

**TOWN OF SPRINGERVILLE PLANNING AND ZONING COMMISSION
MEETING MINUTES**

October 12, 2021, at 6:00 PM

Springerville Town Council Chambers-418 E. Main St., Springerville, AZ 85938

**Attendees: Chairman-Don Scott, Vice Chairwoman-Terry Shove, Commissioner-Trinity Raymer,
Commissioner-Will Sands, Tim Rasmussen-Interim Community Development Director/Zoning
Administrator, Stormy Palmer-Administrative Assistant**

1. **CALL MEETING TO ORDER:** Chairman Don Scott called the meeting to order at 6:00 PM.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** Administrative Assistant Stormy Palmer completed a roll call: Chairman Don Scott-Present, Vice Chairwoman Terry Shove-Present, Commissioner Theresa Becker-Absent (Recused), Commissioner Trinity Raymer-Present, Commissioner Will Sands-Present. A quorum is present.
4. **CONSENT ITEM:** Chairman Scott asked the Administrative Assistant to correct some typos to the agenda including correcting the date in the heading and removing 364 North Becker Lake Road from Item #7 Public Hearing. The Administrative Assistant then explained corrections that needed to be made to the draft minutes: removal of the word 'Special' from the heading, in Monica Boehning's statement on page 4 changed last sentence to read 'proposed ordinance' not current ordinance, added line in Sara Pressler's statement so that it stated that per the licensing the applicant had to be open by 'Halloween of next year.' Vice Chairwoman Shove motioned to approve the minutes as corrected; Commissioner Raymer seconded. Chairman Scott called for the vote; motion was passed unanimously 4-0.
5. **PUBLIC PARTICIPATION:**
 - a. Brian Carpenter: Spoke on the 'touchy' subject of the proposed ordinance; stated that he has heard people say that the marijuana patients can go to Show Low to the dispensary there, said that would be more convenient if there was local dispensary. Spoke about people suffering and in pain in the area, and that it is our job to help, and that marijuana is a 'healthier' option than opioids. He also added that the money and taxes would help the community tremendously.
 - b. Jeanne Allen: Spoke of her back-ground and being addicted to morphine and oxycodone, and how difficult it was to overcome and how much medical marijuana has helped her. She stated that a local dispensary would help the community. She also made mention of a rehab center being needed in the area.

There were no further speakers for the Public Participation agenda item.

6. **EXECUTIVE SESSION:** Vice Chairwoman Shove motioned for the Commission to go into Executive Session for legal counsel, Commissioner Raymer seconded. No discussion was held. Chairman Scott called for the vote; motion was passed unanimously 4-0.

Following the end of the Executive Session, Vice Chairwoman Shove motioned to go back into the regular meeting, Commissioner Raymer seconded. No discussion was held. Chairman Scott called for the vote; motion passed unanimously, 4-0. Meeting was resumed at 7:01 PM.

7. **PUBLIC HEARING:** Vice Chairwoman Shove motioned that the Commission go into a Public Hearing regarding item a; Commissioner Raymer seconded. Chairman Scott called for the vote; motion was approved unanimously, 4-0. Public Hearing was conducted as follows:

a. Conditional Use Permit Application for 279 S. Mountain Ave. (Parcel #105-18-025D), applicant is requesting to utilize the property as a marijuana dispensary:

- i. Tim Rasmussen explained a memo that was received from Pele Fisher on behalf of the Applicant, Chairman Scott asked that Ms. Fisher come up to the podium and read the memo for the record. Ms. Fisher read the memo which stated that even though the proposed ordinance has not been approved the application meets the requirements in the current medical marijuana code. It also stated that they meet setbacks and would not be requiring variances. Later in the memo the Applicant does request two variances, one for the square footage allowed and the other to utilize a drive-thru. Chairman Scott advised Ms. Fisher that Town Code 17.68.030 requires ten items that need to be submitted along with a conditional use permit application; he asked if all the items were submitted with the application? Ms. Fisher stated that she had been working with staff and believed that everything had been submitted that was requested. Chairman Scott asked Mr. Rasmussen if everything required had been submitted; Mr. Rasmussen responded and advised the Commission that they have everything that was submitted by the Applicant. Chairman Scott stated that he knows that the operating procedures and security plan are not with the request and asks Ms. Fisher if those are available or were they submitted. Ms. Fisher explains that before the Applicant could get the license to open a dispensary that all of those items had to be submitted to the Arizona Department of Health. She cites Arizona State Statute that clearly defines the requirements for a license, and that the items were submitted in order to obtain the license. Vice Chairwoman Shove states that she understands that they were submitted to the State, but that there has not been anything submitted to the Town to show that the procedures are theirs. Ms. Fisher responds stating that they have been in 'constant' contact with staff to ensure that everything was provided. Vice Chairwoman Shove states that she has a problem with the memo, that it states in one section that the Applicant meets requirements and will not be requiring any variances, then two paragraphs later requests variances. Ms. Fisher stated that they don't need the variances for approval, that they can limit their size and that they do not need a drive-thru. Vice Chairwoman Shove advises that the Planning and Zoning Commission does not have the authority to approve or deny variances with a Conditional Use Permit Application. Ms. Fisher states that they can operate within the 1,000 sq-feet allowed and can revisit later if the proposed ordinance is approved. At this time no further discussion with Ms. Fisher regarding the memo or application.
- ii. Mary Elliott: Explains her back-ground as a school bus driver, her main concerns are the children in the community. She worries about them having access to marijuana, and doesn't think that having a dispensary in town will help protect the kids. She also expressed concerns wherein they are having a hard time

finding more bus drivers, and that to be a driver requires a CDL and that many cannot pass the drug test requirements.

- iii. Luke Gallagher: Spoke explaining his background as a pastor and his son's problem with addiction, which started with marijuana which he believes is a gateway drug. He stated that we need to protect the children, and that what is legal may not be moral or good for the community. He believes that we do not need a dispensary in the area.
- iv. Kristen Sayles: Stated that she agrees with previous speakers, that we do not need a dispensary in the area. She explained about how she lost her oldest son to addiction, and that her youngest son comes home from school telling her about drugs in the Junior High. She wanted to state that she is proud of the community, but has concerns about the dispensary and its advertising being where the kids could see it. She believes that having a dispensary would be detrimental to the community.
- v. Michelle Madrid: Stated that she read "Lessons Learned from State Legislation" which is "pages and pages of data about what happens with legalization in small communities." She further spoke about how dispensary owners "target" areas with more poverty, because they know that in these "vulnerable" communities their profit margins will be higher.
- vi. Angie Kelly: She spoke about her experiences living in California after marijuana was legalized there and the issues that came with it, such as "the smell of weed everywhere." She stated that the cost of drug use would outweigh the benefits. She teaches at the High School and is concerned already with the drug use in the students.
- vii. Barbara Jean: She spoke of the benefits medical marijuana has had on her son, who has a brain injury from an accident. She believes medical use is fine, but not recreational use. She also stated that use of any kind is not good for kids. She is adamantly against a drive-thru being allowed at a dispensary.
- viii. Brian Carpenter: He stated that he does not believe that marijuana is a gateway drug, and further explained that lots of things are addictive. He explained that marijuana helped him get off opioids. Responded to people saying that marijuana would "hurt" their kids by telling them to "be a parent", and find out what they are doing. That parents need to guide their children. He ended by saying that he hopes a dispensary goes through to help the area people that need it.
- ix. Monica Boehning: She had questions regarding the footage of the setbacks in the application, and if the Town had gotten a registered survey to confirm the Applicant's measurements. She also inquired when her previously submitted questions regarding the ordinance would be answered.
- x. Maria Nugent: Stated that she knows addiction is a disease, and wonders why the Town would be encouraging addiction and disease in the community. She stated that the addicts that she has spoken with the majority have started with marijuana, she did state that this did not include those that started with opioids prescribed to them by a doctor. She stated that the problem with more people

that become addicted is that criminal activity goes up as well. To her people that need medical marijuana can go to the dispensary in Show Low.

- xi. Mitch Udall: Agrees with previous speakers that a dispensary is not needed in town. He stated that if a dispensary was allowed that he would lose confidence in the Town and its future.
- xii. Mike Campbell: Spoke about speaker from previous meeting, Sara Pressler, stated that she is not a primary on the license. He also stated that Pele Fisher is a paid lobbyist. He stated that the situation is about money and greed. Encouraged the Commission to look up the information on the applicant company to find information for themselves. He also encouraged the Commission to just say no to a dispensary in the community.
- xiii. Pat Kelly: Stated that marijuana destroys lives, explained a little about the issues in his family. He does not think a dispensary would be good to have around kids.
- xiv. Ginger Harding: Stated that she has been at the multiple meetings over multiple months regarding marijuana, and with the exception of a few people including the applicants, the majority of the people are against this. She asked why the applicants would want to come to an area where they are clearly not wanted. She also stated that the majority of marijuana users are slothful gluttonous people, and that is not what is wanted in this community.
- xv. Aaron Moody: He explained a bit of his back-ground and that his children are home schooled, partially because they do not want them around the drug culture in the schools. He explained that the "love of money is the root of all evil" urging the Commission to do the "right" thing and put a stop to the "evil."
- xvi. Jo Gallagher: Stated that she loves the community and explained how addiction has affected her family. She believes marijuana is a gateway drug. To her it is not worth the money, urged the Commission to not allow a dispensary.
- xvii. Ray Wilson: Explained his back-ground including as a pastor and in law enforcement. Stated that the collateral damage from drug use is devastating. He also stated that he has concerned that property values could be affected.

Chairman Scott had inquired if there was any further discussion on the item for Public Hearing; Vice Chairwoman Shove had motioned to go out of public hearing, Commissioner Raymer seconded. Chairman Scott called for the vote, motion passed unanimously, 4-0. The Public Hearing portion was closed.

8. **EXECUTIVE SESSION:** Vice Chairwoman Shove motioned for the Commission to go into Executive Session for legal counsel, Commissioner Raymer seconded. No discussion was held. Chairman Scott called for the vote; motion was passed unanimously 4-0.

Following the end of the Executive Session, Vice Chairwoman Shove motioned to go back into the regular meeting, Commissioner Raymer seconded. No discussion was held. Chairman Scott called for the vote; motion passed unanimously, 4-0. Meeting was resumed at 8:29 PM.

9. **ZONING ADMINISTRATORS REPORT:** Mr. Rasmussen gave dates of next meetings; second hearing on the proposed ordinance will be October 27, 2021 at 6:00 PM, and the next regular P&Z Commission meeting will be on November 9, 2021 with an Application for Reversion to Acreage on the agenda.

- 10. LIAISON REPORT:** Vice Chairwoman Shove spoke about previous Council meeting with rezoning and acceptance of new Town Manager being approved.

OLD BUSINESS

- 11.** Chairman Scott introduces the item, a Conditional Use Permit Application for 279 S. Mountain Ave. (Parcel #105-18-025D). Vice Chairwoman Shove motions to not approve the Conditional Use Permit, Commissioner Raymer seconds. Chairman Scott calls for any further discussion, none follows. Commissioner Scott calls for the vote; unanimous 4-0, CUP is denied.

NEW BUSINESS

12. NONE

- 13. ADJOURNMENT:** Vice Chairwoman Shove motioned to adjourn; Commissioner Raymer seconded. Chairman Scott called for the vote; motion passed unanimously, 4-0. Meeting was adjourned at 8:30 PM.