requests a Special Use Modification (SU15-25A) to relocate the development outside of the Flood Zone.

The project is located at 8521 N Ingram Road in Willcox, Arizona and is identified as parcel number 201-27-003.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

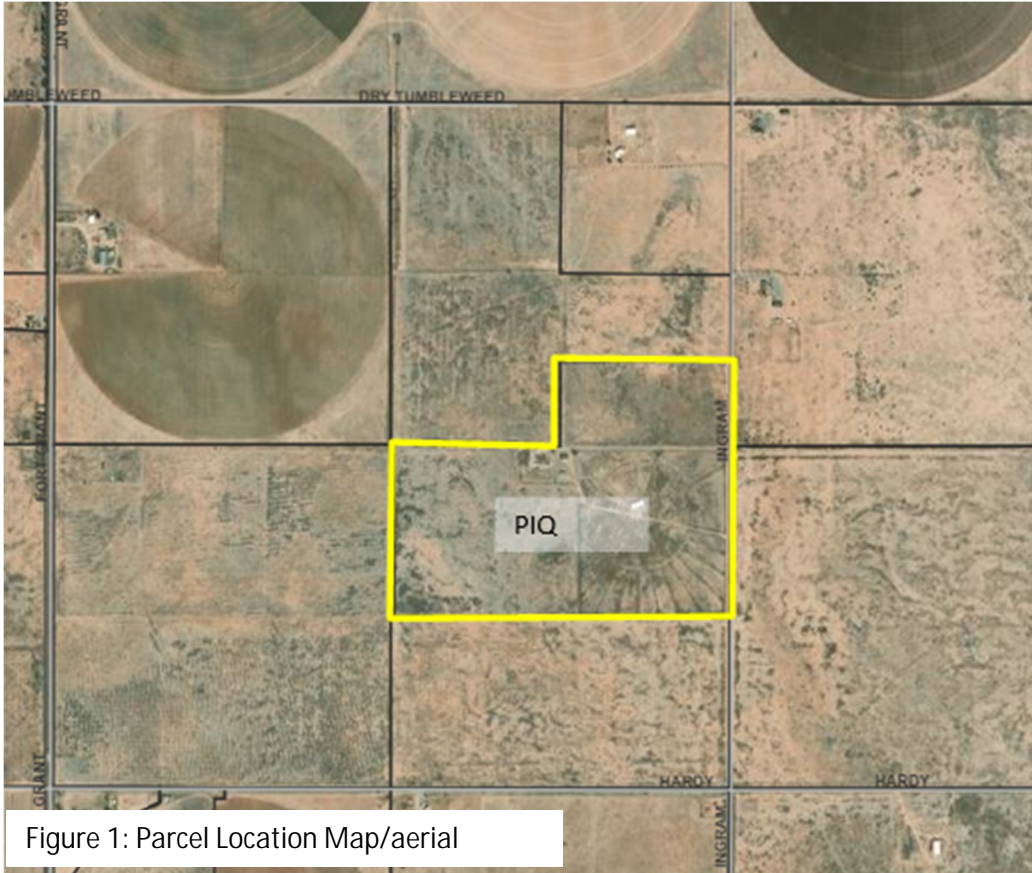
Parcel Size: 98.89 acres
Current Zoning: RU-4 (Rural; one dwelling per 4 acres)
Proposed Zoning: Same
Growth Area: Category D
Comprehensive Plan Designation: Rural
Area Plan: None
Existing Uses: Vacant and fallow farmland, vacant animal structures, previously approved marijuana cultivation
Proposed Uses: Indoor marijuana cultivation and processing

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Low density residential/AG
South	RU-4	Agricultural land
East	RU-4	Vacant low-density residential/AG
West	RU-4	Low density residential/AG

Planning, Zoning and Building Safety

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II. PARCEL HISTORY

1956-single family residential structure and utility storage building

1956-farm utility building

1990-out building

The Site was approved in 2015 for indoor medical marijuana grow. At that time the grow was show on the rear (west) portion of the parcel opposite from Ingram Road. The Site Plan was modified in 2019 to replace one greenhouse with outdoor grow and to utilize existing buildings for various portions of the use. Both of these were approved by the Planning Commission.

Figure 1: Parcel Location Map/aerial

III. NATURE OF REQUEST

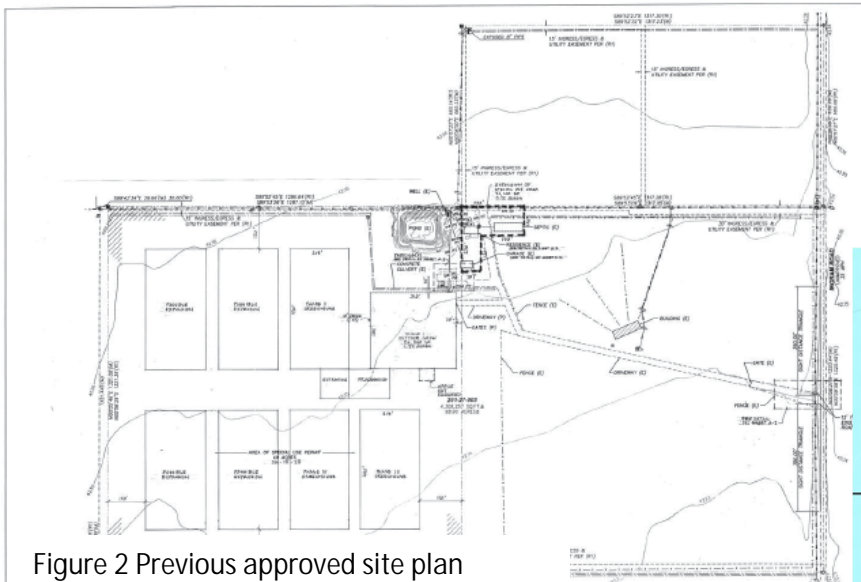


Figure 2 Previous approved site plan

The original approvals placed all of the grow within a FEMA Designated Flood Zone, AO-1. By moving the project forward the applicant will be able to reduce impacts and expenses related to the Flood Zone.

The project is proposed to be constructed in three phases and includes:

Phase 1

- ~4.56 acres of greenhouses (new)
- 1,505 square foot administrative building (existing)

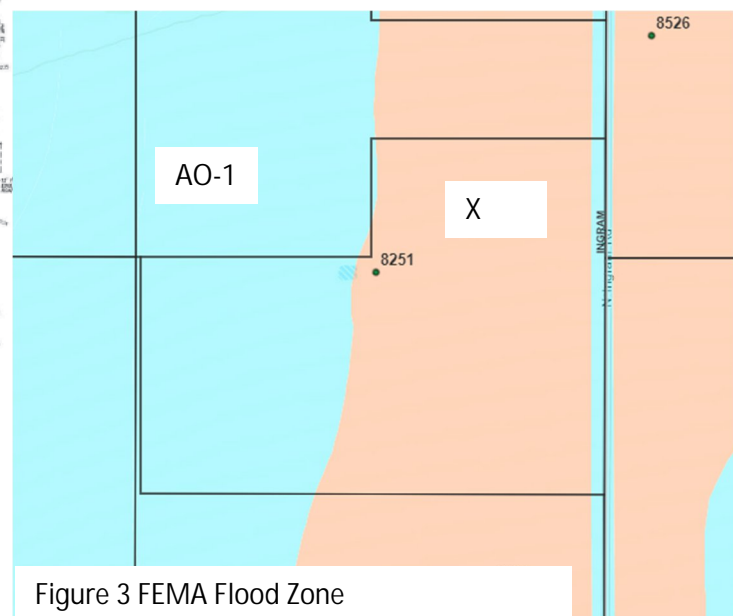


Figure 3 FEMA Flood Zone

- 1,040 square foot warehouse (existing)

Phase 2

- ~10.26 acres of greenhouses (new)
- 2,000 square foot office building (relocated)
- 3,000 square foot warehouse (relocated)
- 33,573 Extraction/processing building (new)

Phase 3

- 9.92 acres of greenhouses(new)

IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

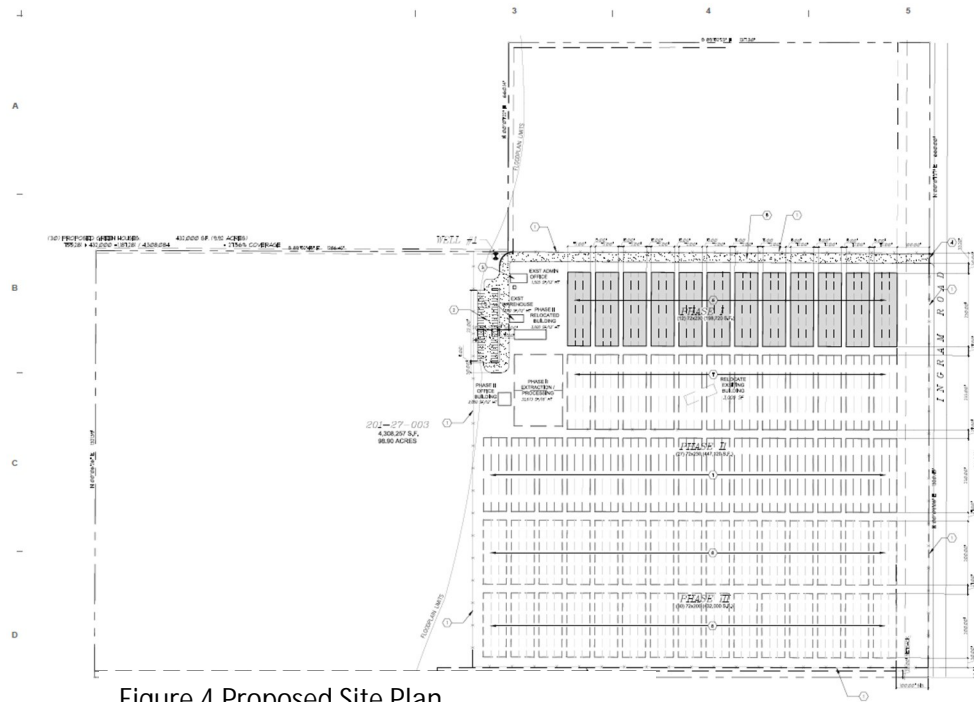


Figure 4 Proposed Site Plan

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

With the information provided, ten (10) factors apply to this request. The project, as submitted, fully complies with six (6) of the factors and it complies with conditions/waiver four (4) factors.

1. Compliance with Duly Adopted Plans: Complies

The Comprehensive Plan describes the Rural Designation as follows:

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

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

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

- The Agriculture and Ranching Element goal seeks to "Protect and promote the agricultural economy of Cochise County, its agricultural and ranching lands, and related land uses."; and the policy to "Continue encouraging the development of agricultural processing, both on-site and at industrial scale, to support the production of value-added agriculture products in Cochise County."
- The Economic Development Element that states that "Supporting small businesses will not only spur diversified income opportunities and ensure economic competitiveness but will also foster resilience in the face of economic challenges such as natural disasters "and the policy to continue to communicate with the business community and be responsive to the changing needs of established and new businesses."

- The Rural Character Element states: "Provide for a continuation of traditional rural ways of life, such as farming, ranching, and other agricultural-related activities, and provide for diverse and viable economic and development opportunities that are consistent with the character of Cochise County's rural areas."

The proposed use is consistent with the goals of the Agricultural and Ranching Element, the Economic Development Element, and the Rural Character Element. In the past many marijuana grows have been required or proposed solid fences or walls exceeding the allowed eight (8) foot height. This was making the uses look more industrial and less rural. At this time the applicant is proposing a six (6) foot tall chain-link, which is more commonly seen in the residential and rural residential areas than a solid ten-foot wall.

2. Compliance with the Zoning District Purpose Statement: Complies

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

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

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



Photos, Existing Site

Greenhouses are typical in rural, agriculture areas such as Willcox. Typically, the concern with these type of uses and the rural living is the required ten-foot-high wall the requires around these types of facilities. With the approval of Adult Use Marijuana regulations at the State level it appears some requirements may be easing. The Applicant has

been engaging in a conversation with the State about this requirement. At this time, since all the grow is proposed in greenhouses it appears that the state will allow a six-foot-tall chain-link fence. This would be more compatible with the Zoning District than a solid wall.

It should be noted, that at Staffs urging a request for a waiver to allow a ten-foot-tall wall height is included. This is in case the State changes their stance and will prevent the Applicant from having to return to the Commission at that time.

3. Development Along Major Streets: Complies

Ingram Rd. is county-maintained and classified as a Rural Minor Access roadway, with a native surface at the vicinity of this property. Ingram Rd. is paved with a chip seal driving surface starting from about 300 feet north of Hardy Rd to about 300 feet south of that intersection. Hardy Rd. is also paved from the intersection with Ingram Rd. for the one-mile reach westerly to N. Fort Grant Rd.

4. Traffic Circulation Factors: Complies with conditions

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



Conditions:

1. Prior to or concurrent with the first Commercial Permit application the applicant is required to provide a Basic Traffic Statement to the Engineering & Natural Resources Department describing the phased project traffic impacts and proposed mitigation.
2. The applicant is required to obtain a Cochise County Right-of-Way / Encroachment permit in advance or concurrent with their Commercial Permit application and coordinate with the Engineering & Natural Resources Department to provide a commercial access apron at the driveway intersection/connection with Ingram as per the Cochise County Roadway Design

Standards or as approved by the Engineering & Natural Resources Department County Engineer.

3. The applicant will be asked to sign a delay agreement to provide a 24-foot-wide hard surfaced driveway, with 35 feet radii, should Ingram Road be paved
4. Off-site mitigation will be required at Phase III/construction of the third greenhouse for an improved intersection access apron at Fort Grant Road and Ingram Road that meet the County Roadway Design Standards or as approved by the County Engineer through the Engineering & Natural Resources Department.



5. Adequate Services and Infrastructure: Complies

Ingram Road is a County Maintained Road and provides adequate access to the site.

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

6. Significant Site Development Standards: Complies with conditions and waivers

Setbacks: Complies

The Zoning Regulations have applicable standards for setbacks regarding this application in Section 1825.02 (Medical Marijuana setbacks) and Section 604.03 (RU-4 setbacks). Section 604.03 requires a minimum of twenty feet measured from the closest point on the property line or the edge of the road travel way to the structure/use, whichever is closer. The proposed site plan shows all setbacks exceeding the 20 feet, including a 100 for setback from Ingram Road and 60 feet to the southern boundary.



Lot Coverage: Waiver Requested

The Rural Land Use district restricts overall site coverage to a maximum of 25%. Site coverage is defined as "the total percentage of the site covered with structures, buildings, paving, and impervious surfaces other than landscaping, gravel, walls, and fences." The applicant proposes ~27.5% site coverage. This is a minor increase and would not be noticeable. Additionally, the greenhouses will help to reduce odors offsite, therefore staff supports the request. The site plan submitted for each phase shall provide an area calculation on the site plan.

Height: Waiver Requested

The maximum height for structures within RU-4

zoning are as follows:

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

The Applicant has been working with the Staff and at this time it appears that they will be able to utilize a six-foot chain-link fence. In the event that the State reverses that position, Staff encouraged the Applicant to request this waiver to avoid returning to the Commission.

All structures shall comply with other height regulations and be demonstrated in the permit process.

Lighting: Complies with Conditions

All lighting is required to comply with Outdoor Lighting requirements. If lighting is to be utilized in the greenhouses, the applicant shall provide black out curtains. This information shall be provided with the permit submittal.

Conditions:

1. In conjunction with the commercial permit submittal, the site plan shall provide complete area tabulations (proposed and existing) demonstrating no more than a 55.2% lot coverage.
2. If lighting is to be utilized in the greenhouses, the applicant shall provide black out curtains. This information shall be provided with the permit submittal.

7. Public Input: Complies

The applicant mailed letters to property owners within 1,000 feet of the property prior to application submittal. The Planning Department mailed letters to the same property owners within 1,000 feet of the subject property, published a legal ad in the Sierra Vista Herald, and posted a legal notice on the property. To date, staff has received no responses.

8. Hazardous Materials: Complies with Conditions

The Applicant states on their application that no hazardous materials will be used or will be present at this facility. However, current research suggests it is not uncommon for cannabis facilities to produce hazardous wastes. These include mercury-containing lighting and ballasts, many types of pesticides or other chemicals used in the cultivation

process, certain solvents or other chemicals used in the production of marijuana concentrate, marijuana soaked in a flammable solvent for purposes of producing a marijuana concentrate, electronics (e-waste) and batteries. In addition, residual tetrahydrocannabinol (THC), if improperly disposed of, could have adverse effects on the local ecology. Staff has recommended a condition of approval requiring the submission of a hazardous materials questionnaire in conjunction with permitting. Also, all chemicals, fertilizers, or any hazardous product associated with the cultivation of marijuana shall be used, stored, and disposed of in a



manner consistent with the manufacturer's instructions and/or any law that governs the same. Cannabis remnants, infused products, bi-products, and other waste material shall be rendered unusable and disposed of in a safe, sanitary, and secure manner.

9. Offsite Impacts: Complies with conditions

- Odor –As discussed previously, the applicant is proposing to grow inside of greenhouses. This will help to mitigate odors generated by the crop. No public response was received on this project; therefore, Staff is not conditioning the property to have exterior odor mitigation.
- Glare/Glow – All lighting shall comply with the Outdoor Light Requirements. If lights are proposed in the greenhouses, black out curtains shall be installed.
- Noise – the proposed use will not generate significant noise while in operation.
- Traffic – (as included in the application)
 - Vehicles entering and leaving the site per day: increase of 15 vehicles initially
 - Total trucks per day: one 5-ton box van and one 1-ton van
 - Estimate the direction and which roads the traffic will travel from the site: Both north and south on Ingram Rd
 - Estimate the percentage travel in each direction: 50/50
 - At what time of day or season will traffic be heaviest: April to August
 - Initially, the applicant estimates 10 employees' additional employees, but eventually 50 additional future employees.

The traffic generated by this use is an increase over the current use, but it is the opinion of staff that Ingram, can adequately accommodate the additional anticipated traffic volume.

- Dust – The Applicant states that there will be no fugitive dust. Staff is recommending a condition that any bare ground be either seeded or otherwise treated to prevent fugitive dust. This includes both the grow areas when not planted, parking and driveways.
- Visual Impacts/Compatibility – as previously mentioned, marijuana farms tend to have an industrial look that is not visually consistent with the rural, agricultural. The hope is with the State allowing a 6-foot-tall chain-link fence and a 100-foot setback along Ingram Road that this is mitigated.
- Stormwater – this parcel lies within AO-1, and X flood zones, consequently the following will be required in conjunction with permitting:
 - floodplain use permit

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



10. Water Conservation: Complies

The project site is not located within the Sierra Vista Sub-Watershed. The project site is served by private wells, indicated in the site plan, and the total gallons of water per day to be 9,500. The applicant indicates there will be "future installation detention basin" and water storage tanks installed on-site in terms of water conservation. Drip irrigation will be utilized for watering the plants to reduce water loss

V. WAIVERS

Wall/fence Height

In the event the State reverses the decision to allow the six-foot-tall chain-link Staff encouraged the applicant to request a waiver of the height requirement for the height The Zoning Regulations allow a maximum of an eight (8) foot wall, and State Law may require a ten (10) foot tall wall.

Lot Coverage

Lot coverage of 25% is allowed by the Zoning Regulations and the Applicant is proposing 27.5%. This minor increase would not be noticeable with the overall scope of the project.

VI. SUMMARY AND CONCLUSION

This request is for a Special Use authorization modification to approve move the previously approved greenhouses and make some additional modification to the site die to the presence of the floodplain.

Factors in Favor of Approving the Special Use

1. The project is consistent with the applicable policies of the Comprehensive Plan and the Purpose of the Rural Zoning Districts;
2. The project complies with six (6) the criteria used to evaluate special use requests. It complies, with conditions and a waiver with four(4) additional criteria and partially complies with one criterion;
3. The site plan submitted complies with most applicable site development standards and conditions contained in section 1826 of the Zoning Regulations; and
4. The project would generate employment.

Factors Against Approving the Special Use

None identified.

VII. RECOMMENDATION

Based on the factors in favor of approval, staff recommends Conditional Approval of the Special Use request. If the Commission chooses to approve the request, staff recommends the approval be subject to the following conditions:

1. Within 30-days of approval of the Special Use, the applicant shall provide the County a signed Acceptance of Conditions form, and a Waiver of Claims form from ARS Section 12-1134. Prior to operation of the Special Use, the applicant shall apply for a building/use permit for the project within 18-months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 24-months of the Special Use approval. Otherwise, the Special Use may be deemed void upon 30-day notification to the applicant;
2. It is the applicant's responsibility to obtain any additional permits or meet any additional conditions that may apply to the proposed use pursuant to other federal, state, or local laws or regulations;
3. Any changes to the approved Special Use may be considered a Modification to this Special Use and may require review and approval of the Planning and Zoning Commission;
4. Any lighting still required shall fully comply with the County's Outdoor Light Regulations. If lighting is proposed in the greenhouse's blackout curtains shall be installed;
5. The applicant submits a hazardous materials questionnaire in conjunction with permitting. All chemicals, fertilizers, or any hazardous product associated with the cultivation of marijuana shall be used, stored, and disposed of in a manner consistent with the manufacturer's instructions and/or any law that governs the same. Cannabis remnants,

infused products, bi-products, and other waste material shall be rendered unusable and disposed of in a safe, sanitary, and secure manner;

6. All on-site commercial sales/activity is prohibited;
7. Lot coverage is limited to 27.5% as shown on the site plan;
8. Any bare ground shall be seeded or otherwise treated to prevent fugitive dust. This includes the grow areas when not planted, parking, and driveways;
9. 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.;
10. All new indoor 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;
11. Prior to or concurrent with the first Commercial Permit application the applicant is required to provide a Basic Traffic Statement to the Engineering & Natural Resources Department describing the phased project traffic impacts and proposed mitigation;
12. The applicant is required to obtain a Cochise County Right-of-Way / Encroachment permit in advance or concurrent with their Commercial Permit application and coordinate with the Engineering & Natural Resources Department to provide a commercial access apron at the driveway intersection/connection with Ingram as per the Cochise County Roadway Design Standards or as approved by the Engineering & Natural Resources Department County Engineer;
13. The applicant will be asked to sign a delay agreement to provide a 24-foot-wide hard surfaced driveway, with 35 feet radii, should Ingram Road be paved;
14. Off-site mitigation will be required at Phase III/construction of the third greenhouse for an improved intersection access apron at Fort Grant Road and Ingram Road that meet the County Roadway Design Standards or as approved by the County Engineer through the Engineering & Natural Resources Department.
15. The Applicant shall provide further right-of-way dedication for Ingram Road.

Sample Motions:

Mr. Chairman, I move to approve Docket SU22-08 (Ingram), on parcel 201-27-003 with the Conditions of Approval recommended by staff; the Factors of Approval constituting Findings of Fact.