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PINAL COUNTY PLANNING AND ZONING COMMISSION
(PO NUMBER 230372)

Regular Meeting
9:00 a.m.
Thursday, December 18, 2014
EOC Room - Building F
31 N. Pinal St., Florence, Arizona

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1 RIGGINS: December 18, 2014. Regular meeting of the
2 Pinal County Planning and Zoning Commission to order. Our
3 first item on the agenda is the discussion of meeting minutes
4 and I'm still not exactly sure of what we're doing with
5 meeting minutes, if somebody can help explain that one last
6 time with me.

7 ABRAHAM: Sure. It's basically an action report,
8 basically describing what happened from last month and there's
9 no need to approve them, and they're there for your review,
10 and if you have any questions.

11 RIGGINS: Okay.

12 HARTMAN: Chairman Riggins?

13 RIGGINS: Vice Chairman Hartman.

14 HARTMAN: Steve, there's some typing errors or
15 whatever that we noticed in there.

16 ABRAHAM: Sure.

17 HARTMAN: Is this - is it proper for us to correct
18 anything like that?

19 ABRAHAM: Absolutely, yeah.

20 HARTMAN: All right. Mary Aguirre-Vogler.

21 VOGLER: Oh yeah, I'd like to just say something
22 about it. First of all, Chairman Riggins is our chairman and
23 Mr. Hartman was acting as Chairman, but he's our Vice-Chair,
24 so I didn't know if that should be noted that he - for the
25 record, you know, he was acting.

1 ABRAHAM: Oh, acting chair.

2 VOGLER: He was acting Chair, and the other thing is
3 on a motion, down - it says here it past unanimously 0 o 9.
4 So I think it was backwards, isn't it?

5 ABRAHAM: That is backwards.

6 VOGLER: I think it should be 8 to 0.

7 ABRAHAM: You're absolutely right.

8 VOGLER: Okay. Those are the only two thing that I
9 noticed, whatever you can do about them.

10 MORITZ: Mr. Chairman?

11 HIGGINS: Yes.

12 MORITZ: Yes. Up on the top it says Pinal County
13 Planning and Zoning Draft Commission Action Report October 16,
14 2014.

15 ABRAHAM: That would be incorrect as well.

16 HIGGINS: The heading doesn't say that, but it does
17 on the rest of the pages, you're correct.

18 ABRAHAM: We'll make those corrections.

19 HIGGINS: Are there any others? That's it. Okay,
20 very good. Let's go ahead and continue to the Planning
21 Director Discussion Items.

22 ABRAHAM: Thank you, sir. Just a quick note. Both
23 presentations by Kent Taylor and Himanshu will take place
24 after our meeting, after our meeting items today. We'll have
25 those at the end just because of the - how many folks showed

1 up today and Kent Taylor asked if he could go after lunch. So
2 we'll just move those to the back of the agenda today, just to
3 sort of move things along in a more reasonable way. So, the
4 other item on that - discussion items, that we got some
5 correspondence from the City of Apache Junction, and I put it
6 in your packet. The purpose of it was to ask if you wanted me
7 to prepare a response. And just to give some background on
8 the correspondence, that was in response to a proposal that we
9 had that was ultimately withdrawn last month to operate - or
10 request an industrial use permit to operate a septic sludge
11 dewatering facility in the Apache Junction area. That
12 proposal upon our mail-out and distribution received a lot of
13 negative input and comment, and the, I guess the letter that
14 they submitted is twofold; one, they asked us to pretty much
15 deny that proposal. I think they generated the letter before
16 they do it (inaudible) withdrawn, and then the other request
17 was to ask us to do one of two things, one look at possibly
18 rezoning the Houston Industrial Park up there and/or be very
19 cognate of their surrounding land uses, because I don't know
20 if the Commission knows or not, but the Houston Industrial
21 Park which is on Guadalupe and Ironwood, approximately, is
22 completely surrounded by the City of Apache Junction, it's a
23 county island, so they were asking us to please take a look at
24 future land uses going in there that they're more compatible
25 with surrounding residential development. After reading the

1 letter, I didn't see that they wanted a response, but I just
2 want to put it out there if you wanted me to generate a
3 letter, bring it back to the Commission, send it back to their
4 council, because their, their mayor and council had a work
5 session on the item, it generated that much interest from
6 them, so if you had any questions on that letter or anything,
7 or if you wanted me to do anything further, I'd be happy to do
8 that for you.

9 RIGGINS: Steve, I would have one question, was it
10 withdrawn permanently? I mean they're not, they're not
11 delaying to reapply, was it withdrawn -

12 ABRAHAM: Well, they withdrew that particular
13 proposal, however the owner of the property did make it clear
14 that he was thinking about operating some other type of
15 business-related use in that area, related to the septic
16 business. So we haven't any conceptual reviews of that, or
17 any pre-app meetings, but I don't know if it's necessarily a
18 dead issue at this point.

19 RIGGINS: Okay.

20 MORITZ: Mr. Chairman.

21 RIGGINS: Commission Moritz.

22 MORITZ: I think in concert with their request, or
23 their comments, that it would be appropriate for us to return
24 a letter indicating that we do understand their concern and
25 that in the future we'll take that into consideration.

1 ??: Agree.

2 RIGGINS: Is - just from a consensus point of view,
3 is that the pleasure of the Board.

4 ??: I think it is.

5 VOGEL: Sure, yes.

6 HARTMAN: Chair Riggins.

7 RIGGINS: Commissioner Hartman? Vice-Chairman
8 Hartman?

9 HARTMAN: As, as a Commission member of long
10 standing, I, I remember we always had quite a bit of problem
11 with wastewater in the Apache Junction area, and so I know
12 staff knows that and the (inaudible) rates are real low and
13 all kinds of problems, so they, they do have a problem there
14 and yes, express that, that we know and realize that and sure
15 the Commission would take that under consideration.

16 ABRAHAM: Absolutely. Thank you Commissioner
17 Riggins.

18 RIGGINS: All right. Would the, would the
19 Commission like to see this letter before its sent or doing it
20 along the lines of what has just been suggested is
21 satisfactory?

22 ??: (Inaudible).

23 RIGGINS: Okay, let's go ahead and do it in that
24 fashion.

25 ABRAHAM: Fair enough, Mr. Chair.

1 RIGGINS: Very good. Anything else on Planning
2 Director items?

3 ABRAHAM: There are not.

4 RIGGINS: We will be seeing the presentations after
5 the regular meeting.

6 ABRAHAM: Correct.

7 RIGGINS: Okay. Let's go ahead and go to the report
8 on Board of Supervisors Action.

9 ABRAHAM: On your - let's see, on the 19th of
10 November, we - the Board of Supervisors ended up looking at
11 the two rezones for photo voltaic facilities located north of
12 - I'm sorry - east of San Tan Valley, north of Florence, ended
13 up approving those and unanimously. And that was - that looks
14 like that was the bulk of the business that day.

15 RIGGINS: Okay. Any other questions? In that case,
16 let us move onto our first case. Case PZ-C-001-14. And
17 Steve, could you please start it for us?

18 ABRAHAM: Absolutely. Okay, the first case on
19 today's agenda is PZ-C-001-14. The proposal today is
20 something we don't get a lot here, and that's a citizen-
21 initiated zoning code amendment, and the purpose of the
22 amendment is to allow the outdoor cultivation of medical
23 marijuana. They would have county-wide applicability. The
24 applicant today is The Rose Law Group on behalf of the
25 Sidewinder Dairy. Now, some key components of the proposal

1 are that the, the medical marijuana section of our ordinance
2 would be amended to allow outdoor cultivation. There - would
3 remove the square foot limitation on cultivation locations,
4 and then critically allow the - as a special use in the GR
5 zone. Now right now the ordinance as currently written does
6 not allow outdoor cultivation. There's a 2,000 square foot
7 limitation on cultivation of facility size. It's only allowed
8 as a special use permit in the CD-2 and C-3 zones, and of
9 note, compared to what you looked at at your work session,
10 there are two minor changes. One is that growing areas have a
11 ten acre limitation, and that there be a six total locations
12 in the GR zoning district County-wide, so those are additional
13 components that were added after you took a look at it. So,
14 in all, you're looking at about five key components to the
15 ordinance change. Now public involvement up to this point,
16 there were two community meetings on the proposal. That
17 information was in your packets. There was a series of
18 newspaper ads basically advertising the neighborhood meeting
19 and the code proposed amendment itself. It's been on our
20 website for a number of months. We did have some internal and
21 external distributions soliciting comment on the proposal, and
22 there were two work sessions, one by the Board of Supervisors
23 and the planning and zoning commission. Now at those work
24 sessions - and I kind of combined them into one sort of topic
25 here - the Board and Commission asked me to do a number of

1 research projects. One of them - and as we do with all code
2 amendments, we take a look at what other jurisdictions are
3 doing and in terms of a local analysis, which meaning what are
4 our towns and cities taking a look at, and then other - and
5 counties - and then taking a brief look at what other states
6 are doing; Colorado, in particular. Before diving into the
7 other jurisdiction section, staff in the past has always
8 advised the Commission and the Board that, you know, you look
9 at that as what other communities are doing, so you don't have
10 to necessarily re-invent the wheel. Is there something that
11 we literally could highlight, cut/paste into a public hearing
12 notice and add to our code and it fits us really well. Using
13 that as sort of a sliding scale, if we are more restrictive or
14 less restrictive or, you know, comparing ourselves to other
15 counties is a good thing, but it's also a kind of a two-sided
16 sword in that, you know, we're tasked with looking at what's
17 best for our community and using that as really another
18 example. Now with that being said, in general - and actually
19 before I keep going here, in your, in your book, there is a
20 foldout of what some of the other communities are doing, and
21 it's under tab G in your book. And also in your packet, I
22 included a tab that outlines what some of the other towns and
23 cities are doing. That's about three or four pages into your
24 report. Now in general several, jurisdictions require indoor
25 cultivation. Most relegate the uses to non-residential zoning

1 districts. Now there are some critical exceptions to that,
2 being Eloy which does allow outdoor growing and in residential
3 zoning categories, however you have to have at least 160 acres
4 of land area. Cochise, Santa Cruz - actually Mohave's off
5 that list now, I got an update basically saying that they do
6 have a medical marijuana ordinance in place - and then Yavapai
7 County. So there are some places that do, that do allow what
8 is being proposed today. However, if you take a look at some
9 of the charts that I think the bulk of the jurisdictions have
10 some key consistencies with our regulation on how these types
11 of facilities are managed. Took a look at Colorado, and their
12 codes basically allow medical marijuana growing in your home,
13 so we - I basically stopped there, that was kind of a dead-
14 end. Their regulations seem to look like how we kind of -
15 Arizona regulates the home brewing of beer where, you know,
16 you can do it, but you can't sell it or really manufacture it
17 on any large scale. So that was kind of a dead end in terms
18 of what Colorado was up to. The Commission asked me to take a
19 look at facility size versus production capacity, and that was
20 a very intriguing component. I heard that in my, you know, I
21 thought hey you know, that has a lot of implications on a
22 number of levels in terms of, you know, how many facilities do
23 we actually need? What would satisfy the use? So I took some
24 research off of the internet, so it's, you know, hopefully
25 it's fairly credible, but it looks like - and this is all

1 obviously in general that with our current users or patients
2 today, you know, a facility about the size of a Safeway or an
3 Albertson's could probably meet the demand. Now, that's not
4 to say that the number will go up or go down or fluctuate
5 throughout time and, and you know, be a variable that we'd
6 have to look at, but in terms of the research, almost all the
7 jurisdictions do not have a size limitation. So that's - I
8 thought that was a very interesting component that we
9 discovered, that in the counties and the cities I think the
10 unifying factor is that there is no limit and size, and I
11 think that's kind of an important differentiating topic. Now
12 after taking a look at this and, you know, staff spent, you
13 know, many, many hours thinking about this and talking with
14 our compadres in the attorney's office and amongst other staff
15 members, after a while we kind of thought that this might be a
16 slippery slope to go down to that where the thought being that
17 dealing with land use impacts, that the - what would be the
18 potential land use impacts of this types of facilities.
19 Addressing the issue of production capacity is almost on the
20 line of telling maybe McDonald's or Krispy Kreme how many, how
21 many donuts they can make or burgers they can sell. We think
22 that looking at the land use component, through the land use
23 lens, that that might be, you know, a component of your
24 decision, but not necessarily the sole deciding factor. Now
25 that's not to say that there aren't public, public safety and

1 public policy implications of that, maybe for the board to
2 take a look at, like does the County want to be the, the, you
3 know, own the market on medical marijuana production or what,
4 what does this mean to have multiple facilities around the,
5 around the County, or a lot of different dynamics are in, in
6 that about putting a cap or limiting size county-wide.
7 Facility size, like if you put a limitation on like how big
8 one facility could be makes a lot of sense in terms of
9 traffic, noise, neighborhood impacts, things like that, but
10 looking at it from that 50,000 square foot limit, or view, may
11 not be the best way to handle it, but that's basically -
12 that's staff's opinion on that one. Now, also the Boards and
13 Commissions asked me to take a look at public safety, solicit
14 the opinion of the County Attorney and the County Sheriff.
15 Basically at the Board of Supervisor's meeting the County
16 Attorney spoke out against the proposal; the County Sheriff
17 didn't say anything bad or didn't say anything good - oh, and
18 our County Attorney just walked in, so he is here. Nothing in
19 writing's been generated, but I imagine there may be some
20 additional comments on it. We asked the Sheriff's Office to,
21 you know, say a few words or maybe comment on the proposals
22 written and we didn't get anything, and we also invited him to
23 the meeting today, so if - there might be a sighting here
24 today. Now, on the recommendation portion, in the staff
25 report, you know, there's a pretty long verbose explanation of

1 where we're coming from on, on the proposal. Now just to
2 remind the Commission, it's not staff generated, and we ask
3 that you take a look at this proposal that - like in how our
4 relationship is to a zoning case, the applicant is proposing
5 this. They need to be able to give you some good reasons of
6 why this is a good idea, how - you know, what they've done to
7 solicit public input on it, so staff is not the one that's
8 bringing this forward. We do, however, view that although
9 very small parts of the code are being changed, we do look at
10 it as a fundamental change in the way that we're - of the way
11 that we're regulating these facilities. In the staff report I
12 talked at length about how, you know, the thought being focus
13 these facilities in CD-2, in C-3, with a, with a special use
14 permit that really limits the opportunities for these places
15 to be, to be placed. That was done on purpose. That wasn't
16 done because we were rushing or we had no idea what we were
17 doing, but that was a focused effort to put these facilities
18 in specific locations. At your work session I had a map
19 showing the distribution of land mass, the GR is the most
20 prevalent zone in the county. If this ordinance would go
21 through, basically everybody who's got GR zoning, farmers,
22 even individual residential property owners, could approach
23 the Commission and ask for a medical marijuana grow facility
24 on their property. GR, as you know, has a variety of
25 residential quasi-public, public uses, some commercial uses in

1 there, agricultural uses, it's a very wide variety. This
2 would add to that, this - that sort of eclectic pallet where a
3 vast majority of property owners in the County could request
4 this. Also a point in the staff report that I kind of went on
5 and on about was that this is a controlled substance still,
6 and the fact that it's a controlled substance, the State has
7 attached some security requirements to that. Most notably
8 being ten foot high wall, with some fence and a gate, and that
9 fact really in our mind takes that out of the agriculturally
10 realm. That those types of security requirements being
11 located either in a residential neighborhood or amongst the
12 farming operation, seems to detract or remove this type of use
13 from a farming-type or, you know, agricultural-based type
14 activity. Now the impacts, you know if, if, if this were an
15 allowed, or allowed use or if it was considered agricultural,
16 could packing treatment operations be consistent with
17 agricultural? Sure, absolutely. We get, you know, melon
18 plants and they'd have cooling facilities and, you know, you
19 can bale hay and all that good stuff on your farm site,
20 however, the fact that agricultural uses are largely exempt at
21 the State level, they don't have to go through these types of
22 processes, like medical marijuana or other commercial and
23 industrial type uses. So if it were agricultural, it would be
24 exempt. That's kind of our, our kind of perky argument in
25 that regard. Where are the facilities are located now. Now,

1 because they're not exempt, and they're not agricultural uses,
2 in our view - of course, this is our opinion on this - that in
3 the CD-2 and C-3 zones, those zonings anticipate commercial
4 uses, commercial traffic, elevated levels of activity and
5 they're basically combined with the fact that there's so few
6 of it, that it seems to be a more appropriate location for
7 these facilities. As we all know, agricultural uses can have
8 negative land use impacts and that's why most of them are
9 exempt from the State level from zoning.

10 LANGLITZ: Let me - just one quick note Mr. Chair,
11 and Commission Members, the - I just want to clarify one
12 point, the Arizona State Legislature has already decided that
13 the cultivation of medical marijuana is not an agricultural
14 use and it does not receive an agricultural exemption. So I
15 just want to make clear that there's been some discussion that
16 it may be agricultural, it's clearly not agricultural.
17 Marijuana is still illegal in the State of Arizona. What is
18 permitted is medical marijuana.

19 ABRAHAM: Let's see. So with heightened activity,
20 heightened potentially negative land use impacts the CB-2, C-3
21 zones are already there to accommodate those types of uses.
22 So, the idea being that since they're approaching commercial
23 uses, that they could go to these locations. We have site
24 plan review, we have our traffic guys looking at types of
25 things on roads and commercial drainage and things along those

1 lines, so we - that's probably the more appropriate vehicle
2 for those, those types of facilities to - or route for those
3 types of facilities to go through our process. Before we get
4 into the - our staff recommendation on this, I did have a
5 couple of updates since your packets came out. The City of
6 Eloy did end up responding on our proposal and - or The Rose
7 Law Group's proposal - and they offered a variety of potential
8 changes to the way it was given to them, which would have been
9 under the, the previous mail-out, so it didn't include the ten
10 acre limit or the six total facilities throughout the county.
11 However, and in some - and I have a copy of the letter here,
12 that's, it's fairly detailed from, from the Planning Director
13 - that he thinks that this could pose direct and indirect
14 impacts on adjacent and approximate property owners wherever
15 such uses are located. The provision does have the potential
16 to affect many other incorporated cities and towns and argue
17 that this proposal would definitely have major implications on
18 size, location and functions of these types of facilities.
19 Other than that, they provide some guidance in terms of - and
20 I just got this letter last night, so this is, this is the
21 first time I'm really going through this. I think the key
22 component is that they are advising to keep the facility in a
23 completely enclosed facility, otherwise it looks like they're
24 - they look at possibly expanding it would be, would be
25 reasonable, eliminating the square foot cap appears to be

1 reasonable. Now keeping in mind Eloy does allow this an out -
2 already an allowed use in a residential zoning district with
3 no special use permit requirements, so that's where they're
4 coming from on this. So it looks like they do acknowledge it
5 could have some negative impacts in some. In addition to your
6 list that you had in your packet, it turns out - and I think I
7 mentioned this already - that Mohave County does have a
8 medical marijuana ordinance in place already and they require
9 it to be in a commercial zone, so in your current table it
10 says that there's no medical marijuana ordinance, that means
11 that basically the only County in Arizona that we encountered
12 that does not have a medical marijuana ordinance would be
13 Yavapai. So from staff's analysis point we, we kind of threw
14 that one out as an outlier rather than a, a analysis point.
15 That concludes staff's presentation. We do recommend a denial
16 as currently written. I think if, if you wanted to move this
17 forward, the one thing we could support would be the removal
18 of that square foot limitation. Keeping it in CD-2 and C-3
19 appears to be prudent at this time due to the factors I talked
20 about before. Keeping it enclosed I think is a key component
21 that we would like to recommend approval of. So basically
22 keep everything the same, except removing that, that size
23 limitation. I do have some language that I put together for
24 some possible options and some motions that we can get into as
25 the Commission gets a little closer, you talk amongst

1 yourselves and get the public input on it. Also because what
2 you're seeing today is a little bit different than what was
3 advertised, your motion's going to have to reflect those
4 changes since our advertised copies. I have something in here
5 for you to look at as well. But other than that, I'd be happy
6 to answer any questions and I hope I completed my research
7 assignment to your satisfaction.

8 HARTMAN: Chair Riggins.

9 RIGGINS: Vice Chairman Hartman.

10 HARTMAN: Chair, Chair Riggins, thank you. Steve,
11 I'm going to ask you some questions and not the applicant
12 because Planning and Zoning will be the one that necessary -
13 that does the final review and the, and the critiquing of
14 what's - what this proposal is. Well one of my questions is
15 Eloy, have they issued any permits?

16 ABRAHAM: They have - not for an outdoor growing
17 facility.

18 HARTMAN: Okay, that's, that's what I'm referring to
19 is outdoor growing facility. And that's -Eloy's pretty much
20 in the central location of Pinal County.

21 ABRAHAM: Yes.

22 HARTMAN: Okay, so my other questions is, on these
23 six sites how would they be located or is there any control or
24 could they be six sites right close together? Or what, what's
25 the - why 60 acres, a total of 60 acres, six sites? What,

1 what - do you - what would be used to locate these - I know
2 they got to go through a public hearing and get a special use
3 permit, but they - there's gotta be some - like the
4 dispensaries right now, the medical dispensaries, are have -
5 you have reasons to have them in different areas because of
6 the law and whatever, so that's my question.

7 ABRAHAM: You know, that's probably a good question
8 for the applicant to take a look at, because that was done in
9 response to some of staff's concerns about where these are
10 located. Right now it's - it would be really up to the
11 Commission and Board to decide the dispersal of these
12 facilities, close maybe, far away, maybe as well. There's
13 really no guiding language as to how these are located, other
14 than I think a key component to remember is that that just
15 limits us to the GR zone. There still could be cultivation
16 facilities in the C-3 and CB-2 zones. So you're looking at
17 six in GR zoning only. There's no cap on C-3 or CB-2.

18 LANGLITZ: Mr. Chair, Seymour Gruber from the County
19 Attorney's Office would like to supplement Steve's response to
20 that question.

21 GRUBER: One of the underlying themes of the zoning
22 law in regards to medical marijuana is whether or not it's a
23 reasonable zoning regulation, and whether or not it's
24 reasonable would be - depend on whether or not there's a
25 rational basis behind whatever type of regulations and

1 requirements exist. Now right now this is something that the
2 County is not pushing for to allow ten acres, or to have six
3 sites, so it's actually up to The Rose Law Group to, whatever
4 way they might to do it, to establish the - that it's
5 reasonably and that there's a rational basis to it, and the
6 County Attorney's Office, along with the client, being
7 Planning and Development, state that we have not seen any type
8 of a rational basis, and we don't find anything that shows
9 that the current regulations are not reasonable, that the
10 current regulations are still reasonable and that there's a
11 rational basis to the regulations which currently are in
12 place, which myself and the County Attorney Lando Voyles will
13 be discussing in more detail later on in this hearing.

14 HARTMAN: Mr. Chair. Okay Steve, one more question.
15 The - we, we think of prison sites as being a detainment area.
16 Okay, they have walls and whatever. This facility, this agri
17 - this growing of medical marijuana will be in a walled area.
18 Now it's going to be ten - we're talking ten foot wall and I
19 don't, I think it's kind of lucrative the way they said metal,
20 wood or block wall, I don't know what kind of protection that
21 really gives you, but as far as a ten foot wall, that's even
22 higher than our subdivision walls. And so for that to be in
23 an area that is potentially subdivision land, I think it might
24 have an impact because I do know if you have a prison there,
25 it does have an impact, so I'm concerned with the description

1 of the outside wall and the security of that, and I think
2 that's going to be staff's reasonability too.

3 ABRAHAM: It is. Part of the SUP process would we'd
4 ask for a security plan and that would have to be in it,
5 because the State requires it.

6 HARTMAN: Okay, thank you.

7 RIGGINS: Okay.

8 GRUBB: Chair?

9 RIGGINS: Commissioner Grubb.

10 GRUBB: Two things. First off, you know, I'd like
11 to hear from the County Attorney, and I know you have a
12 presentation to speak to us about. If, if there's a
13 limitation that we say okay only six places in this GR, does
14 that address the issue of interference with intrastate
15 commerce. By limiting this in a zoning that covers, you know,
16 probably half of our County, but only this much can be used
17 for this, I think that could draw that issue if somebody
18 wanted to challenge that portion of this, and I've lost my
19 thought on the other one. That was the one that was important
20 to me is I'd hate to see that happen and I would hope that
21 you'll speak to that during the course of this when you do
22 your presentation.

23 LANGLITZ: My Chair, I may be able to address that
24 quickly. Mr. Chair, Commissioner Member Grubb, yeah the six -
25 limiting it to six is fraught with a whole bunch of problems.

1 I don't know if it can be - if under a zoning you can limit
2 the number. Again the legal standard is there has be a
3 reasonable basis - or let me back up - we can adopt reasonable
4 zoning regulations. The legal test is to whether it's going
5 to be reasonable is there a rational basis to support it. I
6 don't know where six comes from. I think it's being offered
7 as a way of soothing these concerns that Pinal County won't
8 become the pot county in the State of Arizona, which it
9 appears we may be heading down that way, but yeah, I - there's
10 a huge problem with trying to limit it to six, and I quite
11 frankly don't know that that's not going to create more
12 problems than less.

13 MORITZ: Mr. Chairman?

14 RIGGINS: Commissioner Moritz.

15 MORITZ: Could I - I think that limitation to six,
16 if I read this correctly, was the number - and if I'm, Steve
17 you'll correct me if I get one of these numbers wrong - there
18 are 2,145 medical marijuana cards issued in Pinal County,
19 taking the two and a half ounces allowed every two weeks, the
20 - we would need to supply those already registered, and as
21 Steve mentioned earlier it's flexible because that could
22 change - and taking that by the required amount by acreage or
23 square feet and multiplying it to come to the requirement of
24 six at 10,000 acres, to supply what's demanded at this time.

25 ??: No.

1 LANGLITZ: Mr. Chair?

2 RIGGINS: Yes.

3 LANGLITZ: Yeah, it's up to the proponent to explain
4 it, but here's the problem. If we limit it to six and
5 Commissioner Grubb hit the nail right on the head, what
6 happens if the seventh person or another person wants to be
7 the provider of the medical marijuana to meet the demand?
8 We're going to be shutting them out and applying to non-
9 competitive - a complete issue in the guise of zoning. Now
10 I'm not saying - I don't know right off hand whether it is or
11 isn't, all I'm saying is that's a legitimate problem and is
12 going to give - probably give rise to some real significant
13 issues in the future.

14 GRUBB: I'd like to comment on the question that
15 Commissioner Moritz posed. I - from my information I have
16 here, I believe it was misstated. From what I see here, the
17 2,145 cardholders could be supplied off of 60,000 square feet,
18 which is roughly an acre and a third.

19 ABRAHAM: 60,000.

20 GRUBB: 60,000, yeah an acre's 43,560. So yeah, one
21 and a third approximate acres would supply everyone and there
22 is a notation here for 60 acres worth. Am I incorrect on
23 that?

24 ABRAHAM: No, you're correct. And again, getting
25 back to the six number, I think that's a great opportunity for

1 the applicant to talk about where that came from, but it could
2 be again dispersed, they could be next to each other, or some
3 combination of the two.

4 GRUBB: The second question I wanted to ask is that
5 is there an analogy that, that we can see anywhere in the
6 zoning code to where a use is deemed to be responsible and
7 appropriate as is putting medical marijuana on general rural
8 zoning, and then saying you can only do so many acres of it in
9 total and creating a scarcity of acreage to make that work
10 out. And it certainly seems to me that if you say that
11 general rural zoning is appropriate, it's awful hard to defend
12 60 acres being the limitation forward when that argument is
13 posed. And any comment on that, please?

14 ABRAHAM: Yeah, off the top of my head I can't think
15 of another use that we do that with. I know that we set up
16 uses to where they have to have a certain distance from other
17 uses or through the special use permit process. You know, I
18 have a copy of the code I can scan through, and I'll be able
19 to find that type of thing real quick, but right now I don't
20 think we do that.

21 GRUBB: In your general knowledge.

22 ABRAHAM: Yeah, I don't - no, I don't think we do
23 that.

24 GRUBB: Okay.

25 RIGGINS: All right, Commissioners, any other

1 questions of staff? Commission Smyers.

2 SMYERS: Steve, of all the other counties that have
3 no size limitations, are there any sites under cultivation now
4 that meet the state requirement of the ten foot fence and the
5 solid steel gate anywhere in the State that we're aware of?

6 ABRAHAM: Yeah, I haven't seen personally any, any
7 facility and I know that the applicant had some references, so
8 I'll leave it up to them, but to my knowledge, no.

9 SMYERS: Okay. So we're saying right now, as far as
10 we know, there's nobody actually doing the cultivation in
11 areas, or?

12 ABRAHAM: Well I believe, I believe - I believe they
13 are, but I know the applicant has a list of potential sites.

14 SMYERS: Okay, thank you.

15 RIGGINS: Okay. Commission, do we have any other
16 questions of staff, or are we ready to hear the applicant? In
17 that case, could the applicant please come up and begin the
18 presentation?

19 ROSE: Thank you Chair Riggins, Vice Chair Hartman,
20 Members of the Commission. For your records, I'm Jordan Rose
21 with Rose Law Group, and with me today is my law partner, Ryan
22 Hurley and our project manager, senior project manager,
23 Jennifer Hall, and also Sean Dugan, our client. Sean. First
24 of all while they tee this up, I just wanted to say that for
25 me this is about private property rights. I'm not a medical

1 marijuana supporter, deny or whatever, I didn't vote for the
2 cause; but for the farmers in Pinal County and for us to
3 continue to be some, something of a farming county, I do think
4 for private property rights perspective we should give these
5 guys the opportunity. So let me just talk to you a little bit
6 about the things that you asked at your study session. I'm
7 not going to hash through what we talked about last time, but
8 we'll just go forward. So this is a minor text change to
9 allow the Pinal County farmers the option to plant and
10 cultivate additional crops. And so here is a typical - this
11 is a Pinal County farm and you can see your current
12 restriction has it at 2,000 square feet grow facility, and as
13 Steve talked about that's - and I think the County staff has
14 come out and said that, that square footage is problematic to
15 them too. And correct me if I misstate what you said, Steve.
16 This maximum amount of acres that we're proposing - let me
17 just show you that again - is ten acres. And we took that
18 size because that makes economic sense for the project. We
19 heard you loud and clear at the study session where you said
20 so you could have 640 acres of medical marijuana growing and
21 you thought maybe that was a little bit - or maybe way too
22 much, I don't know, but in any case, we looked at the
23 economics of it and ten acres seemed to be a reasonable amount
24 that - and that's what we inserted as a result of our
25 discussion at your study session. So, the 2,000 square feet

1 only allows enough medication for 50 patients annually, and
2 currently there's 50,000 registered in Arizona, so - okay so
3 we listened to the P and Z loud and clear. You talked about
4 the limit on size, and the reason we chose the six, which has
5 been so discussed - and I, and I - I have no prob - we have no
6 problem dropping the six, we don't need that, we just thought
7 that we heard you say we wanted some limit on how many you
8 might - the Board of Supervisors ultimately might approve, and
9 why we chose six is because that's how many medical marijuana
10 dispensaries under the State law are allowed in Pinal County,
11 right? So you're allowed to have six. They're the community
12 health attainment areas, you have six of them in Pinal County.
13 So we chose six as one dispensary. Remember we talked about
14 how the cultivator has to be tied legally to the dispensary.
15 You can't just go out, get a use permit from the Board of
16 Supervisors and grow medical marijuana, you have to have a
17 deal first with the dispensary and approvals through DA - the
18 Department of Health Services. So that's why we chose six.
19 And again, if your ultimate motion is we don't want to limit
20 it to just hearing six cases, you know, ultimately that's fine
21 with us. We weren't attempting to corner the market or
22 anything. So we've amended the proposed ordinance to change
23 the limit on the number of use permits so that no more than 60
24 acres could ever be approved. You may approve much less
25 because on a case by case basis, you'll look at the owner of

1 the property, you'll look at the land use and the zoning in
2 the area and you'll decide if this is a good fit. In the case
3 of Mr. Dugan, he'll come back and he'll show you - if this is
4 was approved - he'd come back, ask for a use permit, show you
5 that he'd be a good operator, he's a good farmer, and that in
6 his area it works out very well. And remember in our, in our
7 proposal we cannot be more than 500 - or less than 500 feet
8 from a residentially-zoned district. So that's not just a
9 residential home, that's any kind of a master planned
10 community zoning, so certain - a lot of areas are just not
11 gonna, not gonna fall under this ordinance. So, so those are
12 just the - I just pulled out what we had amended our text here
13 to be. So you have this in your packet, but this is not to
14 exceed ten acres in size. So we asked the Pinal County
15 Sheriff's Office, and we've had a couple meetings with the
16 Pinal County Sheriff now, and the first thing he said was, you
17 know, we, we obviously have to follow the Arizona state law
18 and we're going to make suggestions to make this as safe as,
19 you know, possible. So he said we don't want use permits
20 issued for sites without paved road access, and you can see we
21 included that in there, so he doesn't want it to be in the
22 middle of nowhere without paved roads, and so that's in our -
23 whenever, if you were to approve this and you heard a use
24 permit, have to be on a paved road. The other thing - and I
25 just wanted to show you that I pulled it out of our text so

1 you can see that it's in there - the other thing that he
2 talked about was that, you know, they want strict enforcement
3 of the State security, cameras and walls and all of those
4 things, and Commissioner Smyers, you asked if there are any of
5 these sites operational. There's about 30 or 40 operational
6 grow facilities throughout the State of Arizona. We know of
7 one in Winslow, Arizona that's growing outdoors. All of them,
8 presumably, all of them are following the law. They're very
9 heavily regulated by, by the State of Arizona, by the
10 Department of Health Services, and so they have these specific
11 requirements in place. And if any of you wanted to visit one
12 of those, I don't know if that's possible, we could
13 potentially provide some addresses or some names to contact
14 the owners. Okay. But let me just show you, so this is -
15 they're heavily policed by the Department of Health Services,
16 as evidenced by the lengthy list of security requirements
17 outlined in Title 9, and I just want to show you some of those
18 requirements. And we attached them in your packet and for
19 some reason it doesn't want to do it. Okay, great. So
20 enclosed facility means outdoor wall, solid ten foot wall, it
21 has be constructed of metal, concrete or stone. Prevents any
22 viewing of the marijuana plant and a one inch metal gate. And
23 I heard the vice chair saying, you know, what if you're
24 driving down the street - now this is ten acres, remember, and
25 you're in a farm community, if the farm wanted to put up the

1 ten foot wall, they'd probably put up the ten foot wall, but
2 maybe you say that the wall needs to be set back from the
3 street a certain amount, or whatever, you know, you feel that
4 makes sense. And you can do that through the use permit,
5 right, that can be a stipulation. So if Mr. Dugan comes in
6 and puts a - wants to put a wall right on the property line,
7 say no, push it back and that's fine. But the things that
8 they have to, they have to by law, by State law, include
9 intrusion alarms, panic buttons, backup batteries on video
10 cameras, video cameras that take pictures at all day of night,
11 and you have to store those videos, high resolution
12 recordings, and they have to identify all the activity within
13 the grow. The also have to tag all their plants and so they
14 know exactly - the DHS, the Department of Health Services -
15 knows exactly what's going on on the property. So then you
16 asked us to show you what a typical site would look like, and
17 I just wanted to show you this would be - this is a grow
18 facility, dry storage drying area that's - and it could look
19 like a farm building, it could look like this, but it's very
20 common sort of building that you know in our, in our
21 standards, we require that any drying and storage of the plant
22 has to take place in an enclosed facility. So we haven't
23 changed that at all. You asked us what other counties do, and
24 we had a follow-up conversation with the staff and they said
25 focus on the counties, you want to hear about counties, not

1 the cities, so that's what we did. Ten out of 15 counties
2 don't have any size limitations, and those are the list of
3 those counties. And then half of the counties allow outdoor
4 grow. So seven out of 15 counties allow for outdoor grow, and
5 that's Cochise, Coconino, Gila, Maricopa, Navajo, Santa Cruz
6 and Yavapai. And then you asked for what the financial
7 benefit to Pinal County is. First of all, the local farmers,
8 and I think the biggest thing is from a private property
9 rights perspective, they have another option to retain their
10 farming lifestyle. The water use is a third less than growing
11 cotton, and then something that the staff pointed out, which I
12 hadn't really considered but it's true, the assessment on
13 these properties is not being assessed as farms, so you're
14 going - your county assessor will, will see a pick-up in tax
15 revenue from the assessed value not being as AG anymore. And
16 you asked what the farmers thought about this amendment. That
17 was a big question, what do other farms besides the Dugan
18 family think? And I think we've - we sent it to the staff and
19 hopefully you have on your table a list of, I think it's 18
20 farmers who - throughout Pinal County - who supported this and
21 they signed these petitions. So I think that, you know,
22 farming's a hard enough lifestyle and many of you know that,
23 obviously you live it, so this is something that they want an
24 opportunity to look at. And of course none of them, like I
25 said, can do it without coming back to you and then Department

1 of Health Services. So with the amendment, you know, we would
2 allow no more than six total sites. The rational basis for
3 six is that's how many CHAS you - that's how many Community
4 Health Attainment Service areas you have in Pinal County, so I
5 think it's very rational, but again we don't need that if you
6 don't like it. If the County Attorney doesn't like it and you
7 need to drop that, and then no more than ten acres per site.
8 This is, really, it's just - this is not a policy discussion
9 about medical marijuana, it's about private property rights.
10 It's about whether a farmer can grow a crop outdoors when it's
11 legal in the State of Arizona, and most other counties. So
12 I'd take any questions now, or I'd save my time for just a
13 response at the end. Oh, I'm sorry. Oh, I'm sorry, okay.
14 I'm sorry, Ryan corrected me, when I said six, it's the number
15 of active dispensaries that you have here, it's not the number
16 of CHAS, you have more CHAS. You have what nine CHAS? Eight
17 CHAS? Eight CHAS? Four are on the reservations. Okay, so -
18 all right. So it's the number of active dispensaries. Wow,
19 that's not a good sign. Okay, but anyhow, I would take any
20 questions now, Chairman, or I'll wait until after others
21 speak.

22 RIGGINS: Commission, do we have some questions for
23 the applicant? None yet.

24 HARTMAN: Smyers.

25 RIGGINS: Oh, I'm sorry. Commissioner Smyers.

1 SMYERS: If I understand you correctly, Pinal County
2 is limited to six dispensaries at this point?

3 ROSE: Chair, and Commissioner Smyers, I misstated
4 that. Pinal County is limited to 12 total dispensaries, they
5 have six, okay? Four of the 12 are on the Indian Community
6 property, and those folks have decided so far not to get into
7 the business of medical marijuana growing. So how much does
8 that leave? The lawyers in the firm can't add so. Yeah, it's
9 two. So there's two more that you could possibly see.

10 SMYERS: The ones that are in operation now are
11 getting their product from somewhere now, because I cannot
12 start growing it unless I have a contract with a dispensary to
13 take my product, is that true?

14 ROSE: Chair and Commissioner Smyers, yes. So right
15 now the active dispensaries have - do you want to speak to
16 this? Yes, why don't you speak to this. Okay, my partner,
17 Ryan Hurley, will talk to this because he has (inaudible).

18 HURLEY: Thank you Chairman, Commissioners, my name
19 is Ryan Hurley. Commissioner the dispensaries in Pinal County
20 currently there are - if Florence comes online, there would be
21 six active. The number of CHAS are a little difficult because
22 some of them overlap between counties. So we base six on the
23 number of active dispensaries that you could potentially have
24 operating here. Those dispensaries either have a grow outside
25 of Pinal County right now, or they are relying on the

1 wholesale market from other dispensaries throughout,
2 throughout the state.

3 SMYERS: Thank you.

4 ROSE: So Chair and Commissioner, I just add to
5 that. So they're, so they're basically they're getting their,
6 their product from Maricopa County or whatever other county is
7 growing, and they're - they - they're paying an additional
8 cost because of the transportation cost to get it there, and
9 the indoor lighting is like what, is it 60 percent?

10 HURLEY: It can be as high as.

11 ROSE: It can be as high as 60 percent of the cost
12 of the product, is the indoor lighting, and that, that's why -
13 I mean all of the power needs that these places have them,
14 it's 24/7, you know, lighting situation, and so it's really
15 expensive. And we talked about the expense the last time we
16 were here, but it's extreme. So.

17 RIGGINS: Commissioner Salas.

18 SALAS: Is there a chain or custody for these
19 transactions that are being made outside of the County?

20 ROSE: Chair and Commissioner, I'm going to have
21 Ryan explain that to you. Thank you.

22 HURLEY: Thank you Chairman, Commissioner Salas.
23 Yes indeed. The Department of Health Services regulations
24 require a full trip manifest from every origination to every
25 destination. So if it were to come from another facility

1 outside of the, outside of the County, that facility would
2 have to fill out a trip manifest, bring it into the dispensary
3 here, that dispensary would have to sign off on the trip
4 manifest. Both dispensaries would have to keep a copy of it,
5 and those copies can be sent to the Department of Health
6 Services and audited at any time.

7 SALAS: Thank you.

8 RIGGINS: Commissioner Gutierrez.

9 GUTIERREZ: Yeah, when - during the presentation you
10 mentioned that there was 50,000 permits issued in the State of
11 Arizona, and there's - looking at the notes there, there was
12 2,145 permits issued in Pinal County, is the purpose of the
13 amount of product going to be produced, is the purpose to
14 export it to other counties? Because obviously that's a lot
15 more product than would be used in Pinal County, hopefully.

16 ROSE: Yeah, Chair and Commissioner Gutierrez. Yes.
17 So the purpose is, you know, first to serve Pinal County
18 dispensaries because of the cost benefit of not having to
19 transport it elsewhere. But, those dispensaries could then re
20 - is it resell? Resell. They could resell the product to
21 dispensaries in Maricopa County or Mohave County, or wherever.
22 So yes, they will likely reach farther than Pinal County.

23 RIGGINS: Any others? Anyone else?

24 GRUBB: Mr. Chair?

25 RIGGINS: Commissioner Grubb.

1 GRUBB: Jordan, could you put the slide back up of
2 the farmers that signed off?

3 ROSE: Yes, Commissioner Grubb. Chair and
4 Commissioner, do you not have that in your - no?

5 GRUBB: No, I just noticed that six of the names on
6 the list are the same last name as the applicant. Is this a
7 family business that's trying to be - I mean is this - do they
8 all own ten acres that they want to get into this business?
9 Are we opening the door for monopoly?

10 ROSE: Oh Chair and Commissioner, I don't believe
11 that any of the other Dugan family members want to farm
12 medical marijuana at this point, but they are supportive of
13 his cause, and they all own their separate farms, so just as,
14 you know, they're doing a farming business. Is that accurate?
15 Yeah.

16 GRUBB: It just seemed odd to me that we have six
17 Dugans and a limit of six, and you know, things start to come
18 together.

19 ROSE: Oh Chair and Commissioner, he, he has a very
20 large family, they're very supportive, and I think, I think I
21 can - yeah, you do have it? Okay, thank you, thanks a lot. I
22 think I can say none of them are, none of them are looking
23 into getting into the business. And just note that the farmers
24 in support aren't necessarily farmers who are going to come to
25 you with a use permit application, but they are in support of

1 the concept. We don't know if they'll come or not, but the
2 Dugan family, I think Sean is the only Dugan who's looking at
3 that business. But thank you for the question.

4 HARTMAN: Chair Riggins.

5 RIGGINS: Vice Chairman Hartman.

6 HARTMAN: Chair Riggins, Jordan, you - in staff's
7 report, maybe you can kind of help me out on this, but it's -
8 one of the comments made that cultivation facilities of
9 approximately 60,000 square feet, roughly the size of a
10 grocery store, could hypothetically supply the current needs
11 for the entire county. That 60,000 as, as our Chair mentioned
12 is, you know, roughly an acre and a half to me, but that, that
13 doesn't come anywhere near the acreage that you're talking
14 about, so why - I, I would think that maybe growing it in an
15 enclosed area could be beneficial. I mean it's controlled and
16 when you put things out to the elements, I think, I think
17 marijuana is sold on quality that higher the grade or
18 whatever, the more money it's worth or whatever, something
19 like that, so I could, I could think that having a confined
20 growing area could be - a confined being enclosed - well, I
21 don't know how you define the word enclosed - but something
22 with a roof on the top of it, could be to an advantage.

23 ROSE: Chair and Vice Chair, I think when, when Mr.
24 Dugan looks at the numbers and tries to plan for the future,
25 he's looking at the cost of power, the cost of an enclosure,

1 the cost of a facility, and while it's certainly - you will
2 get more yield from the crop if it's in a very controlled
3 area, you'll have what four, four potential harvests or more?

4 ??: Indoor?

5 ROSE: Indoor.

6 ??: Maybe four or five.

7 ROSE: Four or five potential harvests indoors,
8 you'll only have two outdoors. But the costs, the millions of
9 dollars of cost with the electricity and the transportation
10 and all of that is just - it's, it's off the charts. So the,
11 the cost benefit is greater if he can farm outdoors on ten
12 acres. The one and a half acres won't work outdoors just
13 because of what you said, it's just less efficient, and we can
14 only have two - he can only have two, two harvests. So it's
15 a, it's just not economical to do such a large facility
16 indoors. And he wants to be a farmer and use his land, and
17 use the sun. In fact Mr. Dugan said to me this morning, I'm
18 just trying to find, you know, a way to use the sun to our
19 benefit, so.

20 HARTMAN: Jordan, in one of the public meetings that
21 you had, which I appreciate you going around and having those
22 sessions, there was one individual that said that he thought
23 this idea was very good because it would make more of the
24 product available, but I, I tend to disagree with that. If
25 that indivi - he was saying that some people are denied the

1 use of medical marijuana, but if you have a card, I would
2 think that you could get everything you're legally entitled
3 to, so I don't see that really being a denying issue, and I
4 don't see how that really is relevant in, in whether it's
5 grown in a field or whether it's grown in a enclosure.

6 ROSE: Chair, Vice Chairman, I'm going to have Ryan.

7 HURLEY: Thank you Chairman and Vice Chairman. I
8 certainly appreciate the question, and the problem is is that
9 because there was a two year delay in the time when patients
10 got their card, which legally protected their ability to
11 possess it, and dispensaries starting to come online, and then
12 after dispensaries came online about a year later some of the
13 cultivation started to come online, a lot of that product was
14 coming from people that had the right to home grow before the
15 dispensaries came on. In addition, it's no secret that a lot
16 of that product was still coming in from the black market.
17 People were using this medication before the law, they're
18 using it after, they have the legal protection to have it, but
19 they may not have changed where they got the medication from.
20 That's what we're trying to do, is we're trying to make sure
21 that the medication they get comes from a safe, regulated grow
22 that is taxed and comes through a licensed dispensary. Does
23 that help answer your question?

24 HARTMAN: Roughly.

25 RIGGINS: Thank you. Any other questions?

1 GRUBB: Mr. Chair.

2 RIGGINS: Commissioner Grubb.

3 GRUBB: And I'll ask staff first, and then the
4 applicant follow-up, how hard would it be to change from a
5 general rural to a CB-2 to make this not need a text amendment
6 and change our entire zoning process and create this, this
7 issue that we're dealing with? If somebody came in looking
8 for, you know, a special use permit with a zoning change, is
9 that something that could actually happen on this particular
10 piece of land? And I'll ask, I'll ask staff first.

11 ABRAHAM: Kind of a hypothetical, because a lot of
12 factors go into approval or denial of a zoning case. Our comp
13 plan supports commercial zonings up to 19 acres, then again
14 it's location, location, location, is probably the big issue
15 there. We haven't had a rezone and SUP at the same time,
16 they've all gone into pre-existing CB-2 zones, so - other
17 facilities. So, it really would involve location,
18 neighborhood input, proposal, all kinds of things like that.
19 A lot of variables.

20 GRUBB: Well the same process we're going through
21 today, but it would - I mean they're looking to change a, you
22 know, with a broad paintbrush, our GR zoning where with a very
23 narrow paintbrush they could come in and ask for a zoning
24 change for the same use that they're here today asking for on
25 that particular piece of land, and thereby giving the

1 Commission, the - your staff and the Board of Supervisors more
2 control over where we would allow these grows to be done,
3 rather than limiting them by saying okay, they can go in a
4 general rural, but only this many and they can only be this
5 big, and let's look at it from a case by case basis and say
6 this is a good opportunity, you know, for us as a County to
7 allow this to happen because it - in a ten acre parcel or
8 whatever is decided whatever they wanted to do - we're looking
9 at something that could be in something that's, that would not
10 be in the middle of a residential area five years from now,
11 because we would look at the general plan and say - and look
12 at those properties that we know are, you know, percolating
13 towards that direction and say this fits or this doesn't fit
14 and allow that zoning variance, and allow the special permit.
15 Can we go down that path, rather than going through and
16 opening up so much of the acreage in the County to this, you
17 know, you know, what would continue to be because of the, you
18 know, the federal government says we can't do this, you know,
19 the law, the law says that you can't have medical marijuana,
20 you know, the federal laws; the states thumb their noses and
21 say we're going to do it anyway and put, you know, so many
22 people, including this Commission, in a position to make
23 decisions about a controlled substance, and that does not
24 belong in a Planning and Zoning Commission. So if we could
25 look at it - I mean just my thought if we can look at this on

1 an individual case-by-case basis and decide, rather than
2 taking this broad scope across our County and saying you can
3 come in and ask for a special use permit to grow in the
4 general rural area, and if we turn you down you have recourse,
5 because you let this guy do it, and you let this guy do it,
6 and now we let this guy do it because he went through the
7 zoning process to get the proper zoning to have for what he
8 was trying to do - or she.

9 ABRAHAM: And I think I know what you're saying, and
10 that would be what's - what could happen today. That, that is
11 still an option. Someone could approach the Commission and
12 say I want to rezone this to C-3, I want a special use permit.
13 The Commission could put stipulations on the proposal, we
14 could limit the, you know, the layout, the, you know, attached
15 stipulations, all of that, that's basically the Noel
16 hypothesis what you just proposed, and it could happen today.
17 Now I think the conversation is is where do you put these
18 commercial zones throughout our County, and that's - or maybe
19 a spot zoning argument would come into play, stuff like that.
20 But you know, it'd be like any other zoning case. We'd look
21 at location, does the comprehensive plan give us any guidance
22 on the location of zoning characteristics or where they're
23 located, and I, as staff, I agree with you that that, that
24 gives us more ability to basically funnel where these places
25 are located and make it very specific. You say, you know,

1 through a schedule of development, or maybe even throw a PAD
2 on top of it, this is where it's going to be, this is what
3 it's going to look like, this is how big it can be. And
4 that's what we can do today.

5 GRUBB: Yeah, and that's the point, is we have areas
6 that this can currently occur and there are areas within the
7 County that will eventually become CB-2 and CB-3 areas as we
8 continue to develop. And to me, if you want to run a business
9 - and I'm not trying to take away the private property rights
10 of a property owner - but there are numerous crops that can be
11 grown without a change to our general rule. So, now I'm
12 giving an opinion at this point, when I haven't heard all the
13 facts yet, so it's just - I wonder why it wasn't done that way
14 and so now we'll hear from the applicant.

15 ROSE: And Chair, and yeah, no, Commissioner Grubb,
16 I appreciate that. There's a couple reasons. One is first of
17 all if we were to go through a rezoning to a commercial zone,
18 there's still the 2,000 square foot enclosed facility
19 standards, so it doesn't work. I mean there's no reason to
20 grow for 50 patients, putting all that money and resources
21 into an enclosed facility. The second thing is, this is a
22 farming area, it's a rural area. It's not a commercial area
23 on the general plan - or the comprehensive plan. It's not
24 shown as commercial. So I don't know how that would work
25 going through a comprehensive plan change to change the

1 character of it in order to grow an additional crop. And so
2 when we - when, let's say the crop, you know, the fear is
3 always well what if he stops growing the crop, now he has
4 commercial zoning in an inappropriate place. So I think when
5 we had first come in and talked with staff about possibilities
6 of this, and this was probably, gosh almost two years ago now,
7 the concept was well we could go around and rezone things to
8 CR - or to commercial and get rid of the enclosed facility and
9 the 2,000 square foot limitation which is something that you
10 may decide you want to do anyhow, but, but then what are left
11 with, right? You're left with these commercial areas where
12 there's farms, and maybe that's not real compatible from a
13 land use perspective, which is why we decided to go through
14 the text change. And I think you're incredibly well protected
15 with the use permit because it's the same deal. I mean
16 anybody has to come back, right, through the rigorous process,
17 through staff and Planning Commission and Board of
18 Supervisors, just as you would in a rezoning in Pinal County
19 to get, you know, the ability to do this. But plus you've
20 also got to go through the Department of Health Services, so
21 there's another thing altogether. But I think, I think you're
22 just as well protected. But it makes it more compatible into
23 the future, right, then you don't have a commercial zone. At
24 least that was how we thought of it, so.

25 SALAS: Mr. Chairman?

1 RIGGINS: Commissioner Salas.

2 SALAS: Jordan, since you're making an argument for
3 private rights, have you made a challenge on the fact that
4 these farmers are restricted to only the amount of acreage
5 that they're restricted to? Is there an argument that's been
6 made?

7 ROSE: Chair and Commissioner Salas, the ten acre
8 restriction, I think you have other - I know in other places
9 there are restrictions on size of commercial use, or size of,
10 you know, various uses. I, I defer to Steve if there's
11 restrictions on certain sizes in your County.

12 ABRAHAM: This kind of goes back to Chairman
13 Riggins' question. We do have site-specific size limitations
14 on certain uses, but in terms of County-wide, there's no use
15 that we say there shall be no more than this many uses in the
16 county. But yeah, we do have site specific square footage
17 requirements on other uses.

18 ROSE: So Chairman and Commissioner Salas, I'd say,
19 you know, if - like I said, if you - I think everyone was
20 saying last time we want to limit the amount of acreage on one
21 site that can be used, so we, we chose ten because we think
22 that makes economical sense and it's not too large, not too
23 noticeable on a very large, you know, piece of property. If
24 the question is we're just not comfortable limiting it to six,
25 I - it makes no difference to us. We just - we may have

1 misheard what we thought we heard at the study session. There
2 was a lot of discussion, we just thought that you wanted to
3 limit the amount of people who would potentially come in. And
4 look, you may decide to limit it to three because you find
5 people coming in and you don't think their site's appropriate,
6 or that they're operating ability, or their land use would be
7 right in that area, so it's your limitation. The six really
8 is not meaningful to us.

9 RIGGINS: I have a question, in fact I have two, and
10 the first one is directed to both the applicant and staff.
11 This is a zoning case, and the issues we're dealing with are
12 zoning, and really in my mind the greatest difficulty and
13 decision here is the application of taking what has been
14 deemed up to this point a commercial activity, and committing
15 it into a general rural zone. And the, and the question I'm
16 asking both to the staff and applicant, in the chart that was
17 given to us there's been a lot of discussion concerning size
18 limitations and the ability to grow on the outside, however,
19 from what I see there's only two counties in the State that
20 contemplate allowing these activities to be done on general
21 rural zones. Am I looking at that correctly?

22 ABRAHAM: I believe that is correct, yeah. The, the
23 general - Santa Cruz and Cochise, now the Navajo County I
24 didn't get a chance to look at what a general zone is. It
25 says A dash general. It, to me that sounds like possibly an

1 agricultural zoning category, so I was thinking maybe three
2 counties would allow it in that general rural-type zone.

3 RIGGINS: And very low population counties, very -

4 ABRAHAM: Incredibly, yeah.

5 RIGGINS: Yes, not any of the, not any of the
6 central counties of the State. Nothing that has population
7 and that. So from a general rural perspective, the
8 contemporaries of this County have deemed that not to be a
9 particularly appropriate way to go. That's a fair statement
10 to make?

11 ABRAHAM: I believe it is.

12 RIGGINS: Okay, would the applicant comment on that?

13 ROSE: I'm sorry Chairman Riggins, I missed the last
14 sentence that you said.

15 RIGGINS: I said it would seem that the majority of
16 the population in the center core of the state is deemed
17 general rural was not the way to go with this particular
18 application, they think that commercial zoning or industrial
19 zoning is the way to follow it.

20 ROSE: Chair and Commission, I think that many of
21 them never contemplated, just as you haven't contemplated, any
22 other options, right? Because what happened at the outset of
23 the - when the medical marijuana initiative was passed, the
24 league of cities and counties got together and formed a model
25 land use ordinance. They worked with the City of Phoenix and

1 some others to come up with something that they could show to
2 other, you know, municipalities to try to adopt something
3 uniform, and just as you adopted the 20 square foot, there
4 wasn't much comment on that, no one really knew. So I can't
5 sit here and tell you that any of them have ever contemplated
6 the general rule and rejected it, or if it was just like your
7 2,000 square foot limit, where did that come from? You know.

8 RIGGINS: Well the 2,000 square foot limit is a
9 fairly small technicality on things. Taking things over in
10 general rural is not. It's huge. It's a huge change, and
11 from what I can see that's been provided in the packet that
12 you provided, the overwhelming preponderance of population of
13 the State has chosen not to do that in their counties.

14 ROSE: Chair and Commissioners, I just can't
15 honestly comment today, so I would need to get back to you on
16 that.

17 RIGGINS: Okay. That's fine.

18 ROSE: What we, what we did, though, is because I
19 think in the general rural, with the use permit, it's not,
20 it's not in any way that we've proposed that we've just open
21 this up for farmers to grow medical marijuana with the
22 Department of Health Services', you know, approval, just like
23 they can grow cotton or whatever without anyone's approval, we
24 didn't do that. We made it very rigorous with the use permit
25 and the criteria that's attached to that, so that at least was

1 our intent on trying to make it work within general rural, but
2 within strict regulations. And of course in your use permit
3 cases, as you've always done, you can stipulate anything.

4 RIGGINS: My second question is, and it goes right
5 back to the concept of this proposed change in general rural,
6 in, in looking at the applicant site map, does not the
7 applicant already possess CB-2 zoning?

8 ROSE: Chair and Commission Members, I hope so. No,
9 I don't think so.

10 RIGGINS: Yes, actually, actually - if the map is
11 correct, they certainly do. Oh, okay.

12 ROSE: Chair, that's not his (inaudible).

13 RIGGINS: So that's - okay. All right.

14 ROSE: But thank you for trying.

15 GRUBB: Mr. Chair.

16 RIGGINS: Commissioner Grubb.

17 GRUBB: I'm still not satisfied about this,
18 attempting the zoning change instead. You said that if they
19 decide to stop doing this, then they're stuck with this piece
20 of CB-2 property. But I don't see somebody stopping when
21 they've invested to put, you know, what looks like a
22 penitentiary on their property and, and all the necessary
23 things to go along with it, that suddenly they're going to say
24 oh, you know, that 100,000 or \$200,000 I spent, I'm just going
25 to tear it down and put cotton back in. I just don't see that

1 happening. But what we're ending up with in our GR zoning is
2 what looks like mini penitentiaries here and here and here,
3 these big stone walls and steel gates and, you know, depending
4 on how many of these go up on a paved road, which means people
5 travel this everyday, to me, you know, it almost looks like an
6 eyesore. It looks like it belongs in a CB zoning, like the
7 picture you showed of the processing plant. That belongs in
8 commercial, that doesn't belong in farm country. I mean I
9 just don't think that that works. So that argument, it didn't
10 sit right with me.

11 ROSE: Chair and Commissioner, I appreciate that. I
12 think if, you know, we had, we had contemplated putting sort
13 of aesthetic stipulations on the walls so that, you know,
14 something to the effect of it would, you know, be compatible
15 with farm aesthetics and the planners can word something like
16 that much better, but if that's something that's important,
17 we're happy to do that, we just - I don't - we just weren't
18 sure which direction to go with that and - so that's fine.
19 The thing with the rezoning is not - it's certainly not that
20 the property owner would be upset by getting CB-2 zoning,
21 right? They - clearly they wouldn't, it's - I think it's more
22 that I don't know that you would find CB-2 zoning compatible
23 in many of these farming areas from a land use perspective,
24 and I also don't know what that does to the comprehensive
25 plan, I don't remember what the acreage requirement is for -

1 to go from rural to CB-whatever, if you need a major or a
2 minor or what is it?

3 RIGGINS: If I may -

4 ABRAHAM: You have to address it through the Chair.
5 Any questions to staff.

6 RIGGINS: If I may? The interesting thing in that
7 hypothesis is in this particular situation, there's CB-2 right
8 next door. So I don't know if that holds water in this case.

9 ROSE: Chair and Commission, I appreciate that.

10 RIGGINS: Commissioners, if we don't have any other
11 questions of different size, we have a lot of people in the
12 audience here that wishes to speak today. Would it be - if
13 there's no other - we have one other, Commissioner Del Cotto.

14 DEL COTTO: If I could, and I've often heard that
15 the, that the 2,000 square foot limit doesn't work for the
16 facilities, but I, but I wondered maybe if someone could tell
17 us if there is anybody that has a marijuana facility, if they
18 have even tried to grow on 2,000 square foot and follow
19 whatever guidelines that there may be in regards to
20 facilitating whatever - or taking care of providing themselves
21 with their product. That would be an interesting question to
22 see if, if there's anybody in the marijuana business in Pinal
23 County today that has at least tried to take the, the tools
24 that were given to them, based on whatever law was written,
25 and, and seeing if it - obviously they would have to have some

1 yield and be able to create some product, and I just wondered
2 if there were anybody today that were even growing marijuana
3 for their facility, rather than suggesting that there's just
4 not enough room. I don't know if anyone could help with that.

5 HURLEY: Thank you Chairman, Commissioner Del Cotto.
6 That would probably be a question best suited for your staff
7 to whether anybody's come through with a use permit request
8 for a cultivation in Pinal County. I don't believe that they
9 have, to my knowledge and the reason largely is because of the
10 limited number of sites, and in addition to the limited size
11 of the cultivation. Most of the cultivation, the indoor
12 cultivation that has been planned, has been planned in the
13 Phoenix area, primarily because of the larger number of
14 industrial sites there, and because of the lack of a square
15 footage limitation. The sort of larger, sort of either
16 greenhouse or somewhat outdoor growth have been in more rural
17 locations. But anybody that's looking at the number of
18 patients that have to be served, the growth of the number of
19 patients, it is - it would be not economical for them to plan
20 a 2,000 square foot facility, because they would not be able
21 to compete with the folks that are putting in 50,000 square
22 feet, an acre or two acres. Does that answer your question?

23 DEL COTTO: I believe it does, but at the same time
24 you would certainly think maybe that your, that your marijuana
25 facilities would take it upon themselves to take advantage of

1 whatever tools were set, set in place for them so that they
2 could, whether they're only being - you know, whether they
3 could only grow 2,000 square feet versus - I understand that
4 the, like the Phoenix market that they need 50,000 square feet
5 because there's so many millions of people there. If, if it
6 were up to me I think, I think a light industrial, if you
7 would, type of zone probably makes a bit more sense than a CB-
8 2 zone, you know, a CB or a commercial zone, just based on
9 the, you know, what a grow facility looks like, smells like,
10 feels like, whatever the case may be there, I would think
11 maybe that a light industrial-type facility would be more
12 conducive to, to growing marijuana than maybe out on a farm
13 or, or, in a, in a retail strip mall, if you would.

14 HURLEY: Chairman, Commissioner Del Cotto, certainly
15 one of the things that we keep coming back to here is that,
16 you know, the cost of electricity for these facilities is
17 enormous. In addition, the capital expenses to build out a
18 large scale facility are enormous as well. You're talking
19 about three-quarters of a million all the way up to \$3-5
20 million for a larger-scale facility that is indoors, an
21 industrial type of facility, so that's one of the things that
22 we're trying to alleviate, to help bring down the cost of
23 medication for some people. This cost of their medication can
24 run \$600-900 a month in some, in some instances, none of which
25 is covered by insurance. So that's one of the things that

1 we're trying to address. Getting back to your earlier comment
2 about why haven't they used the sort, the tools that you've
3 given them, I think that because they could go just over to
4 Coolidge and not have the same limitations, I think that
5 that's why they've done that.

6 RIGGINS: Okay.

7 LANGLITZ: Mr. Chair? I'm sorry, it's Mark
8 Langlitz.

9 RIGGINS: Go ahead, sir.

10 LANGLITZ: County Attorney Lando Voyles would like
11 to address the Commission, but he has a time constraint.
12 Would it be possible for him to address the Commission at this
13 time, please?

14 RIGGINS: Is the applicant prepared to sit down for
15 the time being and -

16 ROSE: Chair, yes, we - absolutely, if we can get up
17 at the end, that would be great.

18 RIGGINS: Well absolutely, absolutely.

19 ROSE: Thank you, Chairman.

20 RIGGINS: Yes, that would be very appropriate to do
21 at this time, and then we'll open the public hearing after
22 that presentation.

23 VOYLES: Thank you Chairman Riggins and Vice Chair
24 Hartman, and members of the Commission. I apologize for being
25 late. I've been on the phone, we've gone through some

1 transitions in the office, and I got another meeting I have to
2 go to, so I appreciate you taking me out of order here.

3 RIGGINS: Thank you.

4 VOYLES: I just wanted to, first of all, let you
5 know from my perspective what the law is, not only State-wide,
6 but federally. And the reason that's important to me is
7 because when I took my oath, I swore to uphold not only the
8 State laws and the constitution of the State of Arizona, I
9 also swore to uphold the constitution of the federal
10 government, and in this particular instance, one of the things
11 that has happened in the past is groups that have actually
12 purchased or built a grow facility and started growing
13 marijuana - this happened in California several years ago
14 under President Bush's administration, there was a marijuana
15 grow there and they had legalized marijuana for a medical use
16 - and I use air quote there for a purpose and I'll explain
17 here in just a minute - but there was a individual who started
18 growing it. After he started growing it he was eventually
19 prosecuted federally and he was not prosecuted state-wide
20 because there was a law that allowed it state-wide. Well, I'm
21 letting you know this because since it's still illegal
22 federally, anybody who participates in this, whether you are
23 on this Board, on this Commission, or whether you are one of
24 the members in the community who's growing it, if a new
25 president of the United States wanted to - actually took

1 office, which will happen here soon, or a new AG, which again
2 will happen very soon, was to come in and the new attorney
3 general federally was to decide yes we are going to prosecute
4 anybody or any state who is growing marijuana, for whatever
5 purpose, they have the authority to do that, and anybody who
6 assists in that is subject to that as well. This is not meant
7 to scare you, I'm telling you this as a matter of fact. So
8 you can take it or leave it, and I just want to go on the
9 record for having told you. So having told you and having
10 said that part, let me just move on here for just a moment.
11 The reason I used air quotes just a second ago about marijuana
12 being medical is because the FDA, the Federal Drug
13 Administration, and the DEA, who both have scientists and both
14 have doctors who, as Ms. Rose clearly pointed out, us lawyers
15 aren't that smart, we can't add - we can give you the legal
16 advice but we can't add - but we have scientists in both of
17 those departments who have specifically stated that there's
18 zero medical use to marijuana. This is a Schedule 1 drug,
19 federally. This is not a Schedule 2 drug. Cocaine, for
20 example, is a Schedule 2 drug. Cocaine has opium which
21 actually has a medical use that marijuana doesn't. So there's
22 zero medical use to this, so I don't refer to this as medical
23 in any sort of the way - in any form. Understanding that,
24 when you look at Planning and Zoning, and that's really what
25 we're here for, looking at the use, the land use, if you look

1 at how the land has been used and the areas have been used
2 thus far, we have never gone to this general rule for medical
3 - for this marijuana grow. And looking at the counties who
4 have, it's interesting to note that it's directly from the
5 border - I'm not saying there's a coincidence or that it's
6 anything more than just plain ironic, but it's gone Santa
7 Cruz, Cochise and now it's coming to us, for us to get the
8 same change in the rules, without ever having to attempt this
9 indoor grow first, this 2,000 square feet grow first. So it's
10 important to note that the attempts in my opinion, if you're
11 going to go down this road, should at least be made and an
12 honest attempt should be made to use it as it's already
13 regulated state-wide to do. As far as the sheriff goes, I
14 know there's a mention of the sheriff's office before, I
15 think, you know, he's taken the same oath as I have to uphold
16 the State law and to uphold the federal law. Knowing what I
17 know about the sheriff and having spoken to him, I believe
18 that he is not for marijuana, whether you're going to call it
19 medical or otherwise, but I will tell you that he is very
20 practical, very pragmatic in his thinking, in that if it's
21 going to be here, he wants to make sure that the law is
22 enforced, however it comes in. Whether it is allowed
23 federally or allowed state-wide, he wants to make sure that he
24 can enforce that law here at the State level, and if we don't
25 have paved roads, then obviously it's going to be difficult

1 for him to enforce, even at a state level. So I think that
2 should be noted. Also the issue about the way the outdoor
3 grows are going to be created with the large fence, I think
4 someone actually, I think Commissioner Grubb actually may have
5 pointed this out that, that these are going to have - and
6 maybe it's Vice Chair Hartman, these are going to have - these
7 are going to stick out like sore thumbs, so if you're going to
8 talk about being able to regulate this or being able to
9 enforce the law, understand that the bad guys get smart, they
10 get really smart, whether they have to go onto a, you know, a
11 Corporation Commission to find out who's been allowed to do
12 this, whether they have to go a County to find out who is
13 allowed this, whether they have to just drive down the street
14 and they don't have to do any background research and they can
15 just see this area that looks like a prison that they know is
16 not a prison, chances are they've probably been to the prisons
17 on a personal basis - they'll know what is behind those
18 fences, and they'll know how to get to it, and to be able to
19 enforce that just on a basic level is going to be extremely
20 difficult. There's - if we - if we were not here at a
21 Planning and Zoning committee, I would actually go through and
22 tell you all the bad that marijuana's brought to Colorado
23 because on every single level of the argument, there has not
24 been one aspect that the State would not win in the argument
25 saying that it shouldn't be there, because it's increased

1 expulsions, it's - the cost to rehabilitate these individuals
2 is only - is less than three percent of the cost it takes to
3 actually - excuse me, I always jack this statistic up - there
4 are - it will take us more money, way more money to
5 rehabilitate anybody off of marijuana, than it will ever bring
6 in in tax revenues, ever. Alcohol it takes - they only get 13
7 percent back in taxes as to how much they put out to
8 rehabilitate people, three percent for tobacco, so there's a
9 huge issue that we see if you're looking at it from this is a
10 good business plan, it just isn't. There's every single
11 reason not to. But looking on it from a - just a Planning and
12 Zoning, again I would caution the Commission for the two
13 reasons, major reasons that I said. One is that it's still
14 illegal federally, and there's nothing we can do to change
15 that here, and two, the not having attempted it first in the
16 way that it is legal before we challenge that we need a larger
17 area or a bigger area to grow it, is concerning to me. So
18 with that, Chairman, Vice Chair, Members of the Commission, I
19 appreciate the opportunity to speak. I would entertain any
20 questions, if you have any questions for me, otherwise I'll
21 sit down, and I actually have to leave. I apologize, I will
22 turn this back over to the Commission and any questions they
23 have for my office, through my attorneys.

24 RIGGINS: Thank you very much Does anyone on the
25 Commission have any questions, directly?

1 GRUBB: I do.

2 RIGGINS: Mr. Grubb.

3 GRUBB: Mr. Voyles, would - in your opinion - and I
4 know one attorney's opinion can be different from another - if
5 the enforcement on the federal level would change and we move
6 forward and allow this to happen, do we become complicit?

7 VOYLES: Chairman Riggins, Vice Chair Hartman,
8 Commissioner Grubbs, absolutely.

9 GRUBB: Thank you.

10 VOYLES: I don't see any way that you would not be.

11 GRUBB: Thank you.

12 VOYLES: And not only complicit, there's actually
13 conspiracy charges that you could actually reach out to and
14 charge under.

15 RIGGINS: Okay, other Commissioners? Thank you very
16 much.

17 VOYLES: Thank you Chairman, thank you.

18 RIGGINS: It strikes me that we're an hour and a
19 half into this thing and I can see that the public input is
20 going to be probably quite lengthy, so I would ask the
21 Commission would you like to take a ten minute recess before -

22 COLLECTIVE: Yes.

23 RIGGINS: Okay. In that case, we'll do a ten minute
24 recess and be back. [Break.] All right. We are recommencing
25 the meeting, and before we go to the, the public input

1 process, we're going to go ahead - the Chair's going to
2 recognize Seymour Gruber wish to address the Board with some
3 issues, so Mr. Gruber you've signed in?

4 GRUBER: Yes.

5 RIGGINS: Please identify exactly who you are. Go
6 ahead.

7 GRUBER: Yes, Mr. Chairman, Mr. Vice Chairman, other
8 members of the Commission, my name is Seymour Gruber, I'm a
9 Deputy County Attorney with Pinal County Attorneys Office and
10 I represent Planning and Development Services. What I wanted
11 to point out was myself, along with some of the members of the
12 Commission were here back in 2010 and 2011 when we first
13 created the zoning regulations concerning medical marijuana
14 and we went through the process where we had work sessions,
15 and even before that, when Jerry Stabley was here, we had
16 public meetings where we set out exactly the type of
17 reasonable zoning regulations contemplated by Pinal County in
18 order to address medical marijuana. And as Mr. Langlitz has
19 stated, the onus, the burden on counties, towns or cities was
20 to create reasonable zoning regulations and there was a
21 rational basis to them. What ended up being created by the
22 County, the contention is, that that is something that is
23 reasonable. There was the philosophy, still exists that is,
24 the philosophy and theory that medical marijuana is something
25 that should be relegated to the zoning areas of commercial

1 business zone two, and now if there's a rezoning, the
2 commercial business zone 3, I believe. The theory behind
3 that, and Pinal County was in communication with a number of
4 counties, and you can see that actually Pinal County and Pima
5 County, our second largest county in the State, follow hand-
6 in-hand. We were in communication quite a bit with Pima
7 County and the Pima County Attorney's Office, and the theory
8 was that this type of activity, given the fact that there is
9 the strong potential of negative secondary effects, the
10 effects that could affect the public health and safety,
11 welfare of the various communities of Pinal County that this
12 type of activity, medical - whether it be a dispensary or
13 cultivation or infusion centers where people are ingesting the
14 substance, that these take place in these commercial business
15 zones that would be easier to monitor by Department of Health
16 Services and law enforcement, and that would be out in the
17 open, accessible by the public to make sure that these types
18 of activities in fact stick to what their purpose is to in
19 fact provide the substance to those who have the cardholder -
20 that are cardholders. Also the theory was that it was a
21 reasonable zoning regulation because it would be within a
22 completely enclosed building and that you can see from the
23 language within the zoning ordinance that currently exists
24 that in regards to growing or processing the substance, that
25 you would avoid any type of emissions or fumes. There also

1 was the concern to limit the amount of space to 2,000 square
2 feet. We wanted to make sure that these types of activities
3 would not risk the public, would not tax law enforcement in
4 responding to, to criminal activity. And what's interesting,
5 from those public meetings, from the work sessions with this
6 Commission and the public hearing that ultimately occurred,
7 and from the work session and public hearing that took place
8 with the Board of Supervisors, there was never any dispute or
9 members of the community that specifically were discussing and
10 talking about cultivation. Cultivation was something that -
11 where was Rose Law Group or any other members of the farming
12 community? We did go through the right process and we did
13 establish reasonable zoning regulations. Today we find that
14 this particular applicant finds that they need to have more
15 options and they appear to be one of the few members of the
16 public that are saying that these zoning regulations in
17 regards to cultivation, that perhaps that they're not
18 reasonable. But where is there one single instance - and it
19 was mentioned by County Attorney Voyles and by Mr. Steve
20 Abraham - have there been any instances in which a cultivator
21 on behalf of a dispensary, has in fact used what has been
22 provided under our reasonable zoning regulations and said you
23 know what, it's not working. We're not providing enough
24 marijuana for the cardholders. We don't even have anyone who
25 has made the attempt, and one can see that in fact having an

1 indoor grow, that that is something that is reasonable, based
2 on the fact if you were to look at even the materials provided
3 by the applicant of - they mention the fact that they're using
4 - if they were to do an outdoor grow, they would be using too
5 much electricity. Well, if you look at page eight of page ten
6 of your packet of information from the applicant, they mention
7 that moreover - this is on page eight, halfway through, right
8 before point number five - moreover if cultivation is done
9 indoors, the cultivator can employ a recycling process and
10 reuse water for further cultivation, which reduces water
11 consumption drastically. Those are those - those are the
12 words from the applicant. So if they're concerned about
13 electricity costs, from the information they have provided,
14 this can be offset from less water that would be used. And
15 another thing, and it's been discussed, and from research that
16 staff has done along with myself, there are numerous sources
17 of information out there of people that are growing marijuana
18 that talk about the benefits of the indoor grow. Number one,
19 you're not relying and you're not at the mercy of mother
20 nature. You can control the elements and by controlling the
21 elements, you can in fact fool mother nature and have more
22 than two harvests, if you're just relying on the forces of
23 nature. And although I believe Mr. Hurley talked about the
24 fact that perhaps four or five grows, I have found information
25 that in fact if you do the right type of cycles - and the

1 information is out there on the internet and there are plenty
2 of people growing marijuana where they could discuss it - that
3 you could have as much as six harvests. And from looking at
4 the combinations of doing a grow cycle and just - and using
5 your rooms in a certain way, you can - this is where we came
6 with the approximate size of 60,000 square feet to grow enough
7 marijuana for 2,145 cardholders that live in Pinal County.
8 But the applicant has told you that actually they're -
9 although they're thinking about the 2,145 cardholders, they're
10 actually - what they're thinking about from these options,
11 that they want to make more money, even though I thought
12 cultivation and dispensaries is supposed to be a nonprofit
13 activity - that they want to have these cultivation centers
14 with these pot plantations of up to ten acres that will end up
15 providing sources of marijuana to other dispensaries around
16 the State. Now, Pinal County, the way we are situated, and
17 the fact that I-10, I-8, one can see that there's going to be
18 vehicles transporting extremely expensive, valuable substance
19 that other people might want, and Commander Dave Nilson, a
20 citizen who lives here in Pinal County who also happens to be
21 commander of DPS - I worked with him when I was a drug
22 prosecutor and he was involved in drug interdiction - he could
23 go into, and he will at a later time, the public health and
24 safety costs that's going to be at risk if the pot
25 plantations, if this cultivation text amendment is to be

1 recommended by this Commission and then approved by the Board,
2 based on the fact that the applicant wants to have some more
3 options, one has to look at the risk to public health and
4 safety. Number one, marijuana that is growing, and it's an
5 open grow, and it's - as Mr. Voyles stated is going to be like
6 an open thumb - I mean a sore thumb - it's going to be
7 sticking out, people will realize oh this looks like a prison,
8 but oh, they're actually growing marijuana because I don't see
9 inmates going in and out of this particular area once the
10 cross the - into the facility - they're going to realize that
11 marijuana is being grown. And this will be the ultimate
12 attractive nuisance for juveniles, and instead of having to
13 worry about beer runs, we're going to be having to worry about
14 a new type of run, the marijuana, the pot run by juveniles.
15 And think of the amount of - the risk to the safety of
16 juveniles who don't realize how they're endangering
17 themselves, and perhaps also adults, and the costs that it
18 will be associated with that, of having law enforcement having
19 to respond to that type of situation. Also, from being a
20 former drug prosecutor, drug organizations, drug cartels,
21 they're going to see marijuana pot plantations exist in Pinal
22 County, they don't even have to go transport it up from
23 Mexico, now they can have it right here in Pinal County.
24 They're going to be able to realize vehicles are loading up
25 with marijuana from these cultivation outdoor grows that stick

1 out like a sore thumb, and they'll be able to track these
2 vehicles and we would be risking potential violence out on the
3 roads, out on the highways of our communities in Pinal County.
4 And to do this, to take that risk just because the applicant
5 who hasn't even tried the indoor grow and hasn't used the
6 technology available through the indoor grow of being able to
7 in fact have more harvests, just because they want to have
8 more options, this is going to be something that will risk the
9 public health and safety of everyone in this community. This
10 is not something like growing tomatoes or cotton. This is
11 marijuana. This has developed a separate history. This is
12 something that kids smoke. This is something that has
13 destroyed lives. People are not smoking cotton, they're not
14 smoke tomatoes, this is something that drug cartels, black
15 market, is looking for and to continue the type of criminal
16 enterprises that they do. So these are the types of things
17 which put the public at risk and that is why one should stay
18 with the program of what we have currently, which is the
19 commercial business zones. General rural zones like Mr.
20 Voyles mentioned to you, has the residential component. And
21 this was another - for those that were in the Commission years
22 ago when we first passed this - for general rural there's a
23 residential component to general rural, there is a public and
24 quasi-public uses such as parks, schools, these are going to
25 be areas which might end up with medical marijuana outdoor

1 grows being that activity taking place to near these types of
2 things such as the public and quasi-public uses. Of course
3 there are the setbacks, those setbacks though were put in with
4 the intent of that they were in commercial business zones.
5 Now we're going to end up switching, if one were to agree with
6 this text amendment, to the general rural area. The other
7 thing one has to consider, in all the other counties of the
8 State, dispensaries and cultivation, there's a consistency
9 that they occur in the same zoning areas. I don't know if
10 necessarily this applicant will do it, but maybe, maybe future
11 applicants will then want to have a change in the zoning
12 ordinance in order to have dispensaries in general rural areas
13 and that is another thing that one has to take into
14 consideration. So with that, the client asks that this
15 particular text amendment, that you would recommend a denial,
16 and then I'd be happy to take any questions as to the intent,
17 the theory, the history of what has occurred concerning this
18 particular zoning regulation and I appreciate your time.

19 RIGGINS: Thank you, Mr. Gruber. Thank you, one
20 more time. Thank you Mr. Gruber. Does the Commission have
21 any questions to direct? Vice Chairman Hartman.

22 HARTMAN: Chairman Riggins, Seymour the - in our
23 packet you referred to our packet that we got.

24 GRUBER: Yes.

25 HARTMAN: On page 2 and 10 there's - I'll read it so

1 that everybody can hear it, however. However, the current
2 regulation adopted by Pinal County are unreasonable because
3 they effectively prevent cultivation of medical marijuana
4 within the County's jurisdictional boundaries due to the
5 inconsistency and contradicting terms as well as extremely
6 challenging size restrictions. Comment on that? Is it - can
7 you really not enforce it the way it's written is basically
8 what it says.

9 GRUBER: Well, Vice Chairman Hartman, Chairman
10 Riggins, other members of the Commission, they have made this
11 allegation that certain aspects of the zoning ordinance are
12 unreasonable and that the County did not create reasonable
13 zoning regulations. But has there been a ruling from the
14 court? Has there been a challenge from any of the current
15 dispensaries within the County? Has there been anything - any
16 mention from the twenty - of the 2,145 cardholders in Pinal
17 County? Has there been anyone out of the 51,000 cardholders
18 that have stated that given the cultivation regulations, that
19 they are not reasonable? It is purely their point of view
20 based on the fact that they want these particular farmers,
21 these applicants, another option. Now one thing that they
22 have criticized the County before on the fact that when the
23 zoning regulations were created in regards, in regards to
24 enclosed locked facility, we have the regulations that it be
25 within a completely enclosed building and they have pointed to

1 the Arizona Administrative Code that has a definition of
2 enclosed area which provides for the ability under state
3 regulations that it could be an outdoor space with the walls.
4 Now one thing I wanted to point out, this could be a little
5 bit confusing; the state statute under 36-2801 number 6,
6 enclosed locked facility means a closet, room, greenhouse or
7 other enclosed area equipped with locks or other security
8 devices that permit access only by a cardholder. Now, under
9 that definition from the state, from state statute as compared
10 to the DHS administrative code, state statute provides for the
11 ability of what Pinal County did, which is the option that it
12 would be an enclosed - completely enclosed room, building.
13 Enclosed area is just one of the options which DHS discussed
14 in their regulations. So there's no inconsistency, it's just
15 a question of what counties - the various counties and Pinal
16 County - the option that we ended up adopting that was
17 provided and made available by state statute. So, one could
18 grow, have an indoor grow, it could take place, and we don't
19 have any examples of the fact that it's failed. It's only the
20 speculation without the accompanying support in order to
21 provide this particular applicant more options. And it's not
22 just about the Dugan - Mr. Dugan and his family members, this
23 is something that impacts the entire County and opens up these
24 considerations, these concerns by other people that will be
25 applying in the future. So this is much - one has to think

1 globally - this is much bigger than whether or not Mr. Dugan
2 would be able to run an operation.

3 HARTMAN: Okay.

4 RIGGINS: Any other Commission? Commissioner
5 Gutierrez.

6 GUTIERREZ: Thank you. Yes sir, thank you for the
7 presentation and if you can clarify something for me, because
8 you - and you touched on it right now regarding the definition
9 of an enclosed area, and I was looking at Title 9 - let me
10 see, it's 223 in the book under Section C in the, in the
11 thing. R17-101 definitions, and it said enclosed area when
12 used in conjunction with an enclosed quote/unquote enclosed
13 locked facility means outdoor space surrounded by solid ten
14 foot walls constructed of metal, concrete or stone that
15 prevent the viewing of marijuana plants and a one inch thick
16 metal gate. It seems like the definition of enclosed by state
17 definition, it's being used two ways. One is saying an
18 enclosed area by definition is if it's walled in with a
19 security features, another definition of an enclosed area is
20 an actual building, you know, that's enclosed. And the way I
21 understood it, was when they're talking about the walls and
22 gates, that's the compound surrounding the enclosure, the
23 enclosed building. Can you clarify that for me?

24 GRUBER: The only thing - my understanding from this
25 is that state statute has - they give a number of examples of

1 closet, room, greenhouse or other enclosed area, and the
2 Arizona Administrative Code focused on adding more detail on
3 what they perceive to be an enclosed area, and I believe
4 what's contemplated by the applicant is that they would have
5 the actual growing - the land where the marijuana's being
6 grown, that it would be surrounded by a perimeter fence.

7 GUTIERREZ: Okay.

8 GRUBER: And I, I believe that's all I can speak to
9 that issue. I just wanted to make sure that you understood
10 that under our current zoning regulations, they still also
11 have to comply with Department of Health safety security
12 features and requirements. They still have to comply. If one
13 were to do the outdoor grow, there would be this additional
14 layer which would stick out like a sore thumb and indicate to
15 people that this activity is in fact taking place.

16 GUTIERREZ: Okay, it seemed to me there was like two
17 definitions of enclosed area. One is including the outside
18 with a wall, and the other's a building, because later on
19 under, under Section E of the, the represented there, it says
20 - doesn't have a page number, but it said all cultivation
21 location must take place inside a permanent building with
22 controlled access. Now - cannot be located in a barn,
23 trailer, cargo container, or motor vehicle. So it seemed like
24 there's, I don't know, somewhere in the law that there's two
25 definitions of what they're calling an enclosed area. My, my

1 interpretation was like you said, kind of a compound
2 surrounding an enclosed, a building, not necessarily for
3 growing but -

4 GRUBER: One can see that although amongst the
5 counties in that particular literature you have of how the
6 other counties handle cultivation, that there may be no limit
7 on the amount of area that could be - that one could use, but
8 Yuma County does have the fact that it needs to be an indoor
9 area, so just based on the pure economics of it's not going to
10 be unlimited grow there, unless they have a fortune to build
11 an astrodome or something on their land, that there's going to
12 be that economic limitation of how large the cultivation site
13 will be. And also Mohave County, since they've adopted a
14 zoning ordinance for medical marijuana that has to be located
15 in a permanent building and also Cochise County has to be
16 located in a permanent building.

17 GUTIERREZ: Okay, thank you.

18 RIGGINS: Okay, any, any other Commissioners?

19 PUTRICK: Chairman. Something hasn't been mentioned
20 here, is the fact that legis - we know the legislature is
21 looking at the potential of going to recreational, approving
22 recreational use of medical marijuana - or marijuana in
23 general, and I would like to say that that concerns me
24 greatly, that if we do something of a permanent nature here,
25 the impact that recreation use of marijuana will have on what

1 we do, if we do in fact change general rural.

2 GRUBER: That's a good point, if I may respond
3 Commissioner Putrick, and other members of the Commission. As
4 Mr. Voyles discussed, the - what has occurred in Colorado, and
5 specifically in looking at the Colorado - the recent report of
6 how this criminal activity has been tied into cultivation
7 locations where drug cartels are involved in criminal activity
8 with either they seek the cooperation and they're approached,
9 they make an approach to the people that are cultivating, or
10 they will commit criminal acts against people that are
11 cultivating, and that there's still a black market. And this
12 is an example of where it's completely legal, it's
13 recreational. Right now in Arizona it's still medical
14 marijuana, but Colorado's a good example, it's a good sign of
15 what type of trouble and the risks that could occur to the
16 community, and even if it becomes recreational marijuana, we
17 still have to be concerned about the accessibility to
18 juveniles and the fact of these outdoor grows, as I mentioned,
19 a beer run, we're going to have a pot run.

20 RIGGINS: Okay, any other Commissioners? Thank you
21 very much.

22 GRUBB: Yes, Mr. Chair, I'm sorry.

23 RIGGINS: Commissioner Grubb.

24 GRUBB: Since we're citing the statute and, you
25 know, this was provided by the applicant, Rule 9, 17-307

1 subsection (A) (5) says that if you're going to add a
2 cultivation site, a plan drawn to scale of dispensaries
3 proposed cultivation sites showing streets, property lines,
4 buildings, parking lots, outdoor areas, if applicable, fences,
5 security features, fire hydrants, Section B if applicable, so
6 it's kind of broad. A floorplan drawn to scale of each
7 building used by the dispensary's proposed cultivation site.
8 I think the rule says it's in a building. I don't think it
9 says you can grow it outside. I think it says - I think
10 you're right in that the fence needs to go around the building
11 and to protect the site. I would say here it talks about
12 buildings.

13 GRUBER: Rules are subject to many interpretations.
14 The - and one interpretation, and I can see the support of one
15 interpretation is that it could be an outdoor grow with no
16 roof, to be fair as to assessing DHS. DHS, when they wrote
17 the rules, they were - the way they've been written, it could
18 be subject to different interpretations. But even from rather
19 than being troubled by the various interpretations one could
20 have from DHS, the Arizona Medical Marijuana Act provides the
21 ability for the County to make the reasonable zoning
22 regulations, so reasonable could be something in which we give
23 or take from DH rules in certain land use issues, and the
24 contention by the County is we, we did take that into
25 consideration when we first created these reasonable zoning

1 regulations, and we still have not been presented with
2 anything to say that a change has to be made, other than the
3 fact that the applicant wants some more options to grow a crop
4 that's much different than cotton or tomatoes.

5 RIGGINS: Okay. Anybody else? Any other
6 Commissioners? Very good, thank you sir. At this point in
7 time we're going to open the public comment portion of our
8 meeting. Due to the large number of people that are here to
9 speak today, I'm going to ask staff to, to time individual
10 comments to three minutes because we'll be here for a very
11 long time if we don't. I'd also ask everybody to be cognizant
12 of the things that are said before and try not to be
13 repetitive in nature as you go forward. If somebody's already
14 said exactly what you intended to say, you stand up and say
15 yeah, that was a good idea, but we have a lot to get through
16 here, so, so let's try to do it orderly as possible. So if -
17 who would like to come up first to, to begin this? Please
18 come up. Everyone that comes up will need to put their name
19 and address down and give the name to the Commission before
20 they begin to speak. And the three minute rule means that
21 somebody will say it's three minutes, and then you're done.
22 So that's how we'll run it.

23 SCHAIDER: Good morning, my name is Cindy S-C-H-A-I-
24 D-E-R, and I live in Casa Grande. Is that all you need?

25 RIGGINS: And did you write that down?

1 SCHAIDER: Yes sir, I did, I've signed in with
2 (inaudible) address. All right. I'm recently retired and
3 spent most of my adult life in the substance abuse prevention
4 and treatment business, so this issue is near and dear to my
5 heart. I have a long list, but I'll skip to the important
6 parts. I want to say that I appreciate your service and this
7 is a very complicated and difficult decision to make and it is
8 not a philosophical discussion about medical marijuana, but
9 really about how we as citizens want to manage this product in
10 our County. You've done your research, that's evident. Thank
11 you, Steve. Can you all hear me?

12 RIGGINS: Perfectly.

13 SCHAIDER: Okay, I have a big girl voice, so - but I
14 wanted to just give you a little - one extra piece of
15 information that may help you in your decision. This is the
16 inside of an inside grow. So these are starter marijuana
17 plants, and they're up on a table and they would be moved then
18 to - oftentimes to the ground on an inside grow where they
19 could then be able to get taller. This is an outside grow. I
20 simply went to Google and put in marijuana farm and these are
21 the pictures that came up. These are two outdoor growers in
22 California. So marijuana plants become marijuana trees when
23 they are grown - can become marijuana trees when they're grown
24 outside. As you can see, they're quite tall. I don't think a
25 ten foot fence is going to hide a 12 foot tree. This is

1 another example of a marijuana grow. This is either in Oregon
2 or California, I don't remember, and how this particular
3 grower harvests his product. These came from *Big Buds* which
4 is a marijuana growing magazine. And this is a foreign
5 marijuana plantation and their guard. I have concerns as a
6 community member that we need to guard this crop in that way.
7 So my final four points are that marijuana is an addictive
8 substance and growing it in the open air farm style does
9 increase access, especially to youth. Despite our best
10 efforts and despite the fact that in 2012 marijuana use by
11 youth had gone down, we just did research in February of this
12 year and it's gone back up again among youth. And we
13 sometimes think that parents are responsible and solely
14 responsible for making sure kids stay off drugs. Research
15 also tells us that 50 percent of 8th graders never have that
16 conversation with their parents. They've never had their
17 parents talk to them about substance abuse. That becomes 68
18 percent when we talk about senior high students. And I think
19 there is some responsibility on us -

20 ABRAHAM: Time. Wrap up, just go ahead and wrap up.

21 SCHAIDER: To make sure that we protect youth.

22 RIGGINS: Thank you very much. Does anybody - the
23 Commissioners have any questions? Okay, very good. Could the
24 next, could the next commentator come up, please. No, people
25 can just volunteer to come up.

1 ABRAHAM: And before the next commentator comes up,
2 for our transcriber, Cindy Schaidler's presentation will be
3 available as part of the case file in the Community
4 Development Department. Okay, thank you.

5 RIGGINS: Yes sir, could you please sign your name
6 and address?

7 NILSON: My name is on there. My name is Dave
8 Nilson, N-I-L-S-O-N. I'm a concerned citizen and also a law
9 enforcement official in Pinal County, have been for the last
10 24 years. I have a particular expertise in marijuana
11 smuggling, unfortunately all goes through the Pinal County
12 area, or quite a bit of it. The reason why I have some
13 concerns about this general rural area and growing these
14 marijuana plants, the State does have laws and regulations of
15 saying security systems, alarms, scanners, cameras, but when
16 that alarm rings, a law enforcement officer has to answer, and
17 in a general rural community, our law enforcement officers are
18 fewer and far between. That's one of the reasons why they
19 gravitated to the commercial buildings and in the
20 municipalities where there's numerous law enforcement officers
21 on at any given time, and multiple officers could respond. We
22 have arrested and prosecuted numerous people that actually
23 prey upon the illegal smuggling of marijuana coming through
24 the Pinal County area known as rip crews. Armed people that
25 are going out into the, into the deserts, the west deserts and

1 the Silver Bells, catching marijuana smugglers coming up,
2 taking them at arms and stealing their product. With this, a
3 large grow that's outside, a person could sincerely, if you
4 have a ten foot wall, they put a 12 foot fence up. Then the
5 other thing that concerns me is when the product is harvested,
6 it won't take a rocket scientist to figure out that it has to
7 be moved to another facility. So a car will go in, a car will
8 leave, or a truck, or a box truck or however big it is, and
9 there could be an armed encounter going down Interstate 10,
10 which we've had, and this is a grave concern for us in law
11 enforcement and a grave concern for me as a citizen in Pinal
12 County that this could potentially erupt here. That's pretty
13 much all I have to say.

14 RIGGINS: Thank you very much. Would anybody on the
15 Commission comments? Thank you sir.

16 NILSON: Thank you.

17 RIGGINS: Oh, I'm sorry, Commissioner Putrick.

18 PUTRICK: Your responders to a call on this would be
19 one guy in one car, wouldn't it?

20 NILSON: Generally this, this would probably be
21 handled mainly with the Pinal County Sheriff's Office, but
22 other jurisdictions may go, which we commonly do, and back up
23 and assist other jurisdictions. But generally in rural areas,
24 you get that one responder and, you know, he rolls up onto a
25 thing where there's six people trying to climb over a wall,

1 that would be he's already outnumbered. That's just a
2 concern.

3 PUTRICK: Thank you.

4 RIGGINS: Commissioner Salas.

5 SALAS: Do you think (inaudible) fence or wall or
6 whatever, is better than having a walled fence around the
7 place like that?

8 NILSON: Let me see if I understand your question,
9 sir.

10 SALAS: Let me, let me explain. So I've got a fence
11 that's ten feet-12 feet high. If it's a wall that I can't see
12 through, you don't know what activity's going on behind there.
13 It would seem to me that it would be a lot easier to have a
14 fence where you could see what activity is going on in there.

15 NILSON: Yes, but I believe the statutes clearly say
16 that it has to be from - you know, to prevent people from
17 actually looking in to see what is going on, to actually
18 prevent people from going in and saying that there's marijuana
19 in there and that I'm going to go attempt to steal it. So
20 that was a way of just trying to do concealment. But as
21 stated earlier, you have these big ten foot walls with
22 Constatine wire and cameras all over the place, and it's not
23 typical farming. Not typical farming. So.

24 RIGGINS: Any other Commissioners? Thank you sir.

25 NILSON: Thank you.

1 RIGGINS: Could we have our next person come up,
2 please? And please sign in and put your name down and let us
3 know who you are.

4 WADDILL: I've signed down.

5 RIGGINS: Perfect.

6 WADDILL: My name is Ken Waddill. I live in
7 Coolidge, my business is in Casa Grande. I'm an insurance
8 agent. I just wanted to - I'll do the three minute version
9 here real quick. Briefly discuss the term attractive
10 nuisance. The term describes a feature or action that creates
11 or attracts a beyond standard risk or hazard. For example, an
12 apartment complex with a swimming pool versus one without a
13 swimming pool. Now obviously the one with a swimming pool is
14 a greater risk, and despite the fence around the pool and all
15 the safety features, children still drowned and perish in
16 swimming pools. My concern as an agent is the attractive
17 nuisance that's going to be created by the open growing of pot
18 in our communities. GR zoned property includes my home,
19 probably your home, and it's a very wide brush that includes
20 many residential communities and businesses. My business is
21 located right at the Promenade Mall. Every morning when I
22 drive to work I drive past farms, I drive past a cotton field
23 that's adjacent to the Promenade Mall on Florence Boulevard.
24 This is considering opening that up for marijuana growth.
25 Fences lead to ladders, ladders lead to armed guards, armed

1 guards lead to armed thieves, armed thieves lead to more armed
2 guards, which lead to even greater groups of armed thieves.
3 This is big money, this isn't something to be treated lightly.
4 This isn't some kids running into (inaudible) stealing a
5 watermelon out of a field. It's not what we're talking about
6 here. We're talking about the ability to grab thousands and
7 thousands of dollars in ten minutes by jumping over the fence.
8 If you think that's not going to lead to additional crime in
9 the area - if you can't get through the fence, what do you do?
10 You go over and steal the neighbor's farmer who's the farmer
11 down the street, you steal his tractor and you run over the
12 fence. And when that doesn't work you start shooting at each
13 other. My last three comments, and I heard someone mention
14 500 feet as a safe area. A 22 Rimfire cartridge, the bullet
15 from that can travel a mile with lethal force. That's close
16 enough for my backyard. A 22. There's 5,280 feet in a mile,
17 yes. 500 feet's not good enough for my family and my kids, if
18 you want to grow this in my backyard. It's not going to
19 happen. It's flat-out not going to happen. If you live close
20 to it, does your insurance company have a right to cancel your
21 homeowner's insurance? Are you now a greater risk than a
22 person that doesn't live by a medical marijuana grower? I
23 mean let's face it, they're going to be running through your
24 backyard, climbing up over your (inaudible) to get to it.

25 ABRAHAM: 30 seconds left.

1 WADDILL: The final thing is I thought of a great
2 billboard, you know, we could maybe adopt if this goes
3 through, and that's welcome to Pinal County, please move here,
4 bring your business, bring your family, bring your beliefs
5 and, you know, we love you, we love business, we love family
6 and we love growing pot, and I just don't see how that
7 benefits my business or my community. Thank you.

8 RIGGINS: Thank you. Do any of the Commissioners
9 have any questions? Thank you sir. Could we have our next -
10 there we go. If you could please make sure that you're signed
11 in with your name and address.

12 BOLAND: I am, sir. Good morning Chairman, Vice
13 Chairman, Commissioners. My name is Breanna Boland, and I am
14 the executive director of the Casa Grande Alliance. I
15 provided Steve with a packet to give you to you, it has a few
16 pages in it. Sorry, I brought my phone because I actually had
17 a text message from somebody that wanted to say something
18 today, but had time constraints. So really quick, I agree
19 with a lot of the concerns that people have regarding the
20 growth of medical marijuana in Pinal County that's put before
21 you. I'm not going to reiterate any of those things. I think
22 they did a great job stating those. I did provide you - well,
23 Steve's handing them out now - with some information about
24 armed robberies and - to go along with Commander Nilson's
25 arguments. These are things that actually happened because

1 people were growing medical marijuana and people wanted to
2 take what they had. I also provided the third annual medical
3 marijuana report, a couple pages out of there. It talks about
4 how many people are actually registered cardholders, and in
5 Pinal County, how many people actually have a card as well. I
6 also - the third page of that packet talks about - I
7 apologize, the second page of that packet also talks about
8 what the conditions are those cardholders have, and I know at
9 a previous meeting the Rose Law Group talked about kids with
10 epilepsy. 70 percent of cardholders have either a serious or
11 chronic pain, not epilepsy. It's less than one percent. So
12 to play that card I feel is a little unfair, so I just wanted
13 the facts to be out there, that not everybody with a medical
14 marijuana card has epilepsy, it's usually serious or chronic
15 pain. Also, I just wanted to talk about the increased access.
16 Shannon, Dr. Shannon Goodsell was here from the Casa Grande
17 Elementary - or I'm sorry, the Casa Grande High School
18 District and he had something he wanted to say, unfortunately
19 he had to leave so he texted me his comments. He says I'm
20 here speaking on behalf of my children. I have approximately
21 3,800 of them. I am Dr. Shannon Goodsell, Superintendent of
22 Casa Grande Union High School District. I want to state
23 clearly that I'm opposed to the open grow of medical
24 marijuana. A ten foot wall is not a solution to limit access.
25 As someone who deals with the adverse affects of youth and

1 recreational use of drugs and alcohol on a daily basis, I can
2 tell you that the last thing on my student's - the last thing
3 my students need is a greater access. So increased access is
4 one of his major concerns. So with that, thank you for your
5 time. And if you have any questions for me.

6 RIGGINS: Thank you very much. Has - any of the
7 Commissioners have any questions? Thank you very much.

8 BOLAND: Thank you.

9 RIGGINS: Our next - there we are.

10 ABRAHAM: And before the next speaker starts, copies
11 of Breanna's handout will be part of the case file and
12 available at the Community Development.

13 RIGGINS: Got your name and address signed down
14 there?

15 DUGAN: Casey Dugan, I already got signed in.

16 RIGGINS: Very good, go right ahead.

17 DUGAN: Good afternoon Chairman, Commissioners.
18 Basically all I have to say is, you know, marijuana is legal
19 in Arizona now. It's medical marijuana is legal now, I should
20 say, I'm sorry. But it's, it's going to be here for a while,
21 and if it's not grown in Pinal County, it's going to be grown
22 in other places. Gotta let people have the opportunity that -
23 same opportunities in other counties to grow and what better
24 asset we have in Pinal County than the sun, and let the
25 outdoor growth be available because it's going to be - it's

1 going to happen one way or the other, and we just - I believe
2 that we deserve the other opportunity that other counties do.
3 Thank you.

4 RIGGINS: Okay, very good. Does anybody have any
5 questions for Mr. Dugan. Commissioner Grubb.

6 GRUBB: Mr. Dugan.

7 DUGAN: And I'm Casey Dugan, I'm his brother.

8 GRUBB: Understood. Do you live in a general rural
9 area?

10 DUGAN: Yes.

11 GRUBB: Would you be okay with me putting a prison
12 next door to you?

13 DUGAN: Uh - I - no.

14 GRUBB: Thank you. I think that answers that.

15 RIGGINS: Okay. Any other cause - questions or
16 comments. Thank you. Next. Right here, please. Have you
17 signed in and -

18 FULLER: I have sir, thank you.

19 RIGGINS: Thank you very much.

20 FULLER: Good morning Chairman and Vice Chairman,
21 and Members of the Commission. My name is Dr. Amy Fuller, I
22 am the Florence Unified School District Superintendent and I
23 represent 8,527 students in ten different schools, not only
24 here in Florence but in San Tan Valley, and I respectfully
25 come to ask you to deny the petition requested by Sidewide -

1 Sidewinder Dairy and Rose Law Group, and I'm just going to
2 give you three - I agree with the people who are against this,
3 but I'm just going to give you three reasons why I think you
4 should. And number one is they're talking about a zoning and
5 rezoning. I think it was very clearly stated that medical
6 marijuana is not under the agricultural product, so there.
7 The second one is the safety, the high safety risk to the
8 public and the health. Well I just told you that I represent
9 over 8,000 students, this is a very concerning thing for us.
10 I can tell you that Mr. Dugan who just preceded me, talk about
11 opportunities. I want opportunities for our students. If
12 this was a great opportunity we would be before you - we have
13 a great FFA program, Future Farmers of America - we would be
14 here telling you that we could grow it. We have FBA - Future
15 Business of America programs - we will be selling it and doing
16 it all for you, and making all the money so nobody would have
17 to fund the district. However, the cost it will cause our
18 children in the public will be so much greater than the taxes
19 that we could have for the County or any revenue we could even
20 have for the District. It would not be worth it. Last, but
21 least, my last point to you is somebody talked about this
22 really not about zoning it's about people's rights, citizen
23 rights. My son is in the Navy, he's been deployed for three
24 months. He's not the only person, there are thousands of
25 people like him in the military, in the police, in fire

1 department, who are here to protect our rights. It is for
2 them that I come also here before you and ask you, you know,
3 you just heard an officer talk to you about when these things
4 happen and the alarm rings, there's one officer. You know,
5 this person has a mom and a wife or someone else. The people
6 there do too. Do we want to risk our people in this type of
7 situations so they can make more money?

8 ABRAHAM: 30 seconds.

9 FULLER: I'm not suggesting that I don't feel sad
10 and sorry for the people who are in pain and have to use
11 medical marijuana. All I'm saying to you is you have to
12 balance, and I admire all of you for being where you are and I
13 think it's a very difficult choice, but it's a balancing act.
14 You have to figure out what is best for the citizens and
15 whatever you choose will be of great impact to all of us. So
16 good luck to you. Thank you for allowing me to speak today.

17 RIGGINS: Thank you very much. Any of the
18 Commissioners - Vice Chair Hartman.

19 HARTMAN: Yes. As an educator, I've seen
20 information. Now I don't have it factual in front of me, but
21 you as an educator should know this, does marijuana actually
22 lower the intelligence level and also the grade level of
23 students?

24 FULLER: Mr. Chairman, Mr. Vice Chairman, it does.
25 And I can send you the specific statistics about how much it

1 does. Not only it does lower the IQ level of a student, I
2 call it the I don't care drug, because kids don't care. They
3 don't care about anything. So it's not just the intelligence,
4 it's their attitude, it's everything. It's just a very
5 dangerous thing for, for kids.

6 RIGGINS: Thank you. Any other Commissioners?

7 Okay, thank you very much.

8 FULLER: Thank you again.

9 RIGGINS: Thank you very much. Our next speaker.

10 Please come forward, and is your name and address?

11 DUGAN: I'm going to put it down here. I didn't get
12 a chance to put it down there.

13 RIGGINS: Very good. Needs to be there for the
14 public record.

15 DUGAN: My name is Sean Dugan, actually Sidewinder
16 Dairy, and I'm the one that's bringing this forward. This is
17 a long road that I came down to get to this point, and I
18 started out very opposed to medical marijuana. Over my time,
19 everything kind of changed and I started looking into it, and
20 I was actually approached by some people that asked me, says
21 hey why aren't farmers growing this? And I says oh, I said I
22 don't want to talk about it, I don't want it, you know. And I
23 watched a couple CNN specials on weed and how much benefit
24 it's doing for not only children, but for cancer patients, and
25 (inaudible) tearjerker-type shows, and then, you know, I was

1 like man why aren't farmers doing this? Why can't a farmer
2 produce this crop? I said why is this being limited to people
3 that are experienced in it? And these people that were
4 experienced in it they used to be the lawbreakers. I mean
5 they were doing it, obviously doing it illegally previous to
6 that. So I started looking into it and my biggest concern was
7 the security. The security not only for the community, for
8 the facility, but also for my family at home. If I had
9 cartels coming in thinking hey what do they got in their
10 house, what do they got, I'm going to go break in, I'm going
11 to get it and dah-dah-dah-dah. And I asked Sheriff Babeu at
12 that point, specifically I asked this, hey what do you think
13 on the security deal? I says are the cartels going to come
14 after me? I said that's my biggest fear. And he said unless
15 you're another cartel, he goes, he goes I really haven't seen
16 it. And I started looking at it, I says man they can grow it
17 right down the road in Coolidge in these enclosed facilities,
18 I says why can't I? You know, I'm just five minutes away from
19 there. I'm more residential - I'm more rural I should say.
20 There's no schools around me, there's no houses around, me.
21 I'm out in the middle of nowhere, I've got a paved road right
22 there, I'm actually off the paved road just, you know, a
23 little bit so it's away from actual general sight of the
24 public. I said it fits all the criteria just perfect, the
25 only thing is I want to do it agriculture style. Open, in an

1 open facility, out there and I'm like why can't we? We can
2 have a greenhouse, that's a glass roof. But now we gotta cool
3 the whole thing and for a kid to get in and go up with a
4 hammer and smash it in, he's inside. If you had a tractor,
5 you could run through a wall of that Coolidge grow facility.
6 I mean any one of these are a possibility whether it's
7 enclosed, enclosed, it's going to attract the same attention
8 out of town as it will in town, people will find out about it.
9 The only thing we can rely on is our law enforcement. I
10 talked with Babeu extensively on that and he said he'll
11 enforce the law, he can be anywhere in the county in seven and
12 a half minutes, normal response time. It's - like I said it's
13 been a long road, a lot of challenges, just in my personal
14 family, talking with my uncles, having kids myself, worried
15 about them, how to explain it to my kids. Hey we're growing
16 this marijuana, this banned substance for so many years, and
17 we simply explain it is we're trying to help people through
18 pain and everything else, and using our agriculture resources
19 to do that, and that's what my thought was behind this.

20 RIGGINS: Very good.

21 DUGAN: Thank you.

22 RIGGINS: Commission Members, do you have any
23 questions? Thank you very much.

24 DUGAN: Thank you.

25 RIGGINS: That's important for the public record.

1 Next, next speaker? And your name and address in the record,
2 please.

3 COLLIER: I will add that to that. I actually have
4 a comment as a - from what I just heard.

5 RIGGINS: And could you give us your name too?

6 COLLIER: I'm sorry, my name is Stephanie Collier
7 and I'm a resident of Casa Grande, Arizona, and I actually
8 live out in the area of Sidewinder Dairy, and I heard Mr. Sean
9 Dugan state that there were no schools or no residential areas
10 in - nearby, and as a matter of fact when I found out where
11 this exact location of the grow site is, I want to comment
12 that Mary C. O'Brien School is, is very near there. There's
13 also a Baptist church very close to there. When I went on
14 Google maps it, it only maps the road access, but they're all
15 about a mile and a half or shorter. The grow site is located
16 off of Highway 287, close to 11 Mile Corner Road, which is
17 right there by the Pinal County Fair Grounds. Numerous 4-H
18 clubs use that facility and I think that this would be a
19 concern for them. And that's all I have to say.

20 RIGGINS: Thank you very much. Commissioners, any
21 questions of the speaker? Okay, thank you.

22 COLLIER: Thank you.

23 RIGGINS: Next speaker, who would like to come up?
24 Heavens, there we are. And if you could, make sure and enter
25 your name and address.

1 WORKMAN: I'm on it. My name is Andy Workman. I
2 actually represent Ponderosa Relief, it's the dispensary in
3 Maricopa (inaudible). I actually came here today to meet some
4 faces I've actually talked to on the phone a lot, and actually
5 get experience at a public hearing. We have our special use
6 permit renewal coming up and I'm going to fill out that
7 application and turn it in and stuff, so - just met the Dugans
8 and I just kind of wanted to give my firsthand experience with
9 patients and kind of the medical marijuana. I know it was
10 mentioned before, just how lawyers have different opinions, so
11 do scientists. And there's proven over, over hundreds of
12 different specific compounds, proven for different benefits
13 within the marijuana and the medical side to why the patients
14 are taking it. And I wanted to talk about the product and how
15 it's hard to stay competitive. We are actually a break even
16 business. We haven't made any profits. The investors and the
17 money that put into the business have made zero money out of
18 this, and pulled any of their initial investments out. We -
19 having more product and especially close to us would be very
20 beneficial. I know we get constant complaints about the cost
21 from patients. Also I wanted to mention, we actually
22 submitted a concept review, this was discussed earlier, in the
23 day, discussing the 2,000 square feet, and us trying to get it
24 on January 8th of 2013 to 10,000 feet. We actually discussed
25 the limitations of size of the grow and how when we looked

1 into it, it was - it wasn't cost-efficient to do that small of
2 a cultivation site. So there was better opportunities and we
3 decided to go elsewhere versus Pinal County, which, which
4 would have been a great location considering we were doing
5 business in Maricopa. So I just kind of wanted to give my,
6 give my opinion and kind of give you the first-hand experience
7 that I've had with, with this industry. And I can take
8 questions.

9 RIGGINS: Okay. Commissioners? Vice Chairman
10 Hartman.

11 HARTMAN: Any - it's kind of confusing to me, but in
12 reading through the literature, it always says that you're not
13 supposed to do this at a profit and nonprofit and whatever, so
14 then you guys talk about profit, so -

15 WORKMAN: I'm not talking in a - I'm sorry to
16 interrupt - but I'm not talking a profit to make money, but
17 when you're putting the time and investment, you need to get
18 some return on your time and/or the money you initially put in
19 to help out the community, and that's been zero. They're in
20 debt plenty of money, and they need to recoup their expenses,
21 kind of what I'm saying. I'm not saying to create a profit,
22 but if they're devoting time and money, they deserve it back,
23 I guess is kind of what I'm saying.

24 HARTMAN: Okay. Kind of like a farmer. That's one
25 relationship you have with a farmer. Growing something to

1 grow it.

2 RIGGINS: Other Commissioners. Okay, thank you very
3 much. Next speaker. Who would like to come up?

4 ESTRADA: Hi, I'll write my name, I'll sign in.

5 RIGGINS: And your address, please.

6 ESTRADA: Will do. My name's Anesia. I work with
7 the youth and -

8 RIGGINS: And your last name?

9 ESTRADA: Estrada, sorry.

10 RIGGINS: Okay.

11 ESTRADA: I live in Casa Grande. All my family
12 lives in Casa Grande, and so I'm going to tell you a little
13 story. When I was six years old, I was at my friend's house.
14 We jumped her fence and we decided we were going to go explore
15 in an abandoned house. So we jumped that fence, we climbed up
16 in the - to the backyard, the backyard fence and we got in, we
17 got in this abandoned house and we played with the glass and
18 stuff. So we did that. When I was six - or seven or eight -
19 my dad was working on a house out, and my mom's like don't
20 climb up the mountain. So we're like okay, we're not going to
21 climb, we're going to crawl. So we crawled up the mountain.
22 I work with youth and I tell them to do something or not do
23 something, and they kind of get around it. So with the access
24 level, this, a ten foot wall, we're going to get creative.
25 I'm still relatively young, too, so I still kind of break the

1 rules that my parents say. They'll say not to do something so
2 I'll tiptoe around it and do it a different way. So I think
3 the access level, even with security cameras and stuff, if
4 they're not being monitored or people aren't doing their part
5 - and I'm not saying that they're not going to do their part,
6 just things can slip by - people are going to find a way to
7 get what they want. So we wanted to get in the abandoned
8 house, we got in it. We wanted to get up the top of the
9 mountain, well we got up to the top of the mountain. If
10 people want the weed, they're going to, you know, get the
11 marijuana. They're going to do what they have to do, and I
12 work with youth and they get around things that I say not to
13 do or to do. They kind of tiptoe around it. So if we tell
14 them don't go near that or don't look at an eyesore on the
15 side of the road, you know, they're going to end up being
16 curious. If they don't know what it is from just hearsay,
17 they're going to want to find out what it is and they're going
18 to get to it some way, so I just - I don't want to have this
19 in my community. You know, I have family here, I have younger
20 siblings, and one day, you know, I would like to have a family
21 here and if this is here, this isn't something that I would
22 want to pursue much further for like my lifestyle, because I
23 grew up here, and I know my peers wouldn't want this, and just
24 to be known - Pinal County - I want to be known for like the
25 great things we did, like when I was in band, all of those

1 great things and the academics, versus, you know, we have
2 marijuana plantations. So I don't really have anything else
3 to say. If you guys have any questions.

4 RIGGINS: Thank you very much. Any Commission
5 Members with questions or comments? Thank you very much. And
6 who's our next speaker?

7 HANSEN: Good morning, Commissioner, Chairman,
8 Commission. My name's Tim Hansen. I live in the City of
9 Coolidge. I've heard a lot been made today about, you know,
10 we're going to turn all our youths into potheads and there's
11 going to be this huge crime epidemic and it's just going to
12 run rampant. Same arguments we heard when medical marijuana
13 was on the ballot several years ago. Here we are three or
14 four years in, no apocalypse yet. You know, and could this
15 outdoor grow attract some crime? Sure. You know, banks get
16 robbed, beer runs happen at Circle, McDonalds get robbed, we
17 don't shut these businesses down because of the criminal
18 activity of a few and punish the whole. I know Sean
19 personally. He's of upstanding character, and I believe he
20 has the ability and the desire to do this right and I ask you
21 give him the chance to prove it. Thank you.

22 RIGGINS: Okay. Commissioner Members? Anybody?
23 Thank you very much sir. And who's next? Any other speakers
24 to come up to speak? Anybody else at all? Anybody raise a
25 hand that wants to speak? Okay. We will then close the

1 public portion of the meeting. I'll ask, I'll ask staff since
2 this is a natural break point, where are we concerning lunch?
3 Where are we concerning -

4 ABRAHAM: Your lunch is here.

5 RIGGINS: Okay. In that case, I know - okay. All
6 right, we can do that. Is that the Commission's choice?
7 Okay, then in that case, can the applicant please step back
8 forward and have any comments concerning what's been said.

9 ROSE: Chair and Vice Chair, Members of the
10 Commission, as you deliberate this before you eat, I just
11 wanted to leave you with we don't disagree with any of the
12 issues that the folks in the community have brought up
13 regarding general drug use and no one disagrees with that's
14 just bad. All we're asking today is currently you can grow
15 medical marijuana in Pinal County in an enclosed 2,000 square
16 foot facility. That doesn't work. To say go try it first, is
17 like saying go try to sell - go - before you can open a Circle
18 K, go open a 500 square foot Circle K and see if that works.
19 It's not going to work, that's why you haven't seen any here.
20 One of the gentlemen testified to that. There are criminal
21 activities related to very many things. We don't believe
22 there's going to be this rash of children popping over ten
23 foot walls with cameras on them, that are heavily regulated.
24 It's just like saying they would go break into drug stores for
25 the medicines that are in there. In addition to that, the

1 officer was speaking and we thought it might be worth, if
2 you're considering approving something like this - either here
3 or in the use permit later - that the applicant would always
4 provide notice to the sheriff's office when there was a
5 harvest or when there were vehicles that would transport the
6 crop to and from the facility, and that the applicant would
7 pay for an escort in that situation. Again, currently you
8 have that same situation. You have vehicles transporting
9 medical marijuana to and from the six or five facilities that
10 are open right now, so - the dispensary facilities. But we
11 really appreciate all your time and before you go have lunch,
12 your deliberations, I just, I know it's a tough thing, but
13 today we're just talking about property rights and the ability
14 for farmers to farm. Thank you.

15 RIGGINS: Okay. Does, does anybody have any
16 questions for the applicant before we break?

17 HARTMAN: Aren't we going to go ahead and take a
18 vote?

19 RIGGINS: Do you want to go ahead and have the
20 discussion and take the vote? Okay, are you willing to be -
21 you wish to be recognized here?

22 LANGLITZ: Mr. Chair, yes. Thank you very much.
23 Mark Langlitz, Deputy County Attorney. Commissioners, I would
24 like to address you on strictly zoning and land use issues
25 regarding what's being presented today. First of all, there's

1 no issue that Mr. Dugan is an upstanding citizen and would do
2 things properly. That's not in question here. What they're
3 asking you to do is change the zoning and open it up to
4 everybody and anybody else, and we have no idea who that's
5 going to be, whether it's possibly a cartel. Certainly people
6 are going to be interested in doing it that probably are not
7 going to be as upstanding as Mr. Dugan. That's the problem
8 that we're running into here. And secondly I'm not sure if it
9 was Commissioner Gutierrez mentioned it, or Commissioner
10 Putrick, once you go down this line and open this up, we're
11 not going to be able to go back. Prop 207 is going to present
12 a huge problem for us, and not having the experience of what's
13 going to happen when we start with these pot plantations,
14 we're going to be stuck with that and stuck with the problems
15 that are going to follow from that. The next point I wanted
16 to make is there was some discussion about it, enclosed area
17 and what that means and are there different definitions.
18 Basically remember the guiding principle from the zoning
19 perspective is the County can adopt reasonable zoning
20 regulations. That's what the standard is. In looking at
21 where cultivation can occur, the statute lays out some areas.
22 Let me borrow that quickly. This goes to the question of what
23 is reasonable. Enclosed locked facility means a closet. If a
24 County adopted that, that's reasonable. That's fine. A
25 greenhouse, that's reasonable, that's fine. A building, other

1 enclosed area, equipped with locks and security devices.
2 That's fine. The rule from the health department has looked
3 at enclosed area and said well okay, an enclosed area can
4 include a outdoor space surrounded by solid ten inch walls.
5 Okay, that's reasonable. The current code, no one has made a
6 showing that the current code of an indoor building of 2,000
7 square feet is unreasonable. What the - what Jordan Rose is
8 asking you to do is well we want you to do this because we
9 think that it's a good idea, and that leads me to the final
10 problem from an enforcement perspective, is there's no way for
11 the County to enforce in the future a limitation of six sites.
12 There's no way based on what was presented here today for the
13 County to enforce, for me to defend if this ordinance gets
14 challenged by you don't know who, somebody come - a property
15 owner coming in and they want to 7th one, and they're going to
16 say County, your zoning ordinance isn't reasonable, and I have
17 no defense, because the only way I can support a reasonable
18 zoning regulation is if there's a rational basis. And today,
19 being presented with this application, there's not a single
20 study, there's not a report, there's no objective evidence.
21 It's Jordan Rose saying well I think so. Well I don't know.
22 Well maybe. Well I'm not sure. And this is what we think
23 should happen. I can't - there's - I guarantee you there's no
24 way, and when a larger company comes in and wants to do more,
25 that will get stricken down. They're tricking you. They're

1 pulling the wool over your eyes and they're being sneaky
2 because they want to get this one property in, and they're
3 coming to you and saying okay County, you can limit it to six,
4 and you can limit outdoors to 10,000 without any evidence,
5 studies or whatsoever, to support that. I just wanted to, to,
6 to raise those points because that's a real genuine concern
7 and problem going into the future. Thank you.

8 RIGGINS: Thank you very much. Do you wish to
9 rebut?

10 ROSE: Chairman and Vice Chair, just for a second.
11 There's nothing sneaky about the six. We just thought that's
12 how many are open. We thought we would propose that, we
13 thought we heard that. We could take that off the table if it
14 gives anyone heartburn, especially the County Attorney. It
15 doesn't matter, we were trying to address a concern.

16 RIGGINS: So to make it unlimited acres, then.

17 ROSE: But it's totally limited, right? Because you
18 have to hear and approve a use permit, so there's no - there's
19 nothing about this that opens this up to people. I mean it's
20 just like saying anybody can a build a residential
21 subdivision, yeah sure, but you got come through the process
22 and get the right permits and the approvals. So if you don't
23 want to limit it to six, we're still very in favor of limiting
24 it to ten acres. I think your staff said that they're in
25 favor of changing the 2,000 square feet. We think ten acres

1 in an outdoor grow is fair. And the other thing I would say
2 is the enclosed area, that was debated quite extensively with
3 DHS and it - and you can go back and look at those public
4 transcripts to check our facts - but it's very clear that they
5 allow for an outdoor grow that's enclosed as we're suggesting.
6 And then finally, Mr. Langlitz mentioned something about if
7 the recreational proposition were to go on the ballot and pass
8 that this would open this up. It doesn't. This is very
9 specific. You can see the words. It's medical marijuana. If
10 you - if that were to pass, that's a whole 'nother thing. You
11 would then make a decision as a County whether or not you
12 wanted to change the zoning ordinance to allow that, and you
13 certainly don't have to. That's your - you know, that would
14 be something that you would consider then, it's not something
15 we're talking about at all right now.

16 RIGGINS: Okay.

17 ROSE: Thank you.

18 RIGGINS: Any questions? Very good. Just an, just
19 an observation. This is indeed a zoning case, beyond the
20 shadow of a doubt and there's been a great deal of testimony
21 that has been outside the realm of zoning, but a zoning case,
22 and its very paramount and primary fashion considers the
23 results of that case on the health, welfare and safety of the
24 public. And with that comment, I will ask the Commission if
25 there is any discussion among the Commission or if there's a

1 desire to make a motion.

2 MORITZ: Mr. Chairman? Could I just make a comment?

3 RIGGINS: Commissioner Moritz.

4 MORITZ: I believe that Jordan Rose here today
5 represented her client and she did that appropriately. This
6 isn't Jordan Rose giving us her opinion, this is her
7 representing a client, she has the right to do that. I
8 believe that the uncertainty of what the medical marijuana
9 topic brings to us is the difficult one given the federal,
10 state and now County attitudes toward it. When I give my
11 vote, it will be based on a zoning issue primarily, not an
12 emotional one. I feel today that we have been threatened by
13 our County Attorney to make us feel intimidated that we make
14 the right decision, and I feel that we have been a little bit
15 badgered, and I feel that as volunteers we try to do our best.
16 We spend our own personal time here, and we do it because we
17 feel strongly that we have a say in our County and in our
18 communities. So when that vote is made, I want everyone to
19 know that my vote is based, like I said, on the practicality
20 of the concern. We will have further discussions on this
21 topic many, many more times. I think the use permit is a good
22 avenue to choose where these locations are made and each one
23 should be done based on the location, the ownership and how
24 that zoning is appropriate or not appropriate. So I just
25 wanted to make that comment.

1 RIGGINS: Very good. Any other Commissioners with a
2 comment or a motion?

3 DEL COTTO: Mr. Chair, if I could.

4 RIGGINS: Commissioner Del Cotto.

5 DEL COTTO: I don't believe that I was - that I took
6 part in putting in any of these rules or regulations or what
7 size or where it had to be. I don't, I don't think I've ever
8 had anything to do with that, but I can say that as a
9 Commission I think that we do have some responsibility to try
10 to help these marijuana dispensaries so that they can take
11 care of their business properly, so that they can be
12 profitable if they need to be profitable, and I think we've
13 kind of, with, with the - you know, on one hand I suggested
14 that maybe they ought to open a 2,000 square foot grow
15 facility up and start with something like that and see if
16 they, if they outgrow their facility, to move on to something
17 bigger and better, but at the same time they might be a bit
18 more knowledgeable and realize that it just won't work and
19 therefore I think that we may have to try to find fine tune
20 some of what we have in place in order to make it palatable
21 for them to try to conduct business in our County and take
22 care of their patients, and so on and so forth and, and if we
23 do anything moving forward, I think that could be on the top
24 of our list of things to do, try to find the right zone, try
25 to figure out if it's commercial, try to figure out if it's

1 light industrial, try to allow them the space that they need
2 to take care of the business that they're trying to operate
3 and, and maybe be in a light industrial zone, may be a little
4 bit more of a screen or more of a palatable location for
5 people not around their families, not next door to their
6 schools, so on and so forth, but it - I think it's evident
7 that there probably is a little bit of lingo in, in what was
8 drawn up, especially in regards to the 2,000 square feet that
9 they're, that they're allowed to use to grow, and we're pretty
10 much, I think, setting them up for failure or I don't, I don't
11 know enough about the business, but I certainly - if they're
12 not growing marijuana now and they're supposed to be taking
13 care of providing marijuana for their customers and there's a
14 reason why they're not growing the marijuana, maybe because
15 they don't have an adequate amount of space to do that, then
16 I, then I think we ought to be looking at some kind of
17 alternative, or maybe come back to the drawing board and
18 figure out what makes the best sense. So that's it.

19 RIGGINS: Very good. Anybody else with a comment or
20 a motion?

21 GRUBB: Comment.

22 RIGGINS: Comment. Yes sir, Commissioner Grubb.

23 GRUBB: I am a chronic pain sufferer and have been
24 for a number of years. I do not use medical marijuana, it's
25 just not one that I've chosen to use, so I speak from that

1 side. Don't - I understand how these people suffer. What I
2 didn't see was empirical evidence that 2,000 square feet won't
3 work. I have empirical evidence - you know, the Department of
4 Health Services, here's a report on marijuana - medical
5 marijuana and who got it, who needs it, and the top of the
6 list with over 70 percent is people like me with chronic pain.
7 That's empirical evidence. The question on whether or not
8 outdoor use meets what's in the statute, there's enough
9 disagreement that I think it requires an Attorney General's
10 opinion, which you know, our County Attorney can request that,
11 Attorney's General's opinion of what, what does it mean. Is
12 it included? Does that mean that if you put up four walls and
13 a cast iron gate or a steel gate, you've met the requirement
14 of enclosed. I don't know, and I read through all the
15 statutes and couldn't come up with a decision whether or not
16 it made it or not, so I don't know. The thing that bothers me
17 the most is opening this up in general rural zoning. The
18 people that came before me that sat at this table made a
19 decision that the best place to do this, it's not an
20 agricultural industry, it's a commercial industry. It's not
21 growing potatoes or cotton, it's creating a medical use based
22 on plant-based products, and they decided that that should be
23 done inside, out of the view of the public and I'm
24 uncomfortable challenging that decision without more
25 information and empirical evidence that what that - what they

1 did doesn't work. Thank you Mr. Chairman.

2 RIGGINS: Thank you. Commissioners, anyone else
3 with comments or a motion? Yes, Commissioner Gutierrez?

4 GUTIERREZ: Yeah, I'll make this short. I
5 appreciate all the comments. I do think the applicant is
6 coming into this with a - as a correct venture-type thing.
7 You know, strong supporter of public rights and individual
8 rights. I do think it's a zoning case, however, and I think
9 we need to stick to that type of thing. There's obviously a
10 lot of opinions regarding state statutes regarding medical
11 marijuana usage and what it is and what it's not. I don't
12 think it's going to stop, I think it's going to continue, so I
13 think we all need to kind of keep up on - stay on top of this
14 thing. That being said, I - with respect to Jill's comment
15 about being intimidated by the federal comments, the State
16 passed it, I think the fed actually abdicated some of its
17 authority when they didn't do anything from the beginning of
18 this thing. You know, they abdicated some of the
19 prosecutorial discretion they had at the beginning, so we're
20 kind of stuck with State law regarding this until the fed
21 decides to do something one way or the other, some place down
22 the road. But I think the discussions are good, I - we need
23 to continue on this type of thing and stay on top of it
24 because it's probably not ending. That being said, I'm
25 looking at personally from a zoning point of view, being that

1 we're Planning and Zoning Commission.

2 RIGGINS: Very good.

3 GUTIERREZ: Thank you.

4 RIGGINS: Commissioners, any more comments or a
5 motion?

6 AGUIRRE-VOGLER: I'll make a motion.

7 RIGGINS: Commissioner Aguirre-Vogler.

8 AGUIRRE-VOGLER: First of all, I'd really like to
9 really comment on - that it's not a zoning issue, I don't
10 believe. It hasn't been presented that way, so that's how my
11 statement here is going to reflect. I would like to forward
12 the citizen initiative PZ-C-004-14 to the Board of Supervisors
13 with a recommendation for denial.

14 RIGGINS: Do we have a second?

15 HARTMAN: I'll second the motion.

16 RIGGINS: Vice Chairman Hartman seconds that. I'm
17 going to go ahead and call for a roll call vote.

18 MORITZ: Is it 004 or 001?

19 ABRAHAM: She said 4. And just to clarify, the case
20 number is PZ-C-001-14, but here's the roll call. Commissioner
21 Putrick.

22 AGUIRRE-VOGLER: I had it here on mine as what I
23 read.

24 PUTRICK: Yes.

25 ABRAHAM: Commissioner Smyers.

1 SMYERS: Yes.

2 ABRAHAM: Commissioner Del Cotto.

3 DEL COTTO: Aye.

4 ABRAHAM: Commissioner Grubb.

5 GRUBB: Aye.

6 ABRAHAM: Commissioner Moritz.

7 MORITZ: Yes.

8 ABRAHAM: Commissioner Aguirre-Vogler.

9 AGUIRRE-VOGLER: Yes.

10 ABRAHAM: Vice Chair Hartman:

11 HARTMAN: Yes.

12 ABRAHAM: Commissioner Salas.

13 SALAS: No.

14 ABRAHAM: And Chairman Riggins.

15 RIGGINS: Yes.

16 ABRAHAM: That is nine in favor and one against, the

17 motion passes.

18 RIGGINS: Okay, very good. Thank you all. And it's

19 -

20 GUTIERREZ: If I may, I don't know if my name was

21 called or not.

22 ABRAHAM: Oh, did we miss Gutierrez? I'm sorry.

23 What was your vote?

24 GUTIERREZ: Aye.

25 ABRAHAM: Aye.

1 RIGGINS: Very good.

2 ABRAHAM: Vote is still 9 to 1, motion passes.

3 Sorry.

4 RIGGINS: I understand that, and I was reminded by
5 the Vice Chair that we are a recommendation body to the Board
6 of Supervisors, so this is our recommendation, has been given
7 to them and you will have another meeting with them down the
8 road. And it is ten minutes after ten, I assume the
9 Commission would like an hour? So we will reconvene at ten
10 minutes after one.

11 [Break.]

12 RIGGINS: It is ten after one, and it's time to
13 recommence the meeting. We are moving into tentative plats.
14 There is no public portion of this meeting, it is all between
15 us and the applicant, so it won't be open to the public at any
16 time. The public may be here to hear it, but they can't
17 address the Commission without its permission. And we'll
18 begin on the first tentative plat, which is S-055-00.

19 DENTON: Our first tentative plat for this afternoon
20 is for Circle Cross Ranch Unit 3. The request is for a
21 tentative plat extension. There are 442 lots in this proposed
22 tentative plat on 123 acres in the CR-3, CB-2 and CR/PAD
23 zones. The subject property is located adjacent to the west
24 side of Gantzel Road, approximately half mile south of Combs
25 Road, and the applicant is Atwell. The subject property is

1 located in the northern portion of the County in the San Tan
2 Valley area. The subject property is on the west side of
3 Gantzel, kind of hard to see on this map, but it's where the
4 yellow star. Aerial photograph of the subject property, the
5 subject property's indicated by the yellow star. Circle Cross
6 Ranch is to the southwest and that big green open space to the
7 northeast is Encanterra. This was the tentative plat that was
8 approved by the Planning and Zoning Commission. On this sheet
9 it shows the layout of the subject property. And with that,
10 staff recommendation is to modify stipulation 39 to allow an
11 additional two years, and that date would be December 21,
12 2016, and with that, that concludes staff presentation and I
13 believe the applicant is present.

14 RIGGINS: If the applicant could come forward
15 please. And if you could sign in your name and address and
16 then let us know who you are.

17 HINTON: All right. Chairman, Commissioners, my
18 name is Brad Hinton. I'm with El Dorado Holdings, the
19 managing agent for Circle Cross Ranch LLC. Because of the fun
20 morning we had, I went ahead and let our engineer make his way
21 back to the office, so I'm here representing so we'll answer
22 whatever questions you have.

23 RIGGINS: Okay. Commission, questions for the
24 applicant? Commissioner Smyers.

25 SMYERS: Chairman Riggins, when did this originally

1 start? I (inaudible) it was extended in 2000, we got a
2 tentative plat approval and then the next action was 2010.
3 What happened in that ten years? Did we not do any
4 extensions, or what had happened there? And then again 2010,
5 2012, and went back again. What actually is happening to this
6 property?

7 DENTON: Yes, I can jump in there to give you a
8 little bit of history. From the year 2000 when it was
9 approved until 2010, staff been giving administrative
10 extensions. So they've been having - they've been getting
11 those extensions every year until 2010, and then in 2010 our
12 attorneys expressed to us that the Planning and Zoning
13 Commission is the body to extend tentative plats.

14 RIGGINS: So all of them have a similar look -

15 SMYERS: From my information, when the tentative
16 plats were approved, you right off the top of your head
17 remember what size the lots were and what our setbacks were?

18 DENTON: When this particular one was approved?

19 SMYERS: Yes.

20 DENTON: Not off the top of my head, but it's the
21 same - it hasn't changed since the original.

22 SMYERS: That's what I'm asking, what is it?

23 RIGGINS: But there is no, there is no changing of
24 it.

25 HINTON: Chairman Riggins, Commissioners, this is a

1 45 wide and 55 wide product, lot-wise. If that answers your
2 question.

3 SMYERS: Do you know what the setbacks were on the
4 45 and 55?

5 HINTON: I'm pretty sure I could have - should have
6 looked into this, I apologize, but I think it's your standard
7 20 foot front.

8 ABRAHAM: Mr. Chairman, Commissioner Smyers, on the
9 45 foot wide, you're looking at a 20 foot front yard setback,
10 five side, 20 year and on the 50 foot lot, it's the same. 25
11 and 20.

12 RIGGINS: It's on the face page. From - either -
13 Vice Chairman Hartman.

14 HARTMAN: Chair Riggins. Brandon, when we're
15 talking about setbacks, we gotta kind of watch this to make
16 sure that it's true. It's still 20 feet from the garage door
17 to the sidewalk?

18 HINTON: Chairman Riggins, Vice Chairman Hartman,
19 yes, it should be from the base of the sidewalk all the way to
20 the front face of the garage.

21 HARTMAN: Okay. At one time I think we let some 18
22 footers come in and the guys with big pickup trucks parked on
23 the sidewalk and it wasn't too good.

24 HINTON: Yep.

25 HARTMAN: All right, thank you.

1 RIGGINS: So Commission Members, any other comments
2 or questions or a motion?

3 AGUIRRE-VOGLER: I'll make a motion.

4 RIGGINS: Okay.

5 AGUIRRE-VOGLER: I move to approve the following
6 stipulations to the tentative plat of Circle Cross Ranch Unit
7 3, stipulations 1 through 42, modifying stipulation 39 to
8 extend the tentative plat to December 21, 2016 as set forth in
9 the staff report.

10 RIGGINS: Okay, do we have a second?

11 HARTMAN: Second.

12 RIGGINS: Vice Chair Hartman seconds. All in favor
13 say aye.

14 COLLECTIVE: Aye.

15 RIGGINS: Aye. Opposed?

16 HINTON: Thank you.

17 RIGGINS: Thank you. Okay. Our next case, I
18 believe, is case number S-031-03, and Dedrick?

19 DENTON: The applicant is requesting a tentative
20 plat extension for the Pecan Woods tentative plat. It's a
21 proposed 581 lot subdivision on 166 acre parcel in the CR-
22 3/PAD zone. The subject property is located south - in the
23 southeast corner of Papago Road and Amarillo Valley Road, and
24 the applicant is PM Consultants. The subject property is
25 located south and west of the City of Maricopa as shown on the

1 County map, and the subject property is located on the north
2 side - I mean the south side of Papago Road and on the east
3 side of Amarillo Valley Road as indicated by the yellow star.
4 The subject property is currently in agricultural lands and
5 there are some residential houses just to the west of the
6 subject property, and 347 is on the east side, or east of the
7 subject property. And this is the current layout of the
8 proposed tentative plat as shown on their cover sheet. And
9 staff recommendation is to modify stipulation 34 to allow an
10 additional two years, and that date would be January 20, 2019
11 and the applicant is present.

12 AGUIRRE-VOGLER: 2019 you said?

13 RIGGINS: 2016. 2017, I'm sorry. Three years.

14 DENTON: And give me one second. It could be 19. I
15 think it, if I remember correctly, it expires on January of
16 2015. 16, 17. Yeah, 17.

17 RIGGINS: So 17.

18 AGUIRRE-VOGLER: But you said 19.

19 RIGGINS: He was wrong.

20 MORITZ: Mr. Chairman?

21 RIGGINS: Yes.

22 MORITZ: I have a question as it relates to that. I
23 think the letter they sent in requested three years.

24 DENTON: That is correct, but we got direction from
25 the Planning and Zoning Commission for two years, but the

1 applicant wants to ask for additional time, it's up to the
2 Commission if they want to extend it longer or not.

3 MORITZ: Okay, so, so January 20, 2017 is accurate,
4 not December -

5 DENTON: Well if you guys wanted to extend it to the
6 -

7 MORITZ: Yeah, the three years.

8 DENTON: It'd be 18.

9 MORITZ: So no that would be four years. If you do
10 January?

11 DENTON: Yes, from January 2015.

12 MORITZ: Okay.

13 DENTON: So it'd be 18. If you guys wanted to grant
14 a three year extension.

15 HARTMAN: 18, all right.

16 ??: January 2018.

17 RIGGINS: Okay. Will the applicant please come
18 forward? And if you could sign your name and address there
19 and let the Commission know who you are.

20 HALL: My name is Kelly Hall, and I'm with PM
21 Consultants as the agent for the landowner. Thank you for the
22 opportunity to make this request for an extension and I'll be
23 short here, but hopefully short, but hopefully sweet. And
24 yeah, we're asking for three years for this one as well. It's
25 located across the street from a couple others that we were

1 fortunate enough to get a three year extensions of approval.
2 You know, we're here again, as you know, because of the slow
3 economic recovery and the weak demand for new housing, and you
4 know, what we're hearing from the experts is that the market
5 will be back 2017, 2018, which would position us to be in a
6 good, a good place, you know, around that time with an
7 extension to January of 2018. I don't know if you need any
8 information about the project, or anything in the vicinity.
9 You know, the 347 overpass for example is, is funded and well
10 underway, and it may start construction as early as 2018,
11 which would be great for, you know, generating interest and
12 activity in the project, and we think it's a great project.
13 We have had improvement plans approved previously, which of
14 course they've expired. I'm not planning to make any changes
15 to those as we think it's a great project and lots are
16 appropriate for what we expect to be the market demand. As
17 you know, there's improvements out in the area by Global, a
18 lot of financial (inaudible), so it's, we feel it's situated
19 to take advantage of the market when the market comes back,
20 and with that we'd respectfully like to get a three year
21 approval for the extension at this time.

22 RIGGINS: Okay. Vice Chair Hartman.

23 HARTMAN: Thank you Chair. Kelly, I see this was
24 first initiated in January 20, 2005. From your original
25 concept and design on housing size and units, do you think you

1 will go to market with that same design?

2 HALL: Yes. The lots are 45 by 120 - 55 by 120, so
3 they're a little deeper than you normally see at that width,
4 but we think it's, you know, it's a - something that the
5 homebuyers are looking for, you've got a little extra area in
6 the backyard and we think it's still appropriate (inaudible)
7 foresee as the market coming up.

8 HARTMAN: Okay.

9 RIGGINS: Okay. Commission Members, any other
10 questions or a motion? Commissioner Gutierrez?

11 GUTIERREZ: Yeah, I have one question, all these
12 tentative plats that - or tentative plats that are being
13 approved, some have been extended for, well as we've seen, say
14 14 years. Situations or conditions in the County may have
15 changed, or even some regulations may have changed within that
16 time period. Would all these tentative plats have to comply
17 with County regulations prior to final approval if the time
18 comes that, you know, the applicant makes the application to
19 approve the plat as is?

20 DENTON: We do have that option. What we did back
21 in 2010, I believe when they started coming back to the
22 Planning and Zoning Commission, was to update them through
23 stipulation to our current subdivision regulations, except for
24 the ones that had a development agreement which stated that
25 they were under the regulations at that time.

1 GUTIERREZ: Along those lines, would it be a
2 recommendation to put those stipulations - put a stipulation
3 to that effect in the approvals of an extension that they will
4 comply when the time comes?

5 DENTON: I think we're covered with the current
6 stipulations that we have in place, because they have all the
7 - they're all written to be in conformance with the current
8 code.

9 GUTIERREZ: Okay, thank you.

10 HALL: I might add, our expectation is to bring back
11 our improvement plans for re-approval, and those will all have
12 to meet the current specifications at the time of that
13 (inaudible). One other thing I didn't - I forgot to mention.
14 There's a South Maricopa Fire Association is in place and it
15 has a two and a half acre site reserved on this, on this
16 project. That's still in good standing and ready to go as
17 soon as there's a need for a fire station down in the area.
18 So it's also something that's of benefit to the community you
19 know, with this project continuing to move forward at some
20 point.

21 RIGGINS: Okay. Commission Members, any other
22 questions or a motion?

23 MORITZ: Mr. Chairman?

24 RIGGINS: Commissioner Moritz.

25 MORITZ: I make a motion that we forward the

1 following stipulations for the tentative plat of Pecan Woods,
2 stipulations 1 through 42, modifying stipulation 34 to extend
3 the tentative plat to January 18, 2018 as set forth -

4 RIGGINS: 20th.

5 MORITZ: I did the - I made a motion.

6 RIGGINS: Well it doesn't - no, no, no, you changed
7 the year, but you also changed the day.

8 MORITZ: That Thursday's the 18th, isn't it? In 2018
9 it's the 18th.

10 RIGGINS: Pardon me.

11 DENTON: We can, we can do that, but I've just been
12 going from the date that the Planning and Zoning Commission
13 originally approved it. But if you want to go - if you want
14 to have it on the 18th, that's fine, or the 20th.

15 MORITZ: I made a motion to give them three years on
16 the 18th of January, 2018, is that correct?

17 DENTON: That is correct.

18 MORITZ: Okay.

19 RIGGINS: I was only questioning the day, I wasn't
20 questioning the year.

21 MORITZ: Okay, we got it. Now does anybody agree
22 with me?

23 RIGGINS: Do we have a second?

24 ??: I'll second the motion.

25 RIGGINS: We have a second. All in favor, please

1 signify by saying aye.

2 COLLECTIVE: Aye.

3 RIGGINS: Any opposed? Okay. Passes. All right.

4 Let us move on to our next case which is case number S-018-14.

5 Again, shepherded by Dedrick Denton.

6 DENTON: On this case you guys have heard last month
7 but it was continued so we and the applicant, we can work out
8 some issues between us. This case is Sundance Ridge. The
9 applicant is proposing approval of their tentative plat and
10 it's 55 - it's a 55 lot subdivision on an 85 acre parcel in
11 the general rural zone. It's located northeast -

12 ??: You skipped number eight.

13 DENTON: Oh, I did?

14 AGUIRRE-VOGLER: Yeah, you forgot 18. S-018.

15 DENTON: Oh, I sure did. Look at that, I'm like off
16 to the races. I was trying to get Chris out of here pretty
17 quick.

18 RIGGINS: I don't have an 18.

19 DENTON: I apologize, guys.

20 RIGGINS: No I don't. No I don't.

21 DENTON: Yeah, I'm one step ahead of you guys.

22 RIGGINS: 018-14.

23 AGUIRRE-VOGLER: Yeah, that's right, but he was
24 ahead -

25 DENTON: Yeah, but I'm one step ahead of you guys

1 because I'm on 33-14.

2 RIGGINS: Oh I'm - I apologize. Well no, actually
3 you need to apologize.

4 DENTON: Yeah, exactly.

5 AGUIRRE-VOGLER: We were wrong.

6 RIGGINS: That would be the one.

7 DENTON: This will be the one. Thanks Lester. Or
8 Sean. This, this case is an approval for a tentative plat for
9 San Tan heights, parcel D1 and D2. It's a 202 lot subdivision
10 on an 83 acre parcel in the CR-3/PAD zone. The subject
11 property is located adjacent to the west side of Gary Road and
12 approximately .3 miles south of Hunt Highway and the applicant
13 is Gary Road Holdings, LLC. The subject property is located
14 in the northern portion of the County in the San Tan Valley
15 area. The subject property is located on the west side of
16 Gary Road just south of Hunt Highway. Zooming in, the subject
17 property is located in the San Tan Heights community, just
18 north and west of the yellow star. It is situated on the west
19 side of Gary Road just south of Hunt Highway. This is the
20 tentative plat that the applicant is bringing forward and this
21 sheet shows the layout. The photos was taken on Phillips Road
22 and this is looking north into the subject property. This is
23 looking east. And this is looking south. This is outside of
24 the San Tan Heights Community. And this is looking west. And
25 the subject property is on the east side and those houses that

1 you see in the background is within the San Tan Heights PAD.
2 With that, staff recommends the 12 stipulations that's in your
3 packet and that concludes my presentation and the applicant is
4 present.

5 RIGGINS: Very good, could the applicant please come
6 up. And if you could sign in and state your name please.

7 LAKE: I'll sign in. if I'm done with the page,
8 does that mean we're done? If the last slot is filled out.
9 Chairman, Commission Members, Sean Lake, 1744 South Val Vista
10 here on behalf of the property owner. We appreciate coming
11 before you. We've had a great time so far. The plat that's
12 before you is consistent with the zoning that was originally
13 approved in 1999 and 2000, and then changed again. As you
14 see, most of the community is developed out, so what we are
15 proposing are lots in the subdivision that's consistent with
16 what was originally approved with the zoning. We've worked
17 with staff. Staff - we agree with all of staff's findings,
18 and we also agree with all of staff's conditions of approval.
19 We believe it is - complies with the code and your subdivision
20 guidelines or requirements, and so with that we would request
21 that you approve this tentative plat.

22 RIGGINS: Very good. Questions for the applicant?
23 Vice Chair Hartman.

24 HARTMAN: Chairman Riggins. Sean, on the
25 development standards, I'm checking again on the lot, the

1 front yard is 18 feet, but I'm checking on the 20 foot
2 driveway, for the autos. 20 foot to the sidewalk.

3 LAKE: The development standards, as far as
4 setbacks?

5 HARTMAN: Yes.

6 LAKE: Are those that were originally approved with
7 the zoning. Whatever those are in the original zoning case.

8 HARTMAN: Well, it doesn't show me, it doesn't show
9 me the distance to the - from the front of the garage door to
10 the sidewalk. It just says 18 front yard, 18 feet.

11 LAKE: I believe the original zoning that was
12 approved for this property was approved at 18, so we're
13 building consistent with what the original zoning is. The
14 plat is not changing any of the development standards that
15 were originally approved.

16 HARTMAN: Many times on design, on that requirement,
17 they set the garage back a couple of feet to make it 20 feet.
18 I would wish that you would consider that.

19 LAKE: I - I - as they move forward, the building
20 plans, we'll talk to the builder about whether they want to do
21 that or not. Some, some builders are okay with the 18, some
22 people - some like yourself like the 20 feet, but with the
23 plat we're not requesting any deviations to any of the
24 development standards, we're just - we're living with what was
25 originally approved.

1 DENTON: And I can clarify too, because in the
2 subdivision code which you guys are under, it's 20 feet. It's
3 specifically stated in the code. From the back side wall to
4 the face of garage is 20 feet.

5 HARTMAN: I'm in the Maricopa area and some of the
6 homes in Maricopa, and originally when it was under the
7 County, we let those slip through, that 18 foot, and it's just
8 not enough.

9 SMYRES: No it's not.

10 HARTMAN: So I would request that you use the County
11 code.

12 ??: Sean, your partner (inaudible).

13 RIGGINS: Dedrick, from your statement it has to be
14 20.

15 DENTON: That's what the current code says.

16 RIGGINS: What if this, what if this plat isn't
17 drawn that way?

18 DENTON: If -

19 SMYRES: Which is it?

20 LAKE: I'm told the 18 feet is measured from the
21 right of way, but there will be more than that because of the
22 sidewalk is outside of that, so there will be more than 20
23 feet to the street.

24 HARTMAN: The driveway.

25 LAKE: Yes.

1 AGUIRRE-VOGLER: The sidewalk or the street?

2 SMYRES: How about from the sidewalk?

3 RIGGINS: That blocks the sidewalk.

4 LAKE: Well, if there's a car that length. I - the
5 - what we're, what we're talking about. I appreciate what
6 they're saying as far as subdivision guidelines, but this was
7 an approved PAD and those are the only development standards
8 were approved and established in '99, and again in 2000, and
9 then again in 2004, and if the - we're not asking a rezoning
10 on this property, we're not asking to change anything. We
11 will take that to the builder and strongly encourage them to
12 build homes where the garage faces 20 feet to the sidewalk,
13 but we're not requesting that as part of our application,
14 we're just asking for -

15 HARTMAN: And as a Commission Member I'm asking you
16 to adhere to current codes.

17 AGUIRRE-VOGLER: So ask staff how does that work?
18 Do they have to do the code?

19 HARTMAN: No, they don't have to because they built
20 those homes in Maricopa under the old code.

21 RIGGINS: Dedrick, go ahead.

22 DENTON: We're going to clarify to see if their PAD
23 actually states 18 feet from the back of sidewalk to the face
24 of the garage.

25 RIGGINS: Can you do that right here?

1 DENTON: Yes. And if it doesn't, then it's the
2 code.

3 RIGGINS: Okay. Well let us see.

4 LAKE: My engineer's telling me that there will be
5 three feet after the 18 feet before the sidewalk starts.

6 RIGGINS: That's 21 feet.

7 LAKE: There you go. Bingo.

8 HARTMAN: All right, that solves the problem.

9 LAKE: All right.

10 HARTMAN: We got him on the recording.

11 RIGGINS: Why is it 18 plus three?

12 LAKE: Because it's measured from the property line,
13 and technically it's 18 feet, even though in practicality it
14 works out to be 21 feet to the sidewalk.

15 RIGGINS: To the face of the sidewalk.

16 LAKE: Correct.

17 MORITZ: And is that from the house or the garage?

18 LAKE: From the face of the - face of the garage.

19 MORITZ: Okay. I just wanted to make sure that we
20 had that right.

21 LAKE: It's just where you measure it from, and
22 sometimes it works out differently.

23 RIGGINS: As long as it works out -

24 LAKE: 21 feet, what I'm told is 21 feet to the
25 (inaudible) sidewalk.

1 RIGGINS: You can measure it differently as many
2 (inaudible) as you want to, but as long as it works out to
3 that.

4 MORITZ: Does that need to be a stipulation.

5 RIGGINS: I believe that has been agreed to now, has
6 it not?

7 DENTON: And I will go and check their PAD and -

8 RIGGINS: By us granting this, by us granting this
9 tentative plat at this time there's been an agreement that
10 it'll be 21 feet, so -

11 DENTON: Put it in stipulation then.

12 LAKE: 20. If you're going to -

13 RIGGINS: 20 is fine. 13, stipulation number 13
14 concerning there will be 20, 20 feet from the face of the
15 garage to the - what is that?

16 HARTMAN: Sidewalk.

17 RIGGINS: The back of the sidewalk?

18 DENTON: Back of sidewalk.

19 RIGGINS: Back of side - yeah, it'll be the back.
20 To the back of the sidewalk. Okay, that is stipulation number
21 13, and it should be read when the - it should be read when
22 the motion is made.

23 AGUIRRE-VOGLER: Are you ready for a motion?

24 RIGGINS: Is the Commission ready for a motion? Yes
25 Mary, please.

1 AGUIRRE-VOGLER: Move to approve findings 1 through
2 7 as set forth in the staff report and approve the tentative
3 plat S-018-14 in planning case - I just said that - with the
4 13 stipulations as presented - well I should say with the 12
5 stipulations as presented in the staff report, and we're going
6 to add number 13 as saying there will be 20 feet from the face
7 of the garage to the back of the sidewalk.

8 RIGGINS: Okay, that's a motion, do I have a second?

9 GUTIERREZ: Second.

10 RIGGINS: Chairman - or Commissioner Gutierrez
11 seconds, all in favor say aye.

12 COLLECTIVE: Aye.

13 RIGGINS: All opposed? It passes. And we're ready
14 to move onto the next case. The next case is the case that
15 Dedrick tried to start prior, which is case S-033-14, and
16 Dedrick, if you'll go ahead and lead us through it.

17 DENTON: All right. As I stated earlier, this case
18 came before the planning and zoning commission last month. It
19 was continued so the applicant and staff can work out some
20 issues in regards to the, the hillside ordinance. We have
21 came to a resolution on that and to get back to our
22 presentation, the applicant is requesting a tentative plat
23 approval for Sundance Ridge. It's a 55 lot subdivision on 85
24 acre parcel in the General Rural zone. It's located northeast
25 of Peregrine Place and Middle Bear Lane, and the applicant is

1 Canada Partners. The subject property is located in the
2 southeast portion of the County, just north of Tucson and
3 adjacent to SaddleBrook. The subject property is indicated by
4 the yellow star just south of Highway 77 and east of 79, or -
5 yes, east of - no, east of 79 and south of 70. No, I get it
6 straight. It's east of 77 and south of 77.

7 AGUIRRE-VOGLER: No, 79 is Oracle Road where you
8 were, 79. And the junction is 77, it goes to Oracle. Were you
9 out there?

10 RIGGINS: Hey Dedrick, it's where the star is.

11 DENTON: That's what I said earlier, but I got
12 myself all confused. 77. All right, let's continue on. All
13 right, as shown on the aerial, the SaddleBrook community is
14 just south of the site. The site is as indicated by the
15 yellow star. And this is the applicant proposal. And the
16 photos was taken of Middle Bear Lane and this is looking
17 north. And this is looking east towards the subject property.
18 And this is looking south. And this is looking - well
19 actually this is looking west towards the subject property.
20 The other photo was looking to the east, which is towards the
21 Catalinas. And with that, staff recommends 14 stipulations,
22 and the applicant is present.

23 RIGGINS: Can the applicant come up please?

24 BANNON: I've already signed in. My name is Chris
25 Bannon, I'm with Canada Partners. Some on the Commission here

1 know me as the Biosphere guy. Canada Partners is located on
2 Biosphere Road. I do have two of my partners here today and
3 Mr. Chuck Martin from Rick Engineering who - they do our
4 planning and engineering. We're here to ask for your support
5 on our tentative plat. As you can see, it's a little bit
6 different plat than you've been seeing these days. It's a big
7 estate lot plat. We're intending on building a conservation
8 community down there. To start with, this would probably be
9 pretty high end when it starts to go. We're not here to ask
10 for an extension and we plan to take an approval and get to
11 work. We'll come back with a final and we will hopefully put
12 a shovel in the ground next summer if we can hit our mark. So
13 we're ready to invest money there. As I said, it's a big lot
14 community, conservation-based because of the Biosphere
15 affiliation that we've had for the 30 years. A smart
16 development, probably over 50 percent open space on this
17 parcel. I mean you can see it's just 55 lots on 85 acres.
18 You saw the views of the Coronado National Forest, that's into
19 the Catalinas and it's quite spectacular. I think one of the
20 Commissioner was down there in the last couple days. It's
21 really, a really neat place and several hundred yards, four or
22 500 yards from the Canada del Oro Wash. Surrounded - parts of
23 it are surrounded by SaddleBrook, which is a very different
24 type development, but a good development. We have water, 100
25 year water supply is already approved. We have the utilities

1 right next door at SaddleBrook with Trico Electric, Southwest
2 Gas. We've done all the studies on the property that you can
3 imagine, plus some. Be happy to take any questions. Yes.

4 RIGGINS: Commissioner Aguirre-Vogler.

5 AGUIRRE-VOGLER: Okay, you said you have the water
6 but it kind of wasn't denoted here, someway here. It said
7 something about water service has not been identified, but now
8 you're identifying it by what? By well?

9 BANNON: We have a 100 year water supply, we have
10 many wells on the property and we'll draw more, but Desert
11 Springs Utility District, DW - Domestic Water Improvement
12 District's been approved for the property.

13 AGUIRRE-VOGLER: Okay, so that's since you've come
14 in to see staff.

15 BANNON: Yes, that's correct Commissioner.

16 AGUIRRE-VOGLER: And I believe there's a stipulation
17 here on number 12(e), the building envelope shall occupy not
18 more than 40 percent of the total. There'll be a minimum of
19 ten inches, which I think was a typographical error on
20 stipulation, so I want to make sure that gets corrected to
21 probably ten feet.

22 BANNON: Ten feet, that is correct. And we want to
23 build - these are 1.15 acre lots and we will not - we're going
24 to work with the guys here on the building envelopes. We're
25 going to restrict those, we want these to be restricted lots,

1 the property deserves that, so.

2 AGUIRRE-VOGLER: So no two stories, I take it.

3 BANNON: We'd prefer not to have two stories, but
4 some of the landscape, you know, we'll work with P and Z on
5 that. You know, you may be to a point where somebody has to
6 have a layer in the back where something goes down or
7 something, so I don't know, work through that in final plat,
8 but we agree with you that one story's the look.

9 AGUIRRE-VOGLER: The temporary drainage easement,
10 why is it temporary? I don't understand that.

11 BANNON: Can our engineer speak to that? Chuck
12 Martin, he'll have to -

13 AGUIRRE-VOGLER: And then all the fire district
14 recommendations, you're going to adhere to that. And the
15 other question I had is I guess that hillside, you're just
16 going to go ahead and just develop that whole thing into roads
17 and houses, but on the two cul-de-sacs, I wondered why the
18 fire department - did they ask you to - they did say something
19 about the turnarounds, but like the cul-de-sacs I would
20 imagine that they would have - why didn't you flow that
21 traffic instead of having -

22 BANNON: The Golder Ranch Fire District has reviewed
23 and approved the plan, and they dictated the turnarounds and
24 the cul-de-sacs and the longer road there. Is that - I don't
25 know if that answers your question.

1 AGUIRRE-VOGLER: I guess, if that's all right with
2 them. I'm not a - I mean as long as people can get in and
3 out.

4 BANNON: By the way we are - the Golder Ranch fire
5 house abuts our property. Another parcel of it, but only a
6 few hundred yards away is a fire - their newest fire station.

7 AGUIRRE-VOGLER: And nobody - do you have to have
8 community -

9 BANNON: We didn't ask for a zoning change, so
10 there's no community with it. We've had discussions with
11 SaddleBrook, we've been good neighbors with them for a long
12 time, but you know -

13 AGUIRRE-VOGLER: Because you're going to have a lot
14 of traffic.

15 BANNON: We weren't building anything -

16 AGUIRRE-VOGLER: You'll have a lot of construction
17 traffic going right through their community, I guess, unless
18 you're going to have access from the biosphere.

19 BANNON: Not - no ma'am, not initially.

20 AGUIRRE-VOGLER: Because that's pretty hilly and
21 hard to do, isn't it?

22 BANNON: Everything up there can be done. I've been
23 on that land 30 years, and it's -

24 AGUIRRE-VOGLER: Okay, so what were we going to ask
25 Chuck about?

1 MARTIN: Chairman Riggins, Commissioner Vogler, I
2 can answer that question regarding -

3 AGUIRRE-VOGLER: Temporary drainage.

4 MARTIN: Yes, it's temporary. You know, (inaudible)
5 here on the front of the lots and it's to handle the runoff
6 from the road, the new proposed roadway. That way if a
7 (inaudible) developed down - or on the downhill side, that
8 water does not - would not affect any of those properties, so
9 each, each property will handle its own street runoff.

10 AGUIRRE-VOGLER: Okay. Thanks.

11 MORITZ: Mr. Chairman?

12 RIGGINS: Yes, are we ready for a motion?

13 MORITZ: No, I had a question.

14 RIGGINS: Go right ahead.

15 MORITZ: And I - can I imagine that 12(c) with no
16 street lights is for dark skies regulations? Okay, thanks.

17 BANNON: We relish our dark skies.

18 RIGGINS: Okay. Commissioner Salas.

19 SALAS: How many dry wells did you have in the area?

20 BANNON: We didn't have any dry wells. We are
21 sitting on a massive aquifer out there. We've been very
22 blessed. We, I guess the only way to say this, we hit a
23 gusher. So - and that's probably because the mountains are
24 right there and the Canada del Oro, but water's not an issue,
25 thank goodness.

1 SALAS: Okay, thank you.

2 RIGGINS: Any - Commissioner Gutierrez.

3 GUTIERREZ: I just have one quick question, I can't
4 see by the map there, and I've been up in this area, but is
5 there acc - road access from the property you're looking to
6 develop, up to the Biosphere?

7 BANNON: There is. There's old ranch roads because
8 we run cattle out there on all these lands now. There's old
9 wagon road up there from the 1800s. That was actually severed
10 by SaddleBrook, but it's on - it's still on our property, so
11 it got blown up when SaddleBrook developed down south, but
12 there's dirt roads that move to and from the Biosphere.

13 GUTIERREZ: Okay, but those aren't, those aren't
14 public access roads?

15 BANNON: Those are not public access roads right
16 now.

17 GUTIERREZ: You're not going to have that other
18 traffic going up.

19 BANNON: I don't think - I think we're restricted to
20 keeping the traffic down under our parcels on the south.

21 GUTIERREZ: Okay, thank you.

22 RIGGINS: Any other comments? Then is there a
23 motion?

24 MORITZ: I'll make a motion.

25 RIGGINS: Commissioner Moritz.

1 MORITZ: I move to approve findings 1 through 7 as
2 set forth in the staff report, and approve the tentative plat
3 in planning case S-033-14 with the 14 stipulations.

4 SALAS: Second.

5 RIGGINS: And Commissioner Salas seconds. All in
6 favor, signify by saying aye.

7 COLLECTIVE: Aye.

8 RIGGINS: Opposed?

9 BANNON: Thank you Chairman. Thank you - can I say
10 one thing?

11 RIGGINS: Yes.

12 BANNON: I want to thank you all for what you do. I
13 sat through this morning's session, I sat through the Board of
14 Supervisors yesterday and as volunteers that's yeoman's work
15 and it's hard work and I really appreciate it. It's the end
16 of the year, Happy Holidays. And I do want to thank the staff
17 who's been very helpful. We've been coming up here for years,
18 and Lester, Dedrick, Steve, Himanshu and these guys are first
19 rate and you're in very good hands. And Tim Kanavel in your
20 economic Development is a workhorse, so thanks so much. I
21 wanted to get that on the record.

22 RIGGINS: Thank you very much. Okay, our next
23 tentative plat, and by golly it's the last one too - is S-040-
24 14. And this is Evan.

25 BALMER: Hey.

1 RIGGINS: We wore Dedrick out, huh?

2 BALMER: Well, it happens. So this, Mr. Chairman,
3 Members of the Commission, this is S-040-14. It's the
4 tentative plat for Sherwood Park. They're proposing 444 lots
5 on 128 acres in the R-7/PAD zone. The PAD was approved under
6 PZ-PD-003-13. The location is south of Bella Vista Road, west
7 of Sierra Vista Drive. The applicant is Everest Holdings.
8 The agent is Troy Peterson with Bowman Consulting. It's in
9 the north part of the County in the San Tan Valley area. The
10 subject property is indicated on the map by the yellow star.
11 Again, this is an aerial map where the subject property is
12 located with the star. South of Bella Vista, west of Sierra
13 Vista Drive. There's the proposed tentative plat. It took
14 photos from two different locations. These are Bella Vista
15 Road. This is looking north away from the subject property.
16 This is south into the subject property. The next set of
17 pictures were from Sierra Vista Drive. This is east away from
18 the property. West into the subject property. If the
19 Commission would like to recommend this case, staff has 21
20 stipulations associated with it. I would be happy to answer
21 any questions you have and our, our representative is here.

22 RIGGINS: Okay. Commissioner Smyers?

23 SMYERS: Evan, again I'm looking at the development
24 standards. Could you explain the setbacks to me? The 15 and
25 20? And the 5 and 8?

1 BALMER: Sure. So the 15 and the 20 foot front
2 setbacks, 20 feet is to the front of the garage door. I'm
3 sorry. 15 feet from the right of way line to the front of the
4 garage door. The minimum driveway length is 20 feet. The 15
5 is side entry. 15 foot setback for side entry, garages,
6 porches and livable area.

7 SMYERS: And our side setbacks are 5 and 8?

8 BALMER: I'm sorry, yes. Side setbacks are 5 and 8.

9 SMYERS: And the 15 foot, let me make sure I
10 understand this right - the 15 foot is for a side entry
11 garage?

12 BALMER: That is correct, according to the PAD.
13 That was approved under PZ-PD-0 -

14 SMYERS: I'm a little concerned in that we have a 48
15 foot wide lot, we're going to take off 13 feet for setbacks on
16 the side, so that leaves us a building envelope that's only 35
17 feet wide. You got a garage that's 20 foot deep which is the
18 minimal in today's world, you're backing out, you've got 13
19 feet to get that car out and headed down the driveway.

20 BALMER: The 15 feet is for a side entry garage.

21 SMYERS: That's what I mean. You're backing out of
22 that side entry.

23 BALMER: Right.

24 SMYERS: You only have 13 feet to get the car out of
25 there, don't you?

1 BALMER: You would have 15 feet from the front of
2 the door to the right of way, from the side entry door, to the
3 right of way line. Is that - am I understanding you?

4 SMYERS: You're coming out of the - coming out,
5 backing out sideways. Here's your side property line. You've
6 got either five or eight feet off of that. If you're coming
7 out of there, you only have a 35 foot building envelope. If
8 you have 20 foot of garage, you only have 13 feet to work with
9 when you're backing a car out of that garage and I -

10 BALMER: Yeah that, that might be a question for the
11 applicant. But the setback would go from the five feet side
12 to the -

13 SMYERS: I can understand that, I just - and the
14 problem is, and this is purely personal - I have a situation
15 like that now. I drive a mid-sized car. My parking apron is
16 23 feet deep. If I don't come out of there exactly right, I
17 gotta do this to get out of there. I can imagine cutting that
18 done ten feet and trying to get out of that garage. Am I -
19 again, that to me looks like a safety issue, and God knows
20 you're not going to get a full-sized pickup, or even a full-
21 sized car in a 20 foot garage. So the bigger the garage, the
22 smaller space you have to work with. Are we looking at
23 approving something that is going to present an accident
24 waiting for a place to happen?

25 RIGGINS: Would you like the applicant to explain it

1 for us?

2 SMYERS: I would. I'm having trouble with the
3 numbers.

4 RIGGINS: Could the applicant come up so we could -

5 SMYERS: (Inaudible).

6 MORITZ: Mr. Chairman? Mr. Chairman? I did just
7 have one questions for Evan before -

8 RIGGINS: Please go right ahead.

9 MORITZ: Could you explain 11, stipulation 11? I
10 don't quite understand that.

11 BALMER: This - I'll refer that one to Lester.

12 CHOW: Chairman Riggins, Commissioner Moritz, that
13 is just a surveying thing (inaudible) property to make sure
14 that it - the property's surveyed correctly.

15 MORITZ: I don't ever remember seeing that in
16 anything before.

17 CHOW: It was in the original stipulations and -
18 because this case is just a - the same tentative plat coming
19 before you, we just used the same stipulations from the
20 (inaudible) case.

21 MORITZ: Okay, I still don't know what it means, but
22 I guess if you do it's good.

23 CHOW: Yes.

24 MORITZ: Okay, thank you.

25 RIGGINS: Okay. And have you signed in and written

1 your address?

2 I just did, yes.

3 RIGGINS: And tell us your name.

4 SARKISSIAN: Okay. Thank you Chairman, Members of
5 the Commission, my name is Jessica Sarkissian, I'm with Bowman
6 Consulting representing the applicant today. This case has
7 been before you last year. Unfortunately I was busy and I
8 didn't realize that it had lapsed, so it is actually starting
9 again. It's where we've resubmitted the exact same plat with
10 you, meeting the same codes and standards and PAD that was
11 approved earlier, and so we are coming before you today to
12 process it again through the whole deal. In regard to the
13 question about the setbacks, the 15 feet is for the side entry
14 garage, so we don't right now have a floorplan but with -
15 typically what - you have the side entry garage is you do have
16 the setbacks, however you can have a driveway in your setback
17 and you can use that - still use that space if you were coming
18 into the side backing up into that side area, and then to do
19 your K-turn and go backwards and then back down or however you
20 wanted to do it, or just swing all the way around back down to
21 the street. So that's how, that's how that works. It's not
22 like it restricts you from actually utilizing that space to
23 maneuver your car. If that answers your question.

24 SMYERS: So you're going to be using part of that
25 setback for your parking apron.

1 SARKISSIAN: Well not parking no, it would be a
2 driveway or an improved space to maneuver as you would usually
3 see. And I can answer any questions you may have. This is
4 part of the earlier Sherwood. The reason actually why - this
5 was submitted last year to you, and just to refresh your
6 memory this is - has a lot to do with State land, so we fully
7 anticipated coming back for an extension because right now
8 extension since the code has been revised, they're every year,
9 so we'll - I'm sure we'll see you at least maybe one more time
10 for this - so last year we worked through the process of
11 obtaining the right-of-way through the State land which we
12 acquired and once we got that through there, verified that we
13 could (inaudible) all the property and have right-of-way
14 access, we are now partially halfway through, I hope, because
15 they're not very good about getting back to you on what status
16 they are in the process - but we're getting our water and
17 sewer infrastructure easements to cross over (inaudible) State
18 Land to have our utilities go through the site. So that's
19 kind of where we're at right now, hoping that we'll be done
20 within the next year, but with State Land you don't really
21 know what you're getting, so.

22 RIGGINS: Okay. Commission Members, do we have any
23 further questions of the applicant, or are we prepared for a
24 motion?

25 AGUIRRE-VOGLER: I'll make a motion.

1 RIGGINS: Commissioner Aguirre-Vogler.

2 AGUIRRE-VOGLER: I move to approve findings 1
3 through 7 as set forth in the staff report and approve the
4 tentative plat in planning case S-040-14 with the 21
5 stipulations as presented in the staff report.

6 RIGGINS: We have a motion, can I have a second?

7 HARTMAN: Second.

8 RIGGINS: Vice Chairman Hartman seconds. Everyone
9 signify - my mind just went totally blank - all those that
10 agree with that say aye.

11 COLLECTIVE: Aye.

12 RIGGINS: Any opposed?

13 SMYRES: I oppose.

14 RIGGINS: We have one opposition, so that stands 9
15 to 1. But that passes. So there you are. And we are, we are
16 done with tentative plats for the day. Mr. Abraham.

17 ABRAHAM: Commissioners, now is the time to get back
18 to those items that we went back, that we moved to the back,
19 and it's part of your ongoing series of presentations by folks
20 in the County and outside the County on informational topics.
21 We have two today, one is by Kent Taylor of the Open Space and
22 Trails Department. He'll be giving you an update on things-
23 all things open space and trails. The next will be the - our
24 Community Development Director will give you a look forward
25 into the future. But without any further ado, you know Kent,

1 he's been around for a while now and he's happy to be here and
2 give you an update on what he's up to.

3 RIGGINS: Go right ahead.

4 TAYLOR: Good. Good afternoon Chairman Riggins,
5 Commissioners. For those of you who don't know me, my name's
6 Kent Taylor. I am the director of Open Space and Trails for
7 Pinal County. Steve Abraham asked me to come and talk to you
8 a little bit. He said your schedule was going to be full
9 today so I've got my, I've got my presentation down to 99
10 slides for you. Is this thing on? So, what I'm going to do
11 is give you some background on the Open Space and Trails
12 Department, for those of you who haven't been keeping up with
13 the County organization and give you an idea of where we're at
14 and what we're doing currently. So let's see if this thing
15 works, good. So just some history and background. The Pinal
16 County has been in the kind of the parks and fairgrounds
17 business since 1956. The Pinal County Fair was begun in 1956.
18 We began as a County adding neigh - well we call them
19 neighborhood parks - in the 60s. We added regional trails in
20 2000. We have never really been a program recreation
21 organization, outside of what happened at the Pinal County
22 Fair. During the early years, the department focus was on the
23 fair and the fairgrounds and now the fairgrounds is operated
24 through a nonprofit, which I'm going to go into a little bit
25 later. So again early the department was called the

1 Fairgrounds Parks and Recreation Department. It had the fair
2 and the fairgrounds, and managed those neighborhood parks. In
3 2006, Planning and Zoning added a senior planner for Open
4 Space and Trails. That was me for those who don't remember
5 those days. In 2011, the County went through a process of
6 basically privatizing operation of the fair and the
7 fairgrounds, so they signed an agreement with a nonprofit,
8 CAFA which is short for Central Arizona Fair Association.
9 That was in 2011. So in 2011, basically pulled the bulk of
10 that department's responsibilities away from it and gave it to
11 that nonprofit. What was left were the regional trails and
12 those neighborhood parks. At that time, the County decided to
13 kind of split those responsibilities, I got some of the
14 administrative duties at that time, along with some of the
15 other stuff I was working on. They took the operations of the
16 parks and gave it to our facilities department. When our new
17 Board of Supervisors was - were elected a couple years ago,
18 one of their first priorities was to bring those back
19 together, so there was a little more accountability and
20 responsibility towards those existing parks and that park
21 inventory, and there was a - both from outside the, in the
22 community and our residents, and from the Supervisors, a,
23 really an edict to focus more on the open space and trails
24 plan which was approved in 2007. So what they did was they
25 created in fiscal year 13-14 the Open Space and Trails

1 Department. That has me and half a person, okay, so it's to a
2 large department. We also have an advisory commission similar
3 to you. We have ten members appointed. We meet quarterly in
4 this exact location. So if you ever want to come and join us,
5 we meet quarterly, 6:00 in the evening, right here in this
6 spot. So, what the Board set out when they created the
7 department. They basically tasked us with two things: Number
8 1 to wrap our arms around our existing inventory. Like I
9 said, we have five parks and I'm going to show you a map in a
10 second where those are, five neighborhood-style parks that
11 we've acquired throughout the years. Been, best term I can
12 use is insufficiently managed over the course of time, kind of
13 neglected in that time, so we had, we had some real deferred
14 maintenance issues, so we needed to wrap our hands around
15 getting, getting those back up to where they should be as an
16 existing County asset. We also own and manage 55 miles of
17 regional trail corridor, the Lost Goldmine Trail up in Gold
18 Canyon area, and the, and as many of you know, the Arizona
19 National Scenic Trail running basically from Oracle all the
20 way to the Gila River. Most of that is a right-of-way we own
21 and manage. And we also manage two existing leases and
22 management agreements. Again, one the fairgrounds, so that
23 was part of my responsibility. We also have out in the far
24 west part of the County, in the Hidden Valley area, we own an
25 equestrian arena and we have a current lease agreement with a

1 nonprofit in that, in that area that manages that for us, so
2 that's one, again one of my responsibilities is managing that
3 agreement. So, to give you an idea, and we'll see if I can
4 use the laser pointer - so we have - this is our existing
5 inventory. The Arizona National Scenic Trail. Most of the
6 stuff that you see across State Trust Land right there in the
7 center of the County to the Gila River is what we manage and
8 own. The Lost Goldmine Trail is right here. Our neighborhood
9 parks, we have a ten acre park in Dudleyville, we own two park
10 parcels in Oracle; one is about a five acre neighborhood park,
11 and the other is a smaller parcel best described as the old
12 skate park. We have a park, I think that's Randolph. The
13 fairgrounds, you all know where the fairgrounds is. This is
14 the Thunderbird Equestrian Arena, out in the far west side.
15 And then we also have West Pinal or commonly called Kortsen
16 Park out on the far west end of the County. So the - and
17 again, what we've concentrated on in the last year and a half
18 is deferred maintenance, and in the last 18 months we've made
19 numerous repairs and investments back into the properties that
20 we own, fixing stuff that needed to be brought back up to
21 current standards, whether it was safety standards or
22 operational standards. As you all know, you updated your
23 ordinance, the zoning ordinance a couple years ago. We had
24 the same issue on the park side. We had some ordinances that
25 were from the 70s that really didn't pertain to what we had

1 and what our future was, so we updated those. We've also done
2 a real big push on volunteer partnerships and collaboration.
3 Last year, just in our first fiscal year, we had about \$30,000
4 of volunteer labor donated for operation and maintenance of
5 both our parks and our trails, and that includes what I - an
6 adopt a park program and a rather interesting memorandum of
7 agreement with our juvenile court services program. They've
8 pretty much adopted our West Pinal Park, again that's the one
9 out west of Stanfield. It's 160 acres, it has 23 camping
10 sites on it, and over the course of the last 18 months they
11 have obliterated about 30 years worth of graffiti on the
12 ramadas that were at that location, along with some other
13 operations and maintenance out at that location, and they're
14 looking to do more, so we have a real good partnership with
15 that group. So, on the implementation side, from the open
16 space and trails plan, what we did last year is we kind of
17 took a long - or a short-term look at that big planning
18 document. So the open space and trails plan is your - if
19 you're familiar with that is really a build out many years in
20 advance look at what we want the County, what the County's
21 open space trails and regional park assets and inventory would
22 look like well into the future. What we wanted to do is we
23 know we can't bite off the whole thing at one time, so we - my
24 staff sat down and said okay if we had to bite off a two to
25 five year priority list, what would it be and how would we

1 evaluate that. So what we did is we looked at is it an
2 existing asset? Are there master plans in place on some of
3 these properties? Is it a significant asset from a natural
4 resource perspective or flora, fauna, cultural resources, that
5 type of thing. Did we already have some intergovernmental
6 agreements or local partnership opportunities in place, or
7 opportunities to attack, and then looked at the anticipated
8 need. Was it close to population centers and growing
9 population. We took that list to the Board and said this kind
10 of makes the most sense from staff's perspective. They agreed
11 that to bite off the low hanging fruit, so to speak, from the
12 open space and trails plan, this is kind of what we focused on
13 in the next two to five years. So short-term and I'm gonna -
14 the next slide I've got a map to show you where all these are
15 and kind of tell you a little bit about where we're at anyhow
16 - so we're looking at the San Tan Mountain Regional Park,
17 Tortolita Mountain Regional Park, the CAP recreation trail,
18 and a little longer term, because we're a little bit - we're
19 basically starting from scratch on a couple of these areas,
20 regional park - what we call Regional Park Number 4, which is
21 Peralta, Regional Park Number 5 which is Palo Verde, and then
22 the San Pedro River. So where are those all at? You guys
23 should be familiar with this, this is part of a - this came
24 out of the comp plan. This is the open space and trails map
25 out of Chapter 6. So just to give you an idea our two - our

1 real short-term priorities, San Tan Park, Regional Park is
2 identified right there. It's a regional park, it's wholly-
3 situated in Pinal County, but we have an intergovernmental
4 agreement with Maricopa County. They operate that as part of
5 their regional park system. Tortolita Mountain Park down on
6 the south end of the County, again we have existing agreements
7 in place with Pima County already on planning and, you know,
8 future development of that park, and on the south side, on the
9 other side of the County line both Pima County and Marana are
10 currently working on developing a non-motorized trail system
11 in that park on their side of the County, so that was a - one
12 of those no-brainers. And let's see, now I gotta remember -
13 okay, oh yeah, the CAP. So the CAP trail, is that one. Runs
14 through the County there. So again, this was an item in our
15 agreement with Pima County when Pima County did their master
16 plan, they've actually master planned the CAP canal all the
17 way to the north end of the Picachos. So what we're doing is
18 picking that up and going from the north end of the Picachos
19 to the County line. And then the other regional parks that
20 we're looking at, there's a 480 acre regional park right
21 there, that's Peralta. This is Palo Verde, and then the San
22 Pedro River. And where we're at with those currently, we're
23 in discussions with Pima County and Maricopa County on
24 agreements and future agreements and operations on both
25 Tortolita and San Tan. CAP recreational Trail, we've already

1 started the site-specific master planning on that process. We
2 started process in November and we have already submitted a
3 recreation agreement to the Bureau of Reclamation which is a
4 necessary piece to move forward with both planning and
5 development of that trail. Peralta Regional Park, we've
6 submitted an application to be a (inaudible), what we call an
7 R&PP, Recreation and Public Purposes Act application. We
8 submitted that in September with the Board of Supervisors'
9 approval. We started the planning process on that, matter of
10 fact we started on it December 1st. And Palo Verde Regional
11 Park, again the one on the far west side of the County, we are
12 in the process of developing the scope for how we would go out
13 and search for a consultant to help us with that master plan.
14 We anticipate starting that somewhere in the April to May
15 timeframe, as far as the planning process. And as you can
16 see, we really think from a planning perspective that we're
17 going to be a year and a half to two years in that process of
18 getting that plan together. And with that, I think that's it.
19 I'm happy to answer any questions.

20 RIGGINS: Go ahead.

21 AGUIRRE-VOGLER: So since we kind of got Pinal
22 Airpark back, I just - there needs to be so much done out
23 there, there is a small tiny little park out there, but it
24 needs restroom facilities, and I just wonder if you're going
25 to wait for Marana to take it over or Pinal County's going to

1 ever put that in any kind of a plan.

2 TAYLOR: That would be outside of our purview as far
3 as what I've been tasked. I have a very clear directive from
4 the Board of Supervisors that going forward, and one of the
5 reasons you don't see the word park in our department name, is
6 that we are focused on regional open space trails and regional
7 parks. Any kind of neighborhood park like that would be up to
8 the airport master plan, or in the case of what you guys most
9 readily see, the developer to do within their - and have an
10 HOA run it. We are, again, focused on the regional aspect of
11 that planning.

12 AGUIRRE-VOGLER: Thanks.

13 TAYLOR: And implementation.

14 MORITZ: Could you tell me a little bit about
15 Peralta Park? Where it's located.

16 TAYLOR: It's off of Peralta Road, hence the name
17 Peralta. It's about three-quarters of the way to the Peralta
18 Trailhead. It's - basically most of our, most of our regional
19 parks identified in our plan are underlying BLM properties.
20 That is one that's identified as a disposal property from BLM.
21 Again, it's 480 acres just south and east of Peralta Road.
22 Peralta Road actually cuts through a corner, very, very
23 northwestern corner of the property.

24 MORITZ: And what will that contain?

25 TAYLOR: That's what we're doing the master plan

1 for. I can't tell you that at this point. So what our - our
2 open space and trails master plan is the 50,000 foot planning
3 document. What we're doing now is we're doing the 10,000 foot
4 planning document. So that's part of a public process. We
5 have on our website, the Open Space and Trails Department, we
6 have a site set up for all of our ongoing planning exercises,
7 and we'll keep all the documents and notifications of public
8 meetings and those kind of related things on that site. So
9 there'll be plenty of opportunity for you to weigh in on what
10 you'd like to see there.

11 HARTMAN: Kent.

12 TAYLOR: Yep.

13 HARTMAN: McD Hartman. It - on the Stanfield site,
14 park, have you collected the money for overnight RV and put -
15 how's that proceeding?

16 TAYLOR: And Commissioner Hartman you're talking
17 about West Pinal Kortsen?

18 HARTMAN: Yeah.

19 TAYLOR: Yes, that was, that was part of our
20 ordinance update. In addition to updating the ordinances, we
21 went to the Board with a - with camping regulations and a fee
22 schedule. So we started actually collecting overnight camping
23 fees at that location in about early September of 2013.

24 HARTMAN: Okay. Do - how do you, how do you go
25 about collecting those fees? Is there someone that goes out

1 and actually tags the -

2 TAYLOR: No, no. We're using a system, what you see
3 most, most typically in the forest service, we have a self-pay
4 station, what we call an Iron Ranger and pay envelopes, but we
5 also have onsite during the season, so our season is based -
6 most visited season is October through April. We have
7 actually onsite 24/7 a volunteer park host at the location
8 who, although he doesn't handle the money, he does visit with
9 the campers and make sure they've got the little tag off of
10 their envelope and you know that they've - said that they've
11 paid, so.

12 HARTMAN: Is here hookups there or is it -

13 TAYLOR: No, it's dry. The only - we have a hookup
14 for our volunteer and that's it.

15 HARTMAN: Okay, thank you.

16 TAYLOR: You're welcome.

17 ??: And if I could, I had heard that the local RV
18 park down the road at some point was taking care of the park.

19 TAYLOR: We had a - yeah, that's correct. We had a
20 contract with them in our first year of operation to provide
21 park host services. We - just because of timing and over the
22 course of last - after last season, we evaluated that and, you
23 know, we weren't sure if we would be successful on being able
24 to recruit a volunteer host. As a matter of fact I had
25 somebody on board and lost them at the last minute, so we're

1 pretty fortunate to have somebody who's willing to stay out
2 there and take care of that for us. From a business
3 standpoint, it lowers my cost of operations immensely, so -
4 ??: Yeah. And then in regards to the park in
5 Thunderbird, I've had quite a few people come to me and ask
6 what was going to be happening in the near future. There's
7 been quite a bit of speculation in regards to possibly a big
8 arena and, and we have quite the horsing around community, if
9 you will there, and they're all kind of feeling the pressure
10 in regards to having arenas at home. We've had some of that
11 discussion in the neighborhood and they're - some of them are
12 shaking in their boots if you will, and they kind of suggested
13 that it would sure be nice to have a big park nearby to where,
14 to where they could kind of all congregate or get together
15 annually, monthly, whatever, and not worry about bothering
16 their neighbors with 50 horse trailers and so on and so forth,
17 so there has been some talk in the neighborhood about that
18 expanding, is there any timeframe.

19 TAYLOR: Well I can, I can tell you from, from the
20 County's perspective first of all, we - one of the reasons we
21 entered into an agreement with a nonprofit we - that is not on
22 our planning list and we did not want to operate an equestrian
23 arena at this point in time and in that location. That's one
24 of the reasons we partner with a nonprofit group. The
25 nonprofit in the area, I can tell you, would welcome them to

1 their operation. They have a really small membership fee, and
2 they even let you participate if you're a nonmember.
3 Obviously it's better for them if they, if they have
4 memberships. They are working on, and what we've asked them
5 to do, is they have some grand plans, some very long-term
6 plans, and what we've asked them from a staff perspective is
7 let's not do this piecemeal, let's master plan the site
8 because it's a 45 acre site, approximately. Let's master plan
9 the site and we'll run it through the public participation
10 process just like we would anything else, and so they actually
11 went out and acquired some donated time from a park planning
12 firm out of Phoenix that has done a - at least a site plan for
13 them. They've given it to us, staff, myself, planning, public
14 works, have given them comments back on things that we saw
15 that could be changed to improve that plan and I think they're
16 going through their own internal process now to decide which
17 changes they want to make and then go forward. So that's
18 where I know we're at right now. I haven't heard anything
19 recently, so I know there was still some internal discussion
20 on how they wanted to make those changes and when they wanted
21 to move those forward.

22 RIGGINS: Okay. Very good. Thank you.

23 TAYLOR: Great, thank you. Appreciate it. Anytime
24 you want me back, just let me know.

25 MORITZ: Do you have a card?

1 TAYLOR: Yeah, but not with - well yeah, I might
2 have one with me. Yeah.

3 RIGGINS: Thank you.

4 BALMER: Thanks Kent, that's very good. Okay, and
5 last but certainly not least, our Community Development
6 Director, Himanshu Patel.

7 PATEL: Good afternoon Mr. Chairman and Vice
8 Chairman and Members of the Commission. Thank you for the
9 opportunity. I'll try to make this short as you've had a very
10 long day, and as you can see we don't have much of an
11 audience. Okay, I'd like to just share with you what's
12 happening in our department. You, you may have been exposed
13 to restructuring or reorganization that transpired along April
14 timeframe, and then subsequently my predecessor retired, and
15 then I came onboard around June of this year. So it's been
16 about six months and so we're still working through some of
17 the kinks and fine-tuning the department for the purposes of
18 what the Board, as well as the County Manager wanted to see,
19 and that is fundamentally the - I did also provide a copy of
20 this presentation on your (inaudible), so feel free to read
21 through that rather than here, because it might be difficult.
22 The purpose of, of this restructure was to effectively do a
23 hybrid between Planning and Development Department and
24 Development Services Department and consolidate various
25 different services that we provide to our customers, and that

1 is through planning, through design and construction plan,
2 which is our engineering division, our code compliance
3 division, as well as our - portion of our environmental health
4 division as it relates to water and wastewater. So we wanted
5 to consolidate those services into one department to insure
6 that we're able to provide programs and services to our
7 residents and our customers in a cost-effective and a fair,
8 consistent manner. So that's what we're working towards in
9 terms of our department's mission. As I mentioned earlier,
10 the various different functionalities of the department
11 include building safety, our planning division, our
12 engineering division, our code compliances, as well as our
13 what's currently called one stop shop, but it's - it's in a
14 transition to change to a customer service. That's our,
15 that's our main office here in Florence, as well as our three
16 satellites to provide direct customer service, level one
17 customer service to our customers, as well as do the financial
18 side of cashiering related to our services and permits that we
19 do. Our aquafer protection division, that's the portion of
20 the environmental health that I referenced related to water
21 and wastewater, or what's commonly known as onsite wastewater
22 treatment and another word is a septic, septic program. And
23 so in addition to that, they also do the water analysis
24 related to development. And then each department also needs
25 an administrative and financial support functionalities as it

1 relates to strategic planning, budgetary analysis, personnel
2 management. And then the, the department's key component also
3 in relationship to growth wanting to pay for itself, we in
4 2006 administrated a development impact fee program - well
5 within Pinal County and our department also manages that
6 development impact fee program. And I'll talk a little bit
7 about a proj - one of the projects that our department's
8 working on. The second slide - or third slide, excuse me - is
9 our organization. You've had a chance to see this in previous
10 meetings. You'll get a chance to see the names of our
11 personnel and where they provide services and get a chance to
12 know who they are. We are down approximately four positions
13 and so we're in the process of recruiting those and making
14 sure we get full staff. As I get into the goals of our
15 department, it's a combination of goals that were not just
16 part of our operations itself, but also goals that were set
17 forth by our Board of Directors - our Board of Supervisors
18 recently in their strategic plan, and how does that strategic
19 plan affect our department. And so one of the fundamental
20 goals that recently approved strategic plan, goal number one
21 was to, you know, we'll focus on establishing communities that
22 attract great jobs and working with the development community
23 to create livable - live, work and play environment,
24 especially in our activity centers that are called out in our
25 comprehensive plan. I won't go through each of the objectives

1 here, but an example of a project that we're working on on
2 this particular goal is to do special area plans for
3 especially the urbanized areas that are part of unincorporated
4 Pinal County. They are unique. They, in many cases, require
5 higher level of services. Because of the nature of how the
6 development has occurred as well as the residents that have
7 lived there. So one of our first projects that the Board is
8 supportive of, is work on a San Tan Valley Special Area Plan.
9 That plan will identify various different components,
10 primarily land use zoning, but economic development
11 strategies, transportation, circulation strategies that are
12 unique to that particular area, beyond just what our comp plan
13 is about, because our comp plan looks at it in more of a
14 10,000 foot level. What special area plans are going to do is
15 get down to the, down to the, to the lands in which the
16 currently current uses are and what we want to possibly rezone
17 and re-designate in terms of land use. Also in collaboration
18 with the strategic plan, this is not just our department's
19 goals, these are goals that involve multiple departments as
20 Kent talked about, and then as well as Tim in his economic
21 development arena, in addition to our Public Works Department.
22 That's to create business friendly environment that results in
23 better jobs and increase entrepreneurship. We are intricate
24 player - our department's an intricate player in achieving
25 this, as well as Tim's department, as well as Mr. Louis

1 Anderson's department at Public Works, so we play a very
2 important role to help achieve this goal. And so at the end
3 of my discussion, I'll be happy to allow Tim to elaborate on
4 the working relationships of his areas and how he's able to be
5 successful through, through cooperation and collaboration with
6 our department and Public Works Department. And number three
7 is again, focus very much on economic development, expand and
8 accelerate the means to move people and goods, to help foster
9 economic development and improve the quality of life. And
10 again, it goes back to the same aspects. One is looking at
11 different industrial - industry and the clusters, taking a
12 look at the assets that we have, like airports. We have two
13 airports that county manages, San Manuel and the Pinal
14 Airpark, what are our future plans for that - both those
15 airports are going through master plan processes right now.
16 Those master plans primarily are focused on getting them to
17 the FAA compliance, but the next step will be into the land
18 use and zoning side, and the strategies that we need to
19 develop on how we want to lay out - not just the lands of the
20 airport, but the lands adjacent to those airports. A couple
21 of the important projects, one of them is our website. If
22 Steve, if you could click on the hyperlink, and this is a good
23 example of where one of our first tasks that we started as our
24 new department, and with the help of Arlene who's been our
25 lead in our department to organize our new website in

1 relationship to the various levels of service. If you could,
2 Steve, just kind of click around and you'll get a chance to
3 navigate. One of the key aspects of our redesign was to, to
4 be able to allow customers to have easy access to information,
5 easy access to the types of services that we provide, and be
6 able to do a lot of information online, as well as pay online.
7 Another important projects that's in collaboration with the
8 website was the recently implemented e-plan review. We
9 implemented a e-plan review and it went live about a month
10 ago? And that was led by Lester and his, his efforts to help,
11 help us. That was a long-awaited project, so that we could
12 make it business friendly for our customers to be able to do.
13 Right now we've integrated about six permit applications to be
14 done online, so you don't even have to come into our offices;
15 you can just submit straight through the web portal, pay
16 through the web portal, you get all the plans reviewed, all
17 back to you by email, and so it makes it much more convenient
18 for both our customers, as well as internally makes it
19 convenient for tracking purposes. Another important - so if
20 you do get a chance, Commissioners, visit our website and
21 provide us any input that you may have because it's a work in
22 progress always and if there's avenues, areas that you want us
23 to consider and look at an improve, please, please share that
24 with us so that we can implement those, because ultimately
25 this is where the business industry is going in terms of - and

1 the government industry is going in terms of being able to
2 process things in a convenient manner, being able to research
3 things in a convenient manner. Couple other important
4 projects that are ongoing currently, beyond just the service
5 analysis and restructure of the department, you'll see
6 probably in the, in the coming two, three or four months, some
7 code rewrites; we want to do some minor changes to our
8 subdivision regulations, our zoning regulations, so that we
9 can make them a little more - interpretation, enhance
10 interpretations and make it more flexible for - of the ability
11 to utilize for purposes of our customers. Another important
12 project is our impact fee study. We are currently underway on
13 a new impact fee study. That started in August. Every four
14 to five years the County has decided to reevaluate our impact
15 fee program. Our impact fee program is currently a county-
16 wide program focused on seven impact fee areas, imposing three
17 categories of impact fees; public safety, we also have parks
18 and open space, as well as transportation. As part of the
19 study, we are reevaluating how the impact fee areas are going
20 to be, we're analyzing the urban versus rural aspects of Pinal
21 County, where do they truly need to apply in terms of our
22 capital improvement program, so what you're going to see is a
23 fairly - a program that's going to be a little different than
24 what currently it is. You're not going to have the seven
25 (inaudible), you're not going to have a area in which it

1 doesn't matter if you're in a rural or urban. Currently if
2 you're rural or an urban area, you're still imposed a certain
3 level of impact fees and so we're going to take that into
4 consideration when we do the analysis. So as a result, what
5 we anticipate and depending - now all this is pending Board
6 approval - what we anticipate is that you're going to see
7 either areas that won't have impact fees assessed on certain
8 categories, and you're going to have areas in which the impact
9 fee's are going to be reduced than what they currently are.
10 The timing of that project is, draft report will be out in
11 January, we'll begin the public hearing process. Adoption of
12 the new program will be July of 2015, and implantation or
13 collection of the new fees will be October 2015. With that, I
14 just wanted to kind of give you a little overview of what's
15 happening. I'd be happy to answer any questions you may have
16 and I'm sure I'll be back before you and updating you other,
17 other projects, so.

18 ??: If I could, I know that the impact fee thing
19 was a major hit like to our side of the County when it
20 happened, because we went without them for so long and then
21 all of a sudden they seemed to be so high, and no matter if
22 you built a house that was 400 square feet or 4,000 square
23 feet, that impact fee was the same, and I have heard some
24 people talk to me in regards to if there could be some
25 adjustment there and/or even someone made the suggestion that

1 we can treat an impact fee like, like water assessments are
2 treated where, where they're biannually, possibly paid a
3 couple of times a year and maybe stretch out for a number of
4 years, and it makes it, I think, more palatable for people,
5 and then that may encourage them to start, to start building.
6 And I'm not talking about the big home builders, I'm talking
7 about the one, the onesie, twosie, kind of people or the mom
8 and pop that want to build a house, that they've been living
9 in their single wide trailer for 20 years and they'd consider
10 - and I supposed we, we do have that exemption if you already
11 have a house on the land that you won't have the impact fee.
12 But, but for the people that are sitting out there with raw
13 land and anticipate building a home at some point, the current
14 fees seemed a little bit out of reach for some of the common
15 folk out there, so.

16 PATEL: Yeah, Mr. Chairman and Commissioners, we've
17 heard the very same things too and I concur with you on your
18 first point in relationship to structure, and let's base it on
19 size rather than one size fits all and so it's very likely
20 that the residential categories or customer class will be more
21 geared for square footage rather than one size fits all. As
22 to the second point, that currently is not how A.R.S. statute
23 is written on how impact fees are administrated and so as, as
24 the programs are adopted by cities and counties throughout
25 Arizona, they tend to assess them right at the time of

1 building permit, because what the underlying issue is, is that
2 you need to build up sufficient amount of reserves or revenues
3 associated with impact fees to help build capital projects and
4 so unfortunately there isn't a current way to build a program
5 based on kind of an assessment bi-yearly or quarterly, but
6 what you'll find is as we go through the development of the
7 new program, in some areas may be even - it's going to get
8 reduced or may not even equal - may not even be assessed in
9 certain categories.

10 HARTMAN: Himansu.

11 PATEL: Yes sir.

12 HARTMAN: Where, where is air quality? Do they fit
13 in as community development?

14 PATEL: They do not, but they are part of the
15 development process, and so in our county several years back,
16 as the divisions you see now that were departments,
17 independent, we integrated a very extensive permitting and
18 tracking - we invested internally on a very extensive
19 permitting and project management system known as (inaudible).
20 And so (inaudible) is a program in which when a customer comes
21 to the County at our one-stop shop, customer service center,
22 and they are requesting let's say a building department, air
23 quality is a department that does get a chance to review that
24 application through the (inaudible) system and have the
25 ability to provide their approval or denial. So they are very

1 much interlinked into the start and the finish of what we see,
2 but they are not, in terms of administratively and management,
3 are not under community development. They are a separate
4 department.

5 HARTMAN: What happened to Don Gablesen and can we
6 get a (inaudible) permit online?

7 PATEL: That is a very discussion I've been having
8 with air quality. I'm hoping with the new director there
9 they're more amenable to having more online based services. I
10 know one of the complexity things with air quality is, is that
11 they have such a variety of different permit types that a
12 customer really has to know - at the beginning they don't know
13 what type of permit they need, and so it goes into extensive
14 process before air quality determines this type of permit, so
15 there is some challenges currently under their program, but
16 I'm hoping that in the coming year or so that they also would
17 be a department that goes - in the case that we've done, to do
18 it online, so - but currently you cannot. You can pay online.
19 So you have to bring your permit in and pick up your permit,
20 but they are able to pay online, correct? So.

21 HARTMAN: Okay, thank you.

22 PATEL: Yes sir. Yes ma'am.

23 MORITZ: On this goal 3.1, I (inaudible) models of
24 funding for transportation networks, and that had a date of -
25 calendar year 2014.

1 PATEL: Well that's today. That's coming around the
2 corner. I think that was an error. It's probably 2017 or 16,
3 but in any case, it is a program in which like with Public
4 Works, as well as our department, beyond just our one cent
5 excise tax that we have for transportation, impact fees and
6 other funding (inaudible), we're looking at other
7 opportunities. Just recently, if you'll recall and maybe have
8 read some articles, the Board did approve some new - they
9 borrowed new money, so they borrowed dollars to help fund the
10 - move the Hunt Highway projects along quicker, as well as
11 Ironwood, so rather than in that case looking for alternative
12 source, what they ended up doing is saying we saw a source
13 that had a very low interest rate, so let's go after and
14 borrow that money.

15 MORITZ: But that's all -

16 PATEL: Yeah, no I appreciate that, I'll make that -

17 MORITZ: (Inaudible) doing. So it should be further
18 out is what you're saying.

19 PATEL: Yes ma'am.

20 MORITZ: Okay.

21 PATEL: Ken - or I mean Tim? Tim?

22 KANAVEL: Yes.

23 PATEL: Come here. Do you want to add anything to,
24 to what's happening? I know you've had a chance to come
25 before the Commission before, but what's happening recently,

1 and then how our department's collaborating so.

2 KANAVEL: Well certainly. Yes. When I'd first come
3 on board in the County in 2009, I think they envisioned kind
4 of a standalone department, you know, somebody kind of worked
5 there independently over by themselves, but as everybody knows
6 in economic development nothing gets down by itself. It
7 really takes collaboration with different groups, and
8 certainly with Himanshu's group and the Public Works
9 Department, we have to have roads, we have to have adequate
10 roads to get product in, services in, and product out, and
11 also to be able to get our workforce around. You know, that's
12 imperative, especially in the San Tan Valley area. That's
13 what the Hunt Highway, you know, is going to create quite a
14 bit of economic development just because they're going to
15 extend that road and complete it. You know, that'll be a
16 tremendous value for that. But also with the Planning and
17 Zoning, we have to have reasonable zoning in place. We have
18 to have time period. We have to have reasonable permitting
19 processes and things like that, because we're trying to build
20 a very good business climate for the County. Now right now
21 within the County, the different projects that we have going
22 on, now that includes a \$10 million Resolution Copper Mine -
23 but anyway, we have about \$13.2 billion dollars worth of
24 projects ongoing within our County. Now some of these have
25 come before you, some haven't, some won't, but these are

1 different types of projects that probably have about an 80
2 percent chance of being successful and being completed. That
3 is significant for our County. That represents over 20,000
4 jobs. Now that - that's the reason why it takes all of us to
5 be able to make this work. It takes the - and I was laughing
6 the other day, I was talking to Greg Stanley, the only
7 department that I have never interacted with is the recorder's
8 office. I don't really know what they do, but anyway that's
9 the only department I haven't had - because it takes all of us
10 to do it, and I bug these poor people over here, this staff
11 over here about to death. Some day they're going to send the
12 hit squad over to the County office over here and take me out,
13 but anyway, let me tell you I - it's a joy to be able to call
14 them up and get the information I need, because I don't call
15 them up about what the weather's like and how the kids are
16 doing, I have to have an answer and I usually have to have it
17 fairly quickly and they've been able to do that, and I had to
18 thank them - the staff over there has done a very good job.
19 Public Works is the same way. I don't call them up for the
20 same thing. I have to have an answer and everything is money.
21 Everything costs time, and time equals money, so a lot of
22 these answers I have to have very, very quickly, so that is a
23 very - been very important. A great big project we're working
24 on is certainly the San Tan Valley, because if you take a look
25 at the ownership map up there, about 90 - about what, about

1 50-60 percent of it, Steve, I think is what State Land, in the
2 San Tan Valley area?

3 ABRAHAM: Correct.

4 KANAVEL: So again, so you know, it's not even
5 private. So we have to take a look at that. That's a big
6 area, but it's very small of the private area. Then 98
7 percent of what's available is residential zoning. That is
8 not conducive to being able to get jobs. 56 to 65 percent of
9 all work force in San Tan Valley has to go into Pima County or
10 to Maricopa County - mostly Maricopa County - to work
11 everyday. That throws a load on our transportation and
12 everything. So believe me, it takes a lot to be able to make
13 all this work and, and a lot of the projects I have certainly
14 come through you guys and it's appreciated that you guys get
15 those done and get them out the door too. It, again, time is
16 money and anybody that's in business understands that and
17 appreciates that. But thank you very much for that.

18 ??: Thank you. You've had some superstars come in
19 today. So on behalf of certainly our staff and the County, we
20 want to thank you for your service that you provide, and on
21 the volunteer service, so it really means a lot and it's
22 definitely a rewarding aspect of Public Service that you do.
23 So thank you very much.

24 RIGGINS: Do we have a motion for adjournment?

25 ??: (Inaudible).

1 ??: Second.

2 RIGGINS: All in favor?

3 COLLECTIVE: Aye.

4 AGUIRRE-VOGLER: That's motion to adjourn from Mary.

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Julie A. Fish