



PINAL COUNTY

wide open opportunity

**PINAL COUNTY PLANNING AND ZONING COMMISSION
REGULAR MEETING
MINUTES OF September 19, 2013**

PRESENT: Mr. Hartman, Chairman
Ms. Aguirre-Vogler, Member
Mr. Gutierrez, Member
Mr. Smyers, Member
Mr. Riggins, Vice-Chairman
Mr. Anderson, Member
Mr. Del Cotto, Member

ABSENT: Mr. Grubb, Member
Mr. Salas, Member
Ms. Moritz, Member

LEGAL STAFF PRESENT:
Ms. Grieb, Deputy County Attorney

PLANNING STAFF PRESENT:
Mr. Abraham, Planning Manager
Mr. Ashbaugh, Planner I
Mr. LaCrosse, Code Compliance Manager
Ms. Cortez, Administrative Secretary
Ms. MacDonald, Planner II
Mr. Denton, Planner II

PUBLIC WORKS STAFF PRESENT:
Mr. Chow, Development Section Chief

The meeting was called to order at 9:06 a.m., this date by Chairman Hartman in the Emergency Operations Center (EOC) Hearing Room, Building F, Florence, Arizona.

DISCUSSION/APPROVAL/DISAPPROVAL OF MEETING MINUTES: July 18, 2013

Commissioner Aguirre-Vogler made a motion to approve the minutes of July 18, 2013. Commissioner Smyers seconded the motion. Motion passed unanimously.

Commissioner Gutierrez arrived at 9:07 a.m.

PLANNING DIRECTORS DISCUSSION ITEMS

Mr. Abraham stated Mr. Stabley would not be in attendance today.

Mr. Abraham reminded the Commission to use the microphones when speaking.

Mr. Abraham stated the change on the amended agenda was a text change, on item fourteen (14) to read "Major Comprehensive Plan Amendment, Public Hearing/Action"

Mr. Abraham stated various staff and Commission members had been subpoenaed. Ms. Grieb has provided the Commission information and instructions on how to follow protocol regarding subpoenas. Mr. Grieb discussed the procedures if the Commission members ever receive subpoenas in the future.

Mr. Abraham stated he and Mr. Stabley have been looking into a training opportunity, Community Plan, a program set up by the Arizona Planning Association and the Urban Land Institute. Mr. Abraham stated the training would hopefully be in Pinal County, and Commissioners from other municipalities would be invited, but no official date has been agreed upon.

Chairman Hartman asked for a follow up from the Citizen's Advisory Committee, regarding the Major Comprehensive Plan Amendments. Chairman Hartman also stated he had spoken to a variety of attendees' of the last task force meeting, and it was disorganized and very confusing. Commissioner Hartman suggested inviting those specific board members to the Community Plan training.

Chairman Hartman spoke regarding the Ak-Chin resolution, and the designation of trails. The tribal trust land did not want any trails on their property. Ak-Chin resolution agreed to have The Butterfield Stage route parallel to the Maricopa Highway, Highway 238.

Mr. Abraham stated Public Works will be having an Open Meeting Law training seminar, on Tuesday, September 24, 2013, at 1 pm in the old court house.

REPORT ON BOARD OF SUPERVISORS ACTION ON P & Z CASES

Mr. Abraham gave an update on the cases heard by the Board of Supervisors.

July

PZ-004-13: Eddie's Place, Inc landowner/applicant, approved with fifteen (15) stipulations.

SUP-002-13: Richard and Karen Leighty applicants, approved with five (5) stipulations.

PZ-PA-003-13: Richard and Karen Leighty Landowners, approved with no stipulations.

SUP-003-13: Michael Mentser, applicant, approved with thirteen (13) stipulations.

August

PZ-001-13: Landmark Property Holdings, LLC, approved with twenty-eight (28) stipulations.

PZ-PD-001-13: Landmark Property Holdings, LLC, approved with twenty-eight (28) stipulations.

PZ-PD-002-13: Skyridge Lending, LLC, approved with forty-three (43) stipulations.

CONTINUED CASES:

SUP-004-13 – PUBLIC HEARING/ACTION: Heather Clark, applicant/landowner requesting a Special Use Permit to operate a dog boarding facility on a .94± acre parcel in the GR Zone; situated in a portion of the NE¼ of Section 8, T2S, R8E G&SRB&M, tax parcel 104-23-119C (legal on file) (located at the northeast corner of Ironwood Drive and Ranch Road in the San Tan Valley area) (Continued from the July 18th, 2013 Planning Commission meeting).

Mr. Denton read a portion of the staff report and used a PowerPoint. Mr. Denton stated he had received more letters in support.

Chairman Hartman called the applicant forward.

Ms. Heather Clark, 43311 N. Ironwood Drive, San Tan Valley, Arizona. Ms. Clark came forward to address the Commission. Ms. Clark presented letters of recommendation within the 300 foot radius. Ms. Clark stated that she has obtained a permit through Pinal County Animal Control as well. Ms. Clark discussed the conditions of the permit.

Vice Chairman Riggins asked Ms. Clark how many dogs she feels comfortable having as a stipulation for the case. Ms. Clark responded that she has adequate housing for eighteen (18) dogs. Pinal County Animal Control states on permits thirteen (13) dogs or more can be permitted as long as there is adequate housing.

Commissioner Aguirre-Vogler stated she agrees with having the stipulation read twelve (12) dogs. Commissioner Aguirre-Vogler asked how the kennels were arranged in the home. Ms. Clark responded ten (10) kennels are in the master bedroom, Animal Control has inspected the home, and they are ok with the set up. Ms. Clark added that Animal Control can do surprise visits at any time to confirm there is adequate housing.

Commissioner Anderson stated that if Animal Control states thirteen (13) dogs or more can be permitted, the Commission should follow the authorities' rules and regulations, instead of their own personal judgment. Vice Chairman Riggins agreed.

Chairman Hartman asked Ms. Clark if the dogs go outside. Ms. Clark responded she lets a few dogs out at a time to use the restroom and exercise, and there are no kennels kept outside. Most of the time, the dogs are kept indoors.

Chairman Hartman stated he has concerns with the SUP being issued to the land. Ms. Clark stated she would agree with a stipulation stating she would notify the Commission if the property would be sold. Vice Chairman Riggins stated at any time the SUP can be taken away if there are complaints from the neighbors.

Commissioner Gutierrez stated there are two (2) letters opposing the case, the reasoning stated was the smell and flies. Commissioner Gutierrez asked Ms. Clark if she had looked for another facility in the area, perhaps a commercial site. Ms. Clark responded the sites are not suitable, the dogs need to be able to go outside, in a commercial area there is no backyard for the dogs to run around and use the restroom.

Chairman Hartman opened the public portion of the meeting.

Ms. Kristy Rutherford, 43251 N. Ironwood Rd. San Tan Valley, Arizona. Ms. Rutherford spoke on behalf of the case. Ms. Rutherford stated there has never been any problem, any excessive noise, smell or dust or high traffic. Ms. Rutherford stated that prior to Ms. Clark moving into the property the property was run down and not kept up, Ms. Clark has cleaned up the property.

Mr. Todd House, 5027 E Hidalgo Street, Apache Junction Arizona. Mr. House spoke in behalf of the case, and stated if at any time there are any issues with the SUP, the SUP can be pulled at any time.

Chairman Hartman called Ms. Clark forward.

Vice Chairman Riggins stated the neighbors in the area agree with the case, the regulators have agreed with the case. The applicant has a good record, and the property looks much better than it did in the past and the applicant feels eighteen dogs is possible, it should be fine.

Chairman Hartman closed the public portion.

MOTION SUP-004-13

Vice Chairman Riggins made a motion to forward case SUP-004-13 to the Board of Supervisors with a favorable recommendation, along with its ten (10) stipulation, modifying stipulation 7, changing the number of dogs from twelve (12) to eighteen (18). Commissioner Aguirre-Vogler seconded the motion. Motion passed unanimously (7-0).

SUP-005-13 – PUBLIC HEARING/ACTION: Psalm 91, LLC, landowner, Lyle Richardson, agent, requesting a Special Use Permit to operate a private airstrip/heliport landing field on a 40± acre parcel in the GR Zone; situated in a portion of the NE¼ of Section 29, T4S, R2E G&SRB&M, tax parcel 510-10-002C and 002E (legal on file) (located at the northwest corner of Sage Street and Dasher Road in the Maricopa area) (Continued from the July 18th, 2013 Planning Commission meeting).

Mr. Denton read a portion of the staff report and used a PowerPoint.

Chairman Hartman called the applicant forward.

Mr. Lyle Richardson, 5310 N. Camino Real, Tucson, Arizona 85718 came forward to address the Commission. Mr. Richardson gave a brief update of the community meeting.

Chairman Hartman spoke regarding his concern for the number of flights; adding in reality it is hard for staff to regulate the number of flights. The only way the County would know of any issues is by complaints from the nearby residents.

Chairman Hartman asked about the title and the property being split up into three (3) properties. Mr. Richardson responded they did not want to do anything to preclude the owner's ability to split, from the original forty (40) acres. Mr. Richardson stated that the intent is to sell the property, and if the property is split, it will not be subdivided. Mr. Richardson stated that there will be a legal lot split, with each lot having access to the runway. Mr. Richardson suggested creating a 3rd parcel, for just the airstrip.

Ms. Grieb stated that this has the potential to create a problem if smaller parcels are created, where the airstrip runs through them. The Planning Director has no concern with doing a SUP covering more than one (1) parcel.

Vice Chairman Riggins asked Ms. Grieb regarding the SUP running with this specific land, if they split up the land, is every split required to obey by the requirements of the SUP and will it be up to the owner to create CC & R's, to reassure the SUP is not jeopardized. Ms. Grieb stated that was the intent.

Mr. Richardson stated that they are working on the CC&R's for the future, and as part of the sale they would notify any potential buyers of the SUP on the property with the conditions.

Commissioner Smyers asked Mr. Richardson regarding the utility pole and easement. Mr. Richardson responded he believes the easement is to service the forty (40) acres and it is dedicated for utility purposes.

Commissioner Gutierrez asked Mr. Richardson who will be liable if there is contamination from the diesel fuel. Mr. Richardson responded it would be assigned to the owner of the property where the tank is located.

Commissioner Aguirre Vogler stepped out 10:06 a.m.

Mr. Steve Zobro, owner of Psalm 91, no address provided. Mr. Zobro came forward to introduce himself to the Commission.

Chairman Hartman opened the public portion of the meeting. Hearing none, Chairman Hartman closed the public portion.

Commissioner Aguirre Vogler returned at 10:08 a.m.

Commissioner Smyers suggested removing stipulation 13. Chairman Hartman stated he does not have a problem removing the stipulation, if anyone in the future has a problem with the number of flights or noise they can easily speak to County representatives. Vice Chairman Riggins stated policing stipulation thirteen (13) is a very difficult thing to do, and does not agree with removing the stipulation.

Mr. Richardson stated after researching other private flight facilities in the county, there are thirty three (33) of them, and twelve (12) have SUP's, with no limitations on number of flights.

Commissioner Smyers asked if the landing strip is removed, how much land is left. What would be the potential number of homes associated with that airstrip? Mr. Richardson responded the airstrip is thirteen hundred and sixty feet in length, by fifty feet in width, plus the buffer.

MOTION SUP-005-13

Vice Chairman Riggins made a motion to forward case SUP-005-13 to the Board of Supervisors with a favorable recommendation, along with its attached 16 stipulation. Commissioner Aguirre Vogler seconded the motion. Chairman Hartman stated he does not agree with stipulation 13, limiting the number of flights. Motion passed 6-1, with Chairman Hartman in opposition.

Commissioner Del Cotto stepped out 10:20 a.m.

TENTATIVE PLATS

S-011-06 - DISCUSSION/APPROVAL/DISAPPROVAL: Cabarello East, LLC, landowner, McCoy Law Group, PLLC, agent, requesting approval of deleting stipulation 47 and modifying stipulations 48 - 52 for **Cabarello**, 1,943 lots on a 636.9± acre parcel in the CR-3, CR-4, & CB-1/PAD zones (PZ-PD-021-04); described as Section 23, T3S, R9E, G&SRB&M, Tax Parcel 210-41-001C, 001D, 001E, 001F, 001G, 001H, 210-41-002 and 003 (legal on file) (Located at the northeast corner of Judd Road and Herseith Road alignment, northeast of the Town of Florence).

Mr. Denton read a portion of the staff report and used a PowerPoint.

Commissioner Del Cotto returned at 10:23 a.m.

Chairman Hartman called the applicant forward.

Mr. Scott McCoy, 3200 W. Central Ave Ste 1200, Phoenix, Arizona. Mr. McCoy came forward to address the Commission. Mr. McCoy gave a brief history of the case, and explained the reason for requesting the deletion of stipulation 47 and modifying new stipulation 52.

Vice Chairman Riggins asked staff for input on modifying the time frame on stipulation 52. Ms. Grieb suggested waiting for ADEQ (Arizona Department of Environmental Quality) input before making a decision.

Ms. Grieb suggested calling the representative of ADEQ for further information on the location, and how they feel about the report.

Mr. Harry Hendler, 1110 W. Washington, Phoenix, Arizona. Mr. Hendler came forward to address the Commission. Mr. Hendler stated the Army Corps of Engineers went out and completed an investigation and conducted removal actions on the site.

Chairman Hartman asked Mr. Hendler if ADEQ is currently involved on other sites in Pinal County. Mr. Hendler responded that they are involved with Williams Bomb Target number 9, 10, and 12, and all four sites were included in the investigation. However, there are currently other bomb target sites in Arizona that have not yet been addressed.

Vice Chairman Riggins asked Mr. Hendler if during the investigation of the four sites was anything found. Mr. Hendler responded evidence of releases of 100lb practice bombs. Chairman Hartman asked Mr. Hendler who pays for the investigation, report. Mr. Hendler responded the federal government.

Commissioner Gutierrez asked if all the comments from the Corps Engineers were entered in the report that was provided to the Commission. Mr. Hendler responded once the report is completed it will be added to the final report. Commissioner Gutierrez asked if any of the comments submitted by the engineers changed. Mr. Hendler responded no. The changes made were administrative changes.

Ms. Grieb suggested changing the wording on stipulation 52, from "work plan" to "final report for remedial investigation" since work plan has not been completed.

Vice Chairman Riggins stated he agrees with extending the tentative plat, since they will not be done in the time currently allotted. However, it is not common to extend for longer than two (2) years. Ms. Grieb stated it is up to the Commission's discretion whether they would like to extend the plat for longer than 2 years. Also make a distinction on why the extension will be longer than two (2) years for clarification, and to help avoid precedent setting. Chairman Hartman agreed with Ms. Grieb.

MOTION – S-016-13

Vice-Chairman Riggins made a motion to approve case S-016-13, with the deletion of stipulation 47, and modifying stipulation 48 through 52, for a total of 56 stipulations. In addition modifying the new stipulation 47 to be effective until September 21, 2017, also modifying new stipulation 52, deleting the words "work plan" and replacing them with "final report". Commissioner Gutierrez seconded the motion. Motion passed unanimously (7-0).

S-007-13 - DISCUSSION/APPROVAL/DISAPPROVAL: Woodside 20/25, LLC, landowner, Matt Werner, applicant, Hilgart Wilson, engineer, requesting approval of a tentative plat for **San Tan Heights Parcel B3 & B4**, 324 lots on a 85.36± acre parcel in the CR-3, CR-4, & CR-5/PAD zones; situated in a portion of Section 2, T3S, R7E, G&SRB&M, Tax Parcel 509-29-270 (located adjacent to the east side of Thompson Road and adjacent to the north side of Skyline Drive alignment, San Tan Valley area).

Mr. Denton read a portion of the staff report and used a PowerPoint

Commissioner Smyers stepped out 10:49 a.m.

Commissioner Smyers returned 10:51 a.m.

Chairman Hartman called the applicant forward.

Mr. Dean J. Pehrson, Hilgart Wilson, LLC. 1661 E Camelback Rd., Ste. 275, Phoenix Arizona. Mr. Pehrson came forward to address the Commission. Mr. Pehrson gave a brief history of case.

Commissioner Aguirre Vogler asked Mr. Chow regarding stipulation 6, what "half street road improvements" mean. Mr. Chow responded that means they are making the improvements on their side of the road. Commissioner Aguirre Vogler asked if there would be a light on Hunt Highway. Mr. Chow responded there is currently a light signal on Mountain Vista, and another light on Thompson Road. Phase one (1) of Hunt Highway widening project that the county is working on will also add a signal. Mr. Chow added that Phase one (1) of Hunt Highway widening project will begin this year.

Mr. Matt Werner, Woodside 20/25, 3800 E Camelback Rd., Ste 130, Phoenix Arizona. Mr. Werner came forward to address the Commission. Mr. Werner stated Woodside homes is their partner in the project and will be building homes, and will begin building the homes in February.

Commissioner Smyers asked Mr. Werner about the setbacks on the four thousand square foot lots. Mr. Werner responded the smallest lots are forty-nine hundred square foot lots; the product will match the San Tan Heights PAD as approved. It will match KB Homes subdivision.

MOTION – S-007-13

Vice-Chairman Riggins made a motion to approve case S-007-13, with the attached 24 stipulations. Commissioner Anderson seconded the motion. Motion passed unanimously (7-0).

S-028-13 - DISCUSSION/APPROVAL/DISAPPROVAL: Dwayne Sherwood Profit Sharing Plan, landowner, Bowman Consulting Group, Ltd., engineer, requesting approval of a tentative plat for **Sherwood Park**, 444 lots on a 128.18± acre parcel in the R-7/PAD zone; situated in a portion of Section 22, T3S, R8E, G&SRB&M, Tax Parcel 210-22-001 (located approximately .3 mile south of Bella Vista Road and .2 mile west of Sierra Vista Drive along the Union Pacific Railroad, northwest of the Town of Florence).

Mr. Ashbaugh read a portion of the staff report and used a PowerPoint.

Chairman Hartman called the applicant forward.

Mr. Troy Peterson, 3010 South Priest Dr. Ste. 103, Tempe, Arizona. Mr. Peterson came forward to address the Commission. Mr. Peterson gave a brief update on the case.

Vice Chairman Riggins asked Mr. Peterson about the easement. Mr. Peterson responded the easement is a four (4) lane divided highway, with a raised median in between the two (2) lanes. Chairman Hartman asked Mr. Peterson regarding the egress and ingress in the property. Mr. Peterson responded the access prior to the zoning case was discussed with public works to only be from the north. Access to the east was designed so that any future development would be able to connect to the existing circulation system.

MOTION - S-028-13

Vice-Chairman Riggins made a motion to approve case S-028-13 with the attached 29 stipulations. Commissioner Gutierrez seconded the motion. Motion passed unanimously (7-0).

Break 11:08 a.m.

Reconvened 11:19 a.m.

NEW CASES

SUP-006-13 – PUBLIC HEARING/ACTION: Daren Austin, landowner, requesting a Special Use Permit to operate a winter roping RV camp site on a 22± acre parcel in the GR Zone; situated in a portion of Section 19, T5S, R9E G&SRB&M, tax parcel 202-27-032A (legal on file) (located adjacent to the south side of Vah Ki Inn Road and approximately 850 feet west of Clemans Road in the City of Coolidge area).

Mr. Denton read a portion of the staff report and used a PowerPoint.

Chairman Hartman called the applicant forward.

Ms. Marva Austin, 9895 E Vah Ki Inn Road, Coolidge, Arizona. Ms. Austin came forward to address the Commission. Ms. Austin gave a brief description of the intent of the case.

Chairman Hartman asked Ms. Austin if the area would be open at night for riding horses and if the area currently has lighting. Ms. Austin stated no, there would be no riding at night. There is lighting in the arena and the area. Ms. Austin added that the arena is equipped with a sprinkler system, and a water tank for dust control if needed.

Mr. Smyers asked Ms. Austin if she knew about the Canadian government changing some of the regulations on how long Canadians can visit this country. Ms. Austin stated she is not aware of any changes regarding regulations.

Vice Chairman Riggins asked Ms. Austin regarding the site plan, in between the south and north line. Ms. Austin responded it is open area, to maneuver. Vice Chairman Riggins asked Ms. Austin if she had gone through the Environmental Health department for the septic.

Mr. Darren Austin 9895 E Vah Ki Inn Road, Coolidge, Arizona. Mr. Austin came forward to address the Commission. Mr. Austin stated they had met with the Environmental Health Department for the sewer/septic, and it had been broken down into two (2) different areas; one (1) on the north side and another on the south side.

Vice Chairman Riggins asked Mr. Denton regarding the dust control. Mr. Denton responded it would be decided during site plan review.

Commissioner Gutierrez asked if they would be holding public events, or displays. Ms. Austin responded no.

Commissioner Aguirre-Vogler asked Ms. Austin regarding the ingress designation. Ms. Austin responded Vah Ki Inn Road is the entrance and it is paved. Ms. Austin stated she agrees with all the stipulations.

Commissioner Gutierrez stated the proposal states the area would be used between December through April for visitors; the Canadian government is changing the rules for visitation from six (6) months to eight (8) months. Will that limit the business? Ms. Austin responded the camp site is not limited to only Canadians. Mr. Austin suggested opening up the camp site from October through April.

Chairman Hartman opened the public portion of the meeting. Hearing none, Chairman Hartman closed the public portion.

MOTION - SUP-006-13

Commissioner Aguirre-Vogler made a motion to forward case SUP-006-13 to the Board of Supervisors with a favorable recommendation, along with its twelve (12) stipulation modifying stipulation 5, from October through April. Vice Chairman Riggins seconded the motion. Motion passed unanimously (7-0).

Mr. Ashbaugh stated cases PZ-PA-006-13 and SUP-008-13 will be heard together.

PZ-PA-006-13 – PUBLIC HEARING/ACTION: Gary & Cheryl Armstrong, landowners, Richard Moore, agent, requesting a non-major comprehensive plan amendment from Major Open Space (0-1 du/ac) to Medium Density Residential (3.5 – 8.0 du/ac) on a 0.184± acre parcel pending and in conjunction with SUP request **SUP-008-13** in the MH zone (**PZ-082-67**); described as Lot 63, Queen Valley Estates Unit Six (Cabinet 14, Slide 14) Section 35, T01S, R10E G&SRB&M, Tax Parcel 104-40-0310 (located in the northwest corner area of Jacque St. & Donna Dr. in Queen Valley).

SUP-008-13 – PUBLIC HEARING/ACTION: Gary & Cheryl Armstrong, landowners, Richard Moore, agent, requesting approval of a Special Use Permit to allow a conventionally constructed single-family dwelling on a 0.184± acre parcel pending and in conjunction with a non-major comprehensive plan amendment request **PZ-PA-006-13** in the MH zone (**PZ-082-67**); described as Lot 63, Queen Valley Estates Unit Six (Cabinet 14, Slide 14) Section 35, T01S, R10E G&SRB&M, Tax Parcel 104-40-0310 (located in the northwest corner area of Jacque St. & Donna Dr. in Queen Valley).

Mr. Ashbaugh read a portion of the staff report and used a PowerPoint.

Chairman Hartman called the applicant forward.

Mr. Gary Armstrong, 9823 County Rd 371, Missouri. Mr. Armstrong came forward to address the Commission. Mr. Armstrong gave a brief description of the case.

Chairman Hartman asked Mr. Armstrong if he agrees with all the stipulations. Mr. Armstrong responded that he does agree with the stipulations. Mr. Armstrong stated the residents in the neighborhood are all in agreement.

Chairman Hartman opened the public portion of the meeting. Hearing none, Chairman Hartman closed the public portion.

MOTION

Vice Chairman Riggins made a motion to forward case PZ-PA-006-13 to the Board of Supervisors with a favorable recommendation. Commissioner Aguirre-Vogler seconded the motion. Motion passed unanimously (7-0).

Vice Chairman Riggins made a motion to forward case SUP-008-13 to the Board of Supervisors with a favorable recommendation, with the attached 6 stipulations. Commissioner Aguirre-Vogler seconded the motion. Motion passed unanimously (7-0).

SUP-009-13 – PUBLIC HEARING/ACTION: Rancho San Manuel MHP, LLC, landowner, requesting a Special Use Permit to allow RVs and/or Park Models on a 70.89± acre parcel in the MHP Zone (**PZ-021-87**); situated in a portion of the SE¼ of Section 32, T09S, R17E G&SRB&M, tax parcel 307-08-3900 (legal on file) (located in the southwest corner Avenue G and Redington Road in the San Manuel area).

Mr. Ashbaugh read a portion of the staff report and used a PowerPoint.

Chairman Hartman called the applicant forward.

Mr. Tim Dutra, 356 Rosemary Ave, Encinitas California. Mr. Dutra came forward to address the Commission. Mr. Dutra gave a brief description of the case.

Chairman Hartman asked Mr. Dutra if the mine was going to reopen. Mr. Dutra responded it is not a sure thing; they have been delayed on the permitting and testing. The mine staff anticipates opening early part of 2014. Chairman Hartman asked Mr. Dutra if he believes the SUP will fit the needs of the land. Mr. Dutra responded yes and stated not all the sites are vacant; there are about one hundred and twenty five vacant sites, plus the existing SUP with fourteen other vacancies. Chairman Hartman asked Mr. Dutra if anybody can take their own RV's for weeks at a time, and if there will be a limit on the time someone can use the site. Mr. Dutra responded there is no set time limit.

Commissioner Aguirre-Vogler asked Mr. Dutra what is going to happen to the older vacant trailers, and is everything currently in compliance with the RV's. Mr. Dutra responded they are going to apply for a permit to demo the older trailers, and are currently cleaning up the area as well. If the pedestals are not up to date, new pedestals will have to be installed. Mr. Dutra stated they will be improving the park; it needs a lot of work.

Mr. Ashbaugh stated code compliance will be making a visit in the near future.

Chairman Hartman opened the public portion of the meeting.

Mr. Tim Stone, 226 Edna Queen Valley, Arizona. Mr. Stone came forward to address the Commission. Mr. Stone suggested the property be cleaned before the property is granted any permits. Vice Chairman Riggins stated there is a stipulation stating the property being free of trash, litter and debris.

Commissioner Aguirre-Vogler asked Mr. Wesley LaCrosse if there is a check list the code compliance officers follow when inspecting a property. Mr. LaCrosse responded once the code compliance officer inspects the property if there are violations the park manager or owner will be notified and given specific deadlines.

Commissioner Gutierrez asked Mr. Dutra how many of the trailers in the area need to be demolished or cleaned. Mr. Dutra responded there are approximately ten (10) trailers, which need to be demolished, seven (7) trailers that have been refurbished already and available for rent, and approximately eight (8) that are currently on the list to be refurbished. There is a playground with new equipment for the children.

Vice Chairman Riggins asked Mr. Dutra of the ten (10) trailers that need to be demolished how many are covered in this SUP. Mr. Dutra responded he is not sure of the number but a close estimate would be six (6).

Mr. Ashbaugh stated he received three (3) more approval letters, and read them to the Commission.

Chairman Hartman closed the public portion.

MOTION

Commissioner Aguirre-Vogler made a motion to forward case SUP-009-13 to the Board of Supervisors with a favorable recommendation, with the attached 8 stipulations. Vice Chairman Riggins seconded the motion. Motion passed unanimously (7-0).

PZ-PD-006-13 - PUBLIC HEARING/ACTION: Trilogy Encanterra Construction LLC, Landowners, Pew & Lake PLC, agent, requesting approval of a PAD Overlay Zone Amendment to modify the rear and side yard fencing requirements to allow fences in a previously prohibited area (Page 16b approved PAD Book case PZ-PD-037-06), on a 745 acre parcel currently zoned CR-3/PAD, CR-5/PAD, TR/PAD, CB-1/PAD, SR/PAD, previously approved under cases **PZ-005-06, PZ-PD-037-06, PZ-PD-010-09**); situated in a portion of Section 32, T02S, R08E, and Section 5, T03S, R08E G&SRB&M (legal on file) Tax Parcel (multiple APN's maps 104-28;109-52 & 109-53, 210-06 parcel list on file)(SEC area of the intersection of Gantzel Rd. & Combs Rd. in San Tan Valley).

Mr. Abraham read a portion of the staff report and used a PowerPoint.

Chairman Hartman stated the only change is modifying the rear and side yard fencing requirements to allow fences in a previously prohibited area. Mr. Abraham stated there is no increase in density, nor any other changes in development requirements, or changes in open space.

Chairman Hartman called the applicant forward.

Mr. Ralph Pew, 1744 S. Val Vista #217, Mesa, Arizona. Mr. Pew came forward to address the Commission. Mr. Pew gave a brief description of the request.

Chairman Hartman asked Mr. Pew if any homes have been built with this specific plan. Mr. Pew responded there have been many homes built with this layout, the project is 40-50% built out, and it's just a matter of a technicality. Chairman Hartman asked Mr. Pew if Shea Homes was going back to retrofit them. Mr. Pew responded if a home owner wants to move the gate, they can with all the appropriate permitting.

Commissioner Aguirre-Vogler stated the development is beautiful, but she had a hard time finding the subdivision.

Chairman Hartman opened the public portion of the meeting. Hearing none, Chairman Hartman closed the public portion.

MOTION

Vice Chairman Riggins made a motion to forward case PZ-PD-006-13 to the Board of Supervisors with a favorable recommendation, along with the attached stipulations, and modifying stipulation 19, to add the correct case number. Commissioner Gutierrez seconded the motion. Motion passed unanimously (7-0).

MOTION

Vice Chairman Riggins made a motion to recess for lunch. Chairman Hartman accepted the motion.

Lunch 12:31 p.m.

Reconvened 1:20p.m.

PUBLIC HEARING/ACTION FOR MAJOR COMPREHENSIVE PLAN AMENDMENTS PZ-PA-004-13, PZ-PA-002-13 AND PZ-01-005-13

PZ-PA-004-13 – A major amendment of the **Pinal County Comprehensive Plan** to amend the **Land Use Plan** to re-designate 243± acres of land from **Very Low Density Residential (0-1 du/ac)** to **Secondary Airport** in the Eloy area; situated in a portion of Section 12, T09S, R6E G&SRB&M; Tax parcels 500-46-002, 002D, 002E and 002F (legal on file) located on the west side of Sunland Gin Rd south of Harmon Rd.

Ms. MacDonald read a portion of the staff report and used a PowerPoint. Ms. MacDonald read a letter from Arizona Game and Fish. Ms. MacDonald also stated The Gila River Indian Community and The Tohono O'odham Indian Community recommended an archeological study to be done.

Chairman Hartman called the applicant forward.

Ms. Jackie Guthrie, 2045 S. Vineyard, Mesa, Arizona. Ms. Guthrie came forward to address the Commission. Ms. Guthrie gave a presentation of the project.

Commissioner Aguirre-Vogler asked Ms. Guthrie if there will be an archeological study done. Ms. Guthrie stated she is aware of Gila River Indian Community and Ak-Chin recommending an archeological study be done, however she has not done all the research pertaining to the study and all it might entail.

Chairman Hartman opened the public portion of the meeting. No one spoke from the public.

MOTION

Commissioner Aguirre-Vogler made a motion to forward case PZ-PA-004-13 to the Board of Supervisors with a favorable recommendation. Vice Chairman Riggins seconded the motion. Motion passed unanimously (7-0).

PZ-PA-002-13 – A major amendment of the **Pinal County Comprehensive Plan** to amend the **Land Use Plan** to re-designate 1379± acres of land from **Major Open Space (or 1 DU/AC)** to **Low Density Residential (0-2 DU/AC)**(1002± ac); **Moderate Density Residential (1-3.5 du/ac)**(213± ac); and **Medium Density Residential (3.5 - 8 du/ac)**(164±ac) and amend the **Open Space and Trails Plan** to remove the "Proposed Open Space" designation (the multi-use trail corridor will remain) to coincide with the **Land Use Plan**; located in the Queen Valley area; situated in portions of Sections 26, 33, 34, T1S, R10E G&SRB&M, and portions of Sections 3, 4, T2S, R10E G&SRB&M; located approximately 3.5 miles northeast of Florence Junction.

Mr. Abraham read a portion of the staff report and used a PowerPoint.

Chairman Hartman asked Mr. Abraham how the change would increase the potential for flooding. Mr. Abraham responded it would not increase flooding; the only thing that is changing is the designation on the map. Chairman Hartman asked Mr. Abraham if it will change the pattern of the wild life. Mr. Abraham responded it is pretty much up to the owner and residents if they want to accommodate the wild life.

Chairman Hartman called to the public. No one responded.

Mr. Tim Stone, 226 Edna Queen Valley, Arizona. Mr. Stone came forward to address the Commission. Mr. Stone spoke against the case, and asked Mr. Abraham what he sees the changes will do to Queen Valley now and in the future. Mr. Abraham responded the major hurdle in Queen Valley to develop is the sewer situation. The area is served by the Queen Valley Sewer District CC &N's, which means anything developed by subdivision will have to hook up to their sewer. Queen Valley Sewer cannot accommodate without an upgrade to the system.

Chairman Hartman stated the comprehensive plan is the road map for the future, with consistency for the future. Mr. Abraham stated the comprehensive plan is more of a guide than restrictions.

Mr. Stone stated residents are concerned the development might hurt the wild life, and also by adding more roads it will increase litter.

Vice Chairman Riggins stated the true impediment to growth is infrastructure, there is a sewer problem. What is being looked at currently has nothing to do with that, the proposal does not affect wild life, quality of life or litter.

Mr. Gary Armstrong, 9823 County Rd 371, Missouri. Mr. Armstrong came forward to address the Commission. Mr. Armstrong spoke in favor of the case, if it makes it easier to utilize the existing land, without having to disturb it, it should be used.

Commissioner Aguirre-Vogler stated the zoning is already in place. Neither the zoning nor the density will be changing. Mr. Abraham agreed and stated the comprehensive plan is inconsistent; there are other private properties that have open space designation and that designation makes sense. They have open space neighboring, national parks. It makes sense to keep the area as it is. Mr. Abraham stated the comprehensive plan is overly restrictive for the existing land uses. What we have to remember is that with the State Land and Superstition Vistas surrounding the area, that land will not be preserved.

Vice Chairman Riggins stated he does not agree with Mr. Abraham statement regarding the comprehensive plan, and being overly restrictive for the existing land "uses". Vice Chairman Riggins stated the current properties "rights", is a better term to use.

Ms. Jean Dilley, 226 Edna Ct. Queen Valley, Arizona. Ms. Dilley came forward to address the Commission. Ms. Dilley asked the Commission if someone wanted to build a new development on that land, would they need to come before the Commission. Mr. Abraham responded yes. Ms. Dilley asked Mr. Abraham if they did obtain a permit to build, would they hook up to your septic/sewer system, even though Queen Valley cannot accommodate anymore developments. Mr. Abraham responded if they build in compliance within their zoning, on the property, they do not need to come before the Commission. If an applicant wants to subdivide, they would need to have a plat approved, and they would need to add sewer. However, there would be a discussion whether the sewer district can support that capacity. Ms. Dilley asked Mr. Abraham if the sewer district cannot support them, does the sewer system need to get upgraded and who would pay for it. Mr. Abraham responded, as he understands, the land developer would have to pay for the upgrade. Ms. Dilley stated there is a water issue in the area as well. Mr. Abraham stated if it's a subdivision, they have to have prove there is enough water. They work with the State of Arizona to receive a water supply certificate. An individual property owner does not have to do that.

Vice Chairman Riggins stated the area we are addressing has regional complexity, different overlays of many different jurisdictions, a sewer problem as well as water shortage. The matter before us is not about enhancing density, or changing of life styles. It is about recognizing that we don't have appropriate zoning. This is basically cleaning up an administrative problem.

Chairman Hartman asked Mr. Abraham as a citizen how much does it cost to amend the comprehensive plan designations. Mr. Abraham stated non-major amendments are \$1,700; major amendments are \$2,545.

MOTION

Vice Chairman Riggins made a motion to forward case PZ-PA-002-13 to the Board of Supervisors, with a favorable recommendation. Commissioner Aguirre-Vogler seconded the motion. Motion passed unanimously (7-0).

PZ-PA-005-13 (previously PZ-PA-001-13) – A major amendment of the Pinal County Comprehensive Plan to amend the language of Chapter 5: Economic Sustainability adding a policy to support a

tourism corridor for the Butterfield Stage Route in western Pinal County and to amend the **Economic Development Plan** to identify the Butterfield Stage Corridor.

Ms. MacDonald read a portion of the staff report and used a PowerPoint.

Chairman Hartman called to the public, no one responded.
No comments from the Commission.

MOTION

Commissioner Aguirre-Vogler made a motion to forward case PZ-PA-005-13 to the Board of Supervisors, with a favorable recommendation. Vice Chairman Riggins seconded the motion. Motion passed unanimously (7-0).

PZ-C-001-13 - PUBLIC HEARING/ACTION: Pinal County Planning & Development Department requesting approval of a Zoning Ordinance Text Amendment to **Title 2** of the **Pinal County Development Services Code**, amending section 2.151.010 of **Chapter 2.151 Permits: Special Use, Special Density, Temporary Use and Special Event**; Section 2.165.040 of **Chapter 2.165 Zoning Regulations Amendments**; Sections 2.166.040 and 2.166.050 of **Chapter 2.166 Rezoning**; Section 2.170.110 of **Chapter 2.170 Comprehensive Plan, Specific Land Use Plans and Plan Amendments**; Section 2.176.230 of **Chapter 2.176 Planned Area Development (PAD) Overlay Zoning District on and After February 18, 2012**; and Sections 2.205.030 and 2.205.070 of **Chapter 2.205 Wireless Communications Facilities**, to add language requiring a pre-application meeting prior to filing and establishing pre-application procedures and requirements.

Ms. MacDonald read a portion of the staff report and used a PowerPoint.

Chairman Hartman called to the public, hearing none.

Vice Chairman Riggins asked Ms. MacDonald if applicants would be required to have concept review. Ms. MacDonald responded no. Applicants unfamiliar with the process may elect to attend a concept review hearing. She added that there are many developers who have been through the process many times and will not need concept review.

Chairman Hartman asked Ms. MacDonald if there is a fee. Ms. MacDonald responded that staff is currently working on the fee schedule and there is not an established fee in the fee schedule yet. However, the proposed fee is \$490. Currently, concept review is either \$200 or \$1,000 depending on size of the development.

Commissioner Gutierrez asked who the changes would affect. Ms. MacDonald responded it will affect all applicants that will be coming before the Planning Commission.

Chairman Hartman closed the public portion.

MOTION

Vice Chairman Riggins made a motion to forward case PZ-C-001-13 to the Board of Supervisors, with a favorable recommendation. Commissioner Aguirre-Vogler seconded the motion. Motion passed unanimously (7-0).

PZ-C-002-13 - PUBLIC HEARING/ACTION: Pinal County Planning & Development Department requesting approval of a Zoning Ordinance Text Amendment to **Title 2** of the **Pinal County Development Services Code**, amending Section 2.145.120 of **Chapter 2.145 Signs** to allow a-frame signs for churches and establishing criteria for these signs; and amending Section 2.145.150, to modify the Flexibility Provisions by limiting staff authority, revising the staff review process and establishing Board of Supervisors' hearing procedures.

Mr. Wesley LaCrosse read a portion of the staff report and used a PowerPoint. Chairman Hartman asked Mr. LaCrosse how the change limits staff. Mr. LaCrosse responded there was a committee for signs, (sign review committee) and the committee had a lot of latitude of what the applicants can do. Eliminating this process will increase public input.

Mr. Gutierrez asked Mr. LaCrosse if there is a limitation of the size of "A" frames. Mr. LaCrosse responded it is defined in the ordinance.

Chairman Hartman closed the public portion.

MOTION

Vice Chairman Riggins made a motion to forward case PZ-C-002-13 to the Board of Supervisors, with a favorable recommendation. Commissioner Aguirre-Vogler seconded the motion. Motion passed unanimously (7-0).

WORK SESSIONS

Discussion with the Commission regarding the Code Compliance Department's community outreach efforts.

Mr. Wesley LaCrosse used a PowerPoint to describe what Code Compliance Division conducts. Mr. LaCrosse stated the partnership and relationship that Code Compliance officers and Planners have developed.

Chairman Hartman asked Mr. LaCrosse how code compliance officers address the violations, and contact the owners and residents. Mr. LaCrosse responded if nobody is located on the property the inspector will leave a notice on the door advising them to contact Pinal County. If they don't reply, we research who the home owner is and contact them directly.

ADJOURNMENT

Vice Chairman Riggins made a motion to adjourn. Commissioner Anderson seconded the motion. Chairman Hartman accepted the motion. Meeting adjourned at 3:10 pm.

RESPECTFULLY submitted October 17, 2013.



Jerry Stabley, Planning Director