

**TOWN OF CHINO VALLEY  
BOARD OF ADJUSTMENT  
MEETING MINUTES**

**TOWN HALL COUNCIL CHAMBERS  
202 N State Route 89  
August 25, 2014  
6:00 p.m.**

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**

Meeting was called to order at 6:05 p.m.

Members Present: Geoffrey Brown, Vice Chairman, Mark Vucich Beverly Duffy, Gary Warren

Absent: Lillian Morales

Staff Present: Development Services Director Ruth Mayday, Planning Assistant Elyse DiMartino, Administrative Tech Hilda Johnson,

- 4. APPROVAL OF MINUTES**

Due to an error in the agenda with the wrong day stated, items 4, 4.a, 5, 5.a, and 5.b.were postponed to a future date. The Board of Adjustment moved on to public hearing.

- 5. RESERVATION FOR AGENDA ITEMS**

- 6. PUBLIC HEARINGS**

**6a.** The applicant, Ken Mohn Architect, agent for Brisbane Properties/Andrew Levine is requesting a reduction from the five hundred (500') separation requirement to one hundred feet (100') to accommodate a medical marijuana cultivation facility. Development Services Director Ruth Mayday gave a summary for the purpose of this request. She provided the situation analysis referencing the United Development Ordinance (UDO) and the changes made to the Ordinance to further regulate the manner and placement of uses and activities related to Medical Marijuana activities.

Mrs. Mayday gave a Site Analysis summary identifying the location of the subject property, description, acreage, and the zoning. She did state that the site is challenged by its topography.

Mrs. Mayday gave a summary of the Public Process that has already taken place as well as the Statutory Requirement Threshold Analysis. Due to the Fact Findings, staff found that the applicant has not met any of the requirements set forth in ARS 9-462.06, and therefore recommends denial of the application.

Mrs. Mayday invited questions from the BOA as well as the public.

The applicant, Ken Mohn Architect and a Chino Valley resident, addresses the BOA stated that the process was started in October of 2013, but then the rules changed. Mr. Mohn stated that the setbacks prior to the change were less and because of the change to five hundred (500'), the process did stop. The property was bought with the intent of medical marijuana cultivation and no other use.

The intent now is to construct the building on the part of the property where a building is permitted and to landscape as much as they can. Mr. Mohn has photographs showing how it would look with all the landscaping. The intent is for a quiet business and bringing in business to the community. Mr. Mohn stated that the security to these facilities are stunning he referenced previous facilities he worked on. The screening used does not allow for any light to go out in the evening, the plants depend on sunlight for growth. Mr. Mohn addressed the odor issue making reference to an existing operating Medical Marijuana Cultivation Facility in Chino Valley. He stated there are no odors emanating from that facility.

Board Member, Jeff Brown inquired about the security for the facility, Mr. Mohn stated that there would be security cameras, which are directly connected to security companies, which will be connected to the Police Department.

Board Member Mark Vucich, asked about security fencing, Mr. Mohn stated the fencing would be as high as allowed. Mr. Mohn directed the Board to the large screen to view how it would look.

Board Member Jeff Brown, asked for any input from the neighbors.

Barbara Cassermen, resides at 1405 Sulita Del Sol, Chino Valley asked for location of parcel. Andrew Myers, resides at 1050 N Sailor Way, Gilbert Arizona, stated he was here in connection with Agenda Item 6.b, but what he had to say applies to both cases. Mr. Myers serves as Executive Director of the Arizona Dispensaries Associations that represent the states license, dispensaries and cultivation facilities as well as a Lobbyist at the Legislature. Mr. Myers wanted to stress to the Board why these facilities are critical and as well as beneficial to the Town.

Sheri Romley, resides at 828 Talia Way in Chino Valley, expressed her concern where these facilities are located in the Town of Chino Valley and stated that the Board retain the five hundred (500') requirement.

Iris Lacey, resides at 3315 W. Brenda Trail, Chino Valley questioned if the jobs that will be offered at these facilities will they require employees to be a resident of Chino Valley as this is the only benefit she sees for Chino Valley.

No further comments from the public.

Vice Chairman, Jeff Brown MOTIONED to vote, Mark Vucich second on the request for relief from the setback requirements set in Chapter 4.31, Medical Marijuana Dispensaries, Off-site Cultivation Sites, and Infusion Facilities from the required five hundred feet (500') to one hundred feet (100') to accommodate a Medical Marijuana Cultivation Facility.

Mark Vucich second the MOTION.

Mark Vucich MOVED, second by Gary Warren to retain the five hundred feet (500') setback.  
MOTION CARRIED 3-1

**6b.** The applicant, Expert Consulting/Arvin Saloum, is requesting a reduction from the five hundred (500') separation requirement to twenty feet (20') to accommodate a medical marijuana cultivation facility on their property located at 1821 East Perkinsville Road.

Ruth Mayday, Development Services Director gave a summary for the purpose of this request. She provided a Situation Analysis summary referencing the United Development Ordinance (UDO) Chapter 4.30 Commercial Greenhouse Standards.

Mrs. Mayday gave a Site Analysis summary identifying the location of the subject property, description, acreage and the zoning.

Mrs. Mayday gave a Statutory Requirement Threshold Analysis. Due to the Fact Findings; staff found that the applicant had not met any of the requirements set forth in ARS 9-462.06, and therefore recommends denial of the application.

Mrs. Mayday invited questions from the BOA as well as the public. Mrs. Mayday stated that the applicant was present and prepared to make a presentation.

Board Member Gary Warren ask if the property east of subject property was vacant land. Ruth Mayday stated that it was, but it was mostly a wash.

Bill O'Leary, attorney for Arvin Saloum stated that Perry Stone, the owner's agent would be making the presentation. His purpose is to introduce the project and show that his client was doing what was being asked and to show the adjustments to the plans to address the concerns brought up at the neighborhood meeting Perry Stone, the agent for Arvin Saloum presented the project. Perry referenced the neighborhood meeting and wanted to address the concerns that were brought up at that time.

Barbra Cassemnn resides at 1405 Solitia Del Sol, expressed concern about the 20' setback.

Ron Romley, resides at 828 Talia Way, expressed his concern about the 20' setbacks.

Mike O'Brian resides at 1410 Freedom Court expressed his concern about the 20'setbacks.

Rodney Rider resides at 1980 E. Perkinsville Road, expressed his concern about the 20' setbacks.

Several more Chino Valley residence expressed their concern about the 20' setbacks.

Vice Chairman Jeff Brown MOTIONED to vote, Mark Vucich second, on the request for reduction from the five hundred feet (500') separation requirement to twenty feet (20') to accommodate a medical marijuana cultivation facility located at 1821 East Perkinsville Road.

Mark Vucich MOVED, second by Gary Warren to retain the five hundred feet (500') setback.  
MOTION CARRIED 4-0

Vice Chairman Jeff Brown MOTIONED to Adjourn, second by Mark Vucich.

7. **UNFINISHED BUSINESS**
8. **NEW BUSINESS**
9. **ANNOUNCEMENTS**
10. **PUBLIC COMMENTS**
11. **ADJOURN: 8:00 pm**

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Geoffrey Brown, Vice Chairperson