

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS  
WORK SESSION HELD ON  
TUESDAY, FEBRUARY 16, 2021**

A work session of the Cochise County Board of Supervisors was held on Tuesday, February 16, 2021, at 11:00 a.m. in the Board of Supervisors' Executive Conference Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Ann English, Chairman; Peggy Judd, Vice-Chairman, telephonic; Tom Crosby, Supervisor, telephonic

Staff Present: Richard G. Karwaczka, County Administrator  
Sharon Gilman, Associate County Administrator  
Christine Roberts, Chief Civil Deputy County Attorney  
Kim Lemons, Clerk of the Board

Attendees: Dan Coxworth, Development Services Director  
Christine McLachlan, Planner II  
Robert Kirschmann, Planner II

Chairman English called the meeting to order at 11:00 a.m.

**ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION**

**THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING**

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***ITEMS FOR DISCUSSION***

**Board of Supervisors**

1. Discussion and Possible Direction concerning Proposition 207, the Smart and Safe Arizona Act, allows counties to enact reasonable zoning regulations of recreational marijuana uses.

Mr. Coxworth presented this item using a PowerPoint presentation. He detailed the provisions in Proposition 207, which was approved at the November, 2020 election and legalized recreational marijuana use. The Arizona Department of Health Services, as the regulatory authority, is requiring a zoning compliance form, which Mr. Coxworth hopes to develop following today's discussion. Development Services looks at marijuana strictly from a land use perspective; as it is a narcotic, additional zoning regulations are allowed. Three issues for the Board to consider are: whether the County wants to prohibit marijuana establishments and/or testing facilities in unincorporated areas of the County; if not prohibited, where the County wants them to be located; and, if not prohibited, how the County wants to regulate their operations. The new law prohibits enacting regulations for recreational marijuana that are more restrictive than those for medical marijuana.

Mr. Coxworth reviewed the number and locations of various types of medical marijuana facilities in the unincorporated areas of the County. Currently, medical marijuana is

allowed by Special Use authorization by the Planning and Zoning Commission (Commission) in areas zoned Rural, General Business, Light Industry, and Heavy Industry. The Zoning Regulations have a minimum 500-foot setback requirement from any other medical marijuana dispensary or infusion facility, library, schools, and day care centers, and a 300-foot setback requirement from residential or an approved subdivision. The County is allowed to regulate the time, place and manner of operations; current Zoning Regulations require medical marijuana facilities to be located in a permanent building and not in a trailer, cargo container or motor vehicle, no drive-through services, and no outdoor seating areas. Mr. Coxworth reviewed nine staff-recommended changes to the Zoning Regulations.

The Board and staff discussed adding a setback requirement from churches; existing setback distances and potentially increasing them to 1,000 feet; involving the community; and, adding a setback requirement for other types of facilities where children gather. In response to the Board, Mr. Coxworth clarified that if the County prohibits marijuana, it would include both recreational and medical; nine facilities are currently entitled, which would make them legal non-conforming and allow them to continue operations. The Board and staff also discussed allowing drive-through services; notification and separation distance requirements; zoning districts where medical marijuana is allowed and the requirement for a Special Use Permit; and, whether to disperse facilities throughout the County, rather than concentrating them in one area.

Mr. Coxworth summarized that he will move forward with presenting the amended staff-recommended regulations to the Commission, with a setback requirement from locations where children may congregate.

Chairman English adjourned the meeting at 11:47 a.m.

APPROVED:

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Ann English, Chairman

ATTEST:

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Kim Lemons, Clerk of the Board